



Exhibit A1
Staff Report
Wilsonville Planning Division
Frog Pond Petras Homes 11-Lot Subdivision
Development Review Board Panel 'A'
Quasi-Judicial Public Hearing
Amended and Adopted December 11, 2023
Added language ***bold italics underline***
Removed language ~~struck through~~

Hearing Date:	December 11, 2023
Date of Report:	December 4, 2023
Application No.:	DB23-0008 Frog Pond Petras Homes 11-Lot Subdivision
Request/Summary:	The requests before the Development Review Board include Annexation, Zone Map Amendment, Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Middle Housing Land Division, and Waiver
Location:	Northwest corner of SW Frog Pond Lane and SW Stafford Road. The property is specifically known as Tax Lot 200, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
Owner/Applicant:	Petras Homes, LLC (Contact: Adrian Petras and Ana Campean)
Authorized Representative:	AKS Engineering & Forestry, LLC (Contact: Glen Southerland, AICP)
Comprehensive Plan Designation:	Residential Neighborhood
Zone Map Classification (Current):	Rural Residential Farm Forest 5-Acre (RRFF-5; Clackamas County)
(Proposed):	Residential Neighborhood (RN)
Staff Reviewers:	Cindy Luxhoj AICP, Associate Planner Amy Pepper, PE, Development Engineering Manager Kerry Rappold, Natural Resources Manager

Staff Recommendation: **Recommend approval to the City Council** of the Annexation and Zone Map Amendment, and **approve with conditions** the Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Middle Housing Land

Division, and Waiver, 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 4.140	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
<u>Comprehensive Plan and Sub-elements:</u>	
Citizen Involvement	
Urban Growth Management	

Public Facilities and Services	
Land Use and Development	
Plan Map	
Transportation Systems Plan	
Frog Pond West Master Plan	
<u>Regional and State Law and Planning Documents</u>	
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 11-lot Frog Pond Petras Homes subdivision is the eleventh development proposal in Frog Pond West. The subdivision will connect to the previously approved Frog Pond Crossing subdivision to the north and west and the Frog Pond Ridge subdivision to the south, blending together as one cohesive neighborhood consistent with the Frog Pond West Master Plan.

Application Summary:

Annexation

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 in Tax Lot 200 have consented in writing to the annexation, and no electors reside within the area proposed for annexation.

Zone Map Amendment

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 the annexed area consistent with this intention.

Stage 1 Preliminary Plan

The proposed residential use, number of lots, provision 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 1 Preliminary Plan area includes a portion of

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

The Frog Pond West Master Plan established range for small lot Sub-district 10 is 30-38 lots. Approximately 35.8% of Sub-district 10 is within the project area, resulting in a range of 11-14 lots, and the applicant proposes 11 lots, which is the minimum number for this portion of Sub-district 10. As proposed the total number of lots meets the overall minimum proportional density for the site and allows for future development that meets all dimensional standards.

Stage 2 Final Plan

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 subject site has one wetland, which is not locally significant and proposed to be filled, and no other natural features or resources. The site slopes gently from an elevation of roughly 249 ft in the north to 243 ft in the south.

Site Design Review of Parks and Open Space

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 pedestrian connections in open space Tracts A and D and provides landscape improvements along SW Stafford Road consistent with the Master Plan.

Tentative Subdivision Plat

The proposed tentative plat meets technical platting requirements, demonstrates consistency with the Stage 2 Final Plan, and thus the Frog Pond West Master Plan, and does not create barriers to future development of adjacent neighborhoods and sites.

Middle Housing Land Division

The proposed middle housing land division allows for the creation of separate units of land for residential structures that could otherwise be built on a lot without a land division. The units of land resulting from a middle housing land division are collectively considered a single lot, except for platting and property transfer purposes. Through this middle housing land division the applicant proposes creating 20 middle housing units from 10 parent Lots 1 through 5 and

Lots 7 through 11, with Lot 6 remaining a standard lot with an area of 3,626 square feet. The resulting middle housing units range in area from 2,025 to 2,448 square feet.

Waiver – Minimum Lot Frontage

The applicant is requesting a minimum lot frontage waiver for Lots 4 through 6 of the subdivision to enable development consistent with the proportional density range of 11-14 lots established for this portion of R-5 small lot Sub-district 10, while providing the required usable open space in pedestrian connections in Tracts A and D and other site improvements. This waiver is required as these lots do not have frontage on a public street.

Public Comments and Responses:

No public comments were received during the comment period.

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 Petras Homes 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 Study (see Exhibit B1) prepared by the City's consultant, DKS Associates, does not identify a most probable used intersection for evaluation. The proposed development is expected to generate a net total of 9 PM peak hour trips (5 in, 4 out). It is estimated that 50% of trips will utilize SW Stafford Road to/from the north, 35% of trips will utilize SW Boeckman Road to/from the west, 10% of trips will utilize SW Wilsonville Road to/from the south, and 5% of trips will utilize SW Advance Road to/from the east. Approximately 10% (1 PM trip) of the project trips are expected to travel through the I-5/SW Wilsonville Road interchange area and 10% (1 PM trip) are expected to travel through the I-5/SW Elligsen Road interchange area.

As stated in the Traffic Impact Study, it has been known and previously documented that the SW Stafford Road/SW Frog Pond Lane intersection is expected to fail to meet the City's Level of Service (LOS) D operating standard as the Frog Pond West neighborhood develops. A traffic signal was the originally recommended intersection improvement; however, the Frog Pond East & South Master Plan, recently approved by City Council, identifies alternate traffic control mitigations (minor-street turn restrictions) as the preferred improvement for the intersection. The City has included the intersection improvements on the Capital Improvement Projects (CIP) list for which the project is slated for funding in 2024/25-2025/26.

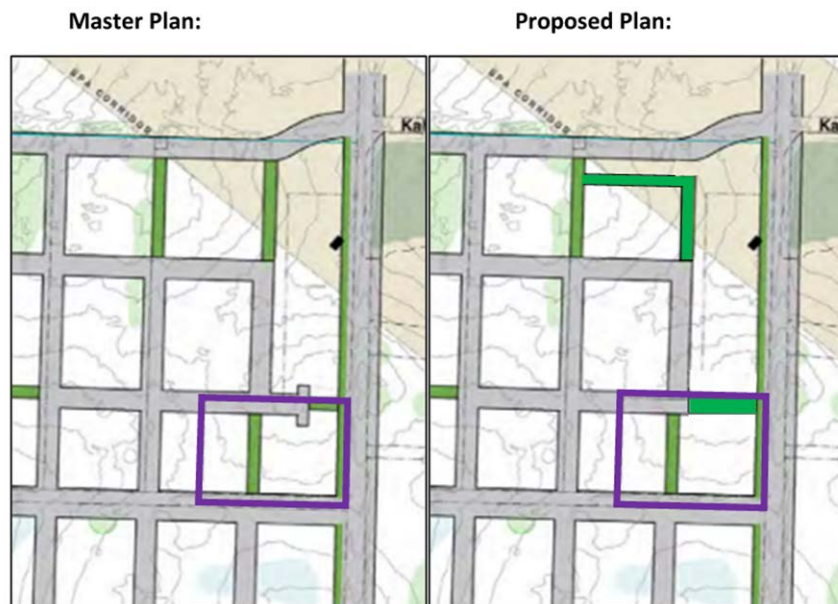
Balancing Uses in Planter Strips

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. For various reasons, it is not practical to place street trees and streetlights in stormwater swales. 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 placing stormwater facilities where space remains available and placement is desirable. The applicant's

plans achieve the desired balance with all street trees placed within the planter strip, with stormwater facilities and other elements located in the remaining space.

