

CITY COUNCIL
RESOLUTION NO. 492

A RESOLUTION ADOPTING FINDINGS REGARDING THE APPEAL OF PLANNING COMMISSION ACTION ON RESOLUTION 85PC3, AND APPROVING WITH CONDITIONS, THE PROPOSED PRELIMINARY PLAT FOR WHEATLAND SUBDIVISION, A REPLAT OF WILLAMETTE VILLAGE BLOCKS 1-3 (PHASE D), AND INITIATING VACATION PROCEDURES FOR WILLAMETTE VILLAGE BLOCKS 1-3 (PHASE D), D. E. ANDERSON, 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(4) and 4.139(1), (2) and (3) of the Wilsonville Code, and

WHEREAS, the Planning Director has prepared a report on the above-captioned subject which is attached hereto as Exhibit 4, and

WHEREAS, said planning exhibits and staff report were duly considered by the Planning Commission at a regularly scheduled meeting conducted on April 8, 1985, at which time said exhibits, together with public testimony, were entered into the public record, and

WHEREAS, the Commission duly considered the subject and the recommendation(s) contained in the staff report, but failed to take action as a result of a 2 to 2 tie vote, and

WHEREAS, the applicant filed an Appeal, together with appropriate Appeal fee on April 12, 1985, and

WHEREAS, the City Council duly held a de novo public hearing on the matter, at a regularly scheduled meeting conducted on June 3, 1985, at which time they considered a report prepared by the Planning Director on the above-captioned subject which is attached hereto as Exhibit B, and

WHEREAS, said report and planning exhibits, together with findings and public testimony, were entered into the public record, and

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


NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit A, with the findings, recommendation(s) and conditions of approval contained therein and further authorizes the Planning Director to issue a:

Site Development Permit
Subdivision Permit

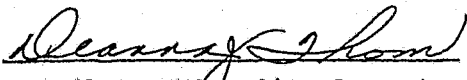
consistent with said recommendation(s).

BE IT FURTHER RESOLVED that the Council directs the City Recorder to initiate the required Notice for Vacation of the Willamette Village Plat and prepare an ordinance for Council action on the matter.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 3rd day of June, 1985, and filed with the Wilsonville City Recorder this same day.


A. G. MEYER, Mayor

Attest:


DEANNA J. THOM, City Recorder

FINDINGS

The following Findings are hereby adopted by the CITY COUNCIL and entered into the public record in consideration of the application as submitted in conformance with the City's Comprehensive Plan and Zoning Regulations.

RESIDENTIAL DEVELOPMENTS

RA1, R, PDR

			Code Compliance		
	Required	Proposed	Yes	No, see additional Finding no.	
A. Land Use					
Zoning	<u>(78R215 + 78PC7) PHASE D 153 UNITS</u>	<u>118 LOTS</u>	<input type="radio"/>	<input checked="" type="radio"/>	<u>A1</u>
Comprehensive Plan Designation	<u>RES. 7-12 du/ac</u>	<u>RES. 7.05 du/ac.</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u> </u>
B. Land and Building Improvements					
1. Lot size					
<u>MASTER PLAN</u>					
A. Total site area (acreage)	<u>16.72 ac.</u>	<u>16.72 ac</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u> </u>
B. Lot sizes (Duplexes + Multi-plexes)	<u>8000 sq. ft.</u>	<u>9000 sq. ft.</u>	<input type="radio"/>	<input checked="" type="radio"/>	<u>B1B1</u>
Average lot size	<u>8000 sq. ft. Plus</u>	<u>4250 sq. ft.</u>	<input type="radio"/>	<input checked="" type="radio"/>	<u>B1B1</u>
C. Density (units/acre)	<u>9.15/du/ac.</u>	<u>7.05/du/ac.</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u> </u>
2. Lot coverage					
A. Dwellings	<u>25 %</u>	<u>25 %</u>	<u>NA</u>	<u>sf.</u>	<input checked="" type="radio"/>
B. All buildings	<u>30 %</u>	<u>30 %</u>	<u>NA</u>	<u>sf.</u>	<input checked="" type="radio"/>
C. Parking/paved	<u>NA %</u>	<u>NA %</u>	<u>NA</u>	<u>sf.</u>	<input checked="" type="radio"/>
D. Landscaping					
1. Total site area	<u> </u> %	<u> </u> %	<u> </u>	<u>sf.</u>	<input type="radio"/>
2. Parking area	<u>NA %</u>	<u>NA %</u>	<u> </u>	<u>sf.</u>	<input checked="" type="radio"/>
3. Outdoor living area	<u>25 %</u>	<u>NOT SHOWN</u>	<u> </u>	<u>sf.</u>	<input checked="" type="radio"/>
4. Screening/buffering	<u>NA</u>	<u>NA</u>	<u> </u>	<u> </u>	<input checked="" type="radio"/>
5. Irrigation system	<u>NA</u>	<u>NA</u>	<u> </u>	<u> </u>	<input checked="" type="radio"/>
3. Building setbacks					
Front	<u>15-25</u>	<u>ft.</u>	<u>15-20</u>	<u>ft.</u>	<input checked="" type="radio"/>
R side	<u>5-7</u>	<u>ft.</u>	<u>0-4</u>	<u>ft.</u>	<input type="radio"/>
L side	<u>5-7</u>	<u>ft.</u>	<u>0-4</u>	<u>ft.</u>	<input type="radio"/>
Rear	<u>15-25</u>	<u>ft.</u>	<u>15</u>	<u>ft.</u>	<input checked="" type="radio"/>
4. Building height					
	<u>35 ft 2.5 str.</u>	<u>ft 2 str.</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u> </u>
5. Off-street parking					
A. Standard (9'x18')	<u>2/UNIT</u>	<u>2/UNIT</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u> </u>
Compact (8½'x17') (30% over 10 allowed)	<u>NA</u>	<u>NA</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>NA</u>
Handicapped (12'x18') (1 to 50 required) publicly funded	<u>NA</u>	<u>NA</u>	<input checked="" type="radio"/>	<input type="radio"/>	<u>NA</u>

B. Traffic Impact Analysis

Name	Existing Capacity	Existing Volumes	Phase One	Level of Service	All Phases	See Addl. Finding #		
						Yes	No	
<u>Wilsonville Rd.</u>	<u>10,000</u>	<u>4000</u>	<u>826</u>	<u>A</u>	<u>-</u>	<input checked="" type="radio"/>	<input type="radio"/>	_____
<u>Willamette way DR.</u>	<u>7000</u>	<u>693 Max</u>	<u>826</u>	<u>A</u>	<u>-</u>	<input checked="" type="radio"/>	<input type="radio"/>	_____
<u>Wheatland way</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<input type="radio"/>	<input checked="" type="radio"/>	<u>EXH.12</u>
_____	_____	_____	_____	_____	_____	<input type="radio"/>	<input type="radio"/>	_____

C. Proposed streets provide for continuation of existing or proposed principle streets

D. Consistent with minimum street width standards

DID1

E. Conforms to street design standards set forth in Section 4.167 WC

DID1

F. Street names are provided consistent with City and Fire District standards

2. Sidewalk and Pathway Standards

A. Pathways are provided consistent with Pathway Master Plan and design standards (Section 4.168 WC)

D2A1

3. Public water line size _____ distance from site _____

EXH.12

4. Sanitary sewer line size _____ distance from site _____

EXH.12

5. Storm drainage

Drainage basin Seely , Boeckman , Willamette

Number of on-site catch basins _____

Nearest culvert/ditch _____ ft. size culvert/ditch _____ in.

EXH.12

On-site retention Yes No, storage capacity _____ cu.ft.

EXH.12

6. The public facilities existing and proposed improvements comply with the CIP

E. Previous approval actions and applicable Conditions of Approval

1. Zoning None File No. 71R2.15 + 85PC3

2. Design Review None File No. _____

3. Planning Commission None Preliminary, File No. 85PC3

APPEALED

F. Inter-Agency review comments None See Finding No. _____

G. Intra-Agency review comments, including City Engineer and other consultants None See Finding No. EXH.12

H. The findings set forth in Planning Commission Resolution 85PC3 are adopted and incorporated as if set forth herein (see Exhibit 4).

SUPPLEMENTAL FINDINGS

A.1. The Comprehensive Plan density for the site is 7 - 12 dwelling units per acre. The existing zoning is PDR which was established under the Willamette Village Master Plan (Phase D, Exhibits 6 and 7). The existing Phase D plat consists of 34 building lots for 77 - two, three and four-plexes and 76 apartment units. There were also seven open space and garden plot lots resulting in a net density of 9.15 dwelling units per acre. The open space lots and pathways extended through the center of the development and along the north and west boundaries of Phase D (see Exhibit 7).

The new proposed Wheatland plat is for 118 single-family lots with no common open space areas. The net density would be 7.05 units per acre. This plat would further require vacation of the existing Phase D plat.

The Council finds the Wheatland plat to represent a lowering of density from the original proposal. It further results in a shift of open space from common to individual ownership. The net density, however, is within the range set by the Comprehensive Plan. It would, although, reduce the total planned housing stock by 35 units. This is, however, not considered to create a significant impact on housing opportunities within the City nor the western geographic area.

B.1.B.1. The original Phase D lotting pattern was designed to accommodate duplexes, triplexes, fourplexes and apartments. Duplex lots were set at 8,000 plus square feet, with 3,000 square feet per unit for triplexes and fourplexes. The apartment lots allowed for 2,250 square feet per unit.

The Wheatland plat proposes all single-family lots of approximately 5,000 square feet. The smallest lots would be 4,250 square feet. This represents a change from the existing plat and further represents a variance from the "R" zone standards which specify a minimum 5,000 square foot lot for single-family.

The applicant has not presented specific justification as set forth in Section 4.140(2) WC for such a change of use. However, the Council does find that such a change would be allowed under the PDR zoning for the site. The reduced lot sizes could also be permitted as a waiver under the PDR regulations.

2.D.1.A. Large landscaped areas would be reduced by the changed lotting pattern. It would further shift from common area to individual lots. The exact area or percentages of change have not been calculated, so it is not possible to determine the net effect of the change. Further, within PDR developments, a minimum of 25% of the site must be devoted to outdoor living area. These calculations were not made. However, the typical lot and building layouts provided by the applicant indicate that, at

least, 50% of the lots would be open. The primary difference is the outdoor space would shift from common lots to individual lots. It has further been suggested by the applicant that Wood School is across the street, thus providing additional open and recreational space.

The Council finds the proposed changes to be consistent with the Comprehensive Plan and PDR zoning regulations.

- B.3.A. The standard side yard setbacks are five feet for single-story and seven feet for two-story units. The applicant proposes to allow "0" lot line placement with an eight-foot building separation. This would allow for shifting buildings on the lots without reference to a lot line, while maintaining adequate building separation. This type of development pattern is innovative and allowable within the PDR regulations.

The Council further finds Section 4.167(1)(F) 2 WC requires a minimum arterial street setback of 55 feet from centerline or 25 feet from right-of-way, whichever is greater. This setback is not specifically addressed in the Wheatland plat adjacent to Wilsonville Road. This could, however, be addressed by designating setbacks on the final plat.

- D.1.D.1. The proposed street designs are substandard relative to right-of-way width. However, based on discussion with the Planning Commission, the applicant has agreed to provide standard 32-foot pavement widths on all streets with sidewalks on Harvest Way or Wheatland Way. Thus, street capacity is provided with utilities provided for via 10-foot front yard easements.
- D.2.A.1. The standard street design includes sidewalks on both sides of the street. The applicant proposes to provide sidewalks only along the collector streets (Harvest Way and Wheatland Way). The cul-de-sacs would not have sidewalks. The Planning Commission found this design to be adequate, given the short lengths of the cul-de-sacs.

CONCLUSIONARY FINDINGS

Yes No, see Finding No.

- A. The location, design, size and uses as a whole are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council. _____

- B. That the location, design, size and uses are such that traffic generated by the development can be accomodated safely and without congestion in excess of level service D defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. _____

- C. That the location, design, size and uses are such that the residents to be accomodated will be adequately served by existing or immediately planned facilities and services. _____
 - 1. The applicant shall meet all the public facility requirements as specified in the attached Memo from Larry Blanchard, Public Works Director, dated April 5, 1985.
 - 2. The applicant shall vacate the existing plat in place on the site which was previously approved by the City. Willametteway Drive, which is included in that plat, shall not be vacated.
 - 3. The intersection of "Wheatland Way" and Wilsonville Road shall be revised to line up with the school access on the north side of Wilsonville Road, as recommended by the Public Works Director.
 - 4. The applicant shall increase the streets to meet the CIP pavement standards as indicated in the Memo from Larry Blanchard, Public Works Director. They further shall be public streets.
 - 5. Sidewalks shall be provided on both sides of Harvest Way and Wheatland Way. Sidewalks shall not be required in the cul-de-sacs. Sidewalks shall be on the east side of Willamette Way Drive, only to the extent of Wheatland boundary.
 - 6. At a minimum, public utility easements shall be provided as follows:
 - A. 10 feet along the pavement of all streets.
 - B. Where necessary, in addition to A, where utilities are located away from the 10-foot street side areas.
 - 7. A reserve strip shall be provided at the east end of "Harvest Way".

