



Exhibit A1  
Staff Report  
Frog Pond Oaks 41-Lot Subdivision

Development Review Board Panel 'A'  
Quasi-Judicial Public Hearing

Amended and Adopted April 11, 2022  
Added language ***bold italics underline***  
Removed language ~~struck through~~

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<b>Hearing Date:</b>	April 11, 2022
<b>Date of Report:</b>	April 4, 2022
<b>Application Nos.:</b>	DB21-0072 Annexation DB21-0073 Zone Map Amendment DB21-0074 Stage I Preliminary Plan DB21-0075 Stage II Final Plan DB21-0076 Site Design Review of Parks and Open Space DB21-0077 Tentative Subdivision Plat DB21-0078 Type C Tree Removal Plan DB21-0079 Waiver SI21-0005 Abbreviated SROZ Map Verification
<b>Request/Summary:</b>	The requests before the Development Review Board include Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, Waiver, and Abbreviated SROZ Map Verification
<b>Location:</b>	6725 SW Frog Pond Lane. The property is specifically known as TLID 401 and 402, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
<b>Owners:</b>	Sheri Miller and James Mehus
<b>Applicant:</b>	West Hills Land Development LLC (Contact: Dan Grimberg)
<b>Applicant's Rep.:</b>	OTAK, Inc. (Contact: Li Alligood AICP)
<b>Comprehensive Plan Designations:</b>	Residential Neighborhood
<b>Zone Map Classification (Current):</b>	Rural Residential Farm Forest 5-Acre (RRFF-5)
<b>Zone Map Classification (Proposed):</b>	Residential Neighborhood (RN)

**Staff Reviewers:** Cindy Luxhoj AICP, Associate Planner  
 Amy Pepper, PE, Development Engineering Manager  
 Kerry Rappold, Natural Resources Program Manager

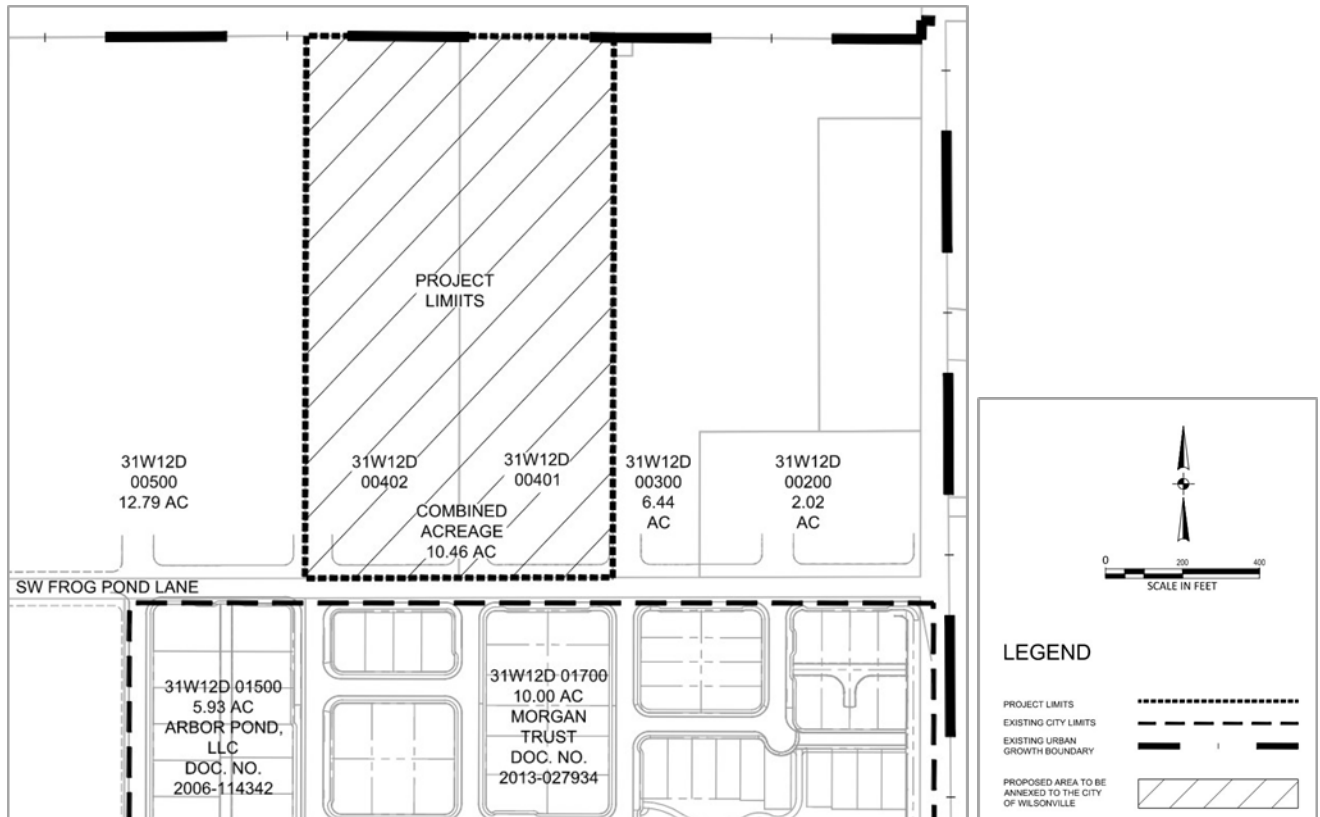
**Staff Recommendation:** Recommend approval to the City Council of the Annexation and Zone Map Amendment, approve with conditions the Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Plan, Waiver and SI21-0005 Abbreviated SROZ Map Verification contingent on City Council approval of the Annexation and Zone Map Amendment.

**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 4.033	Authority of City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.139 through 4.139.11	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Sections 4.156.01 through 4.156.11	Signs
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes
Sections 4.200 through 4.290	Land Divisions
Sections 4.300 through 4.320	Underground Utilities

Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600-4.640.20	Tree Preservation and Protection
Section 4.700	Annexation
<b><u>Comprehensive Plan and Sub-elements:</u></b>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<b><u>Regional and State Law and Planning Documents</u></b>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by Consent Before Public Hearing or Order for Election
Statewide Planning Goals	

## Vicinity Map



## Background:

The subject property has long been rural/semi-rural, adjacent to the growing City of Wilsonville. Metro added the 181-acre area now known as Frog Pond West to the Urban Growth Boundary in 2002 to accommodate future residential growth. To guide development of the area and the urban reserve areas to the east and southeast, the City of Wilsonville adopted the Frog Pond Area Plan in November 2015. The Frog Pond Area Plan envisions that: “The Frog Pond Area in 2035 is an integral part of the Wilsonville community, with attractive and connected neighborhoods. The community’s hallmarks are the variety of quality homes; open spaces for gathering; nearby services, shops and restaurants; excellent schools; and vibrant parks and trails. The Frog Pond Area is a convenient bike, walk, drive, or bus trip to all parts of Wilsonville.”

As a follow up to the Area Plan and in anticipation of forthcoming development, in July 2017 the City of Wilsonville adopted the Frog Pond West Master Plan for the area within the UGB. To guide development and implement the vision of the Area Plan, the Master Plan includes details on land use (including residential types and unit count ranges), residential and community design, transportation, parks and open space, and community elements such as lighting, street trees, gateways, and signs. The Master Plan also lays out the infrastructure financing plan.

The proposed 41-lot subdivision is the eighth development proposal in Frog Pond West. The subdivision will connect to the previously approved Frog Pond Vista and Frog Pond Crossing subdivisions, blending together as one cohesive neighborhood consistent with the Frog Pond West Master Plan.

The City recently adopted local development regulations related to the allowance of middle housing types in response to state law and local equitable housing policies. As part of this work, changes were adopted to the Comprehensive Plan, Zone Map, Development Code, Villebois Village and Frog Pond West Master Plans, and Old Town Neighborhood Plan. The plan and associated Zone Map and Development Code amendments went into effect on November 18, 2021. As the subject applications were submitted to the City on November 4, 2021, the standards applicable at the time the City received the application (Section 4.127, Residential Neighborhood, see Exhibit A2) are used in determining compliance of the proposed subdivision with City standards. Construction of homes on the proposed lots will be subject to the revised Development Code standards for permitted uses and lot development standards.

Several land use applications have been submitted for sites near the subject property. Frog Pond Vista (DB21-0057-0063) is located west of the Frog Pond Oaks subdivision, Frog Pond Crossing (DB21-36-0044) is located to the east, and Frog Pond Ridge (DB20-0007-0014) is to the south. All contain features such as street extensions, pedestrian connections, and street trees that will interface with this application. Staff has reviewed this application in the context of the properties to the west, east, and south to ensure all shared components are consistently applied across each subdivision.

### **Application Summary:**

#### Annexation (DB21-0072)

The area proposed for annexation is contiguous to land currently in the City, within the UGB, and master planned for residential development. All property owners and a majority of registered voters in the annexation area have consented in writing to the annexation.

#### Zone Map Amendment (DB21-0073)

Concurrent with adoption of the Frog Pond West Master Plan, the City added a new zoning district, Residential Neighborhood (RN), intended for application to the Master Plan area. The applicant proposes applying the RN Zone to annexed area consistent with this intention.

#### Stage I Preliminary Plan (DB21-0074)

The proposed residential use, number of lots, preservation of open space, and general block and street layout are consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use unit count, the proposed Stage I Preliminary Plan area includes portions of

small lot Sub-district 10, and medium lot Sub-district 11. See Finding C17 for a more detailed discussion on how the proposal meets the required density in each sub-district consistent with the Master Plan recommendations.

The Frog Pond West Master Plan established range for Sub-district 10 is 30-38 lots. Approximately 50.2% of Sub-district 10 is within the project area and the applicant proposes 12 lots, which is three (3) lots fewer than the minimum of 15 for this portion of the sub-district. This is an allowed reduction based on stormwater management needs unique to the site. The established range for Sub-district 11 is 46-58 lots. Approximately 60.3% of Sub-district 11 is within the project area and the applicant proposes 29 lots, which is one (1) lot greater than the minimum of 28 for this part of the sub-district, meeting the proportional density requirement for the site.

Development within small lot sub-districts greater than 10 acres must provide a minimum of 10% of the net developable area as open space. The open space must include at least 50% usable open space as defined by the Code. A request to waive open space location requirements is included (see DB21-0079) under Request H.

#### Stage II Final Plan (DB21-0075)

The applicant proposes installing necessary facilities and services concurrent with development of the proposed subdivision.

Proposed lot layout and size, as well as block size and access, generally demonstrate consistency with development standards established for the Residential Neighborhood (RN) zone and in the Frog Pond West Master Plan.

Regarding the protection of natural features and other resources, the project design avoids disturbance of these features and resources. The site is generally flat, varying by approximately 17 feet from northeast (253 ft. elevation) to southwest (236 ft. elevation).

#### Site Design Review (DB21-0076)

The scope of the Site Design Review request includes design of common tracts and the streetscape. Overall, the design of these spaces is consistent with the Site Design Review standards and the Frog Pond West Master Plan. In particular, the proposed streetscape design conforms or will with Conditions of Approval to the street tree and street lighting elements of the Frog Pond West Master Plan. The design also includes open space tracts consistent with the Master Plan. Among the additional specific elements reviewed are the landscaping and site furnishings in open space tracts.

#### Tentative Subdivision Plat (DB21-0077)

The proposed tentative plat meets technical platting requirements, demonstrates consistency with the Stage II Final Plan, and thus the Frog Pond West Master Plan, and does not create barriers to future development of adjacent neighborhoods and sites.

#### Type C Tree Removal Plan (DB21-0078)

There are ~~104~~105 trees inventoried on-site as part of the proposed development. The majority of the tree removal is proposed in the southeastern part of the site near to the existing house and accessory buildings where trees will be removed due to construction of proposed public streets and residential lots.

Of the ~~104~~105 trees on the subject property, 76 trees are proposed to remain including 15 in Tract D (open space) and 61 in Tract E (open space). ~~Twenty-eight~~nine (2829) trees are proposed for removal, which is necessary due to construction. The applicant proposes planting 109 new trees in the form of 87 street trees, 15 trees within the open space (Tracts D and E), and 7 trees within the pedestrian connection (Tract C). In addition, 13 trees are proposed to be planted adjacent to the stormwater facility in Tract B, for a total of 122 trees. The proposed mitigation (Sheets L2.00-L2.40) is in excess of the 1:1 mitigation requirement for tree removal.

#### Waiver – Open Space Location (DB21-0079)

Properties within the R-5 Small Lot Sub-districts must provide 10% of the net developable area in open space. At least 50% of the total open space area must be usable open space as defined by the Code. Because the topography and drainage pattern of the site slopes from northeast to southwest across the site, the applicant proposes to locate the majority of stormwater facilities in two tracts within the R-5 Small Lot Sub-district 10. Therefore, the entirety of R-5 land on the subject property is proposed to be utilized for residential units and stormwater facilities. The required open space will be provided a short distance away in Tracts C (pedestrian connection), D (open space) and E (open space) in the R-7 Sub-district to the north. The usable open space will be provided in the Tract E open space area. The applicant requests a waiver to provide the required usable open space area outside of the R-5 Small Lot Sub-district.

#### Abbreviated SROZ Map Verification (SI21-0005)

Consistent with the Development Code requirements, a verification of the SROZ boundary is required at the time an applicant requests a land use decision. Because a wetland area was identified in the central part of the site, the applicant conducted a detailed site analysis consistent with Development Code requirements, which the City's Natural Resources Manager reviewed, to confirm that the wetland is not deemed locally significant and that there are no portions of the site that should be within the SROZ boundary.

## Discussion Points – Verifying Compliance with Standards:

This section provides a discussion of key clear and objective development standards that apply to the proposed applications. The Development Review Board will verify compliance of the proposed applications with these standards. The ability of the proposed applications to meet these standards may be impacted by the Development Review Board’s consideration of discretionary review items as noted in the next section of this report.

### Consistency with Statewide Planning Goals

The Statewide Planning Goals provide direction to local jurisdictions regarding the State’s policies on land use. It is assumed the City’s adopted Comprehensive Plan, which includes the adopted Frog Pond Area Plan and Frog Pond West Master Plan, is in compliance with the Statewide Planning Goals (specifically Goal 2, Land Use Planning), and that compliance with the Comprehensive Plan also demonstrates compliance with the Statewide Planning Goals. At the time of its adoption, the Frog Pond West Master Plan was found to be in compliance with all applicable Statewide Planning Goals, including Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14. Statewide Planning Goals particularly relevant to the Frog Pond Crossing application include Goals 10, 12, and 14.

Goal 10, Housing, identifies a need for “needed housing”, which is defined for cities having populations larger than 2,500, as attached and detached single-family housing, multiple-family housing, and manufactured homes. Annexation of the subject site into the Wilsonville City limits will provide lots that can be developed with attached and detached single-family housing, which is defined as “needed housing” in the City’s 2014 Residential Land Study.