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. 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 illustrated below and described in more detail elsewhere in this staff report (see Finding D11). The proposed modifications do not require out-of-direction pedestrian or vehicular travel nor do they result in greater distances for pedestrian access to the proposed subdivision from the surrounding streets than would otherwise be the case if the Street Demonstration Plan were adhered to.



Vehicular and Bicycle Parking

Pursuant to Oregon Administrative Rules (OAR) 660-012-0440, parking mandates, or the minimum vehicle parking requirements in Section 4.155 Table 5, are not applicable to the development as it is within one-half (1/2) mile of SMART Route 4, one of the City's most frequent transit routes. The proposed development includes uses that have no maximum limit per Table 5. With no minimum or maximum vehicle parking requirements, the number of total vehicle parking spaces is at the complete discretion of the applicant, so long as other non-parking requirements are still met. In addition, for any vehicle parking spaces provided, the applicable design standards, as well as percentage and similar requirements for certain types of spaces, still apply.

Discussion Points – Discretionary Review:

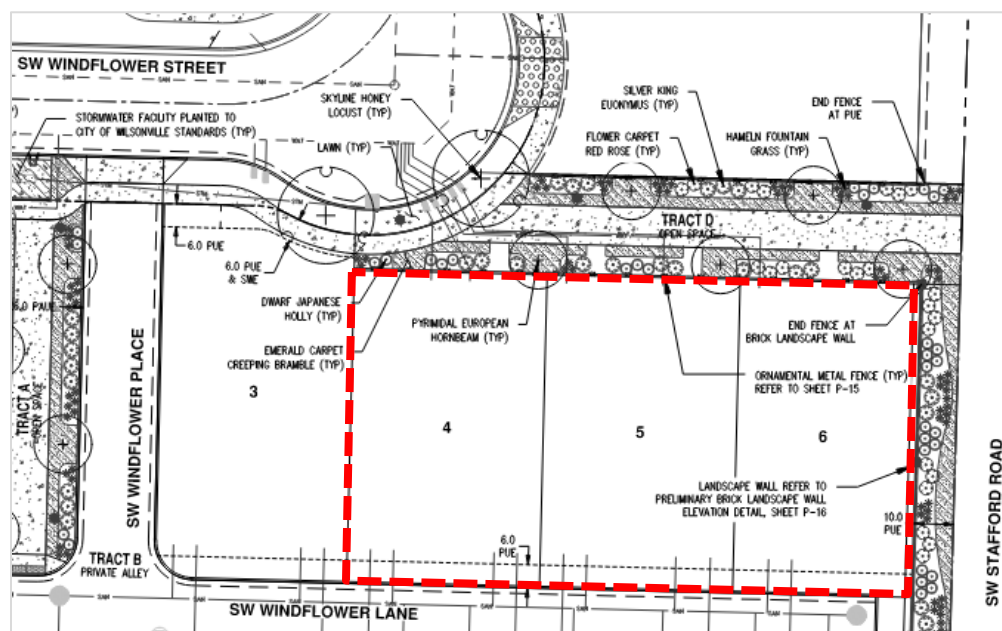
The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant. There is one (1) discretionary review request included as part of the proposed application as described below and discussed in detail in Request H.

Waiver – Minimum Lot Frontage

Per Subsection 4.237 (.06) of the Development Code, each lot must have a minimum frontage on a street or private drive. The DRB may waive lot frontage requirements where in its judgement the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of the standard or if the DRB determines that another standard is appropriate because of the characteristics of the overall development.

As proposed, three (3) lots (Lots 4 through 6) within the development do not front a street or private drive but front a shared open space with a pedestrian connection (Tract D), and take vehicular access from a private alley (Tract B), shown in the illustration below. Pedestrian access is provided along the front of Lots 4 through 6 via the pedestrian connection in Tract D.

The applicant specifically requests a lot frontage waiver for Lots 4 through 6 to enable development of the subject site consistent with the proportional density range of 11-14 lots established for this portion of R-5 small lot Sub-district 10, while providing the required usable open space in pedestrian connections in Tracts A and D and other site improvements. The waiver request is outlined in the Summary section, above, and discussed in detail under Request H, later in this staff report.



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 application (DB22-0003) with the following conditions:

Planning Division Conditions:

Request A: Annexation (ANNX23-0002)

This action recommends to the City Council approval of Annexation for the subject property. The Zone Map Amendment (ZONE23-0002) 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: Zone Map Amendment (ZONE23-0002)

This action recommends to the City Council adoption of the Zone Map Amendment for the subject property. This action is contingent upon annexation of the subject property to the City of Wilsonville (ANNX23-0002). Requests STG123-0003, STG223-0005, SDR23-0006, SUBD23-0002, MHL23-0002, and WAIV23-0003 are contingent on City Council action on the Zone Map Amendment request.

No conditions for this request.

Request C: Stage 1 Preliminary Plan (STG123-0003)

Approval of Stage 1 Preliminary Plan (STG123-0003) is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0002).

No conditions for this request

Request D: Stage 2 Final Plan (STG223-0005)

Approval of the Stage 2 Final Plan (STG223-0005) is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0002).

PDD 1. General: The approved Stage 2 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 1 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.	Prior to Final Plat Approval: 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 3.	General: 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 4.	General: Any area, whether in a garage or in a driveway, counted as a parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D19.
PDD 5.	General: All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D28.
PDD 6.	Prior to Final Plat Approval: 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 Condition of Approval PDA 1, the LID Waiver for a specific parcel within the Frog Pond Terrace <i>Petras Homes</i> 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.