8. Where access is below 35 feet on a cul-de-sac, access shall be combined on adjacent lots and curb cuts shall be shown on the plat. When accesses are combined, the curb cut shall be no wider than 30 feet.
9. A planting screen easement as specified in Section 4.244(3) shall be provided along Wilsonville Road and access from individual lots onto Wilsonville Road shall be prohibited.
10. Any reduced setbacks, below those normally allowed by the Code, shall be shown on the plat as building envelopes.
11. Public land dedications shall be done for:
 - A. Street rights-of-way
 - B. Public utility easements
 - C. A reserve strip at the east end of "Harvest Way".
12. The plat shall be submitted for Design Review Board review for Street Tree Plans.
13. The applicant shall meet all requirements as specified by the Tualatin Rural Fire Protection District.
14. The final plat shall be prepared in conformance with the Wilsonville Code and ORS.
15. No access from individual lots shall be permitted to Morey Lane and that a fence be constructed by Wheatland to prevent that access.

EXHIBITS

The following Exhibits are hereby entered into the public record by the City Council as confirmation of its consideration of the Appeal as presented.

- A. Findings Report prepared by the Planning Director for City Council action on the Appeal of the Planning Commission's action on Resolution 85PC3.
 1. City of Wilsonville Comprehensive Plan.
 2. Chapter 4 of the Wilsonville Code.
 3. Applicant's submittal documents.
 4. Planning Commission Resolution 85PC3 and their administrative record thereof.
 5. Minutes of Planning Commission meeting on April 8, 1985.
 6. Planning Commission Resolution and City Council Order approving Stage III.
 7. Final Plat approval for Phases A and D, Willamette Village, including Master Plan and Phase D Final Plat.
 8. Letters from Appellant, Daniel Anderson, dated April 12, and May 1, 1985.
 9. Appeal procedures and Review Body Decision Criteria, Section 4.017 WC.
 10. Summary of time limitation for final action.
 11. ORS 92.205 - 92.245.
 12. Public Works Director's Report, dated April 5, 1985.



PLANNING DEPARTMENT

SUMMARY STAFF REPORT

TO: City Council

DATE: May 28, 1985

SUBJECT: Appeal of Planning Commission action denying Preliminary Plat for Wheatland replat of Willamette Village, Block 1-3, Resolution 85PC3.

MEETING DATE: June 3, 1985

ACTION REQUIRED: Adopt findings in consideration of Commission's procedures and action, together with Appellant's and others' testimony, and take final action to uphold, reverse or remand the Commission's decision.

PREVIOUS ACTION TAKEN:

1. Willamette Village Zoning and Master Plan was initiated in October, 1971 (71RZ15). Following several hearings and appeals, a final plat for Phases A and D was approved August 29 and September 18, 1978, respectively, Exhibit 6.
2. Planning Commission reviewed a modified Preliminary Plat (Wheatland) and, subsequently denied the Plat on a 2 to 2 vote, on April 8, 1985 (85PC3), Exhibit 4.
3. On April 12, 1985, the applicant, Dan Anderson, filed an Appeal of the Commission's denial.

SUMMARY OF ISSUES

1. On April 12, 1985, the applicant filed an Appeal of the Commission's denial. The Appeal contends that the Commission's tie vote resulted in a denial without adoption of findings to support the action taken. The applicant further states a belief that the proposed Plat meets the intent of the Comprehensive Plan and Planned Development Regulations.

Thus, a request for approval through a de novo hearing by the Council is being sought by the Appellant.

2. On May 6, 1985, the City Council set a public hearing date to consider the Appeal. In setting the hearing date, the Council further declared that they would hold the hearing de novo.

Therefore, new or additional testimony may be given. Such new testimony must be considered by the Council, together with that received by the Commission. The Council's final action must be supported by their own set of findings, which may include those of the Commission and/or Staff.

The Appeal procedures and Review Body Decision Criteria (Section 4.017 WC) are attached hereto as Exhibit 9. Also attached as Exhibit 10 is a summary of the time limitations (120 days) for final action.

3. There is an existing recorded plat for the subject property. Therefore, this plat must be vacated, by Ordinance, prior to filing of the proposed replat. The procedures for review, revision or replatting of an undeveloped subdivision are set forth in ORS 92.205 - 92.245, attached hereto as Exhibit II.

The Minutes of the April 8, 1985, hearing reflect that testimony was given questioning the change from apartments to small-lot single-family. This is the opposite of the issue raised in the Ash Meadows Phase 2 Appeal.

Other issues raised in testimony and the Staff Report related to Code variances or waivers of the standards, e.g., lot width, right-of-way width, sidewalks, setbacks, etc.

These issues were all discussed by the Commission. However, because of the manner in which action occurred, there were no findings or conclusions adopted. In this case, the Commission failed to pass a motion to approve by a tie vote of 2 to 2. No subsequent motion was made, so essentially the Commission failed to take any final action and adopt findings.

Given this circumstance, the Council could open discussion on simply remanding the entire matter to the Commission for appropriate adoption of findings and final decision. If the Council elects to take such action, it should do so prior to opening a de novo hearing on the Appeal. In this case, Council could open discussion and limit comments by interested parties solely to the issue of direct remand. The Council would then vote to remand with specific direction to the Commission on taking final action, or to not remand and open a de novo hearing.

It is strongly recommended that the Council not mix these two actions. You should take one direction or the other.

In making such a decision, the Council must consider the following issues:

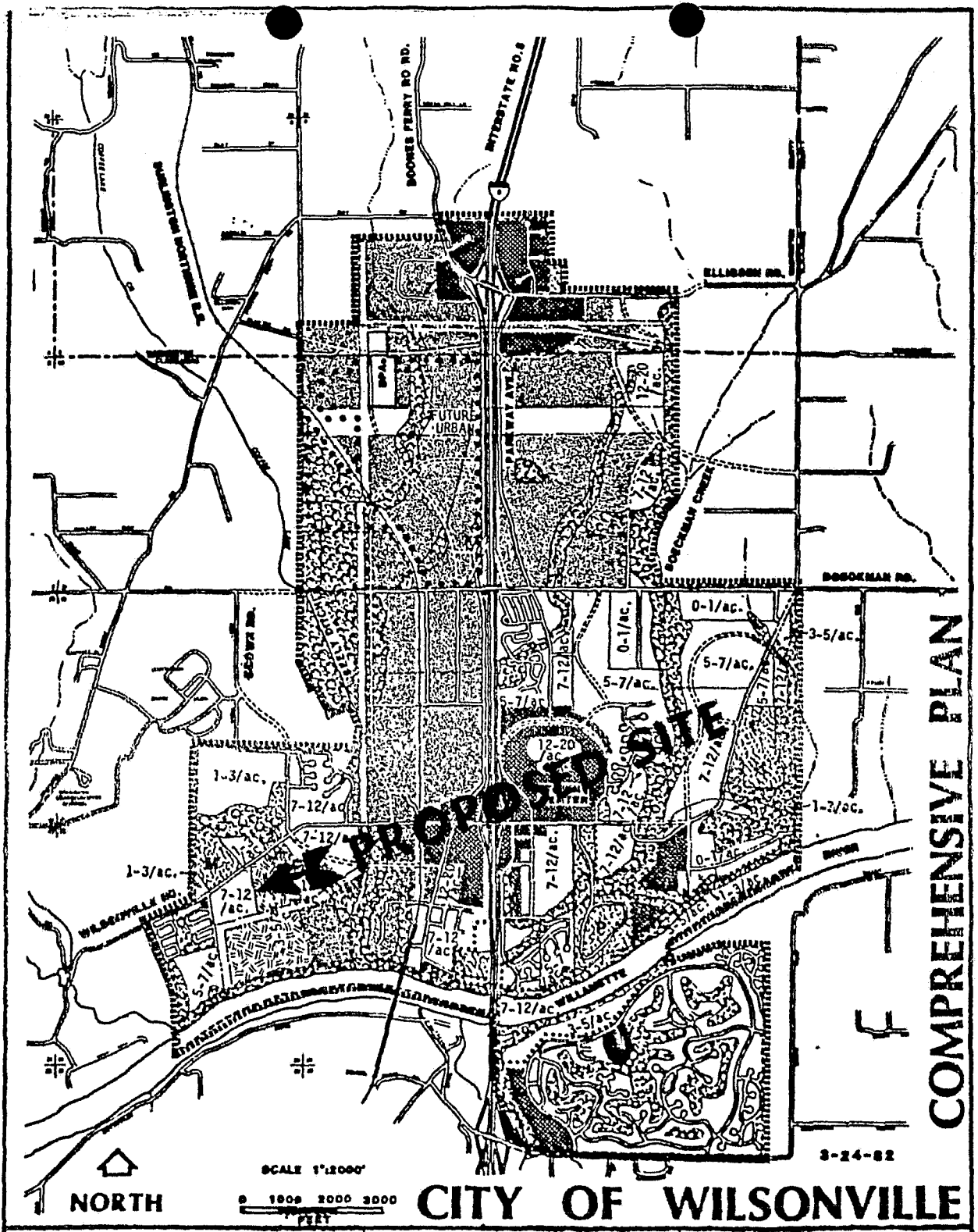
- A. The Planning Commission holds the primary responsibility and authority for making quasi-judicial land use decisions. In the instant application, they failed to take proper action, therefore, they should rehear the matter and follow proper procedures. This would include holding a new hearing and addressing all elements of the Code and PDR Master Plan currently in effect, i.e., change of use per Section 4.140(2)(c) WC. It would also entail adopting specific findings and conclusions. Further, in the case of a subsequent tie vote, then there should be findings adopted in support of those in support and conversely for those in opposition of the approval.
- B. The current Council is less familiar with the details of the Comprehensive Plan, Development Code and the original Willamette Village Master Plan than the Planning Commission. Therefore, they may be more comfortable leaving such land use decisions to the Commission.

- C. The applicant has a right to a decision in a reasonable period of time. This was the thinking of the Oregon Legislature when it adopted the requirement for making land use decisions within 120 days of application.

This application was submitted in February, however, it was not considered complete until March 15. Nevertheless, we are approaching three months' review time on this project. Further, if this matter is remanded, because of notice requirements it could not be placed on a regular Commission Agenda until July 8. Thus, in order to expedite review, a Special Commission meeting might be necessary in June. This is particularly true in considering time for any subsequent Appeal, since the 120-day limit occurs on July 23.

- D. The Council has authority on an Appeal to circumvent normal government process policy such as Planning Commission review when it considers it to be in the best interest of the public. In such a case, the Council could consider timely action on the application more pressing and appropriate than the normal land use review process. If so, the Council could open the de novo hearing on the matter and take final action in place of the Commission and adopt your own set of findings. These would then be transmitted to the Commission for their reference.
4. This Report presents the alternative actions available to the Council. It does not, however, presuppose the action the Council might take.

Therefore, attached are two separate Resolutions for your consideration and action. The first Resolution (tan) is for a direct remand to the Commission. The second Resolution (buff) is for adoption of findings and approval of the application with conditions.



COMPREHENSIVE PLAN

CITY OF WILSONVILLE

<p>0 to 20 RESIDENTIAL (dwelling units per acre)</p> <p>COMMERCIAL</p> <p>INDUSTRIAL PARK</p> <p>OPEN SPACE (all open space is not shown on map - see plan text)</p> <p>CONTINUING AGRICULTURE (future conversion density)</p>	<p>PUBLIC LANDS</p> <p>----- CITY LIMITS</p> <p>P - PARKS</p> <p>E - ELEMENTARY SCHOOL</p> <p>M - MIDDLE SCHOOL</p> <p>H - HIGH SCHOOL</p>	<p>----- POWER LINE EASEMENTS</p> <p>..... WILLAMETTE RIVER GREENWAY BOUNDARY</p> <p>----- PROPOSED STREETS</p> <p>----- URBAN GROWTH BOUNDARY</p> <p>..... FUTURE URBAN GROWTH BOUNDARY</p>
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CITY OF



PLANNING DEPARTMENT
SUMMARY STAFF REPORT

TO: Planning Commission

DATE: March 1, 1985

SUBJECT: Review of Preliminary Plan for replat of Willamette Village,
Blocks 1, 2 and 3 (proposed to be renamed Wheatland)

MEETING DATE: March 11, 1985

ACTION REQUIRED: Continuance of public hearing to April 8 meeting for
actual review of the Preliminary Plat.

PREVIOUS ACTION TAKEN: This property has been the subject of a number
of previous review processes by the City of Wilsonville and two appeals of
the resulting decisions. The conclusion of these actions resulted in the
approval of the existing plat titled "Willamette Village", Blocks 1, 2 and
3 (see Exhibit

CONCLUSIONARY FINDINGS: Insufficient information has been submitted to
prepare a thorough evaluation of the proposed
Preliminary Plat.

RECOMMENDATION: Continue the public hearing to the next meeting to allow
for possible revisions based on Planning Commission
direction and more thorough evaluation based on submittal
of additional information as specified in the attached
"Submittal Requirements Checklist."

