

**DEVELOPMENT REVIEW BOARD MEETING  
AUGUST 31, 2020  
6:30 PM**

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**VI. Public Hearing:**

**A. Resolution No. 380. Frog Pond Ridge Subdivision: Li Alligood, AICP, Otak – Representative for West Hills Land Development, LLC – Applicant.** The applicant is requesting approval of an Annexation of approximately 17.6 acres and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Residential Neighborhood (RN) for approximately 15.9 acres of property located on the west side of Stafford Road south of SW Frog Pond Lane, and adopting findings and conditions approving a Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of parks and open space, Tentative Subdivision Plat, Type C Tree Plan, Waiver to Minimum Front Setback, and Abbreviated SRIR Review for a 71-lot single-family subdivision. The subject site is located on Tax Lots 1500 and 1700, a portion of 1800, a portion of SW Frog Pond Lane, and a portion of Stafford Road right-of-way, Section 12D, and a portion of Tax Lot 400, Section 12DD, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Staff: Cindy Luxhoj

Case Files:	DB20-0007	Annexation
	DB20-0008	Zone Map Amendment
	DB20-0009	Stage I Preliminary Plan
	DB20-0010	Stage II Final Plan
	DB20-0011	Site Design Review of Parks and Open Space
	DB20-0012	Tentative Subdivision Plat
	DB20-0013	Type C Tree Plan
	DB20-0014	Waiver – Front Setback
	SI20-0001	Abbreviated SRIR Review

*This item was continued to this date and time certain at the August 10, 2020 DRB Panel A meeting.*

*The DRB action on the Annexation and Zone Map Amendment is a recommendation to the City Council.*

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 380**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION OF APPROXIMATELY 17.6 ACRES AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) FOR APPROXIMATELY 15.9 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF STAFFORD ROAD SOUTH OF SW FROG POND LANE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, WAIVER TO MINIMUM FRONT SETBACK, AND ABBREVIATED SRIR REVIEW FOR A 71-LOT SINGLE-FAMILY SUBDIVISION. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1500 AND 1700, A PORTION OF 1800, A PORTION OF SW FROG POND LANE RIGHT-OF-WAY, AND A PORTION OF SW STAFFORD ROAD RIGHT-OF-WAY, SECTION 12D, AND A PORTION OF TAX LOT 400, SECTION 12DD, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. LI ALLIGOOD, AICP, OTAK – REPRESENTATIVE FOR WEST HILLS LAND DEVELOPMENT LLC - APPLICANT.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff prepared the staff report on the above-captioned subject dated August 3, 2020, and

WHEREAS, on August 10, 2020, the Development Review Board honored the applicant's request and continued the public hearing to a date and time certain of August 31, 2020, and

WHEREAS, the Planning Staff has prepared the revised staff report on the above-captioned subject dated August 24, 2020, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a special meeting conducted on August 31, 2020, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated August 31, 2020, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB20-0007 through DB20-0014, and SI20-0001; Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, Waiver – Front Setback, and Abbreviated SRIR Review.

ADOPTED by the Development Review Board of the City of Wilsonville at a special meeting thereof this 31<sup>st</sup> day of August, 2020, and filed with the Planning Administrative Assistant on \_\_\_\_\_. This resolution is final on the 15<sup>th</sup> calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.

\_\_\_\_\_  
Daniel McKay, Chair - Panel A  
Wilsonville Development Review Board

Attest:

\_\_\_\_\_  
**Shelley White, Planning Administrative Assistant**



Exhibit A1  
Staff Report  
Frog Pond Ridge 71-Lot Single-Family Subdivision

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

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**1st Hearing Date:** August 10, 2020

**Continued Hearing Date:** ***August 31, 2020***

**Date of Original Report:** August 3, 2020

**Date of Revised Report:** ***August 24, 2020***

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**Application Nos.:** DB20-0007 Annexation  
DB20-0008 Zone Map Amendment  
DB20-0009 Stage I Preliminary Plan  
DB20-0010 Stage II Final Plan  
DB20-0011 Site Design Review of Parks and Open Space  
DB20-0012 Tentative Subdivision Plat  
DB20-0013 Type C Tree Removal Plan  
DB20-0014 Waiver - Front Setback  
SI20-0001 Abbreviated SRIR Review

**Request/Summary:** The requests before the Development Review Board include Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, Waiver - Front Setback, and Abbreviated SRIR Review.

**Location:** West side of SW Stafford Road, south of SW Frog Pond Lane. The property is specifically known as TLID 1500, 1700, a portion of TLID 1800, ***a portion of SW Frog Pond Lane right-of-way,*** and a portion of SW Stafford Road right-of-way, Section 12D, and a portion of TLID 400, Section 12DD, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon

**Owners:** West Hills Land Development LLC (TLID 1500 and a portion of TLID 1800)  
William Ray Morgan and Janice Ellen Morgan Revocable Living Trust (TLID 1700)  
West Linn-Wilsonville School District (a portion of TLID 400)

**Applicant:** West Hills Land Development LLC (Contact: Dan Grimberg)

**Applicant's Rep.:** OTAK, Inc. (Contact: Li Alligood AICP)

**Comprehensive Plan Designation:** Residential Neighborhood (RN)

**Zone Map Classification (Current):** TLID 1500 and 1700 – RRFF-5 (Clackamas County designation – Rural Residential Farm Forest 5-Acre)  
Portion of TLID 1800 – Residential Neighborhood (RN)  
Portion of TLID 400 – Public Facility (PF)

**Zone Map Classification (Proposed):** RN (TLID 1500 and 1700)

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

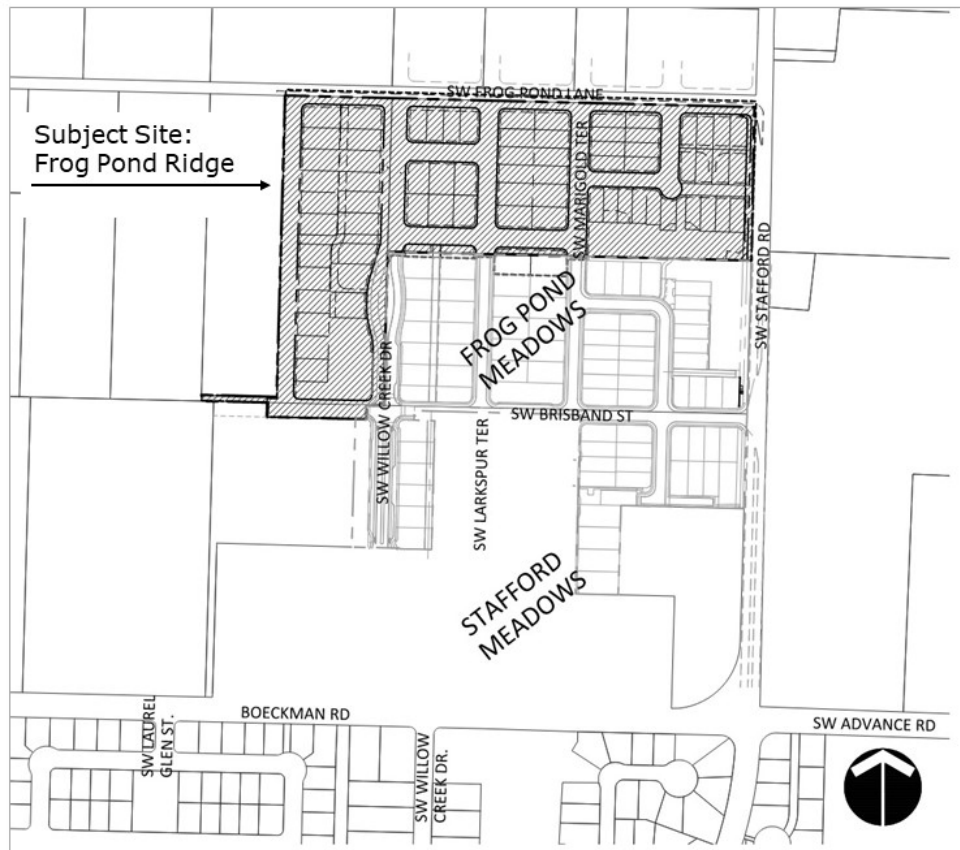
**Staff Recommendation:** Recommend approval to the City Council of the Annexation and Zone Map Amendment, approve with conditions the Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Plan, Waiver - Front Setback, and Abbreviated 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
<b><u>Comprehensive Plan and Sub-elements:</u></b>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<b><u>Regional and State Law and Planning Documents</u></b>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by Consent Before Public Hearing or Order for Election
Statewide Planning Goals	

## Vicinity Map



### Background:

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

As a follow up to the Area Plan and in anticipation of forthcoming development, in July 2017 the City of Wilsonville adopted the Frog Pond West Master Plan for the area within the UGB. To guide development and implement the vision of the Area Plan, the Master Plan includes details on land use (including residential types and unit count ranges), residential and community

design, transportation, parks and open space, and community elements such as lighting, street trees, gateways, and signs. The Master Plan also lays out the infrastructure financing plan.

The proposed subdivision is the fourth development proposal in Frog Pond West, following the 44-lot Stafford Meadows and 74-lot Frog Pond Meadows subdivisions to the south and the 798-lot Morgan Farm subdivision to the west. The subdivision will connect to the previously approved Frog Pond Meadows and Stafford Meadows subdivisions, blending together as one cohesive neighborhood consistent with the Frog Pond West Master Plan.

The proposed development will include 71 single-family residential lots, including 63 detached single-family residential dwellings and 8 attached single-family residential dwellings. As shown in the table below, the 16.25-acre site consists of 15.93 acres in two entire properties (TLID 1500 and 1700) and 0.32-acre in Tracts J and L of the Frog Pond Meadows subdivision, and a portion of one other property (TLID 1800) that is part of the Frog Pond Meadows subdivision. The current application includes replatting Tracts J and L as part of the Frog Pond Ridge subdivision. The site also includes 0.23 acre of right-of-way (ROW) dedication from the West Linn-Wilsonville School District (a portion of TLID 400) to allow continuation of SW Brisband Street across the northern boundary of its property.

<b><u>Request</u></b>	<b><u>Case File No.</u></b>	<b><u>Affected Land/Acreage</u></b>	<b><u>Total Acreage</u></b>
<b><u>Annexation</u></b>	<b><u>DB20-0007</u></b>	<b><u>TLID 1500 (5.93 ac), TLID 1700 (10.00 ac), portion of SW Frog Pond Lane ROW (0.60 ac), portion of SW Stafford Road ROW (1.04 ac)</u></b>	<b><u>17.57 ac</u></b>
<b><u>Zone Map Amendment</u></b>	<b><u>DB20-0008</u></b>	<b><u>TLID 1500 (5.93 ac), TLID 1700 (10.00 ac)</u></b>	<b><u>15.93 ac</u></b>
<b><u>Tentative Subdivision Plat and All Other Requests</u></b>	<b><u>DB20-0009 through DB20-0014, SI20-0001</u></b>	<b><u>TLID 1500 (5.93 ac), TLID 1700 (10.00 ac), portion of TLID 1800 (replat of Tracts J and L in Frog Pond Meadows; 0.32 ac)</u></b>	<b><u>16.25 ac<sup>1</sup></u></b>
<b><u><sup>1</sup> ROW dedication by West Linn-Wilsonville School District, a portion of TLID 400 (0.23 ac), is not included in total acreage</u></b>			

TLID 1500 and 1700 are in unincorporated Clackamas County and zoned Rural Residential Farm Forest 5-Acre (RRFF-5). TLID 1800 and 400 are in the City of Wilsonville and zoned Residential Neighborhood (RN) and Public Facility (PF), respectively. All the properties are within the City's Urban Growth Boundary (UGB) and the Frog Pond West subarea. This application will annex the 15.93 acres in TLID 1500 and 1700 to the City and apply the RN Zone.



## Summary:

### Annexation (DB20-0007)

*Note: ~~Only the 15.93~~ **17.57** acres in TLID 1500 and 1700, **and a portion of SW Frog Pond Lane and SW Stafford Road right-of-way (ROW)**, are subject to this Annexation application.*

The ~~approximately 15.93 acres (TLID 1500 and 1700)~~ **area** proposed for annexation ~~are~~ **is** contiguous to land currently in the City, ~~are~~ within the UGB, and ~~are~~ master planned for residential development. All property owners ~~and a majority of registered voters in the annexation area~~ **TLID 1500 and 1700** have consented in writing to the annexation. **No electors reside within the area proposed for annexation.**

### Zone Map Amendment (DB20-0008)

*Note: Only the 15.93 acres in TLID 1500 and 1700 are subject to this Zone Map Amendment application.*

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 RN Zone to the 15.93 acres to be annexed consistent with this intention. Tracts J and L of Frog Pond Meadows, which will be replatted, will continue as RN Zone, and the ROW dedication from the School District will continue as PF Zone.

### Stage I Preliminary Plan (DB20-0009)

*Note: Only the 16.25-acre area shown on the Tentative Subdivision Plat is subject to this application. This does not include the 0.23 acre of ROW dedication from the West Linn-Wilsonville School District (a portion of TLID 400).*

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 Preliminary Plan area includes portions of medium lot Sub-districts 4 and 5 and small lot Sub-district 6. The following table and discussion summarizes how the proposed residential units in each Sub-district are consistent with the Master Plan recommendations.

The Frog Pond West Master Plan establishes a range of 86 to 107 units for Sub-district 4. Approximately 19.67% of Sub-district 4 is within the project area. To date, no applications have been approved for units within this sub-district, and the current application proposes 21 lots, which is the maximum number allowed based on the percentage of the sub-district within the project area. The configuration of lots as proposed will allow for buildout of this part of the sub-district consistent with the Master Plan recommendations.

The established range for Sub-district 5 is 27 to 33 units. Approximately 39.72% of Sub-district 5 is within the project area and the applicant proposes 12 lots. The previously approved Frog Pond Meadows includes 22 lots within Sub-district 5. The combined total between the two projects is 34 lots, which is one more than the established range maximum. However, configuration of lots between SW Willow Creek Drive and SW Larkspur Terrace to accommodate Street M results in Lots 25-27 being split between Sub-districts 5 and 6. Since fewer than the maximum number of lots is proposed in Sub-district 6 and the combined total of proposed lots in Sub-districts 5 and 6 also is below the maximum, exceeding the established dwelling unit range in Sub-district 5 is acceptable and the proposed configuration of lots will allow for buildout of the sub-district consistent with the Master Plan.

The Frog Pond West Master Plan establishes a range of 74 to 93 units for Sub-district 6. Approximately 48.31% 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% of units as duplexes or attached two-unit homes. For Sub-district 6, the applicant proposes 38 lots, 8 of which are attached two-unit single-family homes. This portion of the sub-district is less than 10 acres, so the 10% minimum does not apply. The previously approved Frog Pond Meadows includes 42 lots within Sub-district 6. The combined total between the two projects is 80 lots, which is within the established range for the sub-district. The configuration of lots will allow for buildout of the sub-district consistent with the Master Plan recommendations.

#### Stage II Final Plan (DB20-0010)

*Note: Only the 16.25-acre area shown on the Tentative Subdivision Plat is subject to this application. This does not include the 0.23 acre of ROW dedication from the West Linn-Wilsonville School District (a portion of TLID 400).*

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

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

Regarding the protection of natural features and other resources, the project design avoids disturbance of these features and resources, including a tree grove of Oregon White Oak and Ponderosa pine along SW Stafford Road in the southeast corner of the project area. The site is generally flat, varying by approximately 6 feet from northwest (238 ft. elevation) to southeast (244 ft. elevation), with a low point created by the Willow Creek drainage west of SW Willow Creek Drive (230 ft. elevation).

