

RESOLUTION NO. 1731

A RESOLUTION ADOPTING A ZONE ORDER AMENDING THE OFFICIAL ZONE MAP FOR 4.85 ACRES FROM *RESIDENTIAL AGRICULTURE HOLDING (RA-H)* TO *PLANNED DEVELOPMENT INDUSTRIAL (PDI)* ON TAX LOT (NORTHERLY PART OF) 700, SECTION 14B, T3S-R1W, CLACKAMAS COUNTY, OREGON AND APPROVING A STAGE I PRELIMINARY PLAN TO ALLOW AN OUTDOOR INDUSTRIAL STORAGE YARD. THE PROJECT SITE IS LOCATED ADJACENT TO THE SOUTH SIDE OF THE UTILITY VAULT COMPANY, NORTH OF BARBER STREET. UTILITY VAULT COMPANY, APPLICANT.

WHEREAS, Utility Vault Company has submitted a full and complete application requesting a Zone Map Amendment of the above-referenced tax lot located on SW Barber Street; and

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.013 of the Wilsonville Code; and

WHEREAS, the Wilsonville Development Review Board (DRB) held a public hearing on August 13, 2001, and recommended approval of the rezoning and Stage I Preliminary Plan with conditions. DRB also approved a Stage II Final Plan, a floodplain development permit and a lot line adjustment for expansion of an outdoor storage yard, contingent upon City Council approval of the rezoning and Stage I; and

WHEREAS, the planning staff has prepared a report on the above-captioned subject dated September 17, 2001 which is attached hereto; and

WHEREAS, the Wilsonville City Council at a public hearing held on September 17, 2001, considered the DRB's record, the Planning Division, Engineering Division and Building Division reports and recommendations and considered public testimony; and

WHEREAS, the City Council after providing public notice of the hearing in accordance with State law and Chapter 4 of the Wilsonville Code, having duly considered all evidence and testimony.

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

1. Zoning Order 01DB03 is hereby adopted.

2. The Zoning Map Amendment requested is hereby approved as described below. The City Council adopts the findings contained in Development Review Board amended and adopted staff report dated August 13, 2001 (Exhibit A) and the conditions of approval included in such report and adopts the proposed Zoning Map Amendment as follows: Revise the Zoning Map to show Tax Lot (northerly part of) 700 as Planned Development Industrial Zone (PDI).

3. The Stage I Preliminary Development Plan is approved and the City Council adopts the staff report dated August 13, 2001 (Exhibit A) with the findings, recommendations and Conditions of Approval contained therein.

4. The City Council specifically adopts the following Conditions of Approval:

A. This action approves the proposed Stage I Preliminary Plan, the Stage II Final Plan (site plan prepared by VLMK dated November 2000 and stamped received June 06, 2001), but not the Landscape Plan (plan prepared by WRG dated June 04, 2001). The applicant shall submit a revised landscape plan to Staff to be approved administratively using native evergreen trees and shrubs that satisfies the screening requirements for outdoor storage in the PDI zone. The DRB's action regarding the zone change is in the form of a recommendation to the City Council who is the final authority. (Amended by DRB on August 13, 2001.)

B. The applicant shall develop the site in substantial compliance with the approved DRB plans unless altered with Board approval or minor revisions that are approved by the Planning Director under a Class I Administrative Review.

C. City water will not be available for landscaping until after the water treatment plant is on-line providing water. However, the applicant may

install approved landscaping and truck in water from a non City water source. The applicant is hereby required to defer installation of landscaping, except for erosion control purposes. The applicant shall provide security equal to 110% of the cost of the landscaping as determined by the Community Development Director to be filed with the City assuring such installation within six months of the treatment plant being on-line. "Security" is cash, certified check, and time certificates of deposit, assignment of a savings account and written right of access to the property, 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 six-month period once the water treatment plant is on-line 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. Bonding for landscaping is required prior to issuance of Building Permits.

- D. Final construction plans shall be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, and the City Building Official prior to the project's construction.
- E. The applicant is required to change the dry cast employees work hours from 7:30 a.m. - 4:30 p.m. to 6:30 a.m. - 3:30 p.m. to reduce the PM peak hour trip count by one, thus creating a de minimus traffic impact under Ordinance No. 463. A letter of commitment from the applicant is required to satisfy this requirement. A maximum of three PM peak hour trips through the Wilsonville Road interchange is approved by this action.
- F. The applicant shall obtain a Type 'C' Tree Removal Permit from the Planning Division prior to removing any trees and site grading. The applicant shall provide a tree-fencing plan, identify all trees to be removed

and shall follow the Tree Preservation/Protection specifications provided in the arborist report.

- G. Prior to site grading the applicant shall install tree protection fencing with metal "T" posts securely installed into the ground along the drip line of the trees shown for preservation. The fence shall remain in place during the entire construction period.
- H. Prior to grading, the delineated wetlands boundary (to the south and west) shall be surveyed and staked and a 4' fence with metal "T" posts installed 25' offset from the staked boundary. This fence shall remain in place during the entire construction period and is required to avoid wetland impacts.
- I. To ensure the longevity of all landscaped areas, the applicant shall install a water wise irrigation system. Irrigation plans shall be submitted with the Building Permit drawings and shall be reviewed and approved by the Planning Division for consistency with this approval. Further, landscaping shall be professionally maintained by weeding, pruning and replacing dead plant material as necessary.
- J. All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon cans. The landscaping plan shall be planted at such a density so as to provide a minimum of 95% coverage of landscape areas with vegetation, within 3 years time period. Bark mulch and similar materials shall consist of not more than 5% of the total landscape area after the 3-year period.
- K. All construction workers' vehicles and job shacks associated with this project shall be parked and located on site.

- L. The Stage II Final Plans will expire two years after final approval if substantial development has not occurred on the property within that time unless extended by the DRB for just cause.
- M. The applicant shall waive right of remonstrance against any Local Improvement District that may be formed to provide public improvements to serve the subject site. Before the start of construction, a waiver of right to remonstrate shall be completed by the applicant and submitted to the city attorney's office for approval.
- N. The applicant shall comply with the conditions of approval provided by the City's Engineering and Building Divisions.
- O. The applicant shall remove all invasive vegetation (Himalayan blackberry) in the buffer areas adjacent to the wetlands. The applicant shall work with staff as to the timing and removal method for removing the invasive vegetation. (Amended by DRB on August 13, 2001.)
- P. The applicant shall design the detention facility with a more natural configuration. The applicant shall provide documentation in their permitting process (at time of building permit application) for review and approval. (Amended by DRB on August 13, 2001.)
- Q. The applicant is required to satisfy all applicable requirements of Section 4.172-Floodplain Regulations, as well as federal requirements for developing in the floodplain.
- R. The finished elevation of the gravel storage yard shall be above the 100-year floodplain elevation.

Engineering Division Public Facilities (PF) Conditions of Approval

PF 1. From the materials submitted, it does not appear that public storm drain; domestic water and sanitary sewer facilities will serve the subject application. However, if such facilities are requested separate engineering drawings reflecting the installation of these public utilities will be required.

No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.

PF 2. Staff reserves the right to revise/modify the public improvement construction plans and completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.

PF 3. All public utility/improvement plans submitted for review shall be based upon a 24"x36" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.

PF 4. Record drawings are to be furnished for all public utility improvements (on 3 mil. Mylar) before the final punch list inspection will be performed.

PF 5. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.

PF 6. Plans submitted for review shall meet the following general format:

- A. Composite Utility Plan
- B. Detailed Utility Plan and Grading Plan.
- C. Public utilities/improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City centered in a 15 ft. wide public utility easement and shall be conveyed to the City on its dedication forms.
- D. Design of any public utility/improvement shall be approved at the time of the issuance of a Public Works Permit.
- E. All proposed on and off-site utility/improvement shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- F. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- G. All new public utility/improvements and/or utilities shall be installed underground.
- H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
- I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a Registered Professional Engineer of the State of Oregon.
- J. Erosion Control Plan that conforms to the current edition of the Unified Sewerage Agency of Washington County "Prevention and Sediment Control Plans Technical Guidance Handbook."
- K. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.