MEMORANDUM

TO: PLANNING COMMISSION
FROM: SHARON KELLY-MEYER, SENIOR PLANNER
DATE: MARCH 7, 1985
RE: PROPOSED REPLAT OF WILLAMETTE VILLAGE (REVIEW OF WHEATLAND
PRELIMINARY REPLAT)

The applicant has submitted a plan for the replatting of Blocks 1, 2 and 3 of Willamette Village. The proposed plan raises several issues that the staff feels warrant some discussion by the Planning Commission prior to additional work on the Preliminary replat. The purpose here is to outline some of these issues and present some of the problems in order to stimulate discussion and solicit direction from the Planning Commission. Following is a brief list of some of these issues and a brief discussion of the Staff concerns.

1. Lot Size - The proposed Plan includes a number of lots that are sized below the minimum 5,000 square feet, as allowed on the site. Some lots are as small as 85' x 50', or a total of 4,250 square feet. There is flexibility allowed in the minimum lot size through the Planned Development Regulations (Section 4.130 WC), which could allow lots below the minimum lot size, "To take advantage of advances in technology, architectural design, and functional land use design."

The problem with reducing the lot sizes down below the minimum lot size is that it often becomes very difficult to fit a house on the lot while maintaining the necessary yard setbacks, lot coverage, parking, etc. Also often when you create small, odd-shaped lots for the purpose of economy, you end up having to design a custom house to fit on the lot. This defeats the purpose of the economy of the small lot. In order for the Planning Commission to effectively evaluate this issue, it would be helpful for the applicant to submit some sample plot plans for a composite area in the development, showing how, for example, development could occur in an area such as on lots 4 through 14.

2. Street Standards - The streets as shown on the proposed plan are described as "Road right-of-way and Improvement 30 feet" with "all lots to have 10'0" easements for utilities, front and rear." At a minimum, according to the

"Functional Classification Street Standards," the street (no name) running east-west through the development would be classified as a local residential (B) or possibly a residential collector (C). These have minimum right-of-way widths of 52 feet and 60 feet respectively, and would include room for the utilities within the right-of-way. The other streets (also no names) ending in cul-de-sacs on the proposed plan would be classified as cul-de-sacs (A) and would require a 50 foot right-of-way. The major difference, according to the Wilsonville Code, is the utilities would be in the public right-of-way instead of the front and rear yards, and the houses would be set back a minimum of 15 feet from the sidewalk and 25 feet from the street curb, instead of a minimum of 15 feet from the street curb with the sidewalk in between, if there is a sidewalk.

3. Setback Variances - The proposed plan specifies building setbacks as follows:

- A. Side yard - 4'0".
- B. Side yard 0" lot line with 8' easement to adjacent structure.
- C. Rear yard - 15'0".
- D. Front yard - 15'0" - 20'0" to garage.

The Code specifies setbacks as follows:

- Minimum front yard setback - 15 feet.
- Minimum rear yard setback - 15 feet.
- Minimum side yard setback - 5' single-story and 7' two stories

There is not a particular problem with allowing the side yard, 0" lot line setbacks in conformance with the Building Code requirements provided that the applicant specify where on the proposed Plan these setbacks would be utilized. This could be accomplished through showing building envelopes on the Plan Map.

4. Lot Dimension Variances - The proposed Plan includes a number of lots that fall below the minimum lot dimensional standards (Section 4.121(7)(c)). The Code specifies the following standards:

1. Minimum lot width at building line - 60 feet
2. Minimum street frontage - 50 feet - may be reduced to 35 feet when fronting a cul-de-sac, and

3. Minimum lot depth - 75 feet.

Almost every single lot in the proposed Plan does not meet one or more of these standards.

5. Section 4.121(c)8 WC specifies a maximum lot coverage of 25% for all dwelling units and 30% for all buildings. Although the proposed Plan does not specify what the lot coverage will be, it is hard to envision many of these lots with houses and not more than 25% - 30% lot coverage.
6. Section 4.167(1)F.2 WC states that "in order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater." Many of the lots on the north end of the development as proposed will be very difficult to build on and meet this requirement (i.e., lots 47, 48, 77 and 78).

There are a number of other details that will need to be discussed relating to the review of this proposed Plan. We will proceed with the actual Preliminary Plat review upon receipt of additional information from the applicant (as outlined in the attached Submittal Requirements Checklist) and direction from the Planning Commission on these issues outlined above.

In closing, let me remind you that the Planning Commission does have authority through the Planned Development Regulations to allow flexibility of the standards in the Code. However, the question I am raising here is how far does that flexibility go, and at what point should we re-evaluate the standards themselves.

CITY OF WILSONVILLE
SUBMITTAL REQUIREMENTS CHECKLIST
PRELIMINARY SUBDIVISION PLAT

The purpose of the Preliminary Plat is to present an early study of the proposed subdivision to the Planning Commission and to receive its approval or recommendations for revisions before preparation of a final plat. The design and layout of this Plan shall meet the guidelines and requirements set forth in Sections 4.240 to 4.244 of the Wilsonville Code. The Preliminary Plan shall be submitted to the Planning Department as follows:

Application Procedure:

1. Pre-application conference. Prior to submission of a preliminary plat, a person proposing to subdivide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.008(3).

The Planning staff shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Master Plan, existing and proposed streets, roads and public utilities. On reaching conclusions informally as recommended regarding the general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in the preliminary plat.

2. The preliminary plat shall be prepared by an Oregon licensed, professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal, which shall include:

- A. Application form completed and signed by the owner of the land or a letter of authorization signed by the owner.
- B. Preliminary subdivision fees.
- C. Ten (10) copies and one (1) sepia or suitable reproducible tracing of the preliminary plat shall be submitted with the application. Preferred paper size is 18" x 24".
- D. Name of the subdivision. This name must not duplicate or resemble the name of any other subdivision in Clackamas or Washington County. Name may be checked through the county offices.
- E. Names, address and telephone numbers of the owners or subdividers, and engineer or surveyor.

- F. Date, northpoint and scale of drawing.
- G. Location of the subdivision by section, township and range.
- H. Legal road access to subdivision shall be indicated as City, County or Public Roads.
- I. Vicinity map showing the relationship to the nearest major highway or street.
- J. Lots: Approximate dimensions of all lots, minimum lot size, and proposed lot and block numbers.
- K. Gross acreage in proposed plat.
- L. Proposed uses of the property, including sites, if any, for multi-family dwellings, shopping centers, churches, industries, parks and playgrounds or other public or semi-public uses.
- M. Existing uses of the property, including location and use of all existing structures and their disposition.
- N. Existing zoning of the property.
- O. Water: State the source of the domestic water supply.
- P. Method of sewage disposal proposed.
- Q. Drainage statement: Water courses on and abutting the property. Approximate location of areas subject to inundation by storm water overflow, or all areas covered by water, and the appropriate location, width, and direction of flow of all water courses. Direction of drainage on proposed streets shall be indicated.
- R. Ground elevations as specified in 4.008(4)WC.
- S. Streets: Location, name, width, surface conditions, alleys, gradient and corner curb radii shall be indicated on an abutting tract.
- T. Improvements: Statement of the subdivision improvements to be made or installed including streets, sidewalks, lighting, tree planting, and times such improvements are to be made or completed.
- U. Utilities such as electrical, gas, telephone, on and abutting the tract.
- V. Easement: Approximate width, location and purpose of all existing easements on, and known easements abutting the tract.

- (W) Deed Restrictions: Outline and proposed Deed restrictions, if any.
- (R) Written Statement: Information which is not practical to be shown on the maps may be shown in separate statements accompanying the preliminary plat.
- ✓ Y. If the subdivision is to be a "Planned Development" a copy of the homeowners association by-laws must be submitted at the time of preliminary submission. The plat shall be considered as the Stage I Preliminary Plan.
- ✓ Z. Any plat bordering a stream or river shall indicate areas subject to flooding and shall comply with the provisions of Section 4.162.

3. Approval of Preliminary Plat:

- A. Consideration of Preliminary Plat. The Planning Commission shall consider the preliminary plat and the reports of the Health Department and the City Engineer at a regular Planning Commission meeting no more than sixty (60) days after preliminary plat application has been accepted by the City. The preliminary plat shall be approved by a majority of a quorum of the Planning Commission if the Planning Commission determines that the preliminary plat conforms in all respects to the requirements of Sections 4.200 to 4.280.
- B. The Commission shall, by Resolution, adopt its decision, together with findings and a list of all Conditions of Approval or required changes to be reflected on the Final Plat.
- C. Effect of Approval. After such approval of the preliminary plat, the subdivider may proceed with final surveying, subdivision construction and preparation of the final plat. Approval shall be effective for a period of two (2) years, and if the final plat is not submitted to the Commission within such time, the preliminary plat shall be submitted again and the entire procedure shall be repeated for consideration of any changed conditions which may exist.

4. Final platting shall be administratively reviewed in accordance with Section 4.220 WC.

Application Complete yes no, if not complete, all items marked by a (RED) circle in the column, must be submitted prior to further processing of this application.

Sharon Kelly-Wiemers 7/20/85
 Planning Director Date

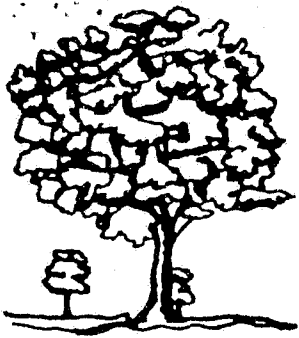
Submittal deadline for 7/28 meeting is July 15.

SW 1/4 NE 1/4 SEC. 22 T. 3S. R. 1W. W.M.
CLACKAMAS COUNTY
1" = 100'

SEE MAP 3 IW 22



SEE MAP 3 IW 22



Russell L. Guiss, M.D.
10925 S.W. Wilsonville Road
Wilsonville, Oregon 97070
(503) 682-1541

RECEIVED
MAR 7 1985
CITY OF WILSONVILLE

March 6, 1985

Wilsonville Planning Committee
30000 S. W. Town Center Loop E
P. O. Box 220
Wilsonville, OR 97070

Dear Member,

This letter refers to the Wheatland sub-division, a 118 lot proposal which is located south of the I. R. Wood School and Guiss property. Very limited information was available concerning this sub-division when I visited City Hall on March 4, 1985. I asked a number of questions which could not be answered by the sketchy plans submitted.

We should be considered as in opposition unless the following three or four questions can be satisfactorily resolved.

1. It has been promised, by City representatives, that any construction in this region would not be started without completion of a storm water drainage line to be constructed between this area, and to run along the south side of Wilsonville Road to connect with drainage lines at the entrance to the Oakleaf Park Mobile Home Park.

It would also be anticipated that the storm water drainage system at the I. R. Wood School would be connected to this line as previously designed.

2. The lack of specificity as to set backs of the housing units on the lots. It sounds like row housing with adjoining lot owners sharing a single wall between two homes!

Are side walks planned, or are the children walking to school expected to walk in the ~~roads~~ roads? With the minimal set backs, would the front of the houses abut on the side walks?

3. The Wheatland sub-division is an entirely new plan as compared to the "Wilcox" proposal. I would question

Wilsonville Planning Commission

March 6, 1985 - Page 2

whether the density approved in the previous plan should be valid for single family dwellings as now proposed.

There is really no logic or justification for this sub-division which is contiguous with the Fox Chase I area to have a higher density. I was told by one of the senior planners that, in a sub-division, the absence of open space is ignored or not required?

4. The widths of the roads (I am told) are 30 feet. Is this up to City code? The cul de sacs at the ends of the dead end streets appear to have lots with a frontage of +/- 22 feet. How do driveways function? And is parking and congestion likely to occur in these dead end streets?

Could access by emergency vehicles be maintained?

Respectfully submitted,

Russell L. Guiss

Norma M. Guiss

Russell L. Guiss

Norma M. Guiss

RLG/bcw

would require the inclusion of land which is shown as open space on the City's Comprehensive Plan, and

2. The lotting pattern which is shown on the proposed plat, while in compliance with the minimum lot size requirements of the Comp Plan, does not provide sufficient buffering to Fox Chase I, which can be required by our PDR Regulations, and

3. Further, that if the applicant decides not to take this to the City Council to have them decide the issue, that it be without prejudice to the right of the developer to come back with a revised plan which addresses similar concerns which the Planning Commission has.

Lew Hendershott seconded the motion.

Arland Andersen asked that Mike Williams add to the motion the following: That the applicant come back to the Planning Commission after a meeting with the residents of Fox Chase I where they set up a Homeowners' Association to do something worthwhile in the area designated as open space.

Mike Williams amended his motion to include the amendment.

The motion was voted on and passed 4-0.

At this point, Chairman Williams noted the Nike Zone Change extension would not take long and suggested the Commission could look at it at this point. He explained that Nike is requesting a two-year extension for their Stage II submittal on Tax Lots 1100 and 1190. There were two conditions placed on it in 1981 - the Boeckman Creek bridge and the I-5 interchange signalization, are either finished or in the process.

Arland Andersen moved to extend another two-year extension until April, 1987. Mike Williams seconded the motion which passed 4-0.

F. Wheatland - Continuation of public hearing from March 11, 1985 - Review of Preliminary Plan for replat of Willamette Village, Blocks 1, 2 and 3.

