

RESOLUTION NO. 1636

A RESOLUTION APPROVING A MAJOR PARTITION ON TAX LOT 1900 AND ADOPTING A ZONE ORDER AMENDING THE OFFICIAL ZONE MAP FOR 1.97 ACRES ON TAX LOT 1900 FROM *RESIDENTIAL AGRICULTURE 1-ACRE MINIMUM (RA-1)* TO *PLANNED DEVELOPMENT RESIDENTIAL (PDR)* ZONE. THE SITE IS LOCATED ON TAX LOT 1900, SECTION 22, T3S-R1W, CLACKAMAS COUNTY, OREGON. ELDON AND JACQUELIN EDWARDS, APPLICANT.

WHEREAS, Eldon and Jacquelin Edwards have requested a partition of land and a rezoning of the property described in Exhibit 1; and

WHEREAS, the Development Review Board, Panel B, held a hearing on this request, gave full consideration to the matter, and after taking testimony, recommended approval of the request with conditions on March 27, 2000; and

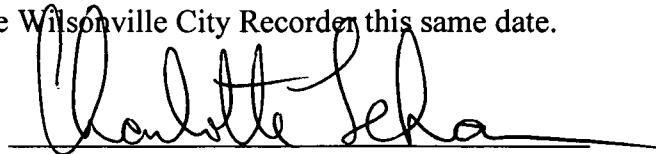
WHEREAS, the Wilsonville Planning Staff and Development Review Board, have analyzed the request and have reported that the request is consistent with and meets requirements for approval of a partition and rezoning and have recommended approval; and

WHEREAS, the Wilsonville City Council on May 15, 2000, held a public hearing regarding the above described matter, took testimony and concluded that the proposed partition and rezoning met the approval criteria as evidenced by Development Review Board action and staff report adopted March 27, 2000, (Exhibit 1).

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

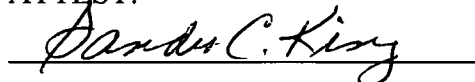
1. The City Council adopts the above-recited findings as findings of fact and incorporates them by reference and also adopts as findings the Development Review Board's recommendation and staff report adopted March 27, 2000, attached hereto as Exhibit 1; and
2. Zoning Order 00DB08 is approved changing the zoning for the subject parcel on Tax Lot 1900 from *Residential Agriculture 1-acre minimum (RA-1)* to *Planned Development Residential (PDR)*.
3. The Planning Director is authorized to amend the official Zoning Map in keeping with the decision herein.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 15th day of May, 2000, and filed with the Wilsonville City Recorder this same date.



CHARLOTTE LEHAN, Mayor

ATTEST:



Sandra C. King, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Barton	Yes
Councilor Helser	Yes
Councilor Kirk	Yes
Councilor Holt	Yes

**BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON**

In the Matter of the Application of)
Eldon and Jacquelin Edwards)
For a rezoning of land and amendment of) **ZONING ORDER 00DB08**
The City of Wilsonville Zoning Map)
Incorporated in Section 4.102 of the)
Wilsonville Code.)

The above-entitled matter is before the Council to consider the application of Eldon and Jacquelin Edwards for a zone change and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code, and

It appearing to the Council that the property, which is the subject of this application, is described as follows:

- Tax Lot 1900, Section 22, T3S-R1W, Clackamas County, Oregon, and such property has heretofore appeared on the official Zoning Map zoned as follows: *Residential Agriculture 1-acre minimum (RA-1)*

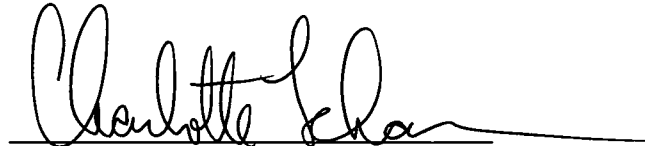
The City Council having heard and considered all matters relevant to the application, including the Development Review Board resolution and minutes, finds that the application should be approved, and

ORDERED that the property above-described is hereby rezoned as follows:

- Tax Lot 1900 – From *Residential Agriculture 1-acre minimum (RA-1)* to *Planned Development Residential (PDR) Zoning*
and such zoning be and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102WC) and shall appear as such from and after entry of this Order.