PF 7. The applicant will install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of

Wilsonville Ordinance No. 482 during the construction of any public utilities and building improvements until such time as approved permanent vegetative materials have been installed.

- PF 8. If required, the project shall install a manhole at each connection point to the public storm system (with City approved energy dissipaters and pollution control devices) and the sanitary sewer system.
- PF 9. To lessen the impact of the proposed project on the downstream storm drain system, and adjacent properties, project run-off from the site shall be detained and limited to the difference between a developed 25-year storm and an undeveloped 25-year storm. The detention and outfall facilities shall be designed and constructed in conformance with Ordinance 515.
- PF10. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation and public water systems.
- PF11. The applicant shall obtain written approval from the appropriate source to construct any utilities or improvements within easement areas.
- PF12. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer.

PF13. Along the proposed west property line, the applicant shall dedicate 32-feet of right-of-way and a 6-foot wide public utility easement for the future extension of Kinsman Road to the City.

PF14. The applicant shall waive their right to remonstrate against the formation of a local improvement district for the future construction of a 48-foot wide curb-to-curb concrete street improvement (including off-set sidewalks, street lights and on-street bike lanes) along Kinsman Road and shall participate in such LID formation. The waiver shall be submitted to the City Attorney for review and approval and shall be recorded if possible with Clackamas County and the City Lien Docket. (Amended by DRB on August 13, 2001.)

PF15. At the request of Staff, DKS completed a traffic impact analysis dated March 21, 2001. The project is hereby limited to no more than the following impacts.

New P.M. peak hour trips	6
Trips through Wilsonville Road Interchange Area*	4

*Staff considers a value of 3 or less as deminimus, therefore the Applicant shall take the necessary measures (i.e. increase the use of public transportation or limit travel during the p.m. peak hour etc.) to mitigate the remaining p.m. peak hour trip.

Building Department Conditions of Approval

A. The proposed Water Quality Facility, which is located in the flood plain, shall have an approved maintenance plan submitted for review & approval. Such maintenance plan shall be recorded on the property deed with Clackamas County. The approved maintenance agreement (rather

than plan) shall be submitted for review and approval by the City Attorney. (Amended by DRB on August 13, 2001.)

B. The proposed fill located in the flood plain shall be accompanied with an equal cut, which is also located in the flood plain. This requirement must be provided with justifiable calculations meeting the balance cut and fill requirement. If such cut is located as part of the Water Quality and Detention Facility, the cut shall occur below the required detention to accommodate this requirement.

C. The Water Quality Facility shall meet the design criteria located in the City of Wilsonville Public Works Standards.

D. The engineer shall clearly locate the 100-Year Flood Plain on the final plans submitted to the city for review and approval.

5. Sections 1 and 2 are to be implemented as follows:

A. The Planning Director is hereby authorized to issue a Site Development Permit consistent with the approval of Stage I Plan.

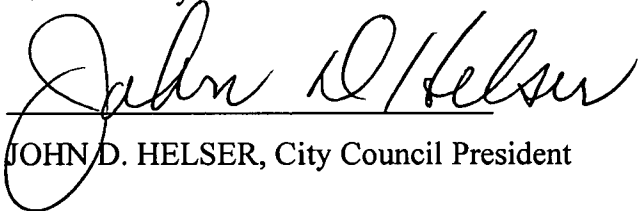
B. The Planning Director is authorized to amend the official Zoning Map in keeping with the decision herein.

C. The property owner(s) of the parcel (and any future owners) shall accept the City Council's Conditions of Approval and such acceptance shall be placed and kept with the City Recorder.

D. The Planning Director is authorized to issue Stage II Final Plan permit, lot line adjustment and a flood plain permit.

- E. The City Council adopts the Development Review Board's approved report attached hereto to "Exhibit A", with the findings and recommendations contained therein.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 17th day of September 2001, and filed with the Wilsonville City Recorder this same date.


JOHN D. HELSER, City Council President

ATTEST:


SANDRA C. KING, City Recorder

SUMMARY OF VOTES:

Mayor Lehan -- Excused
Councilor Barton -- Abstain
Council President 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)	
Utility Vault for a rezoning of land and)	ZONING ORDER 01DB03
amendment of the City of Wilsonville Zoning)	
Map as incorporated in Section 4.197 of the)	Utility Vault Company
Wilsonville Code)	

The above entitled matter came before the Wilsonville City Council to consider the application and request of Utility Vault Company for a zone change and order amending the Official Zoning Map from *RESIDENTIAL AGRICULTURE - HOLDING (RA-H)* to *PLANNED DEVELOPMENT INDUSTRIAL (PDI)* for 4.85 acres of land identified as Tax Lot (northerly part of) 700, Section 14B, T3S-R1W, Clackamas County, Oregon. The property is generally located at 28455 SW Barber Street. This application includes a request for the City Council to approve a Stage I Preliminary Plan. The Stage II Final Plan, Lot Line Adjustment and Floodplain Permit were approved for an outdoor industrial storage yard by the Development Review Board with conditions contingent to Council approval of the Zone Map Amendment.

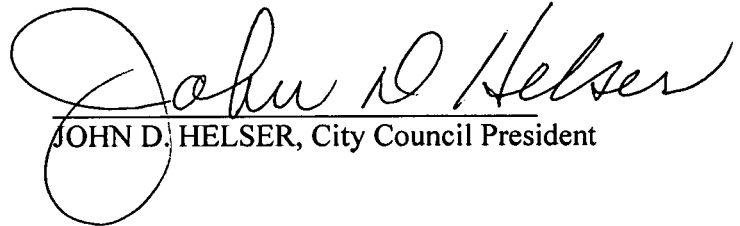
The Wilsonville Development Review Board held public hearing on this application of August 13, 2001, and after closing the hearing, adopted Resolution No. 01DB03 which recommends that the Council approve the Zone Map Amendment and Stage I Preliminary Plan subject to Conditions of Approval along with findings as proposed by Planning staff and modified by the Board.

It appears to the City Council that the Development Review Board's record of proceedings, along with the DRB and staff recommendations, (Exhibit A) which have been forwarded to the Council, is complete and factual and having taken public testimony and received exhibits, the City Council hereby adopts the Findings (Exhibit A as recommended by DRB) and Conditions of Approval and, in doing so finds that this application should be APPROVED.

ORDERED that the property above-described is hereby rezoned as follows: from *Residential Agriculture - Holding (RA-H)* to *Planned Development Industrial (PDI)*, and such rezoning be and the same is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.197ZC) 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 17th day of September, 2001.


JOHN D. HELSER, City Council President

ATTEST:


SANDRA C. KING, City Recorder

SUMMARY of Votes:

Mayor Lehan -- Excused

Councilor Kirk - Yes

Councilor Holt - Yes

Council President Helser - Yes

Councilor Barton - Abstain



RECOMMENDATION TO CITY COUNCIL DEVELOPMENT REVIEW BOARD

PANEL A

Project Name: Utility Vault Company Expansion Case File No. 01DB03

Applicant/Owner: John Hart for Utility Vault Company

Proposed Action: DRB approval of Stage II final plan, site and design plan, floodplain development permit and lot line adjustment and recommendation that the City Council approves a Zone Map Amendment from RA-H to PDI and the Stage I Preliminary Plan.

Property Description: Tax Lots 401, 500, 501, 502, 601 and 700, Sec 14B, T3S-R1W, Clackamas County, Oregon

Location: 4.85 acre addition to existing Utility Vault site located at 28455 SW Barber Street

On August 13, 2001, at the meeting of the Development Review Board the following action was granted on the above-referenced proposed development application:

- DRB approved a Stage II final plan, a floodplain development permit and a lot line adjustment for expansion of an outdoor storage yard and recommended that the City Council approve a Zone Map Amendment from Residential Agriculture Holding (RA-H) to Planned Development Industrial (PDI) and approve a Stage I Preliminary Plan. The DRB approval is contingent upon the City Council approval of the Zone Map Amendment and Stage I.

The City Council hearing date is scheduled for September 17, 2001.