Request E: Site Design Review of Parks and Open Space (SDR23-0006)

Approval of Site Design Review of Parks and Open Space (SDR23-0006) is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0002).	
PDE 1.	General: 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.
PDE 2.	Prior to Final Plat Approval: 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.	<u>Prior to Final Plat Approval:</u> 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.	<u>Ongoing:</u> 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.	<u>Ongoing:</u> 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><u>General:</u> The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • 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. • 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. • Shrubs shall reach their designed size for screening within three (3) years of planting. • Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced 4 feet on center minimum, 4-inch pot spaced 2 feet on center minimum, 2-1/4-inch pot spaced 18 inches on center minimum. • No bare root planting shall be permitted. • Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. • Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding E20.
PDE 7.	<u>General:</u> 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.	<u>Ongoing:</u> 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 (1) growing season, unless appropriate substitute species are approved by the City. See Finding E21.
PDE 9.	<u>Prior to issuance of any Public Works Permits:</u> Consistent with the Frog Pond West Master Plan, which identifies the SW Frog Pond Lane/SW Stafford Road intersection as a “Key Intersection” and recommends that Key Intersections be more brightly-lit than other intersections to act as a wayfinding beacon for travelers, the applicant shall submit a street and intersection lighting photometric analysis to Engineering for review and approval. The photometric analysis shall be designed in accordance with quantitative requirements referenced in the Public Works Standards and by the street functional classifications, and the zone where the streets are located. For example, street lights on SW Frog Pond Lane, SW Stafford Road, and at the intersection between the two roads shall be designed brighter in comparison to other local streets since SW Frog Pond Lane is designated a Collector and SW Stafford Road is designated an Arterial. See Finding E24.
PDE 10.	<u>Prior to issuance of any Public Works Permits:</u> The applicant/owner shall submit information details or cut sheets demonstrating compliance with the Public Works Standards, Frog Pond West Master Plan Public Lighting Plan, and appropriate AASHTO lighting standards for local street lighting. The street lighting shall be Aurora style streetlights, as Westbrook is no longer approved by PGE. See Findings E25.
PDE 11.	<u>Prior to issuance of any Public Works Permits:</u> The applicant/owner shall provide details or cut sheets of the proposed lighting along the pedestrian connections in Tracts A and D sufficient to determine compliance with the requirements the City’s Public Works Standards and the Frog Pond West Master Plan Public Lighting Plan, and install appropriate lighting in compliance with these standards. See Finding E26.
PDE 12.	<u>Prior to Final Plat Approval:</u> 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 within Frog Pond West. The developers will buy the signs from the City. See Finding E29.

Request F: Tentative Subdivision Plat (SUBD23-0002)

	Approval of the Tentative Subdivision Plat (SUBD23-0002) is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0002).
PDF 1.	<u>Prior to Final Plat Approval:</u> Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
PDF 2.	<u>Prior to Final Plat Approval:</u> 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 2 Final Plan or the Tentative Plat.

PDF 3.	<u>Prior to Final Plat Approval:</u> 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 4.	<u>Prior to Final Plat Approval:</u> 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: Middle Housing Land Division (MHL23-0002)

Approval of the Middle Housing Land Division (MHL23-0002) is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0002).	
PDG 1.	<u>Prior to Final Plan Approval:</u> The applicant/owner shall assure that the parcels are not sold or conveyed until such time as the Final Plat is recorded with the County.
PDG 2.	<u>Prior to Final Plan Approval:</u> The applicant/owner shall submit an application for Final Plat review and approval on the Planning Division Site Development Application form. The applicant/owner shall also provide materials for review by the City's Planning Division in accordance with Section 4.220 of City's Development Code. The Final Plat shall be prepared in substantial accord with the middle housing land division as approved by this action and as amended by these conditions, except as may be subsequently altered by minor revisions approved by the Planning Director.
PDG 3.	<u>Prior to Final Plan Approval:</u> The applicant/owner shall illustrate existing and proposed easements on the Final Plat. See Finding G5.
PDG 4.	<u>Prior to Final Plan Approval:</u> The applicant/owner shall state on the Final Plat that the middle housing land division units are not further divisible. See Finding G11.

Request H: Waiver (WAIV23-0003)

Approval of the Waiver request (WAIV23-0003) is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0002).	
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: Stage 2 Final Plan (STG222-0003)

PFD 1.	Ongoing: 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 Mater Plan (July 17, 2017).
PFD 2.	Prior to Final Completeness of Public Works Permit: The applicant shall provide a site distance certification by an Oregon Registered Professional Engineer for the new driveway per the Traffic Impact Study.
PFD 3.	Prior to issuance of Public Works Permit: Applicant shall be required to enter into a Development and Annexation Agreement with the City.
PFD 4.	Prior to Issuance of Public Works Permit: Submit construction 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 and SW Windflower Street; curb ramps on the north side of Frog Pond Lane at the intersection of SW Lupine Lane; street improvements including pavement, curb, and driveway approaches on the privately owned SW Windflower Place and SW Windflower Street. All improvements shall be constructed in accordance with the Public Works Standards.
PFD 5.	Prior to Issuance of Public Works Permit: The applicant shall show on the construction plans a mail kiosk at a location coordinated with City staff and the Wilsonville US Postmaster.
PFD 6.	Prior to Issuance of Public Works Permit: Submit a copy of the Oregon DSL Removal-Fill permit for filling the onsite wetland, if required. Submit a copy of the USACE Approved Jurisdictional Determination.
PFD 7.	Prior to Issuance of Public Works Permit: 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 treatment and flow control requirements, including documentation of all impervious area reduction strategies considered and use of available vegetated areas for stormwater management purposes.
PFD 8.	Prior to the Issuance of Public Works Permit: The applicant shall obtain an NPDES 1200CN 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.	<u>With the Public Works Permit:</u> The applicant shall provide to the City a copy of correspondence that plans have been distributed to the franchise utilities. <u>Prior to the Issuance of Public Works Permit:</u> 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.	<u>Prior to Final Completeness of Public Works Permit:</u> Submit documentation that the existing well located on this property was properly abandoned in accordance with OAR 690-240 and the Water Resources Department requirements.

