



Exhibit A1
Staff Report
Frog Pond Meadows 74-Lot Single-Family Subdivision

Development Review Board Panel 'A'
Quasi-Judicial Public Hearing
Added language ***bold italics underline***
Removed Language ~~struck through~~

Hearing Date:	February 11, 2019
Date of Report:	February 4, 2019
Application Nos.:	DB18-0060 Annexation DB18-0061 Zone Map Amendment DB18-0062 Stage I Preliminary Plan DB18-0063 Stage II Final Plan DB18-0064 Site Design Review of Parks and Open Space DB18-0065 Tentative Subdivision Plat DB18-0066 Tentative Partition Plat (Church Property) DB18-0067 Tentative Partition Plat (School Property) DB18-0068 Type C Tree Removal Plan DB19-0002 Waiver – Minimum Lot Size DB19-0003 Waiver – Front Setback SI18-0006 Abbreviated SRIR Review
Request/Summary:	The requests before the Development Review Board include Annexation, Zone Map Amendment, Class 3 Stage I Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Two Tentative Partition Plats, Type C Tree Removal Plan, Minimum Lot Size Waiver, Minimum Front Setback Waiver, and Abbreviated SRIR Review
Location:	West side of Stafford Road, north of Boeckman Road. The property is specifically known as Tax Lots 1800, 1902, 1903, 2000, and 2200, and a portion of Stafford Road right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon
Owners:	Community of Hope ELCA (27817 SW Stafford Rd.) Joint Revocable Trust of Theodore and Lynette Eaton (27767 SW Stafford Rd.) 27687 Stafford Road LLC (27687 SW Stafford Rd.) West Linn-Wilsonville School District (7035 SW Boeckman Rd. and 27657 SW Stafford Rd.)
Applicant:	Dan Grimberg, West Hills Development
Applicant's Rep.:	Li Alligood, AICP, OTAK, Inc.

Comprehensive Plan Designation: Residential Neighborhood

Zone Map Classification (Current): RRFF 5 (Clackamas County designation – Rural Residential Farm Forest 5-Acre)

Zone Map Classification (Proposed): RN (Residential Neighborhood), PF (Public Facility)

Staff Reviewers: Kimberly Rybold, AICP, Associate Planner
Steve Adams PE, Development Engineering Manager
Kerry Rappold, Natural Resources Program Manager

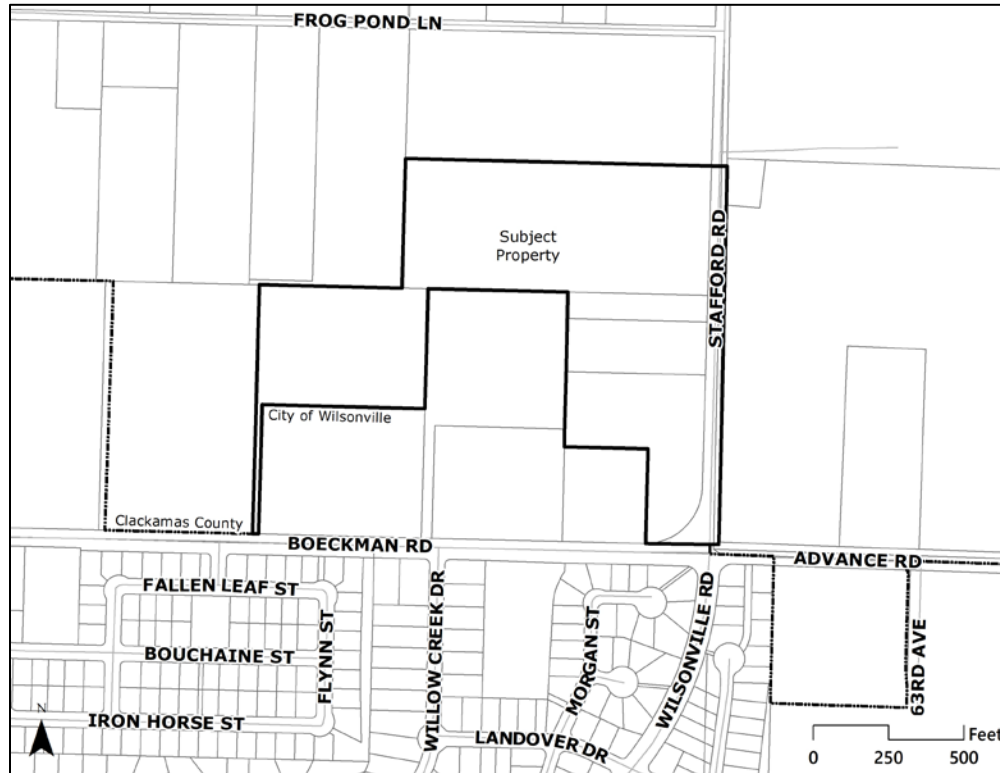
Staff Recommendation: Recommend approval to the City Council of the Annexation and Zone Map Amendment, approve with conditions the Stage I Master Plan, State II Final Plan, Site Design Review request, Tentative Subdivision Plat, Tentative Partition Plats, Type C Tree Plan, Minimum Lot Size Waiver, Minimum Front Setback Waiver, and Abbreviated SRIR Review, 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 4.136	Public Facility (PF) Zone
Sections 4.139.00 through 4.139.11	Significant Resource Overlay Zone (SROZ) Regulations
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	
Area of Special Concern L	
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 15.64-acre subdivision is the third development proposal, following the 44-lot Stafford Meadows subdivision to the south and the 78-lot Morgan Farm subdivision to the west. The subdivision will connect to Stafford Meadows, blending together as one cohesive neighborhood.

This application also includes the Community of Hope Church and property owned by the West Linn-Wilsonville School District. The existing church will remain, with the westernmost 0.69 acres partitioned and included within the Frog Pond Meadows subdivision. In return, the applicant will transfer Tract M of the previously approved Stafford Meadows subdivision to the church. The application also proposes partitioning the easternmost 1.5 acres of the West Linn-Wilsonville School District property on Boeckman Road to be included within Frog Pond Meadows, with the remaining portion planned for a future park and school. Combined with adjacent Stafford Road right-of-way, the applicant proposes the annexation of approximately 23.9 acres into the City of Wilsonville.

Summary:

Annexation (DB18-0060)

The approximately 23.9 acres proposed for annexation are contiguous to land currently in the City, are within the Urban Growth Boundary, and are master planned for residential development. All property owners and a majority of registered voters in the annexation area have consented in writing to the annexation.

Zone Map Amendment (DB18-0061)

Concurrent with the 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 Residential Neighborhood (RN) Zone to the residential portion of the subject property consistent with this intention. The applicant proposes applying the Public Facility (PF) Zone to the remaining church property, which will continue its present use as a church, as well as to the portion of the subject property west of Willow Creek, which is planned as a future park and school.

Stage I Master Plan (DB18-0062)

Note: Only the 15.64-acre area shown on the Tentative Subdivision Plat in Exhibit B3 is subject to this Stage I Master Plan application.

The proposed single-family use, number of units, preservation of open space, and general block and street layout are consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use unit count, the proposed Stage I area includes portions of medium lot Sub-districts 2 and 5 and small lot Sub-district 6, as well as a portion of Civic Sub-district 12. The Frog Pond West Master Plan establishes a range of 20 to 25 units for Sub-district 2. The previously approved Stafford Meadows subdivision includes 18 units within this sub-district. This

application proposes six additional units, for a total of 24 within the sub-district. Approximately 69 percent of Sub-district 5 is within the project area. For Sub-district 5, the applicant proposes 22 lots. As the Master Plan establishes a range of 27 to 33 units for the entire sub-district, the proposed number of units, representing approximately 81 percent of the range minimum and 67 percent of the range maximum, will allow for buildout of the sub-district consistent with the Master Plan recommendations.

Approximately 50 percent of Sub-district 6 is within the project area. Development within small lot sub-districts greater than 10 acres must provide a minimum of 10 percent of units as duplexes or attached two-unit homes. For Sub-district 6, the applicant proposes 42 lots, four of which are attached two-unit single-family homes. This portion of the sub-district is less than 10 acres, so the 10 percent minimum does not apply. As the Master Plan establishes a range of 74 to 93 units for the entire sub-district, the proposed number of units, representing approximately 56 percent of the range minimum and 45 percent of the range maximum, will allow for buildout of the sub-district consistent with the Master Plan recommendations.

A small portion of the project area is within Civic Sub-district 12. This sub-district allows for a maximum of seven dwelling units. Housing in the Civic sub-district is subject to the regulations of the medium lot single-family designation consistent with Table 1 of the Frog Pond West Master Plan. The applicant proposes four lots meeting the medium lot sub-district standards in this area.

Stage II Final Plan (DB18-0063)

Note: Only the 15.64-acre area shown on the Tentative Subdivision Plat in Exhibit B3 is subject to this Stage II Final Plan application.

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

Proposed lot layout and size as well as block size and access 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 design of the project avoids disturbance of the significant natural features on the site, including the riparian area west of Willow Creek Drive, wetlands along Stafford Road, and a tree grove along the northern edge of the project area. Although the site generally appears to be flat, the elevation varies by 20 feet from north to southwest, with a low point created by the drainage west of Willow Creek Drive. This slope necessitates a significant amount of grading to provide the infrastructure needed to serve the development, as well as to prepare lots for development with single-family homes.

Site Design Review (DB18-0064)

Note: Only the 15.64-acre area shown on the Tentative Subdivision Plat in Exhibit B3 is subject to this Site Design Review application.

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 standard and the Frog Pond West Master Plan. In particular, the proposed design conforms to the street tree and street lighting elements of the Frog Pond West Master Plan providing for the envisioned streetscape. The design also includes the required open space tracts consistent with the Master Plan. Among the additional specific elements reviewed is the wall and landscaping required by the Master Plan along the Stafford Road frontage and the landscaping and site furnishings in open space tracts.

Tentative Subdivision Plat (DB18-0065)

Note: Only the 15.64-acre area shown on the Tentative Subdivision Plat in Exhibit B3 is subject to this Tentative Subdivision Plat application.

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

Tentative Partition Plats (DB18-0066 and DB18-0067)

The proposed tentative plats meet technical platting requirements, demonstrate consistency with the Stage II Final Plan, and thus the Frog Pond West Master Plan, and do not create barriers to the future development of adjacent neighborhoods and sites. The purpose of the partitions is to divide the property currently owned by the school district and church into two parts, allowing portions of these properties to be conveyed to the developer from the school district and church. The portion of the school property east of the Willow Creek drainage area would be incorporated into the larger Frog Pond Meadows subdivision. The school district would retain western portion for future development as a school and park, as shown in the Frog Pond West Master Plan. The western portion of the church property would be incorporated into the larger Frog Pond Meadows subdivision, with the remaining land maintaining in its current use as a church.

Type C Tree Removal Plan (DB18-0068)

Although the site generally appears to be flat, the elevation varies by 20 feet from north to southwest, with a low point created by the drainage west of Willow Creek Drive. This slope necessitates a significant amount of grading to provide the infrastructure needed to serve the development, as well as to prepare lots for development with single-family homes. The extent of the necessary grading requires removal of the majority of trees on the site. The majority of these trees are in overgrown groves in the southwest portion of the site, located mostly on land

currently owned by the school district where Willow Creek Drive will be extended. The total number of trees proposed for removal subject to mitigation is 235.

The applicant proposes to preserve 23 trees onsite, with seven additional trees protected on adjacent property. The applicant proposes preservation of nine Oregon white oak trees in the northeastern portion of the subject property. These trees are part of a larger grove that extends to the north of the site, which will be preserved as open space with future development. Nine trees will be preserved along and within the drainage area west of Willow Creek Drive, including a white willow, three Douglas-fir, an Oregon white oak, a Scouler's willow, a river birch, a Scots pine, and a Norway Spruce. Three trees in the Stafford Road right-of-way, two Oregon white oak trees and a Scots pine, are proposed for preservation. A 34-inch Oregon white oak in excellent condition will be preserved within a planned median in Willow Creek Drive in the northwest portion of the site.

The proposed planting of 160 landscaping and street trees (see Sheets L2.000 through L2.04 of Exhibit B3) will partially mitigate for the removal. Additional mitigation will be satisfied by paying into the City's tree fund.

Minimum Lot Size and Front Setback Waivers (DB19-0002 and DB19-0003)

To accommodate preservation of the 34-inch Oregon White Oak within a median in Willow Creek Drive, the applicant proposes waivers to minimum lot size for Lots 70 and 71 and the minimum front yard setback for Lots 69-72. Due to increased right-of-way needs along the frontage of these lots, the minimum lot size would be reduced from 6,000 square feet to 5,672 and 5,612 for Lots 70 and 71, respectively. The minimum front setback would be reduced from 15 feet to 12 feet.

Abbreviated SRIR Review (SI18-0006)

The applicant requests approval of a Significant Resource Impact Report (SRIR) for exempt development located within the Significant Resource Overlay Zone and its associated 25-foot Impact Area. The impacts to the SROZ are necessary for the construction of the road network and stormwater infrastructure.

Proposed exempt development in the SROZ and its associated 25-foot Impact Area include the following:

- 1) Willow Creek Drive and Brisband Street – minor grading for the construction of curbs and sidewalks.
- 2) Stormwater outfalls – installation of pipe and outfall structures.

