

**AMENDED
AGENDA**

**WILSONVILLE CITY COUNCIL MEETING
DECEMBER 17, 2012
7:00 P.M.**

**CITY HALL
29799 SW TOWN CENTER LOOP
WILSONVILLE, OREGON**

Mayor Tim Knapp

Council President Celia Núñez
Councilor Julie Fitzgerald

Councilor Richard Goddard
Councilor Scott Starr

CITY COUNCIL MISSION STATEMENT

To protect and enhance Wilsonville's livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

Executive Session is held in the Willamette River Room, City Hall, 2nd Floor

- | | | |
|------------------|---|---------------|
| 5:00 P.M. | EXECUTIVE SESSION | [10 min.] |
| A. | Pursuant to ORS 192.660(2)(g) Trade Negotiations
ORS 192.660(2)(f) Exempt Public Records | [placeholder] |
| 5:15 P.M. | COUNCILORS' CONCERNS | [5 min.] |
| 5:25 P.M. | PRE-COUNCIL WORK SESSION | |
| A. | Revised Banner Policy (Neamtzu) | [15 min] |
| B. | Smoke Free Parks (Brescia) | [15 min] |
| C. | Business Energy Tax Credit (BETCs) Funding (Lashbrook) | [10 min] |
| D. | Board and Commission Appointments | [20 min] |
| 6:50 P.M. | ADJOURN | |
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CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held Monday, December 17, 2012 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on December 3, 2012. Remonstrances and other documents pertaining to any matters listed in said

summary filed at or prior to the time of the meeting may be considered therewith except where a time limit for filing has been fixed.

7:00 P.M. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

7:05 P.M. MAYOR'S BUSINESS

- A. Board and Commission Appointments
- B. Upcoming Meetings
- C. Farewell to Council President Celia Núñez

7:10 P.M. COMMUNICATIONS

- A. CAFR Audit Report Presentation, Chuck Swank (staff – Ossanna)

7:15 P.M. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

7:20 P.M. COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

- A. Council President Núñez – Chamber Leadership and Library Board liaison
- B. Councilor Goddard – Library, Chamber Board, and Clackamas County Business Alliance liaison
- C. Councilor Starr –Development Review Boards and Wilsonville Community Seniors Inc. liaison
- D. Councilor Fitzgerald

7:25 P.M. CONSENT AGENDA

- A. Acceptance of the Annual Financial Audit Report for FY 2011-12 (staff – Ossanna)
- B. **Resolution No. 2388**
A Resolution Of The City Of Wilsonville Authorizing Procurement Of Compressed Natural Gas Fuel System Components From Northwest Pump & Equipment, Authorized Representative Of BRC Fuel Maker. (staff – Lashbrook)
- C. Minutes of the November 5 and November 19, 2012 Council Meetings. (staff – King)

7:30 P.M. NEW BUSINESS

A. **Resolution No. 2389**

A Resolution Authorizing A Supplemental Budget Adjustment for Fiscal Year 2011-12.
(staff –Ossanna)

7:40 P.M. PUBLIC HEARING

A. **Resolution No. 2390** – placeholder

A Resolution Of The City Of Wilsonville Authorizing A Ballot Title For The March 2013 Election Entitled “Economic Development Incentives Using Urban Renewal Tax Increment Financing Zones”. (staff –Lashbrook/Retherford)

B. **Ordinance No. 712** first reading

An Ordinance Amending City Of Wilsonville Park Rules To Prohibit Smoking Or Other Use Of Tobacco On All City Park Property, Park Facilities And Buildings. (Staff - Brescia/Troha)

8:00 P.M. CONTINUING BUSINESS

A. **Ordinance No. 705** – second reading

An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From Commercial To Residential – 10-12 DU/AC On 1.14 Acres Comprising Tax Lot 100 Of Section 22AC, T3S, R1W, Clackamas County, Oregon; “Fox Center Townhomes” Seema, LLC, Applicant. (Staff – Edmonds)

B. **Ordinance No. 706** – second reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Planned Development Commercial (PDC) Zone To The Planned Development Residential – 5 PDR-5) Zone On 1.14 Acres Comprising Tax Lot 100 Of Section 22AC, T3S, R1W, Clackamas County, Oregon; “Fox Center Townhomes” Seema, LLC, Applicant. (Staff – Edmonds)

C. **Ordinance No. 709** – second reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Residential Agriculture – Holding (RA-H) Zone, The Public Facility (Pf) Zone, And The Exclusive Farm Use (EFU) Zone To The Village (V) Zone On Approximately 73.27 - Acres Comprising Tax Lots 100, 180, 103, 192, 181, 102, 101, 200, Portions Of Tax Lot 2916, Portions Of Tax Lot 2919 Of Section 15, And Tax Lots 1401 Of Section 10, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, City Of Wilsonville, Urban Renewal Agency City Of Wilsonville, And Metro Applicants. (Staff – Edmonds)

D. **Ordinance No.710** – second reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Exclusive Farm Use (EFU) Zone To The Village (V) Zone On Approximately 12.96 - Acres Comprising Tax Lot 301 Of Section 15 And Tax Lots 16400 And 16500 Of Section

15DA, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.
(staff – Edmonds)

Continue Resolution No. 2385 to the January 7, 2013 Council meeting.

E. **Resolution No. 2385** – continued from 12/3/12 meeting

A Resolution Of The City Of Wilsonville Approving Addendum No. 4 To The Development Agreement Of June 14, 2004 By And Between The City Of Wilsonville (City) And The Urban Renewal Agency Of The City Of Wilsonville (URA) And Matrix Development Corporation (Developer) And Property Owners Donald E. Bischof / Sharon L. Lund, Arthur C. / Dee W. Piculell, The Dearmond Family LLC / Louis J. / Margaret P. Fasano (Owners) And Valerie And Matthew Kirkendall (Kirkendall) And Repealing Resolution No. 2377. (Staff – Jacobson/Kraushaar)

9:00 P.M. CITY MANAGER'S BUSINESS

A. Meeting Recap

9:10 P.M. LEGAL BUSINESS

9:15 P.M. ADJOURN

AN URBAN RENEWAL AGENCY MEETING WILL IMMEDIATELY FOLLOW

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**CITY COUNCIL MEETING
 STAFF REPORT**

Meeting Date: December 17, 2012	Subject: City Light Pole Banner Policy Staff Members: Daniel Pauly AICP, Associate Planner. Department: Planning Division
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: Dec. 3 <input type="checkbox"/> Ordinance 2 nd Reading Date: Dec. 17 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Planning Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comment: A work session was held with the Planning Commission on October 10, 2012 during which they expressed a number of ideas regarding the policy as reflected in the meeting minutes (Attachment B below).

Staff Recommendation: Staff recommends that the City Council provide staff feedback on the concepts and scope of the banner policy as direction to prepare a policy to be adopted by the Council by Resolution.

Recommended Language for Motion: Not applicable.

PROJECT / ISSUE RELATES TO: Sign Code Update, Community Events Code Update (Winter 2011-2012), Economic Development.

<input checked="" type="checkbox"/> Council Goals/Priorities Economic Development.	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable
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ISSUE BEFORE COUNCIL: Give staff direction on updating the City's light pole banner policy to formalize existing practices and accommodate recent additional requests for light pole banner placement.

EXECUTIVE SUMMARY: Since the late 1990's, the City has had a decorative banner policy. The City has recently been approached about expanding the banner program to Boones Ferry Road in Old Town and along Parkway Avenue adjacent to Oregon Tech. The City is allowing

banners along Parkway for Oregon Tech and Pioneer Pacific College on a trial basis while a banner policy is vetted by the Planning Commission and City Council. At this point only Oregon Tech has installed banners, which are smaller than allowed by the trial program. The banners are allowed without a sign permit under Wilsonville's sign code. However since it is City owned property, the City controls placement and design of the banners.

EXPECTED RESULTS: Direction to staff to prepare a banner policy to be adopted by the Council by Resolution.

TIMELINE: Adoption of an updated banner policy by City Council early 2013.

CURRENT YEAR BUDGET IMPACTS: No changes in costs related to the current program are expected. New programs are not City funded and are not expected to have budget impacts.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____, Date: _____, 2012

LEGAL REVIEW / COMMENT:

Reviewed by: _____, Date: _____, 2012

COMMUNITY INVOLVEMENT PROCESS: Planning staff received feedback from the community over time on this issue, including those parties seeking to place banners on light poles. The new "higher education corridor" has been piloted allowing for community and neighbor input prior to adopting a final policy. The Planning Commission provided a variety of feedback including a suggestion the Town Center Loop banner area be expanded on memorial drive to the Memorial Park entrance. Planning staff has also coordinated with Public Works staff and incorporated their suggestions.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY A revised banner policy will provide:

- A streamlined and consistent process when handling banner placement.
- Aesthetic enhancements of certain pedestrian oriented streetscapes.
- Improved identification of unique pedestrian districts.

ALTERNATIVES: Continue with current policy in Town Center, Wilsonville Road, and Villebois and not allow additional street light banners.

CITY MANAGER COMMENT:

ATTACHMENTS:

Attachment A: Related Packet Materials from the October 10, 2012 Planning Commission Work Session

Attachment B: Related Minutes from the October 10, 2012 Planning Commission Work Session

Attachment C: Staff's Presentation from the October 10, 2012 Planning Commission Work Session

Attachment D: Photos of Oregon Tech banners installed as part of the trial program.

Attachment E: Map showing areas involved in current and proposed banner program.

Attachment A

Related Packet Materials from
October 10, 2012
Planning Commission
Work Session

**CITY OF WILSONVILLE
PLANNING COMMISSION MEETING
WEDNESDAY, OCTOBER 10, 2012**

VI. WORK SESSIONS:

- B. Banner Policy Revisions – Dan Pauly

PLANNING COMMISSION STAFF REPORT

City Light Pole Decorative Banner Policy

Meeting Date: October 10, 2012
Report Date: October 3, 2012

Contact: Daniel Pauly
Contact Telephone Number: 503-682-4960
Contact E-Mail: pauly@ci.wilsonville.or.us

ISSUE STATEMENT AND REQUESTED ACTION.

Appropriately placed decorative banners on light poles can be an attractive component of a streetscape. Staff is seeking input from the Planning Commission and Public on an updated policy for banners on public light poles. Following a Planning Commission recommendation of a revised policy document staff will prepare for adoption by the City Council.

BACKGROUND

Since the late 1990's, the City has had a decorative banner policy. The City Public Works Department has long maintained decorative banners on City owned light poles on Wilsonville Road between and the railroad tracks on the west side and Boeckman Creek bridge on the east side and along Town Center Loop. Included in the banner rotation are banners pertaining to special events within the City permitted through the Community Center as part of the event permit. Also, Villebois has a banner program as part of the Development Review Board approved Master Sign and Wayfinding program.

The City has recently been approached about expanding the banner program to Boones Ferry Road in Old Town and along Parkway Avenue adjacent to Oregon Tech. The City is allowing banners along Parkway for Oregon Tech and Pioneer Pacific College on a trial basis while a banner policy is vetted by the Planning Commission and City Council. All the signs above are allowed without a sign permit under Wilsonville's sign code, however since it is City owned property, the City controls and placement and design of the signs. The signs are not intended to result in advertising, but rather to enhance the streetscape as well promote districts and community wide special events.

The attached policy document prepared with input from relevant City staff seeks to further establish the City's policies surrounding street light banners by defining various requirements and fees as well as defining where banners are allowed.

RECOMMENDATION

The Planning Commission should discuss the draft revised policy and provide staff with direction in preparation for a discussion with the City Council.

ATTACHMENTS

Draft Policy Document
Letters sent to Oregon Tech and Pioneer Pacific College regarding banner policy (includes map of banner locations)
Letter from Oregon Tech requesting banners

City of Wilsonville Banner Policy

Banner Locations

The City has five districts/corridors where banners are displayed by the City or allowed on public streetlight or utility poles

Wilsonville Road Gateway Corridor (exists)

This corridor between the railroad tracks on the west side of I-5 and Boeckman Creek Bridge on the east side of I-5 serves as a Gateway to the City. The City installs and rotates City-owned seasonal banners along this corridor to enhance the gateway. Select streetlight poles along the corridor are available to organizations hosting Large Special Events pursuant to WC 6.150 (2)

Town Center Loop (exists)

Town Center Park is one of the City's predominate gathering places and the space is used for many of the City's Large Special Events. Pursuant to WC 6.150 (2) organizations requesting Large Special Events are eligible to place banners on certain streetlight poles along SW Town Center Loop East and West. Spacing is determined by the Public Works Department based on the number of banners being installed.

Villebois Village (exists)

Villebois has a specific banner program approved as part of the Master Sign and Wayfinding Plans approved as a component of each Sub Area Plan (SAP).

Boones Ferry Road-Old Town (proposed)

SW Boones Ferry Road in the Old Town Overlay District is a pedestrian oriented main street. Banners on streetlight poles and other appropriate locations can enhance the pedestrian environment and aid in identifying the main street and historic nature of the neighborhood. Banners along Boones Ferry Road in Old Town alternate between permanent Old Town identification banners and seasonal banners or historical themed banners.

Parkway Avenue Higher Education Corridor (proposed)

The concentration of higher education facilities (Oregon Institute of Technology and Pioneer Pacific College) along SW Parkway Avenue north of Boeckman Road create a unique destination and pedestrian district within the City. Banners are placed on streetlight poles on both sides of the street between the southern most access drive for Pioneer Pacific College and the end of the sidewalk at I-5 north of Pioneer Pacific College. Oregon Institute of Technology (Oregon Tech) will be given priority on the east side of the street and Pioneer Pacific will be given priority on the west side. However, if one or the other institution chooses not to use all the available sign locations on the side of the street adjacent to their campus, the second institution can place signs in those locations. The signs will alternate between the name of a school using

school colors and school mascot or other designs reflecting school colors. City staff will approve banner design, and the schools will be responsible for installation and maintenance.

Placement and Removal

Special Event Banners (program administered by the Community Services Department) should be installed or removed at the time the seasonal banners are rotated, if possible.

Special event banners will be stored by the sponsoring organization

Except in Villebois, placement and removal of all banners will be done only by Public Works employees or contractors agreed upon by the Public Works Department.

Fees:

The fee to install Special Event banners is \$650 with an additional \$650 fee to remove the banners, payable in advance. This fee is waived if the banners can be installed or removed with the seasonal rotation noted below.

The costs to install other non-City sponsored banners, including non-City banners in Old Town and Higher Education banners shall be fully covered by the sponsoring organizations.

For non-rotating banners, the banner sponsors are responsible to ensure banners remain in a like-new condition. If banner is found to be faded, tattered, or otherwise in decline, damaged, or defaced the City will notify the sponsor. If the sponsor does not arrange for a new banner to be placed within 60 days at their costs, the City will remove the banner. If the City must remove the banner due to inaction by the sponsor, the fee will be assessed to cover the cost of removal, plus a 10% fee.

Schedule

If Special Event banners are installed at the time of the City's Seasonal Banner placement, they must be delivered to the Public Works Department (30000 SW Town Center Loop East) one week prior to the following normal seasonal rotation schedule dates:

Spring: March 1

Summer: June 1

Fall: September 1

Winter: December 1

Other limitations and notes for Special Event banner seasonal placement:

A maximum of two Special Events will be displayed in any season

A maximum of six banners for any sponsor or event

If multiple organizations request banners during the same season, the spacing of banners will be shared among the City's seasonal banners

City Liability for Non-City Banners

The City of Wilsonville is not responsible for any damage to non-City banners from vehicles, vandalism or any other cause.

Banner Design

Special Event banners will be designed and produced in a color scheme complementary to the existing city seasonal banners:

Spring: Lavender, Yellow, White

Summer: Dark Blue, Sky Blue, Yellow

Fall: Yellow, Purple, Rust, Orange

Winter: Blue, Yellow, White

Production:

Sizes: Through coordination with the Public Works Department and consulting required roadway clearances the following dimensions were determined.

Wilsonville Road west of I-5, Boones Ferry Road

28.5" wide and 48" long

Wilsonville Road east of I-5 and Town Center Loop, Parkway Avenue

28.5" wide and 96" long

Villebois

As shown in approved Master Sign and Wayfinding Plans

Post Sleeves

Banners shall be installed on upper and lower posts securely attached to the pole. All banners will include an upper and lower sleeve of 4 to 6 inches wide, double stitched, for banners being installed by Public Works, and widths as required by the installer for signs being installed by contractors. Banners shall include grommets on side of banner that will be next to pole for attachment to pole with zip ties. There must be one grommet on top and one on the bottom, 4 inches from the top or bottom of the banner.

via email

August 22, 2012



29799 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax Administration
(503) 682-7025 Fax Community Development

Ken Kiest
University Facilities and Capital Planner
Oregon Institute of Technology
3201 Campus Drive
Klamath Falls OR 97601
ken.kiest@oit.edu

RE: Parkway Avenue Higher Education Corridor Trial Banner Program

Dear Ken:

As we have previously discussed over the phone, the concentration of higher education facilities along SW Parkway Avenue north of Boeckman Road creates a unique destination and pedestrian district within the City for which the City is evaluating a banner district similar the one existing in Wilsonville Town Center. The City of Wilsonville is temporarily allowing banners to be placed on light poles along the segment of SW Parkway Avenue around Oregon Tech and Pioneer Pacific College from September 1, 2012 until December 31, 2012. Oregon Tech will be allowed to use the light poles on the east side of the street, and Pioneer Pacific College on the west side of the street. This trial period will allow the City and community members to evaluate a banner program for this area. The sponsoring organizations will be required to cover all installation, maintenance, and removal costs. This letter discussed details of the temporary banner program including banner locations, design and pattern of placement, installation, removal, and liability.