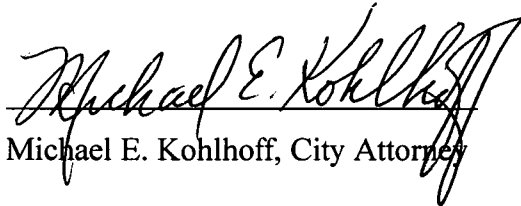
The property subject to this Zoning Order is also subject to the Order of the City Council in respect thereto made.

DATED: This 15th day of May, 2000.



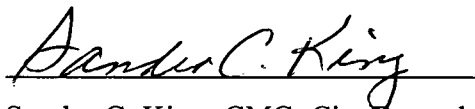
CHARLOTTE LEHAN, Mayor

APPROVED AS TO FORM:



Michael E. Kohlhoff, City Attorney

ATTEST:



Sandra C. King, CMC, City Recorder

City of

WILSONVILLE
in OREGON



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RECOMMENDATION TO CITY COUNCIL

DEVELOPMENT REVIEW BOARD

PANEL B

Project Name: Eldon & Jacquelin Edwards **Case File No:** 00DB08
Applicant/Owner: Eldon & Jacquelin Edwards
Proposed action: Approval of a major partition plat for two (2) lots and a recommendation to City Council on a Zone Map Amendment to change the RA-1 Zone to the Planned Development Residential (PDR) Zone.
Property description: Tax Lot 1900, Section 22, Clackamas County, Oregon
Location: 1.97 acres located along the north bank of the Willamette River, south of Morey's Landing Subdivision

On March 27, 2000, at the meeting of the Development Review Board the following action was granted on the above referenced proposed development action:

- Approved a major partition plat for two (2) lots with conditions of approval contingent upon the City Council approval of the Zone Map Amendment from RA-1 Zone to PDR Zone.
- City Council hearing date on this item will be May 1, 2000.

Written decision is attached.

For further information, please contact the Wilsonville Planning Division at the Community Development Building, 8445 SW Elligsen Road, Wilsonville, Oregon, 97070, or phone 682-4960.

Attachments: Resolution No. 00DB08 including
Exhibit A – Adopted Staff Report
Exhibit B - Motion to approve

Exhibit 1



"Serving The Community With Pride"

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 00DB08**

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS RECOMMENDING THAT THE WILSONVILLE CITY COUNCIL APPROVE A MAJOR PARTITION PLAT FOR TWO (2) LOTS AND A ZONE MAP AMENDMENT TO CHANGE THE *RESIDENTIAL AGRICULTURAL – 1 ACRE MINIMUM (RA-1) ZONE* TO THE *PLANNED DEVELOPMENT RESIDENTIAL (PDR) ZONE* ON A 1.97 ACRE SITE LOCATED ALONG THE NORTH BANK OF THE WILLAMETTE RIVER, SOUTH OF MOREY'S LANDING SUBDIVISION ON TAX LOT 1900, SECTION 22, CLACKAMAS COUNTY, OREGON. ELDON & JACQUELIN EDWARDS, APPLICANTS.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared a report on the above-captioned subject dated March 27, 2000, and


WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board at a regularly scheduled meeting conducted on March 27, 2000, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff reports, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby recommend that the City Council approve the major partition plat for two lots and a Zone Map Amendment to changed the RA-1 Zone to the PDR Zone.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 27th day of March 2000, and filed with the Planning Secretary on March 30, 2000.