Traffic Impacts:

The Traffic Impact Analysis (see Exhibit B2) performed by the City's consultant, DKS Associates, identifies the most probable used intersections for evaluation as:

- Boeckman Road/ Parkway Avenue

- Boeckman Road/Canyon Creek Road
- Boeckman Road/Advance Road/ Stafford Road/Wilsonville Road
- Wilsonville Road/Town Center Loop West
- Wilsonville Road/Town Center Loop East-Memorial Drive

The study intersections will continue to perform at Level of Service D or better and thus meet City standards with the exception of the intersection of Boeckman Road and Canyon Creek Road, which will fall to a Level of Service E without any improvements made. The City has identified fully signalizing this intersection as part of project UU-01 in the Transportation System Plan (TSP), which would allow the intersection to function at the required Level of Service. The City has identified funding for design and construction as CIP 4206 in the proposed budgets for Fiscal Year 18/19 and Fiscal Year 19/20. Subsection 4.140 (.09) J. 2. allows measuring Level of Service based on existing and immediately planned streets. This subsection defines immediately planned as being part of the Capital Improvement Program, and being funded for completion within two years. Based on the budget proposal described above, the future signalized intersection can be used for the purpose of determining Level of Service for this project.

Public Comments and Responses:

None Received

Discussion Points:

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. As directed by the City, the applicant’s plans show a priority to laying out street trees and street lighting keeping appropriate spacing from utility laterals and water meters, and then placing stormwater facilities where space remains available and placement is desirable.

Stafford Road Improvements

The City is responsible for the reconstruction/improvements to Stafford Road per the Frog Pond West Master Plan. The City will undertake this construction following the issuance of an appropriate number of home building permits and depositing of sufficient funding into the infrastructure supplemental fee account. As part of this project, the applicant will dedicate right-of-way and construct a decorative wall and 12-foot planting area consistent with the Master Plan along the frontage outside of the right-of-way.

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 providing that the overall connectivity goals are met.

In order to achieve minimum density requirements while providing access throughout the subdivision, the applicant proposes some limited variations from the Street Demonstration Plan. The applicant proposes elimination of the east-west pedestrian connections shown on Figure 18 Master Plan between Marigold Terrace and Willow Creek Drive, as provision of these connections would require the elimination of four lots, causing the proposed lot total in Sub-district 5 to be below minimum density. Additionally, in lieu of the east-west pedestrian connection shown between Stafford Road and Marigold Terrace, Alder Lane and a future pedestrian connection through Tracts G and H in subsequent development to the north provide east-west connections across this portion of Frog Pond. A new pedestrian connection to Stafford Road is provided from J Street. The proposed variations provide substantially equivalent connectivity to the public, as required for a variation.

Street Length and Connectivity

The applicant intends for future development to occur on the property to the north of the subject site as an extension of the Frog Pond Meadows subdivision, with a future street connection planned to the immediate north of the subject property boundary. To provide interim connectivity and allow for emergency vehicle and solid waste hauler circulation, the tentative subdivision plat provides temporary vehicular connections between Willow Creek Drive and Private Alley M, as well as between Larkspur Terrace and Marigold Terrace.

Willow Creek Drive – Cross Section Modifications

The applicant proposes two modifications to the cross section for Willow Creek Drive, both of which have been reviewed and approved by the City Engineer as noted in Exhibits C4 and C5. The first modification is for the cross section between Wehler Way and Brisband Street, which is classified as a Collector – Gateway in Frog Pond West Master Plan. The proposed modification would allow for on-street parking along the east edge of the roadway in front of the homes, which do not have direct vehicular access to Willow Creek Drive.

The second proposed modification allows for preservation of a 34-inch Oregon White Oak in the right-of-way for Willow Creek Drive. Preservation of this tree requires a 22-foot root protection zone, necessitating construction of a sizable median around the tree. The proposed cross section modification between Brisband Street and northern property boundary extends the Collector – Gateway cross section with a wide median to accommodate tree preservation.

Waivers

To accommodate preservation of the 34-inch Oregon White Oak in the right-of-way for Willow Creek Drive and the associated cross-section modifications, the applicant proposes waivers to minimum lot area and minimum front yard setback requirements to lots adjacent to the tree. The waiver to minimum lot size for Lots 70 and 71 would reduce these lots from a minimum of 6,000 square feet to 5,671 square feet and 5,612 square feet, respectively. The applicant proposes a reduction in the minimum front setback from 15 feet to 12 feet for Lots 69-72 to account for the resulting reduction in lot depth.

Mitigation for Tree Removal

The applicant must mitigate for 235 trees proposed for removal on a 1 to 1 basis. The City's standards for tree mitigation look first at replacing trees on-site. As such, the applicant proposes counting the planned street trees and other landscaping trees, totaling 160 trees as mitigation, leaving a remaining mitigation requirement of 75 trees. If completion of tree mitigation cannot be or is not desirable on site, the City standards next look at potential off-site mitigation locations. The City does not currently have another site identified as desirable to plant the additional mitigation trees.

To account for the remaining mitigation requirement, the applicant proposes a payment into the City's tree fund. Based on current bid prices, the applicant proposes, a cost of \$300 per tree for a 2" caliper deciduous or 6' conifer installed, which the City finds reasonable. The number of trees required initially for mitigation by payment into the City's tree fund is 75. The total initial payment amount into the City tree fund is thus \$22,500 (75 trees x \$300). If at the time of this initial payment the applicant can demonstrate that additional trees will be incorporated within stormwater facilities or the SROZ mitigation area, this amount may be reduced by \$300 per approved tree as noted in Condition of Approval PDI 4.

These modifications notwithstanding, with the large number of trees proposed for removal and planting the final tree count may differ slightly from the current or updated proposal. Condition of Approval PDI 5 requires, prior to approval of occupancy of the final home in the subdivision, the applicant to provide a full accounting of the number of trees actually planted. Based on this accounting, the applicant will receive a refund of \$300 for each tree over 160 (or any amount adjusted per Condition of Approval PDI 4) planted, or will pay an additional \$300 for each tree less than 160 or the adjusted amount planted.

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 or approve, as relevant, the proposed application (DB18-0060 through DB18-0068, DB19-0002, DB19-0003, SI18-0006) with the following conditions:

Planning Division Conditions:

Request A: DB18-0060 Annexation

This action recommends to the City Council approval of Annexation for the subject properties. The Zone Map Amendment (DB18-0061) and all approvals contingent on it are contingent on annexation.
PDA 1. 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 in the Development and Annexation Agreement prior to issuance of any public works permits by the City within the annexation area.

Request B: DB18-0061 Zone Map Amendment

This action recommends adoption of the Zone Map Amendment to the City Council for the subject properties. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB18-0060). Case files DB18-0062, DB18-0063, DB18-0064, DB18-0065, DB18-0066, DB18-0067, DB18-0068, DB19-0002, DB19-0003, and SI18-0006 are contingent upon City Council’s action on the Zone Map Amendment request.
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Request C: DB18-0062 Stage I Master Plan

Approval of DB18-0062 (Stage I Master Plan) is contingent on City Council approval of the Zone Map Amendment request (DB18-0061).
No conditions for this request

Request D: DB18-0063 Stage II Final Plan

Approval of DB18-0063 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB18-0061).
PDD 1. The approved Stage II Final Plan (Final Plan) shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. The Planning Director through the Class I Administrative Review Process may approve minor changes to the Final Plan if such changes are consistent with the purposes and general character of the Final Plan. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding D7.
PDD 2. 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 D22.
PDD 3. 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 D25.
PDD 4. Any area, whether in a garage or in a driveway, counted as a required parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D28.

PDD 5.	A waiver of remonstrance against formation of a local improvement district 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. See Finding D41.
PDD 6.	The design of the private access drives in Tracts H and M shall provide for a useful lifespan and structural maintenance schedule comparable to a public local residential street. See Finding D50.
PDD 7.	All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D52.
PDD 8.	Lots 63, 64, 65, 66, 67, and 68 shall have garages oriented to Private Alley M. Any resulting modifications to the street trees shall be coordinated with the placement of utilities and may be approved by the Planning Director through the Class I Administrative Review Process. See Finding D17. <u>Not used.</u>
PDD 9.	<u><i>The applicant shall provide a two-foot landscape and non-vehicular access easement between Private Alley M and the rear of Lots 63-68, to be maintained by the homeowners association.</i></u>

Request E: DB18-0064 Site Design Review

Approval of DB18-0064 (Site Design Review) is contingent on City Council approval of the Zone Map Amendment request (DB18-0061).	
PDE 1.	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.	All landscaping and site furnishings required and approved by the Board for common tracts shall be installed prior to issuance of a building permit for the 38 th lot, 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 issuance of the permit. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account 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 the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant/owner. See Finding E12.
PDE 3.	All street trees and other right-of-way landscaping shall be installed in right-of-way fronting a lot prior to issuance of an occupancy permit for a home on the lot. See Finding E12.

PDE 4.	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 E13.
PDE 5.	All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered as allowed by Wilsonville’s Development Code. See Findings E14 and E15.
PDE 6.	<p>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” to 12” 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 at 4 feet on center minimum, 4” pot spaced 2 feet on center minimum, 2-1/4” pots spaced at 18 inch 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 E19.
PDE 7.	All trees shall be balled and burlapped and conform in size and grade to “American Standards for Nursery Stock” current edition.
PDE 8.	Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. See Finding E20.
PDE 9.	The applicant shall study if adequate pedestrian-scale lighting is provided for Tracts B and C and shall provide any additional lighting as warranted in compliance with the Public Works Standards and the Frog Pond West Master Plan Public Lighting Plan. See Finding E24.

PDE 10. All street signs shall utilize the City-approved sign cap on street name signs throughout the entirety of the subdivision, matching the design used in the Stafford Meadows and Morgan Farm subdivisions. The developers will buy the signs from the City. See Finding E29.

Request F: DB18-0065 Tentative Subdivision Plat

Approval of DB18-0065 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB18-0061).

PDF 1. Any necessary easements or dedications shall be identified on the Final Subdivision Plat.

PDF 2. The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for the Stage II Final Plan or the Tentative Plat.

PDF 3. Where any street will be extended signs stating “street to be extended in the future” or similar language approved by the City Engineer shall be installed. See Finding F14.

PDF 4. Prior to the recording of the final plat of the subdivision, the applicant/owner shall submit for review and approval by the City Attorney CC&R’s, bylaws, etc. related to the maintenance of the open space tracts. Such documents shall assure the long-term protection and maintenance of the open space tracts.

PDF 5. 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.

Request G: DB18-0066 Tentative Partition Plat

Approval of DB18-0066 (Tentative Partition Plat) is contingent on City Council approval of the Zone Map Amendment request (DB18-0061).

PDG 1. Any necessary easements or dedications shall be identified on the final partition plat.

PDG 2. The final partition plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for the Stage II Final Plan or the Tentative Plat.

PDG 3. The final partition plat shall be recorded prior to the recording of the Final Subdivision Plat for Frog Pond Meadows.

Request H: DB18-0067 Tentative Partition Plat

Approval of DB18-0067 (Tentative Partition Plat) is contingent on City Council approval of the Zone Map Amendment request (DB18-0061).

PDH 1.	Any necessary easements or dedications shall be identified on the final partition plat.
PDH 2.	The final partition plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for the Stage II Final Plan or the Tentative Plat.
PDH 3.	The final partition plat shall be recorded prior to the recording of the Final Subdivision Plat for Frog Pond Meadows.

Request I: DB18-0068 Type C Tree Plan

Approval of DB18-0068 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB18-0061).	
PDI 1.	This approval for removal applies only to the 235 trees identified in the applicant's submitted Tree Maintenance and Protection Plan, see Exhibit B2. All other trees on the property shall be maintained unless removal is approved through separate application.
PDI 2.	The applicant/owner shall submit an application for a Type 'C' Tree Removal Permit on the Planning Division's Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant/owner shall provide the City's Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant/owner shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff. See Finding I19.
PDI 3.	The applicant/owner shall install the required 160 mitigation trees, as shown in the applicant's sheets L2.00, L2.01, L2.02, L2.03, and L2.04 per Section 4.620 WC.
PDI 4.	Prior to issuance of the Type 'C' Tree Removal Permit required in Condition of Approval PDI 2, the applicant shall pay an amount of \$22,500 into the City's tree fund. If at the time of this initial payment the applicant can demonstrate that additional trees will be incorporated within stormwater facilities or the SROZ mitigation area, this amount may be reduced by \$300 per approved tree. Additional adjustments to the amount paid shall be made as described in Condition of Approval PDI 5. See Finding I24.
PDI 5.	Prior to approval of occupancy of the final home in the subdivision the applicant shall provide a full accounting of the number of trees actually planted. Based on this accounting, the applicant will receive a refund of \$300 for each tree over 160 (or any amount adjusted per Condition of Approval PDI 4) planted, or will pay an additional \$300 for each tree less than 160 or the adjusted amount planted prior to approval of occupancy. See Finding I24.
PDI 6.	The permit grantee or the grantee's successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the

	trees for two (2) years after the planting date. A “guaranteed” tree that dies or becomes diseased during the two (2) years after planting shall be replaced.
PDI 7.	Prior to site grading or other site work that could damage trees, the applicant/owner shall install six-foot-tall chain-link fencing around the drip line of preserved trees. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. See Finding I25.
PDI 8.	Tree #56916, the 34-inch Oregon White Oak to be preserved in the Willow Creek Drive right-of-way, has a 22-foot root protection zone (RPZ) measured from the center of the trunk. Tree protection fencing shall be installed at a 22-foot radius from the center of the trunk before construction begins in this area. Any work within the RPZ shall be supervised by the project arborist, and this area shall remain free of personnel, equipment, tools, stockpiled materials, and debris. Tree protection fencing shall not be removed without the arborist present onsite and prior notice given to the Planning Division.