Locations

The subject light poles are on both side of SW Parkway Avenue between the southern most access drive for Pioneer Pacific College and the end of the sidewalk at I-5 north of Pioneer Pacific College. The specific light poles are listed in the table below (see also attached map):

Light Poles Eligible for Banners September 1, 2012 until December 31, 2012.

Pioneer Pacific College (west side of road)	Oregon Tech (east side of road)
Street Light Number	Street Light Number
12476510	12476509
12476508	12476507
12476506	12476505
12476504	12476503
12476502	12476501
12476500	12476499
12476498	12476497
12476496	12476495
12476494	



Design and Pattern of Placement

The design of the signs are required to alternate between the name of a school using school colors and other designs reflecting school colors. The signs shall be no greater than 28.5" wide and 96" long. Final design, size, and alternating pattern shall be approved by the City's Planning Division prior to production and placement.

All banners will include a sleeve of 4 to 6 inches wide, double stitched with a grommet on the side of the banner that will be next to pole for attachment to pole with zip ties. There must be one grommet on top and one on the bottom, 4 inches from the top and bottom of the banner.

Installation

Banners must provide at least a fifteen foot (15') clearance over the asphalt street surface. Banners must be attached to brackets on the light pole that are approved by the Public Works Department. Any work including installation of brackets and banners, maintenance, removal, or replacement shall be coordinated with the Public Works Department, obtain any necessary right-of-way permits from the Engineering Division for work in, or parking of equipment in the public right-of-way.

Removal at end of Trial Period

Banners shall be removed no later than December 31, 2012 unless the timeframe is extended by the City. Mounting brackets shall also be removed unless otherwise instructed or authorized in writing by the City.

Liability

The City of Wilsonville is not responsible for any damage to non-City banners from vehicles, vandalism or any other cause.

Feel free to contact me with any questions.

Regards,



Daniel Pauly, AICP
Associate Planner
City of Wilsonville

attachment

via email

August 23, 2012



29799 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax Administration
(503) 682-7025 Fax Community Development

David Brandstaetter
Director of Operations, Portland Metro
Pioneer Pacific College
27501 SW Parkway Avenue
Wilsonville OR 97070
David.Brandstaetter@PioneerPacific.edu

RE: Parkway Avenue Higher Education Corridor Trial Banner Program

Dear David:

As we have previously discussed over the phone, the concentration of higher education facilities along SW Parkway Avenue north of Boeckman Road creates a unique destination and pedestrian district within the City for which the City is evaluating a banner district similar the one existing in Wilsonville Town Center. The City of Wilsonville is temporarily allowing banners to be placed on light poles along the segment of SW Parkway Avenue around Oregon Tech and Pioneer Pacific College from September 1, 2012 until December 31, 2012. Oregon Tech will be allowed to use the light poles on the east side of the street, and Pioneer Pacific College on the west side of the street. This trial period will allow the City and community members to evaluate a banner program for this area. The sponsoring organizations will be required to cover all installation, maintenance, and removal costs. This letter discussed details of the temporary banner program including banner locations, design and pattern of placement, installation, removal, and liability.

Locations

The subject light poles are on both side of SW Parkway Avenue between the southern most access drive for Pioneer Pacific College and the end of the sidewalk at I-5 north of Pioneer Pacific College. The specific light poles are listed in the table below (see also attached map):

Light Poles Eligible for Banners September 1, 2012 until December 31, 2012.

Pioneer Pacific College (west side of road)	Oregon Tech (east side of road)
Street Light Number	Street Light Number
12476510	12476509
12476508	12476507
12476506	12476505
12476504	12476503
12476502	12476501
12476500	12476499
12476498	12476497
12476496	12476495
12476494	



Design and Pattern of Placement

The design of the signs are required to alternate between the name of a school using school colors and other designs reflecting school colors. The signs shall be no greater than 28.5" wide and 96" long. Final design, size, and alternating pattern shall be approved by the City's Planning Division prior to production and placement.

All banners will include a sleeve of 4 to 6 inches wide, double stitched with a grommet on the side of the banner that will be next to pole for attachment to pole with zip ties. There must be one grommet on top and one on the bottom, 4 inches from the top and bottom of the banner.

Installation

Banners must provide at least a fifteen foot (15') clearance over the asphalt street surface. Banners must be attached to brackets on the light pole that are approved by the Public Works Department. Any work including installation of brackets and banners, maintenance, removal, or replacement shall be coordinated with the Public Works Department, obtain any necessary right-of-way permits from the Engineering Division for work in, or parking of equipment in the public right-of-way.

Removal at end of Trial Period

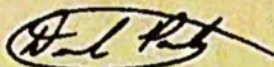
Banners shall be removed no later than December 31, 2012 unless the timeframe is extended by the City. Mounting brackets shall also be removed unless otherwise instructed or authorized in writing by the City.

Liability

The City of Wilsonville is not responsible for any damage to non-City banners from vehicles, vandalism or any other cause.

Feel free to contact me with any questions.

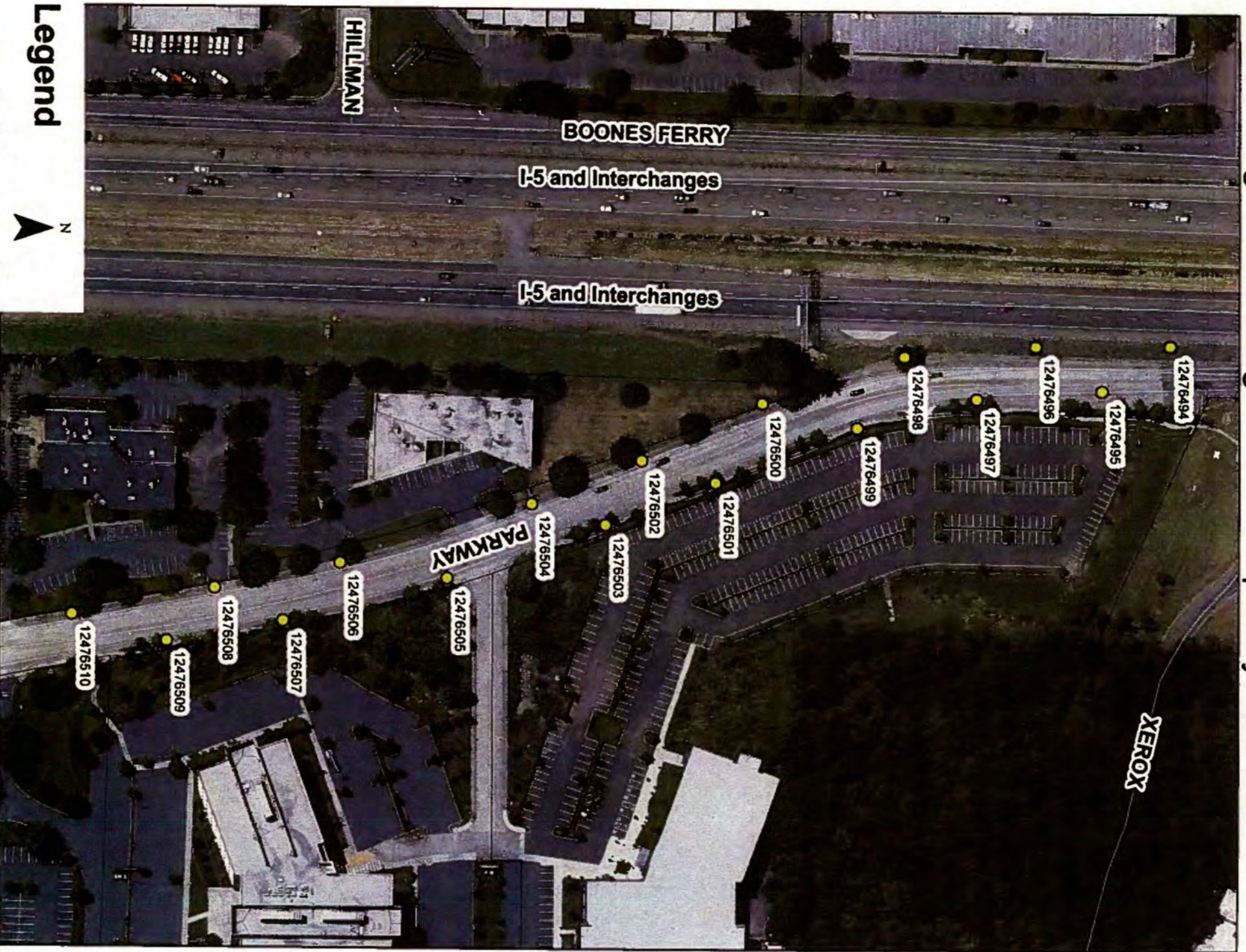
Regards,



Daniel Pauly, AICP
Associate Planner
City of Wilsonville

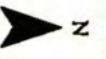
attachment

Light Poles Eligible for Temporary Banners



Legend

● Eligible Lightpoles



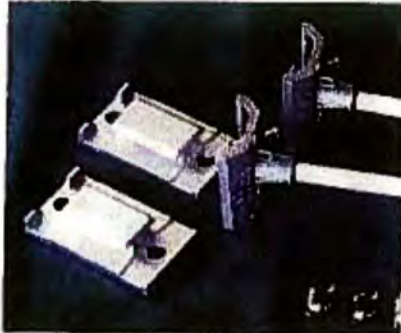
Light Pole Banners

Oregon Tech would like to install approximately 14 single-sided light pole banners on the East side of the Parkway Avenue corridor in front of the campus. The banners are used as a tool to both brand the location of a public university and to also to assist in locating the campus. Oregon Tech has installed banners in and around the Klamath Falls campus with much success.

The banners would be approximately 24" wide by 36" long. The banners would be installed at a height specified by the City. Oregon Tech would purchase commercial grade banner brackets that meet the City's requirements. Generally the cost of each bracket is between \$55 to \$75 depending on the functionality (adjustable or non-adjustable).



- decorative owl, graphics every other??



Oregon Tech will have the banners printed on an acrylic fabric that stands up to the elements to reduce fading. As the banners begin to fade, Oregon Tech will replace the banners for identical replacements. Upon approval of the banners, Oregon Tech will work with the Wilsonville Public Works bureau or with a local contractor to install the banners.

- insurance, traffic

fine Oregon Tech appreciates the City's consideration of our directional signage and light pole banner requests. We are very excited to be in Wilsonville and want to do whatever we can to enhance awareness of the educational opportunities in Wilsonville. Please let me know if you have any questions.

Sincerely,

George Marlton
Dir. Procurement, Contracts & Risk Mgt.

Attachment B

Related Minutes from
October 10, 2012
Planning Commission
Work Session

- As a Tier 1 site, the Elligsen property would be dear to Metro as far as the ongoing discussion about trying to change its zoning, since very few Tier 1 sites exist. It seemed that changing the zoning would be a huge hurdle for a lesser use of the land.
- Basalt Creek was not included in this study, but Mr. Clemons said he would love to do that analysis.
- The driving force behind all Phase 2 sites seeming to be at the periphery of the UGB was that 25-acre vacant, not redevelopable, sites were hard to find. A map of all Phase 1, 2 and 3 sites was included in Volume 2 and showed the distribution of the 56 sites around the region. If sites below 25 acres were included, more sites would be identified.
 - The real estate brokerage community advised that the most transacted sizes in the marketplace over the last 5 or so years were less than 25 acres. Another step in the process would be to conduct a similar study on sites less than 25 acres.
 - Redevelopment was beyond the scope of this study due to costs. Local jurisdictions farther within the UGB were interested in redevelopment.
- The modeling tool used for the study could be used for other sites; however an analysis of the site's specifics, such as cost, time frame, methodology, etc. was needed in order to plug numbers into the model.
- The entire 32-acre Elligsen site is currently zoned residential-agricultural holding, and designated as industrial in the Comprehensive Plan. An old, broad master plan called the Parkway Center Master Plan contemplated 6 acres that included part of the Elligsen site, the old Burns Brothers site and property at Canyon Creek Road that would have been like the Wilsonville Business Center.
- From an economic development perspective, some out-of-state multi-national developers would be excited to find a site inside the UGB because those sites maintain their value over time, they allow for more density, and employees like to live in a more urban setting. However, large parcels of land in the region are hard to find. The inability to have 500 to 1,000 acres available for a master planned or huge campus was a challenge.
 - The study was not done to make the case for expanding the UGB, but from the perspective of making the UGB function for development. Land is available and ready for development within the UGB. The study helped identify what needs to be done within the boundary to get sites that meet company needs.
- Metro being a partner on the study was very innovative and very important. Metro Council President Hughes was taking this topic seriously and making a big difference. Metro has been at the table with the Port's lawyers helping draft the proposed legislation.
- Contextually after the urban growth report was written, the idea of having a just-in-time replenishment was discussed in the last UGB expansion where another site was ready to be brought right into the UGB if a site was used up.
 - Metro included consideration of this just-in-time UGB expansion project in its work plan. Group Mackenzie, in working with the Port, PBA, and NAIOP developed a scope of work.
 - At the breakout sessions of the regional meeting where infrastructure, aggregation and other issues were discussed, a Metro Councilor said Metro has a Greenspace Program where a bond was passed to purchase green space; what if Metro passed a bond to pay for industrial infrastructure and site aggregation. It was an interesting idea, so maybe there was hope.
- The map on page 6 of 119 of the packet showing the identified sites being on the perimeter ties back to the Transportation System Plan (TSP) and Regional Transportation Plan (RTP). The analysis looked at adjacent improvement off-site items, adjacent roads to the site as opposed to regional accessibility.

B. Banner Policy Revisions – Dan Pauly

Chris Neamtzu, Planning Director, explained this revision process stemmed from a request from the Oregon Technical Institute (OIT). The City's Decorative Banner Policy first pertained only to the rotating seasonal banners on Wilsonville Rd and Town Center Lp, but the program has grown as events in Town Center Park have increased over time. He confirmed that the banner policy was previously administered through Community Services and was not really part of the Sign Code. The City accommodated the banners requested

for the upcoming opening of OIT with a temporary use permit, noting that the banner policy would be updated. Feedback, input and comments were being requested before presenting the proposed policy changes to City Council for adoption.

Daniel Pauly, Associate Planner, presented the Staff report via PowerPoint, noting language was added to the Sign Code allowing the use of decorative banners. He reviewed the existing Banner Policy and the proposed updates.

The Commissioner discussion of the Banner Policy included:

- Staff had not started talking to major property owners on Boones Ferry Rd in Old Town yet. The Code update essentially enables the placement of banners and the City wanted to be flexible where possible.
- Other major property owners near Oregon Tech included Rockwell Collins and Jack Martin and no negative comments were received about the OIT's trial program. Those property owners are very supportive of Oregon Tech being there. A new tenant signed a lease in the building closest to Parkway Ave.
- Banners on Parkway Ave would be limited to the area indicated on Slide 5 to identify the area as a higher education district, which would generate additional pedestrian traffic. The area would not be expanded.
- Slide 6 delineated the potential banner locations in Old Town where the improvements lend themselves to decorative banners. Nothing specific was proposed as the City was awaiting proposals from those property owners.
- While OIT initiated the proposed policy update, Staff decided to consider a banner policy for the entire city to address potential applications.
- The design and color specifications on Page 4 of 10 apply to special event banners, although the requirements have not always been followed.
- A review process needed to be created to review design prior to other banners going up because the banners are being used on City property. The purpose of the banners was to enhance the environment as opposed to advertising.
- The Commission suggested that the use of banners also be considered in the following locations:
 - Along Memorial Drive a few hundred yards south of Wilsonville Rd due to special events at Memorial Park or the library.
 - On the small stretch of Town Center Lp near Memorial Park to complete that loop.
 - Staff would need to see whether the light poles were too far into the trees and might not accommodate a banner. Some light poles are also curbtight rather than behind the sidewalk so the banner would be over the street surface.
 - On Courtside Dr behind City Hall from Town Center Lp E toward Town Center Park.
- Banners are advertising and should only be used for school or community events and not for business advertising purposes. Concern was expressed about how reviewing banner design might relate to freedom of speech issues
 - The policy identified the specific district and how each district should be identified, which addressed why certain messages would be allowed on those banners. If the banners were allowed everywhere and the City started picking and choosing content, then there could be an issue. However, because specific districts are identified and because the identified districts are within the public right-of-way, the City had control of that space and what was in it, including banner content and design.
 - Commercial issues would be dealt with through the Sign Code.
 - Ms. Jacobson agreed, adding that some thorny issues could be considered controversial, such as a religiously affiliated school within the district wanting to use a cross on their banner. Not all issues could be contemplated, and might have to be addressed later. Content cannot be regulated if banners are allowed in the area.
- The acceptable level of wear and tear could be subjective. A ripped or torn banner was more obvious, but the proposed language stated "when they begin to fade", which was subjective and could create

disagreement if the City was going to charge to take down a banner that the owner believes is still acceptable and the City disagrees.

