



Exhibit A1  
Staff Report  
Frog Pond Vista 38-Lot Subdivision

Development Review Board Panel 'A'  
Quasi-Judicial Public Hearing  
Amended and Adopted March 14, 2021  
Added language **bold italics underline**  
Removed language ~~struck through~~

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**Hearing Date:** March 14, 2022

**Date of Report:** March 7, 2022

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**Application Nos.:** DB21-0057 Annexation  
DB21-0058 Zone Map Amendment  
DB21-0059 Stage I Preliminary Plan  
DB21-0060 Stage II Final Plan  
DB21-0061 Site Design Review of Parks and Open Space  
DB21-0062 Tentative Subdivision Plat  
DB21-0063 Type C Tree Removal Plan  
SI21-0003 SROZ Boundary Verification  
SI21-0004 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, SROZ Boundary Verification, and SRIR Review

**Location:** 6901 SW Frog Pond Lane. The property is specifically known as TLID 500, and a portion of Frog Pond Lane right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

**Owners:** Darrell and Sandi Lauer

**Applicant:** Venture Properties, LLC (Contact: Kelly Ritz)

**Applicant's Rep.:** AKS Engineering & Forestry, LLC (Contact: Mimi Doukas, AICP)

**Comprehensive Plan Designation:** Residential Neighborhood

**Zone Map Classification (Current):** Tax Lot 500- RRFF-5 (Clackamas County designation – Rural Residential Farm Forest 5-Acre)

**Zone Map Classification (Proposed):** Residential Neighborhood (RN)

**Staff Reviewers:** Philip Bradford, Associate Planner  
 Amy Pepper, PE, Development Engineering Manager  
 Kerry Rappold, Natural Resources Manager

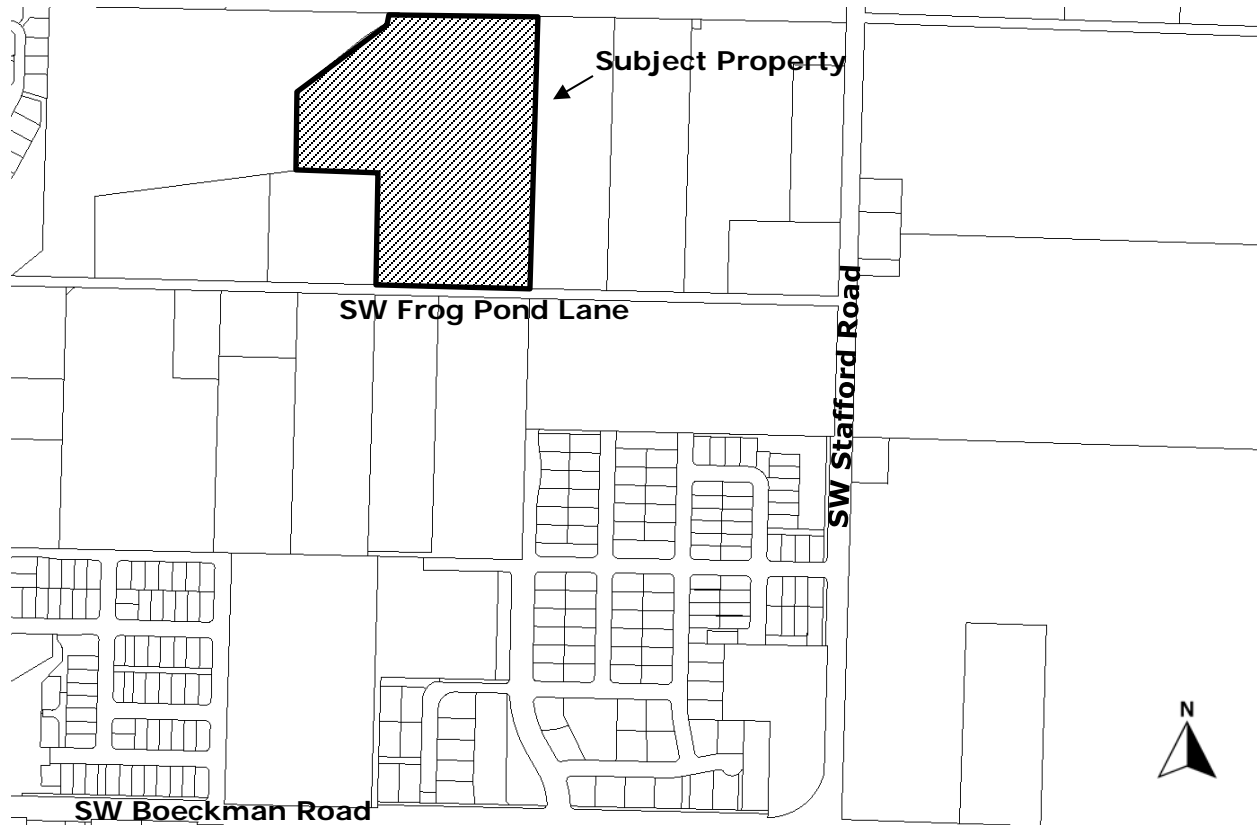
**Staff Recommendation:** Recommend approval to the City Council of the Annexation and Zone Map Amendment, approve with conditions the Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Plan, SROZ Map Verification, and SRIR 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 4.139 through 4.139.11	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Sections 4.156.01 through 4.156.11	Signs
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes
Sections 4.200 through 4.290	Land Divisions
Sections 4.300 through 4.320	Underground Utilities

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

## Vicinity Map



## Background:

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

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

The proposed 38-lot subdivision is the sixth development proposal in Frog Pond West, following the 29-lot Frog Pond Crossing subdivision to the east, the 71-lot Frog Pond Ridge, 44-lot Stafford Meadows and 74-lot Frog Pond Meadows subdivisions to the south and the 78-lot Morgan Farm subdivision to the west. The subdivision will connect to the previously approved Frog Pond Ridge subdivision, blending together as one cohesive neighborhood consistent with the Frog Pond West Master Plan.

The City recently adopted local development regulations related to the allowance of middle housing types in response to state law and local equitable housing policies. As part of this work, changes were adopted to the Comprehensive Plan, Zone Map, Development Code, Villebois Village and Frog Pond West Master Plans, and Old Town Neighborhood Plan. The plan and associated Zone Map and Development Code amendments went into effect on November 18, 2021. As the subject applications were submitted to the City on October 20, 2021, the standards applicable at the time the City received the application (Section 4.127, Residential Neighborhood, see Exhibit A2) are used in determining compliance of the proposed subdivision with City standards. Construction of homes on the proposed lots will be subject to the revised Development Code standards for permitted uses and lot development standards.

Several nearby land use applications have been submitted for sites near the subject property. Frog Pond Estates (DB21-0065-0071) and Frog Pond Oaks (DB21-0072-0079) are located to the south and east of Frog Pond Vista and contain features such as street extensions, pedestrian connections, and street trees that will interface with this application. Staff have reviewed this application in the context of these properties ensure all shared components are consistently applied across each subdivision.

### **Application Summary:**

#### **Annexation (DB21-0057)**

The area proposed for annexation is contiguous to land currently in the City, within the UGB, and master planned for residential development. All property owners in TLID 500 have consented in writing to the annexation. Two electors reside within the area proposed for annexation.

#### **Zone Map Amendment (DB21-0058)**

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 annexed area consistent with this intention.

#### **Stage I Preliminary Plan (DB21-0059)**

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

large lot Sub-district 8, and medium lot Sub-district 9. See Finding C17 for a more detailed discussion on how the proposal meets the required density in each sub-district consistent with the Master Plan recommendations.

The Frog Pond West Master Plan establishes range for Sub-district 8 is 43-53 lots. Approximately 47% of Sub-district 8 is within the project area and the applicant proposes 25 lots. The established range for Sub-district 9 is 10-13 lots. All of Sub-district 9 is within the project area. The applicant proposes 13 lots, meeting the proportional density requirement for the site.

#### Stage II Final Plan (DB21-0060)

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

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

Regarding the protection of natural features and other resources, the project design avoids disturbance of these features and resources. The site is generally flat, varying by approximately 11 feet from center of the site (243 ft. elevation) to the western corner (175 ft. elevation), with a low point where Boeckman Creek passes through the property.

#### Site Design Review (DB21-0061)

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

#### Tentative Subdivision Plat (DB21-0062)

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

#### Type C Tree Removal Plan (DB21-0063)

There are 144 trees inventoried on and off-site as part of the proposed development. The majority of the tree removal on site will take place toward the center of the site where trees will be removed due to construction of proposed public streets and residential lots.

Forty-eight (48) of the trees inventoried are located on the subject property. . Fourteen (14) trees are proposed for removal due to construction. The applicant proposes planting 82 new trees in the form of 73 street trees, 5 trees within the pedestrian connection (Tract F), and 4 trees within the open space (Tract A and B). The proposed mitigation (Sheets P-16- P-17) is in excess of the 1:1 mitigation requirement for tree removal.

#### SROZ Boundary Verification (SI21-0003)

Consistent with the Development Code requirements, a verification of the SROZ boundary is required at the time an applicant requests a land use decision. The applicant conducted a detailed site analysis consistent with Development Code requirements, which the City’s Natural Resources manager reviewed to verify the SROZ boundary.