Sharon Kelly-Meyer presented the staff report noting there are a number of places where this proposal is not consistent with the standards of the Code. She noted the density on this site is 7 to 12 dwelling units per acre. There is an existing plat on this property which included duplex lots and lots for apartments. This proposal is for 118 single-family lots. Approval of this preliminary plat would require that the previous plat be vacated. Willamette Way Drive needs to be retained as it is the access to Fox Chase I.

Kelly-Meyer noted the applicant is proposing 32-foot right-of-way for all streets with 30-foot pavement width and 10-foot utility easements outside the right-of-way, with sidewalks on Harvest Way and Wheatland Way only. The City standard is 52 foot right-of-way with sidewalks and a utility easement in the street right-of-way. The applicant is proposing to add 10-foot utility easements on the outside of the proposed street right-of-way. A reserve strip will be required at the east end of Harvest Way.

Many of the proposed lots do not conform to the standards - minimum width at building line - 60 feet; minimum street frontage 50 feet or 35 feet on a cul-de-sac; minimum lot depth - 75 feet.

The applicant is also asking for waivers for setback requirements for some of the lots. Kelly-Meyer included, as a condition, that they specify exactly where on the plat the setback reductions would be located.

Bill McMonagle, Harris, McMonagle Engineering, went over the conditions in the Staff Report.

1. He felt they did not have a problem with it - they just felt they had a solution different than the City's standard.
2. and 3. No problem with them.
4. Relates to no. 1 which he noted he would address later.
5. No problem.
6. They would like to not build within the cul-de-sac areas.
7. and 8. No problem.
9. and 10. No problem.
11. They preferred to submit either a revised Preliminary Plat or an addendum to staff showing the building envelopes.
12. Relates to nos 1 and 4.
- 13., 14. and 15. No problem.

Returning to no. 1. - Applicant is proposing that Harvest Way and Wheatland Way and the other streets will be built to City standards, curbs and 32 feet of paving, but that they are requesting a reduction of the right-of-way requirement. They will put in a 32-foot street, with two 10-foot easements, one on each side of the street. This will allow the house to be closer to the road with the garage of the structure pushed back so there will still be access to park cars in the driveway and not block the sidewalk and street.

McMonagle presented slides of houses in Washington County, Aloha, Beaverton and Tigard which are built on lots anywhere from 3,200 square feet to 6,000 square feet. He passed out a handout of various plats of the areas involved. He questioned Staff's problem of 35-foot accesses on a cul-de-sac.

Dan Andersen, Beaverton, noted the majority of lots being platted in Washington County are 5,000 square foot lots. He noted the site is designated on the Comprehensive Plan for up to 200 units and they are proposing 118 units. He stated the condo market has not been a success in years. Noted they are upgrading their streets to a 32-foot right-of-way whereas Fox Chase I was approved with 24-foot right-of-ways. They are providing an access for the kids in Fox Chase I to get to Wood school via sidewalks on Harvest Way. He noted the smaller lots are unusual in Wilsonville, but they are not unusual in other cities in this area. He felt that having a house across the street from you was better than having an apartment complex across the street from you, or a condo that won't sell.

Chairman Williams opened the public hearing, asking for proponents. Hearing none, he asked for opponents.

Dr. Russell Guiss stated he felt that putting this many homes into such a small area was leading to a ghetto. He was interested in whether the Planning Commission felt it was legal to allow individual lots to be developed at the density of 7 to 12 units per acre when, in fact, it was first set with an entirely different concept - that of apartments. He expressed concern regarding the request for variances and setbacks and felt there should be some standards on the setbacks and continually making them substandard by granting exceptions would decrease the quality of living in this area. He wondered if duplexes would be permitted. He questioned if the storm drainage line down Wilsonville Road to connect with the Oakleaf Park line was addressed. Sharon Kelly-Meyer replied that Larry Blanchard had made this a Condition of Approval in the Public Works requirements. He again noted he hoped that Planning Commission would be concerned about the quality of living in the area.

Ed Haessler stated the only thing that the people on Morey Lane would like is not to have access from any of the homes onto Morey Lane. The lane is only 12 feet wide and the five people who live on the lane have to maintain the road. He questioned what the reserve strip (street plug) was. Sharon Kelly-Meyer noted it was for control of future street development. Ben Altman explained that if there is a reserve strip there, the City controls future development. Haessler asked that the people on Morey Lane be notified if and when the City decides to do something with the plug.

Linda Rampersaud, 11311 S. W. Churchill, noted she was glad they were proposing single-family homes instead of apartments. She would also like to see all three areas considered as one with standards the same for all three and lot sizes consistent throughout the three areas.

Glenn Ransom, 11284 S. W. Chantilly, noted he would like to see the street plug used as open space to service the needs of the Wheatland Development which could then relieve a little of the demand for the open area in Fox Chase I, II and III. He also questioned the commercial lot in the northwest corner of the Wheatland development. Ben Altman replied that the final adoption by City Council deleted the commercial designation on the east side of Willamette Drive. The only commercial lot is on the west side.

Mike Dempster, 11338 S. W. Chantilly, noted he applauded Marian Wiedemann for her statement about Wilsonville versus Beaverton, Tigard or Tualatin. He too felt that the homes which were acceptable in Beaverton, Tigard and Tualatin were not acceptable in Wilsonville. He noted the future valuation of these homes should be taken into consideration.

Chairman Williams asked if the developer would like a rebuttal time.

Bill McMonagle noted he would like to clarify open space - your backyard is open space, private, but still open space. Not every piece of land has to have something devoted within it that children can use for play space. He noted there is a school across the street with ways to get to it. In the City's Comp Plan, regarding the 7 to 12 dwelling units per acre - he pointed out there is no differentiation made when it comes to residential.

Chairman Williams noted the Planning Commission has always been criticized for allowing apartments in areas in which there are single-family residences. Now we are being asked to allow single-family residences in an area in which density is allowed, but there will have to be some variances in terms of lot sizes and setbacks. He noted he felt the street sizes were not a problem.

Ben Altman pointed out that the applicants have applied innovative design concepts while meeting the functional standards of the Code, i.e., pavement width and space for utilities. The manner in which they are provided is simply different than the Code specifies. This Plan is an excellent example of the intended flexibility of the Planned Development Code

Arland Andersen moved to accept the findings and conditions for Wheatland with the change that the developed not be required to provide sidewalks in the cul-de-sacs and with the added condition that there be no access to the east of the fence (to Morey Lane); and that Wheatland Way be realigned to line up with the school access on the north; and that it also include requirements from the Public Works Department, specifically, require that the storm sewer be constructed on the north side of the property. Mike Williams seconded the motion which ended in a 2-2 tie with Lew Hendershott and Marian Wiedemann voting against.

BEFORE THE CITY COUNCIL OF THE CITY OF WILSONVILLE
CLACKAMAS AND WASHINGTON COUNTIES, STATE OF OREGON

In the Matter of the Application)	
)	
of)	
)	
WILCOX DEVELOPMENT COMPANY for)	ORDER
Planned Unit Development in the)	
S.W. Corner of the City between)	
Wilsonville Road and the Willamette)	
River (TL 1300 and 1400, S. 22,)	
T.3S. R.1W., W.M., Clackamas)	
County)	

THIS MATTER came before the City Council on February 20, 1979, on the request of Applicant for amendment of the Council's Orders herein granting Stage II PUD approval dated September 19, 1977 and entered nunc pro tunc as of September 7, 1977, Council's Order herein granting Stage III PUD approval for Phase D entered nunc pro tunc September 18, 1978, and Council's Order herein affirming Stage III PUD approval for Phase A entered nunc pro tunc August 29, 1978. It appears to the Council that in its September 7, 1977 Stage II approval the Council imposed a "Condition (1)" as follows:

"1. That the number of building permits for the total development in any one period not exceed 10% of those allocated by the City Council for that period on the basis of the then current Interim Growth Ordinance.

Purpose: This condition will act as a coordinating influence to assist in the implementation of a growth management policy towards which the City of Wilsonville and other neighboring communities appear to be heading."

It further appears that the same "Condition (1)" was incorporated in the above-referenced Stage III Orders of the Council, based on its inclusion in the Stage II approval, for

the purpose of controlling Willamette Village development pending the implementation of a generally applicable growth management policy.

The City Council has considered the written communication and argument of the applicant, and based on its knowledge of the record made preceding the referenced Orders, and of the City's Ordinance 112, on Interim Growth, and being fully informed in the premises, enters its

FINDINGS

1. Since the entry of the above-mentioned Orders, the City has adopted an Interim Growth Ordinance which controls issuance of building permits according to present carrying capacity of City systems. Applicant is subject to this limitation.

2. No other development or subdivision in Wilsonville has been conditioned on a limitation such as "Condition (1)" in Orders in Applicant's case.

3. The Interim Growth Ordinance adopted since the referenced Orders in this case, adequately fulfills the purpose of coordinating this development with a growth management policy for the City of Wilsonville. The continuation of "Condition (1)" in the Orders in this Applicant's case is redundant and imposes on Applicant a double limitation which was not intended at the time the plan was approved for Stage II PUD permit and at the times A and D Phases were approved for Stage III PUD permit.

CONCLUSION

1. The deletion of "Condition (1)" from the above-referenced Orders in this case constitutes a minor change in the approved plans, consistent with the purposes and general character of the development plan, within the meaning of Section 12.19 of City of Wilsonville Ordinance 23.

2. The deletion of "Condition (1)" from the referenced Orders is necessary because of the adoption of a generally applicable Interim Growth Ordinance, imposing on Applicant a double limitation, not intended at the time of original approval, and which creates an unforeseen discrimination against applicant relative to developers of other, similar projects in Wilsonville.

The City Council therefore does

ORDER

That its Order herein granting Stage II PUD approval dated September 19, 1977 and entered nunc pro tunc as of September 7, 1977, Council's Order herein granting Stage III PUD approval for Phase D entered nunc pro tunc September 18, 1978, and Council's Order herein affirming Stage III PUD approval for Phase A entered nunc pro tunc August 29, 1978 are amended to delete from each, as a condition of approval, the following condition:


"1. That the number of building permits for the total development in any one period not exceed 10% of those allocated by the City Council for that period on the basis of the then current Interim Growth Ordinance.

Purpose: This condition will act as a coordinating influence to assist in the implementation of a growth management policy towards which the City of Wilsonville and other neighboring communities appear to be heading."

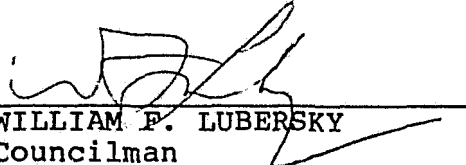
Dated this 5th day of March, 1979 entered nunc pro tunc

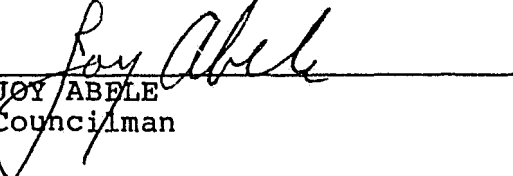
February 20, 1979.


WILLIAM G. LOWRIE
Mayor


GEORGE C. VLAHOS
Councilman


JOSEPH H. KLUPENGER
Councilman


WILLIAM P. LUBERSKY
Councilman


JOY ABBLE
Councilman

BEFORE THE CITY COUNCIL OF THE CITY OF WILSONVILLE
CLACKAMAS AND WASHINGTON COUNTIES, STATE OF OREGON

In the Matter of the Application)
)
 of)
)
 WILCOX DEVELOPMENT COMPANY for) ORDER
 Planned Unit Development in the)
 S.W. Corner of the City between)
 Wilsonville Road and the Willamette)
 River (TL 1300 and 1400, S. 22,)
 T.3S. R.1W., W.M., Clackamas)
 County)

THIS MATTER came before the City Council for decision on September 18, 1978, on the appeal of Wilcox Development Company from denial of Stage III approval of Phase D of the Planned Unit Development of the S.W. corner of the city between Wilsonville and the Willamette River. It appears to the Council that on September 7, 1977, the City Council granted Stage II approval of the Planned Unit Development and approved the preliminary plat, and

It further appears that on July 5, 1978, the Planning Commission denied Stage III approval of Phase D, and on July 13, 1978, appellant filed an appeal for said action, and

The City Council has considered the record before the Planning Commission, staff report, evidence and materials on file in previous proceedings in this matter, and Ordinance 23, and LCDC goals, and has heard and considered the presentation of the applicant and of Richard Drew, Chairman of the Planning Commission, and of Joy Abele, member of the Planning Commission, and the advice of staff, and being fully informed in the pre-

mises, enters its

FINDINGS

1. The City Council finds that its Findings in respect to Phase A of Willamette Village (adopted by Order signed nunc pro tunc September 5, 1978) equally apply to Phase D of Willamette Village. Those Findings, entered here, and as adopted from the Findings of the Planning Commission in respect to Phase A are as follows:

- "a. That the location, design, size and uses are consistent with the Wilsonville General Plan as adopted by Ordinance #55, and the zoning boundaries set forth on the Wilsonville Zoning Map as adopted by Ordinance #23 (ref. Section 12.16 (1) Ordinance #23).
- b. That the location, design and size are such that the development can be well integrated with surroundings, and that the reduction of dwelling units from 689 to 399, as authorized by the City of Wilsonville, and more specifically 97 single family building sites for Phase I, will adequately reduce the impact of this development (ref. Section 12.16 (2) Ordinance #23).
- c. That the location, design, size and uses are such that traffic generated by the development, except in single family density, can be accommodated safely and without congestion on existing or planned arterial or collector streets and, will, in the case of commercial or industrial developments, avoid traversing local streets, and that said finding has been based on the improvements as required by Clackamas County for Wilsonville Road to accommodate the development, and evaluation of the interior roadway system to service both Phase I and the balance of the development (Section 12.16 (3) Ordinance #23).
- d. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned facilities and services based on the extension of sewer services, which will be provided by the developer in accordance with the development

plans and standards of design and construction, as set forth in the applicant's Exhibit C - Off Site Construction Plans (ref. Section 12.16 (4) Ordinance #23).