- The issue came down to a reasonable person test; perhaps “*substantially faded*” could be used.
- Barbara Jacobson, Assistant City Attorney, advised the City has discretion because the banner would be on public property, not private property, and the owner would be getting some benefit.
- The policy could require vinyl banners with non UV degrading ink or materials suggested by a good sign company.
- Banners could be inspected every 18 months to 2 years or a replacement period could be defined where banners must be replaced annually or on a 2-year cycle. The cycle could be defined as suggested from a sign company.
- Schools would not have to change their school colors when designing banners. Special event banners are to be designed so as not to clash with the City’s seasonal banners because the two are interspersed.
- Pioneer Pacific College is a for profit higher education institution while Oregon Tech is a state institution. Pioneer Pacific College banners could be considered advertising, which could become a slippery slope when considering the pride employees have in their company, such as Xerox. It could become a potential legal issue in the future.
 - Staff discussed the matter with Oregon Tech, who wanted banners on each side of the road.
 - Pedestrians in that district would be from both schools. Students would be proud of the school they attend whether or not they attend a State or private school.
 - Identifying the district as a higher education district distinguished the schools having banners verses a business.

C. Joint Worksession De-Brief

Chris Neamtzu, Planning Director invited the Commissioners’ comments to update those unable to attend.

Chair Altman noted the Commission was still awaiting City Manager Bryan Cosgrove’s summary.

Comments and discussion regarding the Joint Worksession with City Council were as follows:

- The outcome was still uncertain. Identifying priorities was a complicated process because of the interactivity between multiple items on the Commission’s work program. The mindset was that Staff needs to be involved in the process to pull work program topics apart.
- Two Council members and the Mayor made suggestions about they believed were priorities; however, Council must agree on priorities before the Commission could act.
- Attachment A to the 2012 Annual Planning Commission Work Program was a good tool and could be used to shuffle the Commission’s work plan priorities. The chart could be sent to Council regularly, perhaps quarterly, to get direction or feedback about any needed adjustments.
 - The inactive projects in Attachment A could be either separated out completely or a third category created within each section because combining the inactive/upcoming projects made their status unclear.
 - The challenge was that the list changes daily.
- There was a brief discussion about the Community for Citizen Involvement (CCI).
 - With this level of work, there was not much time other than the normal interaction when the CCI actually engages the community on specific items like Comprehensive Plan amendments.
 - The Commission did suggest that Council might want to create a separate CCI.
- Many projects on Attachment A regarding the Park Master Plan could be transferred to the Parks and Recreation Committee.
 - City Manager Cosgrove had indicated the City was considering hiring a Parks Director to review Park Master Plan items. The Commission would only consider the items relative to an actual amendment or for adoption.

Attachment C

Staff Presentation from
October 10, 2012
Planning Commission
Work Session

Enhancing Streetscapes with Decorative Banners

Wilsonville's Current and Proposed Policy

Wilsonville Planning Commission Work Session

October 10, 2012

Daniel Pauly, AICP

Associate Planner

Benefits of Decorative Banners on Street Lights

- Enhances pedestrian environment by adding interest and visual variety
- Help identify districts as destinations
- Promote community wide events

Current Programs and Locations

- City Maintained Seasonal Banners
 - Began in the 1990's
 - Wilsonville Road (Boeckman Road Bridge to Railroad)
- Large Special Events
 - Town Center Loop East and West/ Wilsonville Road
 - Request as Part of Community Services Permit
 - Town Center Park predominate gathering place for large community events
 - Fees and specifications established by Public Works for installation
- Villebois Village
 - Approved by DRB as part of the Master Sign and Wayfinding Programs
 - Promotes district identity
 - Installed and maintained by developers/HOA's

Proposed Additional Programs and Locations

- Parkway Avenue Higher Education District
 - Oregon Tech and Pioneer Pacific College
 - Unique destination and pedestrian district within City
 - Alternating design
 - Schools responsible for installation and maintenance
 - Current trial program
- Boones Ferry Road/Bailey Street-Old Town
 - Unique pedestrian-oriented corridor
 - Recent streetscape enhancements
 - Alternative between Old Town identification banners and seasonal/historical banners
 - Installation and maintenance responsibilities proposed to be by “sponsoring organizations”



Locations for Parkway Higher Education District



Preliminary Potential Old Town Banner Locations



Blue decorative light poles

- Median of Boones Ferry Rd (Wilsonville Road to just south of Bailey St)
- North side of Bailey Street
- West side of Boones Ferry Rd north and south of 5th Street

Other Policy Components

- Placement and Removal
- Fees
- City Liability
- Design
 - Colors for special event banners
 - Sizes
 - Construction specifications (post sleeves and grommets)

Attachment D
Photos of Oregon Tech
Banners on Parkway Avenue



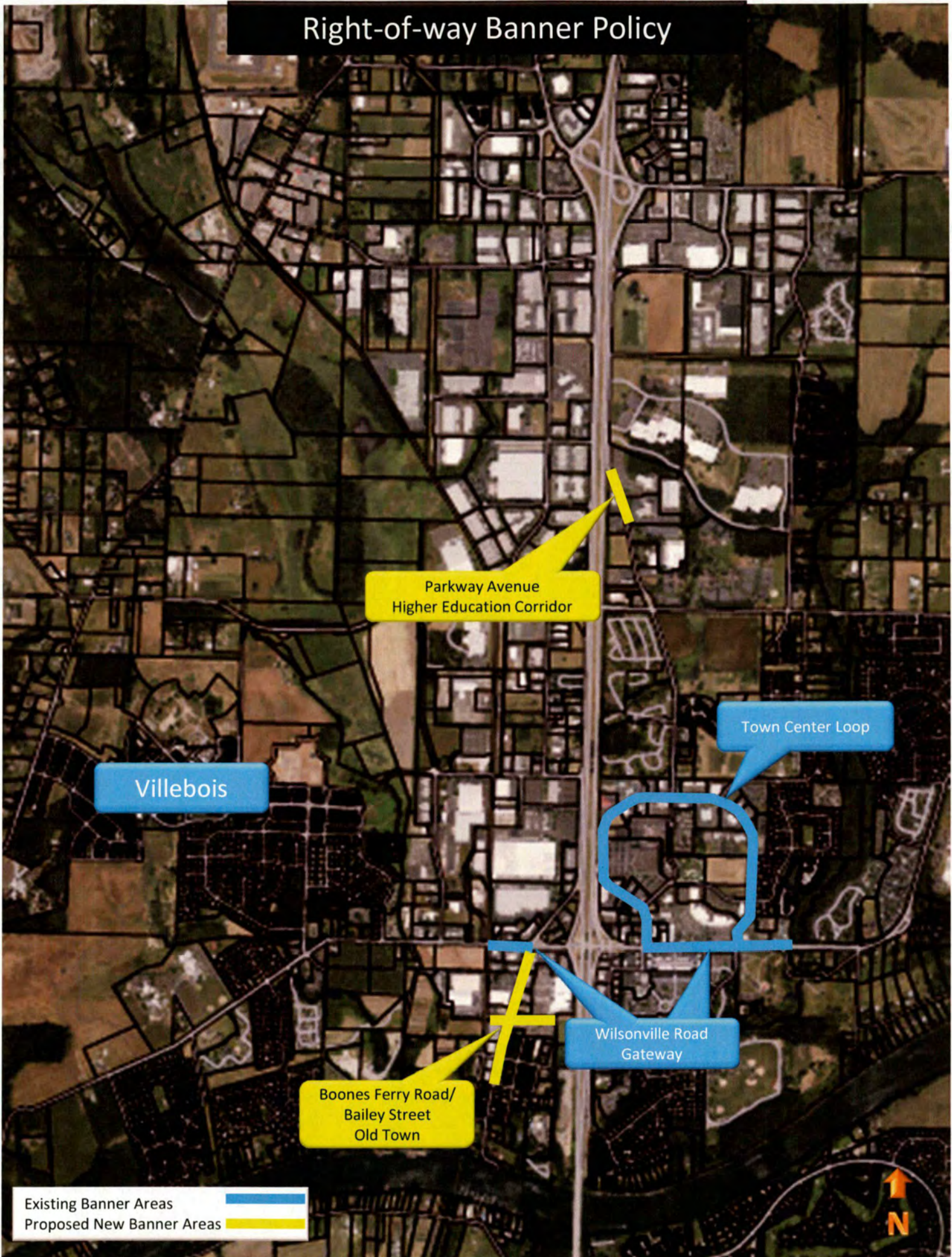
Oregon TECH

MAERSK
REALAND



Attachment E
Map of Banner Locations
Current and Proposed

Right-of-way Banner Policy




**CITY COUNCIL MEETING
 STAFF REPORT**

Meeting Date: December 17, 2012	Subject: Business Energy Tax Credits (BETCs) Staff Member: Stephan Lashbrook Department: SMART
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:

Staff Recommendation: None – offered for information only.

Recommended Language for Motion: None.

PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/>	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL: Over the last few months, SMART has received checks for a net total of \$1,845,954 from the pass-through program of the Oregon Department of Energy's (ODOE) Business Energy Tax Credit (BETC) program. This revenue was not anticipated at the time the City's 2012/13 budget was prepared. A Budget amendment will be brought to the Budget Committee and Council next spring to reflect this previously unanticipated revenue.

EXECUTIVE SUMMARY:

Oregon's Business Energy Tax Program provided tax credits to individuals and organizations who implemented energy-saving or energy-producing changes. Given that local governments do not typically pay taxes, the system included "pass-through" credits to allow private parties to acquire the tax credits earned by local governments.

The BETC program was substantially modified by the State over the last year and SMART no longer qualifies to receive pass-through credits for the operation of fixed bus routes. However, we became aware during the summer of 2012 that, even though the old pass-through program was being phased out, SMART could still receive payments for previously approved activities from 2009 through 2011. Staff approached this as a very limited window of opportunity where pass-through funds might be available, but only if private parties with their own Oregon income tax liabilities were interested in acquiring SMART's tax credits. Many units of local government were (and are) operating under the assumption that the State's changes were retroactive and that there was no way to receive payment for past creditable activities. Our own conversations with staff at ODOE made it clear that, while the program was being phased out, there was still a limited amount of time to market SMART's pass-through credits that had already received preliminary approval.

Staff contracted with the firm of RC Shain and Associates from Seattle in an arrangement that essentially paid them a commission for each of SMART's three remaining pass-through credits that they could successfully market before the end of calendar year 2012. The three separate agreements with the Shain firm allowed for SMART to do our own marketing of these pass-through credits, but we quickly discovered that we had neither the available staff time nor the expertise to be successful. Martin Shain was known to have a very successful track record in this field and he quickly demonstrated his ability by finding partners for our first credits within weeks of our initial agreement. He successfully marketed all of the credits that we had available between August and November of 2012.

EXPECTED RESULTS:

SMART has received a net total of \$1,845,954 in BETC pass-through proceeds since August. Staff expects to recommend several budget amendments in spring 2013 as a result.

TIMELINE:

Time was of the essence in order to market our last pass-through credits before the BETC program was completely phased out. We were successful in that effort.

Staff will return to the Budget Committee and City Council in the spring of 2013 with proposed budget amendments reflecting this new revenue and recommending the efficient use of these funds (including increasing funds in SMART's bus replacement reserve and creating a SMART operating contingency fund, as well as covering the costs of natural gas fueling equipment at our new shop).

CURRENT YEAR BUDGET IMPACTS:

Budget impacts include:

Gross revenues: \$2,003,614
Expenses: \$157,660
Net revenue: \$1,845,954

FINANCIAL REVIEW / COMMENTS: *[Item must be sent to Finance for review.]*

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT: *[Item must be sent to City Attorney for review.]*

Reviewed by: _____ Date: _____

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Receipt of these funds provides a substantial budgetary benefit to the community.

ALTERNATIVES:

None.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. BETC Receipt summary prepared by Keith Katko and Stephan Lashbrook

Subject:

BETC Staff Report

Attachment A

From: Katko, Keith
Sent: Tuesday, December 04, 2012 8:59 AM
To: Lashbrook, Stephan
Subject: BETC Receipt Summary (Updated)

The grand total of what we have received YTD is **\$2,003,614**. Below is the breakout of that amount by BETC contract. Total payments to the consultant were \$154,660. Payments to auditors totaled \$3,000.

Net BETC proceeds: \$2,003,614 - \$154,660 - \$3,000 = **\$1,845,954** (rounded to nearest dollar)

1. **BETC #26658** (04/01/09 – 12/31/09). Total eligible project costs as determined by ODOE = \$2,393,346
 - Total receipts of \$610,303 as follows:
 - 1) \$380,000 (received 08/16/12)
 - 2) \$230,303 (received 08/15/12)

2. **BETC #30078** (01/01/10 – 06/30/10). Total eligible project costs as determined by ODOE = \$1,676,355
 - Total receipts of \$432,082 as follows:
 - 1) \$71,231 (received 11/08/12)
 - 2) \$154,650 (received 10/26/12)
 - 3) \$128,875 (received 10/26/12)
 - 4) \$38,663 (received 10/26/12)
 - 5) \$38,663 (received 11/08/12)

3. **BETC #31682** (07/01/10 – 06/30/11). Total eligible project costs as determined by ODOE = \$3,729,307
 - Total receipts of \$961,229 as follows:
 - 1) \$147,286 (received 11/08/12)
 - 2) \$128,875 (received 11/08/12)
 - 3) \$128,875 (received 11/08/12)
 - 4) \$257,750 (received 11/08/12)
 - 5) \$151,157 (received 11/30/12)
 - 6) \$147,286 (received 12/02/12)



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: December 17, 2012</p>	<p>Subject: Acceptance of City's 2011-12 Comprehensive Annual Financial Report (CAFR) and the 2011-12 Urban Renewal Agency Financial Report</p> <p>Staff Member: Joanne Ossanna Department: Finance</p>
<p>Action Required</p> <p><input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda</p>	<p>Advisory Board/Commission Recommendation</p> <p><input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable</p> <p>Comments:</p>

<p>Staff Recommendation: Council acceptance of the FY 2011-12 Audit.</p>
<p>Recommended Language for Motion: I move to accept the FY 2011-12 Audit Report.</p>

<p>PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i></p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL: The City is required by Oregon Revised Statute 297.425 to have an annual independent audit. The firm of Grove Mueller and Swank, P.C., Certified Public Accountants, audited the Comprehensive Annual Financial Report (CAFR) and the Urban Renewal Agency Financial Report for the fiscal year ending on June 30, 2012.

EXECUTIVE SUMMARY: The City's independent audit received an unqualified opinion. This opinion is given when the financial statements presented are free of material misstatements and are represented fairly in accordance with the Generally Accepted Accounting Principles

(GAAP), which in other words means that the City's financial condition, position, and operations are fairly presented in the financial statements.

Grove Mueller and Swank, P.C. did not issue any Management Letter Comments or recommendations for improvements.

EXPECTED RESULTS:

Acceptance of the results of the independent audit for fiscal year ended June 30, 2012.

TIMELINE:

All work is complete.

CURRENT YEAR BUDGET IMPACTS:

There are no financial impacts.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: JEO Date: 12-5-12

There are no financial impacts.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 12/5/12

Presentment and acceptance by the Council at the December 17, 2012 meeting meets legal requirements.

COMMUNITY INVOLVEMENT PROCESS:

None

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY

None

ALTERNATIVES:

Not Applicable

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Letter to Council and Management from our auditors, Grove Mueller & Swank, P.C., outlining their responsibilities, audit findings and issues related to the audit.
- B. 2011-12 Comprehensive Annual Financial Report (CAFR)
- C. 2011-12 Urban Renewal Agency Financial Report



GROVE, MUELLER & SWANK, P.C.

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS
475 Cottage Street NE, Suite 200, Salem, Oregon 97301
(503) 581-7788

November 5, 2012

City Council and Management
City of Wilsonville
Wilsonville, Oregon

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Wilsonville for the year ended June 30, 2012. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards* and OMB Circular A-133, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated June 7, 2012. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City of Wilsonville are described in the notes to the financial statements. In the current year, the City adopted the provisions of Government Accounting Standards Board Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*. The application of existing policies was not changed during the year. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the City's financial statements was management's estimate of the allowance for doubtful accounts which is based on historical water and sewer revenues, historical loss levels, and an analysis of the collectability of individual accounts. We evaluated key factors and assumptions used to develop the allowance in determining that it is reasonable in relation to the financial statements taken as a whole.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management appropriately responded to our communication.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated November 5, 2012

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

This information is intended solely for the use of the City Council and management of the City of Wilsonville and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,


CERTIFIED PUBLIC ACCOUNTANTS


**CITY COUNCIL MEETING
 STAFF REPORT**

Meeting Date: December 17, 2012	Subject: Resolution No. 2388 Acquisition of Compressed Natural Gas (CNG) Components for the SMART/Fleet Maintenance Facility Staff Member: Kristin Retherford & Stephan Lashbrook Department: Community Development & SMART
Action Required	Advisory Board/Commission Recommendation
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:

Staff Recommendation: Staff recommends Council adopt the accompanying Resolution to authorize the acquisition of Compressed Natural Gas Fueling (CNG) components for installation at the new SMART/Fleet Maintenance Facility.