#### SRIR Review (SI21-0004)

The applicant requests approval of a Significant Resource Impact Report (SRIR) for exempt development located within the Significant Resource Overlay Zone and its associated 25-foot impact area. The impacts to the SROZ are necessary for the construction of the Boeckman Creek trail and storm water infrastructure.

Proposed exempt development in the SROZ and its associated 25-foot impact area include the following:

- 1) A regional bicycle and pedestrian trail
- 2) Storm water facilities in open space areas
- 3) A stormwater outfall – installation of pipe and outfall structure

### **Discussion Points – Verifying Compliance with Standards:**

This section provides a discussion of key clear and objective development standards that apply to the proposed applications. The Development Review Board will verify compliance of the proposed applications with these standards.

#### Consistency with Statewide Planning Goals

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

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

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

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

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

### Traffic Impacts

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

- Boeckman Road/Parkway Avenue
- Boeckman Road/Canyon Creek Road
- Boeckman Road/Advance Road/Stafford Road/Wilsonville Road
- Stafford Road/Frog Pond Lane
- Stafford Road / SW 65th Avenue

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 and Stafford Road and SW 65<sup>th</sup> Ave. 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. In order to address deficiencies with the SW Boeckman Road and SW Canyon Creek Road intersection, the City has identified fully signaling this intersection as part of project Urban Upgrade-01 (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 2021-22 budget with construction planned to commence in 2023. Thus, the future signalized intersection can be used for the purpose of determining Level of Service (LOS) for this project and meeting City LOS standards.

The Stafford Road / SW 65<sup>th</sup> Avenue intersection is under Clackamas County jurisdiction and currently fails to meet County operating standards under 2021 conditions. In the Clackamas County 20-Year Capital Project List, a proposed future roundabout at the Stafford Road / SW 65<sup>th</sup> Ave / Elligsen Road intersection (Project ID 1079) is the recommended improvement. In the City of Wilsonville TSP, a traffic signal or roundabout has been identified as a High Priority Project Spot Improvement-03 (SI-03) at the same intersection. The City of Wilsonville's share cost of the project is 25% of the total project cost with the County funding the remaining portion. The developer's Transportation System Development Charge (SDC) will contribute to the City's share of the proposed intersection improvement costs. The improvements will be constructed on the timeline set forth by the County's 20-Year Capital Project List. In the meantime, the City's Boeckman Creek Corridor Project, which includes improving the intersection of Canyon Creek Road and Boeckman Road, will also include temporary signalization at the Stafford Road / SW 65<sup>th</sup> Avenue intersection, which will improve the flow of traffic at this intersection.

#### Balancing Uses in Planter Strips

Many design elements compete for space within the planter strips between sidewalks and streets. These elements include street trees, stormwater facilities, and streetlights while accommodating appropriate spacing from underground utilities and cross access by pedestrians. For various reasons, it is not practical to place street trees and streetlights in stormwater swales. To balance these uses, the City recommends that the applicant's plans prioritize street tree and street lighting placement with appropriate spacing from utility laterals and water meters, then placing stormwater facilities where space remains available and placement is desirable. The applicant's plans achieve the desired balance with all street trees placed within the planter strip, with stormwater facilities and other elements located in the remaining space.

#### Boeckman Creek Trail and Connections

The applicant will construct a portion of the Boeckman Creek Regional Trail along the western portion of the property. As noted in the Frog Pond West Master Plan, this trail will run along the western edge of the Frog Pond neighborhood, with access provided via trailheads at the termination of east-west streets in Frog Pond. The Boeckman Creek Regional Trail will be located in Tract A, an open space tract including the SROZ and adjacent areas. The applicant proposes dedication of this tract to the City of Wilsonville. Condition of Approval PDF 7 ensures that the dedication of this tract does not take place until environmental site assessments are completed and provided to the City and that the entirety of the Regional Trail is located within Tract A.

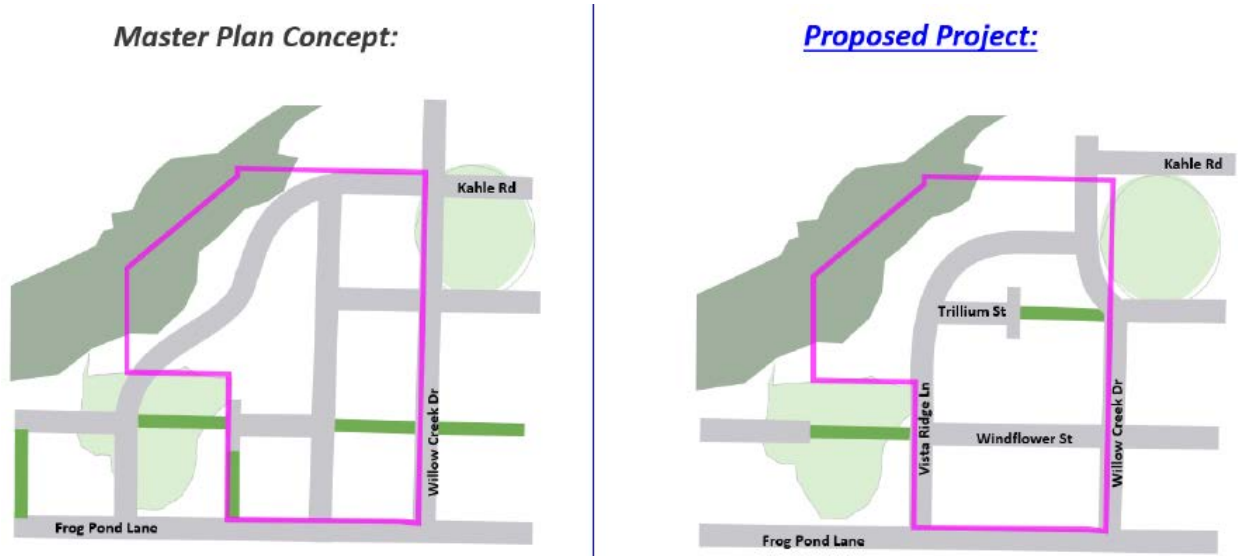
Due to the presence of a wetland and high-value trees, the City shifted the planned location of SW Kahle Road to the north during the review of the previously approved Frog Pond Crossing

subdivision. This change moves the majority of the right-of-way for future SW Kahle Road off the subject property except a small 10-foot dedication to the north of Tract E. SW Kahle Road would have included a trail connection to future development in Frog Pond East as envisioned by the Master Plan. The applicant coordinated with the developer of the proposed Frog Pond Oaks subdivision to the east to create a trail alignment through planned open space tracts that meets the overall intent of the Master Plan. While the Boeckman Creek Regional Trail will ultimately continue north, the proposed site layout allows for an interim trail connection to the east via the Boeckman Creek trailhead and Pedestrian Connection in Tract F that will lead to similar paths off-site.

### Street Demonstration Plan Compliance

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

In order to preserve mature trees within Tract E and off-site to the east while providing access throughout the subdivision, the applicant proposes some limited variations from the Street Demonstration Plan that results in a modified grid configuration of streets. As shown in the illustration below, applicant proposes to shift the location of a north-south street to avoid the SROZ and allow for buildable land on both sides of the street. The east-west streets shown in the Street Demonstration Plan are changed to provide a full street rather than a pedestrian connection at the southern portion of the site, and provides a pedestrian connection toward the center of the site. SW Willow Creek Drive shifts slightly west at the northern portion of the site to protect a mature grove of trees located within Tract E.



## Tree Removal and Preservation

There are 144 trees inventoried both on and off-site for the proposed development. Of the 48 on-site trees, 14 trees are proposed for removal with thirty four (34) tree preserved. Large mature Douglas fir trees are located within the subject property within the SROZ and will be preserved within Tract A. Additionally, a grove of large mature Scotch Pines and Oregon White Oak will be preserved in Tract E. None of the off-site trees surveyed are proposed for removal. The applicant proposes to plant 81 trees exceeding the 1:1 mitigation ratio.

## **Public Comments and Responses:**

No public comments were received during the comment period.

## Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board recommend approval to City Council or approve, as relevant, the proposed application (DB21-0057 through DB21-0063 and SI21-0003 through 0004) with the following conditions:

### Planning Division Conditions:

#### Request A: DB21-0057 Annexation

This action recommends to the City Council approval of Annexation for the subject properties. The Zone Map Amendment (DB21-0057) and all approvals contingent on it are contingent on annexation.

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

#### Request B: DB21-0058 Zone Map Amendment

This action recommends to the City Council adoption of the Zone Map Amendment for the subject properties. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB21-0057). Case files DB21-0059, DB21-0060, DB21-0061, DB21-0062, DB21-0063, – SI21-0003, and SI21-0004 are contingent on City Council action on the Zone Map Amendment request.

No conditions for this request.

#### Request C: DB21-0059 Stage I Preliminary Plan

Approval of DB21-0059 (Stage I Preliminary Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0058).

No conditions for this request

#### Request D: DB21-0060 Stage II Final Plan

Approval of DB21-0060 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0058).