- e. That the location, design, size and uses will result in the attractive, healthful, efficient, and stable environment for living, shopping and working, based on the integrated system of single family and multi-family residential uses, commercial shopping facilities, open space system, access to the Willamette River, the nearby proposed Wilsonville Elementary School as approved by the Wilsonville Planning Commission on August 8, 1977, and nearby commercial and public services available to the Willamette Village Planned Development located in the commercial core area (ref. Section 12.16 (5) Ordinance #23).
- f. That the final development plans * * * conform in all major respects to the preliminary plan and subdivision documents as approved by the Wilsonville City Council (Ref. Section 12.13 Ordinance #23.)"

The City Council finds also appropriate to Phase D its previous additional Findings as stated in its Order in regard to Phase A entered nunc pro tunc September 5, 1978 as follows:

- "3.a. "Goal 3, "Agricultural Lands," is inapplicable because the subject land is within the City boundary and because its size, location, and character is unsuitable for farm or other rural use. (See, Order, 9/7/77, Findings 11, 13)
- b. Goal 8, "Recreational Need": Due to the size of the parcel and use of the Planned Unit Development sections of Ordinance 23, the development provides excellent recreational facilities within the area and the development, as a whole, will provide public access to a riverbank park area, without public expense, in accordance with Goal 8. (See Order, 9/7/77, Findings 11(a), (c); 15).
- c. Goal 9. "Economy of the State." Because the development is designed for construction by a variety of builders subject to development design review, the project aids local and smaller-scale builders in accordance with Goal 9's object "to diversify in the economy of the state," increasing the "variety * * *

scale * * * of business * * *."

- d. Goal 10 "Housing": Goal 10 is to provide for the housing needs of the state, including to encourage the availability of adequate numbers of housing units, and to provide for flexibility of housing location, type and density. This development offers a range of housing choices from apartment units and multiplexes to single family dwellings to help fill, on a current basis, current felt needs for a variety of housing modes in Wilsonville, and promotes Goal 10. Phase [D] is an integral part of fulfilling the development design. (See Order, 9/7/77, Finding 11, 14, 7).
- e. Goal 11, "Public Facilities and Services": Goal 11 is 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. Developer financed extension of services, as provided here, is efficient and economical for the City and the system to be provided is in accordance with existing City planning as appropriate for, but limited to, urban and urbanizable areas to be served. (See Order 9/7/77, Finding 10, 3, Condition 2).
- f. Goal 13, "Energy Conservation": Goal 13 calls for land planning to maximize the conservation of energy. Many individuals commute to Wilsonville for work because of lack of housing in Wilsonville. Additional housing which is offered here will reduce commuting and energy waste caused by it. The development promotes Goal 13. (See Order, 9/7/77, Finding 14).
- g. Goal 14 "Urbanization": This land is urban or urbanizable. If urbanizable, its development is supported by Goal 14 because the development provides for orderly, economic provision for public facilities and services; provides availability of sufficient land for various uses to insure choices in the market place; is in accord with LCDC goals; and is within the city boundaries, close to the freeway and such urban-type development as Wilsonville has and, therefore, tends to promote development within more urban areas before conversion of urbanizable areas. (See Order 9/7/77, Finding 8, 9).
- h. Goal 15 "Willamette River Greenway." The develop-

ment provides a natural riverside park with public access, and will preserve a pleasing natural appearance from the river, and aesthetic and recreational values for the community. The development supports Greenway goals. (See Order 9/7/77, Finding 8(e))."

Based on the above Findings, the Council enters its

CONCLUSION.

1. Appellant's appeal is meritorious, and
2. Appellant's submission complies with all applicable ordinances, statutes and goals and applicant is entitled to Stage III approval for its Phase D of Willamette Village, subject to conditions provided herein and, therefore, the Council does hereby order that the Wilsonville City Council does hereby reverse the action of the Planning Commission and approve the final development plans as submitted for the Willamette Village Planning Development (Ref: Exhibits) Phase D and authorizes the chairman of the Planning Commission to sign the planning documents (Mylar copies) as required by Section 5, Article C, paragraph 2 of Ordinance #16 subject to the following conditions of approval.

CONDITIONS


Stage III approval is subject to the condition that all development for multi-family and commercial use shall be submitted first to the Planning Commission for its review and approval according to development standards and requirements as specified in Zoning Ordinance #23 prior to issuance of building permits, and is further subject to all the conditions as set forth in the Planning Commission recommendations relating to Willamette Vil-

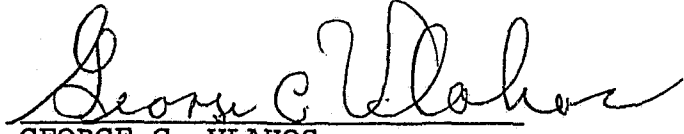
lage (Stage III) Phase A approval, consisting of five pages total, dated July 11, 1978.

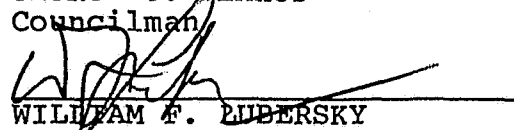
Dated 16th day of October , 1978, entered nunc pro tunc September 18, 1978.


WILLIAM G. LOWRIE, MAYOR


JOSEPH H. KLUPENGER
Councilman


MORRISON A. CONWAY, JR.
Councilman


GEORGE C. VLAHOS
Councilman


WILLIAM F. RUBERSKY
Councilman

PLANNING COMMISSION RESOLUTION

WILLAMETTE VILLAGE FINAL APPROVAL (STAGE III) PHASE A

WHEREAS, the Wilsonville City Council, by its' Order, adopted on September 7, 1977, approved the Stage II development plans and preliminary plat for the Willamette Village Planned Development, and

WHEREAS, said approval was requested by the Wilcox Development Company pursuant to the provisions as set forth in the appeal procedures in Ordinance #23, and

WHEREAS, the Wilsonville City Council's approval of the Willamette Village Development was based on the facts and conditions as contained in the Order as adopted, and

WHEREAS, the Wilcox Development Company has submitted to the City of Wilsonville, final development plans for Planning Commission Stage III approval pursuant to the provisions as set forth in Section 12.13, and

WHEREAS, the Planning Commission is required to review said plans in accordance with Section 12.14 and Section 12.15, and to establish findings based on the criteria for the issuance of a planned development permit as set forth in Section 12.16, now therefore

BE IT HEREBY RESOLVED that the Wilsonville Planning Commission does hereby approve the final development plans as submitted for the Willamette Village Planned Development (ref. exhibits) and authorizes the Chairman of the Planning Commission to sign the Platting Documents (milar copies) as required by Section 5, Article C, Paragraph 2 of Ordinance 16, subject to the following findings as required by Section 12.16 of Ordinance #23, and the conditions of approval as attached hereto:

FINDINGS

1. That the location, design, size and uses are consistant with the Wilsonville General Plan as adopted by Ordinance #55, and the zoning boundaries set forth on the Wilsonville Zoning Map as adopted by Ordinance #23 (ref. Section 12.16 (1) Ordinance #23).
2. That the location, design and size are such that the development can be well intergraded with surroundings, and that the reduction of dwelling units from 689 to 399, as authorized by the City of Wilsonville, and more specifically 97 single family building sites for Phase A, will adequately reduce the impact of this development (ref. Section 12.16 (2) Ordinance #23).
3. That the location, design, size and uses are such that traffic generated by the development, except in single family density, can be accommodated safely and without congestion on existing or planned arterial or collector streets and, will, in the case of commercial, avoid traversing local streets; and that said finding has been based on the improvements as required by Clackamas County for Wilsonville Road to accommodate the development, and evaluation of the interior roadway system to service both Phase A and the balance of the development (Section 12.16 (3) Ordinance #23).
4. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned facilities and services based on the extension of sewer services, which will be provided by the developer in accordance with the development plans and standards of design and construction, as set forth in the applicant's Exhibit C - Off Site Construction Plans (ref. Section 12.16 (4) Ordinance #23).

5. That the location, design, size and uses will result in the attractive, healthful, efficient, and stable environment for living, shopping and working, based on the intergraded system of single family and multi family residential uses, commercial shopping facilities, open space system, access to the Willamette River, the nearby proposed Wilsonville Elementary School as approved by the Wilsonville Planning Commission on August 8, 1977, and nearby commercial and public services available to the Willamette Village Planned Development located in the commercial core area (ref. Section 12.16 (5) Ordinance #23).

6. That the final development plans for Phase A conform in all major respects to the preliminary plan and subdivision documents as approved by the Wilsonville City Council (Ref. Section 12.13 Ordinance #23.)

In addition to the above listed findings, as required by Section 12.16 of Ordinance #23, the Wilsonville Planning Commission does hereby supplement its findings by attaching the Wilsonville City Council Order, and the findings as set forth therein pertaining to the Willamette Village Stage II application, together with the City Council minutes of September 7, 1977.

These documents are hereby entered into the public record to give notice that the Wilsonville Planning Commission has given due and proper consideration of the Phase III Final Development plans, based on a consistent and comprehensive public record.

CONDITIONS OF APPROVAL

The following conditions of approval are hereby adopted by the Wilsonville Planning Commission to insure an orderly and consistent schedule of development in compliance with the Comprehensive Master Plan for the Willamette Village, for Phase A as submitted by the applicant, Wilcox Development Company, and those conditions which were adopted by the Wilsonville City Council on September 7, 1977 (items 1 thru 7):

1. That the number of building permits for the total development in any one period not exceed 10% of those allocated by the City Council for that period on the basis of the then current Interim Growth Ordinance.

PURPOSE: This condition will act as a coordinating influence to assist in the implementation of a growth management policy towards which the City of Wilsonville and other neighboring communities appear to be heading.

2. That commercial development be allowed only after one third of the residential units have been occupied unless a need can be demonstrated to the satisfaction of the City Council prior to that time, that a need for commercial exists.

PURPOSE: This condition will prevent untimely commercial activity, thus preventing the possibility of commercial speculation at the expense of the residential uses. Reference - Planning Commission meeting of 1/27/77; Reference - City Council meeting of 3/13/72.

3. That the pedestrian walkways and bikepaths be hard surfaced with asphaltic material, and that said improvements be installed with each phase at the time of street construction.

PURPOSE: As new subdivisions develop, there is a tendency on behalf of the homeowners to demand that interior access system for pedestrian and bikers be vacated and abandoned. This is usually done to insure privacy and to prevent intrusion into ones backyard by people using the facility. Blacktopping of the system would signal to prospective buyers that the lot of their choice was physically located adjacent to a major pedestrian right-of-way, thus preventing any misunderstanding between buyer, developer, and the City at a later date.

PLANNING COMMISSION RESOLUTION: WILLAMETTE VILLAGE FINAL APPROVAL (STAGE III)

4 That the development of recreational facilities, including river front bike and pedestrian paths, be improved in coordination with street and utility improvements.

PURPOSE: This condition assures the coordinated development of the project, and provides the residents of the project the full use of the development.

5 That set back, lot areas, coverage, and height in all structures, as indicated on the master development plan, be in conformance with the standards appropriate as set forth in the City's Zoning Ordinance.

PURPOSE: Assures proper open space between structure and proper coordination between existing zoning standards and proposed land uses.

6. That the City of Wilsonville shall not accept any street, pedestrian/bicycle paths or utility improvements until all such improvements have been fully completed in accordance with approved plans, design standards and specifications and the developer has deposited with the City Recorder, the sum of \$1,000.00 cash as an assurance fund that any defects occurring in any of such improvements within one (1) year thereafter will be repaired by the developer at its' expense, and if not, then by the City with money from said fund. After one (1) year from the City's acceptance of any such improvements, and upon certification by the City Superintendent of Public Works, that all such improvements are satisfactorily completed, the balance, if any, shall be returned to the developer without interest. The cash assurance fund shall be in addition to any other completion of performance bond, which may be required for such matters by any Ordinance of the City.

7. That a performance bond be filed with the City for the sum of one and one half times the estimate of the project cost as determined by the City's consulting engineers. The bond to be submitted to the City Recorder prior to recording of any plats as approved.

8. That all landscape plans for open space, recreation areas and commercial uses be approved by the Design Review Board for Phase A as submitted. That the applicant, Wilcox Development Company, submit to the Design Review Board, a proposed tree planting plan and schedule of development, to be approved by said body as part of the conditions of approval for the planned development.

9. That the placement of fire hydrants be approved by the Tualatin Rural Fire Protection District as coordinated through Wilsonville Department of Public Works.