Recommended Language for Motion: I move to approve Resolution No. 2388.

PROJECT / ISSUE RELATES TO: *[Identify which goal(s), master plans(s) issue relates to.]*

 Council Goals/Priorities

 Not Applicable

ISSUE BEFORE COUNCIL:

Council action on Resolution No. 2388 is needed to authorize staff to proceed with the installation of CNG fueling equipment at the new SMART/Fleet facility.

EXECUTIVE SUMMARY:

In November 2010, SMART/Fleet was directed to move forward with a small scale fueling station to test CNG buses. After significant research, BRC Fuel Maker was identified as the only company providing equipment of this size in this area. The manufacturer utilizes territorial distributorships. This resulted in a sole-source procurement of \$36,000, through Smokey Stover, the regional distributor for BRC Fuel Maker at that time. The equipment was installed at the Elligsen Road facility in May of 2011 with the intention of relocating it to the new SMART/Fleet Maintenance Facility.

In November 2011, the City's first two CNG buses were placed into service and began using the CNG facility. It quickly became apparent that there were fuel capacity issues. After several months of testing and modifying the system, Mr. Stover conceded that the system he'd originally specified and designed needed to be expanded to meet our current fueling needs. He proposed integrating one additional Vehicle Refueling Appliance (VRA) into the new design at a cost of \$18,500. At this time, Staff contacted BRC Fuel Maker to determine if there was an alternate representative the City could work with. Their answer was "no." Additionally, a search for another source to procure the needed equipment determined that there were no other sources available for this component.

Staff eventually obtained assistance from NW Natural Gas to complete the design work needed to integrate the additional VRA into existing equipment and to add additional fuel storage.

During this time, design was underway at the new SMART/Fleet Maintenance Facility to house the existing CNG facility and add additional capacity

After several months of requests, in August of 2012, Mr. Stover submitted a price quote to relocate the existing CNG equipment and install the additional equipment noted above. The quote was incomplete and omitted a number of important details. During this same timeframe, SMART was awarded a grant to purchase additional CNG buses. Consequently, the CNG facility design needed to be modified to upsize the components to accommodate these new buses. Also during this August/September timeframe, BRC Fuel Maker notified the City that its new area representative would be Northwest Pump & Equipment.

At this point it was late September and City staff was at a "start over" point in terms of procuring an adequate CNG fueling facility. The General Contractor for the new facility was reaching a point where delay in designing, procuring and installing the CNG facility would have impacts on their contract. These potential delays consisted primarily of electrical work, concrete paving, and extension of a gas line from the CNG facility location to the main building, any one of which could have put the City into a position of paying damages to the General Contractor for construction delays.

In October of 2012, after many meetings and design reviews, Northwest Pump & Equipment submitted a quote of \$109,119 to relocate the City's existing facility and add the needed components to expand the system to meet SMART's demands for CNG. Prior to this, staff

believed that these upgrades would be under the \$100,000 limit requiring Council approval. Staff made efforts to re-work and modify the design and eliminate components to reduce this amount. In November of 2012, it was determined there was no way to modify the design to reduce the cost and obtain the needed service capabilities.

In order to meet the construction schedule and minimize impacts to the larger project, staff submitted a purchase authorization in November 2012 to acquire the needed components. There is a lead time of several weeks to procure these items.

As the final amount for this procurement is over \$100,000, staff is now before Council to ratify this process.

First, it was found after significant research and investigation over the course of two-plus years that BRC Fuel Maker through their authorized representative is the only source for the type of small-scale CNG facility needed by SMART. Thus, competitive bidding for this system is not possible.

Second, this acquisition is within the overall contingency budget planned for construction of the new SMART/Fleet Maintenance Facility.

Third, SMART has received funding through the Oregon Department of Energy Business Energy Tax Credit (BETC) system that can be used to offset this expenditure and impacts to the project budget which is being paid for from the Transit and Fleet funds, and a Connect Oregon grant.

EXPECTED RESULTS:

Procurement of necessary CNG components for installation at the SMART/Fleet Maintenance Facility to serve the City's CNG buses.

TIMELINE:

As time was of the essence in order to meet the building construction schedule and avoid delays that would result in damage claims, staff has submitted an order for the needed CNG components. This procurement is now being brought to the Council for authorization at the earliest possible time to obtain formal approval. Components are expected to arrive in late December for installation prior to the targeted move date of January 10, 2013.

CURRENT YEAR BUDGET IMPACTS:

\$109,119 from project contingency and BETC.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ JEO _____ Date: _____ 12-6-12 _____

This project is not budgeted in the current fiscal year, but there are sufficient funds available from the BETC revenue. If this resolution is approved a budget amendment will be processed to

appropriate funds for this project.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 12/6/12

Faced with the change of circumstance of additional buses to serve, the practical limitation of a single provider of small CNG set ups initially being selected, and the need to avoid general contractor delays, the field determination to proceed appear reasonable and appropriate. The amount being over staff authority limits needs Council ratification.

COMMUNITY INVOLVEMENT PROCESS:

N/A.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

CNG provides the City with a cleaner burning fuel source for the City's SMART buses, as well as an alternative to diesel so that SMART has alternate fuel options as diesel prices continue to fluctuate.

ALTERNATIVES:

A CNG system sufficiently sized to serve SMART's CNG buses is necessary. The only alternative to acquiring this small-size CNG system is to upgrade to a commercially-sized system at a much greater cost and requiring much more space on the property, which would require an expansion of the parking lot.

CITY MANAGER COMMENT:

ATTACHMENTS:

A. Resolution No. 2388

RESOLUTION NO. 2388

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING PROCUREMENT OF COMPRESSED NATURAL GAS FUEL SYSTEM COMPONENTS FROM NORTHWEST PUMP & EQUIPMENT, AUTHORIZED REPRESENTATIVE OF BRC FUEL MAKER.

WHEREAS, in November 2010, SMART/Fleet staff was directed to move forward with a small-scale Compressed Natural Gas (CNG) fueling station to test and serve CNG buses at the Elligsen Road Fleet Facility; and

WHEREAS, after significant research it was determined that most companies in this industry manufacture commercial-scale CNG fueling systems, which are much larger than what is needed to serve SMART's CNG fueling needs now or in the foreseeable future, and that BRC Fuel Maker is the only company that could be identified that provides small-scale CNG fueling systems of the sort needed to fuel a small number of SMART buses; and

WHEREAS, BRC Fuel Maker utilizes territorial distributorships; and

WHEREAS, the City specially procured a CNG fueling system from BRC Fuel Maker and installed this system at the Elligsen Road Fleet Facility with the intent of relocating this system to the new SMART/Fleet Maintenance Facility to be constructed on Boberg Road; and

WHEREAS, subsequent to this procurement, SMART received grant funding to procure additional CNG buses which created a need to expand the previously procured CNG fueling system; and

WHEREAS, Northwest Pump & Equipment Company, is the current authorized regional distributor for BRC Fuel Maker in the Portland metro area; and

WHEREAS, Northwest Pump & Equipment Company has designed an expansion plan for the City's existing CNG facility; and

WHEREAS, Northwest Pump & Equipment Company provided the City with a quote to relocate the existing CNG facility and add the expansion components needed to serve the City's expanding fleet of CNG buses in the amount of \$109,119; and

WHEREAS, it was determined that BRC Fuel Maker, through its authorized regional representative Northwest Pump & Equipment Company, is the only provider of the components needed for expansion of this small-scale CNG fueling system; and

WHEREAS, time was of the essence as any delays in procuring and installing this system will cause delays to the SMART/Fleet Maintenance Facility building project which will result in expenses to the City; and

WHEREAS, it was in the City's best interest to proceed with this procurement as the only viable option and with time being of the essence due to the move; and

WHEREAS, the combined impact of the need for additional equipment and moving the equipment had the unplanned impact of causing the contract to exceed staff authority by \$9,119 and therefore requires ratification by City Council..

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. It is in the City's best interests to relocate the City's CNG fueling system from the Elligson Road fleet maintenance facility to the new facility on Boberg Road, and to upgrade this system with the equipment needed to serve SMARTs growing fleet of CNG buses.
2. It is found that BRC Fuel Maker, through its authorized regional distributor Northwest Pump & Equipment Company, is the only source that can provide the needed services and equipment.
3. City Council authorizes and ratifies the procurement of the needed services and equipment from Northwest Pump & Equipment Company for the quoted amount of \$109,119.00.
4. This resolution is effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof
this 17th day of December, 2012, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Council President Núñez

Councilor Goddard

Councilor Starr

Councilor Fitzgerald

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, November 15, 2011. Mayor Knapp called the meeting to order at 7:10 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

- Mayor Knapp
- Councilor Núñez
- Councilor Goddard
- Councilor Starr

Staff present included:

- Bryan Cosgrove, City Manager
- Jeanna Troha, Assistant City Manager
- Mike Kohlhoff, City Attorney
- Chris Neamtzu, Planning Director
- Nancy Kraushaar, Community Development Director
- Steve Adams, Interim City Engineer
- Stephan Lashbrook, SMART Director
- Sandra King, City Recorder
- Mark Ottenad, Public Affairs Director
- Dan Knoll, Public Affairs Coordinator
- Steve Allan, SMART Operations
- Jen Massa Smith, SMART Options Programs
- Blaise Edmonds, Manager of Current Planning

Motion: Councilor Núñez moved to approve the order of the agenda. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

A. Approval of the City Attorney's Employment Contract (Councilor Núñez).

Councilor Núñez stated Michael Kohlhoff has been with the City of Wilsonville for 32 years, providing the City with a tremendous amount of history, professionalism and expertise, which was why Council supported an extension of his contract as the City Attorney.

Motion: Councilor Núñez moved to approve a one-year extension of the employment contract with Michael Kohlhoff to continue as City Attorney from October 1, 2012 to October 1, 2013 at the base salary of \$126,060 and a total compensation package of \$138,326, as outlined in the employment agreement. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

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Members of the Council thanked Mr. Kohlhoff for his expertise, guidance and service to the City, which has a number of legal items to address due to Wilsonville's connection with so many regional entities.

B. Upcoming Meetings

Mayor Knapp announced the next City Council Meeting was scheduled for November 19 in Council Chambers and that City offices would be closed November 12 in observance of Veterans' Day, and November 22 and 23 in observance of Thanksgiving.

He noted his participation in the dedication of Engelman Park on Sunday, where almost 70 people attended. Engelman Park was designed to require little maintenance and incorporated a number of natural elements. Completing the park also fulfilled the need for a neighborhood park in the area, which predated the City's Park Plan policy to provide each neighborhood with a park.

He reminded about the upcoming General Election, tomorrow November 6, adding drop-off service would be available all day at the library. A nonpartisan open house would be held at the library from 6 pm to 9 pm for those interested in observing the election results.

COMMUNICATIONS

A. Foreclosure Intervention – Cory Streisinger, NEDCO

Cory Streisinger, Foreclosure Intervention Counselor, Neighborhood Economic Development Corporation (NEDCO), described the significant negative impacts foreclosures have on both people and communities and the expected changes regarding a July 2012 court ruling.

She reviewed resources available to help those facing foreclosure, which were featured on www.oregonhomeownerssupport.gov, a new State of Oregon website. Flyers highlighting more information about the website were made available to Council and the public to distribute. She reviewed the foreclosure services provided by NEDCO, noting that NEDCO has been a non-profit housing counseling service in Oregon since 1989 and its services are confidential and free of charge to homeowners.

Councilor Starr understood loan modifications have a negative impact on a homeowner's credit report. Ms. Streisinger clarified the damage to the credit report usually exists because homeowners were unable to pay their mortgages. A loan modification, short sale, or foreclosure would all negatively impact a homeowner's credit report; however, NEDCO only suggests a modification in the cases where clients really need it. NEDCO does examine each client's credit report as part of the process. To avoid scams, she explained that legitimate agencies are listed on the state website or HUD's website and legitimate, for-profit agencies exist that charge, but people should ask about the fee structure upfront. She added that no homeowner should be asked by an agency to pay an upfront fee in order to get a mortgage modification and that no agency could promise an outcome, which were two danger signs.

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Councilor Núñez affirmed Ms. Streisinger's credibility, noting she was also previously head of the Department of Consumer and Business Services, a regulatory financial and consumer protection agency. She asked how people should tell friends and family who may need help about NEDCO's resources. Ms. Streisinger suggested providing information via posters and flyers to get people's attention, talking about having heard NEDCO presentation or inviting NEDCO to do a presentation at organizations with which a person who needs help may be affiliated.

Councilor Goddard asked if it is too late to talk with NEDCO once a foreclosure notice has been received. Ms. Streisinger stated NEDCO could still get involved and provide help up until seven days before the sale date; however the sooner one contacts NEDCO the better, as they could help homeowners who are current on their mortgage, but are struggling to stay current.

Mayor Knapp asked if NEDCO expected to remain in the community long term. Ms. Streisinger replied that NEDCO is funded for one year with the possibility of three years. Funding comes from the National Attorneys General settlement with the five major loan servicers. As part of the settlement, each participating state received funds to assist consumers facing foreclosure. Oregon chose to use some of its funds to issue grants to housing counseling agencies to provide counseling resources. Whether or not the funding continued would depend on whether counseling was needed, which would be determined by the number of people who contact NEDCO for help.

Mayor Knapp suggested that information about NEDCO be posted on community bulletins, such as at the Chamber of Commerce, various supermarket stores, Goodwill, and coffee shops. Wilsonville Community Sharing would also be an appropriate agency with which NEDCO could work to distribute information about its services.

B. Wilsonville Community Sharing Activities Update – Sheryl Kelly
No update given.

C. OSPRIG Health Care – Adam Brunelle
No update given due to no representative being present.

D. Wilsonville Sunday Streets Video (staff – Jen Massa Smith)

Jen Massa Smith, SMART Options Programs presented a video showing the Wilsonville Sunday Streets event that took place August 19, 2012. The video was created, filmed, and edited by Public Affairs Coordinator Dan Knoll and Willamette Media and narrated by SMART Fleet Manager Scott Simonton.

Councilor Goddard noted he and Ms. Massa participated in a Portland Sunday Street event and he complimented her for making the Wilsonville Sunday Streets event a reality.

Councilor Starr asked if an event would be held next year. Ms. Massa replied that would depend on whether funding was available. She did not foresee any grant funding being available next year, so more discussion would be needed with city management and the Budget Committee

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regarding an event next year. She noted that in planning this year's event, she learned how the event could be produced more efficiently in the future.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting end or as quickly as possible thereafter. Please limit your comments to three minutes.

Vern Wise, 32521 SW Juliette Drive, suggested a brochure be created and distributed throughout the community to inform citizens about local events, how the City's commissions work and to explain such things as urban renewal. Many citizens, especially senior citizens, do not have access to the internet or City television programs and are not receiving information about events in Wilsonville, and only a small segment of the population actually attends open houses. While he considered the Wilsonville Rd/I-5 Interchange project a masterpiece of children's artwork, he expressed concerns about the metal barrier/fencing, which blocked much of the artwork, would require high maintenance and restoration and be subject to graffiti. Safety was also an issue as the barrier blocked visibility of the path from the street and children could be injured on the cutout parts of the metal. He invited Councilors to walk the pathway to confirm his comments.

Ken Whittaker, 29001 Grahams Ferry Road, stated that the new lights installed along the Villebois property line across from his house were at variance with other existing lights installed throughout the entire Villebois area. The 35-foot tall street lights were more appropriate for industrial settings, not along the city limit boundary; this was not a residential thoroughfare within the city or an industrial zone. The lights were disproportionate and out of scale, and the light intrusion had become apparent since the lights came on. The lights were in contrast to the careful aesthetic planning that had otherwise taken place in Villebois. He hoped these new lights would be reconsidered before any more lights were installed. He noted he had submitted a letter to Nancy Kraushaar and had contacted the City engineer, but he had not been included in conversations concerning the lights.

Bryan Cosgrove, City Manager replied that the issue had been raised in a senior management meeting and was being examined. He clarified the lights were not industrial, adding the type of lights installed related to the street classification, which could be one of the issues. Baffling might be used to direct the light downward. He had incomplete information at this time, but invited Mr. Whittaker to provide his contact information so Staff could be in touch with him.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Núñez – Chamber Leadership and Library Board liaison, announced the Chamber Leadership did not meet, but described the book talks being done by library staff for Grades 3 to 5 at Boones Ferry and Boeckman Creek Primary Schools, as well as Nano Remo Month during which writers are encouraged to write an entire novel. The library's Young Adult area was repainted over the weekend as part of the renovation plan to make the library more welcoming for youth. The project was underwritten by the Wilsonville Fred Meyer.