### Site Design Review (DB20-0011)

*Note: Only the 16.25-acre area shown on the Tentative Subdivision Plat is subject to this application. This does not include the 0.23 acre of ROW dedication from the West Linn-Wilsonville School District (a portion of TLID 400).*

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 streetscape design conforms or will with Conditions of Approval to the street tree and street lighting elements of the Frog Pond West Master Plan. The design also includes 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 SW Stafford Road frontage and the landscaping and site furnishings in open space tracts.

### Tentative Subdivision Plat (DB20-0012)

*Note: Only the 16.25-acre area shown on the Tentative Subdivision Plat is subject to this application. This does not include the 0.23 acre of ROW dedication from the West Linn-Wilsonville School District (a portion of TLID 400).*

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

### Type C Tree Removal Plan (DB20-0013)

There are 50 trees on the subject site, which are concentrated in four areas: the School District ROW dedication area at the southwest corner of the project area; on the south side of the SW Frog Pond Lane ROW in the north part of the site; south of the existing house and outbuildings in the center of the site; and in a grove of Oregon white oaks at the southeast corner of the site along SW Stafford Road (Tract E).

Of the 50 trees on site, 21 will be retained and protected. Twenty (20) of the trees are part of the oak grove located within Tract E. The other protected tree is an Oregon white oak located within the SW Willow Creek Drive median. Eleven (11) additional trees located on adjacent property will require protection to ensure off-site tree health. Twenty-nine (29) of the trees on site will be removed.

Proposed planting of 107 street trees and 104 trees in landscape Tracts A - E (Sheets 2.00-2.40, Exhibit B3) substantially mitigates for the proposed tree removal.

## Waiver - Front Setback (DB20-0014)

Increased ROW is needed to accommodate preservation of the Oregon white oak within the median in SW Willow Creek Drive. In response, the applicant proposes waivers to the minimum front yard setback for Lots 19-21, reducing the setback from 15 feet to 12 feet.

## Abbreviated SRIR Review (SI20-0001)

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

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

- 1) SW Brisband Street Crossing with an 18-inch culvert.

## 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:

- SW Boeckman Road/ SW Parkway Avenue
- SW Boeckman Road/ SW Canyon Creek Road
- SW Boeckman Road/ SW Advance Road/ SW Stafford Road/ SW Wilsonville Road
- SW Wilsonville Road/ SW Town Center Loop West
- SW Wilsonville Road/ SW 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 SW Boeckman Road and SW 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 adopted Fiscal Year 2020-21 budget, with an estimated date of completion in FY 2021-22. 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 of occupancy of the development. 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:

No public comments were received during the comment period.

## Discussion Points:

### Consistency with Statewide Planning Goals

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

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

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

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

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

### 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

Development Review Board Panel 'A' Staff Report August 10, 2020

Exhibit A1

Revised August 24, 2020

Frog Pond Ridge 71-Lot Single-Family Subdivision

DB20-0007 through DB20-0014, SI20-0001

Page 10 of 76

reasons, it is not practical to place street trees and streetlights in stormwater swales. As directed by the City, the applicant's plans prioritize street tree and street lighting placement with appropriate spacing from utility laterals and water meters, then places stormwater facilities where space remains available and placement is desirable.

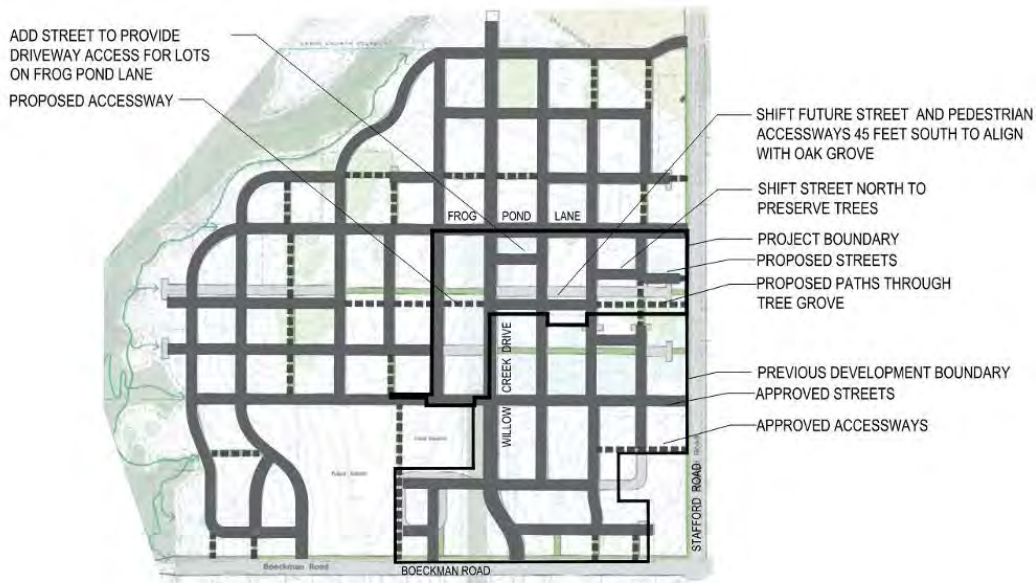
### SW Stafford Road Improvements

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

### Street Demonstration Plan Compliance

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

In order to achieve minimum density requirements while providing access throughout the subdivision, the applicant proposes some limited variations from the Street Demonstration Plan that results in a modified grid configuration of streets. As shown in the illustration below, the applicant proposes to eliminate an east-west street and shift the east-west pedestrian connection slightly to the south between Street I and SW Willow Creek Drive, creating one longer block between SW Brisband Street and SW Frog Pond Lane. Between SW Willowcreek Drive and SW Larkspur Terrace, Street M is added to provide driveway access for Lots 28-31 backing to SW Frog Pond Lane, and Street K is shifted 45 feet south to align with the tree grove and provide a continuous east-west pedestrian connection between SW Stafford Road and Street I. Street L, between SW Marigold Terrace and Street H, as well as Tract G, an access easement between SW Marigold Terrace and SW Stafford Road, are shifted north to preserve trees in the grove while providing adequate development area to meet required depth dimensions for Lots 60-69. The proposed variations provide substantially equivalent connectivity to the public, as required for a variation.



PROPOSED CIRCULATION AND CONNECTIVITY PLAN

### Street Length and Connectivity

The proposed modified grid pattern, as described above, provides an efficient street connection to SW Stafford Road with interior streets providing 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 SW Stafford Road than would otherwise be the case if the Street Demonstration Plan were adhered to.

### SW Willow Creek Drive, Streets K and L, and SW Bransford Street – Cross Section Modifications

The required street improvements are consistent with the cross sections shown in the Frog Pond West Master Plan with the following exceptions that have been reviewed and approved by the City Engineer (see Exhibits C1 and C2):

- SW Willow Creek Drive between SW Bransford Street and Street K: The City Engineer approved a revised cross-section for SW Willow Creek Drive as part of the Frog Pond Meadows application that will be mirrored on the western side of the street in the Frog Pond Ridge subdivision. This allows for the preservation of a 34-inch Oregon White Oak tree while minimizing impacts to its 22-foot root protection zone.
- Street K between SW Willow Creek Drive and SW Larkspur Terrace: The applicant proposes a slight narrowing of Street K to allow the stormwater facility in Tract C to expand slightly. In addition, it allows the southern sidewalk to better align with the multiuse path within Tract A to the west (see Sheets P2.00 and P2.10 for details).

- Street L between SW Marigold Terrace and Street H: The applicant proposes a modified cross-section for Street L to preserve trees in Tract E while providing adequate development area within lots backing to the open space.

The applicant also proposes a revision of the SW Brisband Street right-of-way improvements to minimize impacts to the SROZ. This revision proposes reducing the right-of-way width by utilizing curb tight sidewalk (eliminating planter strips) and incorporating retaining walls at the SW Brisband Street crossing. (See Sheets P2.00 and P5.00 and Request I.)

#### Local Improvement District Waiver of Remonstrance

Subsection 4.177 (.02) C. 2. of the Development Code requires that a waiver of remonstrance against formation of a local improvement district (LID) be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of recordation of a final plat (see Request D, Finding D42, and Condition of Approval PDD 8). The applicant requested that the template of the Development and Annexation Agreement be revised to provide for release of the restrictive covenant waiving right of remonstrance in light of the developer's obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee in accordance with the agreement. The revised language will condition release of the LID Waiver for a specific parcel within the Frog Pond Ridge development upon official recording of the release of the waiver only after payment of these fees, and will require the developer to pay all costs and fees associated with the City's release of the waiver. The City Council will consider this revision of the template at their September 10, 2020 meeting, prior to the public hearing considering the Frog Pond Ridge annexation and zone map amendment (Requests A and B of the current application before the DRB).

#### Waiver - Front Setback on Lots 19-21

To accommodate preservation of the 34-inch Oregon White Oak in the ROW for SW Willow Creek Drive and the associated cross-section modification, the applicant proposes a waiver to the minimum front yard setback requirements of Lots 19-21 adjacent to the tree on the west side of the street. The waiver to reduce the front yard setback from 15 feet to 12 feet for these lots is to account for the reduction in lot depth needed to accommodate the sizable median around the tree.

#### Tree Removal and Preservation

There are 29 trees on the project site proposed to be removed in three areas: the School District ROW dedication area at the southwest corner of the project area; on the south side of the SW Frog Pond Lane right-of-way in the north part of the site; and south of the existing house and outbuildings in the center of the site. A grove of 20 mature trees, including Oregon White Oak, Ponderosa pine, and Douglas fir, at the southeast corner of the site along SW Stafford Road will be protected and preserved. In addition, one Oregon White Oak will be preserved in the median



of SW Willow Creek Drive, and 11 trees will be protected on adjacent property that is an extension of the grove. The proposed planting of 107 street trees and 104 trees in landscape Tracts A - E (Sheets 2.00-2.40, Exhibit B3) substantially mitigates for the proposed tree removal. Replacement trees will serve to soften the urban environment, contribute to stormwater management, and provide shade and protection for pedestrians.

### Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board recommend approval to City Council or approve, as relevant, the proposed application (DB20-0007 through DB20-0014, SI20-0001) with the following conditions:

#### Planning Division Conditions:

##### Request A: DB20-0007 Annexation

This action recommends to the City Council approval of Annexation for the subject properties. The Zone Map Amendment (DB20-0008) and all approvals contingent on it are contingent on annexation.

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

##### Request B: DB20-0008 Zone Map Amendment

This action recommends to the City Council adoption of the Zone Map Amendment for the subject properties. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB20-0007). Case files DB20-0009, DB20-0010, DB20-0011, DB20-0012, DB20-0013, DB20-0014, and SI20-0001 are contingent on City Council action on the Zone Map Amendment request.

No conditions for this request.

##### Request C: DB20-0009 Stage I Preliminary Plan

Approval of DB20-0009 (Stage I Preliminary Plan) is contingent on City Council approval of the Zone Map Amendment request (DB20-0008).

No conditions for this request

##### Request D: DB20-0010 Stage II Final Plan

Approval of DB20-0010 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB20-0008).

PDD 1.	<b>General:</b> 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.	<b>Prior to Final Plat Approval:</b> The applicant shall provide a two-foot landscape and non-vehicular access easement between Private Alley Q and the rear of Lots 5-12, to be maintained by the homeowners association. See Finding D17.
PDD 3.	<b>Prior to Final Plat Approval:</b> On the Final Subdivision Plat, public pedestrian and bicycle access easements, including egress and ingress, shall be established across the entirety of all pathways located in private tracts. See Finding D22.
PDD 4.	<b>General:</b> All crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast). See Finding D25.
PDD 5.	<b>General:</b> Any area, whether in a garage or in a driveway, counted as a required parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D28.
PDD 6.	<b>Prior to Building Permit issuance:</b> Buildings proposed on Lots 28-31, which have frontage on both SW Frog Pond Lane and Street M, will meet the required front yard setback on both street frontages. See Finding D30.
PDD 7.	<b>Prior to Final Plat Approval:</b> A tree protection easement will be provided at the back on Lots 63, 64, <del>and 67, 69</del> <b>and 68</b> to protect the root zone of trees in Tract <del>GE</del> . In addition, branch and root pruning that may be needed of Trees 55832 and 55850, which have long errant branches and limbs that extend into lots and building footprints of Lots 63, <del>64</del> , 67, and 68 that abut the RPZs of these trees, shall be supervised and conducted by an ISA Certified Arborist. See Finding D32.
PDD 8.	<b>Prior to Final Plat Approval:</b> A waiver of remonstrance against formation of a local improvement district ( <b>LID</b> ) shall be recorded in the County Recorder's Office as well as the City's Lien Docket as part of the recordation of the final plat. In light of the developer's obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee in accordance with the Development and Annexation Agreement <b>required by PDA 1</b> , and contingent upon City Council approval of a revision to the template of the agreement to such effect to be considered at their meeting on September 10, 2020, the LID Waiver for a specific parcel within the Frog Pond Ridge development shall be released upon official recording of the release of the waiver only after payment of the Infrastructure Supplemental Fee and Boeckman Bridge Fee. Further, the developer shall pay all costs and fees associated with the City's release of the LID Waiver. See Finding D42.

<b>PDD 9.</b> <u><b>General:</b></u> The design of the private access drive in Tract G shall provide for a useful lifespan and structural maintenance schedule comparable to a public local residential street. See Finding D52.
<b>PDD 10.</b> <u><b>General:</b></u> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D54.

Request E: DB20-0011 Site Design Review of Parks and Open Space

Approval of DB20-0011 (Site Design Review of Parks and Open Space) is contingent on City Council approval of the Zone Map Amendment request (DB20-0008).
<b>PDE 1.</b> <u><b>General:</b></u> Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding E3.
<b>PDE 2.</b> <u><b>Prior to Final Plat Approval:</b></u> All landscaping and site furnishings required and approved by the Development Review Board for common tracts shall be installed prior to Final Plat Approval unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of Final Plat Approval. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, <u><i>an irrevocable letter of credit</i></u> , or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant/owner. See Finding E13.
<b>PDE 3.</b> <u><b>Prior to Final Plat Approval:</b></u> <u><i>The applicant shall either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping.</i></u> <del>All street trees and other right of way landscaping shall be installed prior to Final Plat Approval except as otherwise provided in a signed agreement between the developer and the City.</del> See Finding E13.
<b>PDE 4.</b> <u><b>Ongoing:</b></u> The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville's Development Code. See Finding E14.