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 503-682-4960

Attachments: DRB Resolution No. 01DB03 including
Exhibit A – Adopted Staff Report and motion to approve



**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 01DB03**

A RESOLUTION OF THE WILSONVILLE DEVELOPMENT REVIEW BOARD RECOMMENDING THAT THE CITY COUNCIL ADOPT FINDINGS AND CONDITIONS OF APPROVAL FOR A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE HOLDING (RA-H) TO PLANNED DEVELOPMENT INDUSTRIAL (PDI) AND APPROVAL OF STAGE I PRELIMINARY PLAN AND THE DEVELOPMENT REVIEW BOARD APPROVES A STAGE II FINAL PLAN, A FLOODPLAIN DEVELOPMENT PERMIT AND A LOT LINE ADJUSTMENT FOR EXPANSION OF AN OUTDOOR STORAGE YARD. THE SITE IS LOCATED AT 28455 SW BARBER STREET ON TAX LOTS 401, 500, 501, 502, 601 AND 700, SECTION 14B, T3S-R1W, CLACKAMAS COUNTY, OREGON. JOHN HART FOR UTILITY VAULT, APPLICANT

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 reports on the above-captioned subject dated August 13, 2001, and

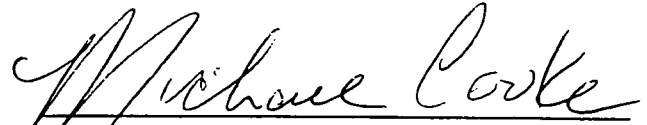
WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at regularly scheduled meeting conducted on August 13, 2001, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, 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 adopt the staff report with the findings, recommendations and conditions of approval contained therein (Exhibit A attached) and approves the Stage II final plan, floodplain development permit and lot line adjustment and recommends that the City Council approve the proposed Zone Map Amendment from RA-H to PDI and the Stage I Preliminary Plan. The Development Review Board approval is contingent upon final City Council approval of the Zone Map Amendment and Stage I Preliminary Plan.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 13th day of August, 2001, and filed with the Planning Secretary on August 20, 2001.



Michael Cooke, Chairman Panel A
Wilsonville Development Review Board

Attest:



Sally Hartill, Planning Secretary

Chair Cooke declared the public hearing closed at 8:02 p.m. He called for a motion on the application.

Diane Seeley moved to approve application #01DB03 – John Hart for Utility Vault Co – with the Conditions of Approval as stated in the staff report with the following amendments or corrections:

Condition of Approval #1: Add wording, “(revised landscape plan) to be approved administratively”.

Condition of Approval #15: Add language, “the applicant shall work with staff as to timing and removal method for removing the invasive vegetation.”

Condition of Approval #16: Add language, “the applicant shall provide documentation somewhere in their permitting process for review and approval.”

Condition of Approval #PF14: Add language requested by Counsel, “The waiver shall be submitted to the City Attorney for review and approval and shall be recorded if possible with Clackamas County and the City Lien Docket.”

Condition of Approval from Building Official #1: Add language, “That the approved maintenance agreement (rather than plan) is submitted for review and approval by the City Attorney.”

Bart Mills seconded the motion. The vote was called for.

**Seeley: Aye
Mills: Aye
Cooke Aye**

Art Johnson commented before he voted. He will vote aye, but he would like Chris to meet with him and the applicant at 10:00 a.m. on Wednesday morning at the site. His vote is aye.

Johnson: Aye

Motion carried 4-0, unanimously.

The process for appeal was read into the record.

**PLANNING DIVISION
STAFF REPORT**

**ZONE CHANGE FROM RA-H TO PDI, LOT LINE ADJUSTMENT, STAGE I/II,
AND DESIGN REVIEW FOR A STORAGE YARD EXPANSION FOR THE
UTILITY VAULT COMPANY**

01 DB 03

DATE: August 13, 2001

TO: Panel A of the Development Review Board

PREPARED BY: Chris Neamtzu AICP, Associate Planner

APPLICANT: VLMK Consulting Engineers for Utility Vault Company

PROPERTY OWNER: Our Associates

PROPERTY ADDRESS: 28455 SW Barber Street, Wilsonville, OR 97070

**LEGAL DESCRIPTION: T. 3 S., R. 1 W., Section 14B, Tax Lots 401, 500, 501, 502,
601, and 700**

**ZONING: Current - Residential Agricultural Holding (RA-H), Proposed - Planned
Development Industrial (PDI)**

SUMMARY

This applicant is requesting a zone change from Residential Agricultural Holding (RAH) to Planned Development Industrial (PDI) consistent with the Comprehensive Plan map. The applicant's narrative dated June 6, 2001 (Exhibit D) has provided findings supporting this request. The applicant proposes to move the southern property line of Utility Vault 235' to the south onto Tax Lot 700 for a 4.85 acre expansion of the existing outdoor storage yard. Proposed is development of a gravel yard for storage of large concrete vaults, and the relocation of 37 parking stalls and the addition of 4 new stalls.

A portion of the storage yard and the entire stormwater detention facility are located within the 100-year floodplain. A floodplain development permit is required as part of this application. Wetlands are on site to the west of the proposed yard, and to the south in the linear stormwater ditch and are not proposed to be altered as part of this application. A wetland delineation has been provided and is included as Exhibit E.

An arborist report has also been provided (Exhibit F), showing the size, location and species of the trees on site. Three (3) trees in poor condition are proposed to be removed

within the 25' wetland buffer. These trees could pose a potential hazard to the future parking lot. According to the arborist report, all trees within the development site are of a size less than 6" DBH and are not regulated by the City's Tree Ordinance.

This application was submitted prior to the adoption of the Natural Resources Plan, meaning that the old Primary Open Space and Secondary Open Space designations were still in effect. The Natural Resources Plan (Ordinance No. 516) has replaced Primary Open Space (POS) and Secondary Open Space (SOS) on the Comprehensive Plan map with a Significant Resource Overlay Zone (SROZ) on the zoning map. The setback away from the delineated wetland boundary under POS/SOS is 25' opposed to the 50' that is now required under the new Natural Resources Plan.

Under Ordinance No. 514, the Public Facilities Water Strategy (Section 2. B. 3.) all new developments except residential, shall defer landscaping except for erosion control, until after the new water treatment plant is on line. Bonding for deferred landscaping installation has been added as a condition of approval.

The DKS traffic report (Exhibit G) indicated that the project would generate 4 PM peak hour trips through the Wilsonville Road interchange. In order to reduce the trip count by one, the applicant is proposing to stagger the dry cast staff's work hours from 7:30 am - 4:30 pm to 6:30 am - 3:30 pm. This modification results in an acceptable mitigation of one trip according to the City Engineer, falling into the de minimis category under the Public Facilities Transportation Strategy and has been added as a condition of approval. Therefore, traffic generated by the proposed development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of level service "D" on existing or immediately planned arterial or collector streets and at the Wilsonville Interchange.

The applicant's proposed landscape plan does not satisfy the City's requirements for screening outdoor industrial storage. WC Code Section 4.135 (.07) L. 3. Requires that outdoor storage be concealed from view at the abutting property line by a *sight obscuring fence or planting not less than 6' in height*. The proposed single row of Oregon grape and wax myrtle will not create a 6' solid screen and the existing vegetation in the vicinity is comprised primarily of deciduous trees that will not provide any screen for half of the year. Due to the possibility of a future park and ride facility being developed in the immediate area, screening of this yard should be done using evergreen trees that will be large and will ensure a year round screen. A condition of approval has been added requiring the applicant resubmit a landscape plan that satisfies the outdoor storage screening requirements of the PDI zone.

RECOMMENDATION

On the basis of the information available at the time that this staff report was prepared, staff recommends approval of the zone change, Stage I/II, Design Review with the conditions of approval attached herein. Regarding the zone change from RAH to PDI, the DRB's decision is in the form of a recommendation to the City Council.