Robin Warren, Chairman Panel B
Wilsonville Development Review Board

Attest:



Sally Hartill, Planning Secretary

B. 00DB08 – Eldon & Jacquelin Edwards. Proposed major partition plat for two-(2) lots. Review of a Zone Map Amendment to change the RA-1 Zone to the Planned Development Residential “PDR” Zone. The Development Review Board action would be a recommendation to the City Council. The 1.97-acre site is located along the north bank of the Willamette River, south of Morey’s Landing Subdivision on Tax Lot 1900, Section 22, Clackamas County, Oregon. Staff: Blaise Edmonds

Board comments and discussion:

The issue of the fire hydrants is addressed in Condition #2 from the Building Department.

The issue of decks in Secondary Open Space is addressed; the applicant has agreed to withdraw the request.

Condition #8 needs to be revised to read, “The applicant shall provide the opportunity for up to one accessory dwelling unit on each lot.

Regarding Condition #7, Joan Kelsey stated that the condition would ask that there be an easement. The reason to bring it to the City Attorney’s office would be to have a dialog. Easements tend to be specific to the approval on each project. The purpose of a conservation easement is to prohibit any development in the Primary Open Space, which has been interpreted to mean all structures, encroachment from any structures, fences which do not allow for wildlife passage and the removal of any vegetation. She suggested wording for Condition #7. Change first sentence to read, “Lots proposed within Primary Open Space shall be identified in a conservation easement to be held by the City with the right of enforcement. Such easement shall be reviewed by the City Attorney for compliance with approvals.

Chair Warren called for any further discussion on the conditions. (none). The public hearing was closed at 9:15.

Gary Betts suggested the entire second sentence be deleted on Condition #9.

Chair Warren reviewed the changes to the conditions:

Condition #9: Delete second sentence

Condition #8: Modify to read, “The applicant shall provide the opportunity for up to one accessory unit on each lot.”

Condition #7 would include Joan’s amended sentences.

Brian Griffin moved to approve 00DB08 with the aforementioned changes. (This approves a major partition for two lots and recommends approval to the City Council to amend the Zone Map from RA-1 Zone to the Planned Development Residential - PDR Zone). Gary Betts seconded the motion which passed 5-0.

The appeal process was read into the record.

PLANNING DIVISION
STAFF REPORT

TO: Development Review Board Panel 'B'

DATE: March 27, 2000

PREPARED BY: Blaise Edmonds, Associate Planner

REQUEST: 00DB08: Eldon and Jacquelin Edwards. Proposed major partition plat for two-(2) lots. Review Zone Map Amendment to change the RA-1 Zone to the Planned Development Residential "PDR" Zone.

SUMMARY

In Resolution 91PC23, the Planning Commission approved a minor land partition, that created the subject property and the adjacent west parcel. The Planning Commission required that in any subsequent partitioning that the property be rezoned from RA-1 to PDR or R. The proposed application will accomplish the zone change.

Ordinance No. 514 Public Facilities Water Strategy: The proposed partition qualifies as a Category 1 because it has a "de minimus" water wise impact (less than 2,000 gallons/peak summer day). Proposed Lot #2 has existing house and proposed Lot #1 will be sold for new home site. There is 12" trunk line at the north property line to service the subject property.

The Comprehensive Plan Map designates the South Side of the subject property in Secondary Open Space (SOS) with the river frontage in Primary Open Space (POS). The Willamette River Green way Boundary is 150 feet from the ordinary low water line. The proposed home sites on the partition lots will not impact the WRGB and POS. The area in Primary Open Space is heavily wooded with 20% or steeper slopes.

A 30' wide access lane (private road) serves the subject property. Subsection 4.167(2)(b) allows access lanes at minimum 20' for two-way traffic.

The proposed 2-lot land partition meets the minimum Comprehensive Plan density at 3 to 5 dwelling per acre if 2 accessory units were added. Approximately 1-acre is outside the POS area in determining density. Furthermore, Title 1 of the Urban Growth Management Plan (UGMP) seeks 80% maximum density at build out of any particular parcel. In this instance 4 units (80% of 5 units per acre, 1-net

buildable acre involved in this request). Again, net density is based upon buildable land minus the land area in POS and in the private road. Under the 80% analysis the proposal is 4-units below the minimum. The minimum density for net acres would be met if accessory units were included into the existing house and the additional house site.