PDE 5.	<b>Ongoing:</b> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered as allowed by Wilsonville's Development Code. See Findings E15 and E16.
PDE 6.	<p><b>General:</b> The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> <li>• Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch.</li> <li>• Native topsoil shall be preserved and reused to the extent feasible.</li> <li>• Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings.</li> <li>• All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10-inch to 12-inch spread.</li> <li>• Shrubs shall reach their designed size for screening within three (3) years of planting.</li> <li>• Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center minimum, 4-inch pot spaced 2 feet on center minimum, 2-1/4-inch pots spaced at 18-inch on center minimum.</li> <li>• No bare root planting shall be permitted.</li> <li>• Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting.</li> <li>• Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.</li> <li>• Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding E20.</li> </ul>
PDE 7.	<b>General:</b> All trees shall be balled and burlapped and conform in size and grade to "American Standards for Nursery Stock" current edition. See Finding E20.
PDE 8.	<b>Ongoing:</b> Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. See Finding E21.
PDE 9.	<b>Prior to issuance of any Public Works permits:</b> <u>Consistent with the Frog Pond West Master Plan, which identifies the SW Frog Pond Lane/SW Stafford Road intersection as a "Key Intersection", includes a Public Lighting Plan and recommended lighting plan hierarchy, and recommends the Key Intersections be more brightly-lit than other intersections to act as a wayfinding beacon for travelers, the applicant shall submit a street and intersection lighting photometric analysis to Engineering for review and approval. The photometric analysis shall be designed in accordance with quantitative requirements referenced in the Public</u>

	<u>Works Standards and by the street functional classifications, and the zone where the streets are located. For example, street lights on SW Frog Pond Lane, SW Stafford Road, and at the intersection between the two roads shall be designed brighter in comparison to other Local Streets since SW Frog Pond Lane is designated as a Collector Street and SW Stafford Road is designated as an Arterial Street.</u> The application shall provide street lighting at the key intersection of SW Frog Pond Lane and SW Stafford Road that is more brightly lit than local streets to act as a wayfinding “beacon” for all travelers. See Finding E24.
PDE 10.	<b><u>Prior to issuance of any Public Works permits:</u></b> <u>Consistent with the Frog Pond West Master Plan, which includes a Public Lighting Plan and recommended lighting plan hierarchy, and recommends that pedestrian connections, trailheads and paths be uniformly illuminated to define a hierarchy of travel routes, and that such illumination follow the Public Works Standards for Shared-Use Path Lighting.</u> <del>The</del> applicant shall, <u>in consultation with the City Engineer, study determine</u> if additional pedestrian-scale lighting consistent with the City’s Public Works Standards and the Frog Pond West Master Plan is warranted along the pathway in Tract E and install any warranted lighting in compliance with these standards. See Finding E26.
PDE 11.	<b><u>Prior to issuance of any Public Works permits:</u></b> The applicant shall select a street tree for SW Frog Pond Lane from the list of approved species for Primary Street Trees on page 81 of the Frog Pond West Master Plan. See Finding E27.
PDE 12.	<b><u>Prior to issuance of any Public Works permits:</u></b> The applicant shall select a street tree for Streets I and K from the list of approved species for Neighborhood Street Trees on page 82 of the Frog Pond West Master Plan. See Finding E28.
PDE 13.	<b><u>Prior to issuance of any Public Works permits:</u></b> The applicant shall select a tree for the pedestrian connection in Tract A from the list of approved species for Pedestrian Connection Trees on page 83 of the Frog Pond West Master Plan. See Finding E29.
PDE 14.	<b><u>Prior to Final Plat Approval:</u></b> All street signs shall <u>be installed and</u> utilize the City-approved sign cap on street name signs throughout the entirety of the subdivision, matching the design used in the Frog Pond Meadows, Stafford Meadows and Morgan Farm subdivisions. The developers will buy the signs from the City. See Finding E31.

Request F: DB20-0012 Tentative Subdivision Plat

	Approval of DB20-0012 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB20-0008).
PDF 1.	<b><u>Prior to Final Plat Approval:</u></b> Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
PDF 2.	<b><u>Prior to Final Plat Approval:</u></b> The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be

	required as a result of the hearing process for the Stage II Final Plan or the Tentative Plat.
<b>PDF 3.</b>	<b><u>Prior to Final Plat Approval:</u></b> Where any street will be extended signs stating “street to be extended in the future” or similar language approved by the City Engineer shall be installed. See Finding F13.
<b>PDF 4.</b>	<b><u>Prior to/concurrent with Recording of Final Plat:</u></b> The applicant/owner shall dedicate 12 feet of additional right-of-way on SW Stafford Road and 21.5 feet of additional right-of-way on SW Frog Pond Lane for planned improvements. See Finding F14.
<b>PDF 5.</b>	<b><u>Prior to Final Plat Approval:</u></b> The applicant/owner shall submit for review and approval by the City Attorney CC&R’s, bylaws, etc. related to the maintenance of the open space tracts. Such documents shall assure the long-term protection and maintenance of the open space tracts.
<b>PDF 6.</b>	<b><u>Prior to Final Plat Approval:</u></b> For all public pipeline easements, public access easements, and other easements, as required by the city, shown on the Final Subdivision Plat, the applicant/owner and the City shall enter into easement agreements on templates established by the City specifying details of the rights and responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County. See Finding F17.

Request G: DB20-0013 Type C Tree Plan

	Approval of DB20-0013 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB20-0008).
<b>PDG 1.</b>	<b><u>General:</u></b> This approval for removal applies only to the 29 trees identified in the applicant’s submitted Tree Maintenance and Protection Plan, see Exhibit B3. All other trees on the property shall be maintained unless removal is approved through separate application.
<b>PDG 2.</b>	<b><u>Prior to Grading Permit Issuance:</u></b> The applicant/owner shall submit an application for a Type ‘C’ Tree Removal Permit on the Planning Division’s Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant/owner shall provide the City’s Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant/owner shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff. See Finding G19.
<b>PDG 3.</b>	<b><u>Prior to Commencing Site Grading:</u></b> The 34-inch Oregon white oak to be preserved in the SW 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. See Finding G5.
<del>PDG 4. <b>Prior to Final Plat Approval:</b> The applicant/owner shall install the required 107 mitigation street trees, as shown in the applicant's sheets L2.00 through L2.40 per Section 4.620 WC unless other timing is established in a signed agreement between the developer and the City. See Finding G21.</del>
<b>PDG 54. General:</b> The permit grantee or the grantee's successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during the two (2) years after planting shall be replaced.
<b>PDG 65. Prior to Commencing Site Grading:</b> The applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. See Finding G25.

Request H: DB20-0014 Waiver – Front Setback

Approval of DB20-0014 (Waiver – Minimum Front Yard Setback) is contingent on City Council approval of the Zone Map Amendment request (DB20-0008).
No conditions for this request.

Request I: SI20-0001 Abbreviated SRIR Review

Approval of SI20-0001 (Abbreviated SRIR Review) is contingent on City Council approval of the Zone Map Amendment request (DB20-0008).
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: DB20-0010 Stage II Final Plan

<b>PFD 1.</b>	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).
<b>PFD 2.</b>	<p>The Streets shall be primarily constructed per the street type and cross section as shown in the Frog Pond West Master Plan.</p> <p>The cross-section for SW 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.</p> <p>Three waivers have been granted to modify the street cross-sections. The first waiver is for the cross-section of SW Willow Creek Drive between SW Brisband Street and Street K to allow for preservation of a 34” Oregon White Oak tree within a widened median and to allow a western partial street improvement. The second waiver is for the cross section of Street K between SW Larkspur Terrace and SW Willow Creek Drive to allow the stormwater facility in Tract C to expand slightly. The last waiver is for the cross section of Street L between SW Marigold Terrace and Street H to preserve trees in Tract E.</p>
<b>PFD 3.</b>	Three-quarters of the intersection of SW Brisband Street and SW Willow Creek Drive has been constructed as a concrete, raised platform intersection with 4-way stop as a part of the Frog Pond Meadows development. The last quarter of the intersection shall be constructed as a part of Frog Pond Ridge development.
<b>PFD 4.</b>	<p>The applicant shall install LED street lighting in compliance with the Public Works Standards and the Frog Pond West Master Plan, matching the lighting installed with the Stafford Meadows and Frog Pond Meadows projects.</p> <p>The City has recently adopted a new streetlight policy where all new streetlights shall be under PGE Option B LED Schedule (City Owned – PGE Maintained). All lighting fixtures, conduits, junction boxes and other lighting components must comply with PGE Option B LED construction and maintenance requirements. Streetlights in Frog Pond Ridge shall be under the PGE Option B LED Schedule.</p> <p>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.</p>
<b>PFD 5.</b>	Lots 13 through <del>201</del> <b><i>and Lots 52 through 59</i></b> (as shown on the Preliminary Plat dated 7/2/2020) shall also have street addresses posted on the alley side of the buildings.



PFD 6.	Stormwater LID facilities may be located in the public right-of-way, however the applicant shall work with City staff on the location and extent of these facilities, as well as the location of streetlights when adjacent to a stormwater facility, and the location of street trees adjacent to a stormwater facility.
PFD 7.	For the stormwater facilities on Tracts B, C, <i>and</i> E, <del>and G</del> , 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 8.	The stormwater conveyance system, <del>including facilities located on Tracts B, C, E and G</del> , shall be sized appropriately to accommodate runoff from the undeveloped land north of the proposed project. An oversized stormwater drainage main larger than 12 inches is eligible for System Development Charge (SDC) Credits. When eligible, SDC Credits will be issued in accordance with City Code Section 11.100.
PFD 9.	A final stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment and flow control requirements. The stormwater report shall also include conveyance calculations to demonstrate how the proposed development can adequately collect and convey run-off generated by the development and the undeveloped land to the north in accordance with the Public Works Standards.
PFD 10.	The sanitary sewer main within SW Willow Creek Drive shall be constructed as a 10" line per the Frog Pond West Master Plan and with minimum slopes to maintain maximum depths to allow greater service to undeveloped land north of the proposed project. An oversized main larger than 8 inches is eligible for System Development Charge (SDC) Credits. When eligible, SDC Credits will be issued in accordance with City Code Section 11.100.
PFD 11.	The water main within SW Willow Creek Drive shall be constructed as a 10" line minimum per the Frog Pond West Master Plan to allow greater service to undeveloped land north of the proposed project. The final size of the water main shall be determined <b>prior to issuance of a Public Works Permit</b> . An oversized main larger than 8 inches is eligible for System Development Charge (SDC) Credits. When eligible, SDC Credits will be issued in accordance with City Code Section 11.100.
PFD 12.	Sanitary, stormwater and water public utility systems shall be extended to the northerly limits of the site at SW Willow Creek Drive, SW Larkspur Terrace, SW Marigold Terrace and Street H.
PFD 13.	The applicant shall provide sufficient mail box units for this proposed development; and shall construct the mail kiosk at a location(s) coordinated with City staff and the Wilsonville U.S. Postmaster.
PFD 14.	<b>At the time of plan submittal for a Public Works Permit</b> , the applicant shall provide to the City a copy of correspondence showing that the plans have also been distributed to the franchise utilities. <b>Prior to issuance of a Public Works Permit</b> , the applicant 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 shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the applicant shall obtain written approval from the appropriate utility <b>prior to commencing any construction.</b>
<b>PFD 15.</b>	In Tract H, within the 10-foot public utility easement, 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. Applicant shall also coordinate with private utilities and install all conduit and vaults needed with the future reconstruction of SW Stafford Road. 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 Frog Pond Meadows development.
<b>PFD 16.</b>	Existing overhead utilities along the proposed development's frontage on SW Frog Pond Lane shall be placed underground.
<b>PFD 17.</b>	Structural retaining wall calculations shall be submitted to City for review and approval.
<b>PFD 18.</b>	<b>Prior to commencing of site improvements,</b> the applicant shall obtain a 1200 C Permit from DEQ and a Local Erosion Control Permit from Wilsonville. All erosion control measures shall be in place prior to starting any construction work. Permits shall remain active until all construction work is completed and the site has been stabilized. Permits will be closed out when home construction is completed and the final certificate of occupancy has been issued.
<b>PFD 19.</b>	<b>Prior to Final Plat Approval,</b> all public infrastructure improvements including but not limited to street, stormwater drainage, water quality and flow control, sanitary sewer, and water facilities shall be constructed and completed. The Applicant shall obtain conditional acceptance from the City, and provide a two-year maintenance assurance for said improvements. When public infrastructure improvements are substantially complete, incomplete improvements may be assured and the Final Plat may be recorded with approval from the Community Development Director <i>pursuant to Section 4.220 of the Development Code.</i>
<b>PFD 20.</b>	<b>Prior to Final Plat Approval,</b> the applicant/owner shall submit for review and approval by the City Attorney CC&R's, bylaws, etc. related to the maintenance responsibility for all stormwater LID facilities, retaining walls associated with the facilities, and private alleys and streets.
<b>PFD 21.</b>	<b>Prior to Final Plat Approval,</b> a stormwater maintenance agreement for all the stormwater LID facilities located in the public right-of-way and publicly owned tracts shall be in place.
<b>PFD 22.</b>	<b>Prior to Final Plat Approval,</b> a stormwater maintenance and access easement for all the stormwater LID facilities located on privately owned lots shall be in place.

Request F: DB20-0012 Tentative Subdivision Plan

<b>PFF 1.</b>	In the Frog Pond West Master Plan SW Stafford Road is shown with an 84-foot right-of-way. Presently the SW 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 the SW Stafford Road frontage to provide for a total 84-foot right-of-way width.
<b>PFF 2.</b>	Lots 13 through 201 (as shown on the Preliminary Plat dated 7/2/2020) shall not be allowed to take vehicle access from SW Willow Creek Drive.

**Natural Resources Division Conditions:**

All Requests

<b>NR 1.</b>	Natural Resource Division Requirements and Advisories listed in Exhibit C3 apply to the proposed development.
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**Building Division Conditions:**

All Requests

<b>BD1.</b>	<p><b>Prior to construction of the subdivision's residential homes</b>, designated through approved planning procedures, the following conditions must be met and approved through the Building Official:</p> <ul style="list-style-type: none"><li>a. Street signs shall be installed at each street intersection and approved per the public works design specifications and their required approvals.</li><li>b. All public access roads and alleys shall be complete to "Base Lift" for access to the residential home sites.</li><li>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.</li><li>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).</li></ul>
<b>BD2.</b>	New and existing buildings shall have approved address numbers. Building numbers or approved building identification shall be placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1) Provide a physical address on the new home, as well as near the intersection of the private drive and public road visible from both approaches of Private Alley Q and Private Alley S.

## 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 DB20-0007 through DB20-0014, and SI20-0001. 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 Response, Dated August 18, 2020, to Comment Letter from Kenneth Kent, Clackamas County Engineering, Dated August 5, 2020 (see Exhibit C4)*

### Materials from Applicant

- B1. Land Use Application Forms**
- B2. Applicant's Narrative and Materials – Available Under Separate Cover**
  - Narrative
  - Appendix A Annexation Petitions and Certifications
  - Appendix B Stormwater Preliminary Drainage Report; Infiltration Testing Memo Dated May 15, 2020; Updated Memo Dated June 29, 2020
  - Appendix C Traffic Impact Study
  - Appendix D Wetland Delineation Report
  - Appendix E SRIR Report
  - Appendix F Tree Plan
  - Appendix G Geotechnical Reports
  - Appendix H Stafford Meadows PUD Recorded CC&Rs and Bylaws
  - Appendix I Example Building Elevations
  - Appendix J Republic Services Letter
- B3. Drawings and Plans – Available Under Separate Cover**
  - P0.00 Cover Sheet
  - P1.00 Existing Conditions – Aerial Photo
  - P1.10 Existing Conditions – Survey Mapping
  - P2.00 Preliminary Site Plan
  - P2.10 Preliminary Street Cross Sections
  - P2.11 Preliminary Street Cross Sections
  - P3.00 Preliminary Plat
  - P4.00 Preliminary Utility Plan

- P5.00 Preliminary Grading Plan
- P6.00 Annexation Plan
- P7.00 Zoning Map
- P8.00 Proposed Circulation and Connectivity
- P8.10 Open Space in Sub-district 6
- P9.00 Preliminary Phasing Plan
- L1.00 Tree Removal and Protection Plan
- L1.10 Existing Tree Data
- L2.00 Street Tree Planting Plan
- L2.10 Buffer and Tract B Planting and Notes
- L2.20 Landscape Tract Planting Plan
- L2.30 Landscape Tract Planting Plan
- L2.40 LIDA and Rain Garden Plans
- L3.00 Landscape Wall Details
- L3.10 Landscape Column Details
- L3.20 Planting Details
- B4.** Response to Frog Pond Ridge Subdivision Incompleteness Items Dated May 15, 2020
- B5.** *Revised Annexation Legal Description and Map*
- B6.** *Zone Map Amendment Legal Description and Map*

Development Review Team Correspondence

- C1.** Public Works & Other Engineering Requirements
- C2.** Engineering Memo Dated July 27, 2020, Regarding Requested Change to Street Cross-Sections
- C3.** Natural Resources Findings & Requirements
- C4.** *Comment Letter from Kenneth Kent, Clackamas County Engineering, Dated August 5, 2020*

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 January 10, 2020, with additional materials submitted on January 21, 22, and 27, 2020. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on February 12, 2020. The applicant submitted additional material on May 15, 2020. Planning Staff deemed the application complete on June 12, 2020. The City must render a final decision for the request, including any appeals, by October 10, 2020.