Request F: Tentative Subdivision Plat (SUBD22-0002)

The following conditions are in addition to the dedications and easements shown on the Tentative Subdivision Plat.	
PFF 1.	<u>Prior to Final Plat Approval:</u> Show dedication of 12 feet of right-of-way along SW Stafford Road.
PFF 2.	<u>Prior to Final Plat Approval:</u> Show dedication of approximately 10 feet of right-of-way along SW Windflower Street.
PFF 3.	<u>Prior to Final Plat Approval:</u> Show dedication of approximately 21.5 feet of right-of-way along SW Frog Pond Lane.
PFF 4.	<u>Prior to Final Plat Approval:</u> Show dedication of an 8-foot public utility easement along the SW Frog Pond Lane right-of-way frontage.
PFF 5.	<u>Prior to Final Plat Approval:</u> Show dedication of a 6-foot public utility easement along the SW Windflower Street, SW Windflower Place and SW Windflower Street right-of-way frontages.
PFF 6.	<u>Prior to Final Plat Approval:</u> Show dedication of a 10-foot public utility easement along the SW Stafford Road right-of-way frontage.
PFF 7.	<u>Prior to Final Plat Approval:</u> Submit documentation verifying Tracts A through E have been deeded to a Homeowner's Association. Submit CC&R's including information regarding the maintenance responsibilities for all stormwater LID facilities, retaining walls, and private alleys/streets.
PFF 8.	<u>Prior to Final Plat Approval:</u> Submit stormwater access and maintenance agreements for all stormwater vegetated facilities.
PFF 9.	<u>Prior to Final Plat Approval:</u> Submit sanitary sewer pipeline easement agreement for all sanitary sewer mains located outside of the public right-of-way.
PFF 10.	<u>Prior to Final Plat Approval:</u> Submit storm pipeline easement agreement for all storm mains located outside of the public right-of-way.
PFF 11.	<u>Prior to Final Plat Approval:</u> Submit public access, bike and pedestrian easement over Tracts A, B, and D.

PFF 12. Prior to Final Plat Approval: 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. Prior to Construction of the Subdivision's Residential Homes: Designated through approved planning procedures, the following conditions must be met and approved through the Building Official:

- a. Street signs shall be installed at each street intersection and approved per the Public Works design specifications and their required approvals.
- b. All public access roads and alleys shall be complete for access to the residential home sites.
- 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.
- 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).

BD2. Prior to Occupancy: New and existing buildings shall have approved address labels. 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 four (4) inches high with a minimum stroke width of 1/2 inch. (OFC 505.1) Where vehicle access is from a private drive or alley, provide a physical address on the new home, as well as near the intersection of the private drive and public road. The address must be visible from any approaches by a monument, pole or other sign used to identify the structure. (ORSC R319)

BD1. Prior to Demolition of Structures:

- a. Photos must be taken of any structures on the site that are to be demolished. Photos must be a clear resolution (when printed, a minimum resolution of 300 dpi or greater) and should include a representative sample of the exterior of the structure from each direction. A demolition permit must be obtained from the Building Division and photos must be submitted with the demolition permit application. (Wilsonville Code 9.270)
- b. An NPDES 1200-C permit must be obtained from DEQ with a copy provided to the City.

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 File DB23-0008. 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. 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 B: Annexation Petition
 - Appendix C: Ownership Information
 - Appendix D: Clackamas County Assessor's Map
 - Appendix E: Traffic Impact Study
 - Appendix F: Wetland Memo and Concurrence
 - Appendix G: Preliminary Stormwater Report
 - Appendix H: Geotechnical Report
 - Appendix I: Draft CC&Rs
 - Appendix J: Annexation Legal Description and Exhibit
 - Appendix K: Annexation County Certifications
 - Appendix L: Zoning Change Legal Description and Exhibit
 - Appendix M: Preliminary Conceptual Elevations
 - Appendix N: 250-Foot Radius Notification Labels
 - Appendix O: Service Provider Letters
- B2. Applicant's Drawings and Plans – Available Under Separate Cover**
- B3. Incompleteness Response Letter Dated October 4, 2023**
- B4. Memorandum Responding to Compliance Items Dated November 29, 2023**

Development Review Team Correspondence

- C1. Public Works Submittal and Other Engineering Requirements**

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on July 19, 2023. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on August 18, 2023. The applicant submitted additional material on October 4, 2023. Staff conducted a completeness review within the statutorily allowed 30-day review period and deemed the application complete on November 3, 2023. The City must render a final decision for the request, including any appeals, by March 2, 2024.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North	RN	Residential (Frog Pond Crossing)
East	RRFF-5	Rural Residential/Agriculture (Clackamas County)
South	RN	Residential (Frog Pond Ridge)
West	RN	Residential (Frog Pond Crossing, Frog Pond Oaks)

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, Adrian Petras and Ana Campean for Petras Homes, LLC, signed the application form and initiated the application.

Pre-Application Conference

Subsection 4.010 (.02)

Following a request from the applicant, the City held a pre-application conference for the proposal on September 15, 2022 (PRE22-0020), 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: Annexation (ANNX23-0002)

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. Petras Homes, 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 1 and Stage 2 Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the Frog Pond Petras Homes subdivision 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 the Development Review Board (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 completed the master planning process for the 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 a mix of attached and detached units, and 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 0.004% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 2.02 of 477 acres).

Request B: Zone Map Amendment (ZONE23-0002)

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.

Development Code

Zoning Consistent with Comprehensive Plan
Section 4.029

- B5.** The applicant requests a zone change concurrently with a Stage 1 Preliminary Plan, Stage 2 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 an 11-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 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 1 Preliminary Plan area is located entirely within small lot Sub-district 10. The applicant proposes 11 lots in Sub-district 10, which is the minimum proportional density calculation. The table in Finding C17 summarizes how the proposed residential lots in this Sub-district are consistent with the Master Plan recommendations.

Request C: Stage 1 Preliminary Plan (STG123-0003)

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 2 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 West Master Plan for small lot sub-districts. Findings related to Section 4.127 of the Development Code 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 1 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 D11.

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

residential lots to accommodate a variety of housing types. Within the Residential Neighborhood zone a variety of middle housing types is also permitted.

Planned Development Regulations

Planned Development Lot Qualifications

Subsection 4.140 (.02)

C10. The planned 11-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 2.02 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 1 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. Glen Southerland, AICP, of AKS Engineering & Forestry, LLC, 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 1 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 1 Preliminary Plan is under an application by the property owners.
- The applicant submitted a Stage 1 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 1 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.

- 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 subject property contains land within the R-5 small lot Sub-district 10 and is required to provide open space within the subdivision. The amount of open space in the proposed development is consistent with the Frog Pond West Master Plan.

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 1 Preliminary Plan area includes a portion of small lot Sub-district 10.

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 1 area is located entirely within small lot Sub-district 10. The following table summarizes how the proposed residential lots in this Sub-district are consistent with the Master Plan recommendations.

The applicant proposes 11 lots in Sub-district 10, which is the minimum proportional density calculation.

Subdistrict 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	2.02	35.8%	30-38	11-14	11	17 Approved 11 Proposed 28 Total
Total	2.02			11-14	11	28

The proposed development of 11 lots in Sub-district 10 allows for future development that meets all dimensional standards for lots on the site. As proposed the total number of lots meets the overall minimum proportional density for the site.

The configuration of lots as proposed, which meet all dimensional requirements for the individual lots, will allow for buildout of this sub-district consistent with the Master Plan recommendations.

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

C18. The proposed Stage 1 Preliminary Plan includes land within the R-5 small lot sub-district 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 D10.