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Councilor Goddard – Library, Chamber Board, and Clackamas County Business Alliance (CCBA), liaison, announced he also attended the Library Board meeting. At the CCBA meeting, PGE did a presentation on their biomass initiatives and an overview was given on planning under way in the Stafford Area. He announced Robotics Day was scheduled for November 17th from 1 to 7 p.m. at Wilsonville High School when all levels of the Wilsonville Robotics Team, including the Lego Robotics and Junior Lego teams would demonstrate their robotics and research.

Councilor Starr – DRBs and Wilsonville Community Seniors Inc. liaison, believed Wilsonville Seniors would make a presentation to Council in the spring as they continue to lobby on the need for more room for a community center. He reported DRB Panel B approved the Piazza at Villebois Village Center. He announced the Beltan Quartet would be playing November 10th in the library and that free concerts would be held every second Saturday featuring local musicians. He asked that those running in the upcoming election for City Council and Mayor stand and be recognized. He thanked Councilor Goddard and Mayor Knapp for their dedicated service to the City.

Mayor Knapp announced the next Planning Commission meeting would be held November 14th at 6 p.m. to conduct a work session on the Transportation Planning System Plan (TSP) Draft Update for 2035. The complete project list and financially constrained project list would be presented for discussion. Citizens were invited to provide input to ensure all critical projects are included in the plan and that the priorities were consistent with the community's views. A virtual open house would be held November 23rd through mid-December to enable citizens to learn more about the proposed projects and provide input online. The open house can be accessed through the City's homepage under the TSP Update section. Questions could also be addressed to Chris Neamtzu at City Planning at (503)682-4960.

CONSENT AGENDA

A. Resolution No. 2381

A Resolution Of The City Of Wilsonville In Support Of Changing The Name Of The Tonquin Trail To "Ice Age Tonquin Trail" To Promote Public Awareness, And Enhance Funding Opportunities And Economic Development Through Tourism And Scientific Research.

B. Minutes of the September 17, 2012 and October 1, 2012 Council Meetings.

Mike Kohlhoff, City Attorney read the titles of the Consent Agenda items into the record.

Motion: Councilor Núñez moved to approve the Consent Agenda as read. Councilor Goddard seconded the motion.

Vote: Motion carried 4-0.

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PUBLIC HEARING

A. Resolution No. 2350

A Resolution Of The City Of Wilsonville Authorizing Establishment Of A Reimbursement District To Refund To The City Of Wilsonville The Pro Rata Costs For The Segment I Extension Of The Coffee Lake Drive Sewer Line Infrastructure Improvements That Will Serve Properties Within The Reimbursement District.

Mr. Kohlhoff read the title of Resolution No. 2350 into the record.

Mayor Knapp read the public hearing protocol into the record and opened the public hearing at 8:08 p.m.

Steve Adams, Interim City Engineer, presented the staff report, describing the details of the sewer extension to provide sewer service to the school district, but that would also service private development, including all of Villebois East, parts of Villebois Central and Villebois North, and a future growth north of Tooze Road, known Urban Growth Area 3 in the Sanitary Sewer Master Plan. The size of the sewer was prorated for property acreage and divided equally amongst the properties as the pro rata share. Staff requested establishment of the district to reimburse the City's costs.

Mr. Kohlhoff added the project was initially part of the infrastructure agreement that Council authorized with the school district. The agreement was presented to the landowners most likely to tie-in first to the sewer line to make sure THEY were on board. Wachovia Financial took over the land, and then it merged into Wells Fargo. The bank set up REDUS Oregon Land, Inc. as a holding company for this type of land. Simultaneously putting in the base rock for Coffee Lake Drive was a condition of the Rutherford Meadows subdivision approval, done by REDUS Oregon Land, and there was concern as to whether that section of base rock should be included in the reimbursement district. The City delayed going forward with the resolution until a settlement could be reached with REDUS, which has been done and would be presented at the next Council meeting. REDUS would pay for its portion of the base rock going to the road as if they were in the reimbursement district on a per lot basis. The City would carry its typical interest rate. The resolution also included a reimbursement cost when a hookup occurs in the development agreements that were approved for the Bischof I land and Fasano land, which would be addressed later this evening.

Councilor Goddard understood from the language that the City advanced public money to design and construct infrastructure on behalf of the developer for later reimbursement. Mr. Kohlhoff agreed, and noted the West Linn School District had already paid their 24 percent share. When deciding to advance money to a developer, the City brings the agreements to the Council. In this case, the advancement was included in the infrastructure agreement. The school district approached the City about its funding situation, but the City did not expect to have the funds available to advance, as much of the project was beyond the individual developers' responsibility because the line is 15 inches, not the normal 8-inch size. Because the project is larger, the public would pick up the cost; however, property owners would be connecting. Consequently, the City was able to use a reimbursement district to get the funds back as connections are made, but not

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until then. The reimbursement district was the only funding mechanism available for the City to recoup the money. Normally, the developer receives credit against their system development charges (SDC) when installing a greater size. In this case, the school district was originally going to front the money. However, a presentation by Community Development [01:43] informed the Council that had changed, but the City would eventually get the money back.

Councilor Goddard asked how it was determined that the City would advance the costs, referencing Item 9 of the summary document. Mr. Kohlhoff explained the City did not originally believe the money was available and planned to work with the school district. The school district had issues with how they could use their bond. When it was determined that the City had SDC funds available, the Community Development Director worked with the school district and made the presentation to Council.

Mayor Knapp opened the public testimony portion of the hearing.

Jim Lang, Pacific Community Design, thanked Council for continuing the resolution to allow the parties to work through the details and Staff for their efforts. He hoped the resolution was approved.

There being no further public comment, Mayor Knapp closed the public hearing and asked the Council its preference for handing the resolution.

Mayor Knapp noted City Council makes decisions regarding the development agreements orchestrated by the City's legal department and therefore authorizes which projects to advance.

In this case, the need for the grade school and the City's partnership with the West Linn/Wilsonville School District was critical. The funding was available and needed for the school district to go forward. The delayed development in Villebois meant the school site needed to be relocated. Staff worked aggressively to relocate the school and provide sewer service to the site, as it was a necessary piece to get the school open. The estimated savings by changing school sites was approximately \$4 million in infrastructure costs at the front end. He was very pleased that Staff was so responsive and able to interpret the needs of the parties involved and successfully move the project forward. It was appropriate that the City advanced the project as it did and would be reimbursed as development occurred, as well as the portion from the school district.

Motion: Councilor Starr moved to adopt Resolution No. 2350. Councilor Goddard seconded the motion.

Vote: Motion carried 4-0.

B. Ordinance No. 705 – first reading

An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From Commercial To Residential – 10-12 DU/AC On 1.14 Acres Comprising Tax Lot 100 Of Section 22AC, T3S, R1W, Clackamas County, Oregon; “Fox Center Townhomes” Seema, LLC, Applicant. (Staff – Edmonds)

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C. Ordinance No. 706 – first reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Planned Development Commercial (PDC) Zone To The Planned Development Residential – 5 PDR-5) Zone On 1.14 Acres Comprising Tax Lot 100 Of Section 22AC, T3S, R1W, Clackamas County, Oregon; “Fox Center Townhomes” Seema, LLC, Applicant.

Mr. Kohlhoff read the titles of Ordinance Nos. 705 and 706 into the record.

Mayor Knapp read the public hearing protocol into the record and opened the public hearing at 8:36 p.m.

Councilor Starr declared ex-parte contact with some neighbors in the neighborhood; however, they did not sway his judgment. He had understood some type of communication with the neighbors was referenced in the Council packet, but could not find it, so he walked around to find out for himself what the neighbors thought of changing from commercial to residential and how they would be impacted. He also talked with the neighbors about density. He looked forward to hearing from the developer as well, to make the best informed decision possible. He confirmed comments from the neighbors were consistent with the neighbors’ testimony in the record and that his contact with the neighbors would not bias his decision making.

Mayor Knapp declared that he lives in Fox Chase, but on the side opposite where the ordinances would have an affect. He did not believe this would create bias regarding his decision, adding he could judge fully on merit.

After confirming that all four members had familiarized themselves with the application and that no audience members wished to challenge the participation of any members of Council, Mayor Knapp called for Staff’s presentation.

Blaise Edmonds, Manager of Current Planning, announced that the criteria applicable to the application were stated on Page 2 of the Staff report, which had been entered into the record. Copies of the report were available at the side of the room. He presented the Staff report for both ordinances, referencing a series of PowerPoint slides, with these key comments:

- The Development Review Board (DRB) in two public hearings, on August 13th and October 8th, reviewed requests to revise Stage I Preliminary Plan for the Fox Chase Master Plan; a Stage II Final Plan for a 15-unit townhouse development; a Type C Tree Plan to remove five or six of the 11 trees on the site, most were located on the north side of the site; and a waiver to the front yard setback for a trellis structure.
- He reviewed the site map, noting surrounding features and properties. The 1.14 acre site had sat vacant for a long time. A prior approval for a small shopping center in the mid-90s was very contentious due to the 24-hour convenience store. Council limited the operation hours of the store, and it seemed the developer could not make the project feasible, so the project eventually expired and the property nearly went into foreclosure; however, Seema, LLC, the applicant purchased the property.

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- The Applicant proposed changing the property from planned development commercial to planned development residential (PDR-5) with 10 to 12 dwelling units per acre (DU/AC), and their submittal indicated the density on surrounding properties of 10 to 12 DU/AC at Valley Christian Church, 6 to 7 DU/AC at Fox Chase, and 4 to 5 DU/AC at Morey's Landing.
 - The property was much larger when included in the Willamette Subdivision Master Plan 30 years ago. Over time, the neighborhood commercial component was reduced. The construction of larger shopping centers eventually eliminated a need for any more commercial use farther west of the city. The Applicant chose to request a Comprehensive Plan amendment and Zone change to develop the site as residential and could explain why a higher density was being requested than that found in the Fox Chase subdivision. According to the DRB minutes, the requested density related to the Applicant's need to meet an expected return on investment to make the project feasible.
 - He displayed Table 1 from the Zoning Code, noting the inconsistencies between the density ranges of the Comprehensive Plan and Zoning districts in the Development Code. The Applicant was sticking more closely to the Comprehensive Plan density, not the Zoning Code density. The Comprehensive Plan allows 15 residential DU/AC on the gross acres; however, the Applicant would like to have 1.32 more units to accommodate up to 15 through Implementation Measure 4.14.V, which states, "Densities may be increased through the planned development process to provide for meeting special needs, low to moderate income, elderly, or handicapped." Allowing the Applicant 1.32 units, which is above the Comprehensive Plan density of 15, would provide one dwelling unit to be dedicated for age-restricted 55 and over residents.
 - The DRB added Condition PDC 1, "The Applicant shall provide a minimum of one townhouse unit for age-restricted persons, age 55 and over. At the time of any building occupancy, the Applicant shall provide the Planning Division the townhome address that will be used for the residential age 55 and over."
- The Applicant's original request proposed 16 units, age-restricted 55 and over and requested waivers to the 20-ft front yard setback. The project had three front yards along Wilsonville Rd, Willamette Way E and Chantilly Dr. and the corners of the buildings, as well as the porches and balconies encroached the front yard. A trellis structure also encroached one corner.
 - The DRB believed the project should be designed without the need for waivers and were troubled by the entrance off Chantilly Dr.
 - Testimony from citizens Michael Cook and Robert Meyer objected to having additional traffic on Chantilly Dr. with the secondary access off Chantilly Dr. They were also concerned about the lack of parking, even though the original proposal exceeded the minimum parking requirement of the Parking Code.
 - Considerable public testimony also expressed concern about public safety and the need to create a safer route for children to the nearby schools. Currently, a 6-foot sidewalk existed on the east side of the project. Steve Adams had been working on a concept plan to provide a wider sidewalk, which would connect to the schools and Tonquin Trail system through Graham Oaks Nature Park to Morey's Landing.
 - Testimony was also received that the mailboxes for Fox Chase residences is located on the opposite side of Willamette Way E, which is very inconvenient for residents.

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- The DRB continued the hearing items to allow the Applicant time to redesign the project. The Applicant had listened diligently to testimony and returned with a revised plan that reduced the project from 16 to 15 units, and increased the amount of parking, providing 44 surface parking spaces and 15 garage parking spaces, nearly double the minimum parking required on site by the Parking Code. The buildings were pushed back from Willamette Way E and Chantilly Dr., eliminating the need for waivers to the front yard setback, except for that related to the small trellis structure at the northeast corner of the site. The access drive off Chantilly Dr. was also eliminated.
 - While several issues had been raised, he was encouraged by the Applicant's effort and work with the city engineer to address all the concerns. The revised site plan before City Council addressed the items and concerns raised by the DRB and citizens.

Steve Adams, Interim City Engineer, reviewed the safe route to school using a concept slide created by Mr. Edmonds. He explained that the Wilsonville Bike and Pedestrian Master Plan indicated the Tonquin Trail coming down Willamette Way E, though it did not specify east or west side of the street. Tonquin Trail travels through the Graham Oaks Natural Park, and it terminates at the northwest corner of Willamette Way E and Wilsonville Rd. Another piece of the trail extends through Morey Park. When he visited the site, he noted so many children travel on Willamette Way E that they cannot all fit on the existing 5-ft wide sidewalk, causing children walking and biking in the street. The City would like to widen the sidewalk in front of the development by 4 ft, making the Tonquin Trail 10-foot wide, and add a bulbout at the corner of Willamette Way E and Chantilly to narrow the street and hopefully slow cars down. A striped crosswalk was also proposed to allow children a safe route to cross Willamette Way E. Another idea was to extend the proposed Tonquin Trail south to connect to Morey's Landing and build a completely new 12-ft wide trail, which was in the Master Plan and would fill the missing gap in the southwest corner of town. He still needed to talk to the Autumn Park Apartments owners about acquiring the easement for the trail, but he expected the property owners to be supportive.

Mr. Edmonds noted concern expressed in the Council's work session about the proximity of the driveway off Willamette Way E with the Wilsonville Rd intersection.

Mr. Adams replied the driveway was more than 200 feet from Wilsonville Rd. The City requires that the first 100 feet be a no parking designated area so cars turning left onto Willamette Way E have a safe path to travel and transition over. Parallel parking would be allowed on Willamette Way E after that point. Cars parking on the street should decrease the vehicle speeds. While parking is limited to only one side of Willamette Way E, a 29-ft wide street, the City has never designated which side on which parking is allowed. Residents have indicated they do not want parking on the east side of the street, given the location of the mailboxes. The City wanted to work with the residents' and planned to have parking on the west side of the street, allowing residents to access their mail.

Mr. Edmonds noted the Staff presentation put a lot of focus on site design so Council could see what the DRB approved before approving Comprehensive Plan and Zone Map amendments. The DRB decisions were contingent on the Council's approval of the Comprehensive Plan and Zone Map amendments. Depending on the outcome of tonight's decision, the Applicant would still

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need to go through another public hearing before the DRB for site design review, which would address architecture, colors, materials, landscaping, etc.

Mr. Adams added that the original zoning for PDC allows for up to 89 PM peak hour trips from the parcel, and all of Wilsonville has been planned for those 89 trips to occur. The zoning and the 15 units planned would create an estimated 12 PM peak hour trips, a reduction of 77 trips from the previously approved number.

Mayor Knapp called for questions from the Council.

Councilor Núñez said she was very familiar with the street, which is very unsafe, and she was not comfortable with the number of children on the street each day. She did not like the fact that access to the proposed site would be off Willamette Way E because cars would pile up with nowhere to go. She drives the street daily and as she waits to turn left onto Wilsonville Rd to go to Newberg, 20 cars pile up behind her. No cars can pass on the right of her car to turn right. Widening the sidewalk and constructing a bulb out to make the road safer for children seemed to be creating a bigger, different problem in the area. Traffic would pileup behind any car wanting to turn left. Mr. Edmonds clarified the location of the bulb out, the widened sidewalk and the church, these locations were reversed on one of the slides. Mr. Adams explained the intent was to keep pedestrians further south on Willamette Way E and direct them to cross at Chantilly.

Councilor Núñez believed having the access to the development off Chantilly would be much better. Mr. Adams replied that the residents strongly resisted having the entrance on Chantilly, which was a one way street and would force exiting cars to travel all the way around the loop. Widening Chantilly was one possible option, but that option had not been explored.

Council Núñez asked whether those renting the townhouses would abide by Oregon state laws that prohibit sex offenders from residing near schools. Mr. Cosgrove suggested the Applicant address their screening process.

Councilor Starr asked whether approving an application before the architectural design had been approved was normal. Mr. Edmonds confirmed it was not normal, but noted that a high level of detail was presented in the site plan to the DRB. He displayed a few additional slides noting the Applicant identified uses in the open spaces and walkway locations, and provided conceptual architectural elevations as required by the Code that were more detailed than typical for a Stage II Final Plan review. He believed enough evidence was provided in the record for the DRB to approve the Stage II Plan. The plan might change as two different concepts were shown at the neighborhood meeting more than a year ago. A more traditional building type was also identified as opposed to a saw tooth-type structural design. The next application would be more specific about the buildings' architecture, materials, landscape plan, etc. He confirmed that the revised concept plan showed no access drive proposed off Chantilly; the only driveway was located off Willamette Way E. The plan had been reviewed by Tualatin Valley Fire and Rescue, who was comfortable with one driveway off Willamette Way E because a hammerhead configuration existed for emergency vehicles to turnaround on site.