Goal 12, Transportation, identifies the importance of a safe, convenient, and economic transportation system, and requires local jurisdictions to adopt a TSP. The proposed annexation area will comply with Wilsonville’s TSP, which has been updated to include the Frog Pond West area. Annexation of the subject site will allow for its development, including new street connections included in the TSP.

Goal 14, Urbanization, identifies the need for orderly and efficient growth, the need to accommodate housing and employment within the UGB, and the importance of livable communities. The Frog Pond West Master Plan area was added to the UGB to accommodate residential growth. The Master Plan complied with Goal 14 and Metro Title 11, Planning for New Urban Areas, and guides the orderly annexation of the subject site, which is located in the Frog Pond West Master Plan area, development of a livable community, and provision of additional housing within the UGB.

As demonstrated above, the proposed projects are consistent with the Comprehensive Plan and Frog Pond West Master Plan, which have been found to be consistent with Statewide Planning Goals.



## Traffic Impacts

The Traffic Impact Analysis (see Exhibit B1) performed by the City's consultant, DKS Associates, identifies the most probable used intersections for evaluation as:

- SW Stafford Road/SW Frog Pond Lane
- SW Stafford Road/SW Brisband Street
- SW Boeckman Road/SW Advance Road/SW Stafford Road/SW Wilsonville Road
- SW Boeckman Road/SW Willow Creek Drive
- SW Boeckman Road/SW Canyon Creek Road
- SW Boeckman Road/SW Parkway Avenue

The study intersections meet the City of Wilsonville's operating standard for the existing conditions. The intersections will continue to perform at Level of Service D or better with the proposed project and thus meet City standards.

The Traffic Impact Analysis for the project (DKS, November 2021) did not include analysis of the SW Stafford Road/SW 65th Avenue intersection, as it was found to already fail to meet Clackamas County standards under existing 2021 conditions. The Clackamas County 20-year Capital Project List includes a proposed future roundabout at the SW Stafford Road/SW 65th Avenue/SW Elligsen Road intersection (Project ID 1079) as the recommended improvement. The City's Transportation System Plan identifies this as a high priority project (Project SI-03) under the jurisdiction of Clackamas County. The City's cost share of the project is 25% of the total project cost with the County funding the remaining portion. The transportation SDC's collected as part of this development will contribute toward the City's share of the proposed intersection improvement costs. As the SW Stafford Road/SW 65th Avenue intersection is outside the City's jurisdiction, it is not possible to require the completion of these improvements within the specified timeframe. The improvements will be constructed on the timeline set forth by the County's 20-Year Capital Project List. In the meantime, the City's Boeckman Creek Corridor Project, which includes improving the intersection of SW Canyon Creek Road and SW Boeckman Road, will also include temporary signalization at the SW Stafford Road/SW 65th Avenue intersection, which will improve the flow of traffic at this intersection

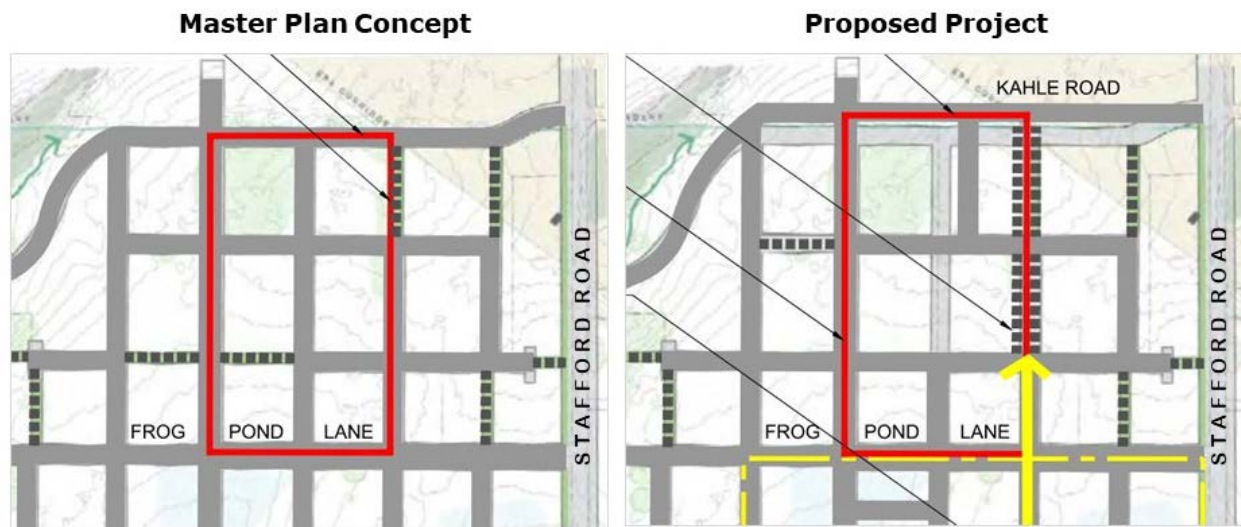
## Street Demonstration Plan Compliance

The Street Demonstration Plan (Figure 18 of the Frog Pond West Master Plan), is an illustrative layout of the desired level of connectivity in the Frog Pond West neighborhood. The Street Demonstration Plan is intended to be guiding, not binding, allowing for flexibility provided overall connectivity goals are met.

In order to preserve mature trees on the subject site while providing access throughout the subdivision, the applicant proposes some limited variations from the Street Demonstration Plan that results in a modified grid configuration of streets.

As shown in the illustration below, applicant proposes to eliminate a north-south street and provide the completion of a north-south pedestrian connection to the east. The east-west streets shown in the Street Demonstration Plan are left unchanged and are shown as SW Windflower and SW Trillium Streets (Public Streets C and D). The Street Demonstration Plan includes a north-south pedestrian connection to SW Kahle Road at the northeast corner of the property. The applicant proposes to include a portion of this pedestrian connection within Tract C-, to complete the portion included in the Frog Pond Crossing subdivision to the east, to offer a comparable level of connectivity as proposed in the Master Plan.

The planned right-of-way for SW Kahle Road will be shifted north due to several natural resources along the northern edge of Frog Pond West. As a result, the pedestrian, bike, and trail connectivity must occur within the subdivisions rather than within the right-of-way as planned. A condition of approval requires the provision of a pedestrian connection to Tax Lots 500 to the west (in Frog Pond Vista) and 300 to the east (in Frog Pond Crossing) and to the north via the pathway in Tracts D and E to the future SW Kahle Road right-of-way to ensure a continuous pathway system to adjacent properties and facilitate pedestrian connectivity to open spaces and the Boeckman Creek Trail consistent with the Frog Pond West Master Plan.



### Street Length and Connectivity

The proposed modified grid pattern provides an efficient street connection to SW Frog Pond Lane and SW Stafford Road with interior streets providing efficient pedestrian connections through the attached sidewalks and Pedestrian Connections. The modified grid pattern with attached

sidewalks provides for a substantially equivalent level of pedestrian connectivity, with the exception of eliminating the extension of SW Larkspur Terrace between SW Windflower and Trillium Streets (Public Streets C and D) shown in the Street Demonstration Plan. However, extending SW Larkspur Terrace, or creating a separate, mid-block pedestrian connection between these streets would result in a reduction in the number of lots by two (2), which would bring the portion of the site in Sub-district 11/R-7 out of compliance with Frog Pond West Master Plan density standards. The Pedestrian Connection adjacent to Tract C at the eastern boundary of the property provides an alternative connection. The proposed modifications do not require out-of-direction pedestrian travel nor do they result in greater distances for pedestrian access to the proposed subdivision from the above streets than would otherwise be the case if the Street Demonstration Plan were adhered to.

### Boeckman Creek Trail and Connections

As noted in the Frog Pond West Master Plan, this trail will run along the western edge of the Frog Pond neighborhood, with access provided via trailheads at the termination of east-west streets in Frog Pond. A local trail along the northern edge of Frog Pond West is shown in the Master Plan to connect the Boeckman Creek Trail to other future trails in Frog Pond East and South. The applicant proposes to construct a portion of this local trail through the northern part of the Frog Pond Oaks subdivision. From two trail connections east of SW Willow Creek Drive on the western property boundary that intersect in the middle of the Tract E open space, the trail traverses Tract E to Public Street E near the future SW Kahle Road right-of-way. A condition of approval requires the trail to extend from Street E east across Tract D to connect with the trail in the Frog Pond Crossing subdivision to the east.

Due to the presence of a wetland and high-value trees, the City shifted the planned location of SW Kahle Road to the north during the review of the previously approved Frog Pond Crossing subdivision. This change moves the majority of the right-of-way for future SW Kahle Road off the subject property except a small 10-foot dedication to the north of Tracts D and E. SW Kahle Road would have included a trail connection to future development in Frog Pond East as envisioned by the Frog Pond West Master Plan. The applicant coordinated with the developer of the proposed Frog Pond Vista and Frog Pond Crossing subdivisions to the west and east, respectively, to create a trail alignment through planned open space tracts that meets the overall intent of the Master Plan. A condition of approval will ensure that the final alignments of these connections are coordinated at the time of construction permitting. While the Boeckman Creek Regional Trail will ultimately continue north, the proposed site layout allows for an interim trail connection to the east that will lead to similar paths off-site.

## Residential Density Targets

Within the Residential Neighborhood zone, the City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions.

The applicant proposes three (3) fewer lots than the minimum density in the Sub-district 10/R-5 portion of the subject site due to a combination of factors related to topography, infrastructure needs, and provision of non-residential uses. As described by the applicant, due to the overall site's topography and drainage pattern, two large stormwater tracts are proposed within Sub-district 10 to manage stormwater from both Sub-districts 11 and 10. Although low impact development approach (LIDA) facilities are proposed on the extension of SW Windflower Street (Public Street C), SW Trillium Street (Public Street D), SW Frog Pond Lane, and SW Willow Creek Drive, adding additional LIDA facilities to the site will not mitigate the need for, or reduce the size of the two stormwater facilities proposed in Tracts A and B (see Appendix B for stormwater calculations).

As further described by the applicant, due to the street alignments and extensions required by the Frog Pond West Master Plan, the proposed lots in Sub-district 10 are limited in configuration and location. Proposed Lots 1-6, bounded by SW Windflower Street (Public Street C), SW Frog Pond Lane, SW Willow Creek Drive, and SW Larkspur Terrace in the SW corner of the sub-district, are all larger than minimum lot size requirements. An additional lot abutting SW Windflower Street (Public Street C) could meet the minimum 35-ft. width and 60-ft. depth requirement, but could not meet the minimum 4,000 sq. ft. lot area standard. The total area of this block, minus Tract A, is approximately 28,000 sq. ft. Assessing area alone, there is space to create one (1) additional lot, which would be seven (7) lots. However, given the constraints of the required street system, and placement of a stormwater management facility, only six (6) lots can practically fit, while meeting minimum lot standards. As a result, the lots, as proposed, are larger than the minimum standard of Sub-district 10, but still smaller than those proposed in the medium lot Sub-district 11/R-7 portion of the site.

The proposed development of 12 lots, rather than the minimum of 15 lots, in this portion of Sub-district 10 exceeds the minimum lot development standards while preserving significant trees, providing adequate stormwater management infrastructure, and allowing for compliant future development within the Master Plan area. The configuration of lots proposed will allow for buildout of these sub-districts consistent with the Master Plan recommendations. Therefore, a waiver is not required to allow the proposed reduction, and this request is being reviewed for compliance with the clear and objective standards rather than through a discretionary waiver process.

## Balancing Uses in Planter Strips

Many design elements compete for space within the planter strips between sidewalks and streets. These elements include street trees, stormwater facilities, and streetlights while accommodating appropriate spacing from underground utilities and cross access by pedestrians. To balance these uses, the City recommends that the applicant's plans prioritize street tree and street lighting placement with appropriate spacing from utility laterals and water meters, then place stormwater facilities where space remains available and placement is desirable.

The Frog Pond West Master Plan requires street trees to be spaced consistently along both sides of a street. However, due to the placement and spacing requirements for driveways, utilities, and other infrastructure, as discussed above, fewer and more widely or closely spaced street trees are proposed on SW Larkspur Terrace and SW Windflower Street (Public Street C). However, as shown on the applicant's Sheet L2.00, which highlights spacing requirements, the maximum possible number of street trees are proposed given the constraints of balancing the many design elements competing for space in the planter strips along these streets. .

## Tree Removal and Preservation

There are ~~104~~105 trees inventoried on the site of the proposed development. Of the ~~104~~105 on-site trees, 76 trees, including a mature grove of Oregon white oak, Scots pine, Ponderosa pine, hawthorn, Douglas fir, and other trees, are proposed for preservation and ~~28~~29 for removal. Several mature Oregon white oaks are located within the grove and much of the site layout is based on preserving these trees as well as others along the northeastern and eastern boundaries of the property. The applicant proposes to plant 122 trees, exceeding the 1:1 mitigation ratio.

## Discussion Points – Discretionary Review:

This section provides a discussion of discretionary review requests that are included as part of the proposed applications. The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant.

## Waiver - Open Space Location

The proposed development includes properties within the R-7 medium lot sub-district, which is exempt from open space requirements, and 2.76 ac in the R-5 small lot sub-district. Due to the proposed location of stormwater facilities, which serve both Sub-districts 10 and 11 within the site, as well as street alignments and extensions required by the Frog Pond West Master Plan, adequate space is not available to meet the minimum open space standards of the R-5 Sub-district 10, while maximizing available housing density for the sub-district. The applicant proposes 80,230 sq. ft. of open space, 68,470 sq. ft. of which is usable open space, which substantially exceeds the requirement of 12,025 sq. ft. of open space and 6,013 sq. ft. of usable open space. The open space (Tracts D and E) is located outside the R-5 sub-district in Tracts D and E in the R-7

medium lot Sub-district 11, and the applicant has requested a waiver to locate the open space outside of the R-5 sub-district boundaries. The open space is located approximately 365 feet north of the 12 lots located in the R-5 small lot sub-district. Active open space also is available in the Frog Pond Ridge subdivision to the south, within approximately 400 feet of the lots in the sub-district.

**Public Comments and Responses:**

No public comments on the proposal were received during the comment period.

## 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, staff recommends that the Development Review Board recommend approval to City Council or approve, as relevant, the proposed applications (DB21-0072 through DB21-0079 and SI21-0005) with the following conditions:

### Planning Division Conditions:

#### Request A: DB21-0072 Annexation

This action recommends to the City Council approval of Annexation for the subject properties. The Zone Map Amendment (DB21-0073) and all approvals contingent on it are contingent on annexation.

**PDA 1. Prior to issuance of any Public Works permits by the City within the annexation area:** The developer shall be subject to a Development and Annexation Agreement with the City of Wilsonville as required by the Frog Pond West Master Plan. The developer shall enter into the Development and Annexation Agreement prior to issuance of any public works permits by the City within the annexation area.