Request D: Stage 2 Final Plan (STG223-0005)

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

Stage 2 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 1 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 Study (see Exhibit B1) prepared by the City’s consultant, DKS Associates, does not identify a most probable used intersection for evaluation. The proposed development is expected to generate a net total of 9 PM peak hour trips (5 in, 4 out) as shown in the table below:

TABLE 1: VEHICLE TRIP GENERATION

LAND USE	ITE DESCRIPTION (CODE)	UNITS	PM PEAK TRIP RATE ^A	PM PEAK TRIPS			WEEKDAY
				IN	OUT	TOTAL	
NEW HOMES	SINGLE-FAMILY ATTACHED HOUSING (215)	22 Lots	0.41 trips/lot	5	4	9	117

^A PM peak trip rate is back-calculated from the fitted curve equation

It is estimated that 50% of trips will utilize SW Stafford Road to/from the north, 35% of trips will utilize SW Boeckman Road to/from the west, 10% of trips will utilize SW Wilsonville Road to/from the south, and 5% of trips will utilize SW Advance Road to/from the east. Approximately 10% (1 PM trip) of the project trips are expected to travel through the I-5/SW Wilsonville Road interchange area and 10% (1 PM trip) are expected to travel through the I-5/SW Elligsen Road interchange area.

As stated in the Technical Memorandum, it has been known and previously documented that the SW Stafford Road/SW Frog Pond Lane intersection is expected to fail to meet the City’s Level of Service (LOS) D operating standard as the Frog Pond West neighborhood develops. A traffic signal was the originally recommended intersection improvement; however, the Frog Pond East & South Master Plan, recently approved by City Council, identifies alternate traffic control mitigations (minor-street turn restrictions) as the preferred improvement for the intersection. The City has included the intersection improvements on the Capital Improvement Projects (CIP) list for which the project is slated for funding in 2024/25-2025/26.

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 (.10) A.

- 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 will underground all existing utility lines fronting the subject property.

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.

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-5 Medium Lot Sub-district 10		Compliance Notes
	Required	Proposed	
Min. Lot Size	4,000 sf 3,200 sf using 80% reduction ^A	3,626-4,873 sf	Standard is met. Lot 6, measuring 3,626 sf, is planned to utilize the allowed lot size reduction and at least one lot will be designated for a duplex.
Min. Lot Depth	60 ft	60+ ft	Standard is met.
Min. Lot Width	35 ft	35+ ft	Standard is met.
Max. Lot Coverage	60%	60% max	Standard can be met. Example floor plan footprint shows roughly 1,989 sf for duplex units, which could be placed on each proposed lot without exceeding max. lot coverage.
Max. Bldg Height	35 ft	35 ft max	Standard can be met.
Min. Front Setback	12 ft	12 ft min	Standard can be met.
Min. Rear Setback	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)	Standard can be met.

Min. Garage Setback from Alley	18 ft	18 ft. min	Standard can be met.
Min. Garage Setback from Street	20 ft	20 ft min	Standard can be met.
^A May be reduced to 80% of minimum lot size where necessary to provide active open space or to increase the number of lots so long as a lot meeting the min. lot size is designated for development of a duplex or triplex.			

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 or 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 is met for open space. Standard can be met for varied design elements of residential structures.
	<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		Standard is met for lots adjacent to SW Stafford Road. No lots are adjacent to SW Boeckman Road.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
No driveway access to collectors for small and medium lots	Met	Not Met	N/A		Standard is met. Lots with frontage on SW Stafford Road, an Arterial, and SW Frog Pond Lane, a Gateway Collector, take access from a private alley.
	<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.

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 (12%)	Required (50% of min. open space)	Proposed (194% of min. open space)	
87,980 sf	8,798 sf	10,791 sf	4,399 sf	8,524 sf	Standard is met.

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 shown in the table and illustration below:

Street Segment	Generally Consistent with Figure 18	Allowed Variation	Explanation of Variation
SW Frog Pond Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project fronts on SW Frog Pond Lane, an existing street.
SW Stafford Road	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project fronts of SW Stafford Road, an existing street.
SW Windflower Street	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Project takes access from SW Windflower Street, an existing street in Frog Pond Crossing.
SW Windflower Place and SW Windflower Lane	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lots take access from these private alleys.
Pedestrian Connections in Tracts A and D	<input type="checkbox"/>	<input checked="" type="checkbox"/>	See explanation below.

Master Plan:

Proposed Plan:



The project does not propose new streets, but adds to existing SW Windflower Street, SW Frog Pond Lane, and SW Stafford Road through right-of-way dedication. These streets meet the planned widths and construction requirements. The location of blocks and planned pedestrian connections in Tracts A and D generally align with those shown in the Street Demonstration Plan, providing pedestrian access between SW Frog Pond Lane and SW Windflower Street, and SW Windflower Street and SW Stafford Road. The proposed modifications do not require out-of-direction pedestrian or vehicular travel, nor do they result in greater distances for pedestrian access to the proposed subdivision from the surrounding streets than would otherwise be the case if the Street Demonstration Plan were fully 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 checked="" type="checkbox"/>	<input 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	20	
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	Several lots abut private open space in Tracts A and D 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 A and D. These additional connections are consistent with Figure 18 of the Frog Pond West Master Plan. The proposal also enables connections to adjacent development. To ensure full access and function of the planned pathway system for the public, a Condition of Approval requires public access easements across all pathways within private tracts.

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. Pursuant to Oregon Administrative Rules (OAR) 660-012-0440 parking mandates, or the minimum vehicle parking requirements in Table 5, are not applicable to the development as it is within one-half (1/2) mile of SMART Route 4, one of the City's most frequent transit routes. The proposed development includes uses that have no maximum limit per Table 5. With no minimum or maximum vehicle parking requirements, the number of total vehicle

parking spaces is at the complete discretion of the applicant, so long as the total number of spaces does not exceed the maximum and other non-parking requirements are still met. In addition, for any vehicle parking spaces provided, the applicable design standards, as well percentage and similar requirements for certain types of spaces, still apply.

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

D19. The applicable standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
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.
Subsection 4.155 (.03) General Standards		
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 separate from vehicle circulation by vertical separation 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. Grading, filling, and excavating will be conducted in accordance with the Uniform Building code.

The site will be protected with erosion control measures. 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. All existing trees on the site are agricultural (hazelnut) and, therefore, exempt from tree removal and preservation requirements, and will be removed to provide area for home construction. No trees on the site are identified to be retained; thus none are required to be protected during site preparation and construction.

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 site, 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 Petras Homes development deters crime and ensures public safety. The lighting of the streets allows 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. Proposed street trees are consistent with previously established trees in other Frog Pond subdivisions.

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 P14-P16) illustrate the location and type of landscaping within public rights-of-way and tracts. The design includes a variety of native plants.