Review Criteria:

The applicable review criteria for this application are as follows:

Planning and Land Development Ordinance

- Section 4.013: Hearing procedures
- Section 4.015: Findings and Conditions
- Section 4.034: Application Procedures-General
- Section 4.031: Authority of the Development Review Board
- Section 4.033: Authority of the City Council
- Section 4.117: Standards Applying to Industrial Developments
- Section 4.118: Standards Applying to all Planned Development Zones
- Section 4.120: Residential Agriculture-Holding (RA-H) Zone
- Section 4.124: Planned Development Standards
- Section 4.135: Planned Development Industrial Zone
- Section 4.140: Planned Development Regulations
- Section 4.155: Parking, Loading and Bicycle Parking
- Section 4.171: General Regulations-Protection of Natural Features
- Section 4.172: Floodplain Regulations
- Section 4.176: Landscaping Screening and Buffering
- Section 4.197: Zone Changes and Amendments to this Code
- Subsection 4.421(l)(a): Requiring preservation of landscape insofar as practical, by minimizing tree removal
- Section 4.423: Lot Line Adjustments
- Sections 4.400 – 4.450: Site and Design Review
- Sections 4.600 – 4.630.20: Tree preservation and protection.
- Ordinance No. 463-Public Facilities Transportation Strategy
- Ordinance No. 514-Public Facilities Water Strategy
- Transportation Master Plan (1991)

Statewide Planning Goals

Metro's Urban Growth Management Functional Plan

Comprehensive Plan:

Areas of Special Concern-Area E
Environmental Resources and Community Design

Application Deemed Complete: June 7, 2001
120-day review limit: October 5, 2001

Design Team:

Civil Engineer: VLMK Consulting Engineers
Surveyor: Olson Engineering
Landscape Architect: WRG Design Inc.
Wetland Delineation: EnviroScience, Inc.
Arborist: Tree Care Unlimited

ADOPTED FINDINGS

1. Vicinity Information:

The subject property is located west of a private drive that serves Utility Vault from Barber Street. To the north of Utility Vault is RFD Publications, and vacant property is located to the south and west. To the east is vacant land that is being looked at for a future Park and Ride facility as part of the Commuter Rail project. The subject property is more particularly identified as being Tax Lots 401, 500, 501, 502, 601 and 700 in Section 14B, T3S, R1W, Willamette Meridian, Clackamas County, Wilsonville, Oregon.

2. Property Description:

The subject property is relatively flat and is part of what was referred to as the "Jack" property which is primarily agricultural in nature with cow grazing and other farm type activities. There is a shallow drainage ditch that crosses the southern portion of the project site from east to west and contains wetlands. The west side of the subject property is designated Secondary Open Space, which is 100-year floodplain and wetland and is part of the Coffee Lake Creek drainage basin. The trees on the site are mostly pioneer hawthorne and cherry trees.

3. Proposal:

The applicant is requesting approval of a 4.85-acre addition to the existing 13.52-acre Utility Vault site. The expansion is needed for the reconfiguration and expansion of the storage yard where concrete vaults are kept. The proposed expansion would eliminate a long row of parking along the south side of the existing site necessitating a new parking lot layout.

The property where the expansion is proposed is zoned RAH and is part of a 28-acre parcel. A lot line adjustment and zone change to PDI would add the property to the existing Utility Vault site.

A linear storm ditch runs from east to west along the southern portion of the proposed expansion. The ditch drains toward Seely Ditch and the Coffee Lake Creek drainage basin. Wetlands and floodplains in Coffee Lake run along the west edge of the site.

Project Data:

Site Area:	13.52 Acres (588,931 SF)
<u>Proposed Addition:</u>	<u>4.85 Acres (211,266 SF)</u>
Total	18.37 Acres (800,197 SF)
Existing Buildings:	72,804 SF (1.67 Acres)
Proposed Buildings:	None
Existing Storage Area:	425,770 SF (9.8 Acres)
Proposed Storage Area:	210,769 SF (4.8 Acres)
Existing Landscaped Area:	163,019 SF (3.7 Acres)
Proposed Landscaped Area:	17,734 SF (.41 Acre)
Proposed Natural Area:	72,977 SF (1.68 Acres)

ZONE MAP AMENDMENT

4. Zoning:

The property is currently zoned Residential Agriculture Holding (RA-H). The purpose of the RAH Zone is set forth in Section 4.120, Chapter 4 of the Wilsonville Code.

A. 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 development and which have not previously received development approval in accordance with the Comprehensive Plan.

The proposed Zone Map Amendment from RAH to PDI is a procedure to evaluate the conversion of land to urban uses 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 a determination of 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 the zoning ordinance. As set forth in Section 4.197.02 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 A – G below.

Criterion A:

"That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140."

5. Response:

The application has been submitted in accordance with the procedures set forth in Section 4.008 and 4.140. The applicant has provided findings in Exhibit 'D' (Pages 2-4 of the June 6, 2001 narrative) addressing the zone map amendment criteria. Item F. of the applicant's submittal is inaccurate, as this application is a Planned Development request.

Criterion B:

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

6. Response:

The applicant has provided findings in Exhibit 'D' (Pages 2-4 of the June 6, 2001 narrative) addressing the Comprehensive Plan Map designation which is included as an exhibit to this report and as findings for approval. The project is within Area of Special Concern E in the Comprehensive Plan. Findings regarding Area E are found later in this report. The Comprehensive Plan Map designation for this property is industrial and the proposed use is industrial consistent with the Plan designation.

Criterion C:

"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."

7. Response:

The applicant has provided adequate findings in Exhibit D (Pages 2-4 of the June 6, 2001 narrative), which address Criterion 'C'. The site is not designated as residential on the Comprehensive Plan Map.

Criterion D:

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 and the Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.

8. Response:

Under Ordinance No. 514, the Public Facilities Water Strategy (Section 2. B. 3.) all new developments except residential, shall defer landscaping except for erosion control, until after the new water treatment plant is on line. Bonding for deferred landscaping installation shall be required at time of Development Review Board approval. This has been added as a condition of approval.

Storm water quality and quantity is proposed to be achieved via a detention basin on the west side of the property prior to entering the Coffee Lake Creek drainage. A condition of approval from the Building Division requires that a maintenance agreement be recorded on the property deed, ensuring that the facility will be maintained in perpetuity. If maintenance is not performed, the agreement would allow the City to conduct any necessary maintenance.

No structures are proposed therefore, there is no addition to the sanitary sewer system as a result of this application.

The DKS traffic report indicated that the project would generate 4 PM peak hour trips through the Wilsonville Road interchange. In order to reduce the trip count by one, the applicant is proposing to stagger the dry cast staffs work hours from 7:00 am – 4:30 pm to 6:30 am - 3:30 pm. This modification results in an acceptable mitigation of one trip according to the City Engineer falling into the de minimus category under the Public Facilities Transportation Strategy and has been added as a condition of approval.

Therefore, traffic generated by the proposed development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of level service "D" on existing or immediately planned arterial or collector streets and at the Wilsonville Interchange.

Criterion E:

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 about the proposed development, the Planning Commission or Development Review Board shall use

appropriate measure to mitigate and significantly reduce conflicts between the development and identified hazard or Primary Open Space.

9. Response:

The proposed project does not impact Primary Open Space and Staff is not aware of any natural or geologic hazards on site. The 100-Year Floodplain is proposed to be filled to accommodate a portion of the gravel storage yard. The fill will need to be balanced with an equal amount of cut so as not to raise the Base Flood Elevation (BFE). Also, the other floodplain development requirements of the Development Code and conditions of approval from the Engineering and Building Divisions will need to be satisfied prior to issuance of a building permit.

Criterion F:

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.

10. Response:

According to the applicant's narrative, completion of this project is scheduled within the two-year time frame.

Criterion G:

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.

11. Response:

With the proposed conditions of approval, the application satisfies the development standards of the City's Planning and Land Development Ordinance.

Comprehensive Plan Areas of Special Concern

AREA E:

This is the area planned for industrial use between Boeckman Road and Barber Street, from Boones Ferry Road to the railroad tracks. It also includes the property west of the railroad, immediately north of Barber Street, that has been identified as a potential

commuter rail station and park-and-ride lot. The primary concerns for this area have been related to continuity in design and protection of the existing mobile home park.

The area has been previously divided into numerous small lots, many of which are in separate ownerships. For this reason, the opportunity to design development under a common master plan is minimized. Therefore, there is a potential for an uncoordinated patchwork development pattern to occur.

The Walnut Park Mobile Home Park is also located in this area. While economics may ultimately force redevelopment of the park to industrial use, the life of the park can be prolonged through careful design considerations of surrounding development. Doing so will help to retain one of the City's affordable housing opportunities.