#### Request B: DB21-0073 Zone Map Amendment

This action recommends to the City Council adoption of the Zone Map Amendment for the subject properties. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB21-0072). Case files DB21-0074, DB21-0075, DB21-0076, DB21-0077, DB21-0078, DB21-0079, and SI21-0005 are contingent on City Council action on the Zone Map Amendment request.

No conditions for this request.

#### Request C: DB21-0074 Stage I Preliminary Plan

Approval of DB21-0074 (Stage I Preliminary Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0073).

No conditions for this request

#### Request D: DB21-0075 Stage II Final Plan

Approval of DB21-0075 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0073).

**PDD 1. General:** The approved Stage II Final Plan (Final Plan) shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. The Planning Director through the Class I Administrative Review Process may approve minor changes to the Final Plan if such changes are consistent with the purposes and general character of the Final Plan. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding D4.

PDD 2.	<b><u>Prior to issuance of Public Works Permit:</u></b> The final design and layout of Tract C shall be confirmed to ensure consistency of the Pedestrian Connection in the Frog Pond Crossing subdivision to the east with respect to tree location and distance of trees from the pathway. See Finding D11.
PDD 3.	<b><u>Prior to Final Plat Approval:</u></b> On the Final Subdivision Plat, public pedestrian and bicycle access easements, including egress and ingress, shall be established across the entirety of all pathways located in private tracts. See Finding D13.
PDD 4.	<b><u>Prior to Issuance of the Public Works Permit:</u></b> Provide a pedestrian connection to Tax Lot 500, the property to the west of this site, and Tax Lot 300, the property to the east of this site, to ensure a continuous pathway system to adjacent properties. Coordinate with the design engineer for the adjacent projects to identify the best connection points. See Finding D13.
PDD 5.	<b><u>General:</u></b> All crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast). See Finding D16.
PDD 6.	<b><u>General:</u></b> Any area, whether in a garage or in a driveway, counted as a required parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D19.
PDD 7.	<p><b><u>Prior to Final Plat Approval:</u></b> A tree protection easement shall be provided on Lots 28-31, 33, and 40 to protect Trees #59245, #59282 through #59287, #59288, #59289, #59294, and #59376. Such easements shall be shown on the final plat and include the following provisions:</p> <ul style="list-style-type: none"> <li>• City and HOA access to inspect health of the portion of the tree root system and tree structure on the properties to ensure activity or conditions in the easement area do not impact the overall health of the trees and to perform any necessary activity to preserve tree health and maintain appropriate landscaping within the easement area.</li> <li>• Establish HOA responsibility for landscaping and tree maintenance within the easement area.</li> <li>• Limit landscaping within the tree protection easement to native plantings compatible with Oregon white oaks and other preserved species, as appropriate.</li> <li>• Require temporary and permanent drainage and irrigation be designed around easement areas to optimize the amount of water in the root zone of the trees to support their health.</li> </ul> <p>No foundations or hardscape improvements shall be placed within the portion of the root zone, which is delineated by the tree protection fencing shown on Sheet L1.00 within Exhibit B2. Fence posts for tree protection fencing within the root zones of the preserved trees shall be hand dug and supervised by the project arborist. If roots are encountered alternative fence post placement is required as determined by the project arborist. Tree protection fencing shall not be removed without the</p>



	arborist present onsite and prior notice given to the Planning Division. See Finding D22.
<b>PDD 8.</b>	<b><u>Prior to Final Plat Approval:</u></b> The preserved Trees #59245, #59282 through #59287, #59288, #59289, #59294, and #59376 within tree protection easements shall be pruned for dead branches before lots are developed. See Finding D22.
<b>PDD 9.</b>	<b><u>Prior to Final Plat Approval:</u></b> A waiver of remonstrance against formation of a local improvement district (LID) shall be recorded in the County Recorder's Office as well as the City's Lien Docket as part of the recordation of the final plat. In light of the developer's obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee in accordance with the Development and Annexation Agreement required by PDA 1, the LID Waiver for a specific parcel within the Frog Pond Oaks development shall be released upon official recording of the release of the waiver only after payment of the Infrastructure Supplemental Fee and Boeckman Bridge Fee. Further, the developer shall pay all costs and fees associated with the City's release of the LID Waiver. See Finding D32.
<b>PDD 10.</b>	<b><u>General:</u></b> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D28.

Request E: DB21-0076 Site Design Review of Parks and Open Space

	Approval of DB21-0076 (Site Design Review of Parks and Open Space) is contingent on City Council approval of the Zone Map Amendment request (DB21-0073).
<b>PDE 1.</b>	<b><u>General:</u></b> Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding E3.
<b>PDE 2.</b>	<b><u>Prior to Final Plat Approval:</u></b> All landscaping and site furnishings required and approved by the Development Review Board for common tracts shall be installed prior to Final Plat Approval unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of Final Plat Approval. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, an irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant/owner. See Finding E13.

PDE 3.	<b>Prior to Final Plat Approval:</b> The applicant shall either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping. See Finding E13.
PDE 4.	<b>Ongoing:</b> The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville’s Development Code. See Finding E14.
PDE 5.	<b>Ongoing:</b> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered as allowed by Wilsonville’s Development Code. See Findings E15 and E16.
PDE 6.	<p><b>General:</b> The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> <li>• Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch.</li> <li>• Native topsoil shall be preserved and reused to the extent feasible.</li> <li>• Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings.</li> <li>• All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10-inch to 12-inch spread.</li> <li>• Shrubs shall reach their designed size for screening within three (3) years of planting.</li> <li>• Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4-inch pot spaced 2 feet on center minimum, 2-1/4-inch pots spaced at 18-inch on center minimum.</li> <li>• No bare root planting shall be permitted.</li> <li>• Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting.</li> <li>• Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.</li> <li>• Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding E20.</li> </ul>
PDE 7.	<b>General:</b> All trees shall be balled and burlapped and conform in size and grade to “American Standards for Nursery Stock” current edition. See Finding E20.

PDE 8.	<b>Ongoing:</b> Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. See Finding E21.
PDE 9.	<b>Prior to issuance of any Public Works permits:</b> The applicant/owner shall submit information demonstrating compliance with the Public Works Standards and Frog Pond West Master Plan. The street lighting shall be Westbrook style streetlights. The applicant/owner shall provide a ‘stamped’ engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets. See Finding E24.
PDE 10.	<b>Prior to issuance of any Public Works permits:</b> Consistent with the Frog Pond West Master Plan, which includes a Public Lighting Plan and recommended lighting plan hierarchy, and recommends that pedestrian connections, trailheads and paths be uniformly illuminated to define a hierarchy of travel routes, and that such illumination follow the Public Works Standards for Shared-Use Path Lighting, the applicant shall, in consultation with the City Engineer, determine if additional pedestrian-scale lighting is warranted along the pathways in Tracts C, D and E and <del>install</del> <b>include</b> any warranted lighting in compliance with these standards <b><i>in the Public Works plans</i></b> . See Finding E25.
PDE 11.	<b>Prior to Final Plat Approval:</b> All street signs shall be installed and utilize the City-approved sign cap on street name signs throughout the entirety of the subdivision, matching the design used in the previously-approved subdivisions in the Frog Pond West Master Plan area. The developers will buy the signs from the City. See Finding E28.

Request F: DB21-0077 Tentative Subdivision Plat

Approval of DB21-0077 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB21-0073).	
PDF 1.	<b>Prior to Final Plat Approval:</b> Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
PDF 2.	<b>Prior to Final Plat Approval:</b> The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, 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 or the Tentative Plat.
PDF 3.	<b>Prior to Final Plat Approval:</b> Where any street will be extended signs stating “street to be extended in the future” or similar language approved by the City Engineer shall be installed. See Finding D33 and F13.

PDF 4.	<b><u>Prior to Final Plat Approval:</u></b> The applicant/owner shall submit for review and approval by the City Attorney CC&R's, bylaws, etc. related to the maintenance of the open space tracts. Such documents shall assure the long-term protection and maintenance of the open space tracts.
PDF 5.	<b><u>Prior to Final Plat Approval:</u></b> For all public pipeline easements, public access easements, and other easements, as required by the City, shown on the Final Subdivision Plat, the applicant/owner and the City shall enter into easement agreements on templates established by the City specifying details of the rights and responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County. See Finding F17.

Request G: DB21-0078 Type C Tree Plan

Approval of DB21-0078 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0073).	
PDG 1.	<b><u>General:</u></b> This approval for removal applies only to the <del>28</del> <sup>29</sup> trees identified in the applicant's submitted Tree Maintenance and Protection Plan, see Exhibit B2. All other trees on the property shall be maintained unless removal is approved through separate application.
PDG 2.	<b><u>Prior to Grading Permit Issuance:</u></b> The applicant/owner shall submit an application for a Type 'C' Tree Removal Permit on the Planning Division's Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant/owner shall provide the City's Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant/owner shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff. See Finding G19.
PDG 3.	<b><u>Prior to Final Plat Approval:</u></b> The applicant/owner shall install the required 122 mitigation trees, as shown in the applicant's sheets L2.00 through L2.40 per Section 4.620 WC.
PDG 4.	<b><u>General:</u></b> The permit grantee or the grantee's successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during the two (2) years after planting shall be replaced.
PDG 5.	<b><u>Prior to Commencing Site Grading:</u></b> The applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. See Finding G25.

**PDG 6. Prior to Commencing Site Grading:** The project arborist and landscape architect shall determine the location of the trail/pathway in the Tract E open space and subsequent construction of the trail/pathway will follow the methods outlined in the Arborist Report (Appendix E of Exhibit B1) to ensure protection of trees in the grove. See Finding G25.

**Request H: DB21-0079 Waiver**

Approval of DB21-0079 – Waiver: Minimum Open Space Location, is contingent on City Council approval of the Zone Map Amendment request (DB21-0073).

No conditions for this request.

**Request I: SI21-0005 Abbreviated SROZ Map Verification**

Approval of SI21-0005 SROZ Boundary Verification is contingent on City Council approval of the Zone Map Amendment request (DB21-0073).

No conditions for this request.

*The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City's Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.*

**Engineering Division Conditions:**

**Request D: DB21-0075 Stage II Final Plan**

**PFD 1. General:** Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1 and to specifics as found in the Frog Pond West Master Plan (July 17, 2017).

**PFD 2. General:** Streets shall be primarily constructed per the street type and cross-section as show in the Frog Pond West Master Plan.

**PFD 3. Prior to issuance of a Public Works permit:** Applicant shall be required to enter into a Development and Annexation Agreement with the City. The Development and Annexation Agreement will address coordination with development activities to the east and west of this project.

PFD 4.	<b><u>Prior to Issuance of Public Works Permit:</u></b> Submit site plans to Engineering showing street improvements including pavement, curb, planter strip, street trees, sidewalk, and driveway approaches along site frontage on SW Frog Pond Lane, SW Willow Creek Drive, SW Larkspur Terrace, Street C, Street D, and Street E. Street improvements shall be constructed in accordance with the Public Works Standards.
PFD 5.	<b><u>With the Public Works Permit:</u></b> The construction drawings shall be modified to have the overflow from the storm facilities in Tract A and Tract B and street side swales connect directly to the storm line in SW Frog Pond Lane installed as part of the Frog Pond Ridge development.
PFD 6.	<b><u>With the Public Works Permit:</u></b> The construction drawings shall show all necessary temporary water line looping to avoid long dead-end water lines.
PFD 7.	<b><u>Prior to Issuance of Public Works Permit:</u></b> A final stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the <i>stormwater system design criteria and</i> treatment and flow control requirements <i>of the 2015 Stormwater &amp; Surface Water Design and Construction Standards (Section 3 – Public Works Standadr)</i> . The draft stormwater report shows a portion of the pre-development flows from the site drain <i>offsite</i> to the southeast toward the Boeckman Creek Willow Creek, however, some of those post-development flows are proposed to drain to the northwest toward <i>the</i> Boeckman Creek <i>drainage basin, however, some of that area's post-development flows are proposed to drain to the southwest through the proposed on-site stormwater management facilities and discharge to the Willow Creek drainage basin.</i> Post-development flows are required to drain in the direction of pre-development flows. The final stormwater report shall be revised so that post-development flows drain in the direction of pre-development flows. Additional LID stormwater facilities may be required to meet the water quality and flow control requirements.
PFD 8.	<b><u>Prior to Issuance of Public Works Permit:</u></b> The applicant shall obtain an NPDES 1200C permit from the Oregon Department of Environmental Quality and a Local Erosion Control Permit from the City of Wilsonville. All erosion control measures shall be in place prior to starting any construction work, including any demolition work. Permits shall remain active until all construction work is complete and the site has been stabilized. Permits will be closed out when home construction is completed and final certificates of occupancy have been issued for all homes in the subdivision.
PFD 9.	<b><u>With the Public Works Permit:</u></b> The applicant shall provide to the City a copy of correspondence that plans have been distributed to the franchise utilities. <b><u>Prior to the issuance of the Public Works Permit:</u></b> The applicant shall have coordinated the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easement or right-of-way be required to construct or relocate a franchise utility, the applicant shall provide a copy of the recorded documents.

PFD 10.	<b><u>With the Public Works Permit:</u></b> The construction drawings shall show the location of the existing septic system. <b><u>Prior to final completeness of the Public Works Permit:</u></b> Submit documentation that the existing on-site septic system was properly decommissioned per the requirements of OAR 340-071-0185.
PFD 11.	<b><u>With the Public Works Permit:</u></b> The construction drawings shall show the location of the existing well. <b><u>Prior to final completeness of the Public Works Permit:</u></b> Submit documentation that the existing well serving this property was properly abandoned in accordance with OAR 690-240 and the Water Resources Department requirements.
PFD 12.	<b><u>With the Public Works Permit:</u></b> Submit a copy of the DSL removal-fill permit for filling existing wetland. <b><u>Prior to final completeness of the Public Works Permit:</u></b> Submit documentation that all conditions of the DSL removal-fill permit have been met.
PFD 13.	<b><u>With the Public Works Permit:</u></b> The construction drawings shall show the 10-foot concrete trail extending from Street E east across Tract D to the development to the east.

Request F: DB21-0077 Tentative Subdivision Plat

The following conditions are in addition to the dedications and easements shown on the Tentative Subdivision Plat	
PFF 1.	<b><u>Prior to Final Plat Approval:</u></b> Show dedication of an 8-foot public utility easement along the SW Willow Creek Drive right-of-way on Tract E.
PFF 2.	<b><u>Prior to Final Plat Approval:</u></b> Show dedication of a 15-foot temporary water line easement where temporary water lines are installed, as applicable.
PFF 3.	<b><u>Prior to Final Plat Approval:</u></b> All public infrastructure improvements including but not limited to street, stormwater drainage, water quality and flow control, sanitary sewer, and water facilities shall be substantially complete with approval from the Community Development Director pursuant to Section 4.220 of the Development Code.