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. As discussed in Finding D11, the proposed project is surrounded by existing streets that were designed per the Frog Pond West Master Plan Street Demonstration Plan and no new streets are proposed. The project takes access from SW Windflower Street within the Frog Pond Crossing subdivision to the north. The location of planned pedestrian connections in Tracts A and D generally align with those shown in the Street Demonstration Plan, providing pedestrian access between SW Frog Pond Lane and SW Windflower Street, and SW Windflower Street and SW Stafford Road.

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. 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 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. A Condition of Approval 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. No dead-end streets are proposed in the development.

Corner Vision Clearance
Subsection 4.177 (.02) E.

D34. Street locations and subdivision design allow vision clearance standards to be met.

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. No on street bicycle facilities are required within the project area for the development. A Condition of Approval requires all cross-sections to comply with the Frog Pond West Master Plan requirements prior to Final Plat approval. See Exhibit C1.

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

D39. No pedestrian and bicycle accessways are proposed in addition to, or in lieu of, public streets within the subdivision. The pedestrian connections in Tracts A and D provide additional north-south and east-west connectivity through the development, connecting to pathways in Frog Pond Crossing to the north and west, Frog Pond Ridge to the south, and SW Stafford Road to the east.

Transit Improvements Requirements
Subsection 4.177 (.06)

D40. The applicant does not propose any transit improvements within the proposed subdivision. There is not currently transit service along SW Stafford Road or SW Frog Pond Lane; however, 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. There are no streets proposed within the development and access to the internal private alley is taken from SW Windflower Street, a local street, which is not subject to minimum spacing standards.

Mixed Solid Waste and Recyclables Storage

Review by Franchise Garbage Hauler
Subsection 4.179 (.07)

D43. The proposed development does not contain multi-family residential or non-residential uses requiring the solid waste storage area to meet code requirements for size; however, the applicant has provided a letter from the franchised garbage hauler, Republic Services, to ensure the site plan provides adequate access for the hauler's equipment. The service provider letter is included in Exhibit B1. Homeowners of Lots 1-6 will be required to locate receptacles on SW Windflower Street, while homeowners of Lots 7-11 will be required to locate receptacles on SW Frog Pond Lane.

Request E: Site Design Review of Parks and Open Space (SDR23-0006)

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 providing attractive streetscapes and enhancing the existing surrounding neighborhoods. 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.

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. No landscaping currently exists on the site, thus none is proposed to be preserved. A 7,020-square-foot wetland that is not locally significant is proposed to be filled to allow development.

Relation of Proposed Buildings to Environment
Subsection 4.421 (.01) B.

- E5. No structures are proposed by the development at this time. Building design will be reviewed during the building permit review process.

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 P2.00 and L2.00-L2.20. Appendix B in Exhibit B1 includes the Preliminary Stormwater Drainage Report.

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. 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 2 Final Plan for the site as well as the purpose and objectives of Site Design Review. See Findings D21 through D24 under Request D.

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 2 Final Plan which includes an analysis of the functional application of the landscaping standards. See Finding D26 under Request D.

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 six (6) feet for evergreen trees. Some shrubs are specified on the Landscape Plans (Sheets P-14 to P-16) as one (1) gallon, rather than two (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 (1) growing season, unless appropriate substitute species are approved by the City.
- The applicant's Landscape Plan Sheet P-15 includes Note 6, which states: "Watering will be provided for new planting establishment and long term plant health" using a combination of above and below ground systems, as appropriate.

Landscape Plans

Subsection 4.176 (.09)

E22. The applicant's submitted landscape plans, Sheets P-14 to P-16, 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 Key Intersections

Key Intersections, page 77 and Figure 42 of Frog Pond West Master Plan

E24. Figure 42 of the Frog Pond West Master Plan identifies the intersection of SW Frog Pond Lane and SW Stafford Road as a key intersection for the purposes of public lighting. As shown on Sheets P-09 and P-10 in Exhibit B2, the applicant proposes one (1) street light at this key intersection. As shown on Sheet P-14, placement of this light pole does not interfere with the landscaping and gateway feature at the intersection. The applicant's materials do not include details of the proposed lighting fixture or a lighting plan.

A Condition of Approval ensures that consistent with the Frog Pond West Master Plan, which identifies the SW Frog Pond Lane/SW Stafford Road intersection as a "Key Intersection", includes a Public Lighting Plan and recommended lighting plan hierarchy, and recommends the Key Intersections be more brightly-lit than other intersections to act as a wayfinding beacon for travelers, the applicant must submit a street and intersection lighting photometric analysis to Engineering for review and approval. The photometric analysis must be designed in accordance with quantitative requirements referenced in the

Public Works Standards and by the street functional classifications, and the zone where the streets are located. For example, street lights on SW Frog Pond Lane, SW Stafford Road, and at the intersection between the two roads must be designed brighter in comparison to other local streets since SW Frog Pond Lane is designated a Collector and SW Stafford Road is designated an Arterial.

Lighting of Local Streets

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

- E25.** The applicant's Sheet P-09 in Exhibit B2 shows proposed street lights on local streets; however, their materials do not specify a proposed fixture or provide cut sheets or details. 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). As the Westbrook is no longer available from PGE, the Aurora is now used as the closest matching design. These fixtures are dark sky friendly and must be 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. A Condition of Approval ensures that the applicant provides a Public Lighting Plan and demonstrates that the required lighting fixtures are provided on local streets adjacent to the development.

Lighting of Pathways

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

- E26.** 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 Sheet P-09 in Exhibit B2 includes lighting along the pedestrian connections in Tracts A and D, however, no specifications or detail sheets are included. A Condition of Approval ensures that the requirements are met.

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

- E27.** 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.

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	On approved list; consistent with species established in Frog Pond Ridge
SW Windflower Street	Neighborhood	Chinese Pistache	On approved list; consistent with species established in Frog Pond Crossing
SW Yarrow Lane	Neighborhood	Skyline Honey Locust	On approved list; consistent with species established in Frog Pond Crossing
Pedestrian Connections in Tracts A and D	Pedestrian Connection	Pyramidal European Hornbeam	On approved list

Gateways, Monuments and Signage

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

E28. The intersection of SW Frog Pond Lane and SW Stafford Road, at the southeast corner of the proposed development, is identified as a Neighborhood Gateway in Figure 45 of the Frog Pond West Master Plan. Therefore, a monument signs or other permanent subdivision identification signs is required at this location. The applicant’s Sheet P-14 indicates placement of such a sign and Sheet P-16 provides design details proposed to match the landscape wall and monument sign in Frog Pond Ridge at the southwest corner of the intersection.

Unifying Frog Pond Name, Sign Caps on Street Signs
Page 92 of the Frog Pond West Master Plan

E29. 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 within Frog Pond. The developers will buy the signs from the City to ensure uniformity throughout the Frog Pond West neighborhood.