2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North	RRFF-5	Rural Residential/Agriculture
East	EFU	SW Stafford Road, Rural Residential/Agriculture
South	RN and PF	Single-family Residential (Frog Pond Meadows, under construction) Rural Residential/Agriculture (School District property)
West	RRFF-5	Rural Residential/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 held a pre-application conference for the proposal on November 14, 2019 (PA19-0021), 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: DB20-0007 Annexation**

*Note: ~~Only~~ ~~the 15.93~~ 17.57 acres in TLID 1500 and 1700, and a portion of SW Frog Pond Lane and SW Stafford Road right-of-way (ROW), are subject to this Annexation application.*

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

### **Comprehensive Plan-Annexation and Boundary Changes**

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

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

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

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

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

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

**Orderly, Economic Provision of Public Facilities and Services**

Implementation Measure 2.2.1.e. 1.

**A4.** The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant 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 Ridge site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

**Availability of Sufficient Land for Uses to Insure Choices over 3-5 Years**

Implementation Measure 2.2.1.e. 2.

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

**Wilsonville Development Code-Annexation**

**Authority to Review Quasi-Judicial Annexation Requests**

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

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

**Procedure for Review, Etc.**

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

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

**Adoption of Development Agreement with Annexation**

Subsection 4.700 (.05)

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



## Metro Code

### Local Government Boundary Changes Chapter 3.09

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

## Oregon Revised Statutes (ORS)

### Authority and Procedure for Annexation ORS 222.111

A10. The request meets the applicable requirements in State statute including the facts that the subject property is within the UGB and is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners ~~and a majority of electors~~ within the annexed area consent in writing to the annexation. *No electors reside within the territory proposed for annexation.*

### Procedure Without Election by City Electors ORS 222.120

A11. The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and the request meets the applicable requirements in State statute including the facts that all property owners ~~and a majority of electors~~ within the annexed area consent in writing to the annexation. *No electors reside within the territory proposed for 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 of which have been found to meet the Statewide Planning Goals.

## Request B: DB20-0008 Zone Map Amendment

*Note: Only the 15.93 acres in TLID 1500 and 1700 are subject to this application.*

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

### Comprehensive Plan

“Residential Neighborhood” on Comprehensive Plan Map, Purpose of “Residential Neighborhood” Designation  
Implementation Measure 4.1.7.a.

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

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

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

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

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

Residential Density  
Implementation Measure 4.1.4.u.

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

## Development Code

### Zoning Consistent with Comprehensive Plan Section 4.029

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

### Base Zones Subsection 4.110 (.01)

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

## Residential Neighborhood (RN) Zone

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

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

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

- B8.** Concurrent with the zone map amendment request the applicant requests approval of a 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)

- B9.** The proposed single-family use, number of units, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use unit count, the proposed Stage I area includes portions of medium lot Sub-districts 4 and 5 and small lot Sub-district 6. A full discussion of compliance with the sub-districts and residential density is included under Request C, Stage I Preliminary Plan.

## Request C: DB20-0009 Stage I Preliminary Plan

*Note: Only the 16.25-acre area shown on the Tentative Subdivision Plat (Sheet P3.00) is subject to this application. This does not include the 0.23 acre of ROW dedication from the West Linn-Wilsonville School District (a portion of TLID 400).*

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

### Comprehensive Plan

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

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

Urbanization for Adequate Housing for Workers Employed in Wilsonville, Jobs and Housing Balance  
Implementation Measures 2.1.1.b., 4.1.4.l., 4.1.4.p.

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

Encouraging Master Planning of Large Areas  
Implementation Measure 2.1.1.f.2.

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

City Obligated to do its Fair Share to Increase Development Capacity within UGB  
Implementation Measure 2.2.1.b.

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

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

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

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

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

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

- C8. The Frog Pond Area Plan and the Frog Pond West Master Plan identify a variety of single-family homes 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 to provide a housing product attractive to existing residents of the City as a whole, including current homeowners and current renters looking to purchase in a medium to high price range, similar to other nearby homes. The 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 Preliminary 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 about conformance with residential density requirements.

## Planned Development Regulations

### Planned Development Lot Qualifications

Subsection 4.140 (.02)

**C12.** The planned 71-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 16.25 acres and is suitable for planning and development. The property is not currently nor is it proposed to be zoned "PD" (Planned Development). Concurrently with the request for a Stage I Preliminary Plan, the applicant proposes to rezone the property to RN (Residential Neighborhood). Pursuant to the Frog Pond West Master Plan development in the RN zone follows the same planned development procedure as PDR zones.

### Ownership Requirements

Subsection 4.140 (.03)

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

- The property affected by the Stage I Preliminary Plan is under an application by the property owners.
- The applicant submitted a Stage I Preliminary Plan request on a form prescribed by the City.

- The applicant identified a professional design team and coordinator. See Finding C14.
- The applicant has stated the uses involved in the Stage I Preliminary Plan and their locations.
- The applicant provided boundary information.
- The applicant has submitted sufficient topographic information.
- The applicant provided a tabulation of the land area to be devoted to various uses.
- The applicant proposes up to three phases of development dependent on roadway and utility access as shown in Exhibit B3.
- 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 and surrounding areas. The amount of open space in the proposed development is consistent with the Frog Pond West Master Plan.

## **Residential Neighborhood Zone**

### Permitted Uses Subsection 4.127 (.02)

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

### Residential Neighborhood Sub-districts Subsection 4.127 (.05)

**C18.** The proposed Stage I Preliminary Plan area includes portions of medium lot Sub-districts 4 and 5, and small lot Sub-district 6. See also table in Finding B9.

### Minimum and Maximum Residential Units Subsection 4.127 (.06)

**C19.** The proposed single-family use, number of units, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use unit count, the proposed Stage I area includes portions of medium lot Sub-districts 4 and 5 and small lot Sub-district 6. The following table summarizes how the proposed residential units in each Sub-district are consistent with the Master Plan recommendations.

Frog Pond West Master Plan establishes a range of 86 to 107 units for Sub-district 4. Approximately 19.67% of Sub-district 4 is within the project area. To date, no applications have been approved for units within this sub-district, and the current application proposes

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Development Review Board Panel 'A' Staff Report August 10, 2020

Exhibit A1

**Revised August 24, 2020**

Frog Pond Ridge 71-Lot Single-Family Subdivision  
DB20-0007 through DB20-0014, SI20-0001

Page 36 of 76

21 lots, which is the maximum number allowed based on the percentage of the sub-district within the project area. The configuration of lots as proposed will allow for buildout of this part of the sub-district consistent with the Master Plan recommendations.

Subdistrict and Land Use Designation	Gross Site Area (ac)	Percent of Sub-district	Established DU range for Sub-district	DU Range for Site	Proposed DU	Total DU within Sub-district - Approved and Proposed
4 - R-7	5.93	19.67	86-107	17-21	21	0 Approved 21 Proposed 21 Total
5 - R-7	3.22	39.72 <sup>1</sup>	27-33	11-13	12	22 Approved <sup>2</sup> 12 Proposed 34 Total
6 - R-5	7.10	48.31	74-93	36-45	38	42 Approved <sup>2</sup> 38 Proposed 80 Total
Total	16.25			64-79	71	
<sup>1</sup> Including Lots 70 and 71 in Frog Pond Meadows <sup>2</sup> Previously approved in Frog Pond Meadows						

The established range for Sub-district 5 is 27 to 33 units. Approximately 39.72% of Sub-district 5 is within the project area and the applicant proposes 12 lots. The previously approved Frog Pond Meadows includes 22 lots within Sub-district 5. The combined total between the two projects is 34 lots, which is one more than the established range maximum. However, configuration of lots between SW Willow Creek Drive and SW Larkspur Terrace to accommodate Street M results in Lots 25-27 being split between Sub-districts 5 and 6. Since fewer than the maximum lots is proposed in Sub-district 6 and the combined total of proposed lots in Sub-districts 5 and 6 also is below the maximum, exceeding the established dwelling unit range in Sub-district 5 is acceptable and the proposed configuration of lots will allow for buildout of the sub-district consistent with the Master Plan recommendations.

The Frog Pond West Master Plan establishes a range of 74 to 93 units for Sub-district 6. Approximately 48.31% 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% of units as duplexes or attached two-unit homes. For Sub-district 6, the applicant proposes 38 lots, 8 of which are attached two-unit single-family homes (duplexes). This portion of the sub-district is less than 10 acres, so the 10% minimum does not apply. The previously approved Frog Pond Meadows includes 42 lots within Sub-district 6. The combined total between the two projects is 80 lots, which is within the established range for the sub-district. The



configuration of lots 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 Preliminary Plan area includes residential land designated R-5 in Sub-district 6 in the Frog Pond West Master Plan, thus the code requires 10% of the net developable area within this sub-district to be in open space. Net developable area does not include land for nonresidential uses, SROZ-regulated lands, streets and private drives, alleys and pedestrian connections. Of this open space, 50% is to be usable open space. Open space is provided in accordance with this criterion, as noted in Finding D14.

### **Request D: DB20-0010 Stage II Final Plan**

*Note: Only the 16.25-acre area shown on the Tentative Subdivision Plat (Sheet P3.00) is subject to this application. This does not include the 0.23 acre of ROW dedication from the West Linn-Wilsonville School District (a portion of TLID 400).*

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

#### **Planned Development Regulations**

##### Planned Developments Lot Qualification

Subsection 4.140 (.02)

**D1.** The planned 71-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 16.25 acres and is suitable for planning and development. The property is not currently nor is it proposed to be zoned "PD" (Planned Development). Concurrently with the request for a Stage I Preliminary Plan, the applicant proposes to rezone the property to RN (Residential Neighborhood). Pursuant to the Frog Pond West Master Plan development in the RN Zone follows the same planned development procedure as PDR zones.

##### Ownership Requirements

Subsection 4.140 (.03)

**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 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.

**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 Preliminary Plan the project is consistent with the Comprehensive Plan. This review includes review for consistency with the Frog Pond West Master Plan.

Traffic Concurrency  
Subsection 4.140 (.09) J. 2.

- 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 SWBoeckman Road and SW 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 adopted Fiscal Year 2020-21 budget, with an estimated date of completion in FY 2021-22. 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 of occupancy of the development. 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. Conditions of Approval ensure adherence to approved plans except for minor revisions approved by the Planning Director.

**General Residential Development Standards**

Effects of Compliance Requirements and Conditions on Cost of Needed Housing  
Subsection 4.113 (.13)

- D8. No parties have presented evidence nor has staff discovered evidence that provisions of this section are such that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.

Underground Utilities Required  
Subsection 4.118 (.02) and Sections 4.300 to 4.320

- 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 has submitted a SRIR for exempt development that is located within the SROZ and its associated 25-foot Impact Area (see Request I). Outside the SROZ, the developer will minimize grading to only what is required to install site improvements and build homes. The applicant has designed, and will construct, water, sewer, and stormwater infrastructure in accordance with the applicable City requirements in order to minimize adverse impacts on the site, adjacent properties, and surrounding resources.

**Residential Neighborhood (RN) Zone**

General Lot Development Standards  
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:

Standard	R-7 Medium Lot Sub-districts 4 and 5		R-5 Small Lot Sub-district 6		Compliance Notes
	Required	Proposed	Required	Proposed	
Min. Lot Size (Detached Single-family)	6,000 sf	6,000-8,795 sf	4,000 sf	4,000-5,664 sf	Standard is met.
Min. Lot Size (Attached Single-family/Duplex)	NA	NA	3,000 sf each (6,000 sf total)	4,569 sf each (9,142 sf total)	Standard is met.
Min. Lot Depth	60 ft	91-130.8 ft	60 ft	92-101.5 ft	Standard is met.
Min. Lot Width	35 ft	57-80 ft	35 ft	40-56.1 ft	Standard is met.
Max. Lot Coverage <sup>1</sup>	45%	45% max	60%	60% max	Standard is met. Example floor plan footprints range from 1,405 to 1,732 sq ft. One or more could be placed on each proposed lot without exceeding max. lot coverage.
Max. Bldg Height	35 ft	35 ft max	35 ft	35 ft max	Standard is met. Per applicant's materials, houses will be max 35 ft height.
Min. Front Setback	15 feet	15 ft min on all lots except Lots 19-21 reduce to 12 ft (Waiver requested)	12 ft	12 ft min	Standard can be met. Waiver requested to reduce front setback for Lots 19-21 from 15 feet to 12 feet.
Min. Rear Setback	15 feet	15 ft min	15 ft	15 ft min	Standard can be met.
Min. Side Setback	5 feet (10 feet for corner lots)	5 ft min (10 ft min on corner lots)	5 feet (10 feet for corner lots)	5 ft min (10 ft min on corner lots)	Standard can be met.
Min. Garage Setback from Alley	18 ft	18 ft. min	18 ft	18 ft. min	Standard can be met.
Min. Garage Setback from Street	20 ft	20 ft min	20 ft	20 ft min	Standard can be met.

<sup>1</sup> 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 SW Stafford Road  
Subsection 4.127 (.08) D. 1. a., Figure 10 of the Frog Pond West Master Plan

**D12.** Submitted plans show Lots 55, 56 and 60, and Tracts E, G and H adjacent to SW Stafford Road. Sheets L2.00 and L2.10 show a brick and aluminum wall along the SW Stafford Road frontage of Lots 55, 56 and 60, and Tracts E (north of pathway) and G, with a cedar split rail fence along Tract E (south of pathway). The design and materials for the wall and split rail fence are shown on Sheets L3.00 and L3.10, and are consistent with Figure 10 of the Frog Pond West Master Plan. Sheet L2.10 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 SW Willow Creek Drive and SW Frog Pond Lane for Medium and Small Lots

Subsection 4.127 (.08) D. 2.

**D13.** No driveways are proposed to access collector-designated portions of SW Willow Creek Drive or SW Frog Pond Lane within the project site. Access to the affected lots is provided from Private Alleys Q and S and Street M.

Open Space Requirements

Subsection 4.127 (.09)

**D14.** As stated in Subsection 4.127 (.09) B. 2., R-5 sub-districts require 10% of the net developable area to be in open space. Net developable area does not include land for nonresidential uses, SROZ-regulated lands, streets and private drives, alleys and pedestrian connections. Of this open space, 50% is to be usable open space.

The net developable area within the R-5 Sub-district 6 of the subject property is approximately 174,188 sf (Sheet P8.10). Therefore, the design must provide a minimum of 17,418 sf of open space, including 8,709 sf of usable open space. The proposed preliminary plat provides a total of 40,796 sf of open space, equaling 23.4% of the net developable area. The proposed usable open space totals 12,025 sf, equaling 69% of the required open space.