Request J: DB19-0002 Waiver – Minimum Lot Size

Approval of DB19-0002 (Waiver – Minimum Lot Size) is contingent on City Council approval of the Zone Map Amendment request (DB18-0061).
No conditions for this request.

Request K: DB19-0002 Waiver – Minimum Front Yard Setback

Approval of DB19-0003 (Waiver – Minimum Front Yard Setback) is contingent on City Council approval of the Zone Map Amendment request (DB18-0061).
No conditions for this request.

Request L: SI18-0006 Abbreviated SRIR Review

Approval of SI18-0006 (Abbreviated SRIR Review) is contingent on City Council approval of the Zone Map Amendment request (DB18-0061).
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: DB18-0063 Stage II Final Plan

PFD 1.	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1 and to specifics as found in the Frog Pond West Master Plan (July 17, 2017).
PFD 2.	Brisband Street shall be constructed completely up to the current edge of the paved section of Stafford Road, including the asphalt transitions north and south as shown on Sheet P4.00 of the preliminary plan set dated 1/09/2019. The sidewalk at the east end of Brisband Street shall be constructed as shown on Sheet P4.00 of the preliminary plan set dated 1/09/2019. Curb and gutter shall be constructed completely up to the current edge of the Stafford Road right-of-way as shown on Sheet P4.00 of the preliminary plan set dated 1/09/2019; this allows for complete construction of the ADA ramps.
PFD 3.	The intersection of Brisband Street and Willow Creek Drive shall be constructed as a concrete, raised platform intersection with 4-way stop.
PFD 4.	With the proposed temporary, partial construction of Willow Creek Drive north of Brisband Street, the project engineer shall design the intersection to allow for the required transition length for southbound traffic. Some additional widening of the north leg of the intersection may be required to allow for a safe transition.
PFD 5.	City Public Works Standards require that streets and utilities be extended to the edge of the developed property. At the west end of Brisband Street the applicant has indicated there is a wetland that would require permits and result in delay of the project. To avoid delay, the applicant has requested stopping improvements approximately 30 feet short of the property boundary and providing payment-in-lieu to delay construction of this roadway to a future development. The City will allow this request provided the applicant deposit with the City a fee-in-lieu in the amount of 195% of the approved engineers estimate for this work (100% of the estimate, plus 50% contingency, plus 30% for engineering design, management, permitting and testing).
PFD 6.	With the Stafford Meadows development, for Street E (now named Marigold Terrace) Condition of Approval PFD 4 provided options for paving this street anticipating development of the land to the east (not yet then known). With the Stafford Meadows project choosing to install both the base lift and top lift of asphalt on this street, the applicant is required to complete a 2” grind and overlay of Street E after utility services are installed for that section of the street from Lot 10 (where the street cut for the storm and sanitary lateral will need to occur) north to Brisband Street.
PFD 7.	The applicant shall install LED street lighting in compliance with the Public Works Standards and Frog Pond West Master Plan, matching the lighting installed with the Stafford Meadows project.

	The applicant shall provide a ‘stamped’ engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets.
PFD 8.	Pedestrian connections from the east end of Tract M / Tract C shall be constructed to the proposed new right-of-way at Stafford Road.
PFD 9.	Lots 1, 2, 3, 4, 5, 6, 63, 64, 65, 66, 67, 68, 69 , 70, 71, 72, 73, and 74 (as shown on the Preliminary Plat dated 1/09/2019) shall also have street addresses posted on the alley side of the buildings.
PFD 10.	Rainwater management components will be allowed to be located in the public right-of-way, however the applicant shall work with City staff for location and extent of these facilities, location of streetlights when adjacent to a stormwater facility, and location of street trees adjacent to a stormwater facility.
PFD 11.	For the stormwater facilities on Tract “C” and “G” access to the inlet and outlet structures shall be provided per the Public Works Standards (per Sec. 301.4.10 of the Public Works Standards).
PFD 12.	For the stormwater facilities on Tracts “C” and “G”, the outlet structures shall be located adjacent to the proposed Stafford Road right-of-way to allow better future maintenance access.
PFD 13.	For the water system, a looped system shall be provided at the south end of Alder Lane connecting to Marigold Terrace, and a temporary loop provided from the north end of Willow Creek Drive to Marigold Terrace.
PFD 14.	The sanitary sewer within Willow Creek Drive shall be constructed as a 10” line per the Frog Pond Master Plan and with minimum slopes to maintain maximum depths to allow greater service to undeveloped land north of the proposed project.
PFD 15.	Sanitary, storm and water public utility systems shall be extended to the northerly limits of the site at Willow Creek Drive, Larkspur Terrace and Marigold Terrace.
PFD 16.	The applicant shall provide sufficient mail box units for this proposed development; applicant shall construct mail kiosk at a location(s) coordinated with City staff and the Wilsonville U.S. Postmaster.
PFD 17.	At the time of plan submittal for a Public Works Permit, the applicant/owner shall provide to the City a copy of correspondence showing that the plans have also been distributed to the franchise utilities. Prior to issuance of a Public Works Permit, the applicant/owner shall have coordinated the proposed locations and associated infrastructure design for the franchise utilities. Should permanent construction easements or right-of-way be required to construct the public improvements or to relocate a franchised utility, the applicant/owner shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the applicant/owner shall obtain written approval from the appropriate utility prior to commencing any construction.
PFD 18.	Structural retaining wall calculations shall be submitted to engineering for review and approval.

PFD 19. The applicant shall continue to install a 4" conduit along the west side of Willow Creek Drive for use by the City, from the northerly vault installed with the Stafford Meadows project and terminating in a 2x3 vault at Brisband Street. In Tracts D and E, within the ten-foot public utility easement, the applicant shall install a 4" conduit for use by the City, terminating in a 2x3 vault at the north and south extent of the tracts. In Tracts D and E, within the ten-foot public utility easement, the applicant shall coordinate with private utilities and install all conduit and vaults needed with the future reconstruction of Stafford Road. The costs of these conduits and vaults will be subject to reimbursement from the City as will be outlined in the Development Agreement, similar to what was agreed to with the Stafford Meadows development.

Request F: DB18-0065 Tentative Subdivision Plan

PFF 1.	In the Frog Pond West Master Plan, Stafford Road is shown with an 84-foot right-of-way. Presently the Stafford Road right-of-way is insufficient to accommodate full build-out of the roadway as depicted in the Frog Pond West Master Plan. The applicant shall be required to dedicate 12 feet of additional right-of-way along Stafford Road frontage to provide for a total 84-foot right-of-way width.
PFF 2.	Streets shall be primarily constructed per the street type and cross section as shown in the Frog Pond West Master Plan. The cross-section for Stafford Road is incorrectly shown in the Frog Pond West Master Plan. The City's intent and preference is to have the 10-foot Public Utility Easement located adjacent to the street right-of-way and within the 12-foot landscape buffer.
PFF 3.	Lots 1, 2, 3, 4, 5, 6, 69, 70, 71, 72, 73, and 74 (as shown on the Preliminary Plat dated 1/09/2019) shall not be allowed to take vehicle access from Willow Creek Drive.
PFF 4.	Lots 63, 64, 65, 66, 67, and 68 (as shown on the Preliminary Plat dated 1/09/2019) shall not be allowed to take vehicle access from Larkspur Terrace. <i>Not used.</i>
PFF 5.	Lots 26 and 27 (as shown on the Preliminary Plat dated 1/09/2019) shall not be allowed to take vehicle access from Stafford Road.
PFF 6.	Tract B (as shown on the Preliminary Plat dated 1/09/2019) shall have public access over its entirety.
PFF 7.	Tract M (as shown on the Preliminary Plat dated 1/09/2019) shall have public access over its entirety.

Natural Resources Division Conditions:

All Requests

NR 1. Natural Resource Division Requirements and Advisories listed in Exhibit C2 apply to the proposed development.

Building Division Conditions:

All Requests

- | |
|---|
| <p>BD1. Prior to construction of the subdivisions' residential homes, designated through approved planning procedures, the following conditions must be met and approved through the Building Official:</p> <ol style="list-style-type: none">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 to "Base Lift" 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). |
|---|

Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB18-0060 through DB18-0068, DB19-0002, DB19-0003, and SI18-0006. 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)
- A3. Staff Memorandum to DRB dated February 11, 2019 Regarding Staff Report Changes Related to Alley Access for Lots 63-68

Materials from Applicant

B1. Land Use Application Forms

B2. Applicant's Narrative and Materials

Narrative

Appendix A Annexation Petitions and Certifications

Appendix B Preliminary Stormwater Report

Appendix C Traffic Impact Study

Appendix D Wetland Delineation Report

Appendix E SRIR Report

Appendix F Tree Plan

Appendix G Geotechnical Reports

Appendix H Draft CC&R's

Appendix I Example Building Elevations

Appendix J Republic Services Letter

B3. Drawings and Plans

P0.00 Cover Sheet

P1.00 Existing Conditions – Aerial Photo

P1.10 Existing Conditions – Survey Mapping

P2.00 Preliminary Site Plan

P2.01 Preliminary Phasing Plan

P2.10 Preliminary Street Cross Sections

P2.11 Preliminary Street Cross Sections

P3.00 Preliminary Plat – Partitions

P3.01 Preliminary Plat – Subdivision

P4.00 Preliminary Utility Plan

- P4.10 Stormwater (LIDA) Details
- P4.20 Street Lighting Details
- P5.00 Preliminary Grading Plan
- P5.10 Retaining Wall Profiles
- P6.00 Annexation Plan
- P7.00 Zoning Map
- P8.00 Open Space in Sub District 6
- P9.00 Proposed Circulation and Connectivity
- L1.00 Tree Removal and Protection Plan
- L1.01 Existing Tree Data
- L1.02 Existing Tree Data
- L1.03 Existing Tree Data
- L2.00 Planting Plan
- L2.01 Buffer Planting and Notes
- L2.02 Open Space Tract Plans
- L2.03 LIDA and Rain Garden Plans
- L2.04 SROZ Area Planting Plan
- L3.00 Planting Details
- L3.01 Landscape Wall Detail

B4. Stafford Meadows Street Tree Memo

B5. Response to Frog Pond Meadows Incompleteness Items Memo dated December 11, 2018

Development Review Team Correspondence

- C1. Engineering Requirements
- C2. Natural Resource Requirements
- C3. Correspondence between City staff and ODOT
- C4. Willow Creek Drive Cross Section Memo dated November 2, 2018
- C5. Willow Creek Drive Cross Section Memo dated February 1, 2019

Other Correspondence

None Received

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on October 25, 2018. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on November 21, 2018. The applicant submitted additional material on December 12, 2018 and again on January 9, 2019. Planning Staff deemed the application complete on January 10, 2019. The City must render a final decision for the request, including any appeals, by May 10, 2019.

2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	RRFF-5	Rural Residential/Agriculture
East:	EFU	Stafford Road, Rural Residential /Agriculture
South:	RN	Single-family residential (under construction)
West:	RRFF-5	School/Agriculture

3. Previous City Planning Approvals: None
4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Findings:

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

General Information

Application Procedures-In General

Section 4.008

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

Initiating Application

Section 4.009

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

Pre-Application Conference

Subsection 4.010 (.02)

Following a request from the applicant, the City a pre-application conference for the proposal on May 31, 2018 (PA17-0006) 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: DB18-0060 Annexation

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

Comprehensive Plan-Annexation and Boundary Changes

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

- A1.** The Frog Pond West Master Plan establishes the future planned public services and funding plan for the subject property. The development of public services and funding will be consistent with the Frog Pond West Master Plan thus allowing the annexation to proceed. West Hills and the City will enter into an annexation agreement detailing provision and development of public services as required by Condition of Approval PDA 1.

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

- A2.** Metro brought the subject area into the Urban Growth Boundary 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 proposed site development with concurrent applications for Stage I and Stage II Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the Frog Pond Meadows site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

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

- A5.** The inclusion of the Frog Pond area within the UGB and the adoption of the Frog Pond Area Plan demonstrate the need for residential development in the Frog Pond Area. Annexation of the subject site will allow development of the uses envisioned by the adopted Frog Pond West Master Plan.

Wilsonville Development Code-Annexation

Authority to Review Quasi-Judicial Annexation Requests

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

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

Procedure for Review, Etc.

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

- A7.** The submission materials from the applicant include an annexation petition signed by the necessary parties, a legal description and map of the land to be annexed, a narrative describing conformance with applicable criteria, and the City Council, upon recommendation from the Development Review Board, 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, Condition of Approval PDA 1 requires the necessary parties enter into an annexation development 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 subject property is within the UGB, 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 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

Statewide Planning Goals

Goals 1, 2, 5, 6, 8, 9, 10, 11, 12, 13

A13. The area proposed for annexation will be developed consistent with the City's Comprehensive Plan and the Frog Pond West Master Plan, both which have been found to meet the statewide planning goals.