**Building Division Conditions:**

All Requests

BD1.	<b><u>Prior to construction of the subdivision’s residential homes,</u></b> designated through approved planning procedures, the following conditions must be met and approved through the Building Official: <ul style="list-style-type: none"> <li>a. Street signs shall be installed at each street intersection and approved per the public works design specifications and their required approvals.</li> <li>b. All public access roads and alleys shall be complete to “Base Lift” for access to the residential home sites.</li> </ul>
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	<p>c. All public and service utilities to the private building lots must be installed, tested and approved by the City of Wilsonville’s Engineering/Public Works Department or other service utility designee.</p> <p>d. All required fire hydrants and the supporting piping system shall be installed, tested, and approved by the Fire Code Official prior to model home construction. (OFC 507.5).</p>
<b>BD2.</b>	<p>New and existing buildings shall have approved address labeled. Building numbers or approved building identification shall be placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1) Provide a physical address on the new home, as well as near the intersection of the private drive and public road visible from any approaches by a monument, pole or other sign used to identify the structure. (ORSC R319)</p>



## Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB21-0072 through DB21-0079 and SI21-0005. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

### Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Development Code Section 4.127 as adopted at time of submittal prior to changes per Ordinance No. 851, effective 11/15/2021.
- A3. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

### Materials from Applicant

**B1. Applicant's Narrative and Materials – Available Under Separate Cover**

- Land Use Application Form
- Land Use Narrative
- Appendix A: Annexation Documents
- Appendix B: Preliminary Stormwater Report
- Appendix C: Traffic Impact Analysis
- Appendix D: SROZ Wetland Report
- Appendix E: Arborist Report
- Appendix F: Geotechnical Report
- Appendix G: CCRs and Bylaws
- Appendix H: Example House Plans
- Appendix I: Republic Services Service Provider Letter
- Appendix J: TVF&R Service Provider Letter
- Appendix K: Emails about BPA Easements

**B2. Full Size Drawings and Plans – Available Under Separate Cover**

- P0.00 Cover Sheet
- P1.00 Existing Conditions – Aerial
- P1.10 Existing Conditions – Survey Mapping
- P2.00 Preliminary Site Plan
- P2.10 Preliminary Street Cross Sections
- P3.00 Preliminary Plat
- P4.00 Preliminary Utility Plan

P5.00 Preliminary Grading Plan  
P6.00 Annexation Plan  
P7.00 Zoning Map  
P8.00 Proposed Circulation and Connectivity  
P9.00 Sub-districts and Density  
L1.00 Tree Protection and Removal Plan  
L1.10 Existing Tree Tables  
L2.00 Landscape Plan - Overall  
L2.10 Landscape Plan – Tracts D and E  
L2.20 Landscape Plan – Tracts A and B  
L2.30 Landscape Plan – LIDA Planters  
L2.40 Landscape Notes and Details  
IL-1 Illumination Notes  
IL-2 Illumination Details  
IL-3 Illumination Details  
IL-4 Illumination Plan

B3. Incompleteness Response Memos Dated January 8 and February 18, 2022

Development Review Team Correspondence

C1. Engineering Division Conditions

## Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on November 4, 2021. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on December 3, 2021. The applicant submitted additional material on January 7, 2022. Staff conducted a second completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on February 4, 2022. The application submitted additional materials on February 18, 2022. Staff conducted a third completeness review within the statutorily allowed 30-day review period and deemed the application complete on February 25, 2022. The City must render a final decision for the request, including any appeals, by June 25, 2022.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North	RRFF-5	Rural Residential/Agriculture
East	RN	Single-family Residential (Frog Pond Crossing, recently approved)
South	RN	Single-family Residential (Frog Pond Ridge, under construction)
West	RRFF-5 (Proposed RN)	Single-family Residential (Frog Pond Vista, recently approved by DRB pending City Council action 4/18/2022)

3. Previous City Planning Approvals: None
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

The City's processing of the application is in accordance with the applicable general procedures of this Section.

#### Initiating Application

Section 4.009

The owners of all property included in the application signed the application forms. West Hills Land Development LLC initiated the application with their approval.

#### Pre-Application Conference

Subsection 4.010 (.02)

Following a request from the applicant, the City held a pre-application conference for the proposal on July 1, 2021 (PA21-0016), in accordance with this subsection.

#### Lien Payment before Approval

Subsection 4.011 (.02) B.

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

#### General Submission Requirements

Subsection 4.035 (.04) A.

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

#### Zoning-Generally

Section 4.110

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

## Request A: DB21-0072 Annexation

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### Comprehensive Plan-Annexation and Boundary Changes

Consistent with Future Planned Public Services  
Implementation Measure 2.2.1.a.

**A1.** The Frog Pond West Master Plan establishes the future planned public services and funding plan for the subject property. The development of public services and funding will be consistent with the Frog Pond West Master Plan thus allowing the annexation to proceed. West Hills Land Development LLC and the City will enter into a Development and Annexation Agreement detailing provision and development of public services as required by Conditions of Approval.

Demonstrated Need for Immediate Urban Growth  
Implementation Measure 2.2.1.a.

**A2.** Metro brought the subject area into the Urban Growth Boundary (UGB) in 2002 to meet demonstrated regional housing needs. With adoption for the Frog Pond West Master Plan the subject area is now primed for development to help meet regional housing needs.

Adherence to State and Metro Annexation Laws and Standards  
Implementation Measure 2.2.1.e.

**A3.** This review applies all applicable Metro and State rules, regulations, and statutes as seen in findings below.

Orderly, Economic Provision of Public Facilities and Services  
Implementation Measure 2.2.1.e. 1.

**A4.** The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant proposes site development with concurrent applications for Stage I and Stage II Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the Frog Pond Oaks site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

Availability of Sufficient Land for Uses to Insure Choices over 3-5 Years  
Implementation Measure 2.2.1.e. 2.

**A5.** The inclusion of the Frog Pond area within the UGB and the adoption of the Frog Pond Area Plan demonstrate the need for residential development in the Frog Pond area.

Annexation of the subject site will allow development of the uses envisioned by the adopted Frog Pond West Master Plan.

## **Wilsonville Development Code-Annexation**

### Authority to Review Quasi-Judicial Annexation Requests

Subsections 4.030 (.01) A, 11, 4.031 (.01) K, 4.033 (.01) F., and 4.700 (.02)

- A6.** The review of the quasi-judicial annexation request by DRB and City Council is consistent with the authority established in the Development Code.

### Procedure for Review, Etc.

Subsections 4.700 (.01). and (.04)

- A7.** The submission materials from the applicant include an annexation petition signed by the necessary parties, a legal description and map of the land to be annexed, and a narrative describing conformance with applicable criteria. City Council, upon recommendation from the DRB, will declare the subject property annexed.

### Adoption of Development Agreement with Annexation

Subsection 4.700 (.05)

- A8.** Subject to requirements in this subsection and the Frog Pond West Master Plan, Conditions of Approval require the necessary parties enter into a Development and Annexation Agreement with the City covering the annexed land.

## **Metro Code**

### Local Government Boundary Changes

Chapter 3.09

- A9.** The request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, and is consistent with both the Comprehensive Plan and the Frog Pond West Master Plan.

## **Oregon Revised Statutes (ORS)**

### Authority and Procedure for Annexation

ORS 222.111

- A10.** The request meets the applicable requirements in State statute including the facts that the subject property is within the UGB and is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and a majority of electors within the annexed area consent in writing to the annexation.

Procedure Without Election by City Electors  
ORS 222.120

**A11.** The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and the request meets the applicable requirements in State statute including the facts that all property owners and a majority of electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

Annexation by Consent of All Owners and Majority of Electors  
ORS 222.125

**A12.** All property owners and a majority of electors within the annexed area have provided their consent in writing. However, the City is following a public hearing process as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

**Oregon Statewide Planning Goals**

Planning Goals – Generally  
Goals 1, 2, 5, 6, 8, 9, 11, 12, 13, 14

**A13.** The area proposed for annexation will be developed consistent with the City's Comprehensive Plan and the Frog Pond West Master Plan, both of which have been found to meet the Statewide Planning Goals.

Housing  
Goal 10

**A14.** The proposed Comprehensive Plan map amendments will continue to allow the City to meet its housing goals and obligations reflected in the Comprehensive Plan. Specifically:

- The City has an existing Housing Needs Analysis and Buildable Lands Inventory adopted in 2014 collectively known as the Wilsonville Residential Land Study. The key conclusions of this study are that Wilsonville: (1) may not have a 20-year supply of residential land and (2) the City's residential policies meet Statewide Planning Goal 10 requirements.
- Under the Metro forecast, Wilsonville is very close to having enough residential land to accommodate expected growth. Wilsonville could run out of residential land by 2032.
- If Wilsonville grows faster than the Metro forecast, based on historic City growth rates, the City will run out of residential land before 2030.

- Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community, and others. The City has started the master planning process for Frog Pond East and South neighborhoods to ensure that additional residential land is available within the City. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.
- Wilsonville is meeting Statewide Planning Goal 10 requirements to “provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing” and to “provide for an overall density of 8 or more dwelling units per net buildable acre.”
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Rezoning the subject property to a higher density zone consistent with the Comprehensive Plan will ensure related zone map amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing UGB and improving the capacity identified in the 2014 study. The type of housing is anticipated to be single-family; however, the approval will allow middle housing consistent with House Bill 2001 and newly implemented City code to allow middle housing types.
- The proposal directly impacts approximately 2.2% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 10.46 of 477 acres).



## Request B: DB21-0073 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### Comprehensive Plan

“Residential Neighborhood” on Comprehensive Plan Map, Purpose of “Residential Neighborhood” Designation

Policy 4.1.7.a.

**B1.** The subject area has a Comprehensive Plan Map Designation of “Residential Neighborhood”. The designation enables development of the site consistent with the purpose of this designation as set forth in the legislatively adopted Frog Pond West Master Plan, resulting in an attractive, cohesive and connected residential neighborhood with high quality architecture and community design, transportation choices, and preserved and enhanced natural resources.

“Residential Neighborhood” Zone Applied Consistent with Comprehensive Plan

Implementation Measure 4.1.7.c.

**B2.** The applicant requests the subject area receive the zoning designation of Residential Neighborhood (RN) as required for areas with the Comprehensive Plan Map Designation of “Residential Neighborhood”.

Safe, Convenient, Healthful, and Attractive Places to Live

Implementation Measure 4.1.4.c.

**B3.** The proposed RN zoning allows the use of planned developments consistent with the legislatively adopted Frog Pond West Master Plan, enabling development of safe, convenient, healthful, and attractive places to live.

Residential Density

Implementation Measure 4.1.4.u.

**B4.** The subject area will be zoned RN allowing application of the adopted residential densities of the Frog Pond West Master Plan. The sub-districts established in the Frog Pond West Master Plan govern the allowed residential densities. See also Request C, Stage I Preliminary Plan.

## Development Code

### Zoning Consistent with Comprehensive Plan Section 4.029

- B5.** The applicant requests a zone change concurrently with a Stage I Preliminary Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designation of RN is consistent with the Comprehensive Plan “Residential Neighborhood” designation. See also Finding B2 above.

### Base Zones Subsection 4.110 (.01)

- B6.** The requested zoning designation of RN is among the base zones identified in this subsection.

## Residential Neighborhood (RN) Zone

### Purpose of the Residential Neighborhood (RN) Zone Subsection 4.127 (.01)

- B7.** The request to apply the RN Zone on lands designated “Residential Neighborhood” on the Comprehensive Plan Map enables a planned development process implementing the “Residential Neighborhood” policies and implementation measures of the Comprehensive Plan and the Frog Pond West Master Plan.

### Permitted Uses in the Residential Neighborhood (RN) Zone Subsection 4.127 (.02)

- B8.** Concurrent with the zone map amendment request the applicant requests approval of a 41-lot residential subdivision. Single-family dwelling units, Duplex, Triplex, Quadplex, Cluster Housing, Cohousing, Cluster Housing (Frog Pond West Master Plan), open space, and public and private parks are among the permitted uses in the RN Zone.

### Residential Neighborhood (RN) Zone Sub-districts and Residential Density Subsection 4.127 (.05) and (.06)

- B9.** The proposed uses, number of lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use lot count, the proposed Stage I area includes portions of medium lot Sub-district 11 and small lot Sub-district 10. A full discussion of compliance with the sub-districts and residential density is included under Request C, Stage I Preliminary Plan.

## Request C: DB21-0074 Stage I Preliminary Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### Comprehensive Plan

City Supports Development of Land within City Consistent with Land Use Designation Goal 2.1, Policy 2.1.1., Implementation Measure 2.1.1.a., Policy 2.2.1.

- C1. The City's Comprehensive Plan, Frog Pond Area Plan, and Frog Pond West Master Plan designate the subject property for residential use. The Frog Pond West Master Plan specifically identifies procedures for development of the subject and surrounding land, thus supporting its development for residential lots so long as proposed development meets applicable policies and standards.

Urbanization for Adequate Housing for Workers Employed in Wilsonville, Jobs and Housing Balance

Implementation Measures 2.1.1.b., 4.1.4.l., 4.1.4.p.

- C2. The proposal provides for urbanization of an area planned for residential use to provide additional housing within the City available to workers employed within the City. However, no special provisions or programs target the units to workers employed within the City.

Encouraging Master Planning of Large Areas

Implementation Measure 2.1.1.f.2.

- C3. The proposed development is part of a larger area covered by the Frog Pond West Master Plan consistent with the City's policies and encouragement related to master planning.

City Obligated to do its Fair Share to Increase Development Capacity within UGB

Implementation Measure 2.2.1.b.

- C4. The property is within the urban growth boundary and available for use consistent with its residential designation. Allowing development of the property for additional residential lots supports the further urbanization and increased capacity of residential land within the UGB.

Urban Development Only Where Necessary Facilities can be Provided

Implementation Measure 3.1.2.a.

- C5. As can be found in the findings for the Stage II Final Plan, the proposed development provides all necessary facilities and services consistent with the Frog Pond West Master Plan.

## Provision of Usable Open Space

Implementation Measures 3.1.11.p., 4.1.5.kk.

- C6. The proposal provides usable open space throughout the subdivision as required by the Frog Pond Master Plan for small lot sub-districts. Findings related to Section 4.127 of the Development Code and Findings H1 and H2 for the waiver request offer additional details related to provision of usable open space.

## Consistency with Street Demonstration Plans May Be Required

Implementation Measure 3.2.2.

- C7. Section 4.127 requires the area subject to the Stage I Preliminary Plan be consistent with the street demonstration plan in Figure 18 of the Frog Pond West Master Plan. The proposed street layout is generally consistent with the street demonstration plan with variations as noted in Finding D15.

## Wide Range of Housing Choices, Planning for a Variety of Housing

Policy 4.1.4., Implementation Measures 4.1.4.b., 4.1.4.c., 4.1.4.d., 4.1.4.j., 4.1.4.o.