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

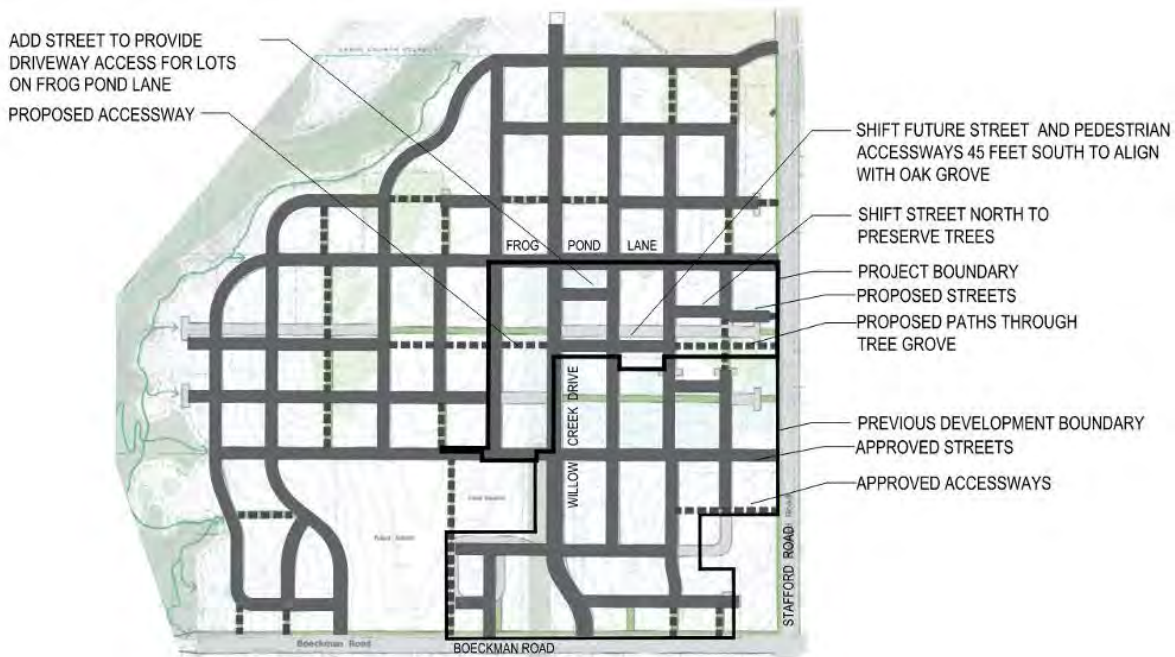
**D15.** The Street Demonstration Plan (Figure 18 of the Frog Pond West Master Plan), is an illustrative layout of the desired level of connectivity in the Frog Pond West neighborhood. The Street Demonstration Plan is intended to be guiding, not binding, allowing for flexibility provided that overall 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 that results in a modified grid configuration of streets. As shown in the illustration and summarized below, the applicant proposes to eliminate an east-west

street and shift the east-west pedestrian connection slightly to the south between Street I and SW Willow Creek Drive, creating one longer block between SW Brisband Street and SW Frog Pond Lane. Between SW Willow Creek Drive and SW Larkspur Terrace, Street M is added to provide driveway access for Lots 28-31 backing to SW Frog Pond Lane, and Street K is shifted 45 feet south to align with the tree grove and provide a continuous east-west pedestrian connection between SW Stafford Road and Street I. Street L, between SW Marigold Terrace and Street H, as well as Tract G, an access easement between SW Marigold Terrace and SW Stafford Road, are shifted north to preserve trees in the grove while providing adequate development area to meet required depth dimensions for Lots 60-69. The proposed variations provide substantially equivalent connectivity to the public, as required for a variation.

Consistency of the proposed modifications with Figure 18 is summarized and illustrated in the diagram below:

- North-South Alignments, from west to east:
  - Street I: Alignment generally consistent with Figure 18.
  - SW Willow Creek Drive: Alignment generally consistent with Figure 18.
  - SW Larkspur Terrace: Alignment generally consistent with Figure 18.
  - SW Marigold Terrace: Alignment generally consistent with Figure 18.
  - Street H: Alignment generally consistent with Figure 18.
- East-West Alignments, from south to north:
  - SW Brisband Street: Alignment generally consistent with Figure 18.
  - East-West Street, North of SW Brisband Street: Alignment not provided as shown on Figure 18.
  - Tracts A and E Pedestrian Connections, Streets K and L, and Tract G Private Street: Alignment generally consistent with Figure 18. Tract A pedestrian connection between Street I and SW Willow Creek Drive and Street K alignment shifted 45 feet south to align with Tract E pedestrian connection through oak grove. Street L and Tract G Private Street alignment shifted north to preserve trees in oak grove.
  - Street M: New street not shown on Figure 18. Alignment added to provide driveway access for Lots 28-31 that back to SW Frog Pond Lane.



PROPOSED CIRCULATION AND CONNECTIVITY PLAN

The proposed modified grid pattern provides an efficient street connection to SW 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 SW 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 review of building permits for individual homes.

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

**D17.** The applicant proposes two alleys throughout the subdivision. The first of these, Private Alley Q, is located in an easement and will provide access to the rear of single-family detached Lots 13-20. As required by the Frog Pond West Master Plan, these homes will be oriented to SW Willow Creek Drive and will take access from the alley; therefore, the garages will be oriented to the alley.

Due to the change in grade in this portion of the site (see Sheet P5.00), retaining walls of 1 to 3 feet in height will be required along the rear of Lots 5-12, and access to these lots from Private Alley Q is not possible. As such, Lots 5-12 are oriented to and will take access from Street I. A 2-foot non-access landscape easement is shown along the rear of these lots to prevent future dwellings from abutting Private Alley Q. A Condition of Approval ensures that garages for Lots 5-12 are oriented to Street I.

Private Alley S is located in an easement and will provide access to Lots 52-59.

Individual dwelling designs will be reviewed at the time of building permit submittal at which time the City will verify compliance with these standards. As shown on the applicant's plan sheets, all example dwellings will include garages that meet the standards of this section.

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

- D18.** As the R-5 small lot sub-district portion of the subdivision is only 7.10 acres in size, the 10% minimum requirement of this subsection does not apply. However, the applicant proposes 8 attached single-family homes on Lots 52-59. These lots, 4 of which are located on street corners, comprise 21% of the 38 homes proposed in this portion of the subdivision.

#### Fences Subsection 4.127 (.17)

- D19.** Where practicable, columns for the wall along SW Stafford Road 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 SW Stafford Road. No fences are proposed within 8 feet of SW Stafford Road; fences on adjacent lots within 8 feet of the wall will be perpendicular to the wall. 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)

- D20.** Lots 60-69 are adjacent to the proposed private open space to the south (Tract E). These lots are not subject to these standards, however, the applicant intends to create an attractive appearance for open space users.



## **SROZ Regulations**

### Uses and Activities Exempt from These Regulations

Section 4.139.04

- D21.** The proposed road related impacts, such as improvements related to SW Willow Creek Drive and SW Brisband Street, are exempt from 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, or involve installation of public streets and utilities specifically mapped with a municipal utility master plan, the Transportation System Plan, or a capital improvement plan. Encroachments into the SROZ from the proposed stormwater piping and outfalls are also exempted as service connection laterals and service utility extensions. See also Request I.

## **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. In addition to the sidewalk system, pedestrian/bicycle connections are proposed through Tract E and through the block bounded by SW Willow Creek Drive and Street I (Tract A). These additional connections are consistent with Figure 18 of the Frog Pond West Master Plan. The proposal also enables connections to future adjacent development. To ensure full access and function of the planned pathway system for the public, a Condition of Approval 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 sidewalks and pathways providing safe, direct, and convenient connections consistent with Figure 18 of the Frog Pond West Master Plan.

### Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

- D24.** The proposed design vertically and or horizontally separates all sidewalks and pathways from vehicle travel lanes except for driveways and crosswalks. Tract A, between SW Willow Creek Drive and Street I, will use contrasting paving materials where it crosses Private Alley Q to clearly delineate pedestrian crossing.

## Crosswalks Delineation

Section 4.154 (.01) B. 4.

- D25.** A Condition of Approval requires all crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast).

## Pathway Width and Surface

Section 4.154 (.01) B. 5.

- D26.** The applicant proposes all pathways to be concrete, asphalt brick/masonry pavers, or other durable surface, and at least 5 feet wide, meeting or exceeding the requirement.

## Parking Area Design Standards

### Minimum and Maximum Parking

Subsection 4.155 (.03) G.

- 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 current review they are anticipated to meet minimum dimensional standards to be considered a parking space as well as fully accessible. A Condition of Approval requires the dimensional standards to be met.
I. Surfaced with asphalt, concrete or other approved material	<input checked="" type="checkbox"/>	Garages and driveways will be surfaced with concrete.
Drainage meeting City standards	<input checked="" type="checkbox"/>	Drainage is professionally designed and being reviewed to meet City standards.
Subsection 4.155 (.03) General Standards		
A. Access and maneuvering areas adequate	<input checked="" type="checkbox"/>	Parking areas will be typical single-family design adequate to maneuver vehicles and serve needs of homes.

A.2. To the greatest extent possible, vehicle and pedestrian traffic separated	☒	Pursuant to Section 4.154, pedestrian circulation is separate from vehicle circulation by vertical separation except at driveways and crosswalks.
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**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.

Double-Frontage Lots  
Subsection 4.169 (.01) and (.02)

**D30.** Four double-frontage lots are proposed. Lots 28-31 have frontage on SW Frog Pond Lane to the north and Street M to the south. The buildings on these lots will be subject to front yard setbacks on both streets at the time of building permit review.

**Protection of Natural Features and Other Resources**

General Terrain Preparation  
Section 4.171 (.02)

**D31.** The site has been planned and designed to avoid the natural features on the site, including a tree grove and a wetland. Grading, filling, and excavating will be conducted in accordance with the Uniform Building code. The site will be protected with erosion control measures and the delineated wetland on site will be staked prior to commencement of site work to avoid damage to vegetation or injury to habitat. The removal of trees is necessary for site development, but replacement trees will be planted per the provisions of this code.

Trees and Wooded Areas  
Section 4.171 (.04)

**D32.** Existing vegetation will not be disturbed, injured or removed prior to land use and permit approvals. Existing trees have been retained wherever possible; however, trees will need to be removed to provide area for home construction. The existing grove of trees in the southeast area of the site has been prioritized for protection and incorporated into an open space that is a continuation of the open space approved with the Frog Pond Meadows development to the south. The finished pathway will be built on grade according to the construction plan specified in the Arborist Report, and its location within the grove will be somewhat flexible to allow the project arborist and construction crew to preserve large roots that may be encountered.

Lots 63, 64, 67 and 68 encroach into the root protection zone (RPZ) of protected trees in the grove. A condition of approval will require the lots to be subject to a tree protection easement so that building footprints are outside RPZs. Alternative construction techniques will be used where intrusion into the RPZs cannot be avoided. Trees 55832 and 55850 have long errant branches and limbs that extend into lots and building footprints of Lots 63, ~~64~~, 67, and 68 abut the RPZs of these trees. Branch and root pruning that may be needed for these trees will be supervised and conducted by an ISA Certified Arborist.

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

### Earth Movement Hazard Area

Subsection 4.171 (.07)

**D33.** The applicant performed geotechnical investigations on all of the subject properties and found no earth movement hazards. A geotechnical report is provided in Exhibit B2.

### Historic Resources

Subsection 4.171 (.09)

**D34.** Neither the applicant nor the City have identified any historic, cultural, or archaeological items on the sites, nor does any available information on the history of the site compel further investigation.

## Public Safety and Crime Prevention

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

Section 4.175

**D35.** The design of the Frog Pond Ridge development deters crime and ensures public safety. The lighting of the streets and pedestrian connections allow for visibility and safety. The orientation of homes toward streets provides “eyes on the street.” All dwellings will be addressed per Building and Fire Department requirements to allow identification for emergency response personnel. Dwellings will have exterior porch lighting, which will support the streetlights to provide safety and visibility.

## Landscaping Standards

### Intent and Required Materials

Subsections 4.176 (.02) C. through I.

**D36.** Planting areas along the street and open spaces within the subdivision are generally open and are not required to provide any specific screening, thus the design of the landscaping follows the general landscaping standards. The plantings include a mixture of ground

cover, shrubs, trees, and stormwater swale plantings. Conditions of approval will ensure the planting of street trees consistent with the Frog Pond West Master Plan. Ground cover and shrubs cover the non-tree landscape areas.

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

D37. 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. At least 15% of the total lot area for each single-family dwelling will be landscaped; conformance with this standard will be reviewed at the time of building permit submittal. There are no parking areas proposed and no parking area landscaping is required. The landscape plans included in the applicant's materials (Sheets L2.00-L2.40) illustrate the location and type of landscaping within public rights-of-way and tracts.

### Street Improvement Standards-Generally

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

D38. The proposed streets appear to meet the City's Public Works Standards and Transportation System Plan. Further review of compliance with Public Works Standards and Transportation System Plan will occur with review and issuance of the Public Works construction permit. The required street improvements are consistent with the cross sections shown in the Frog Pond West Master Plan with the following exceptions that have been reviewed and approved by the City Engineer (see Exhibits C1 and C2):

- SW Willow Creek Drive between SW Brisband Street and Street K: The City Engineer approved a revised cross-section for SW Willow Creek Drive as part of the Frog Pond Meadows application that will be mirrored on the western side of the street in the Frog Pond Ridge subdivision to complete the tree protection median previously approved.
- Street K between SW Willow Creek Drive and SW Larkspur Terrace: The applicant proposes a slight narrowing of Street K to allow the stormwater facility in Tract C to expand slightly. In addition, it allows the southern sidewalk to better align with the multiuse path within Tract A to the west (see Sheets P2.00 and P2.10 for details).
- Street L between SW Marigold Terrace and Street H: The applicant proposes a modified cross-section for Street L to preserve trees in Tract E while providing adequate development area within lots backing to the open space.

The applicant also proposes a revision of the SW Brisband Street right-of-way improvements to minimize impacts to the SROZ. This revision proposes reducing the right-of-way width by utilizing curb tight sidewalk (eliminating planter strips) and

incorporating retaining walls at the SW Brisband Street crossing. (See Sheets P2.00 and P5.00.)

#### Street Design Standards-Future Connections and Adjoining Properties

Subsection 4.177 (.02) A.

**D39.** The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. Future connections to adjacent sites are anticipated to the north, west and east. The proposed design provides for continuation of streets with Frog Pond Meadows to the south, including SW Willow Creek Drive, SW Larkspur Terrace, SW Marigold Terrace, and SW Brisband Street, consistent with the Frog Pond West Master Plan.

#### City Engineer Determination of Street Design and Width

Subsection 4.177 (.02) B.

**D40.** 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 Finding D38, above, and in Exhibits C1 and C2. 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.

**D41.** The tentative subdivision plat shows right-of-way dedication. See Request F.

#### Waiver of Remonstrance Required

Subsection 4.177 (.02) C. 2.

**D42.** This Subsection requires that a waiver of remonstrance against formation of a local improvement district (LID) be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of recordation of a final plat. This requirement is contained in the Development and Annexation Agreement the developer must enter into prior to issuance by the City of any public works permits within the annexation area for the project. The applicant has requested that the template of the Development and Annexation Agreement be revised to provide for release of the restrictive covenant waiving right of remonstrance in light of the developer's obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee in accordance with the agreement. The revised language will condition release of the LID Waiver for a specific parcel within the Frog Pond Ridge development upon official recording of the release of the waiver only after payment of these fees, and will require the developer to pay all costs and fees associated with the City's release of the waiver. The City Council will consider this revision of the template at their September 10, 2020 meeting, prior to the public hearing considering the Frog Pond Ridge annexation and zone map amendment

(Requests A and B of the current application before the DRB). A Condition of Approval outlines the process to be followed with respect to the required LID Waiver and its release for a specific parcel.