Design Objectives

- 1. Encourage consolidation of smaller lots to allow for master planning of large areas.*
- 2. Provide buffers adjacent to the mobile home park, e.g., increased landscaped setbacks, or complementary uses.*
- 3. Minimize traffic (truck) conflicts with residential activities, including pedestrians.*
- 4. Provide an attractive and easily accessible park-and-ride facility in conjunction with a commuter rail station. If necessary to meet these objectives, prepare a master plan for the area around the selected commuter rail station site.*
- 5. Determine the appropriate alignment for a road connecting 95th Avenue and Kinsman Road through this area.*

12. Response: The applicant's proposal is not inconsistent with the Area of Special Concern E. However, in order to achieve compatibility with a future park and ride facility and other future land uses, the landscape plan needs to be revised to provide adequate screening of the industrial storage.

The proposed use is industrial in nature and it would not impact the Walnut Park Mobile Park and is not part of the property currently being considered for a park and ride.

Section 4.135. PDI- Planned Development Industrial Zone.

(.07) Performance Standards. The following performance standards are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property. Developed industrial sites shall be subject to the provisions of this Code and the following:

A. *All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved through Administrative Review or other land use approval process (e.g., Conditional Use Permit, Site Development Permit).*

B. *Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any boundary line of the property on which the use is located.*

C. *Emission of odorous gases or other odorous matter in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited.*

D. *Any open storage shall comply with the provisions of Section 4.176, and this Section.*

I. *Noise: Noise generated by the use, with the exception of traffic noises from automobiles, trucks, and trains, shall not violate any applicable standards adopted by the Oregon Department of Environmental Quality governing noise control in the same or similar locations.*

J. *Discharge Standards: There shall be no emission of smoke, fallout, fly ash, dust, vapor, gases, or other forms of air pollution that may cause a nuisance or injury to human, plant, or animal life, or to property. Plans of construction and operation shall be subject to the recommendations and regulations of the State Department of Environmental Quality. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon the request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.*

K. *Open burning is prohibited.*

13. Response: The outdoor storage of concrete vaults is not incompatible with the performance standards of the PDI zone provided that they are adequately screened consistent with Item D above.

L. *Storage:*

1. *Outdoor storage must be maintained in an orderly manner at all times.*
2. *Outdoor storage area shall be gravel surface or better and shall be suitable for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.*
3. *Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six (6) feet in height.*

14. **Response:** The existing storage yard is generally maintained in an orderly manner. The proposed surface material for the storage is 10" of 4" minus crushed rock under 4" of 3/4" minus crushed rock. The proposed gravel is the same as much of the existing storage yard and according to the applicant, due to the extremely heavy weight of the concrete vaults a paved surface is not practical.

The proposed yard expansion is comprised of a large gravel area with unsightly concrete vaults stacked all around. The site is heavy industrial in nature and is not attractive to view. If the proposed landscape plan is approved, the outdoor storage will be visible at the property line. The proposed landscape plan, in Staff's professional opinion does not provide the required 6' screen. It is comprised of shrubs that at some point may reach 6', but it would take many years to achieve a sight obscuring edge. The intent of the code is not to have to wait 5-10 years or possibly more to achieve a screen, but for the screen to be provided concurrent with the installation of the storage yard.

Installation of a continuous or staggered row of evergreen trees such as Doug-fir or cedar would satisfy the requirement for 6' of screening, would be compatible with the native plants in the vicinity of the drainage ditch and would provide good wildlife habitat.

Arguing that the existing vegetation will supplement the proposed landscaping plan satisfying this requirement is not valid or accurate as the plant material along the ditch is all deciduous. On recent site visit, no evergreens were observed. In addition, the 25' buffer area contains a substantial amount of invasive vegetation. Requesting that the existing plants, which include a large amount of Himalayan blackberry be approved as screening for industrial storage sets a highly undesirable precedent. Blackberry should in no case be approved as landscaping, and in fact it should instead be removed and replaced with native plants.

Another reason the existing vegetation cannot be relied upon for screening is due to the fact that it is part of a stormwater drainage system that requires periodic maintenance. If the vegetation in the ditch becomes too large and impedes flow, it must be removed to protect people and property from possible flooding. Therefore, there is no guarantee that this vegetation will be there over the long term to provide screening.

Lot Line Adjustment:

Section 4.233. Lot Line Adjustments.

(.01) Property owners wishing to alter the location of a property line that separates adjoining properties, without creating a new lot or parcel in the process, may apply for approval of a lot line adjustment. Applications for lot line adjustment shall be processed through either of the following:

- A. Administrative Review, through the procedures outlined in Section 4.035;*
- or*

- B. As part of a partition or subdivision process, where new lots or parcels are being created at the same time as the existing lot lines are being reconfigured.*
- (.02) The lots or parcels resulting from a lot line adjustment shall conform to all requirements of the zone. Except, however, if either of the subject properties is a legal non-conforming lot at the time of the application, the requirements of Section 4.192 (Non-Conforming Lots) shall be followed.*

15. Response: The DRB has the authority to review the lot line adjustment as part of the Planned Development process and the lots after the adjustment will conform to the minimum requirements of the PDI and RAH zones.

Section 4.172. Flood Plain Regulations.

(.01) Purpose:

- A. To minimize public and private losses due to flood conditions in flood-prone areas.*
- B. To regulate uses and alteration of land which would otherwise cause erosion, decreased storm water storage capability, increased flood heights or velocities.*
- C. To require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction, alteration or remodeling.*
- D. To restrict filling, grading, dredging, and other development which would increase flood damage.*
- E. To prevent construction of flood barriers which would unnaturally divert flood waters or increase flood hazards in other areas.*
- F. To properly regulate the 100-year flood plain identified by the Federal Insurance Administration (FIA) in the "Flood Insurance Study for the City of Wilsonville" dated July 6, 1981, and displayed on FIA Floodway and Flood Insurance Rate Maps.*
- G. To implement the policies of the Comprehensive Plan and to provide standards consistent with - Wilsonville's adopted Storm Drainage Master Plan.*
- H. To insure the City and its residents and businesses, continued eligibility in the National Flood Insurance Program by complying with the requirements of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973.*

(.02) General Provisions Affecting Flood Plains:

- A. *This section shall apply to all flood plain areas in the City of Wilsonville identified by the Flood Insurance Rate Map. No Building Permits or Construction Permits for development within the flood plain shall be issued except in compliance with the provisions of the Section.*
- B. *The City of Wilsonville Community Development Director shall review all Building and Grading Permit applications for new construction or substantial improvement to determine whether proposed building or grading sites will be located in a flood plain. If a proposed building or grading site is located within a flood plain, any proposed new construction, grading, or substantial improvement (including prefabricated and manufactured housing) must:*
 1. *Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure.*
 2. *Use construction materials and utility equipment that are resistant to flood damage,*
 3. *Use construction methods and practices that will minimize flood damage, and*
 4. *Limit the addition of any fill material such that the total volume of fill within the flood plain does not exceed the volume of material removed from the flood plain in the same area.*

16. Response: The applicant is proposing to fill a portion of the 100-year floodplain on the site for the storage yard expansion. Detailed engineering calculations regarding the exact amount of proposed fill and the amount of excavation necessary to compensate for the fill has not been prepared. This information will be reviewed and approved by the City's Building and Engineering Divisions prior to issuance of building permits. The applicant will need to comply with Federal as well as City regulations regarding activities in the floodplain. The exact location of the floodplain boundary has not been mapped by FEMA in the area. The applicant will have to establish this boundary through a site-specific study and provide that information to the City for review.

The applicant is also proposing detention in the floodplain. The detention is considered cutting of the floodplain. Cutting the floodplain for detention cannot compensate for the proposed fill for the storage yard. The two are separate issues that must be dealt with individually.

(.05) Prohibited Uses in the 100-year Flood Plain:

- A. *Any use or building which stores or otherwise maintains hazardous materials, chemicals, explosives or any other similar materials.*

B. Storage of any materials that are not properly anchored, enclosed or protected to prevent movement or flotation beyond the property lines.