- C8. The Frog Pond Area Plan and the Frog Pond West Master Plan identify a variety of single-family homes and middle housing as the appropriate housing types for the subject area as part of the broader mix of housing in Wilsonville.

## Accommodating Housing Needs of Existing Residents

Implementation Measure 4.1.4.f.

- C9. The applicant intends to provide a housing product attractive to existing residents of the City as a whole, including current homeowners and current renters looking to purchase in a medium to high price range, similar to other nearby homes. The applicant proposes small and medium-sized lots to accommodate detached dwelling units. Within the Residential Neighborhood zone a variety of middle housing types are also permitted.

## Planned Development Regulations

### Planned Development Lot Qualifications

Subsection 4.140 (.02)

- C10. The planned 41-lot subdivision will accommodate residential building lots, provide functional public streets, and be surrounded by open space and recreational opportunities consistent with the purpose of Section 4.140. The proposed subdivision is 10.46 acres and is suitable for planning and development. The property is not currently nor is it proposed to be zoned "PD" (Planned Development). Concurrently with the request for a Stage I Preliminary Plan, the applicant proposes to rezone the property to RN (Residential Neighborhood). Pursuant to the Frog Pond West Master Plan development in the RN zone follows the same planned development procedure as PDR zones.

Ownership Requirements  
Subsection 4.140 (.03)

**C11.** The owners of the subject property have signed an application form included with the application.

Professional Design Team  
Subsection 4.140 (.04)

**C12.** Li Alligood, AICP, of Otak, Inc. is the coordinator of a professional design team with all the necessary disciplines including engineers, a landscape architect, and a planner, among other professionals.

Planned Development Application Requirements  
Subsection 4.140 (.07)

**C13.** Review of the proposed Stage I Preliminary Plan has been scheduled for a public hearing before the DRB in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:

- The property affected by the Stage I Preliminary Plan is under an application by the property owners.
- The applicant submitted a Stage I Preliminary Plan request on a form prescribed by the City.
- The applicant identified a professional design team and coordinator. See Finding C12.
- The applicant has stated the uses involved in the Stage I Preliminary Plan and their locations.
- The applicant provided boundary information.
- The applicant has submitted sufficient topographic information.
- The applicant provided a tabulation of the land area to be devoted to various uses.
- The applicant does not propose a stage development schedule.
- Any necessary performance bonds will be required.

**Standards for Residential Development in Any Zone**

Outdoor Recreational Area and Open Space Land Area Requirements  
Subsection 4.113 (.01)

**C14.** The Frog Pond West Master Plan controls outdoor recreational area and open spaces for the subject and surrounding areas. The amount of open space in the proposed development is consistent with the Frog Pond West Master Plan. The applicant requests a waiver on the location of the required open space in the R-5 sub-district. For additional information see Findings H1 and H2.

## Residential Neighborhood Zone

### Permitted Uses

Subsection 4.127 (.02)

**C15.** The applicant proposes residential lots and open spaces, which are or will accommodate allowed uses in the RN Zone.

### Residential Neighborhood Sub-districts

Subsection 4.127 (.05)

**C16.** The proposed Stage I Preliminary Plan area includes portions of small lot Sub-district 10 and medium lot Sub-district 11.

### Minimum and Maximum Residential Lots

Subsection 4.127 (.06)

**C17.** The proposed number of residential lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential lot count, the proposed Stage I area includes portions of small lot Sub-district 10 and medium lot Sub-district 11. The following table summarizes how the proposed residential lots in each Sub-district are generally consistent with the Master Plan recommendations. While the applicant proposes 29 lots in Sub-district 11, which is one (1) more than the minimum number in the range for this part of the subdivision, 12 lots are proposed in Sub-district 10, which falls short of the proportional density requirement by three (3) lots.

Sub-district and Land Use Designation	Gross Site Area (ac)	Percent of Sub-district	Established lot range for Sub-district	Lot Range for Site	Proposed Lots	Total lots within Sub-district - Approved and Proposed
10 – R-5	2.8	50.2%	30-38	15-19	12	5 Approved 12 Proposed 17 Total
11 – R-7	7.7	60.3%	46-58	28-35	29	24 Approved 29 Proposed 53 Total
Total	10.5			41-54	41	

The City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions.

Three (3) fewer lots that the minimum density are proposed due to a combination of factors related to topography, infrastructure needs, and provision of non-residential uses. As described by the applicant, due to the overall site's topography and drainage pattern, two large stormwater tracts proposed to be located in Sub-district 10 to manage stormwater from both Sub-districts 11 and 10. Although low impact development approach (LIDA) facilities are proposed on the extension of SW Windflower Street (Public Street C), SW Trillium Street (Public Street D), SW Frog Pond Lane, and SW Willow Creek Drive, adding additional LIDA facilities to the site will not mitigate the need for, or reduce the size of the two stormwater facilities proposed in Tracts A and B (see Appendix B for stormwater calculations).

As further described by the applicant, due to the street alignments and extensions required by the Frog Pond West Master Plan, the proposed lots in Sub-district 10 are limited in configuration and location. Proposed Lots 1-6, bounded by SW Windflower Street (Public Street C), SW Frog Pond Lane, SW Willow Creek Drive, and SW Larkspur Terrace in the SW corner of the sub-district, are all larger than minimum lot size requirements. An additional lot abutting SW Windflower Street (Public Street C) could meet the minimum 35-ft. width and 60-ft. depth requirement, but could not meet the minimum 4,000 sq. ft. lot area standard. The total area of this block, minus Tract A, is approximately 28,000 sq. ft. Assessing area alone, there is space to create one (1) additional lot, which would be seven (7) lots. However, given the constraints of the required street system, and placement of a stormwater management facility, only six (6) lots can practically fit, while meeting minimum lot standards. As a result, the lots, as proposed, are larger than the minimum standard of Sub-district 10, but still smaller than those proposed in the medium lot Sub-district 11/R-7 portion of the site.

The proposed development of 12 lots, rather than the minimum of 15 lots, in this portion of Sub-district 10 exceeds the minimum lot development standards while preserving significant trees, providing adequate stormwater management infrastructure, and allowing for compliant future development within the Master Plan area. The configuration of lots proposed will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

#### Parks and Open Space beyond Master Planned Parks Subsection 4.127 (.09) B.

- C18.** The proposed Stage I Preliminary Plan area includes residential land designated R-5 in Sub-district 10 in the Frog Pond West Master Plan, thus the code requires 10% of the net developable area within this sub-district to be in open space. Net developable area does not include land for nonresidential uses, SROZ-regulated lands, streets and private drives, alleys and pedestrian connections. Of this open space, 50% is to be usable open space. Open space is provided in accordance with this criterion, as noted in Finding D14, within the R-

7 medium lot Sub-district 11. The applicant has requested a waiver to locate the open space in Sub-district 11 rather than the R-5 small lot Sub-district 10. See Request H for additional discussion regarding the waiver request.

## Request D: DB21-0075 Stage II Final Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### Stage II Final Plan Submission Requirements and Process

#### Consistency with Comprehensive Plan and Other Plans

Subsection 4.140 (.09) J. 1.

**D1.** As demonstrated in Findings C1 through C9 under the Stage I Preliminary Plan the project is consistent with the Comprehensive Plan. This review includes review for consistency with the Frog Pond West Master Plan.

#### Traffic Concurrency

Subsection 4.140 (.09) J. 2.

**D2.** The Traffic Impact Analysis (see Exhibit B1) performed by the City's consultant, DKS Associates, identifies the most probable used intersections for evaluation as:

- SW Stafford Road/SW Frog Pond Lane
- SW Stafford Road/SW Brisband Street
- SW Boeckman Road/SW Stafford Road/SW Advance Road/SW Wilsonville Road
- SW Boeckman Road/SW Willow Creek Drive
- SW Boeckman Road/SW Canyon Creek Road
- SW Boeckman Road/SW Parkway Avenue

The study intersections meet the City of Wilsonville's operating standard for the existing conditions. The study intersections will continue to perform at Level of Service D or better with the proposed project and thus meet City standards.

The Traffic Impact Analysis for the project (DKS, November 2021) did not include analysis of the SW Stafford Road/SW 65<sup>th</sup> Avenue intersection, as it was found to already fail to meet Clackamas County standards under existing 2021 conditions. The Clackamas County 20-year Capital Project List includes a proposed future roundabout at the SW Stafford Road/SW 65<sup>th</sup> Avenue/SW Elligsen Road intersection (Project ID 1079) as the recommended improvement. The City's Transportation System Plan identifies this as a high priority project (Project SI-03) under the jurisdiction of Clackamas County. The City's cost share of the project is 25% of the total project cost with the County funding the remaining portion. The transportation SDC's collected as part of this development will contribute toward the



City's share of the proposed intersection improvement costs. As the SW Stafford Road/SW 65<sup>th</sup> Avenue intersection is outside the City's jurisdiction, it is not possible to require the completion of these improvements within the specified timeframe. The improvements will be constructed on the timeline set forth by the County's 20-Year Capital Project List. In the meantime, the City's Boeckman Creek Corridor Project, which includes improving the intersection of SW Canyon Creek Road and SW Boeckman Road, will also include temporary signalization at the SW Stafford Road/SW 65<sup>th</sup> Avenue intersection, which will improve the flow of traffic at this intersection.

#### Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

- D3.** The applicant proposes sufficient facilities and services, including utilities, concurrent with development of the residential subdivision.

#### Adherence to Approved Plans

Subsection 4.140 (.09) L.

- D4.** Conditions of Approval ensure adherence to approved plans except for minor revisions approved by the Planning Director.

### **General Residential Development Standards**

#### Effects of Compliance Requirements and Conditions on Cost of Needed Housing

Subsection 4.113 (.13)

- D5.** No parties have presented evidence nor has staff discovered evidence that provisions of this section are such that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.

#### Underground Utilities Required

Subsection 4.118 (.02) and Sections 4.300 to 4.320

- D6.** The applicant proposes installation of all new utilities underground. The applicant or City will underground all existing utility lines fronting the subject properties.

#### Habitat Friendly Development Practices to be Used to the Extent Practicable

Subsection 4.118 (.09)

- D7.** The applicant has designed the project to minimize grading to only what is required to install site improvements and build homes. The applicant has designed, and will construct, water, sewer, and stormwater infrastructure in accordance with the applicable City requirements in order to minimize adverse impacts on the site, adjacent properties, and surrounding resources. The project proposes to fill the existing on-site wetland and is required to submit a copy of the DSL removal-fill permit for filling the wetland with the

Public Works Permit. Prior to final completeness of the Public Works Permit, the applicant is required to submit documentation that all conditions of the DSL removal-fill permit have been met. The wetland is not deemed locally significant or found within the Significant Resource Overlay Zone (SROZ). The applicant has included the SROZ Verification Report in Exhibit B1 (Appendix D). See additional discussion under Request I.

## Residential Neighborhood (RN) Zone

General Lot Development Standards  
Subsection 4.127 (.08) Table 2.

D8. The applicant proposes lots reviewed for consistency with applicable development code standards and the Frog Pond West Master Plan. The proposed lots meet or exceed the standards of Table 2, or the applicant can meet or exceed the standards with final design, as follows:

Standard	R-7 Medium Lot Sub-district 11		R-5 Small Lot Sub-district 10		Compliance Notes
	Required	Proposed	Required	Proposed	
Min. Lot Size	6,000 sf	6,000-7,023 sf	4,000 sf	4,204-5,318 sf	Standard is met.
Min. Lot Depth	60 ft	91-130.8 ft	60 ft	92-101.5 ft	Standard is met.
Min. Lot Width	35 ft	38.9-86.7 ft	35 ft	36.1-49 ft	Standard is met.
Max. Lot Coverage	45%	45% max	60%	60% max	Standard can be met. Example floor plan footprints range from 1,268 to 2,480 sq ft. One or more could be placed on each proposed lot without exceeding max. lot coverage.
Max. Bldg Height	35 ft	35 ft max	35 ft	35 ft max	Standard can be met. Per applicant's materials, houses will be max 35 ft height.
Min. Front Setback	15 ft	15 ft min	12 ft	12 ft min	Standard can be met.
Min. Rear Setback	15 ft	15 ft min	15 ft	15 ft min	Standard can be met.
Min. Side Setback	5 ft (10 ft for corner lots)	5 ft min (10 ft min on corner lots)	5 ft (10 ft for corner lots)	5 ft min (10 ft min on corner lots)	Standard can be met.

Min. Garage Setback from Alley	18 ft	18 ft min	18 ft	18 ft min	Standard can be met.
Min. Garage Setback from Street	20 ft	20 ft min	20 ft	20 ft min	Standard can be met.

**Frog Pond West-Specific Lot Development Standards**  
 Subsection 4.127 (.08) C. and D.

**D9.** The proposed lots meet standards specific to Frog Pond West, or the applicant can meet the standards with final design, as follows:

Standard				Compliance Notes	
Small-lot Sub-districts (include at least one element)	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	N/A		Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Wall and landscaping for lots adjacent to Stafford and Boeckman Road	Provided	Not Provided	N/A		No lots adjacent to SW Stafford and SW Boeckman Roads.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
No driveway access to collectors for small and medium lots	Met	Not Met	N/A		Standard is met.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

**Open Space Requirements**  
 Subsection 4.127 (.09)

**D10.** As stated in Subsection 4.127 (.09) B. 2., R-5 sub-districts require 10% of the net developable area to be in open space. Net developable area does not include land for nonresidential uses, SROZ-regulated lands, streets and private drives, alleys and pedestrian connections. Of this open space, 50% is to be usable open space. The project contains a portion of the R-5 Sub-district 10, and, therefore, the standard applies. Due to the proposed location of stormwater facilities, which serve both Sub-districts 10 and 11 within the site, as well as street alignments and extensions required by the Frog Pond West Master Plan, adequate

space is not available to meet the minimum open space standards of the R-5 Sub-district 10, while maximizing available housing density for the sub-district. While the applicant greatly exceeds the required minimum open space and minimum usable open space requirements, the open space (Tracts D and E) is located outside the R-5 sub-district. The applicant has requested a waiver (Request H) to locate the open space outside of the R-5 sub-district boundaries in the R-7 sub-district portion of the site consistent with the provisions of this subsection. Compliance with the size requirements is as follows:

Net Developable Area in Small Lot Subdistricts	Minimum Open Space		Minimum Usable Open Space		Compliance Notes
	Required (10%)	Proposed (67%)	Required (50% of min. open space)	Proposed (569% of min. open space)	
120,252 sf	12,025 sf	80,230 sf	6,013 sf	68,470 sf	Standard is met through waiver request. See Request H.

A waiver has been requested by the applicant to allow the minimum open space required in the Sub-district 10/R-5 zone to be located in the Sub-district 11/R-7 zoned portion of the site. See Request H and Findings H1 and H2.