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Councilor Starr asked if the front doors of the units to the west would face west or east. Mr. Edmonds replied west and explained the units would have small courtyards, and residents would enter either through the garage or from the west through the front door. He confirmed that the resident in the home west of the property would have seven front doors facing his house. In order to create some privacy for the homeowner and renters, the Applicant proposed a row of trees or some kind of landscaping material along the property line that would be further detailed in the site design review application. A 6-ft high fence also existed along the property that was built the resident.

Councilor Starr asked whether garage parking meant inside the garage or in front of the garage. He noted most garages are storage units, so without the garage spaces there were actually 29 parking spaces so parking would occur on Willamette Way E. Mr. Edmonds stated the garage parking spaces were counted with 15 actual garage spaces and 29 surface spaces, bringing the total to 44 parking spaces. Certain units had a tandem parking arrangement. He was also concerned about storage in garages and added Condition PDD 6, which stated, "Garages shall be used for vehicle parking and incidental storage." The Applicant could explain how storage in garages could be controlled so garages are not used for storage and create a parking issue along Willamette Way E. Mr. Adams confirmed a condition of approval required that parking not be allowed for the first 100 ft south on Willamette Way E, so the allotted area would allow for about six parking spaces.

Councilor Starr asked if Wilsonville had a shortage of low to moderate income, elderly, or handicapped housing with Autumn Park being directly across the street. Mr. Edmonds stated that evidence in the Staff report indicated a shortage in the metropolitan area, which was causing rent levels to increase. Councilor Starr said he did not believe Wilsonville had an issue due to the amount of apartments in town versus single-family housing. With Autumn Park across the street, he did not perceive this as an issue, but as more of a loophole to get more apartments in the development.

Mayor Knapp confirmed there were no other questions for Staff and no comments from the City Attorney and called for the Applicant's presentation.

Lee Leyton, Westlake Consultants, 15115 SW Sequoia Parkway, Suite 150, Tigard, OR, thanked Staff and the neighbors who shared their concerns, issues and perceptions with the Applicant at the neighborhood meeting. He believed the Applicant could show they had responded meaningfully to those items. The DRB had sent the Applicant back with very thoughtful comments and recommendations to which the Applicant worked hard to respond, and then unanimously recommended Council's approval of the revised design at the second hearing.

- He noted the materials provided to Council included the conclusions of the DRB process, but not the volume of material submitted by the Applicant. Exhibit B of the Applicant's submittal was very detailed neighborhood meeting notes of the subjects discussed with the neighbors. All the material documenting the depth of information communicated to and used for dialogue with the neighbors was in the documentation, including prospective drawings of the site plan that illustrated the massing, size and scale of the proposed buildings. He explained the Applicant was communicating the extent of the knowledge they had about the project at that time, which was more than a year ago. He noted Architect Dan Vasquez of the

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Mildren Design Group was present for questions, adding that ultimately, the Applicant decided on the shed roof design concept.

- To address Councilor Starr's questions, he reviewed concept drawings noting the Applicant wanted to create a high quality pedestrian experience for people walking along Willamette Way E, which would be accomplished with the wider sidewalk. Also indicated was a walkway leading to an outdoor garden enclosed by a low fence. He described how private, semiprivate and public areas of the site design were structured to help people understand where they were and how to behave. He then reviewed the various transitions from the public realm to the private spaces of the units.
- In the initial design, the Applicant wanted to create more space along the west side of the site but the DRB did not support the waiver request to reduce the front yard setbacks. Consequently, the Applicant eliminated one unit to avoid needing the setback waivers for the buildings. The goal was to give the front doors a formal entrance and also cluster all the parking and garage doors internally to the site. No garage doors would be visible to those driving or walking by the site. Changing the building setbacks enabled more parking spaces to be added behind some of the units. These spaces would be visible from the units, providing better surveillance of the parking area.
- Regarding comments about the age demographics, he noted the project has been targeted to people who are 55 and over with no children and who may or may not be living permanently in Wilsonville, but are looking for a high-quality living environment with a garage for their car that is conveniently located and does not require much yard care.
- The entire north area of the property was reserved to create a green space. An arborist reviewed all the trees on site and found many were infested with a European beetle that would kill the trees. Those not infested would be preserved and many more trees would be planted, exceeding the minimum required by the Tree Code. The type of recreational activity and outdoor space was tailored to the 55 and older demographic. Four special areas on the site were reserved for gardening, a less strenuous activity that this demographic enjoyed. One garden area was relocated south of the building near the sidewalk on Chantilly after changes were made to the initial site plan.
- The initial concept was that whole project could be for age 55 and over, but one DRB member had questioned why families would be excluded as residents given the proximity to the school. Following discussion, Staff's position was that to the extent the Applicant was asking to use the special provision of the planned development standards to allow for an adjustment of density, designating only one unit was all that was necessary to warrant approval of the density change.

Mayor Knapp asked if there were any questions from the Council.

Councilor Starr thanked Mr. Leyton for his presentation noting many of his questions had been addressed.

Greg Close, Wise Investment, 1501 SW Taylor, Portland, OR, stated he is the financial and real estate advisor to the owner. He explained the principals behind the Applicant were investors. The Applicant has held the property for eight or more years and considered a variety of projects in the commercial zone, conducting studies and doing marketing around commercial uses and, with Staff input, tried to avoid convenience retail. At one time, a pre-app was done for a day care use

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on the property, but the economics could not come together with the day care operators. The Applicant owns commercial property in Portland in the Pearl District as well as more than 400 residential rental properties in the San Francisco Bay Area. The Applicant is not pursuing a single-family residential, for sale development because they did not have any interest, experience or expertise in that kind of product. They would like to build high quality, affordable, two-story townhome rentals on the property because they have experience with apartment communities.

- From the beginning, the Applicant has said this would be a 55 and over project for a variety of reasons. It would be a simpler project with less impact and there is a small gap in the supply and demand in Wilsonville for affordable 55 and over housing.
- The property will be professionally managed in the interest of providing safety and a quality living environment. Summit Real Estate Group would be leasing and managing the property. He stated the Applicant would consider any conditions or covenants regarding professional management, such as no on-street parking. They were uncertain why on street parking has come up in the process as the Applicant had not asked for it, though they understood it was a wider issue for the community.
- With regard to the economics of going from 16 to 15 units, he noted the Applicant has already invested about \$500,000 into the property, including accrued interest, the principal loan, etc. With a general contractor on board and third party bidding, they have done enough planning to know that \$2 million would be spent to build the 15 units. With rentals of \$1100 to \$1200 per month and \$2.5 million in total cost, they expect a return of slightly below six to seven percent after dropping the one unit. Given the economies of scale, raising the price per unit or increasing the size of the units would not benefit the Applicant. However, the Applicant still looked forward to doing the project and supported the design. While the project would not be a huge profit center, the project would put the property into production for the community in a manner that the Applicant could invest long term. Lastly, he noted the majority at the neighborhood meeting and DRB hearing supported the project, including the neighbor to the west of the property. He believed the Applicant had addressed the one or two questions and issues and that the Applicant was willing to help rebuild part of the neighbor's fence if it would make him more comfortable.

Mayor Knapp asked if there were questions from the Council.

Councilor Starr understood that rights existed for land owners but expressed concern about the zone change and whether the land would match and continue to match the neighborhood in the future. He asked how the change in density would affect the property's value, which would affect adjacent property owners. Mr. Close stated that roughly, the development may be close to \$500,000 in value, though the property has not yet been appraised. In his opinion as a commercial real estate professional, the real commercial value is discounted by some obsolescence due to location and zoning. The Applicant worked with several commercial real estate leasing groups to attract commercial tenants over a number of years, but the only interest was from a pet store with mild interest and a couple daycare operators who wanted to pay about half what other daycare centers were paying in West Linn and Beaverton. The property is geographically isolated from the commercial centers in town. They hoped to get extra commercial activity at this location with Villebois, but experts indicated it is not viable. He did not believe anyone would be interested in purchasing the property for what the owner had invested or a value reasonable by commercial standards. He reiterated the Applicant has not

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looked at single-family and would probably not be interested in single-family units, partly due to the recession. As a long-term owner, the Applicant wanted income property and rentals. If the application is denied, the Applicant would probably put the property up for sale or file a separate land use application, which could result in the property remaining unused for another economic cycle considering the application process. At the DRB hearing, a neighbor asked if the project would have a negative impact on value to the single-family residences close by. A residential real estate broker produced an independent letter suggesting that would not be the case if the property is well designed, well maintained and well managed over time. The letter also cited examples where similar projects worked in harmony with single family around the Metro area.

Mr. Leyton addressed the question about why design review was not part of the proposed package, stating they decided to first get Council's approval on the zone change, before finalizing the project for the DRB's review and approval.

Mike Kohlhoff, City Attorney noted the Applicant had referenced a document from the neighborhood meeting and asked that a copy be entered as an exhibit for the record. Mr. Leyton confirmed the neighborhood meeting documents were in the record as Exhibit B, which was in the Applicant's packet of submitted materials before the DRB. Mr. Edmonds stated the entire record, including all the exhibits, was on the CD provided to City Council.

Mayor Knapp confirmed there were no further questions from Council and called for public testimony.

Simon Springall, 7710 SW Roanoke Dr., Wilsonville, wanted to speak to concerns expressed by Council regarding density. He noted the submitted paperwork included information about the Portland area rental market. Section AA on Page 7 of 503 said that foreclosure is pushing many families out of their homes and into the rental market and that multiple housing helps fill the housing need for the increasing number of residents and employees that do not qualify to purchase a house. Section AA also stated that the Portland area has one of the lowest rental vacancy rates in the country. The next page had a graph indicating the tight rental market with Wilsonville/Canby ranked fifth. He believed the Council's concern about density might be a bit one-sided. He lived in an apartment before coming to Wilsonville and might move back into one. He was not opposed to the idea of 55 and over housing, but the mix of apartments and housing available in the community was good.

Mayor Knapp confirmed there was no further public comment and requested a motion on the public hearing.

Motion: Councilor Goddard moved to close the public hearing. Councilor Núñez seconded the motion.

Vote: Motion carried 4-0.

Mayor Knapp closed the public hearing, noting no request had been made to keep the public record open.

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Motion: Councilor Núñez moved to approve Ordinance No. 705 on first reading. Mayor Knapp seconded the motion.

Councilor Goddard stated he was not persuaded by the diversity of housing or affordability argument in the Staff report. With the Jory Trail development more than 56 percent of the residential properties in the community were rental properties, and adding more rental properties reduces the diversity of housing options. He did not believe effective management would address the storage and parking issue. Examples exist throughout the community's neighborhoods where hope for effective management has not achieved the desired result with regard to garage parking, storage or on street parking for rental units. He believed the request for a 10 percent increase in density to provide one additional age-restricted unit likely served a different intent than what the Code intended. He asked whether Staff believed the time the property has remained undeveloped should be a factor Council should consider in approving a request for a Zone Map or Comprehensive Plan amendment. Mr. Kohlhoff replied it could be a factor in considering a zone change, but the question was to what density the zone should be changed. He believed the testimony given that the Applicant has tried to use the land commercially but had been unable to do so for several years due to economics was a rational reason to change the zone, but the question was then whether a need existed for the housing being requested, which was the Council's determination. Councilor Goddard stated other properties in the community have remained vacant even longer, and he questioned whether those properties should be considered for rezoning. He added that while there was discussion about the business investment in the property and its value for commercial versus residential use in light of the density, he believed the Council's interest was to preserve the quality of the community, not a developer's business interest. Based upon what had been presented and provided in the record, he was not inclined to approve the requested Zone Map or Comprehensive Plan amendments.

Councilor Starr stated he could not find the testimony or feedback from the neighbors in the CDs. He was not ready to vote approval until he could review that information. The owner has spent a lot of money and he wanted to work with the property owner, but the current zoning of the property made it difficult; the application beat us to the punch as to how to troubleshoot to come up with a better resolution. All he could do is fall back to the Council's mission statement, "To protect and enhance Wilsonville's livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage." The application and information provided did not align with the mission statement.

Councilor Núñez said it was a difficult situation, considering what has happened over the last few months with Jory Trail. She appreciated what the Applicants presented. She has seen the piece of land vacant for quite some time and she was okay with townhomes being built, though she probably would not have approved apartments. She understood Councilor Starr's and Councilor Goddard's arguments that some quirks need to be worked out with the surrounding community, and she believes if the quirks are worked out, everyone would be onboard. She was prepared to approve the Ordinance to enable the Applicant to work with DRB and work on the concerns expressed by the Council as the next step.

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Mayor Knapp stated that he has driven past the site for 26 years and observed it not being in productive use. Wilsonville was building more single-family homes than almost any comparably sized suburban community in the area. There was still a lot to be built in Villebois and other small projects were being developed on Canyon Creek and by Memorial Park. Having an area for residential development on the east side of town has also been discussed that would be a sufficient for single-family development. In light of these projects, was it appropriate to deny the property owner a chance to move his property into a development, which is compatible with the neighborhood according to the DRB and the public hearings conducted? The site was not appropriate for more than a couple single-family houses, which would not be economically feasible. The high quality townhome product made sense; it seemed to be carefully designed and was a housing option not otherwise available in the area.

He recalled the discussion about commercial development on the lot in the 1990s, and how the neighborhood resisted commercial development in this residential area, which suggests the property could not be suitably developed for commercial purposes. Theoretically, the Comprehensive Plan would provide a reasonable route for undeveloped properties within the city to move forward into productive use. In this case, it seemed the City was creating a catch-22 by saying the property owner did not have a route to successful development within the framework of the city. He did not believe that was proper. He understood the concerns about multi-family housing and agreed that current market forces were driving developers to invest in multi-family housing because vacancy rates were low and the return rates were increasing, while single-family housing was more difficult to make feasible. He argued that single-family housing should be developed and would succeed in larger areas and would likely not work on the subject site. Rather than saying the owner had no viable choices, he believed it appropriate to offer a choice; however, comments from Council did not suggest a majority opinion to that extent. He asked if the Applicant would like Council to vote or continue the hearing to allow them to further evaluate, modify, or find more support for the application.

Mr. Leyton distributed a copy of the community meeting notes for Councilor Starr to read. He stated the Applicant's design team worked very hard over this last year to listen to feedback and reflect what they had heard. Appended to Exhibit B were copies of the plans showed to people and discussed with people at the first meeting September of last year. The design had come a long way and had been improved substantially. He noted that he sent a letter along with a full-sized plan set of the revised submittal for the 15-unit project indicating the various ways the Applicant responded to the issues raised by Mr. Meyer and the DRB. No opposing testimony was given at tonight's meeting; he had nothing to rebut. He reiterated that the Applicant talked to the neighbors and worked very hard to address all the issues raised. The landscaping, parking and other components of the plan exceeded the requirements. The fact that no opponents testified or provided letters should be meaningful to Council about the success of the Applicant's year plus design effort. This was supported by the unanimous recommendation by the DRB. He sought direction about what more the Applicant needed to do; he was struggling to know what the barrier was due to the lack of opposition testimony.

Mr. Kohlhoff entered the letter dated September 18, 2012 from Lee Leyton, Westlake Consultants to Robert Meyer into the record.

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Councilor Goddard called the question.

Mr. Kohlhoff asked if Council wanted to give Councilor Starr time to read the community meeting notes.

Vote: Motion failed 1 to 3.
Mayor Knapp No
Councilor Núñez No
Councilor Starr No
Councilor Goddard Yes

Mayor Knapp called for a brief recess and reconvened the meeting at 10:10 p.m. He asked if Staff had further information for Council.

Mr. Kohlhoff understood the information supplied about the public neighborhood meeting was from a while back, and during the break, one Councilor expressed that he would like to reopen the hearing to give the Applicant time to return with more support about the neighborhood's position. He understood Mr. Meyer's letter was current. Should Council agree, the hearing would be continued to the next meeting in two weeks.

Councilor Starr stated that he was able to read notes, but no dialogue from anyone in the neighborhood. He wanted more of an indication that the neighbors supported the project; a positive reaction to how the project would work for the Applicant and their neighbors. He believed it would be helpful to continue to the next meeting. He clarified that he was wondering about density in general, not necessarily single-family housing.

Mayor Knapp asked whether continuing the hearing would allow the Applicant more of an opportunity to provide more evidence for Council. Mr. Close replied the Applicant could have another neighborhood meeting, but based on that Code definition, he did not believe enough time existed to give public notice. He asked if a more informal approach could be used. Anyone who received notice or who attended the prior meeting would be invited to a focus group to see the entire presentation and provide anecdotal testimony. The Applicant supported another meeting since many neighbors said they would support any development on the site as long as it was done well.

Mr. Kohlhoff confirmed the 120-day land use clock would end January 8, 2012, so additional time was available. The Applicant could provide a tolling agreement if more time was needed. He understood the Applicant could just provide a letter support or reopen the hearing to receive testimony from the neighbors; however, a formal meeting is not necessary. Mr. Leyton said he was comfortable facilitating a meeting, getting comments, and mailing the notes or results to the neighbors and Council. This same process was used after the first meeting to ensure nothing had been misinterpreted, and he had received no feedback about corrections.