Request B: DB18-0061 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria.

Comprehensive Plan

"Residential Neighborhood" on the Comprehensive Plan Map
Implementation Measure 4.1.7.a.

B1. The subject area has Comprehensive Plan Map Designations of "Residential Neighborhood" and "Public" enabling implementation of the Frog Pond West Master Plan adopted for the subject area.

"Residential Neighborhood" Zone Applied Consistent with Comprehensive Plan
Implementation Measure 4.1.7.c.

B2. The applicant requests the majority of the subject area receive the zoning designation of Residential Neighborhood (RN) as required for areas with the Comprehensive Plan Map Designation of "Residential Neighborhood." The western portion of Taxlot 2200 (future primary school site) and the eastern portion of Taxlot 2000 (Community of Hope Church property) would be zoned Public Facility (PF). While the Comprehensive Plan Map designates Taxlot 2000 as "Residential Neighborhood," the Frog Pond West Master Plan acknowledges the church is planned to remain as a civic use. Application of the PF zone is consistent with this Master Plan recommendation.

Safe, Convenient, Healthful, and Attractive Places to Live
Implementation Measure 4.1.4.c.

- B3.** The proposed Residential Neighborhood zoning allows the use of planned developments consistent with a legislative Master Plan enabling development of safe, convenient, healthful, and attractive places to live.

Residential Density
Implementation Measure 4.1.4.u.

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

Purpose of Residential Neighborhood Designation
Policy 4.1.7.a.

- B5.** A majority of the subject area will be zoned Residential Neighborhood consistent with the “Residential Neighborhood” designation on the Comprehensive Plan Map. The designation enables development of the site consistent with the legislatively adopted Frog Pond West Master Plan, including creating an attractive and connected residential neighborhood, cohesive neighborhoods, high quality architecture and community design, providing transportation choices, and preserving and enhancing natural resources.

Development Code

Zoning Consistent with Comprehensive Plan
Section 4.029

- B6.** The applicant requests a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designations of Residential Neighborhood and Public Facility are consistent with the Comprehensive Plan Residential Neighborhood and Public designations. See also Finding B2 above.

Base Zones
Subsection 4.110 (.01)

- B7.** The requested zoning designations of Residential Neighborhood (RN) and Public Facility (PF) are among the base zones identified in this subsection.

Residential Neighborhood (RN) Zone

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

- B8.** The request to apply the Residential Neighborhood Zone on lands with the Residential Neighborhood Comprehensive Plan Map designation 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)

- B9.** Concurrent with the zone map amendment request the applicant requests approval of a single-family subdivision. Single-family dwelling units, attached single-family dwelling units (maximum two attached), 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)

- B10.** The subject property includes portions of medium lot Sub-districts 2 and 5 and small lot Sub-district 6, as well as a portion of Civic Sub-district 12. The Frog Pond West Master Plan establishes a range of 20 to 25 units for Sub-district 2. The previously-approved Stafford Meadows subdivision includes 18 units within this sub-district. This application proposes six additional units, for a total of 24 within the sub-district. Approximately 69 percent of Sub-district 5 is within the project area. For Sub-district 5, the applicant proposes 22 lots. As the Master Plan establishes a range of 27 to 33 units for the entire sub-district, the proposed number of units, representing approximately 81 percent of the range minimum and 67 percent of the range maximum, will allow for buildout of the sub-district consistent with the Master Plan recommendations.

Approximately 50 percent of Sub-district 6 is within the project area. Within small lot sub-districts, a minimum of 10 percent of units must be duplexes or attached two-unit homes. For Sub-district 6, the applicant proposes 42 lots, four of which are attached two-unit single-family homes. As the Master Plan establishes a range of 74 to 93 units for the entire sub-district, the proposed number of units, representing approximately 56 percent of the range minimum and 45 percent of the range maximum, will allow for buildout of the sub-district consistent with the Master Plan recommendations.

Public Facility (PF) Zone

Purpose of the Public Facility (PF) Zone
Subsection 4.127 (.01)

B11. The request to apply the Public Facility Zone on the church property and school/future park property is consistent with the purpose of this zone, as the existing and future uses are public and quasi-public uses that serve and benefit the community.

Permitted Uses in the Public Facility (PF) Zone
Subsection 4.127 (.02)

B12. Churches, parks, and public schools are among the permitted uses in the RN zone.

Dimensional Standards
Subsection 4.127 (.04)

B13. All dimensional standards of the PF zone will be met, with the exception of the minimum street frontage for taxlot 2200, which is a pipestem lot with approximately 20 feet of street frontage. This parcel is planned as a future park and school, and will ultimately be developed in conjunction with the taxlot to the west which will be zoned PF upon annexation to the City. The combined frontage of these taxlots will exceed the minimum requirement of 75 feet.

Request C: DB18-0062 Stage I Preliminary Plan

As described in the Findings below, the request meets the applicable criteria.

Comprehensive Plan

City Support 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, the Frog Pond Area Plan, the 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 supportive of the development of the subject land for residential dwellings as 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.b.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 units supports the further urbanization and increased capacity of residential land within the Urban Growth Boundary.

Urban Development Only Where Necessary Facilities can be Provided
Implementation Measure 3.1.2.a.

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

Provision of Usable Open Space
Implementation Measures 3.1.11.p, 4.1.5.kk

- C6. The proposal provides usable open space throughout the subdivision as required by the Frog Pond Master Plan for small lot single-family 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 I Master Plan be consistent with the street demonstration plan in Figure 18 of the Frog Pond West Master Plan. The proposed street layout is generally consistent with the street demonstration plan with variations as noted in Finding D15.

Wide Range of Housing Choices, Planning for a Variety of Housing
Policy 4.1.4., Implementation Measures 4.1.4.b., 4.1.4.c., 4.1.4.d., 4.1.4.j., 4.1.4.o.

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

Safe, Convenient, Healthful, and Attractive Places to Live
Implementation Measure 4.1.4.c.

- C9. The proposed planned development complies with relevant standards within the legislatively adopted Frog Pond West Master Plan enabling development of safe, convenient, healthful, and attractive places to live.

Accommodating Housing Needs of Existing Residents
Implementation Measure 4.1.4.f.

- C10. The applicant intends on providing 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 attached single-family homes proposed within the subdivision provide an opportunity for existing City residents to purchase a home in a more moderate price range than the detached homes.

Residential Density
Implementation Measure 4.1.4.u.

- C11. The proposed Stage I Master plan establishes residential densities consistent with the Frog Pond West Master Plan for the subject area. Findings related to Section 4.127 of the Development Code offer additional details related to conformance with residential density requirements.

Planned Development Regulations

Planned Development Lot Qualifications
Subsection 4.140 (.02)

- C12. The planned 74-lot subdivision will accommodate attached and detached single-family homes, 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 15.64 acres and is suitable for planning and development. The property is not currently nor is proposed to be zoned "PD". Concurrently with the request for a Stage I Master 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)

- C13. Owners of each of the subject properties have signed an application form included with the application.

Professional Design Team
Subsection 4.140 (.04)

C14. Li Alligood of OTAK, Inc. is the coordinator of a professional design team with all the necessary disciplines including engineers, a landscape architect, and a planner among other professionals.

Planned Development Application Requirements
Subsection 4.140 (.07)

C15. Review of the proposed Stage I Master Plan has been scheduled for a public hearing before the Development Review Board in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:

- The property affected by the Stage I Master Plan is under an application by the property owners.
- The applicant submitted a Stage I Master Plan request on a form prescribed by the City.
- The applicant identified a professional design team and coordinator. See Finding C14.
- The applicant has stated the uses involved in the Master Plan and their locations.
- The applicant provided the boundary information.
- The applicant has submitted sufficient topographic information.
- The applicant provided a tabulation of the land area to be devoted to various uses.
- The applicant proposes a single phase of development.
- Any necessary performance bonds will be required.

Standards for Residential Development in Any Zone

Outdoor Recreational Area and Open Space Land Area Requirements
Subsections 4.113 (.01) and (.02)

C16. The Frog Pond West Master Plan controls outdoor recreational area and open spaces for the subject area as well as surrounding areas. The proposed 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)

C17. The applicant proposes attached and detached single-family homes and open spaces, allowed uses in the RN zones.

Residential Neighborhood Sub-districts
Subsection 4.127 (.05)

C18. The proposed Stage I Master Plan area includes portions of medium lot Sub-districts 2 and 5 and small lot Sub-district 6, as well as a portion of Civic Sub-district 12.

Minimum and Maximum Residential Units
Subsection 4.127 (.06)

C19. The subject property includes portions of medium lot Sub-districts 2 and 5 and small lot Sub-district 6, as well as a portion of Civic Sub-district 12. The Frog Pond West Master Plan establishes a range of 20 to 25 units for Sub-district 2. The previously-approved Stafford Meadows subdivision includes 18 units within this sub-district. This application proposes six additional units, for a total of 24 within the sub-district. Approximately 69 percent of Sub-district 5 is within the project area. For Sub-district 5, the applicant proposes 22 lots. As the Master Plan establishes a range of 27 to 33 units for the entire sub-district, the proposed number of units, representing approximately 81 percent of the range minimum and 67 percent of the range maximum, will allow for buildout of the sub-district consistent with the Master Plan recommendations.

Approximately 50 percent of Sub-district 6 is within the project area. Within small lot sub-districts, a minimum of 10 percent of units must be duplexes or attached two-unit homes. For Sub-district 6, the applicant proposes 42 lots, four of which are attached two-unit single-family homes. As the Master Plan establishes a range of 74 to 93 units for the entire sub-district, the proposed number of units, representing approximately 56 percent of the range minimum and 45 percent of the range maximum, will allow for buildout of the sub-district consistent with the Master Plan recommendations.

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

C20. The proposed Stage I Master Plan area includes residential land designated R-5 in the Frog Pond West Master Plan, thus the code requires 10 percent 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 percent is to be usable open space. Open space is provided in accordance with this criterion, as noted in Finding D14.

Request D: DB18-0063 Stage II Final Plan

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

Planned Development Regulations

Planned Developments Lot Qualifications

Subsection 4.140 (.02)

D1. The planned 74-lot subdivision will accommodate attached and detached single-family homes, provide functional public streets, and be surrounded by open space and recreational opportunities consistent with the purpose of Section 4.140. The subject property is 15.64 acres and is suitable for planning and development. The property is not currently nor is proposed to be zoned "PD". Concurrently with the request for a Stage I Master 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)

D2. Owners of each of the subject properties have signed an application form included with the application.

Professional Design Team

Subsection 4.140 (.04)

D3. Li Allgood of OTAK, Inc. is the coordinator of a professional design team with all the necessary disciplines including engineers, a landscape architect, and a planner among other professionals.

Stage II Final Plan Submission Requirements and Process

Consistency with Comprehensive Plan and Other Plans

Subsection 4.140 (.09) J. 1.

D4. As demonstrated in Findings C1 through C11 under the Stage I Master 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.

D5. The Traffic Impact Analysis (see Exhibit B2) performed by the City's consultant, DKS Associates, identifies the most probable used intersections for evaluation as:

- Boeckman Road/Parkway Avenue
- Boeckman Road/Canyon Creek Road

- Boeckman Road/Advance Road/Stafford Road/Wilsonville Road
- Wilsonville Road/Town Center Loop West
- Wilsonville Road/Town Center Loop East-Memorial Drive

The study intersections will continue to perform at Level of Service D or better and thus meet City standards with the exception of the intersection of Boeckman Road and Canyon Creek Road, which will fall to a Level of Service E without any improvements made. The City has identified fully signalizing this intersection as part of project UU-01 in the Transportation System Plan (TSP), which would allow the intersection to function at the required Level of Service. The City has identified funding for design and construction as CIP 4206 in the proposed budgets for Fiscal Year 18/19 and Fiscal Year 19/20. Subsection 4.140 (.09) J. 2. allows measuring Level of Service based on existing and immediately planned streets. This subsection defines immediately planned as being part of the Capital Improvement Program, and being funded for completion within two years. Based on the budget proposal described above, the future signalized intersection can be used for the purpose of determining Level of Service for this project.

Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

- D6.** The applicant proposes sufficient facilities and services, including utilities, concurrent with development of the residential subdivision.

Adherence to Approved Plans

Subsection 4.140 (.09) L.

- D7.** Condition of Approval PDD 1 ensures 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 (.14)

- D8.** No parties have presented evidence nor has staff discovered evidence that provisions of this section are in such a manner 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

- D9.** The applicant proposes installation of all new utilities underground. Besides high voltage power lines unable to be undergrounded, the applicant or City will underground all existing utility lines fronting the subject properties.

Habitat Friendly Development Practices to be Used to the Extent Practicable
 Subsection 4.118 (.09)

D10. Consistent with City and other standards, the applicant proposes protection and enhancement of the riparian area and buffer around the headwaters of a stream within the Significant Resource Overlay Zone (SROZ). Outside the SROZ, the developer will minimize grading to only what is required to install site improvements and build homes. The applicant proposes to fill six small, non-significant wetlands on the east side of the property, and has submitted the required Joint Permit Application to fill these wetlands, totaling less than one acre in size. The applicant has designed, and will construct, water, sewer, and storm water 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
 Subsections 4.127 (.08) Table 2.