**Block, Access, and Connectivity Consistent with Frog Pond West Neighborhood Plan Subsection 4.127 (.10) and Figure 18. Frog Pond West Master Plan**

**D11.** The Street Demonstration Plan is an illustrative layout of the desired level of connectivity in the Frog Pond West neighborhood and is intended to be guiding, not binding, allowing for flexibility provided that overall connectivity goals are met. The block size and shape, access, and connectivity of the proposed subdivision complies with Figure 18 of the Frog Pond West Master Plan or is an allowed variation as follows:

Street Segment	Generally Consistent with Figure 18	Allowed Variation	Explanation of Variation
SW Frog Pond Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SW Willow Creek Drive	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Portion north of SW Trillium Street (Public Street D) shifted off property to west in Frog Pond Vista subdivision to preserve mature tree grove in Tract E.
SW Windflower Street (Public Street C)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

SW Trillium Street (Public Street D)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SW Larkspur Terrace	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Segment between SW Windflower Street (Public Street C) and SW Trillium Street (Public Street D) not provided. Connectivity provided through Pedestrian Connection in Tract C shared with Frog Pond Crossing subdivision to east.
SW Marigold Terrace	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Public Street E	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shifted east of alignment in Street Demonstration Plan to preserve mature tree grove in Tract E
Pedestrian Connection (Tract C)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	West portion of cross section provided to complete Pedestrian Connection in Frog Pond Crossing subdivision to east. Tract C is wider than the required cross section due to placement of a temporary water line; a condition of approval ensures that trees are planted consistently on both sides of this Pedestrian Connection.

The proposed modified grid pattern provides an efficient street connection to SW Frog Pond Lane and SW Stafford Road with interior streets providing efficient pedestrian connections through the attached sidewalks and Pedestrian Connections. The grid pattern with attached sidewalks provides for a substantially equivalent level of pedestrian connectivity and does not require out-of-direction pedestrian travel, nor does it result in greater distances for pedestrian access to the proposed subdivision from the above streets than would otherwise be the case if the Street Demonstration Plan were adhered to.

Main Entrance, Garage, Residential Design, and Building Orientation Standards  
Subsections 4.127 (.14-.18)

**D12.** The proposed subdivision provides lots of sufficient size and of a typical orientation to meet the RN zone design standards, or the applicant can meet the standards at the time of building permit review, as follows:

Standard			Compliance Notes
Main Entrance Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Width Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met. Subdivision includes a mix of lots greater and less than 50 feet at the front lot line.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Orientation Towards Alley or Shared Driveway	Alleys or Shared Driveways in Subdivision	No Alleys or Shared Driveways in Subdivision	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Residential Design Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Small-Lot Subdistricts – House Plan Variety	Required Duplex/Attached Units	Provided Duplex/Attached Units	Small lot area less than 10 acres.
	0	0	
Fences	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Homes Adjacent to School and Parks and Public Open Spaces	Schools or Parks adjacent to Lots	N/A	Lots 13, 27, and 28-41 abut private open space in Tracts C, D and E and are not subject to these standards.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

## **On-site Pedestrian Access and Circulation**

### Continuous Pathway System

Section 4.154 (.01) B. 1.

**D13.** The submitted plans show sidewalks along the frontages of all lots providing a continuous pathway system throughout the proposed subdivision. In addition to the sidewalk system, pedestrian/bicycle connections are proposed through Tracts C, D and E. These additional connections are consistent with Figure 18 of the Frog Pond West Master Plan. The proposal also enables connections to future adjacent development. To ensure full access and function of the planned pathway system for the public, Condition of Approval PDD 3 requires public access easements across all pathways within private tracts. Condition of Approval PDD 4 requires the provision of a pedestrian connection to Tax Lots 500 to the west (in Frog Pond Vista) and 300 to the east (in Frog Pond Crossing) and to the north via the pathway in Tracts D and E to the future SW Kahle Road right-of-way to ensure a continuous pathway system to adjacent properties.

### Safe, Direct, and Convenient

Section 4.154 (.01) B. 2.

**D14.** The submitted plans show sidewalks and pathways providing safe, direct, and convenient connections consistent with Figure 18 of the Frog Pond West Master Plan.

### Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

**D15.** The proposed design vertically and/or horizontally separates all sidewalks and pathways from vehicle travel lanes except for driveways and crosswalks.

### Crosswalks Delineation

Section 4.154 (.01) B. 4.

**D16.** A Condition of Approval requires all crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast).

### Pathway Width and Surface

Section 4.154 (.01) B. 5.

**D17.** The applicant proposes all pathways to be concrete, asphalt brick/masonry pavers, or other durable surface, and at least 5 feet wide, meeting or exceeding the requirement.

## Parking Area Design Standards

Minimum and Maximum Parking  
Subsection 4.155 (.03) G.

**D18.** Each dwelling unit requires one parking space. Between garages and driveways, each home will have at least two parking spaces.

Other Parking Area Design Standards  
Subsections 4.155 (.02) and (.03)

**D19.** The applicable standards are met as follows:

Standard	Met	Explanation
<b>Subsection 4.155 (.02) General Standards</b>		
B. All spaces accessible and usable for parking	<input checked="" type="checkbox"/>	Though final design of garages and driveways is not part of current review they are anticipated to meet minimum dimensional standards to be considered a parking space as well as fully accessible. A Condition of Approval requires the dimensional standards to be met.
I. Surfaced with asphalt, concrete or other approved material	<input checked="" type="checkbox"/>	Garages and driveways will be surfaced with concrete.
Drainage meeting City standards	<input checked="" type="checkbox"/>	Drainage is professionally designed and being reviewed to meet City standards.
<b>Subsection 4.155 (.03) General Standards</b>		
A. Access and maneuvering areas adequate	<input checked="" type="checkbox"/>	Parking areas will be typical residential design adequate to maneuver vehicles and serve needs of homes.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated	<input checked="" type="checkbox"/>	Pursuant to Section 4.154, pedestrian circulation is vertically separated from vehicle circulation except at driveways and crosswalks.

## Other General Regulations

Access, Ingress and Egress  
Subsection 4.167 (.01)

**D20.** Planned access points are typical of local residential streets. The City will approve final access points for individual driveways at the time of issuance of building permits.



## Protection of Natural Features and Other Resources

### General Terrain Preparation

Section 4.171 (.02)

**D21.** The site has been planned and designed to avoid the natural features on the site, including a mature tree grove. The project proposes to fill the existing on-site wetland and is required to submit a copy of the DSL removal-fill permit for filling the wetland with the Public Works Permit. Prior to final completeness of the Public Works Permit, the applicant is required to submit documentation that all conditions of the DSL removal-fill permit have been met. The wetland is not deemed locally significant or found within the Significant Resource Overlay Zone (SROZ). The applicant has included the SROZ Verification Report in Exhibit B1 (Appendix D). Grading, filling, and excavating will be conducted in accordance with the Uniform Building Code. The site will be protected with erosion control measures and the mature trees to be retained will be protected with fencing to avoid damage to vegetation or root zones. The removal of trees is necessary for site development, but replacement trees will be planted per the provisions of this code.

### Trees and Wooded Areas

Section 4.171 (.04)

**D22.** Existing vegetation will not be disturbed, injured or removed prior to land use and permit approvals. Existing trees have been retained wherever possible; however, trees will need to be removed to provide area for home construction. The existing grove of trees in the northwestern portion of the site and trees in the northeastern corner and along the northeastern property boundary have been prioritized for protection and incorporated into two open space tracts (Tract E and D, respectively). A pedestrian connection through Tract E connecting to Tract D, as well as connections in development to the west and east of the subject site, has been configured to allow for the preservation of these trees. The finished pathway will be built on grade according to the construction plan specified in the Arborist Report, and its location within the grove will be somewhat flexible to allow the project arborist and construction crew to preserve large roots that may be encountered.

Lots 28-31, 33, and 40 encroach into the root protection zone (RPZ) of protected trees. A Condition of Approval will require the lots to be subject to a tree protection easement so that building footprints are outside RPZs. Alternative construction techniques will be used where intrusion into the RPZs cannot be avoided. In addition, a Condition of Approval will require the preserved trees to be pruned for dead branches before lots are developed. All tree pruning and other protective measures will be supervised and conducted by an ISA Certified Arborist.

Trees identified to be retained will be protected during site preparation and construction according to the City Public Works design specifications as outlined in the Arborist Report and a Condition of Approval.

#### Earth Movement Hazard Area

Subsection 4.171 (.07)

**D23.** The applicant performed geotechnical investigations on all of the subject properties and found no earth movement hazards. A geotechnical report is provided in Exhibit B1.

#### Historic Resources

Subsection 4.171 (.09)

**D24.** Neither the applicant nor the City have identified any historic, cultural, or archaeological items on the sites, nor does any available information on the history of the site compel further investigation.

### **Public Safety and Crime Prevention**

#### Design for Public Safety, Addressing, Lighting to Discourage Crime

Section 4.175

**D25.** The design of the Frog Pond Oaks development deters crime and ensures public safety. The lighting of the streets and pedestrian connections allow for visibility and safety. The orientation of homes toward streets provides “eyes on the street.” All dwellings will be addressed per Building and Fire Department requirements to allow identification for emergency response personnel. Dwellings will have exterior porch lighting, which will support the streetlights to provide safety and visibility.

### **Landscaping Standards**

#### Intent and Required Materials

Subsections 4.176 (.02) C. through I.

**D26.** Planting areas along the street and open spaces within the subdivision are generally open and are not required to provide any specific screening, thus the design of the landscaping follows the general landscaping standards. The plantings include a mixture of ground cover, shrubs, trees, and stormwater swale plantings. Conditions of approval will ensure the planting of street trees consistent with the Frog Pond West Master Plan. Ground cover and shrubs cover the non-tree landscape areas.

Types of Plant Material, Variety and Balance, Use of Natives When Practicable  
Subsection 4.176 (.03)

**D27.** The applicant proposes a professionally designed landscape using a variety of plant material. There are no parking areas proposed and no parking area landscaping is required. The landscape plans included in the applicant's materials (Sheets L2.00-L2.40) illustrate the location and type of landscaping within public rights-of-way and tracts. The design includes a variety of native plants in stormwater facilities and where feasible in the open space areas.

### **Street Improvement Standards**

Conformance with Standards and Plan  
Subsection 4.177 (.01), Figures 19-27 Frog Pond West Master Plan

**D28.** The proposed streets appear to meet the City's Public Works Standards and Transportation System Plan. Further review of compliance with Public Works Standards and Transportation System Plan will occur with review and issuance of the Public Works construction permit.

Street Design Standards-Future Connections and Adjoining Properties  
Subsection 4.177 (.02) A.

**D29.** The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. Future connections to adjacent sites are anticipated to the east and west, and the proposed design provides for continuation of streets with Frog Pond Ridge to the south. SW Willow Creek Drive, SW Marigold Terrace and SW Larkspur Terrace are extended north, and Public Street E provides a north-south connection north of SW Trillium Street consistent with the Frog Pond West Master Plan. SW Windflower Street (Public Street C) and SW Trillium Street (Public Street D) are the east-west continuation of streets proposed in the Frog Pond Vista and Frog Pond Crossing subdivisions to the west and east, respectively. The north-south pedestrian connection in Tract C, shared with the development to the east, provides additional connectivity. These connections are generally consistent with the pedestrian connections shown in these locations on the Street Demonstration Plan.

City Engineer Determination of Street Design and Width  
Subsection 4.177 (.02) B.

**D30.** The City Engineering Division has preliminarily found the street designs and widths to be consistent with the cross sections shown in the Frog Pond West Master Plan with the modifications as noted in Finding D29, above. The Engineering Division will check final conformance with the cross sections shown in the Frog Pond West Master Plan during review of the Public Works permit.

Right-of-Way Dedication  
Subsection 4.177 (.02) C. 1.

**D31.** The tentative subdivision plat shows right-of-way dedication. See Request F.

Waiver of Remonstrance Required  
Subsection 4.177 (.02) C. 2.

**D32.** This Subsection requires that a waiver of remonstrance against formation of a local improvement district (LID) be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of recordation of a final plat. This requirement is contained in the Development and Annexation Agreement and notes that in light of the developer's obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee, release of the LID Waiver for a specific parcel within the Frog Pond Oaks development may occur upon official recording of the release of the waiver only after payment of these fees, and will require the developer to pay all costs and fees associated with the City's release of the waiver. Condition of Approval PDD 9 outlines the process to be followed with respect to the required LID Waiver and its release for a specific parcel.

Dead-end Streets Limitations  
Subsection 4.177 (.02) D.

**D33.** The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. No permanent dead end streets are proposed by the applicant. The applicant proposes SW Marigold Terrace, SW Windflower Street, and SW Yarrow Lane that will connect to SW Frog Pond Lane. The applicant proposes three temporary dead-end streets as the eastern extent of SW Windflower Street (Public Street C), the eastern extent of SW Trillium Street (Public Street D), and the northern extent of Public Street D (at future SW Kahle Road), pending extension of these streets with future development. The number of homes accessed by these streets is less than the maximum allowed for a dead end street. Notification of extension will be posted on the end of this street as required by Condition of Approval PDF 3.

Corner Vision Clearance  
Subsection 4.177 (.02) E.

**D34.** Street locations and subdivision design allow the meeting of vision clearance standards.

Vertical Clearance  
Subsection 4.177 (.02) F.

**D35.** Nothing in the proposed subdivision design would prevent the meeting of vertical clearance standards.

Interim Improvement Standards  
Subsection 4.177 (.02) G.

**D36.** The City Engineer has or will review all interim improvements to meet applicable City standards.

Sidewalks Requirements  
Subsection 4.177 (.03)

**D37.** The applicant proposes sidewalks along all public street frontages abutting proposed lots.

Bicycle Facility Requirements  
Subsection 4.177 (.04)

**D38.** The proposed street cross-sections as shown on Sheet P2.10 comply with the master plan cross-sections and are not required to include buffered bike lanes.

Pathways in Addition to, or in Lieu of, a Public Street  
Subsection 4.177 (.05)

**D39.** Pedestrian and bicycle accessways are proposed through Tract E. This pathway will provide two connections from the site to future SW Khale Road and the future Boeckman Creek Trail, which is planned for later development to track east toward the BPA Easement Trail and South Neighborhood Trail to the east of the Frog Pond Oaks subdivision. The Tract E pathway will provide two connections to the proposed future street and trail, and provide a connection to proposed Public Street E, which will allow pedestrians to connect to the future pedestrian path east of the subject site. The pathway connection will be east of Tracts C and D in the Frog Pond Crossing subdivision proposed east of Lots 13 and 27, and 28-33.

The applicant acknowledges in their code response narrative/findings that the pedestrian pathway will need to be extended from Public Street E, across Tract D to connect with the property to the east and will accept the requirement as a Condition of Approval. The exact location of the trail on the development to the east (Frog Pond Crossing) is not yet established. Once the development to the east provides the location of the pathway, the applicant will construct the path from Public Street E, through Tract D, to make the connection.