Mr. Kohlhoff asked if the neighbors could submit comments with their name and address at the meeting, then the Applicant could the comments bring in or the neighbors could come to the meeting. Mr. Leyton stated the Applicant could do it like a workshop, collecting any written

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comments and bringing them in as evidence for the record, Council would have to reopen the public hearing to hear from any neighbors who wanted to come testify.

Mr. Kohlhoff stated the record would need to be reopened anyway to receive even the written comments.

Mr. Leyton confirmed that the school district was within the notice perimeter and would receive notice. He stated the Applicant was willing to continue the hearing until the first December meeting.

Motion: Councilor Goddard moved to reopen the hearing to allow the Applicant to provide additional testimony from the neighbors, and that the hearing be continued to the first meeting in December. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.
Mayor Knapp Yes
Councilor Núñez Yes
Councilor Goddard Yes
Councilor Starr Yes

NEW BUSINESS

Mayor Knapp noted the time was 10:20 p.m. and asked if the Council wanted to continue the meeting.

Motion: Councilor Núñez moved to proceed with the meeting and subsequent Urban Renewal meeting. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

A. **Resolution No. 2382**

A Resolution Of The City Of Authorizing Addendum No. 5 To The Development Agreement Of June 14, 2004 By And Between The City Of Wilsonville, The Urban Renewal Agency Of The City Of Wilsonville, Matrix Development Corporation, Property Owners Donald E. Bischof & Sharon L. Lund, Arthur C. & Dee W. Piculell, The Dearmond Family LLC, Louis J. & Margaret P. Fasano, And Valerie & Matthew Kirkendall

Mr. Kohlhoff read the title of Resolution No. 2382 for the record.

Nancy Kraushaar, Community Development Director, stated the resolution was an addendum to a development agreement entered into with Matrix Development Corporation in 2004 for portions of the Villebois Master Plan. Because some property has or may change ownership, Staff has been writing addenda to make sure that previous commitments of the parties are transferred to the new ownership. The responsibilities apply to the Urban Renewal Agency, the City of Wilsonville and this addendum applies to Polygon Northwest. All the obligations are

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centered around financing, reimbursement for infrastructure, and construction of parks, roads, sewer water, and improvements. She noted that nothing has substantially changed from the original Matrix agreements. Some of the values have been updated for inflation, engineering, and construction index.

Mike Kohlhoff, City Attorney, added that after the bankruptcy and the City decided to take on the design and construction of some regional parks and Neighborhood Park 6, Polygon has agreed to take on Park 6. The City had originally set up a parks fee to cover Neighborhood Park 6 and Regional Parks 7 and 8. In other agreements, Polygon has taken on a substantial part of Regional Parks 8 and 7. In this case, Polygon would build Neighborhood Park 6 for the price of the park fee with exception of the surcharge, which would be retained because it would go toward the final planning and development of Park 8. If Polygon could construct the parks for less than the planned amount, the extra money would go to the City for park fees. Any construction costs greater than the planned amount would be Polygon's responsibility.

Motion: Councilor Núñez moved to approve Resolution No. 2382. Councilor Starr seconded the motion.

Vote: The motion passed 4-0.

CITY MANAGER'S BUSINESS

Bryan Cosgrove, City Manager waived his report due to the late hour.

LEGAL BUSINESS

Mike Kohlhoff, City Attorney, thanked the City Council for extending his contract another year.

ADJOURN

Motion: Councilor Núñez moved to adjourn. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

The Council meeting adjourned at 10:25 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

TIM KNAPP, MAYOR

City Council Meeting Minutes
November 5, 2012

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CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, November 19, 2012. Mayor Knapp called the meeting to order at p.m.7:10 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Council President Núñez
Councilor Goddard
Councilor Starr

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Mark Ottenad, Public Affairs Director
Eric Mende, Deputy City Engineer
Blaise Edmonds, Manager of Current Planning

Motion: Council President Nunez moved to approve the order of the amended agenda. Councilor Goddard seconded the motion.

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

Swear-in Councilor Elect Fitzgerald

Mayor Knapp explained the Council determined because of the short time period between the resignation of Councilor Hurst and the November election, rather than make an appointment to Council, the Council would wait until the results of the election were known and then appoint the candidate who received the highest number of votes.

Motion: Councilor Starr moved to nominate Julie Fitzgerald, to fill the vacant Council seat. Councilor Goddard seconded the motion.

Vote: Motion carried 4-0.

Councilor elect Fitzgerald was sworn in to office by the City Recorder and took her seat at the dais.

A. Upcoming Meetings

Mayor Knapp announced the next Council meeting date and City offices will be closed for Thanksgiving. The students of Kitakata Japan, Wilsonville's Sister City, made their annual visit to the City in October. The Mayor took Cub Scout Pack 528 for a tour of City Hall and talked with them about local government.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

There was none.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Núñez – Chamber Leadership and Library Board had no liaison report. The Councilor reported the Planning Commission would be conducting a work session on components of the Transportation System Plan update including master plan implementation measures and the Financial Constrained Project list. A virtual open house will be on-line December 3-14 for the TSP which will enable citizens to learn more about the proposed transportation projects and provide their comments.

Councilor Goddard –Library, Chamber Board, and Clackamas County Business Alliance liaison. Councilor Goddard reported on the actions taken at the annual meeting of the CCBA Board of Directors wherein the Councilor was reelected to the CCBA Board. The CCBA will be holding a Clackamas Business round table which will focus on priorities important to businesses located in Clackamas County. Participants will discuss ideas, list concerns and aspirations for the future of the business environment in Clackamas County. The CCBA Board supported the Portland Planning and Sustainability Commission moving forward with planning for an economic viable marine terminal facility on Hayden Island.

Councilor Starr –Development Review Boards and Wilsonville Community Seniors Inc. liaison. The Councilor did not have an update from the Wilsonville Community Seniors. He did report on the actions of the Development Review Board Panel-A which approved development resolutions for two single family subdivisions for Polygon Northwest in Villebois. Councilor Starr announced the meeting dates of the Economic Development Task Force; and the cancellation of the November 28, 2012 DRB Panel-B meeting.

NEW BUSINESS

A. **Resolution No. 2383**

A Resolution Of The City Of Wilsonville Authorizing An Intergovernmental Agreement Between The City Of Wilsonville And The City Of Salem For The Processing Of Sewage Sludge.

Mr. Kohlhoff read the title of Resolution No. 2383 into the record.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

Eric Mende, Deputy City Engineer, presented the staff report. Before Council is an Intergovernmental Agreement (IGA) with the City of Salem whereby the City of Salem will accept processed sewage sludge generated by the Wilsonville Wastewater Treatment Plant (WWTP) for further treatment, drying, and disposal, and will bill the City of Wilsonville at a unit rate of \$.05 per gallon for that service. If approved, the City's WWTP operating contractor, CH2M-HILL, will act as the City's agent to transport the sludge to Salem, and will reimburse the City for the cost of treatment through a credit against the monthly operating cost owed by the City to CH2M-HILL.

CH2M-HILL has proposed transporting processed sludge from the City WWTP to the City of Salem's Willow Lake Water Pollution Control Facility (WPCF), as an alternate method of meeting their Class B sludge processing requirements under the WWTP Design – Build – Operate (DBO) Agreement. The City of Salem is willing to accept the sludge, however, the City of Salem is requiring that the sludge processing Agreement be executed as an IGA with the City of Wilsonville rather than with CH2M HILL.

City staff is supportive of the idea of executing an IGA with Salem, for multiple reasons:

- 1) It permanently removes the odor generating sludge from the site, reducing the frequency and/or intensity of odor issues for our residents,
- 2) It should allow the activated carbon odor control system to work more efficiently on the remaining odor sources, and be easier to manage for CH2M-HILL, further reducing potential fugitive odors affecting Wilsonville residents, and
- 3) It allows expedited removal and replacement of the existing sludge processing equipment.

While there is no guarantee that the new odor control equipment can be in place before summer, the additional working space that is freed up by early removal of the existing sludge processing equipment will positively affect the overall critical path schedule for construction, which in turn will positively affect the schedule for the new odor control facilities.

CH2M HILL will manage all aspects of the sludge handling and transport, administration, and recordkeeping as required by the DBO Agreement between CH2M HILL and the City. Both the number and severity of odor excursions affecting nearby residents and businesses are expected to decrease.

The Salem City Council will hear this item on November 26, 2012 and if the IGA is approved CH2M HILL will begin hauling sludge to Salem on or about December 1, 2012. All expenses will be reimbursed by CH2M Hill, therefore is no financial impact to the City.

Primary benefits are the removal of major source of odor, and expedites the construction from a very tight construction site.

Councilor Goddard asked if the IGA would shift responsibility for the sludge from the WWTP from the current operator to the City. Mr. Mende responded the current contract with CH2M Hill contains a bio-solids performance guarantee which requires the production of a Class B solid; however, the contract does not specify how this is to be accomplished. As long as the city

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

of Salem produces Class B biosolids CH2M Hill will be in compliance with their agreement with the City of Wilsonville. Should the city of Salem determine in the future they no longer want to accept the City's sludge; it would still be the responsibility of CH2M Hill to process the sludge to meet the Class B requirement.

Motion: Councilor Goddard moved to adopt Resolution No. 2383. Councilor Starr seconded the motion.

Vote: Motion carried 5-0.

PUBLIC HEARING

A. **Ordinance No. 708** – First Reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facility (PF) Zone To The Village (V) Zone On .89 - Acres Comprising The Southerly Portion Tax Lot 100 Of Section 15AD, T3S, R1W, Clackamas County, Oregon. Villebois Village Center LLC, Applicant.

Mr. Kohlhoff read the title of Ordinance No. 708 into the record on first reading

Mayor Knapp announced the public hearing format and opened the public hearing at 7:33 p.m.

Councilor Fitzgerald declared she lives in Villebois but not adjacent to the subject property.

Mr. Edmonds prepared and presented the staff report. The proposed Zone Map Amendment is being forwarded to the City Council by Development Review Board Panel 'B' with a recommendation of approval. The Board approved three companion applications for a Preliminary Development Plan, Tentative Partition Plat and Final Development Plan. The proposed zone change will enable the development of the Piazza. Those approvals are contingent on Council approval of the subject Zone Map Amendment.

Construction is expected to begin in early 2013 and take approximately 4 months to complete. The proposed Piazza is a private development so the Applicant is responsible to make all public and private improvements, pay applicable City application fees and systems development charges.

The land is located within the Villebois Village Master Plan area and is eligible to be rezoned to the Village (V) zone. The DRB panel appropriately heard the matter and duly approved the motion to recommend approval of the zone change to the City Council. The DRB also appropriately granted with conditions the development application subject to the Council's approval of the zone change.

Ordinance No. 708 will provide:

- Although the Piazza will be a private park it will be available to the public and maintained by two Villebois Village Central Home Owners Associations. One of the Associations is comprised of the Apartment owners.
- The Piazza will serve as part of the central hub of activities, services, and transportation serving the larger Villebois community. This is a high density residential and mixed-use area

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

that serves as the southern entryway to the central Piazza. It provides a multi-modal transportation system facilitating pedestrians, bicycles, transit, and automobile access that connects residents to recreation, shopping, services, and their homes.

- Its Piazza design is inspired by European squares where hardscapes and informal spaces are prevalent. The Piazza will ultimately be surrounded by four story vertical mixed use buildings that will frame the space. The Piazza will provide the opportunity for community gatherings with the adjacent streets designed to be able to be closed to expand the space. The design of the Piazza includes pervious pavers, two bocce ball courts, a shelter, ornamental lighting, children's creative play and a decorative water fountain.

The park design approved by the DRB was shown. The significant trees on the site will be preserved. Although no restroom facilities were planned in the park, facilities were available nearby and portable units would be used during special events. When the mail room is constructed, restrooms would be built into that building.

Mayor Knapp invited the applicant to comment.

Rudy Kadlub, President, Costa Pacific 11422 SW Barber St. thanked the Parks and Recreation Board, the DRB and staff for their work on the project. He had no concerns with the staff report or the DRB conditions of approval. Mr. Kadlub added the temporary mailboxes and restrooms would become permanent with the construction of an adjacent building, and that bocce ball is a sport enjoyed by a more mature audience who would occupy the 290-unit senior housing development. The Piazza is a curb less environment allowing pedestrians along with the cafes and shops to spill onto the sidewalks and become part of the park.

Carol Mayer Reid, 319 SW Washington, Portland, explained the features that would be found in the park, the lighting of the park, fountain and trees.

Mayor Knapp asked for public testimony there was none; he asked for motion to close hearing.

Motion: Councilor Fitzgerald moved to close the public hearing. Council President Núñez seconded the motion.

Vote: Motion carried 5-0.
The public hearing was closed at 8:05 p.m.

Motion: Councilor Starr moved to adopt Ordinance No. 708 on first reading. Council President Núñez seconded the motion.

Vote: Motion carried 5-0.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

CITY MANAGER'S BUSINESS

Mr. Cosgrove provided a recap of the Council actions during the meeting. Due to the heavy rains the Public Works crews were out cleaning the storm catch basins clogged with leaves; he asked the public to either assist with cleaning leaves from the catch basins, or to give Public Works a call.

The City Manager met with Bill Rhodes, West Linn Wilsonville School Superintendent, who would like to extend the lease for the Art Tech High School an additional 3-5 years if the City had no immediate need for the building. He asked for direction from Council on the issue. After a discussion on the history of this matter, the Councilors directed the City Manager to proceed with discussions to renew the lease as long as it meets the needs of both the City and School District.

Mr. Cosgrove asked Council members to bring their calendars with them the first meeting of January so the date for Goal Setting can be selected. He noted orientation for the newly elected Council members has been scheduled for December 7 and December 14. He invited the other Council members to attend.

LEGAL BUSINESS – There was no report.

ADJOURN

The Mayor adjourned the Council meeting at 8:20 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

TIM KNAPP, MAYOR



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: December 17, 2012</p>	<p>Subject: Resolution No. 2389 Supplemental Budget</p> <p>Staff Member: Joanne Ossanna Department: Finance</p>
<p>Action Required</p> <p><input type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date:</p> <p><input type="checkbox"/> Ordinance 1st Reading Date:</p> <p><input type="checkbox"/> Ordinance 2nd Reading Date:</p> <p><input checked="" type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p>Advisory Board/Commission Recommendation</p> <p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comments:</p>

<p>Staff Recommendation: Approve Resolution No. 2389 authorizing a supplemental budget adjustment to the Fiscal Year 2012-13 adopted budget.</p>
<p>Recommended Language for Motion: I move to approve Resolution No. 2389 to adopt the Supplemental Budget to the Fiscal Year 2012-13 adopted budget.</p>

<p>PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i></p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Oregon's Local Budget Law allows the Council to amend the adopted budget for an occurrence or condition that was not known at the time the budget was adopted. The following supplemental budget primarily amends the current budget for numerous capital improvement projects.

EXECUTIVE SUMMARY:

At its June 4, 2012 City Council meeting, the Council adopted the Fiscal Year 2012-13 budget. Since that time, several unanticipated projects and expenses have come to staff's attention and requires additional authorization to proceed.

The requested adjustments can be broken down into three categories.

- 1) **Outside funding sources.** The following expenditures will be paid for, at least in part, with outside funding sources:

Engleman Park: This adjustment recognizes grant funds that will be received to complete the project totaling \$200,000.

- 2) **Funding requests from prior year.** Five projects were budgeted in prior fiscal years but the work has continued into this fiscal year. Unused budget from prior years have been recorded as contingency funds.

West Side Level B Reservoir Site: Water SDC Funds will fund the completion of the project totaling \$632,000.

Community Center Kitchen/Food Storage Improvements: General Fund contingency will be used to fund \$70,000 in costs budgeted last fiscal year but completed this fiscal year. An additional \$24,000 will be transferred from the PW Building program for the replacement of the HVAC and additional flooring costs at the Community Center.

95th Ave @ Boones Ferry Rd Intersection Improvements: Street SDC Funds will fund the project totaling \$1,053,300.

Upgrade I-5 Traffic Signal Connections: Street SDC Funds will fund the project totaling \$85,500.

- 3) **Additional funding requests.** Additional funding requests are for projects or line-item expenditures that were not anticipated during the budget process.

Library ADA Reconstruction: General Fund contingency will be used to fund the project totaling \$15,000 for an ADA non-compliance.

Fiber Connection Project: A \$25,000 transfer from designated General Fund contingency will be used for the design phase of the Fiber Connection project.

Kinsman Road Extension – Barber to Boeckman: For the design portion of the project necessary to move forward to ensure that staff meets schedule requirements for future federal funding.

A net zero dollar transfer in personal services is needed between the Community Development Administration program and the Planning Program. This transfer reflects the move of 1 FTE as the Assistant Community Development Director position will remain unfilled and replaced with a Long Range Planning Manager in the Planning Program.

EXPECTED RESULTS:

As stated in the Fiscal Management Policies, the City shall amend its annual budget in accordance with Oregon local budget law. The supplemental budget adjustment is adopted by the Council at a regularly scheduled meeting. The budget committee is not required.