10. That the commercial structure, as authorized for Lot 1 of Block 10, be approved by the Fire Marshal representing the Tualatin Rural Fire Protection District as coordinated through the City of Wilsonville Building Department.

11. That all road improvements, as required by Clackamas County for the improvements of Wilsonville Road, to provide for adequate access to Phase A, be assured prior to the signing of the platting document by the Chairman of the Planning Commission, and that a performance bond for the sum of \$20,000.00 (twenty thousand dollars), in addition to the dollar amounty as stipulated in Items 6 and 7, be required of the developer, Wilcox Development Company, in accordance with the requirements of Clackamas County Department of Public Works for improvements to Wilsonville Road (ref. letter by R. W. McGarrigle, P.E., dated June 6, 1978). It is further required that said bond be filed with Clackamas County prior to the recording of the plats as approved.

12. That all off site utility improvements for the service of the Willamette Village Planned Development, and particular Phase A of said project, be approved as to construction standards by the City of Wilsonville consulting engineer.

13. That the issuance of building permits be limited to single family dwellings in accordance with all applicable conditions of this Resolution regulating the orderly growth and development of the Willamette Village Planned Development, and that no building permits be issued for any duplex, multi-family structure or commercial structure until such time as building elevations and site plans, together with landscaping plans, have been submitted to the Planning Commission and approved in compliance with Section 12.13, Ordinance #23. As a further condition all requirements of Ordinance #38 shall apply to all structures other than single family dwellings prior to the issuance of building permits.

14. That parking be restricted on the streets; that streets be posted with signs, striping, yellow paint, etc. to signify no parking is allowed; that streets be public streets so that the enforcement of the no parking can be enforced by the Clackamas County Sheriff's Office (ref. Tualatin Rural Fire Protection District letter dated February 2, 1977).

15. That the installation of all street signs be coordinated through the Wilsonville Department of Public Works, and that the construction and installation of said signs be further coordinated with Clackamas County Department of Public Works. As a further condition, the developer, Wilcox Development Company shall be responsible for the payment of all expense incurred for the construction and installation of all street signing.

16. That all utilities, including without limitation water mains to and on the property and street lighting together with storm drainage improvements, be constructed to specifications required by the City's consulting engineer, Westech Engineering, at the developer's expense.

EXHIBITS

The following exhibits are hereby entered into the public record as part of the documentation for the approval of Stage III (Final Development Plans and Plat) for Willamette Village:

CITY OF WILSONVILLE

1. Comprehensive General Plan - Ord. #55
2. Zoning Ordinance #23
3. Subdivision Ordinance #16
4. City Council Order dated September 17, 1977

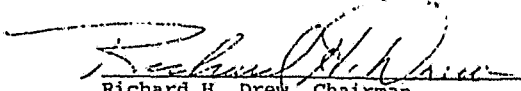
WILCOX DEVELOPMENT COMPANY

1. Phase A Willamette Village Planned Development Final Development Plan and Plat
2. Landscaping Plan Phase A
3. Application Form Phase A
4. Bylaws of Willamette Village Association

PLANNING COMMISSION RESOLUTION: WILLAMETTE VILLAGE FINAL APPROVAL (STAGE III)

5. Declarations of Conditions, Restrictions, Covenants and Regulations of Mid-Willamette, Oregon LTD.
6. Off-site water and sewer improvements
7. Utility plan as filed with Westech Engineering

ADOPTED by the Wilsonville Planning Commission on July 5, 1978,
by a vote of 6 to 0.


Richard H. Drew, Chairman

Date: 7/11/78

ATTEST: "


Lou Modde, Planning Commission Secretary

Date: 7-11-78

CITY OF


Wilsonville

P.O. Box 220 · Wilsonville, Oregon 97070
503 ~~638-8306~~ 682-1011

July 11, 1978

Mr. Glen Wilcox
8685 S.W. Canyon Road
Portland, Oregon 97225

Subject: WILLAMETTE VILLAGE STAGE III
APPROVAL OF PHASE A &
DENIAL OF PHASE D

Dear Mr. Wilcox:

This letter will serve to confirm the Planning Commission's action taken at a special meeting conducted on July 5, 1978, to approve the final development plan and plat for Phase A of the Willamette Village Planned Unit Development and to deny the approval of Phase D as submitted.

The following motions were adopted by the Planning Commission and are hereby set forth so that you may have a record of the proceedings:

Joy Abele moved to approve Phase A with the following modifications in the staff report:

Finding #3: Drop the words "or industrial".

Condition #1 read: "That the number of building permits for the total development in any one period not exceed 10% of those allocated by the City Council for that period on the basis of the then current Interim Growth Ordinance."

Condition #4 read: "That the development of recreational facilities, including river front bike and pedestrian paths, be improved in coordination with street and utility improvements."

Condition #7 read: "That a performance bond be filed with the City for a sum of one and one half times the estimate of the project cost as determined by the City's consulting engineers; the bond to be submitted to the City Recorder prior to the recording of any plats as approved."

Condition #16 read: "That all utilities, including without limitation water mains to and on the property and street lighting together with storm drainage improvements, be constructed to specifications required by the City's consulting engineer, Westech Engineering, at the developer's expense."

July 11, 1978
Mr. Glen Wilcox
Page 2

Helen Burns seconded the motion which passed 6-0.

Doug Seely moved for the approval of Phase D with the same conditions that were attached to Phase A.

Chairman Drew seconded the motion, which failed 2-4, with Doug Seely and Chairman Drew voting yes and Joy Abele, Bob Dant, Marian Wiedemann and Helen Burns voting no.

Joy Abele moved to deny Phase D based on the following findings:

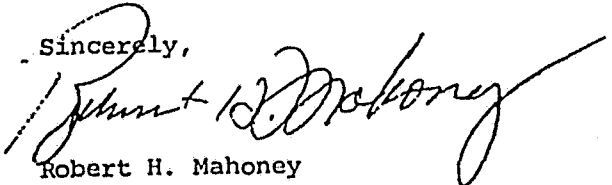
1. Phase D does not conform to the well being of the community.
2. Phase D does not integrate well with the surroundings.
3. Phase D submittal does not conform to the submittal requirements of the Zoning Ordinance.

Helen Burns seconded the motion which passed 4-2, with Doug Seely and Chairman Drew voting no.

Should you wish to appeal the decision of the Planning Commission, pursuant to the provisions as set forth in Article 15 of Ordinance #23, please file with the City Recorder your notice of appeal no later than 5:00 p.m., July 20, 1978. The appeal fee is \$20 plus a check for \$200.00 for the technical deposit.

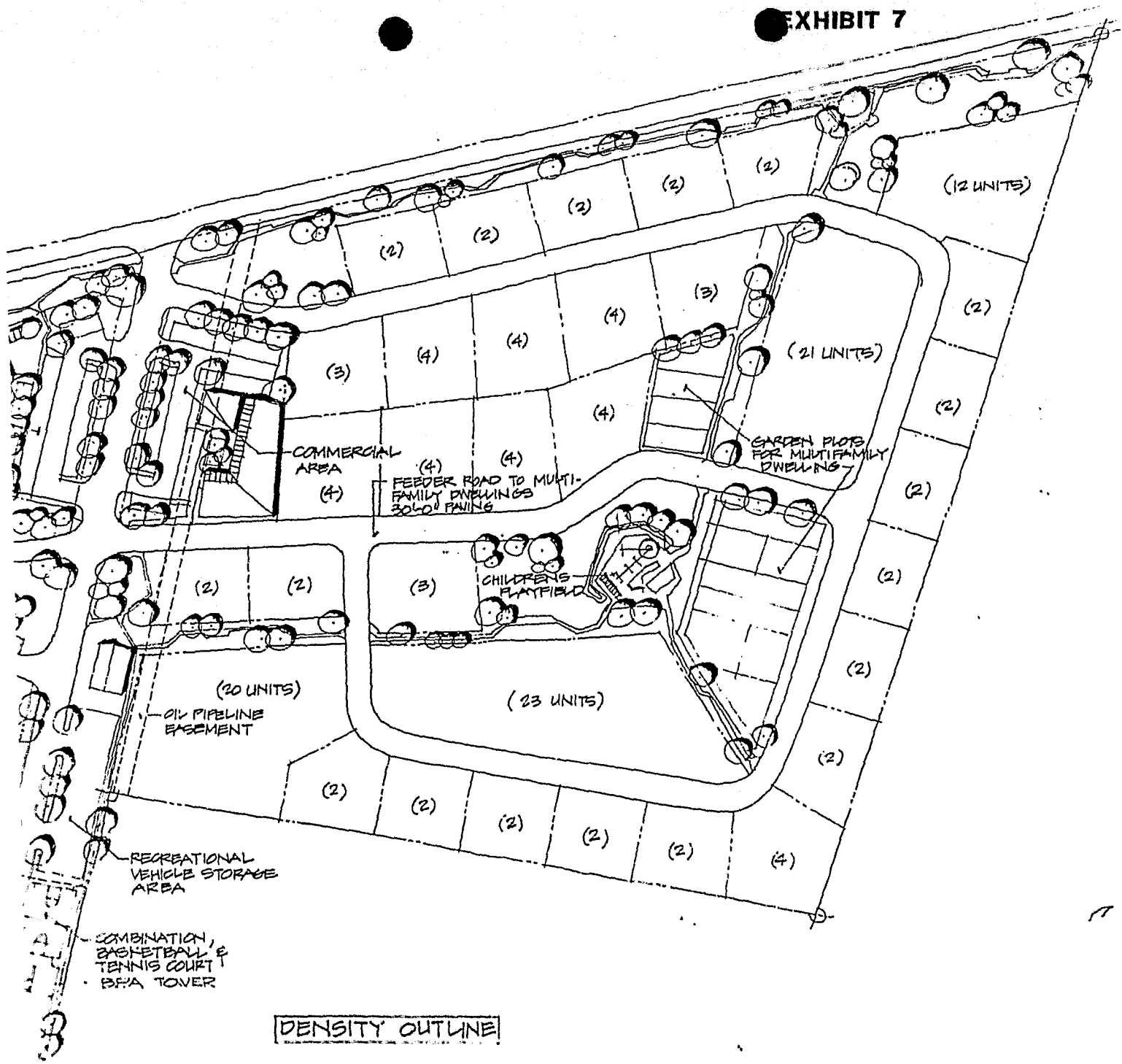
If you have any questions regarding the Planning Commission's action or procedures for appeal or the implementation of the improvements of Phase A as approved, please contact this office at your convenience. Thank you for your cooperation.

Sincerely,


Robert H. Mahoney
Planner

RHM/lm

cc: Mayor William G. Lowrie
Roger Reif, City Attorney
Leslie Roberts, Wilcox Attorney



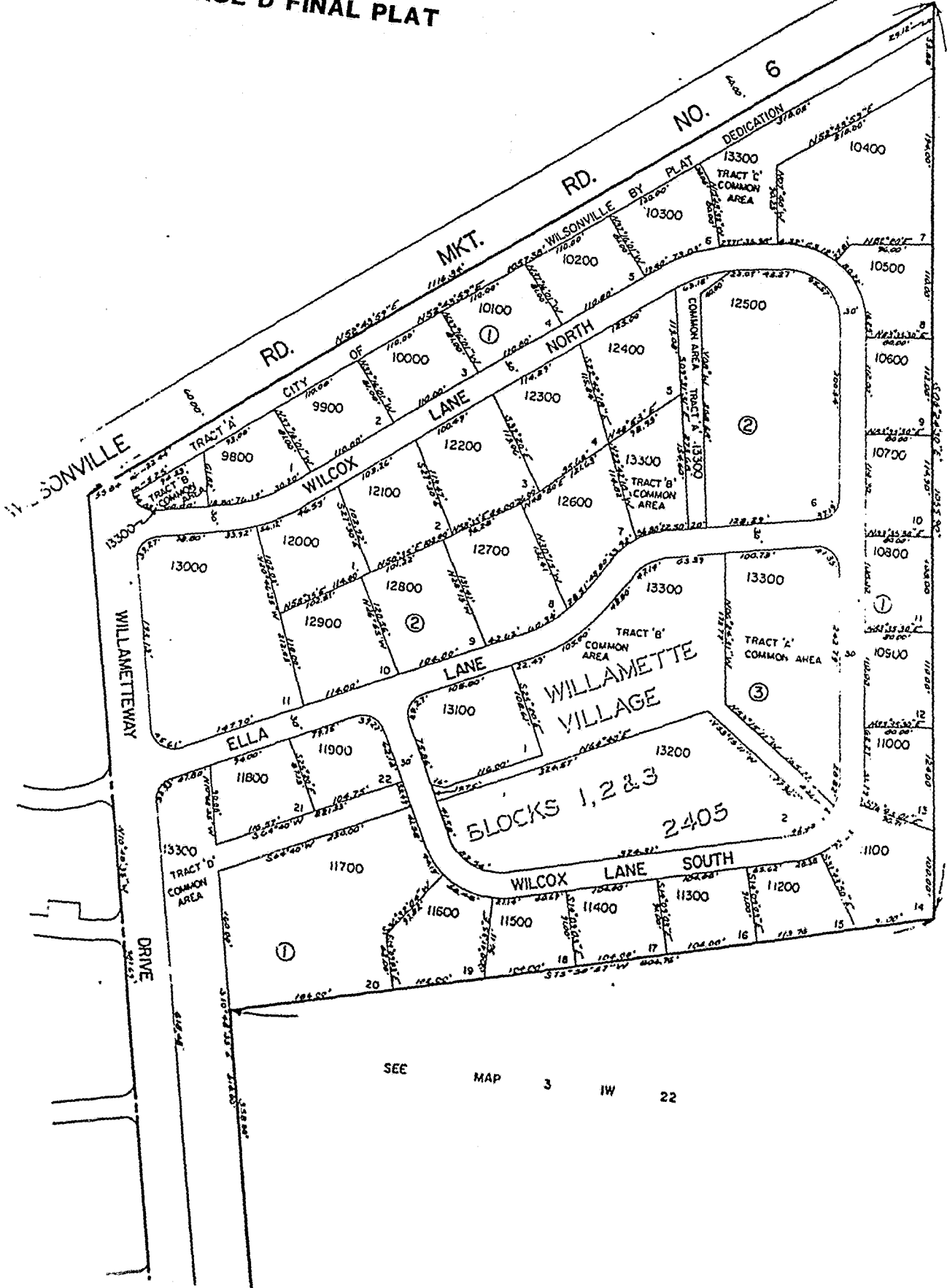
DENSITY OUTLINE

	6500 TO 8000 ± SINGLE FAMILY DWELLING LOTS	58 LOTS	
	8000 ± + SINGLE FAMILY DWELLINGS LOTS	141 LOTS	
PHASE D	TWO, THREE & FOUR PLEXES	77 UNITS	153 UNITS = 9.15 du/ac.
	MULTIFAMILY HOUSING	76 UNITS	
	TOTAL UNITS PER ACRE OF LAND	352 UNITS	4.8 UNITS