D11. 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:

Name of Standard	Details of Standard	Met or Exceeded	Compliance Notes
Min. Lot Size	R-7: 6,000 sf R-5: 4,000 sf 6,000 sf for duplex units*	Yes, waiver required for Lots 70 and 71	In the small lot sub-district, the smallest lot size for a detached single-family home is 4,000 sf. The smallest combined lot size for attached single-family units is 8,158 sf. In the medium lot sub-districts, the smallest lot sizes are 5,672 sf and 5,612 sf on Lots 70 and 71, requiring a waiver. All other lots meet or exceed the minimum 6,000 sf lot size.
Min. Lot Depth	60 feet	Yes	The smallest lot depth is 87 feet.
Max. Lot Coverage	R-7: 45% R-5: 60%	Can be met	The example floor plans submitted by the applicant have footprints ranging from approximately 1,400 to 3,400 square feet. The applicant could place one or more example floor plan on

			each proposed lot and not exceed max. lot coverage.
Min. Lot Width	35 feet	Yes	The smallest lot width for a detached single-family home is 40 feet. The smallest combined lot width for attached single-family units is 93 feet.
Max. Bldg Height	35 feet	Can be met	The example house plans are less than 35 feet in height.
Min. Front Setback	R-7: 15 feet R-5: 12 feet	Can be met, waiver required for Lots 69-72	By exceeding the min. lot depth, sufficient space exists to allow meeting of front setbacks. The applicant requests a waiver to reduce the front setback from 15 feet to 12 feet for medium lot sub-district Lots 69-72.
Min. Rear Setback	15 feet	Can be met	By exceeding the min. lot depth, sufficient space exists to allow meeting of rear setbacks.
Min. Side Setback	5 feet (10 feet for corner lots)	Can be met	By exceeding the min. lot width, sufficient space exists to allow meeting of side setbacks.
Min. Garage Setback from Alley	18 feet	Can be met	By exceeding the min. lot depth, sufficient space exists to allow meeting of alley setbacks.
Min. Garage Setback from Street	20 feet	Can be met	By exceeding the min. lot depth, sufficient space exists to allow meeting of garage setbacks.

*The review considers lots proposed as attached single-family units equivalently to duplexes in meeting the RN zone development standards. The review considers lot size and minimum lot width in combination when determining compliance with RN zone criteria.

Wall and Landscaping for Lots Adjacent to Stafford Road

Subsection 4.127 (.08) D. 1. a., Figure 10 of the Frog Pond West Master Plan

D12. Submitted plans show Lots 26-27 and Tracts C and G adjacent to Stafford Road. Sheets L2.00 and L2.01 show a brick and aluminum fence along the Stafford Road frontage of Lots 26-27 and Tract C, with a cedar split rail fence along the Tract G open space. The design and materials for the wall shown on Sheet L3.01 are consistent with Figure 10. Sheet L2.01 shows low shrubs and ornamental plants at the base of the wall and in the planted buffer area consistent with Figure 10.

Access Limits for Willow Creek Drive and Frog Pond Lane for Medium and Small Lots
Subsection 4.127 (.08) D. 2.

D13. No driveways are proposed to access this portion of Willow Creek Drive. Access to the affected lots is provided via from Private Alley L.

Open Space Requirements
Subsection 4.127 (.09)

D14. As stated in Subsection 4.127 (.09) B. 2., R-5 sub-districts require 10 percent 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 percent is to be usable open space. The net developable area within the R-5 sub-district is approximately 219,518 square feet. Therefore, the design must provide a minimum of 21,952 square feet of open space, including 10,796 square feet of usable open space. The proposed preliminary plat provides a total of 25,239 square feet of general open space, equaling 11.5 percent of the net developable area. The proposed usable open space totals 14,172 square feet, equaling 56 percent of the general open space provided.

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

D15. The block size and shape, access, and connectivity of the proposed subdivision complies with Figure 18 of the Frog Pond West Master Plan or is an allowed variation as follows:

- Willow Creek Drive: Alignment generally consistent with Figure 18.
- Larkspur Terrace: Alignment generally consistent with Figure 18.
- Marigold Terrace: Alignment varies from Figure 18, replacing a pedestrian connection.
- Alder Lane: Alignment generally consistent with Figure 18. East-west portion varies from Figure 18, replacing a pedestrian connection shown on Figure 18.
- Brisband Street: Alignment generally consistent with Figure 18.
- Private Drive J: New street not shown on Figure 18. Alignment provides for a new sidewalk connection to Stafford Road.
- Tract G Pedestrian Connection: Alignment generally consistent with Figure 18.
- Pedestrian Connections to Stafford Road: The street layout provide a new sidewalk connection to Stafford Road from J Street, but removes a pedestrian connection shown on Figure 18 to the north of Brisband Drive. Sheet P9.00 illustrates how this pedestrian connection would be shifted to the north in a future phase of development through the existing tree grove.

In order to achieve minimum density for Sub-district 5 while providing access throughout the subdivision, the applicant proposes the above variations from the Street Demonstration Plan (Frog Pond West Master Plan Figure 18). In lieu of the east-west pedestrian connection shown between Stafford Road and Marigold Terrace, Alder Lane

and a future pedestrian connection through Tracts G and H in subsequent development to the north provide east-west connections across this portion of Frog Pond (shown on Sheet P9.00). The future connection would link to the north-south pedestrian connection extending north from Tract G to Frog Pond Lane through the existing tree grove on the site.

The applicant proposes elimination of the east-west pedestrian connections shown on Figure 18 Master Plan between Marigold Terrace and Willow Creek Drive, as provision of these connections would require the elimination of four lots. This reduction would cause the proposed lot total in Sub-district 5 to be below minimum density.

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

Main Entrance, Garage, and Residential Design Standards Subsections 4.127 (.14-.17)

- D16.** The proposed subdivision provides lots of sufficient size and of a typical orientation to enable the meeting of the entrance, garage, residential design, and fence standards. The City will verify compliance with the review of building permits for individual homes.

Garage Orientation Towards Alley or Shared Driveway Subsection 4.127(.15) B. a.

- D17.** The applicant proposes three alleys throughout the subdivision. The first of these, Tract F, provides access to the rear of attached single-family lots 27-30. The applicant proposes garages oriented to this alley and a rear garage setback of 18 feet will apply. The other two alleys are Private Alleys L and M, which are proposed as easements across the rear of lots 1-6 and 69-74. The applicant's plans show that lots fronting Willow Creek Drive will have garage access along this alley; however, Lots 63-68 are shown with garage access from Larkspur Terrace. ~~Condition of Approval PDD 8 ensures that garages for Lots 63-68 are oriented to Private Alley M. The City will verify compliance with the review of building permits for individual homes.~~ ***The applicant conveyed to staff their intention to have the homes on the subject lots closer to and oriented toward Larkspur Terrace. As such, these dwellings would not abut the alley and are not subject to this criterion. To clearly remove the possibility of future dwellings on the subject lots abutting the alley, Condition of Approval PDD 9 requires a non-access landscape easement along the alley at the rear of the subject lots.***

House Plan Variety – Small Lot Sub-districts
Subsection 4.127 (.16) F

D18. The applicant proposes four attached single-family homes on Lots 27-30. These lots, located on street corners, comprise 9.5 percent of the homes proposed in the small lot sub-district portion of the subdivision. As this portion of the sub-district is only 7.39 acres in size, the 10 percent minimum requirement of this subsection does not apply.

Fences
Subsection 4.127 (.17)

D19. Where practicable, columns for the Stafford Road brick wall are located at property corners. However, the design gives placement priority to equal and consistent spacing between columns to maintain a consistent look along this and other developments on Stafford Road. The City will review other fences at the time of building permit review for individual homes to ensure height near the brick wall meets the standards of this subsection and height transitions occur at fence posts.

Homes Adjacent to Schools, Parks and Open Space
Subsection 4.127 (.18) and Boeckman Creek Frontages, pages 41-42 of Frog Pond West Master Plan

D20. Lots 1-6 are subject to this Development Code subsection. The front of these lots face a future park to the west. The City will review the building permits for homes on these lots to ensure compliance with the standards of this subsection. No rear lot lines face schools or parks.

SROZ Regulations

Uses and Activities Exempt from These Regulations
Section 4.139.04

D21. The proposed improvements related to Willow Creek Drive and Brisband Street are exempt from SROZ regulations of the SROZ Ordinance as they provide access to or across a sensitive area at the location shown in the Frog Pond West Master Plan, a sub-component of Wilsonville’s Comprehensive Plan. Encroachments into the SROZ from the proposed stormwater piping and outfalls are also an exempt as service connection laterals and service utility extensions. See also Request J.

On-site Pedestrian Access and Circulation

Continuous Pathway System
Section 4.154 (.01) B. 1.

D22. The submitted plans show sidewalks along the frontages of all lots providing a continuous pathway system throughout the proposed subdivision. The proposal provides additional connections consistent with Figure 18 of the Frog Pond West Master Plan. The proposal enables connections to future adjacent development. To ensure full access and function of

the planned pathway system for the public, Condition of Approval PDD 7 requires public access easements across all pathways within private tracts.

Safe, Direct, and Convenient
Section 4.154 (.01) B. 2.

D23. The submitted plans show sidewalk and pathways providing safe, direct, and convenient consistent with Figure 18 of the Frog Pond West Master Plan. Conditions of Approval ensure public access to the pathways for safe, direct, and convenient access for the public.

Vehicle/Pathway Separation
Section 4.154 (.01) B. 3.

D24. 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.

D25. Condition of Approval PDD 3 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.

D26. The applicant proposes all pathways to be concrete or asphalt, meeting or exceeding the 5-foot required width.

Parking Area Design Standards

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

D27. Each dwelling unit requires one parking space. Between garages and driveways, each home will have at least two parking spaces.

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

D28. 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 the current review they are anticipated to meet the minimum dimensional standards to be considered a parking space as

		well as fully accessible. Condition of Approval PDD 4 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"/>	The parking areas will be typical single-family design adequate to maneuver vehicles and serve the needs of the 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)

D29. 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)

D30. The design of the site avoids disturbance of the significant natural features on the site, particularly the riparian area west of Willow Creek Drive. Contractors will perform grading, filling, and excavating in accordance with the Uniform Building code. Contractors will also use erosion control measures, and stake and protect SROZ and preserved trees prior to commencement of site. The elevation of the site varies by 20 feet from north to southwest, with a low point created by the drainage west of Willow Creek Drive. This slope necessitates a significant amount of grading to provide the infrastructure needed to serve the development, as well as to prepare lots for development with single-family homes. The extent of the necessary grading requires removal of the majority of trees on the site.

Trees and Wooded Areas

Section 4.171 (.04)

D31. The necessary grading, described in Finding D30 above, necessitates removal of most of the trees. The majority of these trees are in overgrown groves in the southwest portion of

the site, located mostly on land currently owned by the school district where Willow Creek Drive will be extended. The applicant proposes extensive native tree planting within the natural area west of Willow Creek Drive to enhance the habitat and aesthetic value of the drainage area. The applicant provides details in Exhibit B2 on why a number of trees are not feasible to retain.

Earth Movement Hazard Area

Subsection 4.171 (.07)

D32. The applicant states they performed geotechnical investigations on all of the subject properties and the investigation found no earth movement hazards. A geotechnical report is provided in Exhibit B2.

Historic Resources

Subsection 4.171 (.09)

D33. The applicant nor the City have identified any historic, cultural, or archaeological items on the sites, nor does any available information on the history of the site compel further investigation.

Public Safety and Crime Prevention

Design for Public Safety, Addressing, Lighting to Discourage Crime

Section 4.175

D34. The design of the Frog Pond Meadows development deters crime and insures public safety. The lighting of the streets and pedestrian connections allow for visibility and safety. The orientation of homes toward streets provides “eyes on the street.” All dwellings will be addressed per Building and Fire Department requirements to allow identification for emergency response personnel. Dwellings will have exterior porch lighting, which will support the streetlights to provide safety and visibility.

Landscaping Standards

Intent and Required Materials

Subsections 4.176 (.02) C. through I.

D35. The planting areas along the street and the 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. The applicant proposes street trees consistent with the Frog Pond West Master Plan. Ground cover and shrubs cover the non-tree landscape areas.

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

- D36.** The applicant proposes a professionally designed landscape using a variety of plant material. The design includes a number of native plants, particularly in the SROZ area.

Street Improvement Standards-Generally

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

- D37.** The proposed streets appear to meet the City's public works standards and transportation systems plan. Further review of compliance with public works standards and transportation plan will occur with review and issuance of the Public Works construction permit. The required street improvements are consistent with the cross sections shown in the Frog Pond West Master Plan, with a modification to add on street parking along the east side of Willow Creek Drive between Wehler Way and Brisband Street as noted in Exhibit C4, and a modification to allow for preservation of a 34-inch Oregon White Oak tree as shown in Exhibit C5. Both modifications are approved by the City Engineer.

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

- D38.** The proposed design provides for continuation of streets, including Willow Creek Drive, Larkspur Terrace, Marigold Terrace, and Brisband Street, consistent with the Frog Pond West Master Plan.