#### Dead-end Streets Limitations

Subsection 4.177 (.02) D.

**D43.** The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. A portion of Street L (Tract G) is a private dead-end street approximately 170 ft. long serving Lots 60-63. It dead ends at SW Stafford Road and will not be extended in the future. SW Brisband Street is a public dead-end street that dead ends at the southwest corner of the subject site. As shown on the Street Demonstration Plan, SW Brisband Street will be extended in the future when development occurs to the west. Notification of extension will be posted on the west end of SW Brisband Street as required by a Condition of Approval.

#### Street Improvement Standards-Clearance

##### Corner Vision Clearance

Subsection 4.177 (.02) E.

**D44.** Street locations and subdivision design allow the meeting of vision clearance standards.

##### Vertical Clearance

Subsection 4.177 (.02) F.

**D45.** 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.

**D46.** 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)

**D47.** The applicant proposes sidewalks along all public street frontages abutting proposed lots, except along SW 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)

**D48.** The proposed street cross-sections (as shown on Sheets P2.10 and P2.11) comply with the street classifications and cross-sections identified in the Frog Pond West Master Plan with the exceptions noted in Finding D38 (see Exhibits C1 and C2). The SW Stafford Road and SW Willow Creek Drive cross-sections include buffered bike lanes. Bikes will share the vehicular lane with vehicles in the local streets.

## **Street Improvement Standards-Multiuse Pathways**

### Pathways in Addition to, or in Lieu of, a Public Street

Subsection 4.177 (.05)

**D49.** Pedestrian and bicycle accessways are proposed through Tract E, connecting to proposed Street L to the north and SW Alder Lane to the south (within the Frog Pond Meadows development). Another pedestrian and bicycle connection (Tract A) is proposed to connect SW Willow Creek Drive and proposed Street I.

## **Street Improvement Standards-Transit Improvements**

### Transit Improvements Requirements

Subsection 4.177 (.06)

**D50.** The applicant does not propose any transit improvements within the proposed subdivision or the SW Stafford Road frontage. There is not currently transit service along SW 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.

**D51.** The applicant proposes one residential private access drive, Tract G, which is a portion of Street L. It will provide primary vehicular access to Lots 60-63, the maximum of 4 lots set by this subsection.

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

Subsection 4.177 (.07) B.

**D52.** At the time of construction document submittal, the design shall be stamped by a professional engineer registered in the state of Oregon. A Condition of Approval ensures



the design of the private access drive (Tract G) 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.

**D53.** The orientation of the homes fronting the private access drive and the short length of the drive enables addressing the homes off the nearby public street.

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

**D54.** A Condition of Approval 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.

**D55.** The applicant does not propose any offset intersections.

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

**D56.** Streets within the development are local streets, with the exception of SW Willow Creek Drive and a portion of SW Frog Pond Lane, which are Collectors. Per Table 3-2 of the Transportation System Plan, minimum access spacing standards along a Collector is 100 ft, and the desired access spacing is 300 ft. All proposed local street connections to SW Willow Creek Drive and SW Frog Pond Lane exceed the minimum access spacing standard of 100 ft. In most cases, access spacing is approximately 200 ft to accommodate a side lot orientation to Collector streets while adhering as close as possible to the Frog Pond West Master Plan Street Demonstration Plan. No individual lot accesses are proposed to SW Willow Creek Drive or SW Frog Pond Lane, and access to each lot is proposed from local streets. Other streets within the subdivision are local streets, which are not subject to minimum spacing standards.

**Request E: DB20-0011 Site Design Review of Parks and Open Space**

*Note: Only the 16.25-acre area shown on the Tentative Subdivision Plat (Sheet P3.00) is subject to this application. This does not include the 0.23 acre of ROW dedication from the West Linn-Wilsonville School District (a portion of TLID 400).*

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

## Objectives of Site Design Review

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

E1. Project elements subject to Site Design Review include: tracts and their landscaping; landscaping in the public right-of-way; the brick wall along SW Stafford Road; retaining walls; and park or open space furnishings. The proposed development is intended to advance the vision for Frog Pond West by incorporating the natural areas on site, providing attractive streetscapes, and enhancing the existing neighborhood to the south and the future neighborhoods to the west and north. The proposed professionally designed landscaping provides stormwater, air quality, and other site functions while demonstrating consistency with the Frog Pond West Master Plan. The landscaping also adds to the high quality visual environment. By functioning properly and contributing to a high quality visual environment, the proposed design fulfills the objectives of Site Design Review.

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

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

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

Development Review Board Jurisdiction  
Section 4.420

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

## Design Standards

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

E4. Tract B includes the existing Willow Creek drainage and riparian area west of SW Willow Creek Drive, and Tract E in the southeast part of the project site includes mature oak and ponderosa pine trees. No grade changes are proposed for Tract B and the trees in Tract E will be protected and preserved.

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

- E5. Structures proposed for the site include a brick wall along the SW Stafford Road frontage and retaining walls. The brick wall along SW Stafford Road was designed in accordance with the Frog Pond West Master Plan and consists of a 4-ft wall with a 2-ft wrought iron fence on top (see Sheet L3.00). Brick columns with concrete caps are placed at regular intervals along the site frontage and the wall will end at the southern edge of Lot 60 to allow visual and physical access to the open space.

## Surface Water Drainage Subsection 4.421 (.01) D.

- E6. As demonstrated in the applicant's plans, attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. The location of LIDA facilities within the planter strips of the public streets and details of LIDA facility planting are shown in Sheets P2.00 and L2.40, and the location of stormwater facilities within tracts is shown in Sheet P4.00. Appendix B in Exhibit B2 includes the Preliminary Drainage Plan.

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

- E7. The applicant proposes no above ground utility installations. Existing overhead lines will be undergrounded except for high voltage power lines not technically feasible to underground along SW Stafford Road. Each lot will be served by a sanitary sewer line (see Sheet P4.00). Storm sewage disposal is provided by a storm drain system connecting to each on-site stormwater facility.

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

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

## Applicability of Design Standards Subsection 4.421 (.02)

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

## Conditions of Approval Ensuring Proper and Efficient Functioning of Development Subsection 4.421 (.05)

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

## Site Design Review Submission Requirements

Submission Requirements  
Section 4.440

E11. The applicant has provided a sufficiently detailed landscape plan and street tree plan to review the streetscape and open space areas subject to Site Design Review. The applicant's design team has coordinated the design of the landscaping wall along the SW Stafford Road frontage with the previously approved Frog Pond Meadows and Stafford Meadows developments.

## Time Limit on Site Design Review Approvals

Void after 2 Years  
Section 4.442

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

## Installation of Landscaping

Landscape Installation or Bonding  
Subsection 4.450 (.01)

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

and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping.

Approved Landscape Plan  
Subsection 4.450 (.02)

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

Landscape Maintenance and Watering  
Subsection 4.450 (.03)

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

Modifications of Landscaping  
Subsection 4.450 (.04)

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

**Natural Features and Other Resources**

Protection  
Section 4.171

E17. The proposed design of the site provides for protection of natural features and other resources consistent with the proposed Stage II Final Plan for the site as well as the purpose and objectives of Site Design Review. See Findings D31 through D34 under Request D.

**Landscaping**

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

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

Intent and Required Materials  
Subsections 4.176 (.02) C. through I.

E19. The general landscape standard applies throughout different landscape areas of the site and the applicant proposes landscape materials to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which

includes an analysis of the functional application of the landscaping standards. See Finding D36 under Request D.

#### Quality and Size of Plant Material Subsection 4.176 (.06)

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

#### Landscape Installation and Maintenance Subsection 4.176 (.07)

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

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

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

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

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

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

### **Public Lighting Plan**

#### Lighting of Key Intersections

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

**E24.** Figure 42 of the Frog Pond West Master Plan identifies the intersection of SW Frog Pond Lane and SW Stafford Road as a key intersection for the purposes of public lighting. As shown on Sheets P4.00, the applicant proposes one Westbrooke light fixture (35W LED lighting and 18' decorative aluminum pole with 20 ft mounting height and 4 ft mast arm)

at this intersection. Using a Westbrooke fixture at this key intersection and along SW Frog Pond Lane helps achieve the goals within this transition zone, including minimizing visual conflicts between the different styles of lighting equipment. As shown on Sheet L2.10, placement of this light pole has been coordinated with and does not interfere with the landscaping and gateway feature at the intersection. A Condition of Approval ensures that, this key intersection is more brightly lit than local streets to act as a wayfinding “beacon” for all travelers. consistent with the Frog Pond West Master Plan, which identifies the SW Frog Pond Lane/SW Stafford Road intersection as a “Key Intersection”, includes a Public Lighting Plan and recommended lighting plan hierarchy, and recommends the Key Intersections be more brightly-lit than other intersections to act as a wayfinding beacon for travelers, the applicant must submit a street and intersection lighting photometric analysis to Engineering for review and approval. The photometric analysis must be designed in accordance with quantitative requirements referenced in the Public Works Standards and by the street functional classifications, and the zone where the streets are located. For example, street lights on SW Frog Pond Lane, SW Stafford Road, and at the intersection between the two roads must be designed brighter in comparison to other Local Streets since SW Frog Pond Lane is designated as a Collector Street and SW Stafford Road is designated as an Arterial Street.

#### Lighting of Local Streets

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

- E25. As shown on Sheet P4.00, proposed street lights on local streets are PGE Option ‘B’ LED with Westbrooke 35W LED and 18’ decorative aluminum pole (20 ft mounting height with 4 ft mast arm). These are dark sky friendly and located with a professionally designed layout to minimize negative effects on future homes, provide for safety, use a consistent design established by the Frog Pond West Master Plan, and to not conflict with placement of street tree and utilities.

#### Lighting of Pathways

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

- E26. The applicant’s plans show lighting along the pedestrian path in Tract A. One street light is located at the west end of the pathway in Tract E, however, no other lighting is shown along the pathway through the tract. A Condition of Approval requires, consistent with the Frog Pond West Master Plan, which includes a Public Lighting Plan and recommended lighting plan hierarchy, and recommends that pedestrian connections, trailheads and paths be uniformly illuminated to define a hierarchy of travel routes, and that such illumination follow the Public Works Standards for Shared-Use Path Lighting, the applicant, in consultation with the City Engineer, to study determine if additional pedestrian-scale lighting consistent with the City’s Public Works Standards and the Frog Pond West Master Plan is warranted along the pathway in Tract E 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

**E27.** Figure 43 of the Frog Pond West Master Plan identifies SW Willow Creek Drive, SW Brisband Street, and SW Frog Pond Lane as Primary Streets for the purpose of the street tree plan. The applicant proposes Red Oak along the entire length of SW Willow Creek Drive, American Linden along the entire length of SW Brisband Street, and Red Alder along the entire length of SW Frog Pond Lane. Both Red (Scarlet) Oak and American Linden trees are listed for primary streets on page 81 of the Frog Pond West Master Plan; however, Red Alder is not on the list for primary streets. The applicant coordinated the tree selections for SW Willow Creek Drive and SW Brisband Street with previously-approved street tree plans in the Stafford Meadows and Morgan Farm subdivisions. A Condition of Approval requires that tree selection for SW Frog Pond Lane be from the list for Primary Street Trees on page 81 of the Frog Pond West Master Plan.

### Neighborhood Streets Street Trees

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

**E28.** Figure 43 of the Frog Pond West Master Plan identifies all other streets within the site as Neighborhood Streets for the purpose of the street tree plan. The proposed street trees, with the exception of those along Streets I and K, 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 Street I has Oregon Oak along its entire length; this tree is not on the Neighborhood Street Tree list
- North-South SW Larkspur Terrace has Skycole Honeylocust along its entire length, consistent with the Frog Pond Meadows subdivision to the south
- North-South SW Marigold Terrace has American Yellowwood along its entire length, consistent with the Frog Pond Meadows subdivision to the south
- North-South Street H has Halka Honeylocust along its entire length
- East-West Street K has American Linden along its entire length; this tree is not on the Neighborhood Street Tree list
- East-West Street L has Glenleven Little Leaf Linden along its entire length
- East-West Street M has Red Sunset Maple along its entire length

A Condition of Approval requires that street tree selection for Streets I and K be from the list of Neighborhood Street Trees on page 82 of the Frog Pond West Master Plan.

### Pedestrian Connections Street Trees

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

**E29.** The applicant proposes Western Red Cedar along the pedestrian connection in Tract A. This tree is not on the Pedestrian Connection Tree list on page 83 of the Frog Pond West Master



Plan. A Condition of Approval requires that tree selection for the pedestrian connection in Tract A be from the list of Pedestrian Connection Trees on page 83 of the Frog Pond West Master Plan.

The applicant does not propose any additional trees along the pedestrian connection in Tract E, as this connection passes through a grove of mature Oregon White Oak trees. Additional 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

**E30.** The intersection of SW Frog Pond Lane and SW Stafford Road, at the northeast corner of the Frog Pond Ridge subdivision property, is a planned Neighborhood Gateway in the Frog Pond West Master Plan. The role of Neighborhood Gateways is to mark the primary entries into the Frog Pond West Neighborhood. The Buffer Planting Plan for SW Stafford Road (Sheet L2.10) indicates a gateway sign at the southwest corner of the SW Frog Pond Lane/SW Stafford Road intersection. Details of the landscape wall and Neighborhood Gateway sign (Sheet L3.00) demonstrate that the required design elements, including use of brick to blend with the SW Boeckman Road property frontage wall, a brick monument properly scaled and respectful of the SW Boeckman Road frontage context, and a simple brick form that is integrated with the landscape, are provided in the proposed design. The gateway sign emphasizes the Frog Pond neighborhood identity, as required, and does not identify the individual subdivision.

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

**E31.** As required by a Condition of Approval, all street name signs will ***be installed prior to Final Plat approval and*** utilize the City-approved sign cap throughout the subdivision, matching the design used in the Frog Pond Meadows, Stafford Meadows, and Morgan Farm subdivisions. The proposed sign cap is shown on Sheet L3.00. The developers will buy the signs from the City to ensure uniformity throughout the Frog Pond West neighborhood.

## Request F: DB20-0012 Tentative Subdivision Plan

*Note: Only the 16.25-acre area shown on the Tentative Subdivision Plat (Sheet P3.00) is subject to this application. This does not include the 0.23 acre of ROW dedication from the West Linn-Wilsonville School District (a portion of TLID 400).*

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

### Land Division Authorization

#### Plat Review Authority

Subsection 4.202 (.01) through (.03)

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

#### Undersized Lots Prohibited

Subsection 4.202 (.04) B.

- F2.** The proposed lots meet the dimensional standards of the RN zone and the R-7 and R-5 sub-districts. See Finding D11 under Request D.

### Plat Application Procedure

#### Pre-Application Conference

Subsection 4.210 (.01)

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

#### Tentative Plat Preparation

Subsection 4.210 (.01) A.

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

#### Tentative Plat Submission

Subsection 4.210 (.01) B.

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

#### Phases to Be Shown

Subsection 4.210 (.01) D.

- F6.** The applicant proposes development in three phases as shown in the Preliminary Phasing Plan (Sheet P9.00). However, phases may be permitted/constructed/platted separately or in

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Development Review Board Panel 'A' Staff Report August 10, 2020

Exhibit A1

Revised August 24, 2020

Frog Pond Ridge 71-Lot Single-Family Subdivision

DB20-0007 through DB20-0014, SI20-0001

Page 63 of 76

combined phases, and the order of development may change, depending on availability of roadway access and utility services, as well as 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 conforms with the Transportation System Plan, Frog Pond West Master Plan, and other applicable plans.