17. Response: The concrete vaults do not pose any threat of moving in a flood event and do not need to be anchored.

F. Submittal requirements.

- 1. A field survey in relation to mean sea level by a licensed surveyor or civil engineer of the actual location of the 100-year flood plain, fringe, floodway and the lowest habitable finished floor elevations, including basements, of all existing structures.*
- 2. A Site Plan map showing all existing and proposed contours and development and supplemented by a soils and hydrologic report sufficient to determine the net effect of the proposed development on the flood plain elevations on the subject site and adjacent properties. Proposed areas of cut or fill shall be clearly indicated.*
- 3. A soils stabilization plan for all cuts, fills and graded areas.*

18. Response: The applicant is required to provide the above information to the Building Division as part of the more detailed building permit application. This has been added as a condition of approval

H. Monumentation and Recordation:

- 1. Prior to issuance of a Flood Plain Permit, the Community Development Director shall cause the placement of an elevation marker, set at two (2) feet above the 100-year flood elevation, on the subject property. The marker shall be properly identified and permanently monumented in concrete.*
- 2. A Site Plan or map showing the location and elevation of the monument shall be submitted to and maintained on file by the Community Development Director.*

19. Response: The applicant is required to provide the above information to the Building Division as part of the more detailed building permit application.

I. Parking Lots and Storage Areas:

- 1. All parking lots and storage areas below the flood plain elevation shall be paved.*

2. *A minimum of twenty-five (25) percent of the required parking space must be provided above the 100-year flood plain elevation for all nonresidential uses.*
3. *Residential uses shall provide at least one parking space per unit above the 100-year flood plain elevation.*

20. **Response:** The proposed storage area needs to be raised above the Base Flood Elevation (BFE) in order for it to be acceptable as a gravel surface. If it is not raised above the BFE, it needs to contain a paved surface consistent with the above requirement. A condition of has been added to address this issue.

21. Transportation:

Figure 20 of the 1991 Transportation Master Plan identifies proposed roads that need to be constructed as part of the continued development of the City. The subject property is located along the alignment of the Kinsman Road extension, which is an arterial street.

The Engineering Department in PF 13 has conditioned a dedication of 32' of land and a 6' PUE to accommodate a future Kinsman Road extension. Over the years there have been other dedications of land for this alignment.

Section 4.176. Landscaping, Screening, and Buffering.

(.01) Purpose. This Section consists of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. The City recognizes the ecological and economic value of landscaping and requires the use of landscaping and other screening or buffering to:

- A. *Promote the re-establishment of vegetation for aesthetic, health, erosion control, flood control and wildlife reasons;*
- B. *Restore natural plant communities and conserve irrigation water through establishment, or re-establishment, of native, drought-tolerant plants;*
- C. *Mitigate for loss of native vegetation;*
- D. *Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;*
- E. *Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting sites or uses;*
- F. *Unify development and enhance and define public and private spaces;*
- G. *Promote the retention and use of existing vegetation;*
- H. *Aid in energy conservation by providing shade from the sun and shelter from the wind; and*

- I. *Screen from public view, the storage of materials that would otherwise be considered unsightly.*

22. Response: In order to satisfy the purpose standards of the landscaping section of the code, specifically I. above, the applicant should resubmit a revised landscaping plan resulting in adequate screening and an attractive edge treatment.

II. E. *High Screen Landscaping Standard*

1. *Intent: The High Screen Landscaping Standard is a landscape treatment that relies primarily on screening to separate uses or developments. It is intended to be applied in situations where visual separation is required.*
2. *Required materials: The High Screen Landscaping Standard requires sufficient high shrubs to form a continuous screen at least six (6) feet high and 95% opaque, year-round. In addition, one tree is required for every 30 linear feet of landscaped area, or as otherwise required to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6) foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. (See Figure 23: High Screen Landscaping).*

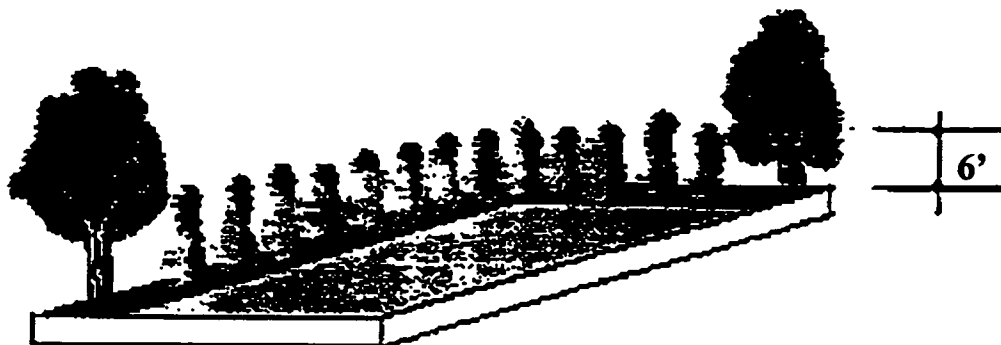


Figure 23: High Screen Landscaping

23. Response: The proposed screening plan for the outdoor storage is comprised of two types of native shrubs, Oregon grape and wax myrtle. These shrubs are proposed in 5 gallon containers at 3' on center. These shrubs will not provide the immediate 6' screen required for outdoor storage. A 6' wall, sight obscuring fence or berm with landscaping would all satisfy the requirement for outdoor storage.

- (.03) Landscape area. *Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the front yard area. Such areas shall be encouraged adjacent to structures. Landscape planters shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms and heights. Native plant materials shall be used whenever practicable.*

24. Response: The applicant's proposal results in over 15% on site landscaping.

- (.04) Buffering and Screening. *Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.*
- A. *All intensive or higher density developments shall be screened and buffered from less intense or lower density developments.*
 - B. *Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas.*
 - C. *All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.*
 - D. *All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.*
 - E. *Any fence in any zone over six (6) feet high shall require Development Review Board approval.*

25. Response: The applicant's landscape plan does not satisfy the screening requirements of the PDI zone and there is no request for visible storage.

- C. Irrigation. *The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify one of the following:*
- 1. *A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified.*

2. *A permanent or temporary system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established and drought-tolerant.*

26. Response: A permanent, water wise irrigation system is proposed to ensure survival of the plant material.

- (.10) *Completion of Landscaping. The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review.*

27. Response: Due to the fact that the landscaping cannot be planted until such time as the water treatment plant is on line, which could be as soon as next spring- summer, the applicant will need to provide a bond or security to the City ensuring installation consistent with the land use approvals. This has been added as a condition of approval.

28. Wetlands:

The applicant has provided a wetland delineation of the entire Jack property completed in 1998. The delineation was completed by EnviroScience, Inc. and concludes that wetlands are present along the west side of the property and confined to the channel of the ditch that runs from east to west along the south side of the site. The applicant is not proposing to alter the wetlands as part of this application. A 25' buffer is proposed to the drainage ditch along the south side of the site and to the west as well.

Landscaping for the detention facility to the west is proposed in the outer most 10' of the 25' buffer using native plant material, and plantings are also proposed along the south edge as well in the outer most 5' of the 25' wetland buffer. The planting of the buffer with native plants is appropriate. Removal of invasive vegetation in the buffer area is strongly encouraged.

As part of the routine notification process, the Division of State Lands has commented on the application (see Exhibit E) and has stated that a fill/removal permit is not required "if there is less than 50 cubic yards of ground alteration (removal or placement of fill) in wetland areas." The DSL comments go onto state that "the wetland boundary delineated

by EnviroScience in 1998 should be surveyed and staked prior to ground alteration in order to avoid wetland impacts." This has been added as a condition of approval.

Section 4.171. General Regulations - Protection of Natural Features and Other Resources.

(.01) Purpose. It is the purpose of this Section to prescribe standards and procedures for the use and development of land to assure the protection of valued natural features and cultural resources. The requirements of this Section are intended to be used in conjunction with those of the Comprehensive Plan and other zoning standards. It is further the purpose of this Section:

- A. To protect the natural environmental and scenic features of the City of Wilsonville.
- B. To encourage site planning and development practices which protect and enhance natural features such as streams, swales, ridges, rock outcroppings, views, large trees and wooded areas.
- C. To provide ample open space and to create a constructed environment capable and harmonious with the natural environment.