The applicant anticipates that all residential requirements of the Zoning Code will be met. Therefore, variances from the residential development standards are not proposed.

The proposed PDR zone requires that 25% of the site be set aside into outdoor living area which is accomplished with the Primary Open Space area on the property.

The applicant is requesting a waiver to allow narrow street frontage to the 30' wide square shaped cul-de-sac adequate enough to provide 20' minimum driveways to the proposed lots. The proposed lots do not front a public street.

RECOMMENDATION

On the basis of the information available at the time that this staff report was prepared, staff recommends approval of the request with conditions of approval attached herein. The DRB should recommend approval of the zone change from RA-1 to PDR to the City Council.

Edwards

Proposed Zone Map Amendment RA-1 to PDR and proposed 2-lot major land partition.

Review Criteria:

The applicable review criteria are:

Zoning

- Section 4.012: Hearing procedures.
- Section 4.008: Application procedures-general.
- Section 4.120: Residential Agriculture 1-acre minimum zone (RA-1).
- Section 4.122: Residential (R) zone.
- Section 4.123: Planned Development Residential (PDR) zone.
- Subsection 4.122(7)(f): Lot standards for lots between 20,000 and 1-acre.
- Subsection 4.139(4)(a): Location, design, size and uses.
- Subsection 4.139(4)(b): Traffic "D" LOS.
- Subsection 4.139(4)(c): Public facilities.
- Section 4.150: Off-street parking.
- Subsection 4.167(2)(b): Access lanes.
- Subsection 4.187(1)(c)(1 to 8): Zone changes and amendments - procedures.
- Section 4.230: Major Land Partition.
- Section 4.231(4)(d): Public right-of-way bordering lots.

Comprehensive Plan:

Policy 4.5.1: Primary and Secondary Open Space

Other Planning Documents:

Ordinance No. 464 - Tree Preservation and Removal
Ordinance No. 514 Public Facilities Water Strategy.

Submittal date: February 4, 2000
120-day review limit: May 31, 2000.

Property Owner/Applicant: Eldon and Jacquelin Edwards

ADOPTED FINDINGS

Vicinity Information:

1. The subject 1.97-acre parcel is located along the north bank of the Willamette River. The subject property is more particularly identified as being Tax Lot 1900 in Section 22, T3S, R1W, Clackamas County, and Wilsonville, Oregon.

Project/Property Description:

2. The diverse landscape of the subject property comprises slight to steep slopes and significant trees. The flatter part of the site is the proposed home sites. The existing house is in Secondary Open Space. The southwest corner and East Side of the subject property is designated Primary Open Space which has the steeper slopes (greater than 20%), significant trees.

Proposal:

3. In Resolution 91PC23, the Planning Commission approved a minor land partition that created the subject property and the adjacent parcel to the west. The Planning Commission required that in any subsequent partitioning that the property be rezoned from RA-1 to PDR or R. This proposed application will accomplish the zone change.
 - Zone Map Amendment from RA-1 to R.
 - Major partition plat for two- (2) lots.

Project Data:

4. Gross site area.....1.97 acres
Number of residential units proposed..... 2 units
Note: Staff adds 2 auxiliary units.
Proposed buildable acres..... +/- 1 acre
Area within POS..... +/- 1acre

Zoning:

5. The property is currently zoned Residential Agriculture 1-acre minimum (RA-1). The purpose of the RA-1 Zone is set forth in Section 4.120, Chapter 4 of the Wilsonville Code.

a. *The purpose of this zone is to provide large lot residential areas, incidental agricultural use and small-scale livestock raising within areas designated for 0-3 dwelling units per acre on the Comprehensive Plan.*

b. *It is further the purpose of this zone to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for industrial or more intensive residential development. This zone shall be applied to all urbanizable properties within the City which are planned for industrial and residential development greater than three units per acre and which have not been previously zoned or preliminary planned in accordance with the Comprehensive Plan.*

Comprehensive Plan Designations:

6. The project site is designated Urban Low Density Residential 3 - 5 du/ac. The South Side of the property is designated Secondary Open Space (SOS) and Primary Open Space (POS). For the purpose of developing the property the ULR designation is applied while maintaining the Goals, Objectives and Policies imposed by SOS and POS. Development is not allowed in POS except for public utilities and passive recreation development. However, the applicant is requesting to construct a deck to project into the Secondary Open Space in conjunction with a new house. This seems reasonable under the Planned development Process to allow the deck as long as significant trees (greater than 6" caliper) are not removed. The purpose of ULR is to ensure an efficient use of urban land by providing for the development of low-density single family residential areas. The Comprehensive Plan does not identify the property in an Area of Special Concern.

ZONE MAP AMENDMENT

7. The applicant is seeking a Zone Map Amendment from the RA-1 zone to Planned Development Residential (PDR) zone. The purpose of the R zone is to provide for standards and a simplified review process for small-scale urban low-density residential development (2-acres or less). The proposed Zone Map Amendment process is intended to serve as an administrative procedure to evaluate the conversion of urbanizable land to urban land consistent with the Comprehensive Plan. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific

conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in zoning ordinance. As set forth in Section 4.187 of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Development review Board must at a minimum, adopt findings addressing Criteria 1 - 7.

Criterion 1:

"The application is submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.138."

Response Finding:

8. The applicant has provided findings addressing the preliminary plat criteria and the zone map amendment criteria, which meet Criterion 1.

Criterion 2:

"The proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives of the Comprehensive Plan."

Response Finding:

9. The applicant has provided findings addressing the ULR Comprehensive Plan Map designation and with the Comprehensive Plan Goals, Policies and Objectives, which are included into this report for findings of approval (Exhibit D).

Criterion 3:

"In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Goal 4.3, Objective 4.3.3, Objective 4.3.4, Policy 4.4.2 and Policy 4.4.8 of Wilsonville's Comprehensive Plan text."

Response Findings:

10. The applicant has provided adequate findings in Exhibit D, which address Criterion 3. The applicant's findings are hereby incorporated by reference.

Criterion 4:

That the existing primary facilities, i.e., roads and sidewalks, water, sewer and storm are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission shall utilize any and all means to insure that all primary facilities are available and are adequately sized.

Response Findings:

11. Ordinance No. 514 Public Facilities Water Strategy: The proposed partition qualifies as a Category 1 because it has a "de minimus" water wise impact (less than 2,000 gallons/peak summer day). Proposed Lot #2 has existing house and proposed Lot #1 will be sold for new home site. There is 12" trunk line at the north property line to service the subject property. Water wise landscape plan will be a requirement for any construction during the period of effect of the PFWS Ordinance # 514.
12. A 30' wide access lane (private road) serves the subject property. Subsection 4.167(2)(b) allows access lanes at minimum 20' for two-way traffic.
13. A 8" sanitary sewer line is also immediately available to the project site near the NE corner of the subject property.

Criterion 5:

That the proposed development does not have a significant adverse effect upon Primary Open Space or natural hazard, and/or geologic hazard. When Primary Open Space or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission shall use appropriate measure to mitigate and significantly reduce conflicts between the development and identified hazard or Primary Open Space.

Response Finding:

14. The proposed home site on lot # 1 including an auxiliary dwelling unit would not impact Primary Open Space and could stay clear of Secondary Open Space. Lot #2 is occupied by an existing home and an auxiliary dwelling would be able to be constructed without affect on POS.

Criterion 6:

That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.

Response Finding:

15. The applicant intends to sell Lot #1 within 2-years of the initial approval of this application.

Criterion 7:

That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards.

Response Findings:

16. The applicant anticipates that all residential requirements of the Zoning Code will be met. Therefore, variances from the proposed partition are not proposed.

Density calculation:

17. Policy 4.4.7: The Comprehensive Plan Map specifies residential density for new residential development. Policy 4.4.7 states:

"to provide variety and flexibility in site design and densities, residential lands shall be divided into land use planning districts with the following prescribed density ranges for each district:"

Furthermore, Subsection 4.136(5) of the Wilsonville Code calculates residential density based on gross acres including streets and open space.