Request F: Tentative Subdivision Plat (SUBD23-0002)

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 R-5 Sub-district 10. 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, AKS Engineering & Forestry, LLC, 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 (1) 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.

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 2 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. No new streets are proposed within the development; therefore, signs stating “street to be extended in the future” or similar language approved by the City Engineer are not required.

Additional Right-of-Way Subsection 4.236 (.08)

F14. A Condition of Approval ensures dedication of sufficient right-of-way for planned improvements along SW Frog Pond Lane, SW Stafford Road, and SW Windflower Street.

Street Names Subsection 4.236 (.09)

F15. SW Stafford Road and SW Frog Pond Lane adjacent to the subdivision are identified in the Frog Pond West Master Plan. A portion SW Windflower Street and SW Yarrow Lane, north

of the development, were constructed as part of the Frog Pond Crossing subdivision. The applicant includes improvements to these streets as required and names them accordingly. In addition to the existing streets, the applicant proposes a private alley named SW Windflower Place (north-south) and SW Windflower Lane (east-west), which will be subject to naming and approval by the City Engineer who will check all street names to not be duplicative of existing street names and otherwise conform 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 block substantially conforms to Figure 18 of the Frog Pond West Master Plan. The proposed block allows for lots meeting the minimum size and other dimensional standards for the relevant sub-district of the Frog Pond West Master Plan. See Finding D8 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. There are no watercourses located on or adjacent to the subject property.

General Land Division Requirements-Pedestrian and Bicycle Pathways

Mid-block Pathways Requirement
Subsection 4.237 (.03)

F19. The proposed development includes pedestrian/bicycle connections through Tracts A and D. These additional connections are consistent with Figure 18 of the Frog Pond West Master Plan. See Finding D13 under Request D.

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-district in the Frog Pond West Master Plan. See Finding D8 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, with the exception of Lots 4 through 6, which front on the Tract D open space with a pedestrian connection. The applicant has requested a waiver to the minimum lot frontage requirement (see Request H). Each lot meets or exceeds the minimum lot width at the front lot line. See Finding D8 in Request D, and Request H.

General Land Division Requirements-Other

Lot Side Lines
Subsection 4.237 (.08)

F23. Almost all side lot lines run at a 90-degree angle to the front line. Angles and curves of streets necessitate the exception, including Lot 3.

Land for Public Purposes
Subsection 4.237 (.12)

F24. The subject property does not contain SROZ land or other land reserved for public acquisition.

Corner Lots
Subsection 4.237 (.13)

F25. All corner lots have radii exceeding the 10-foot minimum.

Lots of Record

Lots of Record
Section 4.250

F26. The applicant provided documentation all subject lots are lots of record.

Request G: Middle Housing Land Division (MHL23-0002)

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)

G1. The middle housing land division is being reviewed by the Planning Director according to this subsection. The final plat will be reviewed by the Planning Division under the authority of the Planning Director to ensure compliance with the tentative subdivision plat and middle housing land division.

Legally Lot Requirement
Subsection 4.202 (.04) A.

G2. It is understood that no parcels will be sold or transferred until the final plat has been approved by the Planning Director and recorded.

Middle Housing Land Divisions

Middle Housing Land Divisions – Review Process
Subsections 4.202 (.05), 4.232 (.01), and 4.232 (.05)

G3. The applicant elected to have the middle housing land division reviewed concurrently with a tentative plat of the subdivision subject to review by the Development Review Board. As required, the tentative middle housing land division is shown on a separate sheet, Sheet P-07, than the tentative subdivision plat, Sheet P-06, which clearly identifies the middle housing units as being created from one or more lots created by the subdivision.

Waivers and Variances Applying to Land Divisions
Subsection 4.232 (.02)

G4. The property is will be zoned Residential Neighborhood (RN) upon approval of the Zone Map Amendment request (ZONE23-0002) and contains one (1) waiver request. As stated in Finding G3, the request does not qualify for approval as an Expedited Land Division due to the need for other concurrent land use decisions.

Criteria for Middle Housing Land Divisions
 Subsection 4.232 (.03) A-F.

G5. The required criteria for middle housing land divisions are met as follows:

Standard	Standard Met?			Compliance Notes
Land Division Occupied by Middle Housing	Yes	No	N/A	Middle housing units are proposed
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Separate Utilities Provided for Each Unit	Yes	No	N/A	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Easements Provided for Each Unit	Yes	No	N/A	Easements are provided for each unit for utilities, access to a street or private drive, and common areas, as applicable
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Compliance with Building Code	Yes	No	N/A	Middle housing units are of sufficient area to meet Building Code standards; final compliance to be determined at Building permit review
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Required Notes Prohibiting Further Division on Plat	Yes	No	N/A	A condition of approval requires that notes on the Final Plat prohibit further division of middle housing units
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Cluster Housing Standards	Yes	No	N/A	Cluster housing is not proposed as part of the development.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Provisions of Middle Housing Land Divisions
 Subsection 4.232 (.04) 1.

G6. Two (2) housing units could be built on each of the subject lots without a middle housing land division; therefore, this criterion is met.

Units to be Considered Single Lot
Subsection 4.232 (.04) 2. A-B

G7. The 10 subject parent lots continue to meet the underlying lot standards of the RN zone. Two (2)-unit duplex units will be considered to be such rather than single-family units.

ADU and Middle Housing Allowances
Subsection 4.232 (.04) 2.C.

G8. The preliminary middle housing land division plat included in Exhibit B2 (Sheet P-07) meets the allowance of middle housing units. Each parent lot can contain at least one (1) dwelling unit, but may contain additional units consistent with the allowance for middle housing.

Compliance with ORS 197 and OAR 660-046
Subsection 4.232 (.04) 2.D.

G9. The preliminary middle housing land division plat included in Exhibit B2 (Sheet P-07) demonstrates compliance with the middle housing rules and statues included in ORS 197 and OAR 660-046.

Units Must Contain One Dwelling Unit
Subsection 4.232 (.04) 3. A.

G10. As demonstrated by the preliminary middle housing land division plat, the units of land resulting from the middle housing land division will have only one (1) dwelling unit.

Units Not Further Divisible
Subsection 4.232 (.04) 3. B.

G11. A condition of approval requires a note on the final plat stating that the middle housing land division units are not further divisible.

Procedures and Requirements for Expedited Land Divisions and Middle Housing Land Divisions
Subsection 4.232 (.05) A. 1.-4.

G12. The applicant elected to have the middle housing land division reviewed concurrently with a tentative plat of the subdivision subject to review by the Development Review Board; therefore, the standards of this Subsection do not apply.

Divisions for Land Occupied by Middle Housing
Subsection 4.232 (.05) B.