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

PDD 2.	<b><u>Prior to Final Plat Approval:</u></b> On the Final Subdivision Plat, public pedestrian and bicycle access easements, including egress and ingress, shall be established across the entirety of all pathways located in private tracts. See Finding D13.
PDD 3.	<b><u>General:</u></b> All crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast). See Finding D16.
PDD 4.	<b><u>General:</u></b> Any area, whether in a garage or in a driveway, counted as a required parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D19.
PDD 5.	<p><b><u>Prior to Final Plat Approval:</u></b> A tree protection easement shall be provided on Lots 32 and 33 to protect Tree #20606, located off site to the north. <b><u>Such easements shall be shown on the final plat and include the following provisions:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>City and HOA access to inspect health of the portion of the tree root system and tree structure on the properties to ensure activity or conditions in the easement area do not impact the overall health of the tree and to perform any necessary activity to preserve tree health and maintain appropriate landscaping within the easement area.</u></b></li> <li>• <b><u>Establish HOA responsibility for landscaping and tree maintenance within the easement area.</u></b></li> <li>• <b><u>Limit landscaping within the tree protection easement to native plantings compatible with Oregon White Oaks.</u></b></li> <li>• <b><u>Require temporary and permanent drainage and irrigation be designed around easement areas to optimize the amount of water in the root zone of the tree to support its health.</u></b></li> </ul> <p>No foundations or hardscape improvements shall be placed within the portion of the root zone, which is delineated by the tree protection fencing shown on Sheet P-13 within Exhibit B2. In addition, any branch and root pruning that may be needed of Tree #20606, which has branches, limbs, and the assumed tree root zone that extends into the buildable area of Lots 32 and 33, shall be supervised and conducted by an ISA Certified Arborist. Fence posts for tree protection fencing within <del>trip</del> lines and <u>the root zones zones</u> of the preserved tree shall be hand dug and supervised by the project arborist. If roots are encountered alternative fence post placement is required as determined by the project arborist. Tree protection fencing shall not be removed without the arborist present onsite and prior notice given to the Planning Division. See Finding D22.</p>
PDD 6.	<b><u>Prior to Final Plat Approval:</u></b> A waiver of remonstrance against formation of a local improvement district (LID) shall be recorded in the County Recorder’s Office as well as the City’s Lien Docket as part of the recordation of the final plat. In light of the developer’s obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee in accordance with the Development and Annexation Agreement required by PDA 1, the LID Waiver for a specific parcel within the Frog Pond Crossing development shall be released upon official recording of the release

	of the waiver only after payment of the Infrastructure Supplemental Fee and Boeckman Bridge Fee. Further, the developer shall pay all costs and fees associated with the City's release of the LID Waiver. See Finding D32.
<b>PDD 7.</b>	<b>General:</b> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D28.
<b>PDD 8.</b>	<b>Prior to Final Plat Approval:</b> The applicant shall remove the bollards shown on the 20-foot temporary access easement on Lots 1 and 11 and place no parking signs in lieu of bollards. See Finding D43.

Request E: DB21-004061 Site Design Review of Parks and Open Space

	Approval of DB21-0061 (Site Design Review of Parks and Open Space) is contingent on City Council approval of the Zone Map Amendment request (DB21-0058).
<b>PDE 1.</b>	<b>General:</b> Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding E3.
<b>PDE 2.</b>	<b>Prior to Final Plat Approval:</b> All landscaping and site furnishings required and approved by the Development Review Board for common tracts shall be installed prior to Final Plat Approval unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of Final Plat Approval. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, an irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant/owner. See Finding E13.
<b>PDE 3.</b>	<b>Prior to Final Plat Approval:</b> The applicant shall either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping. See Finding E13.
<b>PDE 4.</b>	<b>Ongoing:</b> The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville's Development Code. See Finding E14.
<b>PDE 5.</b>	<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.
<b>PDE 6.</b>	<p><b><u>General:</u></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>
<b>PDE 7.</b>	<p><b><u>General:</u></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.</p>
<b>PDE 8.</b>	<p><b><u>Ongoing:</u></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.</p>
<b>PDE 9.</b>	<p><b><u>Prior to issuance of any Public Works permits:</u></b> The applicant / owner shall submit information demonstrating compliance with the Public Works Standards and Frog Pond West Master Plan. The street lighting shall be Westbrook style streetlights.</p> <p>The applicant/owner shall provide a ‘stamped’ engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets. See Finding E24.</p>
<b>PDE 10.</b>	<p><b><u>Prior to issuance of any Public Works permits:</u></b> Consistent with the Frog Pond West Master Plan, which includes a Public Lighting Plan and recommended lighting plan hierarchy, and recommends that pedestrian connections, trailheads and paths be uniformly illuminated to define a hierarchy of travel routes, and that such</p>

	illumination follow the Public Works Standards for Shared-Use Path Lighting, the applicant shall, in consultation with the City Engineer, determine if additional pedestrian-scale lighting is warranted along the pathways in Tracts A and F and install any warranted lighting in compliance with these standards. See Finding E26.
<b>PDE 11.</b>	<b><u>Prior to issuance of any Public Works permits:</u></b> The applicant shall revise the street trees selected for SW Frog Pond Lane to match the Tulip trees established with the Frog Pond Ridge Subdivision. See Finding E26.
<b>PDE 12.</b>	<b><u>Prior to Final Plat Approval:</u></b> All street signs shall be installed and utilize the City-approved sign cap on street name signs throughout the entirety of the subdivision, matching the design used in the previously approved subdivisions within Frog Pond West. The developers will buy the signs from the City. See Finding E28.

Request F: DB21-0062 Tentative Subdivision Plat

	Approval of DB21-0062 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB21-0058).
<b>PDF 1.</b>	<b><u>Prior to Final Plat Approval:</u></b> Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
<b>PDF 2.</b>	<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 D33 and F13.
<b>PDF 4.</b>	<b><u>Prior to/concurrent with Recording of Final Plat:</u></b> The applicant/owner shall dedicate any necessary additional right-of-way for planned improvements on SW Frog Pond Lane. 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.
<b>PDF 7.</b>	<b><u>Prior to Final Plat Approval:</u></b> Prior to transfer of Tract A to the City, the applicant / owner shall provide a Phase I Environmental Site Assessment (ESA) addressed to the City. Should the Phase I ESA determine a likelihood of site contamination, the applicant / owner shall provide a Phase II ESA. At this time, the applicant / owner



may either work with the City on a remediation plan, if needed, or provide a public easement for the trail within Tract A and maintain possession of Tract A. The applicant shall also revise the boundary of Tract A to include the entirety of the Boeckman Creek Trail. See Finding F24.

Request G: DB21-0063 Type C Tree Plan

Approval of DB21-0063 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0058).

**PDG 1. General:** This approval for removal applies only to the 14 trees identified in the applicant's submitted Tree Maintenance and Protection Plan, see Exhibit B2 All other trees on the property shall be maintained unless removal is approved through separate application.

**PDG 2. Prior to Grading Permit Issuance:** The applicant/owner shall submit an application for a Type 'C' Tree Removal Permit on the Planning Division's Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant/owner shall provide the City's Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant/owner shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff. See Finding G19.

**PDG 3.** The applicant/owner shall install the required mitigation trees, as shown in the applicant's sheets P-16 and P-17 per Section 4.620 WC.

**PDG 4. General:** The permit grantee or the grantee's successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during the two (2) years after planting shall be replaced.

**PDG 5. Prior to Commencing Site Grading:** 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: SI21-0003 SROZ Boundary Verification

Approval of SI21-0003 SROZ Boundary Verification is contingent on City Council approval of the Zone Map Amendment request (DB21-0058).

No conditions for this request.

Request I: SI21-0004 SRIR Review

Approval of SI21-0004 SRIR Review is contingent on City Council approval of the Zone Map Amendment request (DB21-0058).

No conditions for this request.

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

**Engineering Division Conditions:**

Request D: DB21-0060 Stage II Final Plan

<b>PFD 1.</b>	<b><u>Ongoing:</u></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 Mater Plan (July 17, 2017).
<b>PFD 2.</b>	<b><u>General:</u></b> Streets shall be primarily constructed per the street type and cross-section as show in the Frog Pond West Master Plan.
<b>PFD 3.</b>	<b><u>Prior to issuance of Public Works Permit:</u></b> The applicant shall modify the utility plan to coordinate with the property to the east and south if the timing of improvements necessitates adjustments.
<b>PFD 4.</b>	<b><u>Prior to issuance of a Public Works Permit:</u></b> Applicant shall be required to enter into a Development and Annexation Agreement with the City.
<b>PFD 5.</b>	<b><u>Prior to Issuance of Public Works Permit:</u></b> Submit site plans to Engineering showing street improvements including pavement, curb, planter strip, street trees, sidewalk, and driveway approaches along site frontage on Frog Pond Lane, Willow Creek Drive, SW Vista Ridge Lane, SW Windflower Street, and SW Trillium Court. Street improvements shall be constructed in accordance with the Public Works Standards.
<b>PFD 6.</b>	<b><u>Prior to Issuance of Public Works Permit:</u></b> A final stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment and flow control requirements. The stormwater report shall also include conveyance calculations to demonstrate that any downstream impacts can be mitigated. The draft stormwater report shows pre-development flows from the site drain to the southeast toward Willow Creek, however, all post-development flows are proposed to drain to the northwest toward Boeckman Creek. Post-development flows are required to drain in the direction of pre-development flows. The final stormwater report shall be revised to provide the downstream analysis to Willow Creek and treatment and