Definition No.18 further defines density as "*The number of residential units per acre of land*".

Response Findings:

- 18. Gross site area..... 1.97 acres
- Number of residential units proposed..... 2 units (I-existing)
- Proposed buildable acres..... +/- 1 acre
- Area within POS..... +/- 1 acre

The number of residential units per net area of land (minus POS):

The maximum housing density on the net site area is 1 acre x 5 = 5 dwelling units. The minimum housing density on the net site area in acres = 1 acre x 3 = 3 dwelling units (Gross land are minus POS).

- 19. Furthermore, Title #1 of the Urban Growth Management Plan (UGMP) seeks 80% maximum density at build-out of any particular parcel. In this instance or units (5 units per acre max. planned density 5 units x 80% = 4 dwelling units. Under the 80% analysis the proposal is 2 units below the Title #1 minimum. Though Title 1 was not enforceable at the time this application was submitted, the City encourages the applicant to include accessory units to meet the 80% density goal. The minimum density for net acres would be met if 2 accessory units were included into the existing house and the proposed house.

PRELIMINARY MAJOR PARTITION PLAT REVIEW

- 20. The operable review criteria for the proposed preliminary major partition plat is found in Sections 4.230 (1, 2 and 3). Sections 4.230 (1, 2 and 3) refer to creation of road or street shall prepare application for major land partition, complete application is reviewed by the Development Review Board, and final plat is reviewed by the Planning Director. The proposed application has met all three standards.
- 21. Section 4.231(4)(d): The proposed plat is not a minor land partition because the proposed lots do not border public right of way. A public road will be required to meet the 80 foot frontage requirement.

Residential Development Standards.

22. Section 4.122(f) sets forth the minimum residential development standards: The preliminary plat shows moderate to large lot subdivision. The applicant anticipates that all residential requirements of the Zoning Code will be met.

Single family lots between 20,000 and less than 1 acre:

1) Minimum Width at Building Line:

Eighty (80) feet. Both proposed lots exceed 80'.

2) Minimum Street Frontage:

a) Eighty (80) feet. The applicant is requesting a waiver to allow narrow street frontage to the 30' wide square shaped cul-de-sac adequate enough to provide 20' minimum driveways to the proposed lots. The proposed lots do not front a public street.

3) Minimum Lot Depth. a) One hundred (100) feet. 100' or greater is proposed.

4) Minimum Front Yard Setback: thirty (30) feet. 30' or greater is proposed.

5) Minimum Rear Yard Setback: thirty (30) feet. 30' setback is proposed.

6) Minimum Side Yard Setback: Ten (10) feet. 10' or greater is proposed to existing house.

7) Maximum Height: Two and one-half (2 1/2) stories or thirty-five (35) feet. Maximum 35' is proposed.

8) Maximum lot coverage: Twenty percent (20%) for all dwelling units, thirty percent (30%) for all buildings.

Maximum lot coverage: 20% is proposed.

9) Off-Street Parking: There shall be provided at least two (2) spaces per dwelling or rental unit to be provided behind the front setback line. Meets code.

"All street improvements shall conform to the Public Works Standards and shall provide for the continuation of principle streets through specific developments to adjoining properties or subdivisions."

23. Regarding Subsection 4.167(1)(a), proposed lots 1 and 2 will take access from 30' wide private road or access travel lane. On-street parking is not proposed.

Parking:

24. Each house will provide 2 -parking spaces behind the front property line.

Response findings to Criteria "b" Traffic:

Subsection 4.139 (4)(b) of the Wilsonville Code sets forth traffic criteria for planned development. Subsection 4.139 (4)(b) states:

"The location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of level service D defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets."

25. One new house is proposed which would have "de minimus" (3 or fewer PM peak hour trips) impact on the Wilsonville Interchange of one (1) PM peak hour trip which is allowed by the Traffic Facility Strategy.

