



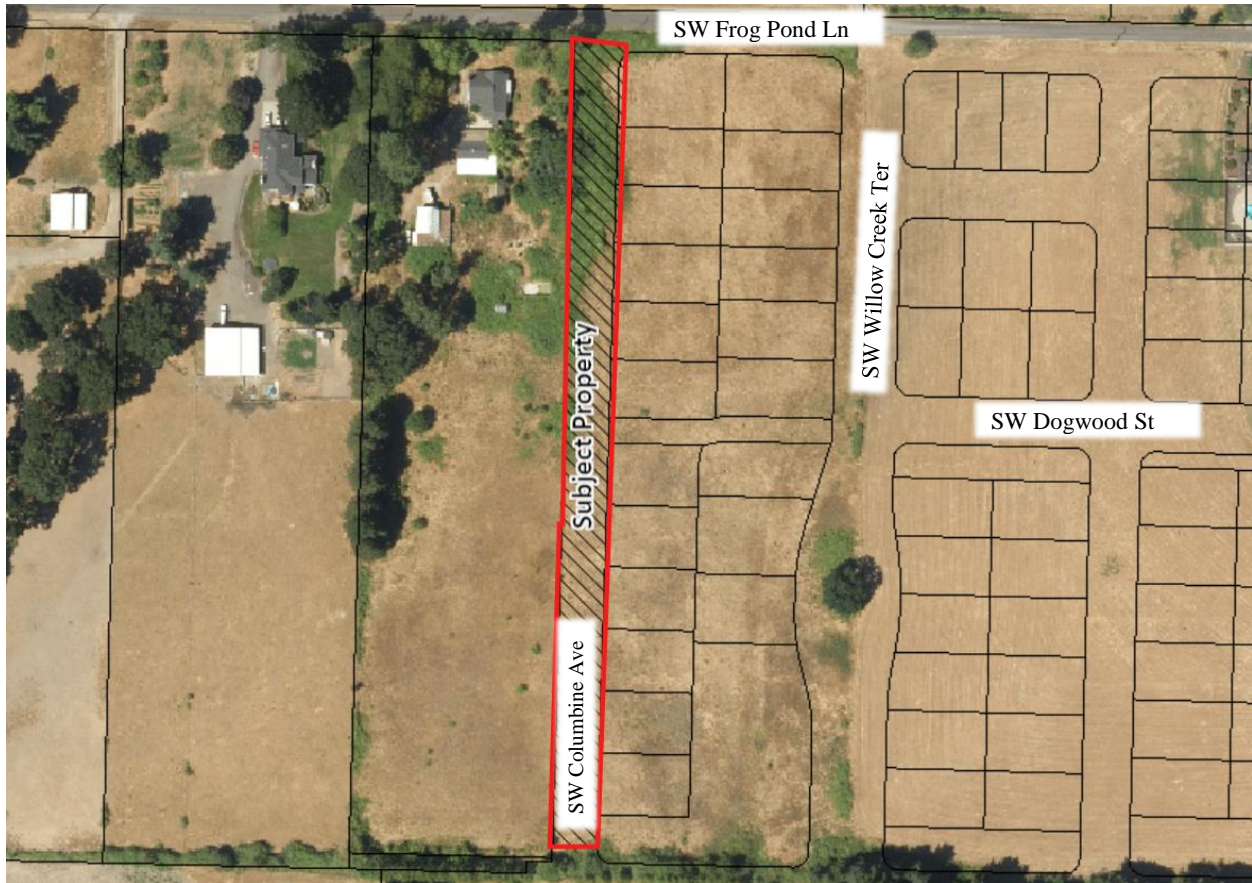
Ordinance No. 878 Compliance Findings

Date of Report:	March 20, 2023
Application Nos.:	DB23-0002 Modification to Condition of Approval
Request/Summary:	Class 3 Modification to Condition of Approval for the Renaming of SW Columbine Avenue to SW Ponderosa Avenue in the Frog Pond Ridge Subdivision
Location:	Public right-of-way (currently named SW Columbine Avenue), Section 12DD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon
Owner:	City of Wilsonville
Applicant:	Sean Leahy
Comprehensive Plan Designation:	Residential Neighborhood
Zone Map Classification:	Residential Neighborhood (RN)
Staff Reviewers:	Georgia McAlister, Associate Planner

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.236	Land Division
<u>Resolution:</u>	
Resolution 1924	City of Wilsonville Street Naming Policy
<u>Other Planning Documents:</u>	
Wilsonville Comprehensive Plan	
<u>Oregon Statutes:</u>	
ORS 227.120	Procedure and approval for renaming streets
<u>Prior Land Use Approvals:</u>	
DB20-0002- DB20-0014	Frog Pond Ridge Subdivision
AR21-0040 and AR21-0041	Frog Pond Ridge Phase One and Two Final Plat