WILLAMETTE VILLAGE

WILLAMETTE VILLAGE PHASE D FINAL PLAT

SW 1/4 NE SEC. 22 T. 3S. R. 1W. W.M.
CLACKAMAS COUNTY
1" = 100'



SEE MAP 3 1W 22



Meadowbrook Development

9011 S.W. Beaverton Hillsdale Hwy. • Portland, Oregon 97225 • (503) 297-1753

EXHIBIT 8

RECEIVED
APR 16 1985
CITY OF WILSONVILLE

April 12, 1985

Honorable Mayor & Council
City of Wilsonville
30470 S. W. Parkway
Wilsonville, OR 97070

Re: Wheatland Preliminary Plat

Honorable Mayor & Council:

On April 8, 1985 the preliminary plat for Wheatland was submitted to your planning commission for approval.

The results of the commission voting was a dead lock which represents denial. No basis of findings were given for the denial.

We feel the proposal meets with the intent of the comprehensive plan and planned development ordinance.

We are therefore appealing the planning commission decision to the City Council.

We request that the appeal hearing be held De-Novo at the earliest possible date.

Enclosed is the \$50.00 appeal fee.

Sincerely,

Daniel E. Anderson
Meadowbrook Development

DEA:ds
enc.



Meadowbrook Development

D. E. Anderson, Inc.

9011 S.W. Beaverton Hillsdale Hwy. • Portland, Oregon 97225 • (503) 297-1753

May 1, 1985

RECEIVED

MAY 02 1985

CITY OF WILSONVILLE

Honorable Mayor & Council
City of Wilsonville
30470 S. W. Parkway
Wilsonville, OR 97070

Re: Wheatland Preliminary Plat Appeal

Honorable Mayor & Council:

It has come to my attention that staff is recommending that my appeal be heard on June 17, 1985.

I have a serious time conflict on June 17, 1985, and would hereby request that my appeal be heard at the meeting on June 3, 1985.

Any consideration you can give to my request would be greatly appreciated.

Sincerely,

MEADOWBROOK DEVELOPMENT

Daniel E. Anderson

DEA:vm

requalified and proceed to resolve the issues.

(c) Except for appeal hearings conducted by the Council a member present during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

4.016 Record of Proceedings. The Secretary to the hearing body shall be present at each hearing and shall cause the proceedings to be recorded stenographically or electronically.

(1) Testimony shall be transcribed if required for judicial review or if ordered by the hearing body.

(2) The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of.

(3) Included in the record shall be a brief statement that explains the criteria and standards considered relevant to the decision; states the facts relied upon in rendering the decision; and explains the justification for the decision based on the criteria, standards and facts set forth.

(4) A person shall have access to the record of the proceedings at reasonable times, places and circumstances. A person shall be entitled to make copies of the record at the person's own expense.

4.017 Appeal procedures. (1) Administrative Action Appeals. A decision by the Planning Director on issuance of a Site Development Permit may be appealed to the Design Review Board by an affected party or any two Design Review Board members, by filing an appeal with the City Recorder within ten (10) working days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

(2) Commission or Board Action. A decision of the Design Review Board may be appealed to the Council by an affected party by filing an appeal within ten (10) days of notice of the decision. The notice of appeal shall indicate the decision that is being appealed.

(3) Notice. Legal notice of an appeal shall set forth:

(a) The date of the hearing.

(b) The issue(s) being appealed.

(c) Whether the review will be on the record or whether new evidence will be accepted.

(4) Scope of Review.

(a) At its discretion the hearing body may limit an appeal or review to a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony.

(b) The reviewing body shall issue an order stating

the scope of review on appeal to be one of the following:

1. Restricted to the record made on the decision being appealed.
2. Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter.
3. A de novo hearing on the merits.

(5) Review on the Record

(a) Unless otherwise provided for by the reviewing body, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:

1. A factual report prepared by the Planning Director.
2. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review.
3. The transcript of the hearing below and a detailed summary of the evidence.

(b) The reviewing body shall make its decision based upon the record after first granting the right of argument on the record, but not the introduction of additional evidence to any party who has filed a notice of appeal. The reviewing body shall decide if the correct procedure was followed and if so, was the correct or appropriate decision made based on the applicable policies and standards.

(6) Review Consisting of Additional Evidence or De Novo Review.

(a) The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that that additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision.

1. Prejudice to the parties.
2. Convenience or availability of evidence at the time of the initial hearing.
3. Surprise to opposing parties.
4. The competency, relevancy and materiality of the proposed testimony or other evidence.

(b) "De novo hearing" shall mean a hearing by the review body as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

(7) Review Body Decision

(a) Upon review, the Commission or Board may by Resolution or the Council by order, affirm, reverse or modify in whole or part a determination or requirement of the decision that is under review.

1. When the Commission or Board modifies or renders a decision that reverses a decision of the Planning Director, the Commission or

Board, in its Resolution, shall set forth its finding and state its reasons for taking the action.

2. When the Council modifies or renders a decision that reverses a decision of the Commission or Board, the Council, in its order, shall set forth its finding and state its reasons for taking the action.
2. When the Council modifies or renders a decision of the Commission or Board, the Council, in its order, shall set forth its finding and state its reasons for taking the action.
3. When the Council elects to remand the matter back to the lower review body for such further consideration as it deems necessary, it shall include a statement explaining the error to have materially affected the outcome of the original decision and the action necessary to rectify such.

(b) Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) days after the filing of the request for review and shall file that decision with the City Recorder within ten (10) days after it is rendered.

(8) Effective Date of Decisions. A decision of the Planning Director, Planning Commission or Design Review Board shall become effective eleven (11) days after the date of the decision, unless appealed in accordance with Section 4.017. If a decision is appealed to the Council, the Council's decision shall become effective immediately.

ZONING

4.100 Zoning - Purpose. (1) Sections 4.100 to 4.199 of this Code are enacted for the purpose of promoting public health, safety, morals, comfort and general welfare to encourage the most appropriate use of land; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to provide proper drainage; to facilitate adequate and economical provision of public improvements and services, and to conserve, stabilize, and protect property values; all in accordance with the Statewide Land Use Goals and Guidelines and a Comprehensive Plan for land use and development of the City. The purpose is further to provide a method of administration and to prescribe penalties for violations of provisions hereafter described -- all as authorized by the provisions of Oregon Revised Statutes (ORS) 227.010 to 227.280, and any subsequent amendments.

4.101 Zoning - Interpretation. (1) In interpreting and applying the provisions of Sections 4.100 to 4.199, they shall be construed as the minimum requirements for the promotion of the

SUMMARY OF TIME LIMITATIONS
ON REVIEW AND FINAL ACTION

SUMMARY

In summary, the City's Code requires an initial decision within 60 days of application and a final decision within 60 days of the filing of the Appeal. State law requires a final decision (including all Appeals) within 120 days of submittal of a complete application. The attached time-frame summaries apply these time limits to the three Appeals before the Council

WILSONVILLE CODE

Section 4.012(2) of the Wilsonville Code states: "Decision - following the hearing procedure, the hearing body shall approve, conditionally approve, or deny the application or if the hearing is in the nature of an appeal, affirm, reverse or remand the decision that is on appeal.

A decision on a hearing or an application for a Development Permit shall be made within sixty (60) days of the application except that with agreement of the hearing body and the applicant or appellant, the processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body, but not to exceed six months from the date of the first hearing on the matter."

Also, with regard to Appeals, Section 4.017(7)(b) of the Wilsonville Code states: "Action by the review body shall be decided by a majority vote of its members present at the meeting at which review was made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than sixty (60) days after the filing of the request for review and shall file that decision with the City Recorder within ten (10) days after it is rendered."

OREGON REVISED STATUTES

ORS Chapter 227.178 states ". . . the governing body of a City or its designate shall take final action on an application for a permit or zone change, including resolution of all appeals under ORS 227.180 within 120 days after the application is deemed complete."

TIME SCHEDULES AND LIMITATIONS OF APPEALS
OF PLANNING COMMISSION DECISIONS

FOX CHASE II

February 15	Submitted complete application (begin 120-day limit)
February 28	Notice of Planning Commission Hearing mailed
March 11	Planning Commission Hearing (continued to April 8)
April 8	Planning Commission Hearing (Denied)
April 16	60-day time limit (Section 4.012 WC)
April 18	Appeal filed by applicant
April 18	Appeal deadline
May 6	City Council to set hearing date on Appeal
*June 3	City Council Hearing
June 14	Deadline for final decision by City (end 120-day limit)

WHEATLAND

February 22	Application submitted
February 26	Staff requested additional information to complete application
February 28	Notice of Planning Commission public hearing mailed
March 11	Planning Commission public hearing (applicant requested continuance)
March 15	Applicant submitted additional information
March 24	31 days after application submitted (begin 120-day limit)
April 2	Applicant submitted additional information (application complete)
April 8	Planning Commission public hearing (tie vote - not approved)
April 12	Appeal filed by applicant
April 18	Appeal deadline
May 6	City Council to set hearing date on Appeal
*June 17	City Council hearing
July 23	Deadline for final decision by City (end 120-day limit)

destroyed, mutilated or missing from the county records, the county surveyor shall make a copy thereof, and file it in the proper office of record. Each such copy made by the county surveyor pursuant to this section shall bear a certificate of the surveyor that it was made in compliance with this section, and that it is a true copy of the original record. [Amended by 1955 c.756 §17]

92.140 Indexing of plat records. The books entitled "Record of Town Plats" shall be provided in the front part with indices, in which shall be entered in alphabetical order, all plats recorded therein. The dedications to such plats shall also be indexed in the indices of Records of Deeds for the county. When the plats are so filed, bound and indexed they shall be the legal record of all plats. [Amended by 1955 c.756 §18]

92.150 Construction of donations marked on plat. Every donation or grant to the public, including streets and alleys, or to any individual, religious society, corporation or body politic, marked or noted as such on the plat of the subdivision wherein the donation or grant was made, shall be considered a general warranty to the donee or grantee for his use for the purposes intended by the donor or grantor. [Amended by 1955 c.756 §19]

92.160 Notice to Real Estate Commissioner of receipt of plat. If the comprehensive plan and land use regulations of a city or county have not been acknowledged under ORS 197.251, the city engineer, city surveyor or county surveyor shall immediately notify the Real Estate Commissioner in writing of receipt for approval of any plat pursuant to ORS 92.100. The notification shall include a general description of the land with the number of lots and total acreage covered by the plat and the names of the persons submitting the plat for approval. [1965 c.584 §2; 1983 c.570 §6a]

92.170 Amending recorded plat; affidavit of correction. (1) Any plat of a subdivision filed and recorded under the provisions of ORS 92.018 to 92.170 may be amended by an affidavit of correction:

- (a) To show any courses or distances omitted from the plat;
- (b) To correct an error in any courses or distances shown on the plat;
- (c) To correct an error in the description of the real property shown on the plat; or
- (d) To correct any other errors or omissions where the error or omission is ascertainable from the data shown on the final plat as recorded.

(2) Nothing in this section shall be construed to permit changes in courses or distances for the purpose of redesigning lot configurations.

(3) The affidavit of correction shall be prepared by the registered professional land surveyor who filed the plat of the subdivision. In the event of the death, disability or retirement from practice of the surveyor who filed the plat, the county surveyor may prepare the affidavit of correction. The affidavit shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The seal and signature of the registered professional land surveyor making the correction shall be affixed to the affidavit of correction.

