

RESOLUTION NO. 1722

A RESOLUTION OF THE CITY COUNCIL AMENDING RESOLUTION NO. 1434 ADOPTING 97DB24(REVISED) WITH CONDITIONS, AND ADOPTING DEVELOPMENT REVIEW BOARD RESOLUTION NO. 01DB09(3), A RECOMMENDATION TO ADOPT FINDINGS AND CONDITIONS AND CONCLUSIONS APPROVED IN RESOLUTIONS 01DB09(1), (02), AND (03) AND APPROVING A FINAL GRADING PLAN, RETAINING WALLS, A REVISED TREE REMOVAL PLAN, REVISED LANDSCAPE PLAN, REVISED PARKING LOT PLAN AND ARCHITECTURAL REVISIONS FOR THE 326-UNIT WILSONVILLE SUMMIT APARTMENT COMPLEX ORIGINALLY APPROVED IN 97DB24(REVISED), AS AMENDED BY CITY COUNCIL IN RESOLUTION NO. 1434; TAX LOTS 100, 400, AND 600, SECTION 13, T3S-R1W, WASHINGTON COUNTY, OREGON; HARVEST LTD/SUMMIT REAL ESTATE MANAGEMENT, APPLICANT.

WHEREAS, an application together with supplemental 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 staff reports on the above-captioned subject dated April 9, 2001, May 14, 2001, June 11, 2001, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board on April 9, 2001 and as a continued item at the May 14, 2001 public hearing and as a continued item at a regularly scheduled meeting conducted on June 11, 2001, at which times exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, on June 11, 2001, after public hearing and considering all the testimony and evidence, the Development Review Board adopted Resolution No. 01DB09 (03), a decision recommending approval of final grading plan, retaining walls, revised tree removal plan, revised landscape plan, revised parking lot plan and architectural revisions, subject to conditions of approval, and

WHEREAS, on May 14, 2001, after public hearing and considering all the testimony and evidence, the Development Review Board adopted Resolution No. 01DB09 (02), a decision approving revisions to parking lot layout and parking lot landscaping and architectural revisions to carports, and

WHEREAS, after notice of decision was mailed in accordance with Wilsonville Code, the applicant accepted Resolution No. 01DB09(02), Conditions of Approval, on May 21, 2001, and

WHEREAS, on April 9, 2001, after public hearing and considering all the testimony and evidence, the Development Review Board adopted Resolution No. 01DB09, (renumbered herein to 01DB09(01), to approve architectural revisions with conditions and to continue review of parking, carports, garages, landscaping and signage to the May 14, 2001 meeting, and

WHEREAS, after notice of decision was mailed in accordance with Wilsonville Code, the applicant accepted Resolution No. 01DB09(01), Conditions of Approval on April 23, 2001, and

WHEREAS, the Planning Staff has prepared a report on case file 01DB09(03) dated June 24, 2001, and

WHEREAS, the Assistant City Attorney has prepared a memorandum dated June 25, 2001 which explains the portions of City Council Resolution No. 1434 that have been amended by 01DB09(03) and recommends the Council delegate additional site and design review applications for Wilsonville Summit Apartments to the Development Review Board, and

WHEREAS, the record of the proceedings below is contained in the Development Review Board Background Material Submitted for City Council Hearing 7/2/01 ("Background Material") and is incorporated by reference as if fully set forth herein.

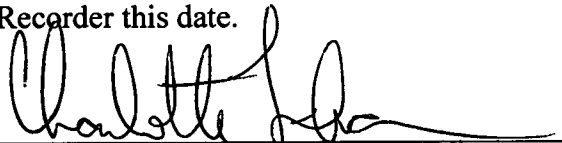
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Development Review Board Resolution No. 01DB09(03), a recommendation to approve changes to site and design plans relative to case file 01DB09 with conditions of approval, is adopted.
2. Development Review Board Resolution No. 01DB09 is renumbered Resolution No. 01DB09(01).
3. The decisions, findings, and conditions set forth in Development Review Board Resolution No. 01DB09(03), included in the Background Material, along with the staff reports, legal memorandum, and recitals above, are adopted as additional findings and incorporated as if fully set forth herein.