Vicinity Map



Background:

The Development Review Board (DRB) and Subsequently City Council approved the 71-lot Frog Pond Ridge Subdivision in the Summer of 2020. The approval included approval of a preliminary subdivision plat, including a number of new streets to be dedicated to the City. The subject street was included labeled on the preliminary plat as "Street I". Subsequently, the developer submitted a final plat to the City for Staff review to ensure conformity with the DRB and City Council approval and other technical considerations. As part of this final plat administrative process the developer proposed a name for each street which was checked by City staff to conform with the City Street Naming Policy adopted in Resolution No. 1924. The proposed name of SW Columbine Avenue for "Street I" was approved as it met the City's adopted policy of using names of native trees and other plants (*see* Resolution No. 1924). No error was made and the correct process and all policies were followed. The applicant, who has purchased a home on the street, has requested the name be changed from SW Columbine Avenue to SW Ponderosa Avenue.

Summary:

Modification to Condition of Approval (DB23-0002)

This application is a request to modify Condition of Approval PFD 2 from the Frog Pond Ridge Subdivision approval, DB20-0007. This condition of approval required the proper review and procedure for the naming of the streets in Frog Pond Ridge during the Final Subdivision Plat review. Staff conducted this review accordingly, prior to the recording of the final plat. The modification of a condition is the application type identified by the City to facilitate the hearings process identified by Oregon Statute related to changing street names. The street name change will trigger City staff to apply Condition of Approval PFD 2 again, ensuring the new street name also follows the City Street Naming Policy and the new street name is recorded on the final plat with Clackamas County. Going through this process will allow for the subject street name to be changed from SW Columbine Avenue to SW Ponderosa Avenue.

Conclusion and Conditions of Approval:

Staff has reviewed the Applicant’s analysis of compliance with the applicable criteria. The Staff report adopts the applicant’s responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, the request is approved with the following conditions:

Conditions:

PF 1.	All new street signs shall be installed 60 days after approval of this application by the City Council unless an extension is granted by the City in writing. Applicant is responsible for paying for and coordinating timely installation of the new signs.
PF 2.	All street signs shall utilize the City-approved sign cap on street name signs throughout the entirety of the subdivision, matching the design used in the Frog Pond Meadows, Stafford Meadows, and Morgan Farm subdivisions. The sign caps shall be purchased from the City.

Master Exhibit List:

The following exhibits are hereby entered into the public record by as confirmation of consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB23-0002.

Procedural Statements and Background Information:

- 1. The statutory 120-day time limit applies to this application. The application was received on March 3, 2023. On March 7, 2023, the application was deemed complete. The City must render a final decision for the request, including any appeals, by July 5, 2023.
- 2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	N/A	Farmland
East:	RN	Single-Family Housing
South:	RN	Single-Family Housing
West:	RN	Single-Family Housing

- 3. Previous Planning Approvals:
 - DB20-0007 Annexation
 - DB20-0008 Zone Map Amendment
 - DB20-0009 State I Preliminary Plan
 - DB20-0010 Stage II Final Plan
 - DB20-0012 Tentative Subdivision Plat
 - DB20-0013 Type C Tree Removal Plan
 - DB20-0014 Waiver – Front Setback
 - SI20-0001 Abbreviated SRIR Review
 - AR21-0040 Phase One Final Plat
 - AR21-0041 Phase Two Final Plat
- 4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Procedures-In General Section 4.008

Criteria: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Response: The application is being processed in accordance with the applicable general procedures of this Section.

Initiating Application Section 4.009

Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Response: The application has been submitted by Sean Leahy, City resident, who has purchased a home on the street. The street has already been dedicated by the developer to the City. The City allows street name changes in accordance with the City Street Naming Policy, and thus, authorizes the application.

Pre-Application Conference Subsection 4.010 (.02)

Criteria: This section lists the pre-application process

Response: A Pre-application conference was determined to be unnecessary for this review.

Lien Payment before Approval Subsection 4.011 (.02) B.

Criterion: "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application."

Response: No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements

Subsection 4.035 (.04) A.

Criteria: “An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.” Listed 1. through 6. j.

Response: The applicant has provided all of the applicable general submission requirements contained in this subsection.

Zoning-Generally

Section 4.110

Criteria: “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

Response: This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

Request: DB23-0002 Modification to Condition of Approval for Street Name Change

As described in the Findings below, the applicable criteria for this request are met or will be met by Conditions of Approval.

Street Rename Regulations and Process

Condition of Approval Modification

Planning Division Condition PFD 2. (DB22-0002)

A1. Criterion: “Prior to final approval: The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block number, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for the Stage II Final Plan of the Tentative Plat”

Response: Street names are reviewed as part of Final Subdivision Plat permitting process by the City Engineer. The correct review was conducted according to the City Street Naming Policy and the Planning Division Condition of Approval PFD 2. This application is a request to modify Condition of Approval PFD 2 to allow for the street on the eastern side of Frog Pond Ridge, currently named SW Columbine Avenue, to be renamed SW Ponderosa Avenue and appear as such on the Final Plat. The applicable criteria for review for PFD 2, as it relates to street naming, will need to be reapplied as part of this application to rename the street.