G13. The request involves vacant land, therefore, this standard does not apply.

Multiple Middle Housing Land Divisions as Single Application
Subsection 4.232 (.05) C.

G14. The application includes a preliminary middle housing land division plat in Exhibit B2 (Sheet P-07) for division into 21 units (10 middle housing units and one (1) standard lot).

Lots of Record

Defining Lots of Record
Section 4.250

G15. The subject property is a legal lot of record.

Request H: Waiver (WAIV23-0003)

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

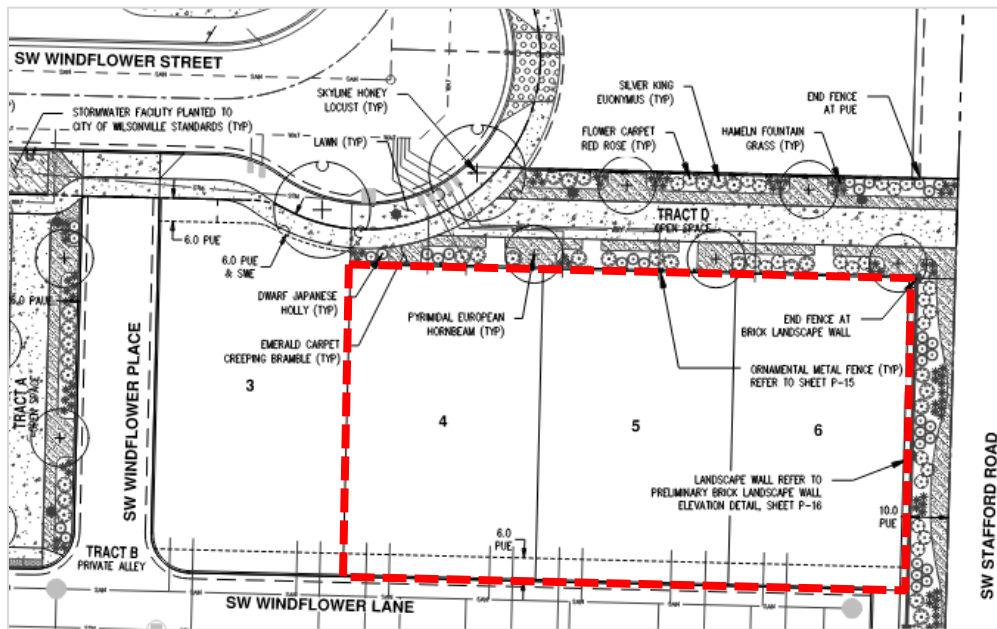
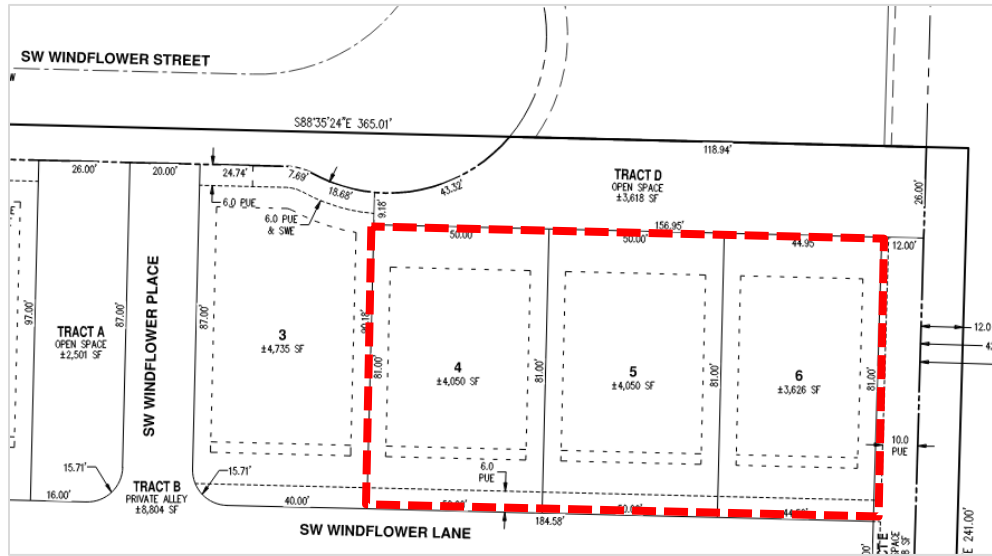
Waiver: Minimum Street Frontage

Waiver of Typical Development Standards
Subsection 4.118 (.03) A.

H1. While the proposed development meets the applicable requirements for lot dimensional standards, including lot area, width, depth, and lot coverage, the application includes a request for a minimum lot frontage waiver. Per Subsection 4.237 (.06) of the Development Code, each lot must have a minimum frontage on a street or private drive as specified in the standards of the relative zoning district. The minimum lot width in the RN Zone for lots in the R-5 small lot Sub-district is 35 feet with some exceptions (Subsection 4.127 (.08), Table 2). The DRB may waive lot frontage requirements where in its judgement the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of the standard or if the DRB determines that another standard is appropriate because of the characteristics of the overall development.

As proposed, three (3) lots (Lots 4 through 6) within the development front a shared open space with a pedestrian connection (Tract D), and take vehicular access from a private alley (Tract B), shown in the illustrations below. Pedestrian access is provided along the front of Lots 4 through 6 via the pedestrian connection in Tract D.

The applicant specifically requests a lot frontage waiver for Lots 4 through 6 to enable development of the subject site consistent with the proportional density range of 11-14 lots established for this portion of R-5 small lot Sub-district 10, while providing the required usable open space in pedestrian connections in Tracts A and D and other site improvements.



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

H2. Pursuant to Subsection 4.118 (.03) A. waivers must implement or better implement the purpose and objectives listed in this subsection.

The subject site is constrained by size (2.02 acres) and subject to the street layout created by adjacent subdivisions, as well as access limitations on SW Frog Pond Lane, which borders on the south, and SW Stafford Road, which has a requirement for a continuous wall and landscaping on the east side of the site.

The proposed subdivision layout with the requested minimum frontage waiver for Lots 4 through 6 allows flexibility of design while providing a development that is equal to or better than that resulting from traditional lot land use development. As stated by the applicant in their Code response narrative, the requested waiver of minimum street frontage benefits the public by:

- providing additional lots for needed housing to achieve the minimum density of 11 lots for this portion of Sub-district 10 established in the Frog Pond West Master Plan,
- reducing the number of driveways and access points on surrounding streets by providing circulation via a private alley and multiple pedestrian connections,
- providing usable pedestrian connections while maintaining the planned look of the Frog Pond West neighborhood and existing street layout, and
- providing the required sight distance from the SW Stafford Road/SW Frog Pond Lane intersection.