(4) The county surveyor or city surveyor having jurisdiction of the plat shall certify that the affidavit of correction has been examined and that the changes shown on the certificate are permitted under this section.

(5) The surveyor who prepared the affidavit of correction shall cause the affidavit to be recorded in the office of the county recorder where the plat is recorded. The county clerk shall promptly provide a recorded copy of the affidavit to the county surveyor. The county surveyor shall note the correction and the recorder's filing information, with permanent red ink, upon the original plat and upon any true and exact copies filed in accordance with ORS 92.120 (2). The corrections and filing information shall be marked in such a manner so as not to obliterate any portion of the plats.

(6) For recording the affidavit in the county deed records, the county clerk shall collect a fee set by the county governing body. The county clerk shall also collect a fee set by the county governing body to be paid to the county surveyor for services provided under this section. [1983 c.309 §2]

UNDEVELOPED SUBDIVISIONS

92.205 Policy. (1) The Legislative Assembly finds that many subdivisions for which plats have been approved and recorded have not been developed and that many such subdivisions were approved prior to the adoption of a comprehensive plan, zoning regulations and ordinances and modern subdivision control standards by the jurisdiction within which the lands described in the subdivision plats are situated.

(2) The Legislative Assembly finds, therefore, that it is necessary for the protection of the public health, safety and welfare to provide for

the review of undeveloped subdivisions for the purpose of modifying such subdivisions, if necessary, to comply with the current comprehensive plan, zoning ordinances and regulations and modern subdivision control standards, or, if such modification is not feasible, of vacating the nonconforming, undeveloped subdivisions and to vacate any lands dedicated for public use that are described in the plat of each such vacated subdivision. [1973 c.569 §1].

92.210 [1963 c.624 §3; 1965 c.584 §3; repealed by 1973 c.421 §52].

92.215 Review authorized; manner.

(1) Each agency or body authorized to approve subdivision plats under ORS 92.040 may:

(a) Review each subdivision approved on or after October 5, 1973, after the expiration of 10 years after the date of such approval.

(b) Review each subdivision plat approved more than 10 years prior to October 5, 1973.

(2) Each review conducted pursuant to subsection (1) of this section shall be conducted in the manner and subject to the conditions prescribed in ORS 92.225. [1973 c.569 §2]

92.220 [1963 c.624 §§1, 2, 25; repealed by 1973 c.421 §52]

92.225 Determining whether subdivision subject to review and need for revision or vacation; determining need for revision or vacation of undeveloped subdivision; hearings; notice to landowners. (1) The agency or body required to conduct the review under ORS 92.215 shall investigate the status of the lands included within a subdivision to determine whether the subdivision is undeveloped.

(2) For the purposes of this section, the lands described in the plat of any subdivision under review shall be considered to be developed if any of the following conditions are found by the agency or body conducting the review to exist on such lands:

(a) Roadways providing access into and travel within the subdivision have been or are being constructed to meet the specifications prescribed therefor by the agency or body that approved the plat of the subdivision;

(b) Facilities for the supply of domestic or industrial water to lots created by the subdivision have been or are being constructed;

(c) Sanitary sewerage disposal facilities have been or are being constructed for lots created by the subdivision, or septic tanks have been or are being installed on the land or permits have been issued for their installation on the land;

(d) Buildings have been or are being constructed upon the land or permits have been issued for the construction of buildings upon the land; and

(e) One or more lots described in the plat of the subdivision have been sold or otherwise transferred prior to the date of the initiation of such review.

(3) If the agency or body determines that a subdivision is undeveloped after its investigation of the subdivision under subsection (1) of this section, it shall also determine:

(a) If the undeveloped subdivision complies with the comprehensive plan, zoning regulations and ordinances and subdivision ordinances and regulations then in effect with respect to lands in the subdivision; and

(b) If the undeveloped subdivision does not comply with such plan and ordinances and regulations, whether the subdivision may be revised to comply with such plan and ordinances and regulations.

(4) If the agency or body determines that a subdivision is undeveloped after its investigation of the subdivision under subsection (1) of this section, it shall hold a hearing to determine whether the undeveloped subdivision should be revised and the subdivision replatted or vacated and all lands within the subdivision that have been dedicated for public use vacated. Not later than 30 days before the date of a hearing held by an agency or body under this section, the agency or body shall notify, in writing, each owner of record of land described in the plat of the subdivision under review of the date, place, time and purpose of such hearing. [1973 c.569 §3]

92.230 [1963 c.624 §§4, 19; 1969 c.508 §1; repealed by 1973 c.421 §52]

92.234 Revision, vacation of undeveloped subdivisions; replatting, approval of replats; vacation proceedings; initiation by affected landowner of vacation proceedings, effect. (1) Following a hearing conducted as required under ORS 92.225 (4), the agency or body conducting the hearing may:

(a) Require the revision of a subdivision and a replat of the subdivision as it considers necessary, if it finds that the subdivision may be revised to comply with the comprehensive plan, zoning ordinances and regulations and other modern subdivision control standards not in existence when the subdivision was initially approved; or

(b) Initiate proceedings, as provided in subsection (3) of this section, for vacation of the subdivision, if it finds that the subdivision can-

not be revised in accordance with the comprehensive plan, zoning ordinances and regulations and other modern subdivision control standards not in existence when the subdivision was initially approved.

(2) If an agency or body requires the revision and replat of a subdivision under paragraph (a) of subsection (1) of this section, it shall approve the subdivision only upon the completion of the revisions as required by it and the replat of the subdivision.

(3) If the agency or body determines that it is necessary to vacate a subdivision, the agency or body shall adopt an ordinance vacating the subdivision and providing for the vacation of lands within the subdivision that have been dedicated for public use. Title to lands within a vacated subdivision shall vest as provided in ORS 271.140 and 368.366. Any owner of lands described in the plat of the vacated subdivision who is aggrieved by the action of the agency or body in vacating the subdivision may appeal such action in the manner provided in ORS 34.010 to 34.100. The ordinance adopted by the agency or body for the vacation of the subdivision and the lands therein dedicated to public use shall be filed with the county recording officer as provided in ORS 271.150.

(4) Nothing in ORS 92.205 to 92.245 shall prevent the owner of any lands within an undeveloped subdivision from seeking vacation of such subdivision under city or county vacation procedures and, if such vacation proceedings are commenced after the date of the notice of review of the subdivision by the agency or body, the review proceeding shall be suspended during such vacation proceedings. If the subdivision is vacated at the initiation of an owner, the review proceedings under ORS 92.205 to 92.245 shall be discontinued; but, if the subdivision is not vacated at the request of an owner, the review proceedings under ORS 92.205 to 92.245 shall be resumed at the termination of the proceedings brought by an owner of lands in the subdivision. [1973 c.569 §4; 1981 c.153 §54]

92.235 [1969 c.508 §3; repealed by 1973 c.421 §52]

92.240 [1963 c.624 §5; 1969 c.663 §5; 1971 c.106 §1; repealed by 1973 c.421 §52]

92.245 Fees for review proceedings resulting in modification or vacation. The governing body of a city or county may, by ordinance or regulation adopted in accordance with ORS 92.048, prescribe fees sufficient to defray the costs incurred in the review and investigation of and action upon undeveloped subdivisions for which the plat is modified or vacated under ORS 92.205 to 92.245. [1973 c.569 §5]

92.250 [1963 c.624 §6; 1969 c.663 §4; 1971 c.106 §2; repealed by 1973 c.421 §52]

92.255 [1965 c.584 §5; repealed by 1973 c.421 §52]

92.260 [1963 c.624 §§7, 17; 1965 c.584 §6; repealed by 1973 c.421 §52]

92.270 [1963 c.624 §8; 1965 c.584 §7; repealed by 1973 c.421 §52]

MISCELLANEOUS PROVISIONS

92.275 [1973 c.351 §3; repealed by 1977 c.236 §1]

92.280 [1963 c.624 §9; 1965 c.584 §8; repealed by 1973 c.421 §52]

92.285 Retroactive ordinances prohibited. No retroactive ordinances shall be adopted under ORS 92.010 to 92.048, 92.060 to 92.095, 92.120, 93.640, 93.710 and 215.110. [1973 c.696 §21]

92.290 [1963 c.624 §§10, 11; 1965 c.584 §9; repealed by 1973 c.421 §52]

92.300 [1963 c.624 §12; 1969 c.663 §6; repealed by 1973 c.421 §52]

OREGON SUBDIVISION AND SERIES PARTITION CONTROL LAW (Generally)

92.305 Definitions for ORS 92.305 to 92.495. As used in ORS 92.305 to 92.495:

(1) "Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance, mechanics' lien or otherwise, securing or evidencing the payment of money and affecting more than one interest in subdivided or series partitioned land, or an agreement affecting more than one such lot, parcel or interest by which the subdivider, series partitioner or developer holds such subdivision or series partition under an option, contract to sell or trust agreement.

(2) "Commissioner" means the Real Estate Commissioner.

(3) Except as otherwise provided in ORS 92.325 (2), "developer" means a person who purchases a lot, parcel or interest in a subdivision or series partition that does not have a single family residential dwelling or duplex thereon to construct a single family residential dwelling or duplex on the lot, parcel or interest and to resell the lot, parcel or interest and the dwelling or duplex for eventual residential use purposes. Developer also includes a person who purchases a lot, parcel or other interest in a subdivision or series partition that does not have a single family residential dwelling or duplex



PUBLIC WORKS DEPARTMENT
STAFF REPORT

TO: BEN ALTMAN, PLANNING DIRECTOR
FROM: LARRY BLANCHARD, PUBLIC WORKS DIRECTOR
DATE: APRIL 5, 1985
RE: WHEATLAND

Street - Right-of-Way Improvements

1. Adjacent streets: Wilsonville Road
Classification: D Minor Arterial
Improvement required: Half-street improvement for 1058 feet will be done by the City as a part of the Systems Development Fund.
2. Interior streets:

Harvest Way	- Local Residential	B Classification
Wheatfield Court	- Cul-de-sac	A Classification
Oatfield Court	- Cul-de-sac	A Classification
Barley Court	- Cul-de-sac	A Classification
Wheatland Court	- Cul-de-sac	A Classification
Wheatland Way	- Local Residential	B Classification

Design comment: All streets are under-designed according to right-of-way widths listed in the Comprehensive Plan and Public Works Standards.

Design criteria - Public Streets

- Class A - 50 foot right-of-way - 20 feet curb-to-curb paving - 2-11 foot utility strips.
Class B - 52 foot right-of-way - 32 feet curb-to-curb paving - 2-10 foot utility strips.

3. Sidewalks -
 - Class A street - 5 foot curbside sidewalk
 - Class B street - 5 foot sidewalk with 5 foot offset
4. Arterial Access -

Access from Wheatland Way onto Wilsonville Road is presently shown approximately 50 feet east of the Wood School ingress/egress. These ingress/egress points will be too close together since Wheatland Way access will contribute an additional 559 ADTs to Wilsonville Road. Left-turn movement from Wheatland Way will conflict with traffic heading east on Wilsonville Road and traffic turning right from Wood School ingress/egress.

Recommendation: Create an intersection with Wheatland Way and Wood School ingress/egress or create a cul-de-sac for Wheatland Way and require all 1180 ADTs to ingress/egress Willamette Way East. Willamette Way East has capacity to serve this area.
5. Extension of Harvest Way: The eastern stub of Harvest Way to the east is appropriate since ingress/egress points on Wilsonville Road are limited according to the Master Transportation Plan. This would allow ingress and egress point from the 3-5 du/ac zoned property to the east. The property east of Wheatland is abutted by the Oak Leaf Mobile Park.
6. Street lighting - lights shall be 70 watt 5800 lumen high pressure sodium carriage style lights and shall be included in Street Light District No. 3. Lights are installed under Option A Schedule 91 of PGE Tariff.
7. Curb radius - 20 foot Class A; 25 foot Class B - all ties to arterial street 30 feet
8. Signing shall be part of the construction of this project provided by developer.

Storm Drainage

1. Basin designation: S8b
2. System design criteria: Use 10-year storm 3½" 24-hour precipitation
3. 100-year flood plain designation: None
4. Estimated peak discharge: 4 cfs
5. System capacity to date: Not built
6. Estimated peak hour to be: 3 cfs
7. Retention requirement: None

8. System design: Completion of 30" storm sewer from the east was scheduled to be completed by the original Willamette Village Phase D. Since the project was not completed, it will be necessary for the developer of this project to complete. This construction can be done as a 3.116 Wilsonville Code Payback Project.

Sanitary Sewer

1. Basin designation: RSV 1
2. Existing discharge: 33,600 gallons per day
3. Basin population: 283
4. Potential discharge total basin: 185,200 gpd
5. System design total basin: 410,000
This system has the capability of servicing this development as it presently exists, if the project is built within a reasonable time period.
6. Property to the east will need a service stub from Harvest Way.

Water Improvements

1. Static pressure: 100 psi
2. Residual pressure: 87 psi
3. Existing system: Wilsonville Road 8" ductile iron north side of road; Fox Chase 8" on proposed Harvest Way.
4. Tualatin Rural Fire Protection District to approve fire hydrant locations.
5. Average daily consumption - 25 gpm. System has the capacity to serve if project completed in a timely manner. Reevaluate in two years if not completed.