Conditions of approval have been added to ensure connectivity to the west and east via the east west pedestrian connection in Tracts E and D and Public Street E. See Finding D13 and Condition of Approval PDD 8 for further discussion.

Transit Improvements Requirements  
Subsection 4.177 (.06)

**D40.** The applicant does not propose any transit improvements within the proposed subdivision. As the Frog Pond area develops, additional transit service may be added. Any transit improvements would be addressed at the time the need for additional transit service is identified.

**Intersection Spacing**

Offset Intersections Not Allowed  
Subsection 4.177 (.09) A.

**D41.** The applicant does not propose any offset intersections.

Minimum Street Intersection Spacing in Transportation System Plan Table 3-2  
Subsection 4.177 (.09) B.

**D42.** Streets within the development are local streets, with the exception of SW Frog Pond Lane, which is a Collector east of SW Willow Creek Drive. Local streets are not subject to minimum spacing standards. Per Table 3-2 of the Transportation System Plan, the minimum access spacing standard along a Collector is 100 ft., and the desired access spacing is 300 ft. The proposed extension of SW Willow Creek Drive, SW Larkspur Terrace, and SW Marigold Terrace north from SW Frog Pond Lane are at the locations of the intersections as established in the Frog Pond Ridge subdivision to the south and exceed the minimum access spacing standard of 100 ft. No individual lot access is proposed to SW Frog Pond Lane, and access to all other lots is proposed from local streets.

**Request E: DB21-0076 Site Design Review of Parks and Open Space**

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

**Objectives of Site Design Review**

Proper Functioning of the Site, High Quality Visual Environment Meets Objectives  
Subsections 4.400 (.02) A., 4.400 (.02) C.-J., and Subsection 4.421 (.03)

**E1.** Project elements subject to Site Design Review include: tracts and their landscaping; landscaping in the public right-of-way; retaining walls; and park or open space furnishings. The proposed development is intended to advance the vision for Frog Pond West by incorporating the natural areas on site, providing attractive streetscapes, and enhancing the existing neighborhood to the south and the future neighborhoods to the west, east, and north. The proposed professionally designed landscaping provides stormwater, air quality, and other site functions while demonstrating consistency with the Frog Pond West Master

Plan. The landscaping also adds to the high quality visual environment. By functioning properly and contributing to a high quality visual environment, the proposed design fulfills the objectives of Site Design Review.

#### Encourage Originality, Flexibility, and Innovation

Subsection 4.400 (.02) B. and Subsection 4.421 (.03)

- E2. The City code affords the applicant's design team flexibility to create an original design appropriate for the site while ensuring consistency with the Frog Pond West Master Plan, particularly for street trees and landscaping in the public right-of-way.

### **Jurisdiction and Power of the DRB for Site Design Review**

#### Development Review Board Jurisdiction

Section 4.420

- E3. A Condition of Approval ensures landscaping is carried out in substantial accord with the DRB-approved plans, drawings, sketches, and other documents. The City will issue no building permits prior to approval by the DRB. The applicant has not requested variances from site development requirements.

### **Design Standards**

#### Preservation of Landscaping

Subsection 4.421 (.01) A. and Section 4.171

- E4. The site layout takes into consideration existing landscaping and preserving it where possible. Mature trees exist on the site, with the drip lines and root zones of the trees located on future residential lots. The applicant has included a portion of a pedestrian connection and open space (Tract C, D and E) and tree protection and preservation easements on Lots 28-31, 33, and 40 that allow for the preservation of these healthy mature trees.

#### Relation of Proposed Buildings to Environment

Subsection 4.421 (.01) B.

- E5. A play frame, play structure, swings, and benches are proposed in Tract E. A chain link fence is proposed around the stormwater facilities in Tracts A and B. No buildings are proposed with this application. The chain link fence around the stormwater facilities is intended to provide protection for the public. See Sheets L2.00-L2.20 for details.

#### Surface Water Drainage

Subsection 4.421 (.01) D.

- E6. As demonstrated in the applicant's plans, attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. The location of LIDA facilities within the planter strips

of the public streets, stormwater facilities within tracts, and details of LIDA facility planting are shown in Sheets P4.00 and L2.00-L2.40. Appendix B in Exhibit B1 includes the Preliminary Stormwater Report Plan.

#### Above Ground Utility Installations

Subsection 4.421 (.01) E.

- E7. The applicant proposes no above ground utility installations. Existing overhead lines will be undergrounded. Each lot will be served by a sanitary sewer line (see Sheet P4.00). Storm sewage disposal is provided by a storm drain system connecting to each on-site stormwater facility.

#### Screening and Buffering of Special Features

Subsection 4.421 (.01) G.

- E8. No exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures exist or are proposed that require screening.

#### Applicability of Design Standards

Subsection 4.421 (.02)

- E9. This review applies the design standards to the proposed streetscape and open space areas, which are the portions of the proposed development subject to Site Design Review.

#### Conditions of Approval Ensuring Proper and Efficient Functioning of Development

Subsection 4.421 (.05)

- E10. Staff recommends no additional conditions of approval to ensure the proper and efficient functioning of the development.

### **Site Design Review Submission Requirements**

#### Submission Requirements

Section 4.440

- E11. The applicant has provided a sufficiently detailed landscape plan and street tree plan to review the streetscape and open space areas subject to Site Design Review.

### **Time Limit on Site Design Review Approvals**

#### Void after 2 Years

Section 4.442

- E12. The applicant has indicated that they will pursue development within two years. The approval will expire after two years if not vested, or an extension is not requested and granted, consistent with City Code.



## **Installation of Landscaping**

### Landscape Installation or Bonding

#### Subsection 4.450 (.01)

**E13.** A Condition of Approval ensures all landscaping in common tracts shall be installed prior to Final Plat Approval, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant. A Condition of Approval further requires that the applicant, prior to Final Plat Approval, either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping.

### Approved Landscape Plan

#### Subsection 4.450 (.02)

**E14.** A Condition of Approval ensures the approved landscape plan is binding upon the applicant/owner. It prevents substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan without official action of the Planning Director or DRB, as specified in this Code.

### Landscape Maintenance and Watering

#### Subsection 4.450 (.03)

**E15.** A Condition of Approval ensures continual maintenance of the landscape, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered with appropriate City approval.

### Modifications of Landscaping

#### Subsection 4.450 (.04)

**E16.** A Condition of Approval provides ongoing assurance by preventing modification or removal without the appropriate City review.

## Natural Features and Other Resources

### Protection

#### Section 4.171

**E17.** The proposed design of the site provides for protection of natural features and other resources consistent with the proposed Stage II Final Plan for the site as well as the purpose and objectives of Site Design Review. See Findings D21 through D24.

## Landscaping

### Landscape Standards Code Compliance

#### Subsection 4.176 (.02) B.

**E18.** The applicant requests no waivers or variances to landscape standards. Thus all landscaping and screening must comply with standards of this section.

### Intent and Required Materials

#### Subsections 4.176 (.02) C. through I.

**E19.** The general landscape standard applies throughout different landscape areas of the site and the applicant proposes landscape materials to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which includes an analysis of the functional application of the landscaping standards. See Finding D28.

### Quality and Size of Plant Material

#### Subsection 4.176 (.06)

**E20.** The quality of the plant materials must meet American Association of Nurserymen (AAN) standards as required by this Subsection. Trees as shown on the applicant's plans are specified at 2-inch caliper or greater than 6 feet for evergreen trees. Shrubs are specified 2 gallon or greater in size. Ground cover is specified as greater than 4 inches. Turf or lawn is used for a minimal amount of the proposed public landscape area. Conditions of Approval ensure the requirements of this subsection are met including use of native topsoil, mulch, and non-use of plastic sheeting.

### Landscape Installation and Maintenance

#### Subsection 4.176 (.07)

**E21.** Installation and maintenance standards are or will be met by Conditions of Approval as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.

- Landscape Note No. 1 on the applicant's Sheet L2.20 provides for irrigation, including during the establishment period.

#### Landscape Plans Subsection 4.176 (.09)

**E22.** The applicant's submitted landscape plans, Sheets L2.00-L2.40, provide the required information.

#### Completion of Landscaping Subsection 4.176 (.10)

**E23.** The applicant has not requested to defer installation of plant materials.

### **Public Lighting Plan**

#### Lighting of Local Streets Local Street, page 78 and Figure 42 of Frog Pond West Master Plan

**E24.** Sheets P4.00 and IL-4 in Exhibit B2 show proposed street lights on local streets. The Frog Pond Master Plan requires PGE Option 'B' LED with Westbrook 35W LED and 18' decorative aluminum pole (20-foot mounting height with 4 foot mast arm). These are dark sky friendly and located with a professionally designed layout to minimize negative effects on future homes, provide for safety, and use a consistent design established by the Frog Pond West Master Plan. The applicant's materials specify the required fixture and a Condition of Approval ensures the standard is met.

#### Lighting of Pathways Pedestrian Connections, Trailheads and Paths, page 80 and Figure 42 of Frog Pond West Master Plan

**E25.** The Frog Pond West Master Plan requires a Public Lighting Plan and recommended light plan hierarchy to define various travel routes within Frog Pond. Pedestrian connections, trailheads, and paths are required to be uniformly illuminated and shall follow the Public Works Standards for Shared Use Path Lighting. The applicant's plans show lighting along the pedestrian path in Tract E. No lighting is shown along the Pedestrian Connection in Tract C, however, the portion of the connection in Tract C is landscaping only, with the majority provided in the development to the east. Further, because a street light is proposed at the north and south ends of the path at SW Trillium Street and SW Windflower Street, respectively, no additional lights are proposed. The applicant has indicated that a photometric analysis can be provided prior to site permitting to verify compliance with the City's Public Works Standards. Condition of Approval PDE 10 requires the applicant to coordinate with the City to determine if any additional pedestrian scale lighting is warranted along the proposed pathway in Tract E and Pedestrian Connection in Tract C.

## Street Tree Plan

Tree Lists for Primary Streets, Neighborhood Streets, and Pedestrian Connections  
Pages 81-83 and Figure 43 of Frog Pond West Master Plan

**E26.** The Street Tree Plan provides guidance tied to the street typology for Frog Pond West, with an overall intent to beautify and unify the neighborhood while providing a variety of tree species. The Frog Pond West Master Plan intends to achieve continuity through consistent tree types and consistent spacing along both sides of a street. There are no lots on public streets with trees located within easements or on private lots, and all trees are properly placed within the planter strip within the public right-of-way.

The proposed street tree species comply with the Frog Pond West Master Plan or will with a condition of approval as follows:

Street Name	Street Type	Proposed Species	Compliance Notes
SW Frog Pond Lane	Primary	Tulip Tree	
SW Willow Creek Drive	Primary	Red Oak	
SW Larkspur Terrace	Neighborhood	Skycole Honey Locust	
SW Marigold Terrace	Neighborhood	American Yellowwood	
SW Windflower Street (Street C)	Neighborhood	Chinese Pistache	
SW Trillium Street (Street D)	Neighborhood	Accolade Elm	
Public Street E	Neighborhood	Skycole Honey Locust	
Tract C Pedestrian Connection	Pedestrian Connection	Pyramidal European Hornbeam	

## Gateways, Monuments and Signage

Unifying Frog Pond Name, Gateway Signs, Prohibition on Individual Subdivision Signs  
Page 92 of the Frog Pond West Master Plan

**E27.** There are no neighborhood gateways planned within the area of Frog Pond Oaks; therefore, no monument signs or other permanent subdivision identification signs are permitted.

- E28.** As required by a Condition of Approval, all street name signs will be installed prior to Final Plat approval and utilize the City-approved sign cap throughout the subdivision, matching the design used in the previously approved subdivisions. The developers will buy the signs from the City to ensure uniformity throughout the Frog Pond West neighborhood.

### **Request F: DB21-0077 Tentative Subdivision Plat**

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

#### **Land Division Authorization**

Plat Review Authority  
Subsection 4.202 (.01) through (.03)

- F1.** The DRB is reviewing the tentative subdivision plat according to this subsection. The Planning Division will review the final plat under the authority of the Planning Director to ensure compliance with the DRB review of the tentative subdivision plat.

Undersized Lots Prohibited  
Subsection 4.202 (.04) B.

- F2.** The proposed lots meet the dimensional standards of the RN zone and the R-7 and R-5 sub-districts. See Finding D8 under Request D.

#### **Plat Application Procedure**

Pre-Application Conference  
Subsection 4.210 (.01)

- F3.** The applicant requested and attended a pre-application conference in accordance with this subsection.

Tentative Plat Preparation  
Subsection 4.210 (.01) A.

- F4.** Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm, Otak, Inc., prepared the tentative plat.

Tentative Plat Submission  
Subsection 4.210 (.01) B.

- F5.** The applicant has submitted a tentative plat with all the required information.

Phases to Be Shown  
Subsection 4.210 (.01) D.

- F6. The applicant is proposing to construct the development in one phase and does not include a phasing plan along with the application materials.

Remainder Tracts  
Subsection 4.210 (.01) E.

- F7. The tentative plat accounts for all land within the plat area as lots, tracts, or right-of-way.

### Street Requirements for Land Divisions

Master Plan or Map Conformance  
Subsection 4.236 (.01)

- F8. As found in other findings in this report, the land division conforms with the Transportation System Plan, Frog Pond West Master Plan, and other applicable plans.

The 2006 Bicycle and Pedestrian Master Plan identifies an improvement, Community Walkway/Bikeway C10, within the site area. The 2017 Frog Pond West Master Plan incorporates a Bicycle and Pedestrian Framework (Figure 17), which identifies bicycle lanes, or shared auto-bicycle lane with sharrows, and sidewalks along SW Willow Creek Drive and SW Frog Pond Lane adjacent to the project frontage. The development will construct SW Willow Creek Drive and the bicycle/pedestrian facilities associated with it.

The 2018 Parks and Recreation Master Plan identifies a Future School and a Future Outdoor Recreation Location (defined in the Frog Pond West Master Plan as a neighborhood park) south of SW Frog Pond Lane, south of the subject site and east of the future school site north of SW Boeckman Road. The 2017 Frog Pond West Master Plan defines the types of parks and open space anticipated within the Frog Pond West area. Proposed street improvements will provide access to the future neighborhood park location.

Adjoining Streets Relationship  
Subsection 4.236 (.02)

- F9. The proposed plat enables the extension of streets consistent with the Frog Pond West Master Plan.

Streets Standards Conformance  
Subsection 4.236 (.03)

- F10. As part of the Stage II Final Plan approval, the streets conform with Section 4.177 and generally conform with block sizes established in the Frog Pond West Master Plan. See Request D.

## Topography

Subsection 4.236 (.05)

**F11.** The street layout recognizes topographical conditions and no street alignment adjustments from the Frog Pond West Master Plan are necessary.

## Reserve Strips

Subsection 4.236 (.06)

**F12.** The City is not requiring any reserve strips for the reasons stated in this subsection.

## Future Street Expansion

Subsection 4.236 (.07)

**F13.** Where the Frog Pond West Master Plan shows street extensions, the tentative plat extends the right-of-way to the edge of the plat. A Condition of Approval requires signs stating “street to be extended in the future” or similar language approved by the City Engineer.