	detention for the portion of the project draining toward Willow Creek. Additional LID stormwater facilities may be required to meet the water quality and flow control requirements.
<b>PFD 7.</b>	<b><u>Prior to the Issuance of the Public Works Permit:</u></b> The construction drawings shall depict a 4" temporary water line loop to the property to the east. Depending on the timing of construction of the property to the east, the temporary water line loop in SW Willow Creek Drive may not be necessary. A temporary water line loop across Tract E or the dedicated Kahle Road right-of-way will be required for looping to the property to the east.
<b>PFD 8.</b>	<b><u>Prior to the Issuance of the Public Works Permit:</u></b> The applicant shall obtain an NPDES 1200C permit from the Oregon Department of Environmental Quality and a Local Erosion Control Permit from the City of Wilsonville. All erosion control measures shall be in place prior to starting any construction work, including any demolition work. Permits shall remain active until all construction work is complete and the site has been stabilized. Permits will be closed out when home construction is completed and final certificates of occupancy have been issued for all homes in the subdivision.
<b>PFD 9.</b>	<b><u>With the Public Works Permit:</u></b> The applicant shall provide to the City a copy of correspondence that plans have been distributed to the franchise utilities. <b><u>Prior to the issuance of the Public Works Permit:</u></b> The applicant shall have coordinate the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easement or right-of-way be required to construct or relocate a franchise utility, the applicant shall provide a copy of the recorded documents.
<b>PFD 10.</b>	<b><u>Prior to final completeness of the Public Works Permit:</u></b> Submit documentation that the existing on-site septic system was properly decommissioned per the requirements of OAR 340-071-0185.
<b>PFD 11.</b>	<b><u>Prior to final completeness of the Public Works Permit:</u></b> Submit documentation that the existing well serving this property was properly abandoned in accordance with OAR 690-240 and the Water Resources Department requirements.
<b>PFD 12.</b>	<b><u>Prior to the issuance of the Public Works Permit: the applicant shall submit design and construction plans including the Boeckman Creek Trail with pedestrian scale lighting and signage. The trail cross-section shall be compliant with Figure 32 of the Frog Pond West Master Plan and designed in conformance with the City Public Works Standards. The applicant shall be credited for costs of design and construction of the Boeckman Trail and associated amenities through the Parks SDC credits as provided in the Development and Annexation Agreement.</u></b>

Request F : DB21-0062 Tentative Subdivision Plat

The following conditions are in addition to the dedications and easements shown on the Tentative Subdivision Plat

**PFF 1. Prior to Final Plat Approval:** Show dedication of an 8-foot public utility easement along the right-of-way frontages of Tract E.

**PFF 2. Prior to Final Plat Approval:** Show dedication of a 6-foot public utility easement along the SW Vista Ridge Lane, SW Trillium Court, and SW Windflower Street right-of-way frontages.

**PFF 3. Prior to Final Plat Approval:** All public infrastructure improvements including but not limited to street, stormwater drainage, water quality and flow control, sanitary sewer, and water facilities shall be substantially complete with approval from the Community Development Director pursuant to Section 4.220 of the Development Code.

**Natural Resources Division Conditions:**

All Requests

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

**Building Division Conditions:**

All Requests

**BD1. Prior to construction of the subdivisions' residential homes:** Designated through approved planning procedures, the following conditions must be met and approved through the Building Official:

- a. Street signs shall be installed at each street intersection and approved per the public works design specifications and their required approvals.
- b. All public access roads and alleys shall be complete to "Base Lift" for access to the residential home sites.
- c. All public and service utilities to the private building lots must be installed, tested and approved by the City of Wilsonville's Engineering/Public Works Department or other service utility designee.
- d. All required fire hydrants and the supporting piping system shall be installed, tested, and approved by the Fire Code Official prior to model home construction. (OFC 507.5).

## Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB21-0057 through DB21-0063 and SI21-0003 through SI21-0004. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

### Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Development Code Section 4.127 as adopted at time of submittal prior to changes per Ordinance No. 851, effective 11/15/2021.
- A3. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)
- A4. *Planning Division Memorandum March 14, 2022*

### Materials from Applicant

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

- Exhibit A: Preliminary Plans (Reduced Plan Sets)
- Exhibit B: Land Use Application Forms
- Exhibit C: Title Report
- Exhibit D: Clackamas County Assessor's Map
- Exhibit E: Traffic Impact Study
- Exhibit F: Abbreviated Significant Resource Impact Report
- Exhibit G: Preliminary Stormwater Report
- Exhibit H: Geotechnical Report
- Exhibit I: CC&R's
- Exhibit J: Annexation Petition and Certification
- Exhibit K: Annexation Legal Description Exhibit and Certification
- Exhibit L: Zoning Change Legal Description and Exhibit
- Exhibit M: Preliminary Elevations
- Exhibit N: TVF&R Service Provider Letter
- Exhibit O: 250 Foot Radius Notification Labels
- Exhibit P: Republic Services Service Provider Letter
- Exhibit Q: Lots 29 and 30 Sight Distance Exhibit

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

- P-01 Cover Sheet Legend, Vicinity and Site Maps
- P-02 Zoning Map
- P-03 Annexation Map

- P-04 Preliminary Existing Conditions Plan
- P-05 Preliminary Aerial Photograph Plan
- P-06 Preliminary Dimensioned PUD Plan
- P-07 Preliminary Grading and Erosion Control Plan
- P-08 Preliminary Composite Utility Plan
- P-09 Preliminary Street Plan
- P-10 Preliminary Street Cross Sections
- P-11 Preliminary Street Profiles
- P-12 Preliminary Street Profiles
- P-13 Preliminary Tree Preservation and Removal Plan
- P-14 Preliminary Tree Preservation and Removal Table
- P-15 Preliminary Demolition Plan
- P-16 Preliminary Landscape Plan
- P-17 Preliminary Tract C Planting Plans
- P-18 Landscape Details

- B3.** Incompleteness Response Letter Dated December 9, 2021
- B4.** Incompleteness Response Letter Dated January 14, 2022

Development Review Team Correspondence

- C1.** Engineering Division Conditions
- C2.** Natural Resources Conditions

Other Correspondence

- D1.** Metro Annexation Public Hearing Notice Proposal No. AN0821
- D2.** Republic Services Response 12.30.2021

## Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on October 14, 2021. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on November 16, 2021. The applicant submitted additional material on December 9, 2021. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on January 7, 2022. The applicant submitted a revised submittal package on January 14, 2022. Based on this request the application was deemed complete on January 25, 2022. The City must render a final decision for the request, including any appeals, by May 24, 2022.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North	EFU	Rural Residential/Agriculture
East	RRFF-5	Rural Residential/Agriculture
South	RN and RRFF-5	Single-family Residential (Frog Pond Ridge, under construction) Rural Residential/Agriculture
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. Venture Properties, Inc. 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 August 8, 2019 (PA19-0012), in accordance with this subsection.

#### Lien Payment before Approval

Subsection 4.011 (.02) B.

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

#### General Submission Requirements

Subsection 4.035 (.04) A.

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

#### Zoning-Generally

Section 4.110

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



## Request A: DB21-0057 Annexation

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

### Comprehensive Plan-Annexation and Boundary Changes

#### Consistent with Future Planned Public Services

Implementation Measure 2.2.1.a.

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

#### Demonstrated Need for Immediate Urban Growth

Implementation Measure 2.2.1.a.

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

#### Adherence to State and Metro Annexation Laws and Standards

Implementation Measure 2.2.1.e.

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

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

Implementation Measure 2.2.1.e. 1.

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

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

Implementation Measure 2.2.1.e. 2.

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

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

## **Wilsonville Development Code-Annexation**

### Authority to Review Quasi-Judicial Annexation Requests

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

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

### Procedure for Review, Etc.

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

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

### Adoption of Development Agreement with Annexation

Subsection 4.700 (.05)

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

## **Metro Code**

### Local Government Boundary Changes

Chapter 3.09

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

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

### Authority and Procedure for Annexation

ORS 222.111

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

## Procedure Without Election by City Electors

ORS 222.120

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

## Annexation by Consent of All Owners and Majority of Electors

ORS 222.125

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

## Oregon Statewide Planning Goals

### Planning Goals – Generally

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

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

### Housing

Goal 10

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

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

- Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community, and others. The City has started the master planning process for Frog Pond East and South neighborhoods to ensure that additional residential land is available within the City. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.
- Wilsonville is meeting Statewide Planning Goal 10 requirements to “provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing” and to “provide for an overall density of 8 or more dwelling units per net buildable acre.”
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Rezoning the subject property to a higher density zone consistent with the Comprehensive Plan will ensure related zone map amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing urban growth boundary and improving the capacity identified in the 2014 study. The type of housing is anticipated to be single-family; however, the approval will allow middle housing consistent with House Bill 2001 and newly implemented City code to allow middle housing types.
- The proposal directly impacts approximately 2.6% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 12.8 of 477 acres).

### **Request B: DB21-0058 Zone Map Amendment**

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

#### **Comprehensive Plan**

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

**B1.** The subject area has a Comprehensive Plan Map Designation of “Residential Neighborhood”. The designation enables development of the site consistent with the purpose of this designation as set forth in the legislatively adopted Frog Pond West Master

Plan, resulting in an attractive, cohesive and connected residential neighborhood with high quality architecture and community design, transportation choices, and preserved and enhanced natural resources.