(.02) General Terrain Preparation:

- A. All developments shall be planned, designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant land forms.
- B. All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code
- C. In addition to any permits required under the Uniform Building Code, all developments shall be planned, designed, constructed and maintained so as to:
 1. Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.
 2. Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination, or siltation of lakes, rivers and streams; (3) damage to vegetation; (4) injury to wildlife and fish habitats.
 2. Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.

29. Response: The applicant is required to provide a sediment and erosion control plan as part of the building permit set. Requirements for silt fences and other precautionary erosion control measures will be required prior to issuance of any permits from the Building Division.

- (.06) Wildlife Habitats and Distinctive Resource Areas: *In order to minimize adverse impacts on wildlife and sensitive areas, riparian areas and wetlands, no development shall occur in an area designated as primary open space on the Comprehensive Plan shall further be planned, designed and constructed as follows:*
- A. *All developments proposed in or near [within one hundred (100) feet] natural wetlands shall be designed to:*
1. *Preserve functions of groundwater recharge, water storage, turbidity reduction, nutrient filtration, biologic or botanical production, and protective habitat cover.*
 2. *Limit uses to those compatible with the continued performance of wetland functions, such as:*
 - a. *Conservation of soil, vegetation, water, fish, and wildlife.*
 - b. *Low intensity, "dispersed" outdoor recreation (hiking, nature study).*
 - c. *Utility easements, but only on peripheral areas and where alternative alignments are impractical.*
 3. *Maintain the runoff coefficient and erosion equilibrium for lands bordering the wetland substantially the same as if such lands were undeveloped. Pier construction, elevated pedestrian boardwalks, semi-impervious surfacing, bridging of natural drainageways, and retention of vegetation in areas not intended for buildings or roads are recommended design methods.*

30. Response: Development is not proposed in POS, but grading and filling is proposed within 100' of natural wetlands. The applicant has provided findings supporting his request to develop within this area (see memo from Greg Blefgen of VLMK dated August 2, 2001-Exhibit H).

31. Trees:

The applicant has provided an arborist report and tree protection plan (see Exhibit F) prepared by Tree Care and Landscapes Unlimited. The applicant's arborist states that the only trees over 6" DBH are located within the 25' buffer to the storm drainage ditch along the south side of the site. The site contains an abundance of small (<6" DBH) volunteer hawthorne trees. Trees less than 6" DBH are not regulated by the City's Tree Protection Ordinance.

Three trees over 6" DBH are proposed to be removed, one 40" cottonwood and two 30" Oregon ash trees. These three trees are all in poor health according to the arborist, and should be removed. The trees are located just south of the proposed parking lot in the southeast part of the site.

Parking:

WC Section 4.155 Parking, Loading and Bicycle Parking:

D. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.

32. Response: The applicant is proposing four additional parking spaces beyond the existing 53 parking spaces. Storage yards do not require additional parking based on the Wilsonville Development Code. Due to the increased storage capacity of the yard expansion, it is expected that there could be more business at the site requiring more parking. Staff supports the request for four additional parking spaces.

33. Lighting:

The applicant is proposing one new double headed 30' tall pole light that would contain 250-watt metal halide lights. The light is proposed in the center of the new parking lot. The illumination pattern for the light is depicted on Sheet G1 dated November 2000 of the applicant's large-scale submittal documents.

Site Design Review:

Section 4.400. Purpose.

(.02) The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:

- A. Assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment.*
- B. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;*
- C. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;*
- D. Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;*

- E. Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;*
- F. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;*
- G. Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services.*
- H. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior -- particularly crime;*
- I. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements;*
- J. Sustain the comfort, health, tranquillity and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City.*

34. Response: With the conditions of approval, the applicant's proposal satisfies the above code criteria.

OREGON'S STATEWIDE PLANNING GOALS

Due to the fact that the City's recently revised Comprehensive Plan and Development Code has yet to be acknowledged by the State Department of Land Conservation and Development, each land use application must be evaluated for consistency with the Statewide Planning Goals.

- 1. Citizen Involvement:** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

35. Response: The review and decision to be rendered on this application will adhere to all public notice requirements of ORS 197 and WC 4.013 and will provide opportunity for comment on the application from any individual through the public hearing of Wilsonville's Development Review Board on August 13, 2001.

2. **Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*
36. **Response:** This application is being reviewed using the City of Wilsonville's Development Code which implements the City's land use planning process and Comprehensive Plan.
3. **Agricultural Lands:** *To preserve and maintain agricultural lands.*
37. **Response:** The project being proposed is on land that is zoned residential agricultural holding. The holding zone preserves a higher more intense use, in this case an industrial use. Agricultural lands are not significantly impacted as a result of this request.
4. **Forest Lands:** *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*
38. **Response:** The proposal will not disrupt any forest land base.
5. **Natural Resources, Scenic and Historic Areas, and Open Spaces:** *To conserve open space and protect natural and scenic resources.*
39. **Response:** The project, as proposed will not negatively disrupt any open space, natural or scenic resources.
6. **Air, Water, and Land Resources Quality:** *To maintain and improve the quality of the air, water, and land resources of the state.*
40. **Response:** The project, as proposed, will not degrade the quality of the air, or land resources of the state. Proper erosion control measures will be necessary to ensure protection of water quality.
7. **Areas Subject to Natural Disasters and Hazards:** *To protect life and property from natural disasters and hazards.*
41. **Response:** The project, as proposed, will not pose a threat of a natural disaster or hazard.
8. **Recreational Needs:** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*
42. **Response:** The project, as proposed, does not have any effect on recreation.

9. **Economic Development:** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

43. **Response:** The project, as proposed, promotes economic development and will not impact the health, welfare, or prosperity of Oregon's citizens.

10. **Housing:** *To provide for the housing needs of the citizens of the state.*

44. **Response:** This goal does not apply.

11. **Public Facilities and Services:** *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

45. **Response:** The project, as proposed with the conditions of approval, will not interfere with the provision of public facilities and services.

12. **Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

46. **Response:** With the conditions of approval, the proposed project will not have a significant impact on the transportation system.

13. **Energy Conservation:** *To conserve energy.*

47. **Response:** This goal does not apply.

14. **Urbanization:** *To provide for the orderly and efficient transition from rural to urban land use.*

48. **Response:** The project would not impact the orderly and efficient transition from rural to urban land uses.

15. **Willamette River Greenway:** *To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

49. **Response:** This goal does not apply.

50. Metro's Urban Growth Management Functional Plan

The applicant's request for a zone change from RAH to PDI is consistent and compatible with Metro's Functional Plan.

Conclusion- The applicant's proposal, with the conditions of approval, satisfy the Comprehensive Plan and Planning and Land Development Ordinance criteria for approval of a Zone Change, Lot Line Adjustment, Floodplain Development Permit, Stage I/II and Site Design Review. The DRB's action on the Zone Change is in the form of a recommendation to the City Council.

AMENDED AND ADOPTED Conditions of Approval
By Development Review Board on August 13, 2001
01DB03

New language in bold:

The application and supporting documents is hereby adopted for approval with the following conditions.

1. This action approves the proposed Stage I Preliminary Plan, the Stage II Final Plan (site plan prepared by VLMK dated November 2000 and stamped received June 06, 2001), but not the Landscape Plan (plan prepared by WRG dated 6-04-01). The applicant shall submit a revised landscape plan to Staff **to be approved administratively** using native evergreen trees and shrubs that satisfies the screening requirements for outdoor storage in the PDI zone. The DRB's action regarding the zone change is in the form of a recommendation to the City Council who is the final authority. (Amended by DRB on 8/13/01)
2. The applicant shall develop the site in substantial compliance with the approved DRB plans unless altered with Board approval or minor revisions that are approved by the Planning Director under a Class I Administrative Review.
3. City water will not be available for landscaping until after the water treatment plant is on-line providing water. However, the applicant may install approved landscaping and truck in water from a non City water source. The applicant is hereby required to defer installation of landscaping, except for erosion control purposes. The applicant shall provide security equal to 110% of the cost of the landscaping as determined by the Community Development Director to be filed with the City assuring such installation within six months of the treatment plant being on-line. "Security" is cash, certified check, and time certificates of deposit, assignment of a savings account and written right of access to the property, 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 six-month period once the water treatment plant is on-line 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. Bonding for landscaping is required prior to issuance of Building Permits.