4. Future applications by Harvest Limited/ Summit Real Estate Management for Wilsonville Summit Apartments site and design review, including any amendments to approved plans and to the decisions and conditions of approval approved herein, are delegated to the Planning Director or Development Review Board for review as appropriate under Wilsonville Code, Chapter 4, Planning and Development, with review by City Council only by appeal or under call-up procedures.

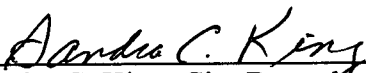
5. Resolution No. 1434 is hereby amended in accordance with this approval, and 97DB24(revised) is further revised by 01DB09 (03), as shown in Exhibit A, attached.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 2nd day of July, 2001, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, MAYOR

ATTEST:



Sandra C. King, City Recorder

SUMMARY OF VOTES

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

Exhibit A

Amendments to Resolution No. 1434

By adopting DRB Resolution No. 01DB09(3), the previously approved 97DB24(Revised) and the conditions, therein as amended and adopted by Resolution No. 1434, are amended as set forth below. These, then, are amendments to Resolution No. 1434.

Modified by Condition 1, 01DB09(03):

Add to condition 1 in Resolution No 1434: *Revised Landscape and Site Plans dated May 30, 2001 as revised by the Development Review Board, replace the landscape plans approved in Resolution 97DB24(revised).*

Modified Condition 1 will then read:

1. This approves a Stage 1 Preliminary Plan and Stage II Final Plan, variance to slopes and Site and Design Plans for a maximum 326 apartment units. The applicant shall develop the site, i.e., buildings, parking and drives, in substantial compliance with the approved Stage II Final Plan as approved by the Development Review Board. This approval is subject to the City Council interpretation of the balanced housing rule over 60%. Furthermore, this approval is contingent upon City Council approval of the proposed land exchange between the city property and the applicant. It is realized that minor revisions in the development will occur prior to and during the construction phase. Minor site development revisions may be reviewed by the Planning Director under a Class I administrative review. Revised Landscape and Site Plans dated May 30, 2001, as revised by the Development Review Board, replace the landscape plans approved in Resolution 97DB24(revised).

Modified by Condition 2, 01DB09(03):

Add to Condition 9 in Resolution No 1434: *The minimum landscaping under a water wise plan may be installed. However, landscaping required by this approval on slopes less than 5% shall be deferred until after October 15, 2002, provided security equal to 100% of the cost of the landscaping as determined by the Community Development Director is filed with the City assuring such installation. Further, landscaping shall be professionally maintained by weeding, pruning, and replacing dead plant material as necessary.*

Modified Condition 9 will then read:

9. The applicant shall revise the Site and Design Plan to be consistent with the above changes and develop the site and Design Plan required in this approval unless security equal to 100% of the cost of the improvements as determined by the Community Development Director is filed with the City assuring such installation. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the community Development Director. If the installation of the landscaping is not completed within a twelve (12) month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited within the City shall be returned to the applicant. The minimum landscaping under a water wise plan may be installed. However, landscaping required by this approval on slopes less than 5% shall be deferred until after October

15, 2002, provided security equal to 100% of the cost of the landscaping as determined by the Community Development Director is filed with the City assuring such installation. Further, landscaping shall be professionally maintained by weeding, pruning, and replacing dead plant material as necessary.

Modified by Condition 3, 01DB09(03):

Add to Condition 15 in Resolution No 1434: **The applicant shall plant ~~Oregon Glory Maples~~ Red Oak street trees @ 3" minimum caliper, 7' b&b, 30 35 feet on-center along Elligsen Road.**

Modified Condition 15 will then read:

15. The applicant shall plant Red Oak street trees @ 3" minimum caliper, 7' b&b, 35 feet on-center along Elligsen Road.