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

- D39.** The City Engineering Division has preliminarily found the street designs and widths as consistent with the cross sections shown in the Frog Pond West Master Plan with the modifications as noted in Exhibits C4 and C5. 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.

- D40.** The tentative subdivision plat shows right-of-way dedication. See Request F.

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

- D41.** Condition of Approval PDD 5 requires a waiver of remonstrance against formation of a local improvement district be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of the recordation of a final plat.

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

D42. The applicant proposes only one permanent dead-end street, Alder Lane. The street is 230 feet long past its intersection with Brisband Street, serving the existing church to the south and eight homes, including three accessed via a private driveway. While the length of this segment of Alder Lane exceeds the length limitation by 30 feet, the presence of the existing church, which is planned to remain, is a barrier preventing further extension of this street to the south. The number of homes accessed by this street is less than the maximum allowed for a dead-end street.

Additionally, the applicant proposes Willow Creek Drive, Larkspur Terrace, and Marigold Terrace as temporary dead-end streets pending extension to the north with future development. Each street is approximately 440 feet in length and serves five to six lots. The applicant proposes temporary connections between Willow Creek Drive and Private Alley M and between Larkspur Terrace and Marigold Terrace to mitigate the impacts of the temporary dead-end streets. Notification of extension will be posted on the ends of the streets as required by Condition of Approval PDF 3.

Street Improvement Standards-Clearance

Corner Vision Clearance
Subsection 4.177 (.02) E.

D43. Street locations and subdivision design allow the meeting of vision clearance standards.

Vertical Clearance
Subsection 4.177 (.02) F.

D44. Nothing in the proposed subdivision design would prevent the meeting of vertical clearance standards.

Street Improvement Standards-Interim Improvements

Interim Improvement Standards
Subsection 4.177 (.02) G.

D45. The City Engineer has or will review all interim improvements to meet applicable City standards.

Street Improvement Standards-Sidewalks

Sidewalks Requirements
Subsection 4.177 (.03)

D46. The applicant proposes sidewalks along all public street frontages abutting proposed lots, except along Stafford Road, where the City will develop the sidewalks with planned street improvements.

Street Improvement Standards-Bicycle Facilities

Bicycle Facility Requirements

Subsection 4.177 (.04)

D47. The applicant proposes eight-foot buffered bike lanes, a six-foot lane with a two-foot buffer, along Willow Creek Drive between Wehler Way and Brisband Street consistent with the Frog Pond West Master Plan. To the north, this will transition to a travel lane marked with a sharrow. The design of other local streets accommodates in-street bike travel, and will connect to the buffered bike lanes on Willow Creek Drive and to those that will be constructed with roadway improvements along Stafford Road.

Street Improvement Standards-Transit Improvements

Transit Improvements Requirements

Subsection 4.177 (.06)

D48. The applicant does not propose any transit improvements within the proposed subdivision or the Stafford Road frontage. There is not currently transit service along Stafford Road; 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.

Residential Private Access Drives

Access to No More Than 4 Dwelling Units

Subsection 4.177 (.07) A.

D49. The applicant proposes two residential private access drives, Tract H and Tract M. The proposed private access drives provide access to two and three homes, respectively, less than the four home limit set by this subsection.

Lifespan and Structure Similar to Public Local Street for Private Access Drives

Subsection 4.177 (.07) B.

D50. Condition of Approval PDD 6 ensures the design of the private access drives provides for a useful lifespan and structural maintenance schedule comparable to a public local residential street.

Addresses for Private Access Drives

Subsection 4.177 (.07) C.

D51. The orientation of the homes fronting the private access drives and the short length of the drives enables addressing the homes off the nearby public streets.

Access Drive Development Standards
Subsection 4.177 (.07) D. and 4.177 (.08)

- D52.** Condition of Approval PDD 7 ensures the responsible parties keep the access drives clear and the access drives are capable of carrying a 23-ton load.

Street Improvement Standards-Intersection Spacing

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

- D53.** The applicant does not propose any offset intersections.

Transportation System Plan Table 3-2
Subsection 4.177 (.09) B.

- D54.** The spacing of Brisband Street from Boeckman/Advance Road is consistent with the Frog Pond West Master Plan and approved by the City Engineer. Street spacing on Willow Creek Drive is consistent with the Frog Pond West Master Plan. The applicant proposes no lot access directly from Willow Creek Drive, which is designated as a collector. Other streets within the subdivision are local streets, which are not subject to minimum spacing standards.

Request E: DB18-0064 Site Design Review for Parks and Open Space

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

Objectives of Site Design Review

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

- E1.** The proposed professionally designed landscaping provides stormwater, air quality, and other site functions while not interfering with utilities, sidewalks, or other site features while demonstrating consistency with the Frog Pond West Master Plan. The landscaping also adds to the high quality visual environment. By functioning properly and contributing to a high quality visual environment, the proposed design fulfills the objectives of site design review.

Encourage Originality, Flexibility, and Innovation
Subsection 4.400 (.02) B. and Subsection 4.421 (.03)

- E2.** The City code affords the applicant's design team flexibility to create an original design appropriate for the site while ensuring consistency with the Frog Pond West Master Plan, particularly for street trees and the plantings along Stafford Road.

Jurisdiction and Power of the DRB for Site Design Review

Development Review Board Jurisdiction Section 4.420

- E3.** Condition of Approval PDE 1 ensures landscaping is carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. The City will issue no building permits prior to approval by the Development Review Board. The applicant has requested no variances from site development requirements.

Design Standards

Preservation of Landscaping Subsection 4.421 (.01) A. and Section 4.171

- E4.** The design of the site avoids disturbance of the significant natural features on the site, particularly the riparian area west of Willow Creek Drive. The elevation of the site varies by 20 feet from north to southwest, with a low point created by the drainage west of Willow Creek Drive. This slope necessitates a significant amount of grading to provide the infrastructure needed to serve the development, as well as to prepare lots for development with single-family homes. The extent of the necessary grading requires removal of the majority of trees on the site.

Surface Water Drainage Subsection 4.421 (.01) D.

- E5.** A professionally designed drainage system demonstrates proper attention.

Above Ground Utility Installations Subsection 4.421 (.01) E.

- E6.** The applicant proposes no above ground utility installations. Existing overhead lines will be undergrounded except for high voltage power lines not technically feasible to underground along Stafford Road.

Screening and Buffering of Special Features Subsection 4.421 (.01) G.

- E7.** No exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures exist requiring screening.

Applicability of Design Standards Subsection 4.421 (.02)

- E8.** 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)

- E9. 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

- E10. 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. The applicant's design team has coordinated the design of the landscaping wall along the Stafford Road frontage with the previously approved Stafford Meadows development fronting Boeckman Road to the south.

Time Limit on Site Design Review Approvals

Void after 2 Years

Section 4.442

- E11. 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)

- E12. Condition of Approval PDE 2 ensures all landscaping in common tracts shall be installed prior to issuance of a building permit for the 38th lot, 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 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 the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant. Condition of Approval PDE 3 further requires all street trees and other right-of-way landscaping be installed in right-of-way fronting a lot prior to issuance of an occupancy permit for a home on the lot.

Approved Landscape Plan
Subsection 4.450 (.02)

E13. Condition of Approval PDE 4 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 without official action of the Planning Director or Development Review Board, as specified in this Code.

Landscape Maintenance and Watering
Subsection 4.450 (.03)

E14. Condition of Approval PDE 5 ensures continual maintenance of the landscape, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with appropriate City approval.

Modifications of Landscaping
Subsection 4.450 (.04)

E15. Condition of Approval PDE 5 provides ongoing assurance by preventing modification or removal without the appropriate City review.

Natural Features and Other Resources

Protection
Section 4.171

E16. The proposed design of the site provides for protection of natural features and other resources consistent with the proposed Stage II Final Plan for the site as well as the purpose and objectives of site design review. See Findings D30 through D33 under Request D.

Landscaping

Landscape Standards Code Compliance
Subsection 4.176 (.02) B.

E17. 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.

E18. The general landscape standard applies throughout different landscape areas of the site and the applicant proposes landscape materials to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which includes an analysis of the functional application of the landscaping standards. See Finding D35 under Request D.

Quality and Size of Plant Material

Subsection 4.176 (.06)

E19. A note on the landscape plans ensures the quality of the plant materials will meet American Association of Nurserymen (AAN) standards. Trees are specified at 2" caliper or greater than 6 foot for evergreen trees. Shrubs are all specified 2 gallon or greater in size. Ground cover is all specified as greater than 4". Turf or lawn is used for minimal amount of the proposed public landscape area. Condition of Approval PDE 6 ensures other 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)

E20. The installation and maintenance standards are or will be met by Condition of Approval PDE 8 as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- Irrigation Notes on the applicant's sheet L2.00 provides for irrigation during the establishment period.

Landscape Plans

Subsection 4.176 (.09)

E21. The applicant's submitted landscape plans in Exhibit B3 provide the required information.

Completion of Landscaping

Subsection 4.176 (.10)

E22. The applicant has not requested to defer installation of plant materials.

Public Lighting Plan

Lighting of Local Streets

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

E23. Local streets use the dark sky friendly Phillips Hadco Westbrooke 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.

Lighting of Pathways

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

E24. The applicant's plans show lighting along the pedestrian path in Tract G. Condition of Approval PDE 9 requires the applicant to study if additional pedestrian-scale lighting

consistent with the City's Public Works Standards and the Frog Pond West Master Plan is warranted along sidewalk connections in Tracts B and C and install any warranted lighting.

Street Tree Plan

Primary Streets Street Trees

Primary Streets, page 81 and Figure 43 of Frog Pond West Master Plan

E25. Figure 43 of the Frog Pond West Master Plan identifies Willow Creek Drive and Brisband Street as Primary Streets for the purpose of the street tree plan. The applicant proposes Red Oak along the entire length of Willow Creek Drive and American Linden along the entire length of Brisband Street, both trees listed for primary streets on page 81 of the Frog Pond West Master Plan. The applicant coordinated these tree selections with previously-approved street tree plans in the Stafford Meadows and Morgan Farm subdivisions.

Neighborhood Streets Street Trees

Neighborhood Streets, page 82 and Figure 43 of Frog Pond West Master Plan

E26. Figure 43 of the Frog Pond West Master Plan identifies all other streets Willow Creek Drive and Brisband Street as Neighborhood Streets for the purpose of the street tree plan. All the proposed street trees are on the list on page 82 of the Frog Pond West Master Plan and otherwise meet the Frog Pond Master Plan as follows:

- North-South Larkspur Terrace has Skycole Honeylocust along its entire length, consistent with the Stafford Meadows subdivision to the south
- North-South Marigold Terrace has American Yellow Wood along its entire length, consistent with the Stafford Meadows subdivision to the south
- North-South Alder Lane has Halka Honeylocust along the length from Tract H to Tract J
- East-West Alder Lane has Glenleven Little Leaf Linden along the length from Marigold Terrace to Tract H
- East-West Private Drive J has Glenleven Little Leaf Linden along its entire length

Pedestrian Connections Street Trees

Neighborhood Streets, page 83 and Figure 43 of Frog Pond West Master Plan

E27. The applicant does not propose any additional trees along the pedestrian connection in Tract G, as this connection passes through a grove of mature Oregon White Oak trees. Additional street trees are not recommended here due to potential conflicts with existing preserved trees.

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

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

E29. As required by Condition of Approval PDE 10, all street signs shall utilize the City-approved sign cap on street name signs throughout the entirety of the subdivision, matching the design used in the Stafford Meadows and Morgan Farm subdivisions. The developers will buy the signs from the City to ensure uniformity throughout the Frog Pond West neighborhood.

Request F: DB18-0065 Tentative Subdivision Plan

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 Development Review Board is reviewing the tentative subdivision 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 land division does not divide lots into smaller sizes than allowed by the RN zone for the respective sub-districts of the Frog Pond West Master Plan with the requested waiver to minimum lot size for Lots 70 and 71. See Finding D11 under Request D and Request J.

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

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

Tentative Plat Preparation
Subsection 4.210 (.01) A.

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

Tentative Plat Submission
Subsection 4.210 (.01) B.

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

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

- F6. The applicant proposes development in a single phase with subsequent home development pursuant to the market and other factors.

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 is in harmony with the Transportation Systems Plan, Frog Pond West Master Plan, and other applicable plans.

Adjoining Streets Relationship
Subsection 4.236 (.02) A.

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

Planning for Further Land Divisions
Subsection 4.236 (.02) C.

- F10. Tracts J and L are reserved for future development in conjunction with the property to the north of the subject site. The dimensions of these tracts are such that, when combined with additional land to the north, future subdivision of these tracts is expected.

Streets Standards Conformance
Subsection 4.236 (.03)

- F11. As part of the Stage II Final Plan approval, the streets conform with Section 4.177 and generally conform with block sizes established in the Frog Pond West Master Plan. See Request D.

Topography
Subsection 4.236 (.05)

F12. No street alignment adjustments from the Frog Pond West Master Plan are necessary due to topographic conditions.

Reserve Strips
Subsection 4.236 (.06)

F13. The City is not requiring any reserve strips for the reasons stated in this subsection.