Procedure and Approval for Renaming Streets ORS 227.120

- A2. Criterion:** This State Statute regulates the approval procedure for street name changes in the State of Oregon. “Within six miles of the limits of any city, the commission, if there is one, or if no such commission legally exists, then the city engineer, shall recommend to the city council the renaming of any existing street, highway or road, other than a county road or state highway, if in the judgment of the commission, or if no such commission legally exists, then in the judgment of the city engineer, such renaming is in the best interest of the city and the six mile area. Upon receiving such recommendation the council shall afford persons particularly interested, and the general public, an opportunity to be heard, at a time and place to be specified in a notice of hearing published in a newspaper of general circulation within the municipality and the six mile area not less than once within the week prior to the week within which the hearing is to be held. After such opportunity for hearing has been afforded, the city council by ordinance shall rename the street or highway in accordance with the recommendation or by resolution shall reject the recommendation. A certified copy of each such ordinance shall be filed for record with the county clerk or recorder, and a like copy shall be filed with the county assessor and county surveyor. The county surveyor shall enter the new names of such streets and roads in red ink on the county surveyor’s copy of any filed plat and tracing thereof which may be affected, together with appropriate notations concerning the same. The original plat may not be corrected or changed after it is recorded with the county clerk.”
- Response:** The Development Review Board is considered “the commission” and “such commission” as referenced in this Statute. Holding a hearing before the Development Review Board and having the Board forward a recommendation to City Council fulfills the requirements of the Statute. The City Council hearing is scheduled for April 17, 2023, as is required. All required noticing procedures for the hearing, including notification of residents within 6 miles via the newspaper have been followed.

Street Naming Section 4.236(.09)

- A3. Criterion:** Street Names. No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.
- Response:** The proper procedure and criteria were followed for the naming of SW Columbine Avenue. The Frog Pond Ridge subdivision conforms to the City’s established name system. The streets were proposed by the developer and approved by the City Engineer according to the City Street Naming Policy, at the time of final plat review, as all naming standards were met.

The proposed street name change and name, SW Ponderosa Avenue, is also subject to

approval by the City Engineer according to the City Street Naming Policy. The proposed name is not duplicative of existing streets within the City of Wilsonville and conforms to the City Street Naming Policy. See Findings A4-A8.

Avoiding Duplicity

Resolution No. 1924 (City Street Naming Policy)

A4. Criterion: “No street names shall be used which will duplicate, sound like or closely resemble the names of existing streets, except for extensions of existing streets or when eventual connection cannot be anticipated.”

Response: The proposed name is not duplicative of any existing streets within the City.

Street Designation

Resolution No. 1924 (City Street Naming Policy)

A5. Criterion: “All other streets that generally run north-south shall be designated "Avenues". All other streets that generally run east-west shall be designated "Streets".”

Response: The subject street runs north-south therefore, the renamed street will continue to be designated as Avenue.

Name Selection

Resolution No. 1924 (City Street Naming Policy)

A6. Criterion: When practical, streets shall be named using historic surnames or names reflecting Oregon geography, natural features or native plants and animals. Utilization of first names is discouraged. Names to be considered may include, but are not limited to the following:

- a. Early homesteaders or settlers in the Wilsonville area.
- b. Original holders of Donation Land Claims in the Wilsonville area.
- c. Heirs of original settlers or long-time residents of the Wilsonville area.
- d. Early community leaders and pioneers of eminence.
- e. Native American tribes indigenous to Oregon.
- f. Pioneers of the Champoeg I Butteville area.
- g. Native animal and bird names
- h. Native tree and plant names
- i. Agrarian and cultural themes

Response: The proposed name, SW Ponderosa Avenue, fits the naming criteria in the City street naming policy. Ponderosa trees are native trees that grow throughout the Willamette Valley.

Street Suffix

Resolution No. 1924 (City Street Naming Policy)

A7. Criterion: “All streets shall have a suffix name. Only street suffix names from the USPS Postal Addressing Standards are permitted.”

Response: The proposed street name SW Ponderosa Avenue meets this standard.

Renaming Naming Policy

Resolution No. 1924 (City Street Naming Policy)

A8. Criterion: "Individuals wishing to rename a street must provide written approval from the major of property owners along said street and are subject to approval by the City Council. Applicant must pay cost associate with replacing signage."

Response: The applicant submitted documentation showing written consent of all property owners. See Exhibit B2. The City Council hearing date is scheduled for April 17, 2023. A condition of approval will ensure that the applicant pays the cost associated with replacing the street signs.