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

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

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

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

**Residential Density**  
Implementation Measure 4.1.4.u.

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

**Development Code**

**Zoning Consistent with Comprehensive Plan**  
Section 4.029

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

**Base Zones**  
Subsection 4.110 (.01)

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

## **Residential Neighborhood (RN) Zone**

### **Purpose of the Residential Neighborhood (RN) Zone**

Subsection 4.127 (.01)

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

### **Permitted Uses in the Residential Neighborhood (RN) Zone**

Subsection 4.127 (.02)

- B8.** Concurrent with the zone map amendment request the applicant requests approval of a thirty eight (38)-lot residential subdivision. Single-family dwelling units, Duplex, Triplex, Quadplex, Cluster Housing, Cohousing, Cluster Housing (Frog Pond West Master Plan), open space, and public and private parks are among the permitted uses in the RN Zone.

### **Residential Neighborhood (RN) Zone Sub-districts and Residential Density**

Subsection 4.127 (.05) and (.06)

- B9.** The proposed uses, number of lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use lot count, the proposed Stage I area includes all of medium lot Sub-district 9 and a portion of large lot Sub-district 8. A full discussion of compliance with the sub-districts and residential density is included under Request C, Stage I Preliminary Plan.

## **Request C: DB21-0059 Stage I Preliminary Plan**

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

## **Comprehensive Plan**

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

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

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

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

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

#### Encouraging Master Planning of Large Areas

Implementation Measure 2.1.1.f.2.

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

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

Implementation Measure 2.2.1.b.

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

#### Urban Development Only Where Necessary Facilities can be Provided

Implementation Measure 3.1.2.a.

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

#### Provision of Usable Open Space

Implementation Measures 3.1.11.p., 4.1.5.kk.

- C6.** The proposal is located within medium- and large-lot sub districts and does not require usable open space. While not specifically required per the Frog Pond Master Plan, the applicant proposes a pedestrian connection in Tract F and Tract A which contains a portion of the Boeckman Creek Trail.

#### Consistency with Street Demonstration Plans May Be Required

Implementation Measure 3.2.2.

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

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

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

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

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

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

**Planned Development Regulations**

Planned Development Lot Qualifications  
Subsection 4.140 (.02)

- C10.** The planned 38-lot subdivision will accommodate residential building lots, provide functional public streets, and be surrounded by open space and recreational opportunities consistent with the purpose of Section 4.140. The proposed subdivision is 12.80 acres and is suitable for planning and development. The property is not currently nor is it proposed to be zoned “PD” (Planned Development). Concurrently with the request for a Stage I Preliminary Plan, the applicant proposes to rezone the property to RN (Residential Neighborhood). Pursuant to the Frog Pond West Master Plan development in the RN zone follows the same planned development procedure as PDR zones.

Ownership Requirements  
Subsection 4.140 (.03)

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

Professional Design Team  
Subsection 4.140 (.04)

- C12.** Mimi Dougkas, AICP, of AKS Engineering & Forestry is the coordinator of a professional design team with all the necessary disciplines including engineers, a landscape architect, and a planner, among other professionals.

Planned Development Application Requirements  
Subsection 4.140 (.07)

- C13.** Review of the proposed Stage I Preliminary Plan has been scheduled for a public hearing before the DRB in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:
- The property affected by the Stage I Preliminary Plan is under an application by the property owners.
  - The applicant submitted a Stage I Preliminary Plan request on a form prescribed by the City.



- The applicant identified a professional design team and coordinator. See Finding C12.
- The applicant has stated the uses involved in the Stage I Preliminary Plan and their locations.
- The applicant provided boundary information.
- The applicant has submitted sufficient topographic information.
- The applicant provided a tabulation of the land area to be devoted to various uses.
- Any necessary performance bonds will be required.

## **Standards for Residential Development in Any Zone**

### Outdoor Recreational Area and Open Space Land Area Requirements

Subsection 4.113 (.01)

**C14.** The Frog Pond West Master Plan controls outdoor recreational area and open spaces for the subject and surrounding areas. The subject property contains land within the R-7 medium lot sub-district and the R-10 large lot sub-district. These sub districts do not require outdoor recreational area and open space, therefore this subsection does not apply. The proposed development does contain a pedestrian connection (Tract F) and a portion of the Boeckman Creek Trail (Tract A) providing non-required open space area.

## **Residential Neighborhood Zone**

### Permitted Uses

Subsection 4.127 (.02)

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

### Residential Neighborhood Sub-districts

Subsection 4.127 (.05)

**C16.** The proposed Stage I Preliminary Plan area includes all of medium lot Sub-district 9 and a portion of large lot Sub-district 8.

### Minimum and Maximum Residential Lots

Subsection 4.127 (.06)

**C17.** The proposed number of residential lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential lot count, the proposed Stage I area includes all of medium lot Sub-district 9 and a portion of large lot Sub-district 8. The following table summarizes how the proposed residential lots in each Sub-district are consistent with the Master Plan recommendations. The configuration of lots as proposed will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

Subdistrict and Land Use Designation	Gross Site Area (ac)	Percent of Sub-district	Established lot range for Sub-district	Lot Range for Site	Proposed Lots	Total lots within Sub-district - Approved and Proposed
8 – R-7	9.2	47%	43-53	20-25	25	0 Approved 25 Proposed 25 Total
9 – R-10	2.6	100%	10-13	10-13	13	0 Approved 13 Proposed 13 Total
Total	11.8			30-38	39	

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

**C18.** The proposed Stage I Preliminary Plan only includes land within the R-7 Medium Lot sub-district and the R-10 Large Lot sub-district. Properties within the R-10 Large Lot sub-districts and R-7 Medium Lot sub-districts are exempt from the requirements of this section.

**Request D: DB21-0060 Stage II Final Plan**

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

**Stage II Final Plan Submission Requirements and Process**

Consistency with Comprehensive Plan and Other Plans  
Subsection 4.140 (.09) J. 1.

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

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

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

- Boeckman Road/Parkway Avenue
- Boeckman Road/Canyon Creek Road
- Boeckman Road/Advance Road/Stafford Road/Wilsonville Road
- Stafford Road/Frog Pond Lane
- Stafford Road / SW 65<sup>th</sup> Avenue

The Boeckman Road/Parkway Avenue, Boeckman Road/Advance Road/Stafford Road/Wilsonville Road intersections continue to perform at Level of Service D or better and

thus meet City standards. Two intersections as described below do not meet the Level of Service standards required by the City.

The intersection of SW Boeckman and SW Canyon Creek Road will fall to a Level of Service E without any improvements made. 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. The City has identified fully signalizing this intersection as part of project Urban Upgrade-01 (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 2021-22 budget, with construction planned to commence in 2023. Thus, the future signalized intersection can be used for the purpose of determining Level of Service (LOS) for this project and meeting City LOS standards.

The SW Stafford Road and SW 65<sup>th</sup> Avenue intersection is under Clackamas County jurisdiction and currently fails to meet County operating standards under existing 2021 conditions. The Clackamas County 20-year Capital Project List a proposed future roundabout at the Stafford Road / SW 65<sup>th</sup> Ave / Elligsen Road intersection (Project ID 1079) is the recommended improvement. In the City of Wilsonville TSP, a traffic signal or roundabout has been identified as a High Priority Project Spot Improvement-03 (SI-03) at the same intersection. The City's cost share of the project is 25% of the total project cost with the County funding the remaining portion. The transportation SDC's collected as part of this development will contribute toward the City's share of the proposed intersection improvement costs. As the Stafford Road / SW 65<sup>th</sup> Avenue intersection is outside the City's jurisdiction, it is not possible to require the completion of these improvements within the specified timeframe. The improvements will be constructed on the timeline set forth by the County's 20-Year Capital Project List. In the meantime, the City's Boeckman Creek Corridor Project, which includes improving the intersection of Canyon Creek Road and Boeckman Road, will also include temporary signalization at the Stafford Road / SW 65<sup>th</sup> Avenue intersection, which will improve the flow of traffic at this intersection.

#### Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

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

#### Adherence to Approved Plans

Subsection 4.140 (.09) L.

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

## General Residential Development Standards

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

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

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

**D6.** The applicant proposes installation of all new utilities underground. The applicant will underground all existing utility lines facing the subject property.

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

**D7.** The applicant has designed the project to minimize grading to only what is required to install site improvements and build homes. The applicant has designed, and will construct, water, sewer, and stormwater infrastructure in accordance with the applicable City requirements in order to minimize adverse impacts on the site, adjacent properties, and surrounding resources. The project avoids impacts to the Boeckman Creek, which is within Significant Resource Overlay Zone (SROZ). The applicant has included the Abbreviated Significant Resource Impact Report in Exhibit B1.

## Residential Neighborhood (RN) Zone

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

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

Standard	R-7 Medium Lot Sub-district 9		R-10 Small Lot Sub-district 8		Compliance Notes
	Required	Proposed	Required	Proposed	
Min. Lot Size	6,000 sf	6,104-9,396 sf	8,000 sf	6,547-9,982	Lots 20, 22-25 do not meet this standard. Lots may be reduced up to 80% of the minimum lot size (6,400 sq ft) to preserve natural resources. The applicant is

					protecting an off-site grove of mature trees. <sup>1</sup>
Min. Lot Depth	60 ft	101 ft	60 ft	93-124 ft	Standard is met.
Min. Lot Width	35 ft	48.43 – 67.36 ft	40 ft	43-121 ft	Standard is met.
Max. Lot Coverage	45%	45% max	40%	40% max	Standard can be met. Example floor plan footprint show 1,092 sq ft. One or more could be placed on each proposed lot without exceeding max. lot coverage.
Max. Bldg Height	35 ft	35 ft max	35 ft	35 ft max	Standard can be met. Per applicant's materials, houses will be max 35 ft height.
Min. Front Setback	15 feet	15 ft min	20 ft	20 ft min	Standard can be met.
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> In order to preserve the trees directly on the property line between the subject property and the property to the east, the applicant revised the location of SW Willow Creek Drive to avoid impacts to the tree grove. The location of SW Willow Creek Drive and the location of the pedestrian connection results in a loss of buildable land and necessitates the lot size reduction.					