Future Street Expansion
Subsection 4.236 (.07)

F14. Where the Frog Pond West Master Plan shows street extensions the tentative plat extends the right-of-way to the edge of the plat. Condition of Approval PDF 3 requires signs stating “street to be extended in the future” or similar language approved by the City Engineer.

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

F15. Condition of Approval PFF 1 ensures dedication of sufficient right-of-way for planned improvements along Stafford Road.

Street Names
Subsection 4.236 (.09)

F16. With the exception of Alder Lane, all proposed street names are extensions of or future connections to adjacent development in Frog Pond. The City Engineer 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 the Final Plat review.

General Land Division Requirements-Blocks

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

F17. The proposed blocks substantially conform to Figure 18 of the Frog Pond West Master Plan. See Finding D14 under Request D. The proposed blocks allow for lots meeting the minimum size with the requested waiver and other dimensional standards for the relevant sub-districts of the Frog Pond West Master Plan. See Finding D11 under Request D.

General Land Division Requirements-Easements

Utility Line Easements
Subsection 4.237 (.02) A.

F18. As will be further verified during the Public Works Permit review and Final Plat review, the applicant will install all utility lines in right-of-way or dedicated easements. Franchise

utility providers will install their lines within public utility easements established on the plat.

Water Courses

Subsection 4.237 (.02) B.

F19. The applicant proposes dedicated tracts for the drainage way and associated riparian area west of Willow Creek Drive.

General Land Division Requirements-Pedestrian and Bicycle Pathways

Mid-block Pathways Requirement

Subsection 4.237 (.03)

F20. The applicant proposes pedestrian paths of ten feet or greater where required for consistency with the Frog Pond West Master Plan. Condition of Approval PDD 7 ensures public access to these paths. See Finding D22.

General Land Division Requirements-Tree Planting

Tree Planting Plan Review and Street Tree Easements

Subsection 4.237 (.03)

F21. 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)

F22. The size, width, shape, and orientation of lots comply with the identified sub-districts in the Frog Pond West Master Plan, with a minimum lot size waiver requested for Lots 70 and 71. See Finding D11 in Request D and Request J.

General Land Division Requirements-Access

Minimum Street Frontage

Subsection 4.237 (.06)

F23. The full width of the front lot line of each lot fronts a public street or private drive. Each lot meets or exceeds the minimum lot width at the front lot line. See Finding D11 in Request D.

General Land Division Requirements-Other

Lot Side Lines

Subsection 4.237 (.08)

F24. Almost all side lot lines run at a 90-degree angle to the front line. Curves of streets necessitate the only exceptions, Lots 7 and 37.

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: DB18-0066 Tentative Partition Plat (Church Property)

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 Development Review Board is reviewing the tentative partition plat according to this subsection. The Planning Division will review the final partition plat under the authority of the Planning Director to ensure compliance with the DRB review of the tentative partition plat.

Undersized Lots Prohibited

Subsection 4.202 (.04) B.

G2. The proposed land division does not divide lots into smaller sizes than allowed by the PF and RN zones.

Plat Application Procedure

Pre-Application Conference

Subsection 4.210 (.01)

G3. The applicant requested and attended a pre-application conference in accordance with this subsection.

Tentative Plat Preparation
Subsection 4.210 (.01) A.

G4. Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm, OTAK, Inc., prepared the tentative partition plat.

Tentative Plat Submission
Subsection 4.210 (.01) B.

G5. The applicant has submitted a tentative partition plat with all the required information.

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

G6. The purpose of the partition is to separate the existing church property, which will remain in its current use as a church, from the remaining land that will be subdivided under as part of the Frog Pond Meadows subdivision under Request E. Exhibit B3 illustrates the proposed future subdivision of Parcel 2 within the tentative subdivision plat.

Remainder Tracts
Subsection 4.210 (.01) E.

G7. The tentative partition 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)

G8. As found in other findings in this report, the land division is in harmony with the Transportation Systems Plan, and other applicable plans.

Adjoining Streets Relationship
Subsection 4.236 (.02) A.

G9. No streets are required or proposed related to the subject partition.

General Land Division Requirements-Easements

Utility Line Easements
Subsection 4.237 (.02) A.

G10. As will be further verified during the Public Works Permit review and final partition plat review, the applicant will install all utility lines in right-of-way or dedicated easements. Franchise utility providers will install their lines within public utility easements established on the plat.

Water Courses

Subsection 4.237 (.02) B.

G11. No water course easements have been identified to be recorded with the requested partition.

General Land Division Requirements-Lot Size and Shape

Lot Size and Shape Appropriate

Subsection 4.237 (.05) C

G12. The size, width, shape, and orientation of lots comply with the standards for the PF and RN zones. See Findings B13 and D11. No waivers are proposed with the land division.

General Land Division Requirements-Access

Minimum Street Frontage

Subsection 4.237 (.06)

G13. The full width of the front lot line of each lot fronts a public street or private drive. Each lot meets or exceeds the minimum lot width at the front lot line. See Findings B13 and D11.

General Land Division Requirements-Other

Lot Side Lines

Subsection 4.237 (.08)

G14. The side lines for the parcels generally run at a right angle to the street and the front lot lines.

Large Lot Divisions

Subsection 4.237 (.09)

G15. The proposed partition enables the future subdivision of Parcel 2 as demonstrated in Request F.

Corner Lots

Subsection 4.237 (.13)

G16. No new corner lots are proposed. Parcel 1 is a corner lot and has a corner radius exceeding 10 feet.

Lots of Record

Defining Lots of Record

Section 4.250

G17. The applicant provided documentation that the subject lot is a lot of record.

Request H: DB18-0067 Tentative Partition Plat (School Property)

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)

H1. The Development Review Board is reviewing the tentative partition plat according to this subsection. The Planning Division will review the final partition plat under the authority of the Planning Director to ensure compliance with the DRB review of the tentative partition plat.

Undersized Lots Prohibited
Subsection 4.202 (.04) B.

H2. The proposed land division does not divide lots into smaller sizes than allowed by the PF and RN zones.

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

H3. The applicant requested and attended a pre-application conference in accordance with this subsection.

Tentative Plat Preparation
Subsection 4.210 (.01) A.

H4. Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm, OTAK, Inc., prepared the tentative partition plat.

Tentative Plat Submission
Subsection 4.210 (.01) B.

H5. The applicant has submitted a tentative partition plat with all the required information.

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

H6. The purpose of the partition is to divide the property currently owned by the school district into two parts. Parcel 2, east of the natural drainage area, would be incorporated into the larger Frog Pond Meadows subdivision under Request E. The school district would retain Parcel 1 for future development as a school and park, as shown in the Frog Pond West

Master Plan. Exhibit B3 illustrates the proposed future subdivision of Parcel 2 within the tentative subdivision plat.

Remainder Tracts

Subsection 4.210 (.01) E.

H7. The tentative partition 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)

H8. As found in other findings in this report, the land division is in harmony with the Transportation Systems Plan, and other applicable plans.

Adjoining Streets Relationship

Subsection 4.236 (.02) A.

H9. No streets are required or proposed related to the subject partition.

General Land Division Requirements-Easements

Utility Line Easements

Subsection 4.237 (.02) A.

H10. As will be further verified during the Public Works Permit review and final partition plat review, the applicant will install all utility lines in right-of-way or dedicated easements. Franchise utility providers will install their lines within public utility easements established on the plat.

Water Courses

Subsection 4.237 (.02) B.

H11. No water course easements have been identified to be recorded with the requested partition.

General Land Division Requirements-Lot Size and Shape

Lot Size and Shape Appropriate

Subsection 4.237 (.05) C

H12. The size, width, shape, and orientation of lots comply with the standards for the PF and RN zones. See Findings B13 and D11. No waivers are proposed with the land division.

General Land Division Requirements-Access

Minimum Street Frontage Subsection 4.237 (.06)

H13. The full width of the front lot line of each lot fronts a public street or private drive. Parcel 2 meets or exceeds the minimum lot width at the front lot line. Parcel 1 does not meet the minimum street frontage of 75, as it is a pipestem lot with approximately 20 feet of street frontage. This parcel is planned as a future park and school, and will ultimately be developed in conjunction with the taxlot to the west which will be zoned PF upon annexation to the City. The combined frontage of these taxlots will exceed the minimum requirement of 75 feet. See Findings B13 and D11.

General Land Division Requirements-Other

Through Lots Subsection 4.237 (.07)

H14. No parcels are proposed as described in this subsection.

Lot Side Lines Subsection 4.237 (.08)

H15. The side lines for the parcels generally run at a right angle to the street and the front lot lines.

Large Lot Divisions Subsection 4.237 (.09)

H16. The proposed partition enables the future subdivision of Parcel 2 as demonstrated in Request E.

Corner Lots Subsection 4.237 (.13)

H17. No corner lots are proposed.

Lots of Record

Defining Lots of Record Section 4.250

H18. The applicant provided documentation that the subject lot is a lot of record.

Request I: DB18-0068 Type C Tree Removal Plan

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

Type C Tree Removal

Review Authority When Site Plan Review Involved

Subsection 4.610.00 (.03) B.

- I1. The requested tree removal is connected to site plan review by the Development Review Board. Review is thus under the authority of the DRB.

Reasonable Timeframe for Removal

Subsection 4.610.00 (.06) B.

- I2. It is understood the tree removal will be completed by the time the applicant completes construction of all homes and other improvements in the subdivision, which is a reasonable time frame for tree removal.

Security for Permit Compliance

Subsection 4.610.00 (.06) C.

- I3. As allowed by Subsection 1 the City is waiving the bonding requirement as the application is required to comply with WC 4.264(1).

General Standards for Tree Removal, Relocation or Replacement

Preservation and Conservation

Subsection 4.610.10 (.01)

- I4. The design of the site avoids disturbance of the significant natural features on the site, particularly the riparian area west of Willow Creek Drive. The elevation of the site varies by 20 feet from north to southwest, with a low point created by the drainage west of Willow Creek Drive. This slope necessitates a significant amount of grading to provide the infrastructure needed to serve the development, as well as to prepare lots for development with single-family homes. The extent of the necessary grading requires removal of the majority of trees on the site. The majority of these trees are in overgrown groves in the southwest portion of the site, located mostly on land currently owned by the school district where Willow Creek Drive will be extended. The applicant proposes to preserve and protect 30 trees onsite and on adjacent property. The applicant proposes preservation of nine Oregon white oak trees in the northeastern portion of the subject property. These trees are part of a larger grove that extends to the north of the site, which will be preserved as open space with future development. Nine trees will be preserved along and within the drainage area west of Willow Creek Drive, including a white willow, three Douglas-fir, an Oregon white oak, a Scouler's willow, a river birch, a Scots pine, and a Norway Spruce. Three trees in the Stafford Road right-of-way, two Oregon white oak trees and a Scots pine,

are proposed for preservation. A 34-inch Oregon white oak in excellent condition will be preserved in a median within Willow Creek Drive in the northwest portion of the site.

Development Alternatives

Subsection 4.610.10 (.01) C.

- I5.** The Frog Pond West Master Plan provides clear direction for street connections, residential densities, and preservation of the SROZ. Preservation and conservation of the majority of trees onsite, while addressing the requirements of the Frog Pond West Master Plan, is not feasible. To preserve a 34-inch Oregon white oak in excellent condition, the applicant proposes modifications to the Willow Creek Drive cross section north of Brisband Street, along with a waiver to minimum lot size for Lots 70 and 71 and a waiver to minimum front yard setbacks for Lots 69-72. Special care is required for preservation of this tree during construction, as noted in the supplemental arborist report in Exhibit B2. Condition of Approval PDI 8 ensures this criterion is met.

Land Clearing Limited to Right-of-Way and Areas Necessary for Construction

Subsection 4.610.10 (.01) D.

- I6.** The proposed clearing is necessary for streets, alleys, homes, and related improvements.

Residential Development to Blend into Natural Setting

Subsection 4.610.10 (.01) E.

- I7.** Preservation and enhancement of the SROZ area allows the development to blend with the significant natural elements of the property. The project area is otherwise relatively flat land without significant natural features with which to blend.

Compliance with All Applicable Statutes and Ordinances

Subsection 4.610.10 (.01) F.

- I8.** This standard is broad and duplicative. As found elsewhere in this report, the City is applying the applicable standards.

Tree Relocation and Replacement, Protection of Preserved Trees

Subsection 4.610.10 (.01) G.

- I9.** Reviews of tree removal, replacements, and protection is in accordance with the relevant sections related to replacement and protection.

Tree Removal Limitations

Subsection 4.610.10 (.01) H.

- I10.** The proposed tree removal is due to health or necessary for construction.

Additional Standards for Type C Permits

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

I11. The applicant submitted the required Tree Survey, Maintenance and Protection Plan.

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

I12. The Utility Plan shows a design to minimize the impact upon the environment to the extent feasible given existing conditions, particularly the natural drainage area. The City will further review utility placement in relation to the drainage area and preserved trees during review of construction drawings and utility easement placement on the final plat.

Type C Tree Plan Review

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

I13. The review of the proposed Type C Tree Plan is concurrent with other site development applications.

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

I14. This standard is broad and duplicative. As found elsewhere in this report, this review applies applicable standards.

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

I15. Review of the proposal allows residential unit counts consistent with the Frog Pond West Master Plan.