The 2006 Bicycle and Pedestrian Master Plan identifies an improvement, Community Walkway/Bikeway C10, within the site area. The 2017 Frog Pond West Master Plan incorporates a Bicycle and Pedestrian Framework (Figure 17), which identifies bicycle lanes and sidewalks along SW Willow Creek Drive and SW Stafford Road adjacent to the project frontage. The development will construct SW Willow Creek Drive and the bicycle/pedestrian facilities associated with it. The SW Stafford Road facilities will be constructed as part of the City's SW Stafford Road project.

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

#### Adjoining Streets Relationship

Subsection 4.236 (.02)

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

#### Streets Standards Conformance

Subsection 4.236 (.03)

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

## Topography

Subsection 4.236 (.05)

**F11.** The street layout recognizes topographical conditions, including the location of the SROZ on site and no street alignment adjustments from the Frog Pond West Master Plan are necessary.

## Reserve Strips

Subsection 4.236 (.06)

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

## Future Street Expansion

Subsection 4.236 (.07)

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

## Additional Right-of-Way

Subsection 4.236 (.08)

**F14.** SW Stafford Road east of the site is of inadequate width. The project will dedicate 12 feet of additional right-of-way to the street. SW Frog Pond Lane north of the site is of inadequate width. The project will dedicate 21.5 feet of additional right-of-way to the street. A Condition of Approval ensures dedication of sufficient right-of-way for planned improvements along SW Stafford Road and SW Frog Pond Lane.

## Street Names

Subsection 4.236 (.09)

**F15.** SW Frog Pond Lane has been identified by the Frog Pond West Master Plan as a Gateway Collector from SW Willow Creek Drive east to SW Stafford Road. SW Willow Creek Drive is identified as a Gateway Collector south of SW Brisband Street, and transitions to an Internal Collector north of SW Brisband Street. SW Larkspur Terrace, SW Marigold Terrace, and SW Brisband Lane have been established by previous development applications in the Frog Pond Meadows and Stafford Meadows subdivisions. Streets H, I, K, L, and M in the Frog Pond Ridge subdivision will conform to the City’s established name system. These streets will be subject to approval by the City Engineer who will check all street names to not be duplicative of existing street names and otherwise conform to the City’s street name system at the time of the Final Plat review.

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

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

**F16.** The proposed blocks substantially conform to Figure 18 of the Frog Pond West Master Plan. See Finding D15 under Request D. The proposed blocks allow for lots meeting the minimum size and other dimensional standards for the relevant sub-districts of the Frog Pond West Master Plan. See Finding D11 under Request D.

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

Utility Line Easements  
Subsection 4.237 (.02) A.

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

Water Courses  
Subsection 4.237 (.02) B.

**F18.** The applicant proposes a dedicated tract for the Willow Creek drainage and associated SROZ area west of SW Willow Creek Drive.

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

Mid-block Pathways Requirement  
Subsection 4.237 (.03)

**F19.** Per Section 4.124(.06), the maximum block length for new Planned Development land divisions is 330 feet. Two of the proposed blocks exceed this length and pedestrian pathways are proposed to comply with the mid-block pathways requirement. One pathway connects Street H to SW Alder Lane to the south (within the Frog Pond Meadows development) through Tract E. The second connects SW Willow Creek Drive to Street I via Tract A. Per the standards and where required for consistency with the Frog Pond West Master Plan, the proposed pathways are 10 feet wide. Conditions of Approval ensure 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 (.04)

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

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

Lot Size and Shape Appropriate  
Subsection 4.237 (.05)

**F21.** The size, width, shape, and orientation of lots comply with the identified sub-districts in the Frog Pond West Master Plan, with a minimum front setback waiver requested for Lots 19-21. See Finding D11 in Request D, and Request H.

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

Minimum Street Frontage  
Subsection 4.237 (.06)

**F22.** The full width of the front lot line of each lot fronts a public street or private drive. 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)

**F23.** Almost all side lot lines run at a 90-degree angle to the front line.

Corner Lots  
Subsection 4.237 (.13)

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

## **Lots of Record**

Lots of Record  
Section 4.250

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

## Request G: DB20-0013 Type C Tree Removal Plan

*Note: Only the 16.25-acre area shown on the Tentative Subdivision Plat (Sheet P3.00) is subject to this application. This does not include the 0.23 acre of ROW dedication from the West Linn-Wilsonville School District (a portion of TLID 400).*

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

### **Type C Tree Removal**

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

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

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

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

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

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

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

Preservation and Conservation  
Subsection 4.610.10 (.01)

**G4.** There are no trees proposed for removal within the SROZ. Proposed land clearing is limited to designated street rights-of-way and areas necessary for construction of homes. Homes will be designed and constructed, as much as possible, to blend into the natural areas on the site.

Per the arborist's report included as Appendix F in Exhibit 2, there are 50 trees on site. Twenty-one (21) of the trees are identified for protection on site and 29 will be removed. In addition, 11 trees not located on site will require tree protection to ensure off-site tree health. Of the trees to be preserved on-site, 20 are part of the oak grove located within Tract E and one is located within the SW Willow Creek Drive median.

As shown on Sheet L1.00, most of the trees to be removed are located within the grading limits of SW Frog Pond Lane, SW Marigold Terrace, and SW Brisband Street. The location of those streets was determined by the Frog Pond West Master Plan and the City's block length and perimeter standards. Removal of the trees is necessary for construction of site improvements, including utilities, streets, and detached residential dwellings. In addition, grading of each lot is needed to accommodate single-family dwellings and associated site improvements (driveways and walkways, stormwater management, outdoor yard areas, etc.). Reducing building footprints by increasing height is not a viable alternative as the height limit in the RN zone is 35 ft., or 2.5 stories.

#### Development Alternatives

Subsection 4.610.10 (.01) C.

- G5.** The Frog Pond West Master Plan provides clear direction for street connections, residential densities, and preservation of the SROZ. Preservation and conservation of 21 of 50 trees on the site, including 20 that are part of the oak grove located within Tract E, is proposed. In addition, the applicant will mirror modifications to the SW Willow Creek Drive cross section north of SW Brisband Street included in Frog Pond Meadows to preserve a 34-inch Oregon White Oak in excellent condition. Special care is required for preservation of this tree during construction. Conditions of Approval ensure this criterion is met.

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

Subsection 4.610.10 (.01) D.

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

#### Residential Development to Blend into Natural Setting

Subsection 4.610.10 (.01) E.

- G7.** Preservation and enhancement of the SROZ area, as well as preservation of the oak grove as open space within Tract E, allows the development to blend with the natural elements of the property. The project area is otherwise relatively flat land without significant natural features with which to blend.

#### Compliance with All Applicable Statutes and Ordinances

Subsection 4.610.10 (.01) F.

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

#### Tree Relocation and Replacement, Protection of Preserved Trees

Subsection 4.610.10 (.01) G.

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



Tree Removal Limitations  
Subsection 4.610.10 (.01) H.

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

### **Additional Standards for Type C Permits**

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

**G11.** The applicant submitted the required Tree Survey, and Tree Maintenance and Protection Plan (see Appendix F and Sheets L1.00 and L1.10).

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

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

### **Type C Tree Plan Review**

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

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

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

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

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

**G15.** The proposed subdivision allows residential 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)

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

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

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

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

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

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

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

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

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

**Tree Relocation, Mitigation, or Replacement**

Tree Replacement Required  
Subsection 4.620.00 (.01)

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

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

**G22.** The applicant proposes mitigating removed trees on a basis well in excess of one tree for each tree removed, proposing 107 replacement street trees (see Sheet L2.00 Street Tree Planting Plan). Staff does not recommend any inch per inch mitigation. Sheets L2.00 through L2.40 show all trees proposed for planting as mitigation as 2-inch caliper, or the equivalent 6- to 8-foot for conifer trees.

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

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

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

**G24.** As shown on the Street Tree Planting Plan (Sheet L2.00), replacement trees consist of street trees. Trees will likely be planted on the individual dwelling lots at the time of site development but are not proposed to be included in the replacement tree plans. The applicant does not propose to pay into the City Tree Fund.

**Protection of Preserved Trees**

Tree Protection During Construction  
Section 4.620.10

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

**Request H: DB20-0014 Minimum Front Setback Waiver**

*Note: Only the 16.25-acre area shown on the Tentative Subdivision Plat (Sheet P3.00) is subject to this application. This does not include the 0.23 acre of ROW dedication from the West Linn-Wilsonville School District (a portion of TLID 400).*

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

**Waivers: Waive Minimum Front Yard Setback**

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

**H1.** The applicant requests a waiver to reduce the required minimum front setback from 15 feet to 12 feet for Lots 19-21. 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.

**H2.** 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 SW Willow Creek Drive right-of-way. The east right-of-way of SW Willow Creek Drive and the related public utilities were realigned in the Frog Pond Meadows subdivision to allow a 22-foot protection zone around the tree's roots. Lots 19-21 in Frog Pond Ridge front on the west right-of-way of SW Willow Creek Drive. In order to allow the 22-foot root protection zone, it is necessary to reduce the size of these lots to provide the required space for the street improvements and to allow for development of the lots with adequate space for single-family houses. The waiver would meet the purpose of this subsection by providing flexibility and allowing a site design that is able to respond to site characteristics.

### **Request I: SI 20-0001 SRIR Review**

*Note: Only the 16.25-acre area shown on the Tentative Subdivision Plat (Sheet P3.00) is subject to this application. This does not include the 0.23 acre of ROW dedication from the West Linn-Wilsonville School District (a portion of TLID 400).*

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

#### **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, B and C) were not included in the City's Natural Resources Inventory and do not qualify as locally significant due to their size (i.e., less than 0.5 acre). 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 four to six feet, which flows from north to south. The stream receives surface water from the surrounding pastures and agricultural fields. The channel bed is unvegetated and dominated by a silt loam substrate lacking gravels and cobbles. Typical vegetation includes common velvet grass, Himalayan blackberry and 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

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Development Review Board Panel 'A' Staff Report August 10, 2020

Exhibit A1

Revised August 24, 2020

Frog Pond Ridge 71-Lot Single-Family Subdivision

DB20-0007 through DB20-0014, SI20-0001

Page 73 of 76

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**

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

- SW Brisband Street Crossing with an 18-inch culvert.

#### Use and Activities Exempt from These Regulations Section 4.139.04

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

- (.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 street crossing is necessary to establish the internal road network. The street is 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.

- I2.** 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.

- I3.** The proposed exempt development is allowed 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.

- I4.** 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.

- I5.** The proposed mitigation is consistent with the Development Code provisions. The mitigation will provide an enhancement 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.

- I6.** The impacts to the SROZ have been minimized by reducing the right-of-way width by utilizing curb tight sidewalk (eliminating planter strips) and incorporating retaining walls at the SW Brisband Street crossing.

On-Site Mitigation  
Subsection 4.139.06 (.03) F.

- I7.** Impacts to the SROZ will be mitigated for on-site.

Material for non-structural fill  
Subsection 4.139.06 (.03) G.

**I8.** Non-structural fill will consist of natural materials similar to the soil types found on the site.

Minimum Fill  
Subsection 4.139.06 (.03) H.

**I9.** 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.

**I10.** 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.

**I11.** The applicant intends to submit a joint permit application for impacts to jurisdictional wetlands, which will require permit approval from the Oregon Department of State Lands and the Army Corps of Engineers.



August 18, 2020

Kenneth Kent, Clackamas Co. Engineering  
Clackamas County  
150 Beaver Creek Road  
Oregon City, OR 97045

Dear Mr. Kent,

The Planning Division is in receipt of your memo dated August 5, 2020 regarding DB20-0012, 71-lot Subdivision, Frog Pond Ridge. Thank you for your review and comment. In the memo, the County requests six (6) Conditions of Approval all pertaining to Frog Pond Lane, which is currently designated as a County Road, recommending improvements on that frontage be built to County standards and coordinated with the County's Engineering Division. In response to these concerns, City staff reached out to County staff to provide further clarification on the development application approval process and resolve the issues raised. This letter summarizes that discussion and provides a formal response to the County's request.

Annexation and jurisdictional transfer of Frog Pond Lane to the City of Wilsonville are included as part of this development application and will be considered by the City Council on September 10, 2020. Frog Pond Lane is a local access road and not designated an arterial by Clackamas County. Thus, the City will assume jurisdiction of Frog Pond Lane adjacent to the area annexed for the above-referenced development at time of annexation, per the statement below from the adopted Clackamas County – City of Wilsonville Urban Growth Management Agreement (UGMA):

“Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within or abutting the area annexed...Arterial roads will be considered for transfer on a case-by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.”

In recent telephone conversations, both the City and County agree to the transfer of jurisdiction and to pursue this process as outlined in ORS 373.270 to the extent required. The City will initiate this at time of annexation as previously agreed upon in the UGMA and will not approve improvements to the frontage prior to transfer of the road. After which, the City's frontage improvements and permitting processes will apply to Frog Pond Lane as it will be in the City of Wilsonville and exclusively under our road authority.



City of Wilsonville  
Exhibit A3 DB20-0007 et al



Based on these findings of fact, the conditions recommended in the County's memo are no longer necessary and do not need to be incorporated into the City's staff report and conditions of approval for this land use application. City staff believe this is the best course of action and will continue to recommend conditions of approval related to City standards and processes for frontage improvements. As you are aware, the hearing on this application was originally scheduled on August 10, 2020, and was subsequently continued to a date certain of August 31, 2020. At that time, the DRB will consider approval, with or without conditions, and recommendation to the City Council for which a hearing is scheduled for September 10, 2020.

Please do not hesitate to contact me if you have any additional questions or concerns. If the County is in support of the above conclusions and jurisdictional transfer of the road, I welcome additional communication for the record.

Thank you,



Miranda Bateschell  
Planning Director  
503.570.1581  
[bateschell@ci.wilsonville.or.us](mailto:bateschell@ci.wilsonville.or.us)

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**FROG POND RIDGE ANNEXATION**

August 7, 2020 (Otak #19489)

Those properties described in Bargain and Sale Deed to the Trustees of the William Ray Morgan and Janice Ellen Morgan Revocable Living Trust U/D/T October 20, 2009, recorded April 24, 2013 as Document No. 2013-027934, and in Statutory Warranty Deed to West Hills Land Development, LLC recorded as Document No. 2018-062022, both of Clackamas County Records, together with the abutting rights of way of S.W. Stafford Road and S.W. Frog Pond Lane, in the southeast quarter of Section 12, Township 3 South, Range 1 West, and the southwest quarter of Section 7, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with no cap found at the southeast corner of said Document No. 2013-027934 property, said POINT OF BEGINNING being on the west right of way line of said S.W. Stafford Road North 01°40'13" East a distance of 1287.07 feet and North 88°35'30" West a distance of 30.00 feet from the southeast corner of said southeast quarter of Section 12;

thence along the north line of that property described in Special Warranty Deed to West Hills Land Development LLC recorded August 20, 2019 as Document No. 2019-049723, Clackamas County Records, North 88°35'30" West a distance of 1015.93 feet;

thence along the west line of said Document No. 2019-049723 property South 01°40'13" West a distance of 429.07 feet to the north line of Partition Plat No. 2019-047, Clackamas County Records;

thence along said north line and the westerly extension thereof, North 88°35'30" West a distance of 507.30 feet to the southeast corner of that property conveyed in Document No. 91-036369, Clackamas County Records;

thence along the east line of said Document No. 91-036369 property North 01°37'43" East a distance of 15.64 feet to the southwest corner of that property described in Quitclaim Deed to Amy Thurmond recorded as Document No. 99-022102, Clackamas County Records;

thence along the south line of said Document No. 99-022102 property South 88°31'31" East a distance of 209.95 feet;



thence along the east line of said Document No. 99-022102 property and the northerly extension thereof, North 01°39'15" East a distance of 875.56 feet to a point on the north right of way line of S.W. Frog Pond Lane (County Road No. 2362) being parallel with and 33.00 feet northerly of, when measured at right angles to, the north lines of said Document No. 2018-062022 and 2013-027934 properties;

thence along said north right of way line and the easterly extension thereof, South 88°35'30" East a distance of 1373.54 feet to a point on the east right of way line of said S.W. Stafford Road being parallel with and 30.00 feet easterly of, when measured at right angles to, the section line common to said Sections 7 and 12 also being the centerline of said S.W. Stafford Road;

thence along said east right of way line, South 01°40'13" West a distance of 461.89 feet;

thence North 88°35'30" West a distance of 30.00 feet to a point on said section line common to said Sections 7 and 12 and the centerline of S.W. Stafford Road;

thence continuing North 88°35'30" West a distance of 30.00 feet to the POINT OF BEGINNING.