Response findings to Criterion 'c' Public Facilities:

c. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.

27. The applicant has coordinated public facilities and services to the property with the City Engineering Division. Findings support Criterion "c".
28. The partition plat does not show where a house would be built on proposed Lot #1. Development within Secondary Open Space requires a

Conditional Use Permit, which is reviewed by the Development Review Board in a public hearing.

Site and Design Review

Section 4.421: Criteria of Design Standards
Section 4.400 – 4.450: Site and Design Review

28. This project will not require a separate application for Site and Design review of street trees, landscaping and fences.

Conclusion

In Resolution 91PC23, the Planning Commission approved a minor land partition, that created the subject property and the adjacent west parcel. The Planning Commission required that in any subsequent partitioning that the property be rezoned from RA-1 to PDR or R. The proposed application will accomplish the zone change to PDR.

Ordinance No. 514 Public Facilities Water Strategy: The proposed partition qualifies as a Category 1 because it has a “de minimus” water wise impact (less than 2,000 gallons/peak summer day). Proposed Lot #2 has existing house and proposed Lot #1 will be sold for new home site. There is 12” trunk line at the north property line to service the subject property.

The Comprehensive Plan Map designates the South Side of the subject property in Secondary Open Space (SOS) with the river frontage in Primary Open Space (POS). The Willamette River Green way Boundary is 150 feet from the ordinary low water line. The proposed home sites on the partition lots will not impact the WRGB and POS. The area in Primary Open Space is heavily wooded with 20% or steeper slopes.

The proposed 2-lot land partition meets the minimum Comprehensive Plan density at 3 to 5 dwelling per acre if 2 accessory units were added. Approximately 1-acre is outside the POS area in determining density. Furthermore, Title 1 of the Urban Growth Management Plan (UGMP) seeks 80% maximum density at build out of any particular parcel. In this instance 4 units (80% of 5 units per acre, 1-net buildable acre involved in this request). Again, net density is based upon buildable land minus the land area in POS and in the private road. Under the 80% analysis the proposal is 4-units below the minimum. The minimum density for net acres would be met if accessory units were included into the existing house and the additional house site.

The applicant anticipates that all residential requirements of the Zoning Code will be met. Therefore, variances from the residential development standards are not proposed.

Preliminary Partition Plat
Zone Map Amendment
Conditions of Approval
Amended and Adopted by the
Development Review Board on March 27, 2000

New language: Bold

~~Deleted language: Strike through~~

1. Construction and site development shall be carried out in substantial accord with the Preliminary Partition Plat approved by the Development Review Board unless altered with Board approval or as amended by conditions or with minor revisions approved by the Planning Director. This action recommends approval to the City Council for a zone map amendment from the RA-1 zone to the PDR zone.
2. The partition lots shall not be sold or conveyed until such time as the final plat is recorded with Clackamas County.
3. The following are the minimum residential standards for single family lots between 20,000 and less than 1 acre:
 - 1) *Minimum Width at Building Line:*
Eighty (80) feet. Both proposed lots exceed 80'.
 - 2) *Minimum Street Frontage:*
 - a) *Eighty (80) feet.* Approves waiver to allow narrow street frontage to the 30' wide square shaped cul-de-sac adequate enough to provide 20' minimum driveways to the proposed lots. The proposed lots do not front a public street.
 - 7) *Minimum Lot Depth.* a) *One hundred (100) feet.* 100' or greater is proposed.

- 8) *Minimum Front Yard Setback: thirty (30) feet.* 30' or greater is proposed.
- 9) *Minimum Rear Yard Setback: thirty (30) feet.* 30' setback is proposed.
- 10) *Minimum Side Yard Setback: Ten (10) feet.* 10' or greater is proposed to existing house. The applicant shall maintain 10' setback from the existing house at the proposed west property line.
- 7) *Maximum Height: Two and one-half (2 1/2) stories or thirty-five (35) feet.* Maximum 35' is proposed.
- 10) *Maximum lot coverage: Twenty percent (20%) for all dwelling units, thirty percent (30%) for all buildings.*

Maximum lot coverage: 20% is proposed.