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

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

Standard				Compliance Notes	
Small-lot Subdistricts (include at least one element)	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	N/A		Subject property does not contain land within the small-lot subdistrict.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Wall and landscaping for lots adjacent to Stafford and Boeckman Road	Provided	Not Provided	N/A		The subject property does not abut Stafford or Boeckman Road.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
No driveway access to collectors for small and medium lots	Met	Not Met	N/A		Lots 21-24 are located adjacent to Willow Creek Drive, access is proposed from the rear of these lots. See Sheet P-09 in Exhibit B2.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Open Space Requirements  
 Subsection 4.127 (.09)

**D10.** As stated in Subsection 4.127 (.09) B. 1., the R-10 and R-7 sub-districts involved in the proposal are exempt from open space requirements.

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

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

Street Segment	Generally Consistent with Figure 18	Allowed Variation	Explanation of Variation
SW Frog Pond Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SW Willow Creek Drive	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Willow Creek drive shifts slightly west to avoid off-site impacts to natural resources.
SW Windflower Street	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SW Windflower is provided as a full street rather than a pedestrian connection as Trillium Court and Tract F are now proposed where a full street was envisioned by the street demonstration plan.
SW Vista Ridge Lane	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The location of this street shifts further southeast to avoid natural resource impacts.
SW Trillium Court / Tract F	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Trillium Court and Pedestrian Connection Tract F is proposed between SW Willow Creek Drive and SW Vista Ridge Lane in place of a full street connection due to intersection spacing standards and the curvature of the road.
SW Kahle Road	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SW Kahle Road was shifted north during review of previous projects to avoid natural resource impacts.



The proposed modified grid pattern provides an efficient street connection to SW Frog Pond Lane and SW Willow Creek Drive 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 Frog Pond Lane or Willow Creek Drive than would otherwise be the case if the Street Demonstration Plan were adhered to.

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

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

Standard			Compliance Notes
Main Entrance Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Width Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met. Subdivision includes a mix of lots greater and less than 50 feet at the front lot line.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Orientation Towards Alley or Shared Driveway	Alleys or Shared Driveways in Subdivision	No Alleys or Shared Driveways in Subdivision	Not applicable.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Residential Design Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Small-Lot Subdistricts – House Plan Variety	Required Duplex/Attached Units	Provided Duplex/Attached Units	Not applicable. Not within Small lot sub-district.
	N/A	N/A	
Fences	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Homes Adjacent to School and	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Lots 22-24, 27-28, and 31-32 abut private open space in Tracts B, C, D, E



Parks and Public Open Spaces			and F and are not subject to these standards. Lots 18, 27, and 35-38 abut Tract A which will be public open space.
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**On-site Pedestrian Access and Circulation**

**Continuous Pathway System**

Section 4.154 (.01) B. 1.

**D13.** The submitted plans show sidewalks along the frontages of all lots providing a continuous pathway system throughout the proposed subdivision. In addition to the sidewalk system, pedestrian/bicycle connections are proposed through Tract A and through Tract F. These additional connections are consistent with Figure 18 of the Frog Pond West Master Plan. The proposal also enables connections to future adjacent development. To ensure full access and function of the planned pathway system for the public, Condition of Approval PDD 2 requires public access easements across all pathways within private tracts.

**Safe, Direct, and Convenient**

Section 4.154 (.01) B. 2.

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

**Vehicle/Pathway Separation**

Section 4.154 (.01) B. 3.

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

**Crosswalks Delineation**

Section 4.154 (.01) B. 4.

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

**Pathway Width and Surface**

Section 4.154 (.01) B. 5.

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

## Parking Area Design Standards

### Minimum and Maximum Parking

Subsection 4.155 (.03) G.

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

### Other Parking Area Design Standards

Subsections 4.155 (.02) and (.03)

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

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

## Other General Regulations

### Access, Ingress and Egress

Subsection 4.167 (.01)

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

## Protection of Natural Features and Other Resources

### General Terrain Preparation

#### Section 4.171 (.02)

**D21.** The site has been planned and designed to avoid the natural features on the site, including tree groves and the Boeckman Creek corridor. 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 creek corridor 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)

**D22.** Existing vegetation will not be disturbed, injured or removed prior to land use and permit approvals. Existing trees have been retained wherever possible; however, trees will need to be removed to provide area for home construction. The existing grove of trees along the property line in the northeastern portion of the site has been prioritized for protection and incorporated into a Tract E that has been created to allow for the preservation of these trees. Additional trees are preserved within the SROZ in Tract A, which contains a portion of the Boeckman Creek Trail alignment. 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 32 and 33 encroach into the root protection zone (RPZ) of protected 46-inch DBH Oregon White Oak (Tree No. 20606) noted by the Arborist Report as having a Health and Structure Rating of Good located along the northern property line. 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. 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)

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

Historic Resources  
Subsection 4.171 (.09)

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

**Public Safety and Crime Prevention**

Design for Public Safety, Addressing, Lighting to Discourage Crime  
Section 4.175

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

**Landscaping Standards**

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

**D26.** Planting areas along the street and open spaces within the subdivision are generally open and are not required to provide any specific screening, thus the design of the landscaping follows the general landscaping standards. The plantings include a mixture of ground cover, shrubs, trees, and stormwater swale plantings. Condition of Approval PDE 11 will ensure the planting of street trees consistent with previously established trees in other Frog Pond subdivisions.

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

**D27.** The applicant proposes a professionally designed landscape using a variety of plant material. There are no parking areas proposed and no parking area landscaping is required. The landscape plans included in the applicant’s materials (Sheets P16 - P18) illustrate the location and type of landscaping within public rights-of-way and tracts. The design includes a variety of native plants, particularly in the open space area.

**Street Improvement Standards**

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

**D28.** The proposed streets appear to meet the City’s Public Works Standards and Transportation System Plan. Further review of compliance with Public Works Standards and  

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Development Review Board Panel ‘A’ Staff Report March 7, 2022 Exhibit A1  
Frog Pond Vista 38-Lot Subdivision  
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Transportation System Plan will occur with review and issuance of the Public Works construction permit.

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

Subsection 4.177 (.02) A.

**D29.** The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. Future connections to adjacent sites are anticipated to the east. The proposed design provides for continuation of streets with Frog Pond Oaks and Ridge to the south and east. SW Windflower is extended west, consistent with the Frog Pond West Master Plan. SW Vista Ridge Lane and SW Willow Creek Drive provide north south streets consistent with the Street Demonstration Plan. SW Trillium Court and associated Tract F is an extension of the previously approved street within Frog Pond Crossing.

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

Subsection 4.177 (.02) B.

**D30.** The City Engineering Division has preliminarily found the street designs and widths as consistent with the cross sections shown in the Frog Pond West Master Plan with the modifications as noted in Finding D29, above, and in Exhibit C1. The Engineering Division will check final conformance with the cross sections shown in the Frog Pond West Master Plan during review of the Public Works permit.

#### Right-of-Way Dedication

Subsection 4.177 (.02) C. 1.

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

#### Waiver of Remonstrance Required

Subsection 4.177 (.02) C. 2.

**D32.** This Subsection requires that a waiver of remonstrance against formation of a local improvement district (LID) be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of recordation of a final plat. This requirement is contained in the Development and Annexation Agreement and notes that in light of the developer's obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee, release of the LID Waiver for a specific parcel within the Frog Pond Vista development may occur upon official recording of the release of the waiver only after payment of these fees, and will require the developer to pay all costs and fees associated with the City's release of the waiver. A Condition of Approval PDD 6 outlines the process to be followed with respect to the required LID Waiver and its release for a specific parcel.

### Dead-end Streets Limitations

Subsection 4.177 (.02) D.

**D33.** SW Trillium Court is the only dead-end street proposed within Frog Pond Vista. 8 lots are accessed via SW Trillium Court, below the maximum of 25 lots allowed to take access from a dead-end street. SW Trillium Court is approximately 300 feet in length due to a number of physical site constraints that prevent a full street connection such as visibility issues due to the curvature of SW Willow Creek Drive as it has shifted to avoid natural resources located off-site, and due to intersection spacing standards along a collector street.

### Corner Vision Clearance

Subsection 4.177 (.02) E.

**D34.** Street locations and subdivision design allow the meeting of vision clearance standards. See Exhibit Q in Exhibit B1 for the sight distance for Lots 29 and 30.

### Vertical Clearance

Subsection 4.177 (.02) F.

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

### Interim Improvement Standards

Subsection 4.177 (.02) G.

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

### Sidewalks Requirements

Subsection 4.177 (.03)

**D37.** The applicant proposes sidewalks along all public street frontages abutting proposed lots, except along SW Stafford Road, where the City will develop the sidewalks with planned street improvements.