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

I16. The applicant submitted the Type C Tree Plan concurrently with the landscape plan for the proposed development.

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

I17. Review of the proposed Type C Tree Plan is concurrent with the Stage II Final Plan. See Request D.

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

I18. The applicant proposes counting the proposed street trees and other landscaping trees as a portion of the mitigation for removal.

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

I19. Review of The proposed Type C Tree Plan is concurrent with other necessary land use approvals. The City will not issue any tree removal permit prior to final approval of concurrent land use requests and annexation into the City. While the land is currently under jurisdiction of Clackamas County, Condition of Approval PDI 2 binds the applicant to no tree removal on the properties, except for hazardous situations unrelated to development, prior to issuance of the post-annexation tree removal permit by the City.

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

I20. The applicant submitted the necessary copies of a Tree Maintenance and Protection Plan.

Tree Relocation, Mitigation, or Replacement

Tree Replacement Required
Subsection 4.620.00 (.01)

I21. Consistent with the tree replacement requirements for Type C Tree Removal Permits established by this subsection, the applicant proposes to either plant mitigation trees or pay into the City's tree fund consistent with Subsection 4.620.00 (.06).

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

I22. The applicant proposes tree mitigating removed trees on the basis of one tree for each tree removed. Staff does not recommend any inch per inch mitigation. Sheets L2.00 through L2.04 of Exhibit B3 show all trees proposed for planting as mitigation as 2" caliper, or the equivalent 6-8' for conifer trees.

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

I23. Review of the tree replacement and mitigation plan is prior to planting and in accordance with the Tree Ordinance, as established by other findings in this request. The applicant's landscape plans show tree stock meeting the tree stock requirements.

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

I24. The applicant proposes removal of 263 trees 6 inches or greater dbh. However, per the arborist report, 28 of these trees are listed as “dead” or “gone”. As such, only 235 trees are subject to replacement or mitigation. The applicant proposes 160 street trees and other site trees, which partially meet the replacement/mitigation requirement. Insufficient space exists on site to replant the remainder trees in a desirable manner. The City does not currently have another site identified as desirable to plant the additional mitigation trees.

Frog Pond Meadows is proposed as an extension of the previously approved Stafford Meadows subdivision, which was processed as a separate application due to varying land acquisition schedules. In light of this interrelatedness, as a part of the Stafford Meadows subdivision approval any trees proposed for planting on adjoining properties developed by the applicant above and beyond mitigation requirements for the Type C Removal Plan for these adjoining properties would count as mitigation for tree removal for Stafford Meadows. The subject site was considered a “location approved by the City” as referenced in Subsection (.05) B. However, it is not practical for the City to hold the mitigation money long-term. Thus the ability to count proposed tree plantings on adjacent properties as mitigation for Stafford Meadows project expires on June 30, 2019. Given that more trees are proposed for removal than mitigation on this site allows, a refund for Stafford Meadows tree fund payment will not occur.

The applicant requests a tree credit of 58 trees for preserved trees. Subsection 4.176 (.06) F. allows a landscape tree credit for preserved trees. However, no code language establishes an allowance for tree credits to count as mitigation for tree removal. The typical application for this code is in parking areas where a certain number of trees are required based on the number of parking spaces. If proposals preserve a large tree in these cases, fewer new trees need to be planted. However, if an applicant has a grove of six mature trees, and removes five, the code does not establish the ability to avoid mitigating for the five removed trees by applying a tree credit from the one preserved tree. Staff is not aware of any circumstances where preserved tree credits were used as mitigation for tree removal. As such, the calculation of payment into the City’s tree fund is based upon the remaining 75 trees (235 trees removed – 160 planted trees = 75). The applicant proposes, based on current bid prices, a cost of \$300 per tree for a 2” caliper deciduous or 6’ conifer installed. The total payment amount into the City tree fund is \$22,500. This amount will be paid prior to issuance of the Type C Tree Permit by Planning staff. If at the time of this initial payment the applicant can demonstrate that additional trees will be incorporated within stormwater facilities or the SROZ mitigation area, this amount may be reduced by \$300 per approved tree as noted in Condition of Approval PDI 4.

These modifications notwithstanding, with the large number of trees proposed for removal and planting the final tree count may differ slightly from the current or updated proposal. Condition of Approval PDI 5 requires, prior to approval of occupancy of the final home in the subdivision, the applicant to provide a full accounting of the number of trees actually planted. Based on this

accounting, the applicant will receive a refund of \$300 for each tree over 160 (or any amount adjusted per Condition of Approval PDI 4) planted, or will pay an additional \$300 for each tree less than 160 or the adjusted amount planted prior to approval of occupancy.

Protection of Preserved Trees

Tree Protection During Construction

Section 4.620.10

- I25.** Condition of Approval PDI 7 ensures tree protection measures, including fencing are in place consistent with Public Works Standards Detail Drawing RD-1240.

Request J: DB19-0002 Minimum Lot Size Waiver

As described in the Findings below, the request meets the applicable criteria.

Waivers: Waive Minimum Lot Size

Waiver of Typical Development Standards

Subsection 4.118 (.03) A.

- J1.** The applicant requests to waive the required minimum lot size of 6,000 square feet for Lots 70 and 71. The waiver to minimum lot size for Lots 70 and 71 would reduce these lots from a minimum of 6,000 square feet to 5,671 square feet and 5,612 square feet, respectively. The typical development standards able to be waived pursuant to this subsection include minimum lot size.

Purpose and Objectives of Planned Development Regulations

Subsection 4.140 (.01) B.

- J2.** Pursuant to Subsection 4.118 (.03) A. waivers must implement or better implement the purpose and objectives listed in this subsection. The applicant specifically requests the minimum lot size waiver to accommodate preservation of a 34-inch Oregon White Oak tree in the Willow Creek Drive right-of-way. It is possible to re-align Willow Creek Drive and the related public utilities to allow a 22-foot protection zone around the tree's roots. However, in order to do so, it is necessary to reduce the size of the adjacent lots to provide the required space for the street improvements. The waiver would meet the purpose of the Planned Development Zones by providing flexibility and allowing a site design that is able to respond to site characteristics.

Request K: DB19-0003 Minimum Front Setback Waiver

As described in the Findings below, the request meets the applicable criteria.

Waivers: Waive Minimum Front Yard Setback

Waiver of Typical Development Standards

Subsection 4.118 (.03) A.

- K1.** The applicant requests a waiver to reduce the required minimum front setback from 15 feet to 12 feet for Lots 69-72. The typical development standards able to be waived pursuant to this subsection include setbacks.

Purpose and Objectives of Planned Development Regulations

Subsection 4.140 (.01) B.

- K2.** Pursuant to Subsection 4.118 (.03) A. waivers must implement or better implement the purpose and objectives listed in this subsection. The applicant specifically requests the minimum front yard setback waiver to accommodate preservation of a 34-inch Oregon White Oak tree in the Willow Creek Drive right-of-way. It is possible to re-align Willow Creek Drive and the related public utilities to allow a 22-foot protection zone around the tree's roots. However, in order to do so, it is necessary to reduce the size of the adjacent lots to provide the required space for the street improvements and to allow for development of these lots with adequate space for single-family homes. The waiver would meet the purpose of the Planned Development Zones by providing flexibility and allowing a site design that is able to respond to site characteristics.

Request L: SI 18-0006 SRIR Review

As described in the Findings below, the request meets the applicable criteria.

Findings of Fact:

1. Pursuant to Section 4.139.10.01(D) (Significant Resource Overlay Zone Map Refinement), the applicant may propose to amend the Significant Resource Overlay Zone (SROZ) boundary through a Development Review quasi-judicial zone change where more detailed information is provided. The Frog Pond West Master Plan identified a conceptual SROZ boundary, which the applicant is proposing to refine as part of their land use application.
2. The stream, known as Willow Creek, and riparian corridor comprises the upper reach of the West fork of Meridian Creek (Site ID Number 2.15S). The delineated wetlands (i.e., wetlands A-F) were not included in the City's Natural Resources Inventory. Wetlands A-D and F do not qualify as locally significant due to their size (i.e., less than 0.5 acre). Wetland E is greater than 0.5 acre in size but does not satisfy all of the criteria (i.e., evidence of flooding during the growing season) to be designated locally significant. However, these wetlands may be

considered jurisdictional and subject to regulation by the Oregon Department of State Lands and the Army Corps of Engineers.

3. Willow Creek is an intermittent stream, with an average width of 4 to 6 feet, which flows from north to south. The stream originates offsite to the north and receives surface water from the surrounding pastures and agricultural fields. Typical vegetation includes herbaceous plants, such as plantain, foxtail, parsley, mannagrass, sedge, and a few scattered wild rose shrubs.
4. The Significant Resource Overlay Zone ordinance prescribes regulations for development within the SROZ and its associated 25-foot Impact Area. Setbacks from significant natural resources implement the requirements of Metro Title 3 Water Quality Resource Areas, Metro Title 13 Nature in Neighborhoods, and Statewide Planning Goal 5. Secondary Protected Water Features, with drainage areas between 50 and 100 acres and adjacent slopes of less than 25% are assigned a vegetated corridor width of 15 feet. All significant natural resources have a 25-foot Impact Area. Development or other alteration activities may be permitted within the SROZ and its associated 25 foot Impact Area through the review of a Significant Resource Impact Report (SRIR).
5. Pursuant to the city's SROZ ordinance, development is only allowed within the Area of Limited Conflicting Use (ALCU). The ALCU is located between the riparian corridor boundary, riparian impact area or the Metro Title 3 Water Quality Resource Area boundary, whichever is furthest from the wetland or stream, and the outside edge of the SROZ, or an isolated significant wildlife habitat (upland forest) resource site.
6. The applicant's Significant Resource Impact Report delineated specific resource boundaries and analyzed the impacts of development within the SROZ. The applicant's SRIR contained the required information, including an analysis and development recommendations for mitigating impacts.

Exempt Uses in SROZ

Use and Activities Exempt from These Regulations

Section 4.139.04

- L1. Proposed exempt development in the SROZ and its associated 25-foot Impact Area comply with the following exemptions:

(.18) "Private or public service connection laterals and service utility extensions."

The stormwater pipes and outfalls are necessary for conveying treated and controlled runoff to Willow Creek.

- (.20) “The installation of public streets and utilities specifically mapped within a municipal utility master plan, the Transportation Systems Plan or a capital improvement plan.”

The streets are necessary to establish and improve the internal road network. The streets are consistent with the intent of the City’s planning documents.

Section 4.139.06 (.03) SRIR Review Criteria:

In addition to the normal Site Development Permit Application requirements as stated in the Planning and Land Development Ordinance, the following standards shall apply to the issuance of permits requiring an SRIR. The SRIR must demonstrate how these standards are met in a manner that meets the purposes of this Section.

Development permitted only within the Area of Limited Conflicting Use
Subsection 4.139.06 (.03) A.

- L2.** The proposed exempt development is located within the SROZ but not a designated Area of Limited Conflicting Use. Only exempt development is allowed within a stream (riparian) corridor or locally significant wetlands.

Development not permitted within Metro’s Urban Growth Management Functional Plan Title 3 Water Quality Resource Areas boundary
Subsection 4.139.06 (.03) B.

- L3.** The proposed exempt development is permitted within Metro’s Title 3 Water Quality Resource Areas boundary.

No more than five (5) percent of the Area of Limited Conflicting Use may be impacted by a development proposal.
Subsection 4.139.06 (.03) C.

- L4.** The proposed SROZ boundary does not include an Area of Limited Conflicting Use.

Mitigation of the area to be impacted shall be consistent with SROZ Regulations
Subsection 4.139.06 (.03) D.

- L5.** The proposed mitigation is consistent with the Development Code provisions. The mitigation will provide an enhancement to the to the stream riparian corridor through the planting of native trees and shrubs.

The impact on the Significant Resource is minimized by limiting the degree or magnitude of the action, by using appropriate technology or by taking affirmative steps to avoid, reduce or mitigate impacts
Subsection 4.139.06 (.03) E.

- L6.** The impacts to the SROZ have been minimized by reducing the width of the proposed Street F from 52 to 31 feet in width. The stormwater pipe and outfall impacts will

primarily be temporary impacts, with only minor impacts associated with the outfalls and riprap pads.

On-Site Mitigation

Subsection 4.139.06 (.03) F.

L7. Impacts to the SROZ will be mitigated for onsite.

Material for non-structural fill

Subsection 4.139.06 (.03) G.

L8. Non-structural fill will consist of native soil.

Minimum Fill

Subsection 4.139.06 (.03) H.

L9. The amount of fill has been minimized to the extent practicable.

Minimize turbidity during construction, stream turbidity not be significantly increased by development

Subsection 4.139.06 (.03) I.

L10. All proposed grading activities onsite will be managed pursuant to guidelines established and identified in the applicant's approved erosion control plan and a 1200-C Erosion Control Permit issued by the Oregon Department of Environmental Quality. Stream turbidity is regulated under the City's Grading and Erosion Control Permit and the DEQ's 1200-C Erosion Control Permit.

Obtaining appropriate federal and state permits

Subsection 4.139.06 (.03) J.

L11. The applicant may need to submit a joint permit application for the filling of Wetland C, which will require permit approval from the Oregon Department of State Lands and the U.S. Army Corps of Engineers.