6. The Primary Open Space boundary shall not be disturbed. The home builder/owner shall not place fill over roots of trees within the drip lines and not place fill into Primary Open Space. During construction, (i.e. streets, installing utilities, excavation) in creating the lots for sale.
7. Lots proposed within Primary Open Space shall be identified in a conservation easement **to be held by the City with the right of enforcement. Such easement shall be reviewed by the City Attorney for compliance with approvals.** The applicant shall record the conservation easement in the final plat with the Clackamas County Clerk's office, and indicate the easement on the land sale deed for each affected lot. The conservation easement shall include language prohibiting any disturbance of natural vegetation without first obtaining approval from the City Planning Division. Furthermore, the conservation easement shall be clearly delineated on all sales information for public/buyers inspection.
8. The applicant shall provide **the opportunity for up to one accessory unit on each lot.** ~~for accessory dwelling units adjacent to or part of the existing house and on the new 2nd lot.~~
9. Development within Secondary Open Space requires a Conditional Use Permit, which is reviewed by the Development Review Board in a public hearing. ~~However, the applicant is allowed to construct a deck to project into the Secondary Open Space in conjunction with a new house as long as no significant trees (greater than 6" caliper) are removed.~~

10. The Preliminary Plat will expire one (1) year after final approval, however, upon good cause shown the Development Review Board shall extend such plat approval for one additional year.
11. These conditions shall be recorded with the Clackamas County Recorder of Deeds and shall be referenced as part of the Final Plat.
12. The applicant shall designate the common open space which is the Primary Open Space area into common area which is more then 25% of the gross site area.

FROM: Don Walters, Plans Examiner

DATE: 3/3/00

SUBJECT: DEVELOPMENT REVIEW # 00DB08

(File under: Annex/CD Public/Building Development Review)

**PROPOSED LAND PARTITION AND ZONE
MAP AMENDMENT**

The following is a list of concerns and/or conditions for the project listed above. This review is based on certain assumptions necessitated by the limited information available in the submitted documents.

Review of the complete working drawings may reveal that those assumptions were incorrect and /or may expose additional code concerns.

1. *When more than two R-3 occupancies or any commercial or multi-family buildings are accessed from the road, approved fire department apparatus access within 150 feet hose-lay fashion of all exterior walls shall be provided.*
(Ord. 99-01 Section 902.2.1)
2. The construction of any new residences (bringing the total served by the access road to 3 or more) will require that fire hydrants be supplied. Fire hydrants shall be placed at each intersection. Intermediate hydrants are required when the distance to any part of a non-commercial building exceeds 500 feet measured in an approved manner around the outside of the structure and along a route of travel accessible to fire apparatus. (Ord. 99-1 Section 903.4.22)
3. The construction of any new commercial or multi-family building will require that fire hydrants shall be supplied so that no portion of the exterior of the building is more than 250 feet from a fire hydrant as measured in an

approved manner around the outside of the structure and along approved route of travel accessible to fire apparatus. The minimum number of hydrants for a structure shall be two. See the code for exceptions. (Ord. 99-01 Section 903.4.2.1)

1. No construction is allowed in any floodway. Any construction allowed in the flood zone requires that the floor of the structure (including the grade in the crawl space) be placed a minimum of 18" above the 100-year flood level.

EXHIBITS

The following Exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted:

- A. Findings and Conditions of Approval
- B. City of Wilsonville Comprehensive Plan
- C. Chapter 4 of the Wilsonville Code
- D. Applicant's submittal documents
Project narrative, preliminary plat.
- E. Building Official's report.
- F. **Blaise Edmonds' drawing showing layout of lots on subject parcel**
- G. **Letter dated 3-20-2000 from John and Susan Schenk in opposition to the proposal**
- H. **Access Agreement between Smith, Schenks, Edwards**
- I. **Letter dated 3-27-2000 from B. Jay and Leslie Roberts in opposition to the proposal**