## Additional Right-of-Way

Subsection 4.236 (.08)

**F14.** The project will dedicate 21.5 ft. of additional right-of-way along SW Frog Pond Lane, 42.7 ft. along SW Willow Creek Drive, 7.0 ft. along SW Marigold Terrace, and 10.0 ft. along the property’s northern boundary for future SW Kahle Road.

## Street Names

Subsection 4.236 (.09)

**F15.** SW Frog Pond Lane has been identified by the Frog Pond West Master Plan as a Gateway Collector from SW Willow Creek Drive east to SW Stafford Road. The proposed development continues SW Frog Pond Lane, SW Willow Creek Drive, SW Marigold Terrace, SW Larkspur Terrace, SW Trillium Street, and SW Windflower Street, which were established by previous development applications in the Frog Pond neighborhood to the west, east and south. The applicant has not proposed names for Public Streets C, D, and E; however, Public Street C connects SW Windflower Street and Public Street D connects SW Trillium Street established in developments to the west and east. All proposed street names are subject to approval by the City Engineer who will check them to not be duplicative of existing street names and otherwise conforming to the City’s street name system at the time of Final Plat review.

## **General Land Division Requirements-Blocks**

Blocks for Adequate Building Sites in Conformance with Zoning  
Subsection 4.237 (.01)

**F16.** The proposed blocks substantially conform to Figure 18 of the Frog Pond West Master Plan. The proposed blocks allow for lots meeting the minimum size and other dimensional standards for the relevant sub-districts of the Frog Pond West Master Plan. See Finding D11 under Request D.

## **General Land Division Requirements-Easements**

Utility Line Easements  
Subsection 4.237 (.02) A.

**F17.** As will be further verified during the Public Works Permit review and Final Plat review, public utilities will be placed within public rights-of-way or within public utility easements (PUE) adjacent to the public streets. Stormwater facility easements are proposed where these facilities are located on private property and are intended to be shared between more than one lot. Franchise utility providers will install their lines within public utility easements established on the plat.

Water Courses  
Subsection 4.237 (.02) B.

**F18.** No water courses exist on the subject property, therefore this standard is not applicable.

## **General Land Division Requirements-Pedestrian and Bicycle Pathways**

Mid-block Pathways Requirement  
Subsection 4.237 (.03)

**F19.** The proposed development includes one proposed pedestrian and bicycle pathway as required by the Frog Pond West Master Plan. The pathway is located in Tract E and meets the cross-section requirements of the Master Plan. In addition, portions of a Pedestrian Connection are provided in Tracts C and D, shared with the development to the east, to complete the cross-section requirements of the Master Plan. Conditions of Approval ensure public access to this path. See Finding D22.

## **General Land Division Requirements-Tree Planting**

Tree Planting Plan Review and Street Tree Easements  
Subsection 4.237 (.04)

**F20.** The City is reviewing the tree planting plan concurrently with the tentative plat, see Requests D and E.



## **General Land Division Requirements-Lot Size and Shape**

Lot Size and Shape Appropriate  
Subsection 4.237 (.05)

**F21.** The size, width, shape, and orientation of lots comply with the identified sub-districts in the Frog Pond West Master Plan. See Finding D11 in Request D.

## **General Land Division Requirements-Access**

Minimum Street Frontage  
Subsection 4.237 (.06)

**F22.** The full width of the front lot line of each lot fronts a public street or private drive, and all lots meet or exceed the minimum lot width at the front lot line.

## **General Land Division Requirements-Other**

Lot Side Lines  
Subsection 4.237 (.08)

**F23.** All side lot lines run at a 90-degree angle to the front line, except for the western side lot line of Lot 41, which is angled to accommodate extension of the pathway in Tract E to connect with the pathway in the development to the west.

Corner Lots  
Subsection 4.237 (.13)

**F24.** All corner lots have radii exceeding the 10-foot minimum.

## **Lots of Record**

Lots of Record  
Section 4.250

**F25.** The applicant provided documentation all subject lots are lots of record.

## Request G: DB21-0078 Type C Tree Removal Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### Type C Tree Removal

Review Authority When Site Plan Review Involved  
Subsection 4.610.00 (.03) B.

**G1.** The requested tree removal is connected to Site Plan Review by the DRB and, thus, is under their authority.

Reasonable Timeframe for Removal  
Subsection 4.610.00 (.06) B.

**G2.** It is understood that tree removal will be completed by the time the applicant completes construction of all houses and other improvements in the subdivision, which is a reasonable time frame for tree removal.

Security for Permit Compliance  
Subsection 4.610.00 (.06) C.

**G3.** As allowed by Subsection 1, the City is waiving the bonding requirement as the application is required to comply with WC 4.264 (.01).

### General Standards for Tree Removal, Relocation or Replacement

Preservation and Conservation  
Subsection 4.610.10 (.01)

**G4.** Proposed land clearing is limited to designated street rights-of-way and areas necessary for construction of homes. Homes will be designed and constructed, as much as possible, to blend into the natural areas on the site.

Per the Arborist's Report, there are ~~104~~105 trees inventoried on-site as part of the proposed development. Of the ~~104~~105 trees, 76 trees are proposed to remain including 15 in Tract D (open space) and 61 in Tract E (open space). Twenty-~~eight~~nine (~~28~~29) trees are proposed for removal, which is necessary due to construction of site improvements, including utilities, streets, and detached residential dwellings. In addition, grading of each lot is needed to accommodate residential development and associated site improvements (driveways and walkways, stormwater management, outdoor yard areas, etc.). Reducing building footprints by increasing height is not a viable alternative as the height limit in the RN zone is 35 ft., or 2.5 stories

Development Alternatives  
Subsection 4.610.10 (.01) C.

**G5.** The Frog Pond West Master Plan provides clear direction for street connections, residential densities, and preservation of the SROZ. Preservation and conservation of 76 out of ~~104~~**105** trees on site is proposed. The applicant proposes tree protection fencing in order to ensure their preservation during construction and tree protection and preservation easements to ensure their long-term health. Conditions of Approval ensure this criterion is met.

Land Clearing Limited to Right-of-Way and Areas Necessary for Construction  
Subsection 4.610.10 (.01) D.

**G6.** The proposed clearing is necessary for streets, houses, and related improvements.

Residential Development to Blend into Natural Setting  
Subsection 4.610.10 (.01) E.

**G7.** New tree plantings, preservation of 76 existing trees, and new native ground cover proposed within Tracts D and E and stormwater facilities allow the development to blend with the natural elements of the property. The project area is otherwise relatively flat land without significant natural features with which to blend.

Compliance with All Applicable Statutes and Ordinances  
Subsection 4.610.10 (.01) F.

**G8.** As found elsewhere in this report, the City is applying the applicable standards.

Tree Relocation and Replacement, Protection of Preserved Trees  
Subsection 4.610.10 (.01) G.

**G9.** Reviews of tree removal, replacements, and protection is in accordance with the relevant sections of the Code.

Tree Removal Limitations  
Subsection 4.610.10 (.01) H.

**G10.** The proposed tree removal is due to health or necessary for construction.

**Additional Standards for Type C Permits**

Tree Survey and Tree Maintenance and Protection Plan to be Submitted  
Subsection 4.610.10 (.01) I. 1.-2.

**G11.** The applicant submitted the required Tree Survey, and Tree Maintenance and Protection Plan (see Exhibit B2 and Sheet L1.00-L1.10).

Utilities Locations to Avoid Adverse Environmental Consequences  
Subsection 4.610.10 (.01) I. 3.

**G12.** The Utility Plan (Sheet P4.00) shows a design to minimize impact on the environment to the extent feasible given existing conditions, particularly the natural drainage area. The City will further review utility placement in relation to the drainage area and preserved trees during review of construction drawings and utility easement placement on the final plat.

**Type C Tree Plan Review**

Tree Removal Related to Site Development at Type C Permit  
Subsection 4.610.40 (.01)

**G13.** Review of the proposed Type C Tree Plan is concurrent with other site development applications.

Standards and Criteria of Chapter 4 Applicable  
Subsection 4.610.40 (.01)

**G14.** As found elsewhere in this report, the City's review applies applicable standards.

Application of Tree Removal Standards Can't Result in Loss of Development Density  
Subsection 4.610.40 (.01)

**G15.** The proposed subdivision allows residential lot counts consistent with the Frog Pond West Master Plan.

Development Landscape Plan and Type C Tree Plan to be Submitted Together  
Subsection 4.610.40 (.01)

**G16.** The applicant submitted the Type C Tree Plan concurrently with the landscape plan for the proposed development.

Type C Tree Plan Review with Stage II Final Plan  
Subsection 4.610.40 (.01)

**G17.** Review of the proposed Type C Tree Plan is concurrent with the Stage II Final Plan. See Request D.

Required Mitigation May Be Used to Meet Landscaping Requirements  
Subsection 4.610.40 (.01)

**G18.** The applicant proposes counting the proposed street trees and other landscaping trees as mitigation for removal.

No Tree Removal Before Decision Final  
Subsection 4.610.40 (.01)

**G19.** Review of the proposed Type C Tree Plan is concurrent with other necessary land use approvals. The City will not issue any tree removal permit prior to final approval of concurrent land use requests and annexation into the City. While the land is currently under jurisdiction of Clackamas County, a Condition of Approval binds the applicant to no tree removal on the properties, except for hazardous situations unrelated to development, prior to issuance of the post-annexation tree removal permit by the City.

Tree Maintenance and Protection Plan Submission Requirements  
Section 4.610.40 (.02)

**G20.** The applicant submitted the necessary copies of a Tree Maintenance and Protection Plan.

**Tree Relocation, Mitigation, or Replacement**

Tree Replacement Required  
Subsection 4.620.00 (.01)

**G21.** Consistent with the tree replacement requirements for Type C Tree Removal Permits established by this subsection, the applicant proposes to plant mitigation trees consistent with Subsection 4.620.00 (.06).

Replacement Requirement: 1 for 1, 2-inch Caliper  
Subsection 4.620.00 (.02)

**G22.** The applicant proposes mitigating removed trees on a basis well in excess of one tree for each tree removed, proposing 109 new trees in the form of 87 street trees, 15 trees within the open space (Tracts D and E), and 7 trees within the pedestrian connection (Tract C). In addition, 13 trees are proposed to be planted adjacent to the stormwater facility in Tract B, for a total of 122 trees. The proposed mitigation (Sheets L2.00-L2.40) is in excess of the 1:1 mitigation requirement for tree removal.

Replacement Plan and Tree Stock Requirements  
Subsections 4.620.00 (.03) and (.04)

**G23.** Review of the Tree Replacement and Mitigation Plan is prior to planting and in accordance with the Tree Ordinance, as established by other findings in this request. The applicant's landscape plans show tree stock meeting the tree stock requirements.

Replacement Trees, City Tree Fund  
Subsection 4.620.00 (.05)

**G24.** As shown on the Street Tree Planting Plan (Sheet L2.00), some of these replacement trees consist of street trees. Trees will likely be planted on the individual dwelling lots at the time

of site development but are not proposed to be included in the replacement tree plans. The applicant does not propose to pay into the City Tree Fund.

## Protection of Preserved Trees

### Tree Protection During Construction

Section 4.620.10

**G25.** A Condition of Approval ensures tree protection measures including fencing are in place consistent with Public Works Standards Detail Drawing RD-1240.

The northwest portion of the property, in Tract E, includes a grove of mature native trees. Site design elements as proposed preserve these trees as a group and maintain the character of this native grove. As stated in the Arborist Report for the project (Appendix E of Exhibit B1), the project arborist and landscape architect will determine the location of the trail/pathway in the grove by walking the optimal route through trees and mapping this route in real time using GPS technology. The finished sidewalk location within the grove will be somewhat flexible to allow the project arborist and construction crew to preserve large roots that may be encountered. The trail/pathway will be built on-grade according to the construction plan outlined in the Arborist Report. The project arborist must be onsite during grading for the sidewalk, however, the grade work of setting forms, installing gravel and pouring concrete will not require arborist oversight. At no time may large trucks or steel-tracked equipment enter the grove. Rock and gravel must be piped or ferried in using the smaller sized equipment described above. The construction plan avoids unnecessary soil compaction within the RPZs of protected trees. A Condition of Approval ensures the construction plan will be followed protect the preserved trees during development.

## Request H: DB21-0079 Waiver

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

### Waiver: Small Lot Sub-district Open Space Location

#### Waiver of Typical Development Standards

Subsection 4.118 (.03) A. and Subsection 4.127(.09) B.2.

**H1.** The applicant requests a waiver to locate the open space required in the R-5 small lot sub-district within the R-7 medium lot-sub-district. This standard is not typically permitted to be waived by the Development Review Board, however as the proposed development is within the Residential Neighborhood zone, the DRB may waive or reduce open space requirements when considering substantial evidence regarding the following factors: the walking distance to usable open space adjacent to the subject property or within 500 feet

of it; the amount and type of open space available and adjacent or within 500 feet of the subject property, including facilities which support creative play.

Purpose and Objectives of Planned Development Regulations  
Subsection 4.140 (.01) B.

**H2.** The proposed development includes properties within the R-7 medium lot sub-district, which is exempt from open space requirements, and 2.76 ac. in the R-5 small lot sub-district. The applicant proposes 80,230 sq. ft. of open space, well in excess of the requirement of 12,025 sq. ft. Due to the proposed location of stormwater facilities, which serve both Sub-districts 10 and 11 within the site, as well as street alignments and extensions required by the Frog Pond West Master Plan, adequate space is not available to meet the minimum open space standards of the R-5 Sub-district 10, while maximizing available housing density for the sub-district. While the applicant greatly exceeds the required minimum open space and minimum usable open space requirements, the open space (Tracts D and E) is located outside the R-5 sub-district. The applicant has requested a waiver to locate the open space outside of the R-5 sub-district boundaries in the R-7 sub-district portion of the site, which is approximately 365 feet north of the 12 lots located in the R-5 small lot sub-district. Active open space also is available in the Frog Pond Ridge subdivision to the south, within approximately 400 feet of the sub-district. The proposal by the applicant provides a higher quality uninterrupted open space area that will serve future residents well. The waiver would meet the purpose of this subsection by providing flexibility and allowing a site design that is able to respond to site characteristics.

**Request I: SI21-0005 Abbreviated SROZ Map Verification**

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

**SROZ Map Verification**

Requirements and Process  
Section 4.139.05

**I1.** Consistent with the requirements of this section, a verification of the SROZ boundary is required as the applicant requests a land use decision. Because a wetland area was identified in the central part of the site, the applicant conducted a detailed site analysis consistent with the requirements of this section, which the City's Natural Resources Manager reviewed to confirm that the wetland is not deemed locally significant and that there are no portions of the site that should be within the SROZ boundary.