### Bicycle Facility Requirements

Subsection 4.177 (.04)

**D38.** No on street bicycle facilities are required within the project area for Frog Pond Vista. Condition of Approval PFD 2 requires all cross-sections to comply with the Frog Pond West Master Plan requirements prior to Final Plat approval. See Exhibit C2.

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

Subsection 4.177 (.05)

**D39.** Pedestrian and bicycle accessways are proposed through Tract A and F, connecting to proposed SW Trillium Court and SW Trillium Street and to paths that will continue off-site

within Frog Pond Oaks. The Frog Pond West Master Plan envisioned this connection one block to the south at SW Windflower Street. Since the proposed street network within the subdivision does not exactly match the conceptual Street Demonstration Plan, the proposed pathway achieves a similar level of connectivity desired for this particular block.

#### Transit Improvements Requirements Subsection 4.177 (.06)

**D40.** The applicant does not propose any transit improvements within the proposed subdivision. There is not currently transit service along SW Stafford Road or SW Boeckman 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.

### **Intersection Spacing**

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

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

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

**D42.** Streets within the development are local streets, with the exception of SW Willow Creek Drive, which is a Collector. Per Table 3-2 of the Transportation System Plan, the minimum access spacing standard along a Collector is 100 ft., and the desired access spacing is 300 ft. The proposed streets intersecting SW Willow Creek Drive are SW Vista Ridge Lane and SW Windflower Street, which exceeds the minimum access spacing standard of 100 ft. No individual lot accesses are proposed to 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.

### **Mixed Solid Waste and Recyclables Storage**

#### Review by Franchise Garbage Hauler Subsection 4.179 (.07)

**D43.** The proposed development does not contain multi-family residential or non-residential uses requiring the solid waste storage area to meet code requirements for size; however, the applicant has provided a letter from the franchised garbage hauler, Republic Services, to ensure the site plan provide adequate access for the hauler's equipment. The service provider letter is included in Exhibit B1. Due to the bollards shown on Sheet P-09 in Exhibit B2, staff contacted Republic Services to confirm the bollards posed an issue for their equipment. Based on the response from Republic Services in Exhibit D2, Condition of Approval PDD 8 has been added to remove the bollards from the plan to ensure access.

## **Request E: DB21-0061 Site Design Review of Parks and Open Space**

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

### **Objectives of Site Design Review**

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

**E1.** Project elements subject to Site Design Review include: tracts and their landscaping; landscaping in the public right-of-way; retaining walls; and park or open space furnishings. The proposed development is intended to advance the vision for Frog Pond West by incorporating the natural areas on site, providing attractive streetscapes, and enhancing the existing neighborhood to the south and the future neighborhoods to the west 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.

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

Development Review Board Jurisdiction  
Section 4.420

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

### **Design Standards**

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

**E4.** The site layout takes into consideration existing landscaping and preserving it where possible. A grove of large mature trees including Oregon White Oak, Ponderosa Pine, and Scotch Pines exists directly off-site, with the drip lines and root zones of the trees located



on the subject property. The applicant has included an open space (Tract E) that allows for the preservation of these healthy significant trees.

#### Relation of Proposed Buildings to Environment

Subsection 4.421 (.01) B.

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

#### Surface Water Drainage

Subsection 4.421 (.01) D.

- E6.** As demonstrated in the applicant's plans, attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. The location of LIDA facilities within the planter strips of the public streets, stormwater facilities within tracts, and details of LIDA facility planting are shown in Sheets P-09 and P-16 and P-18. Appendix G in Exhibit B1 includes the Preliminary Stormwater Report Plan.

#### Above Ground Utility Installations

Subsection 4.421 (.01) E.

- E7.** The applicant proposes no above ground utility installations. Existing overhead lines will be undergrounded. Each lot will be served by a sanitary sewer line (see Sheet P-08). Storm sewage disposal is provided by a storm drain system connecting to each on-site stormwater facility.

#### Screening and Buffering of Special Features

Subsection 4.421 (.01) G.

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

#### Applicability of Design Standards

Subsection 4.421 (.02)

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

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

Subsection 4.421 (.05)

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

## Site Design Review Submission Requirements

### Submission Requirements

Section 4.440

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

## Time Limit on Site Design Review Approvals

### Void after 2 Years

Section 4.442

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

## Installation of Landscaping

### Landscape Installation or Bonding

Subsection 4.450 (.01)

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

### Approved Landscape Plan

Subsection 4.450 (.02)

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

## Landscape Maintenance and Watering

Subsection 4.450 (.03)

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

## Modifications of Landscaping

Subsection 4.450 (.04)

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

## Natural Features and Other Resources

### Protection

Section 4.171

**E17.** The proposed design of the site provides for protection of natural features and other resources consistent with the proposed Stage II Final Plan for the site as well as the purpose and objectives of Site Design Review. See Findings D21 through D24 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 D28 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.
- Preliminary Landscape Notes No. 6 on the applicant's sheet P-15 provides for irrigation during the establishment period.

### Landscape Plans

Subsection 4.176 (.09)

**E22.** The applicant's submitted landscape plans, Sheets P-16 and P-17, provide the required information.

### Completion of Landscaping

Subsection 4.176 (.10)

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

## **Public Lighting Plan**

### Lighting of Local Streets

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

**E24.** As Shown on Sheet P-08 in Exhibit B2 show proposed street lights on local streets. The Frog Pond Master Plan requires PGE Option 'B' LED with Westbrook 35W LED and 18' decorative aluminum pole (20-foot mounting height with 4 foot mast arm). These are dark sky friendly and located with a professionally designed layout to minimize negative effects on future homes, provide for safety, and use a consistent design established by the Frog Pond West Master Plan. The applicant's materials do not specify a fixture; therefore Condition of Approval PDE 9 shall require the applicant to include the specified fixture for the Frog Pond West Neighborhood.

### Lighting of Pathways

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

**E25.** The applicant's plans show lighting along the pedestrian paths in Tract F. The Frog Pond West Master Plan requires a Public Lighting Plan and recommended light plan hierarchy to define various travel routes within Frog Pond. Pedestrian connections, trailheads, and paths are required to be uniformly illuminated and shall follow the Public Works Standards

for Shared Use Path Lighting. A Condition of Approval PDE10 requires the applicant to coordinate with the City to determine if any additional pedestrian scale lighting is warranted along the proposed pathways in Tract F.

### Street Tree Plan

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

**E26.** The Street Tree Plan provides guidance tied to the street typology for Frog Pond West, with an overall intent to beautify and unify the neighborhood while providing a variety of tree species. The Frog Pond West Master Plan intends to achieve continuity through consistent tree types and consistent spacing along both sides of a street. Condition of Approval PDE 11 requires the applicant to submit a revised street tree plan that includes tree selections that conflict with previously established tree species in adjacent subdivisions.

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

Street Name	Street Type	Proposed Species	Compliance Notes
SW Frog Pond Lane	Primary	Scarlet Oak	On approved list; Tulip Tree established with Frog Pond Ridge Subdivision Condition of Approval requires revision to be consistent with this tree species.
SW Willow Creek Drive	Primary	Northern Red Oak	
SW Vista Ridge Lane	Primary	Green Vase Zelkova	
SW Windflower Street	Neighborhood	Chinese Pistache	
SW Trillium Court	Neighborhood	Accolade Elm	
Tract F Pedestrian Connection	Pedestrian Connection	Common Hornbeam	

### Gateways, Monuments and Signage

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

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

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

### **Request F: DB21-0062 Tentative Subdivision Plat**

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

#### **Land Division Authorization**

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

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

Undersized Lots Prohibited  
Subsection 4.202 (.04) B.

**F2.** The proposed lots meet the dimensional standards of the RN zone and the R-7 and R-10 sub-districts. See Finding D8 under Request D.

#### **Plat Application Procedure**

Pre-Application Conference  
Subsection 4.210 (.01)

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

Tentative Plat Preparation  
Subsection 4.210 (.01) A.

**F4.** Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm, AKS Engineering & Forestry, Inc. prepared the tentative plat.

Tentative Plat Submission  
Subsection 4.210 (.01) B.

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

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

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

Remainder Tracts  
Subsection 4.210 (.01) E.

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

### **Street Requirements for Land Divisions**

Master Plan or Map Conformance  
Subsection 4.236 (.01)

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

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.** Condition of Approval PDF 4 ensures dedication of sufficient right-of-way for planned improvements along Frog Pond Lane.

### Street Names

Subsection 4.236 (.09)

- F15.** SW Frog Pond Lane and SW Willow Creek Drive have been identified as streets within the Frog Pond West Master Plan. The applicant includes extensions or improvements to these streets and names them accordingly. In addition to the existing streets, the applicant proposes SW Vista Ridge Lane, SW Trillium Court, and SW Windflower Street. These proposed street names will be subject to approval by the City Engineer who will check all street names to not be duplicative of existing street names and other wise conform to the City’s street name system at the time of Final Plat review.

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

### Blocks for Adequate Building Sites in Conformance with Zoning

Subsection 4.237 (.01)

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

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

### Utility Line Easements

Subsection 4.237 (.02) A.

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



## Water Courses

Subsection 4.237 (.02) B.

**F18.** The applicant proposes a dedicated tract for the drainage way and associated riparian area of the Boeckman Creek SROZ.