Contains 17.57 acres, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

DIGITALLY SIGNED  
2020.08.07 07:35:32-07'00'

OREGON  
NOVEMBER 12, 2013  
MICHAEL D. SPELTS  
87475PLS

RENEWS: JUNE 30, 2022



SCALE: 1" = 300'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

DIGITALLY SIGNED  
2020.08.07 07:35:09-07'00'

OREGON  
NOVEMBER 12, 2013  
MICHAEL D. SPELTS  
87475PLS

RENEWES: JUNE 30, 2022

DOC. NO.  
01-002679

DOC. NO.  
88-038319

DOC. NO.  
2017-036685

S.W. FROG POND LANE (C.R. NO. 2362) S88°35'30"E 1373.54'

12 7

S.W. STAFFORD ROAD (MARKET ROAD NO. 12)

S01°40'13"W 899.95'

33.00'

33.00'

30.00'

60.00'

DOC. NO. 2013-027934

P.O.B.

N88°35'30"W 1075.93'

1015.93'

DOC. NO. 2019-049723

30.00'

30.00'

N01°40'13"E 1287.07'

N01°37'43"E  
15.64'

209.95'  
S88°31'31"E

N01°39'15"E 875.56'

DOC. NO. 2018-062022

S01°40'13"W 429.07'

N88°35'30"W 507.30'

S.W. BRISBAND STREET

PARCEL 1  
P.P. 2019-047

PARCEL 2

STAFFORD  
MEADOWS

S.W. BOECKMAN ROAD C.R. 80

12 7  
13 18

Otak

808 SW 3rd Ave., Ste. 800  
Portland, Oregon 97204  
Phone: (503) 287-6825  
www.otak.com  
project: 19489

EXHIBIT A

PAGE 3 OF 3

FROG POND RIDGE ANNEXATION AREA  
IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, &  
THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 1 EAST,  
WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

AUGUST 7, 2020

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**FROG POND RIDGE ZONE MAP AMENDMENT**

August 18, 2020 (Otak #19489)

Those properties described in Bargain and Sale Deed to the Trustees of the William Ray Morgan and Janice Ellen Morgan Revocable Living Trust U/D/T October 20, 2009, recorded April 24, 2013 as Document No. 2013-027934, and in Statutory Warranty Deed to West Hills Land Development, LLC recorded October 9, 2018 as Document No. 2018-062022, both of Clackamas County Records, in the southeast quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with no cap found at the southeast corner of said Document No. 2013-027934 property, said POINT OF BEGINNING being on the west right of way line of said S.W. Stafford Road North 01°40'13" East a distance of 1287.07 feet and North 88°35'30" West a distance of 30.00 feet from the southeast corner of said southeast quarter of Section 12;

thence along the north line of that property described in Special Warranty Deed to West Hills Land Development LLC recorded August 20, 2019 as Document No. 2019-049723, Clackamas County Records, North 88°35'30" West a distance of 1015.93 feet;

thence along the west line of said Document No. 2019-049723 property South 01°40'13" West a distance of 429.07 feet to the north line of Partition Plat No. 2019-047, Clackamas County Records;

thence along said north line and the westerly extension thereof, North 88°35'30" West a distance of 507.30 feet to the southeast corner of that property conveyed in Document No. 91-036369, Clackamas County Records;

thence along the east line of said Document No. 91-036369 property North 01°37'43" East a distance of 15.64 feet to the southwest corner of that property described in Quitclaim Deed to Amy Thurmond recorded as Document No. 99-022102, Clackamas County Records;

thence along the south line of said Document No. 99-022102 property South 88°31'31" East a distance of 209.95 feet;



thence along the east line of said Document No. 99-022102 property,  
North 01°39'15" East a distance of 842.56 feet to a point on the south right of  
way line of S.W. Frog Pond Lane (County Road No. 2362);

thence along said south right of way line and the north line of said Document No.  
2018-062022 and 2013-027934 properties, South 88°35'30" East a distance of  
1313.53 feet to a point on said west right of way line being parallel with and  
30.00 feet easterly of, when measured at right angles to, the section line  
common to said Sections 7 and 12 also being the centerline of said S.W. Stafford  
Road;

thence along said east right of way line, South 01°40'13" West a distance of  
428.89 feet to the POINT OF BEGINNING.

Contains 15.94 acres, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

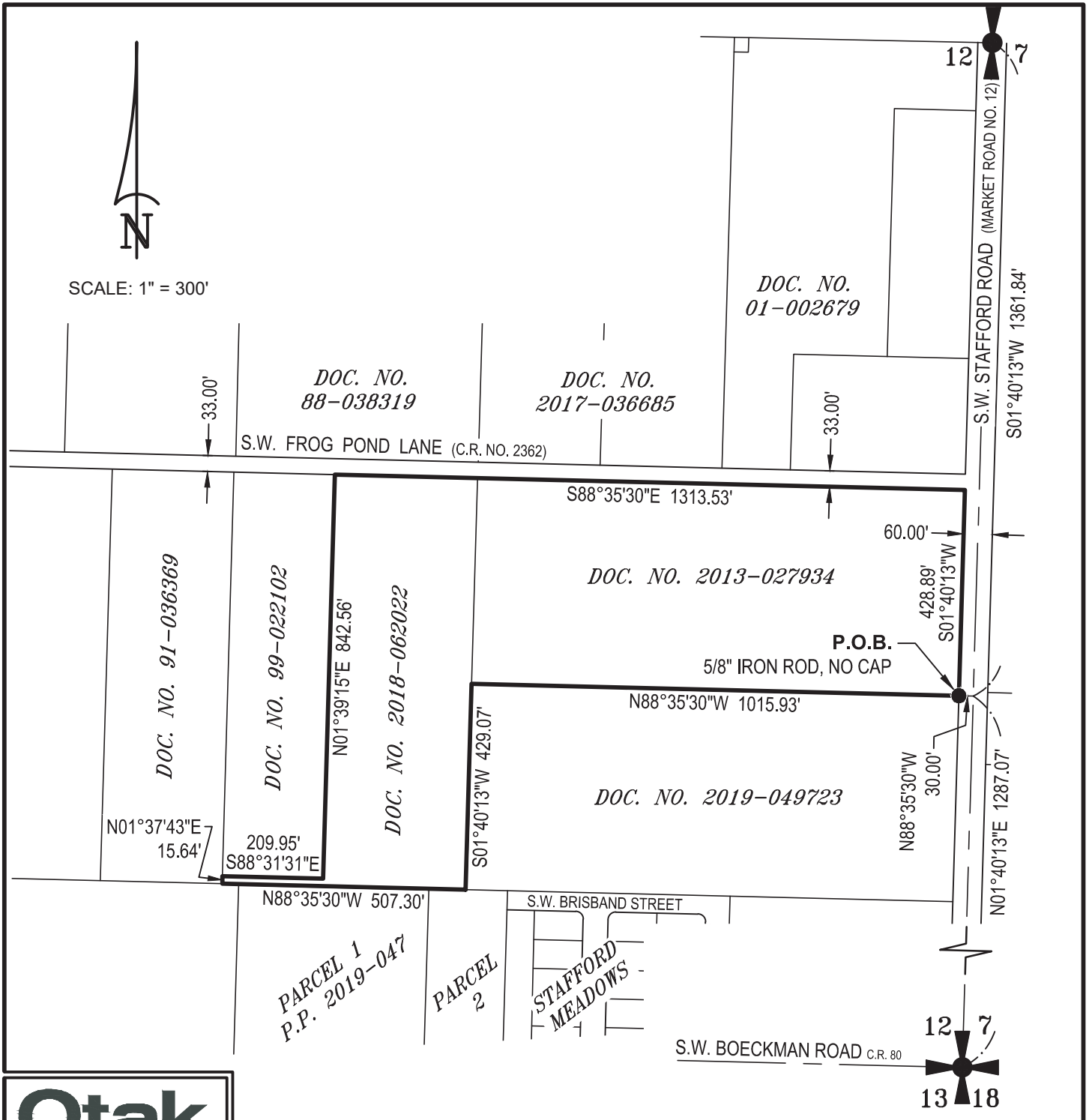
DIGITALLY SIGNED  
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project: 19489

## EXHIBIT A

PAGE 3 OF 3

FROG POND RIDGE ZONE MAP AMENDMENT AREA  
IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, &  
THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 1 EAST,  
WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

AUGUST 18, 2020



DAN JOHNSON

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

TO: City of Wilsonville  
FROM: Kenneth Kent, Clackamas County Engineering  
DATE: August 5, 2020  
RE: DB20-0012, 71-Lot Subdivision, Frog Pond Ridge  
31W12D 01500 and 01700

This office has the following comments pertaining to this proposal:

1. The project site fronts on the south side of SW Frog Pond Lane, which is a roadway under the jurisdiction of Clackamas County. Submittal of plans and issuance of a Development Permit from Clackamas County for access and frontage improvements on SW Frog Pond Lane will be required. It appears that the City of Wilsonville has jurisdiction over SW Stafford Road extend to the north side of the intersection with SW Frog Pond Lane
2. SW Frog Pond Lane is currently classified as a rural local roadway by Clackamas County. With the proposed annexation and development roadway will be developed to an urban standard. The minimum right-of-way width for an urban local roadway is 54 feet. It appears the one half right-of-way width along the applicant's frontage is 16.5 feet. The applicant will be required to dedicate approximately 10.5 feet of additional right-of-way along the entire site frontage so there is a minimum 27-foot one half right-of-way width. In addition, an 8-foot wide public easement for sign, slope and public utilities will be required along the entire frontage of SW Frog Pond Lane.
3. The stormwater management plan for the project street frontage proposes to address storm drainage along the SE Frog Pond Lane frontage with water quality swales along portion of the SW Frog Pond Lane frontage, within the public right-of-way. Although, the Clackamas County Roadway Standards allow for "green street" stormwater approaches, it is considered on a case by case basis. The county does not currently maintain green-street facilities. The county will require that the city provide an agreement from the homeowners association that included provisions for ongoing maintenance of the stormwater facilities. The proposed development will be required to comply with the rules and regulations of the City and Chapter 4 of the Clackamas County Roadway Standards.
4. Clackamas County standards require that the roadway system serving a development has adequate capacity to handle the additional traffic generated by the development. The traffic study on file with the county addressing the development site is the Frog Pond Stafford Meadows Transportation Impact Study by DKS, dated October 16, 2018. Based on this study, it appears SW Frog Pond Lane and the intersection with SW Stafford Road will operate at adequate levels. It should be noted that this development will contribute vehicles trips to the SW Stafford Rd/65<sup>th</sup> Avenue/Elligsen Road intersection to the north. The county has been in communication with the city regarding this intersection and has indicated that it should be evaluated as development occurs in the Frog Pond area.





## **CONCLUSION**

Although the County does not have land use jurisdiction over the on-site land use, the County does have jurisdiction over access and improvements along the SW Frog Pond Lane frontage. However, the following recommended conditions reflect the County's minimum standards. Where the City's street cross-sections differ and are more stringent, and do not otherwise conflict with maintenance standards, the County may accept the City's street cross section standards.

If the City of Wilsonville approves the request, the following conditions of approval are recommended. If the applicant is advised to or chooses to modify the proposal in terms of access location and/or design following the preparation of these comments, this office requests an opportunity to review and comment on such changes prior to a decision being made.

1. All required street, street frontage and related improvements shall comply with the standards and requirements of the Clackamas County Roadway Standards unless otherwise noted herein.
2. Prior to commencement of site work the applicant shall obtain a Development Permit from the Clackamas County Engineering Division for design and construction of required improvements within the SW Frog Pond Lane right-of-way
3. The applicant shall dedicate approximately 10.5 feet of right-of-way along the entire site frontage on SW Frog Pond Lane and verify by a professional survey that a 27-foot wide, one-half right-of-way width exists. Additional right-of-way width shall be dedicated as necessary to encompass the required frontage improvements, with a minimum of 6 inches provided at the back of sidewalk
4. The applicant shall grant an 8-foot wide public easement for sign, slope and public utilities along the entire frontage of SW Frog Pond Lane.
5. The applicant shall design and construct improvements along the entire site frontage of SW Frog Pond Lane to the local roadway standards, per Clackamas County Roadway Standards, Standard Drawing C110. These improvements shall consist of:
  - a. A one half-street improvement with a minimum paved width of 16 feet from the centerline of the right-of-way. The structural section shall be designed and constructed per Standard Drawing C100 for an urban local roadway.
  - b. The half street improvement design shall include cross sections every 25 feet per Roadway Standards Section 250.7.5. The design shall demonstrate that the new curb line and cross slope to the existing centerline allow for construction of a curb on the opposite side of the road with cross slopes that meet minimum standards. The extent of the half street improvements may require work extend across the right-of-way centerline, per Roadway Standards Section 225.5
  - c. Inbound and outbound tapers shall be provided per Section 250.6.4 of the Clackamas County Roadway Standards.
  - d. Standard curb, or curb and gutter if curblane slope is less than one percent, with the curb face located 16 feet from the centerline of the right-of-way. Curb and gutter is required through all curb returns.

- e. A 5-foot wide unobstructed sidewalk shall be constructed per Standard Drawing S960. There shall be a minimum of 6 inches between the back of sidewalk and right-of-way.
  - f. A minimum 5-foot wide landscape strip shall be provided between the sidewalk and curb. Street trees shall be provided within the landscape strip along the entire site frontage at 25-40-foot spacing, based on tree species.
  - g. If vegetated water quality swales are proposed in the SW Frog Pond Lane right-of-way, a minimum 1-foot wide concrete step out area shall be provided adjacent to the curb, as approved by the Engineering Division.
  - h. Dual curb ramps shall be constructed at all intersection with SW Frog Pond Lane, per ODOT Standard Drawings.
  - i. Storm drainage facilities shall be provided in conformance with *Clackamas County Roadway Standards* Chapter 4. Any surface water runoff from the site to the SW Frog Pond Lane right-of-way shall be detained outside of the right-of-way in conformance with *Clackamas Roadway Standards*. The city shall require that a maintenance agreement with the homeowners association is executed, including provisions for ongoing maintenance for water quality vegetated swales located within the public right-of-way. The agreement shall include a maintenance and operation plan, as approved by DTD Engineering.
  - j. Adequate intersection sight distance, per Section 240 of the *Clackamas County Roadway Standards* shall be provided at the intersections with SW Frog Pond Lane. Intersection sight distance shall be a minimum of 280 feet based on a design speed of 25 MPH.
5. Utility trench cuts and backfill on SW Frog Pond Lane will be required to local road standards, per Standard Drawing U275. When there are multiple utility service trenches in the road the trench repairs will grind and inlay the top 2” of the pavement restoration to include a minimum 12” tee beyond the furthest trench, and to combine multiple trenches into one surface repair.