4. Final construction plans shall be reviewed and approved by the Planning Director, City Engineer, the Tualatin Valley Fire and Rescue District, and the City Building Official prior to the project's construction.
5. The applicant is required to change the dry cast employees work hours from 7:30 am - 4:30 pm to 6:30 am - 3:30 pm to reduce the PM peak hour trip count by one, thus creating a de minimis traffic impact under Ordinance No. 463. A letter of commitment from the applicant is required to satisfy this requirement. A maximum of three PM peak hour trips through the Wilsonville Road interchange is approved by this action.
6. The applicant shall obtain a Type 'C' Tree Removal Permit from the Planning Division prior to removing any trees and site grading. The applicant shall provide a tree-fencing plan, identify all trees to be removed and shall follow the Tree Preservation/Protection specifications provided in the arborist report.
7. Prior to site grading the applicant shall install tree protection fencing with metal "T" posts securely installed into the ground along the drip line of the trees shown for preservation. The fence shall remain in place during the entire construction period.
8. Prior to grading, the delineated wetlands boundary (to the south and west) shall be surveyed and staked and a 4' fence with metal "T" posts installed 25' offset from the staked boundary. This fence shall remain in place during the entire construction period and is required to avoid wetland impacts.
9. To ensure the longevity of all landscaped areas, the applicant shall install a water wise irrigation system. Irrigation plans shall be submitted with the Building Permit drawings and shall be reviewed and approved by the Planning Division for consistency with this approval. Further, landscaping shall be professionally maintained by weeding, pruning and replacing dead plant material as necessary.
10. All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon cans. The landscaping plan shall be planted at such a density so as to provide a minimum of 95% coverage of landscape areas with vegetation, within 3 years time period. Bark mulch and similar materials shall consist of not more than 5% of the total landscape area after the 3-year period.
11. All construction workers' vehicles and job shacks associated with this project shall be parked and located on site.

12. The Stage II Final Plans will expire two years after final approval if substantial development has not occurred on the property within that time unless extended by the DRB for just cause.
13. The applicant shall waive right of remonstrance against any Local Improvement District that may be formed to provide public improvements to serve the subject site. Before the start of construction, a waiver of right to remonstrate shall be completed by the applicant and submitted to the city attorney's office for approval.
14. The applicant shall comply with the conditions of approval provided by the City's Engineering and Building Divisions.
15. The applicant shall remove all invasive vegetation (Himalayan blackberry) in the buffer areas adjacent to the wetlands. **The applicant shall work with staff as to the timing and removal method for removing the invasive vegetation.** (Amended by DRB on 8/13/01)
16. The applicant shall design the detention facility with a more natural configuration. **The applicant shall provide documentation in their permitting process (at time of building permit application) for review and approval.** (Amended by DRB on 8/13/01)
17. The applicant is required to satisfy all applicable requirements of Section 4.172-Floodplain Regulations, as well as federal requirements for developing in the floodplain.
18. The finished elevation of the gravel storage yard shall be above the 100-year floodplain elevation.

RE: *Engineering Division Public Facilities (PF) Conditions of Approval for the proposed Utility Vault Exterior Storage Yard Expansion (01DB03).*

Based on a review of the materials submitted, Staff has prepared the following Conditions of Approval. These conditions are applicable to the subject application; any subsequent modifications may require amendments and/or additions.

At the request of Staff DKS Associates has previously completed a Traffic Impact Analysis dated March 21, 2001.

- PF 1. From the materials submitted, it does not appear that public storm drain; domestic water and sanitary sewer facilities will serve the subject application. However, if such facilities are requested separate engineering drawings reflecting the installation of these public utilities will be required.

No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.

- PF 2. Staff reserves the right to revise/modify the public improvement construction plans and completed street improvements to see if additional modifications or expansion of the site distance onto adjacent streets is required.
- PF 3. All public utility/improvement plans submitted for review shall be based upon a 24"x36" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
- PF 4. Record drawings are to be furnished for all public utility improvements (on 3 mil. Mylar) before the final punch list inspection will be performed.
- PF 5. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at it's cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
- PF 6. Plans submitted for review shall meet the following general format:
- A. Composite Utility Plan
 - B. Detailed Utility Plan and Grading Plan.
 - C. Public utilities/improvements that are not contained within any public street shall be provided a maintenance access acceptable to the City centered in a 15 ft. wide public utility easement and shall be conveyed to the City on its dedication forms.
 - D. Design of any public utility/improvement shall be approved at the time of the issuance of a Public Works Permit.
 - E. All proposed on and off-site utility/improvement shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
 - F. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
 - G. All new public utility/improvements and/or utilities shall be installed underground.
 - H. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering site distance.
 - I. All plans, specifications, calculations, etc., prepared in association with the proposed project shall be prepared by a Registered Professional Engineer of the State of Oregon.
 - J. Erosion Control Plan that conforms to the current edition of the Unified Sewerage Agency of Washington County "Prevention and Sediment Control Plans Technical Guidance Handbook."
 - K. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- PF 7. The applicant will install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public utilities and building improvements until such time as approved permanent vegetative materials have been installed.
- PF 8. If required, the project shall install a manhole at each connection point to the public storm system (with City approved energy dissipaters and pollution control devices) and the sanitary sewer system.
- PF 9. To lessen the impact of the proposed project on the downstream storm drain system, and adjacent properties, project run-off from the site shall be detained and limited to the difference between a

developed 25-year storm and an undeveloped 25-year storm. The detention and outfall facilities shall be designed and constructed in conformance with Ordinance 515.

- PF10. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation and public water systems.
- PF11. The applicant shall obtain written approval from the appropriate source to construct any utilities or improvements within easement areas.
- PF12. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer.
- PF13. Along the proposed west property line, the applicant shall dedicate 32-feet of right-of-way and a 6-foot wide public utility easement for the future extension of Kinsman Road to the City.
- PF14. The applicant shall waive their right to remonstrate against the formation of a local improvement district for the future construction of a 48-foot wide curb-to-curb concrete street improvement (including off-set sidewalks, street lights and on-street bike lanes) along Kinsman Road and shall participate in such LID formation. **The waiver shall be submitted to the City Attorney for review and approval and shall be recorded if possible with Clackamas County and the City Lien Docket. (Amended by DRB on 8/13/01)**
- PF15. At the request of Staff, DKS completed a traffic impact analysis dated March 21, 2001. The project is hereby limited to no more than the following impacts.

New P.M. peak hour trips	6
Trips through Wilsonville Road Interchange Area*	4

*Staff considers a value of 3 or less as de minimus, therefore the Applicant shall take the necessary measures (i.e. increase the use of public transportation or limit travel during the p.m. peak hour etc.) to mitigate the remaining p.m. peak hour trip.

Building Department Conditions of Approval

- 1. The proposed Water Quality Facility, which is located in the flood plain, shall have an approved maintenance plan submitted for review & approval. Such maintenance plan shall be recorded on the property deed with Clackamas County. **The approved maintenance agreement (rather than plan) shall be submitted for review and approval by the City Attorney. (Amended by DRB on 8/13/01)**
- 2. The proposed fill located in the flood plain shall be accompanied with an equal cut, which is also located in the flood plain. This requirement must be provided with justifiable calculations meeting the balance cut and fill requirement. If such cut is located as part of the Water Quality and Detention Facility, the cut shall occur below the required detention to accommodate this requirement.
- 3. The Water Quality Facility shall meet the design criteria located in the City of Wilsonville Public Works Standards.

4. The engineer shall clearly locate the 100-Year Flood Plain on the final plans submitted to the city for review and approval.

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. Staff Report, Findings and Conditions of Approval (Planning, Building, and Engineering)
- B. City of Wilsonville Comprehensive Plan.
- C. Chapter 4 of the Wilsonville Code.
- D. Applicant's Submittal Documents
- E. Wetland Delineation prepared by EnviroScience
- F. Arborist Report prepared by Tree Care and Landscapes Unlimited
- G. DKS Traffic Report
- H. Memo from Greg Blefgen of VLMK dated August 2, 2001

- I. **Memo from Utility Vault dated August 13, 2001 and two colored Photographs of the site**