## General Land Division Requirements-Pedestrian and Bicycle Pathways

### Mid-block Pathways Requirement

Subsection 4.237 (.03)

**F19.** The proposed development includes one proposed pedestrian and bicycle pathway as required by the Frog Pond West Master Plan. These pathways are located in Tract F and meets the cross-section requirements of the Master Plan. Conditions of Approval ensure public access to this path. See Finding D22.

## General Land Division Requirements-Tree Planting

### Tree Planting Plan Review and Street Tree Easements

Subsection 4.237 (.04)

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

## General Land Division Requirements-Lot Size and Shape

### Lot Size and Shape Appropriate

Subsection 4.237 (.05)

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

## 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. 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. Angles and curves of streets necessitate the exceptions, including lots 27, 28, and 31.

Land for Public Purposes  
Subsection 4.237 (.12)

**F24.** The subject property contains SROZ land surrounding Boeckman Creek. The Frog Pond West Master Plan indicates that the Boeckman Creek Regional Trail shall be provided along the western portion of the subject property along the SROZ. This land will become part of the parks and open space system to be dedicated to the City. To ensure the whole trail is dedicated to the City, Condition of Approval PDF 7 requires the applicant to revise Tract A to include the entirety of the proposed trail alignment. Additionally, prior to dedication of Tract A, the applicant/owner shall provide a Phase I Environmental Site Assessment, and if warranted, and Phase II Environmental Site Assessment, addressed to the City.

Corner Lots  
Subsection 4.237 (.13)

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

**Lots of Record**

Lots of Record  
Section 4.250

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

**Request G: DB21-0063 Type C Tree Removal Plan**

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

**Type C Tree Removal**

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

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

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

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

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

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

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

Preservation and Conservation  
Subsection 4.610.10 (.01)

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

Per the arborist's report included on Sheet P-14 in Exhibit B2, there are 48 trees on site. ~~Fourteen (14)~~ ***Thirty-four (34)*** trees will be preserved on site with 14 trees proposed for removal. In addition, 94 trees not located on site will require tree protection to ensure off-site tree health. ***Also, two (2) trees on the property line will require protection.***

As shown on Sheet P-13, most of the trees to be removed are located within the grading limits of SW Trillium Court, Tract D which contains a stormwater facility or within the building envelope of the proposed lots. 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 residential development and associated site improvements (driveways and walkways, stormwater management, outdoor yard areas, etc.). Reducing building footprints by increasing height is not a viable alternative as the height limit in the RN zone is 35 ft., or 2.5 stories.

Development Alternatives  
Subsection 4.610.10 (.01) C.

- G5.** The Frog Pond West Master Plan provides clear direction for street connections, residential densities, and preservation of the SROZ. Preservation and conservation of thirty four (34) out of 48 trees on site is proposed. There are additional off-site trees being preserved on Tax Lots 402, 601, and 800, and the applicant proposes tree protection fencing near the property line in order to ensure their preservation 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.** New tree plantings, preservation of an existing tree, and new native ground cover are proposed within Tract A which 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 Maintenance and Protection Plan and Tree Survey (see Exhibit B2 and Sheets P-13 and P-14).

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

**G12.** The Utility Plan (Sheet P-08) shows a design to minimize impact on the environment to the extent feasible given existing conditions, particularly the SROZ. The City will further review utility placement in relation to the SROZ and preserved trees during review of construction drawings and utility easement placement on the final plat.

**Type C Tree Plan Review**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Tree Relocation, Mitigation, or Replacement**

Tree Replacement Required  
Subsection 4.620.00 (.01)

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

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

**G22.** The applicant proposes mitigating removed trees on a basis well in excess of one tree for each tree removed, proposing 82 replacement trees (see Sheet P-16 Preliminary Street Tree Planting Plan). Four (4) trees are proposed within Tract A and B, seven (5) trees within Tract F, and another 73 trees are provided as street trees. Tract A and B also contain Vine Maples, Oregon Crab Apples, Osoberry, and Serviceberry plantings, however, due to their size and growing habit these tree do not qualify as mitigation trees as they are more similar to a shrub. For mitigation purposes, only the four (4) Oregon White Oaks within Tract A and B have been counted toward the total. Staff does not recommend any inch per inch mitigation. Sheets P-16 through P-17 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 P-16), some of these replacement trees consist of street trees. Trees will likely be planted on the individual dwelling lots at the time of site development but are not proposed to be included in the replacement tree plans. The applicant does not propose to pay into the City Tree Fund.

## **Protection of Preserved Trees**

Tree Protection During Construction  
Section 4.620.10

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

## Request H: SI 21-0003 SROZ Boundary Verification

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

### SROZ Map Verification

#### Requirements and Process

Section 4.139.05

**H1.** Consistent with the requirements of this section, a verification of the SROZ boundary is required as the applicant requests a land use decision. The applicant conducted a detailed site analysis consistent with the requirements of this section, which the City's Natural Resources Manager reviewed verifying the SROZ boundary.

## Request I: SI 21-0004 SRIR Review

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 4.139.05 (Significant Resource Overlay Zone Map Verification), the map verification requirements shall be met at the time an applicant requests a land use decision. The applicant conducted a detailed site analysis consistent with code requirements, which the Natural Resources Manager reviewed and approved.
2. A tributary of Boeckman Creek and its associated riparian corridor are located within the northwestern corner of the development site (Site ID Number 1.03U). Designated as Tract A (i.e., 74,216 SF), the riparian corridor does not include any locally significant wetlands.
3. The steeply sloped riparian corridor contains a mixed-deciduous forest. Native vegetation includes big-leaf maple, Douglas fir, western red cedar, and beaked hazelnut. Non-native, invasive plant species, such as Himalayan blackberry and grasses, are present in the forest.
4. The Significant Resource Overlay Zone ordinance prescribes regulations for development within the SROZ and its associated 25-foot Impact Area. Setbacks from significant natural resources implement the requirements of Metro Title 3 Water Quality Resource Areas, Metro Title 13 Nature in Neighborhoods, and Statewide Planning Goal 5. All significant natural resources have an Impact Area. Development or other alteration activities may be permitted within the SROZ and its associated Impact Area through the review of a Significant Resource Impact Report (SRIR). The primary purpose of the Impact Area is to insure that development does not encroach into the SROZ.

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 abbreviated Significant Resource Impact Report delineated specific resource boundaries and analyzed the impacts of exempt development within the SROZ. The applicant's SRIR contained the required information, including an analysis and development recommendations for mitigating impacts.

### **Exempt Uses in SROZ**

#### Use and Activities Exempt from These Regulations

Subsection 4.118 (.03) A.

- I1. The proposed exempt development will encroach into the Significant Resource Overlay Zone and its associated Impact Area. The impacts to the SROZ are necessary for site improvements.

Proposed exempt development in the SROZ and its associated Impact Area comply with the following exemptions:

1. A regional pedestrian trail;
2. A stormwater facility in the open space area; and
3. A stormwater outfall – installation of pipe and outfall structure.

(.08) "The construction of new roads, pedestrian or bike paths into the SROZ in order to provide access to the sensitive area or across the sensitive area, provided the location of the crossing is consistent with the intent of the Wilsonville Comprehensive Plan. Roads and paths shall be constructed so as to minimize and repair disturbance to existing vegetation and slope stability."

The proposed pedestrian trail is part of the future Boeckman Creek regional trail identified in the City's Bicycle and Pedestrian Master Plan. The trail has been designed to minimize impacts to existing vegetation and prevent slope instability.

(.13) "Enhancement of the riparian corridor or wetlands for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and appropriate regulatory agencies."



Due to the current degraded nature of the open space areas, the placement and operation of a stormwater facility will provide a water quality and habitat benefit through the planting of stormwater facility vegetation and the installation of soil media.

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

The stormwater pipe and outfall is necessary for conveying treated and controlled runoff to the tributary of Boeckman Creek.

## **Abbreviated SRIR Requirements**

### Site Development Permit Application Requirement

Subsection 4.139.06 (.01) A.

- I2.** The applicant has submitted a land use application in conformance with the Planning and Land Development Ordinance.

### Outline of Existing Features

Subsection 4.139.06 (.01) B.

- I3.** Preliminary plans have been submitted which include all of the proposed development.

### Location of Wetlands or Water Bodies

Subsection 4.139.06 (.01) C.

- I4.** The SRIR includes a description of the tributary to Boeckman Creek and the results of a wetland delineation. No locally significant wetlands were identified.

### Tree Inventory Requirement

Subsection 4.139.06 (.01) D.

- I5.** The preliminary plans include a tree inventory.

### Location of SROZ and Impact Area Boundaries

Subsection 4.139.06(.01) E.

- I6.** The SROZ and Impact Area boundaries have been identified on the preliminary plans.

### Slope Cross-Section Measurements

Subsection 4.139(.01) F.

- I7.** A slope analysis was included in the SRIR.

### Metro Title 3 Boundary Delineation

Subsection 4.139(.01) G.

- I8.** The SRIR includes a delineation of the Metro Title 3 Water Quality Resource Area boundary.

## Photos of Site Conditions

Subsection 4.139(.01) H.

**I9.** The SRIR includes representative site photographs.

## Narrative Describing Impacts

Subsection 4.139(.01) I.

**I10.** The proposed development impacts have been documented in the SRIR. In addition, the SRIR includes a mitigation plan, which will be implemented in the open space tracts.