TIMELINE:

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice was published on Wednesday December 5, 2012. Adoption of the Supplemental Budget Adjustment is required prior to the end of the fiscal year, June 30, 2013.

CURRENT YEAR BUDGET IMPACTS:

Resources:		Expenditures:	
Interfund transfers	\$ 2,200,600	95th Ave @ Boones Ferry Rd Intersection Imp*	\$ 947,000
Other governments	200,000	West Side Level B Reservoir Site*	600,000
Charges for services	35,000	Miscellaneous CIP's*	509,000
		Interfund transfers out for CIP's**	2,200,600
		Building and grounds transfer to CIP	(24,000)
		Contingencies	(1,797,000)
Total Resources	<u>\$ 2,435,600</u>		<u>\$ 2,435,600</u>

*CIP's reported net of overhead transfers.

**The City records the cost of a capital project an expense in the capital project fund and as an expense in the fund(s) that will be financially responsible for the costs of the project. The expense at the funding level is recorded as an interfund transfer out.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: JEO Date: 11/29/12

Amends the budget as described above.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 12/6/12

Finance has followed the statutory requirements referred to as the Local Budget Law for the City Council to adopt the proposed supplementary budget.

COMMUNITY INVOLVEMENT PROCESS:

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The adoption process requires a public hearing prior to adoption.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY

The amended budget provides for the delivery of services and construction of capital projects throughout the community.

ALTERNATIVES:

Not approving the attached supplemental budget could result in overspending current budget appropriations. The City is required to disclose all excess of expenditures over appropriations in the Comprehensive Annual Financial report.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. *2012-13 Supplemental Budget #1 Details By Fund*
- B. Resolution No. 2389
- C. Excel Spread Sheet Attachment "A"

RESOLUTION NO. 2389

A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET ADJUSTMENT FOR FISCAL YEAR 2012-13.

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2012-13 by Resolution 2364; and,

WHEREAS, certain expenditures are expected to exceed the original adopted budget in some of the City's funds and budgetary transfers are necessary within these funds to provide adequate appropriation levels to expend the unforeseen costs; and,

WHEREAS, ORS 294.463 provides that a city may transfer appropriations within appropriation categories provided the enabling resolution states the need for the transfer, purpose of the expenditure and corresponding amount of appropriation; and,

WHEREAS, all transfers from contingencies within the fiscal year to date aggregate to not more than fifteen percent (15%) of the fund's total appropriations, with transfers exceeding this limit being referred via a separate supplemental budget request; and,

WHEREAS, to facilitate clarification of the adjustments in this resolutions Attachment A to this resolution provides a summary by fund of the appropriation categories affected by the proposed adjustments of budget appropriation and the purpose of the expenditure.

WHEREAS, consistent with local budget law and based upon the foregoing, the staff report in this matter and public hearing input, the public interest is served in the proposed supplemental budget adjustment.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

The City adopts the Supplemental Budget to the Fiscal Year 2012-13 adopted budget by amending the estimated revenues and appropriations within the funds and categories as delineated and explained in Attachment A, which is attached hereto and incorporated by reference as if fully set forth herein..

This resolution becomes effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 17th day of October 2011 and filed with Wilsonville City Recorder this same date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Council President Núñez

Councilor Goddard

Councilor Starr

Councilor Fitzgerald

ATTACHMENT A
NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
General Fund			
Interfund transfers in	\$ (2,387,128)	\$ (42,300)	\$ (2,429,428)
All other resources	(24,284,596)	-	(24,284,596)
Total increase in resources	\$ (26,671,724)	\$ (42,300)	\$ (26,714,024)
Interfund transfers out	\$ 1,310,600	\$ 134,000	\$ 1,444,600
Buildings and grounds	\$ 692,213	\$ (24,000)	668,213
Contingency	9,100,304	(67,700)	9,032,604
All other requirements	15,568,607	-	15,568,607
Net change in requirements	\$ 26,671,724	\$ 42,300	\$ 26,714,024

Interfund transfers increase recognizes additional resources for the overhead charges on capital improvement projects. Increase in interfund transfers out are for the following capital projects: Library ADA Reconstruction, Fiber Connectivity Project and the Community Center Kitchen and Food Storage Improvements. Funding for the Community Center project also includes a transfer of funds from the Building and grounds program.

Community Development Fund			
Interfund transfers in	\$ (2,281,389)	\$ (165,000)	\$ (2,446,389)
All other resources	(5,515,099)	-	(5,515,099)
Total increase in resources	\$ (7,796,488)	\$ (165,000)	\$ (7,961,488)
Contingency	\$ 2,825,913	\$ 165,000	\$ 2,990,913
CD Administration	963,441	(135,000)	828,441
CD Planning	820,044	135,000	955,044
All other requirements	3,187,090	-	3,187,090
Net change in requirements	\$ 7,796,488	\$ 165,000	\$ 7,961,488

Interfund transfers increase recognizes additional resources for the overhead charges on capital improvement projects. A net zero budget transfer will be recognized between the CD Administration and Engineering programs to reflect changes in staffing.

Water Capital Projects Fund			
Interfund transfers in	\$ (1,012,900)	\$ (632,000)	\$ (1,644,900)
All other resources	(779,709)	-	(779,709)
Total increase in resources	\$ (1,792,609)	\$ (632,000)	\$ (2,424,609)
Capital outlay	1,313,406	600,000	1,913,406
Interfund transfers out	279,077	32,000	311,077
Contingency	200,126	-	200,126
Net change in requirements	\$ 1,792,609	\$ 632,000	\$ 2,424,609

The interfund transfers in and the corresponding requirements for capital outlay and interfund transfers out are for the following project: West Side Level B Reservoir Site

Streets Capital Projects Fund			
Interfund transfers in	(3,698,420)	(1,277,300)	(4,975,720)
All other resources	(1,037,971)	-	(1,037,971)
Total increase in resources	\$ (4,736,391)	\$ (1,277,300)	\$ (6,013,691)
Capital outlay	3,858,500	1,137,000	4,995,500
Interfund transfers out	666,670	140,300	806,970
Contingency	211,221	-	211,221
Net change in requirements	\$ 4,736,391	\$ 1,277,300	\$ 6,013,691

The interfund transfers in and the corresponding requirements for capital outlay and interfund transfers out are for the following projects: Kinsman Rd Extension, 95th Ave @ Boones Ferry Rd Intersection Imp, Upgrade I-5 Traffic Signal Controllers, and Library ADA Reconstruction.

ATTACHMENT A
NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
Building Capital Projects Fund			
Interfund transfers in	\$ (1,564,480)	\$ (119,000)	\$ (1,683,480)
All other resources	(1,502,236)	-	(1,502,236)
Total increase in resources	\$ (3,066,716)	\$ (119,000)	\$ (3,185,716)
Capital outlay	2,773,000	119,000	2,892,000
Contingency	293,716	-	293,716
Net change in requirements	\$ 3,066,716	\$ 119,000	\$ 3,185,716

The interfund transfers in and the corresponding requirements for capital outlay and interfund transfers out are for the following projects: Community Center Kitchen and Food Storage Improvmenets and the Fiber Connectivity project.

Parks Capital Projects Fund			
Intergovernmental revenues	\$ (546,800)	\$ (200,000)	\$ (746,800)
All other resources	(1,249,868)	-	(1,249,868)
Total increase in resources	\$ (1,796,668)	\$ (200,000)	\$ (1,996,668)
Capital outlay	1,526,600	200,000	1,726,600
Contingency	270,068	-	270,068
Net change in requirements	\$ 1,796,668	\$ 200,000	\$ 1,996,668

The intergovernmental revenues and the corresponding requirements for capital outlay and interfund transfers out are for the following project: Engleman Park

Water SDC Fund			
Total resources	\$ (2,268,013)	\$ -	\$ (2,268,013)
Interfund transfers out	\$ 1,305,900	\$ 632,000	\$ 1,937,900
Contingency	955,513	(632,000)	323,513
All other requirements	6,600	-	10,100
Net change in requirements	\$ 2,268,013	\$ -	\$ 2,268,013

The requirements for capital outlay and interfund transfers out are for the following projects: West Side Level B Reservoir site.

Road SDC Fund			
Total resources	\$ (4,090,616)	\$ -	\$ (4,090,616)
Interfund transfers out	\$ 2,548,160	\$ 1,262,300	\$ 3,810,460
Contingency	1,535,756	(1,262,300)	273,456
All other requirements	6,700	-	6,700
Net change in requirements	\$ 4,090,616	\$ -	\$ 4,090,616

The interfund transfers in and the corresponding requirements for capital outlay and interfund transfers out are for the following projects: Kinsman Rd Extention, 95th Ave @ Boones Ferry Rd Intersection Imp, Upgrade I-5 Traffic Signal Controllers.

**CITY OF WILSONVILLE
2012-13 Supplemental Budget #1 Details By Fund**

	1	2	3	4	5	6	7	8	9	10	
	4171		1065	4004	8085	4041		9102	4702	4153	
	Library ADA	Reclass LR Planning Position	Westside Reservoir Site	Kinsman Road Extension	Community Center kitchen	95th & Boones Fry Intersection	Fiber Connectivity Design	Engleman Park	Boeckman Bike/ped Improv.	I-5 Traffic Signal Controls	Totals
	Budget Request	Move Budget Between Depts.	Rollover FY12 Proj. Budget	Request Budget for Design	Rollover FY12 Proj. Budget	Rollover FY12 Proj. Budget	Transfer from Designated Reserve	Grant Funding	Rollover FY12 Proj. Budget	Rollover FY12 Proj. Budget	
110 - General Fund											
Interfund Transfers In			(21,000)	(3,500)		(16,300)				(1,500)	(42,300)
Interfund Transfers Out	15,000				94,000		25,000				134,000
Buildings & Grounds					(24,000)						(24,000)
Contingency	(15,000)		21,000	3,500	(70,000)	16,300	(25,000)			1,500	(67,700)
235 - Community Development											
Charges for Services									(35,000)		(35,000)
Interfund Transfers In			(11,000)	(20,000)		(90,000)				(9,000)	(130,000)
Contingency			11,000	20,000		90,000			35,000	9,000	165,000
CD Administration		(135,000)									(135,000)
CD Planning		135,000									135,000
510 - Water Capital Projects											
Interfund Transfers In			(632,000)								(632,000)
Capital Outlay			600,000								600,000
Interfund Transfers Out			32,000								32,000
540 - Street Capital Projects											
Interfund Transfers In	(15,000)			(123,500)		(1,053,300)				(85,500)	(1,277,300)
Capital Outlay	15,000			100,000		947,000				75,000	1,137,000
Interfund Transfers Out				23,500		106,300				10,500	140,300
580 - Building Capital Projects											
Interfund Transfers In					(94,000)			(25,000)			(119,000)
Capital Outlay					94,000			25,000			119,000
590 - Parks Capital Projects											
Intergovernmental Revenues								(200,000)			(200,000)
Capital Outlay								200,000			200,000
610 - Water SDC											
Interfund Transfers Out			632,000								632,000
Contingency			(632,000)								(632,000)
640 - Road SDC											
Interfund Transfers Out				123,500		1,053,300				85,500	1,262,300
Contingency				(123,500)		(1,053,300)				(85,500)	(1,262,300)
900 - Year 2000 Capital Projects											
Capital Outlay									140,000		140,000
Materials & Services									35,000		35,000
Contingency									(175,000)		(175,000)
	-	-	-	-	-	-	-	-	-	-	-

Key to highlighted cells above:

- Blue - Rollover of F12 project budgets
- Green - Appropriation for grant funding
- Yellow - Transfer from designated reserve
- Red - New budget request
- Purple - Transfer between departments



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date:</p> <p>December 17, 2012</p>	<p>Subject: Resolution No. 2390</p> <p>Ballot title for March, 2013, election “Business Incentive Program for Investment and Job Creation by Manufacturers.”</p> <p>Staff Member: Mike Kohlhoff, City Attorney; Barbara Jacobson, Assistant City Attorney; Stephan Lashbrook, Transit Director; Mark Ottenad, Public/Government Affairs Director; Kristin Retherford, Urban Renewal Manager</p> <p>Department: Legal and Economic Development Team</p>
<p>Action Required</p> <p><input type="checkbox"/> Motion</p> <p><input type="checkbox"/> Public Hearing Date:</p> <p><input type="checkbox"/> Ordinance 1st Reading Date:</p> <p><input type="checkbox"/> Ordinance 2nd Reading Date:</p> <p><input checked="" type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p>Advisory Board/Commission Recommendation</p> <p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input type="checkbox"/> Not Applicable</p> <p>Comments: The City’s Economic Development Task Force has recommended that this matter be placed before the voters.</p>
<p>Staff Recommendation: Staff recommends that Council adopt the accompanying Resolution to authorize a ballot before Wilsonville voters in March 2013.</p>	
<p>Recommended Language for Motion: Move to approve Resolution No. 2390.</p>	
<p>PROJECT / ISSUE RELATES TO:</p>	
<p><input checked="" type="checkbox"/> Council Goal: “D. Develop, Adopt and Begin Implementation of a Comprehensive Economic Development Strategy.”</p>	<p><input type="checkbox"/></p>

ISSUE BEFORE COUNCIL:

Council action on Resolution No. 2390 is needed to authorize staff to take the necessary steps to place this matter on the ballot.

EXECUTIVE SUMMARY:

The proposed ballot seeks voter input on the creation of a Tax Increment Financing Zone (Zone) program that would establish one or more single-property urban renewal (Tax Increment Financing Zone) districts. The purpose of those districts would be to provide economic development incentives via property-tax rebates similar to but more targeted than the benefits offered by state-sanctioned Enterprise Zones in neighboring communities. Enterprise Zones provide a 100 percent property-tax exemption on increases of assessed value for a two- to five-year period to qualified firms for capital investment. Wilsonville does not have Enterprise Zones, unlike the area cities of Beaverton, Gresham, Hillsboro, Milwaukie and Portland.

The intent of this Zone program is to incentivize the private-sector to convert lower-value, vacant or underutilized industrial buildings into higher-value manufacturing sites that provide buildings with higher assessed valuation and a larger employment base at a higher wage level. The program would provide manufacturing businesses with a financial incentive to make the capital investment needed to upgrade large industrial properties into higher value manufacturing facilities that provide a larger number of higher-wage jobs. The program would place the City of Wilsonville in a more competitive position in the greater Portland region, State of Oregon and global economy to 'win' a greater share of private-sector business investment.

Following a qualifying investment, which must be made within the first five years of the life of a given Zone, the Zone could have up to a ten-year term or lifespan at which point the Zone would be closed. If no qualifying investment is made within the first five years, the Zone would automatically be closed. Each Zone would share 25 percent of increased tax increment with other taxing districts such as schools and the fire district and rebate the balance of incrementally paid-taxes back to the company. That is, the company is rewarded for making the capital investment in Wilsonville by receiving back a portion of the increase in property taxes paid that result from the company's investment. The greater the investment, the greater the rebate reward. Thus, the rebate is based on the company's performance and proportional to the level of capital investment and job creation.

The proposed Zones would rebate up to 75 percent of increased property tax increment for three years for each minimum qualifying investment and job creation for companies that invest at least \$25 million in capital improvements and/or qualified equipment and create 75 or more new full-time jobs paying at least 125 percent of the average Clackamas County wage, with two additional years (5 total) available if the new jobs pay 150 percent of average wage paid in Clackamas County. Each Zone would terminate ten years after the first qualifying rebate. Non-performance during the term of the Zone would require repayment of rebates. If no qualifying investment occurs within five years of creating the Zone, the Zone would terminate.

A new three or five-year rebate period could begin with any additional round of new qualifying capital investment and job creation meeting the above minimum criteria, providing a maximum of 10 years of rebates period. Again, however, qualified investment needs to be made within 5 years of program adoption. This limits the potential life of the program to 15 years.

EXPECTED RESULTS:

The voters will have the opportunity to advise the City Council on whether there is public support for the formation of tax increment urban renewal districts to create incentives for the conversion of large, underutilized industrial buildings to manufacturing.

TIMELINE:

The City faces extremely narrow timelines in order to place this matter before the voters in March, 2013. Essentially, the City Council must authorize this action at the December 17, 2012 Council meeting in order to assure that there is ample time for the public, Oregon’s Secretary of State, and the County Clerks of Washington and Clackamas Counties to review the proposed ballot language and take all of the necessary steps to allow for a March vote.

CURRENT YEAR BUDGET IMPACTS:

Clackamas County Elections Division advises the estimated cost of this special election would be between \$6,000 and \$7,000. The cost includes Washington County voters who live within the City of Wilsonville..

FINANCIAL REVIEW / COMMENTS:

Reviewed by: JEO Date: 12/11/12

The financial impact of the ballot title is the potential cost of the election, which could be paid out of the current budget.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 12/10/12

The Ballot Title is to be drafted so that it presents an impartial title, question, and Summary. The title is limited to 10 words, the question to 20 words, and the Summary to 175 words. Voters should be able to read the Ballot Title and know what they are voting on. On December 13, 2012, the Ballot Title was presented to the Economic Development Task Force for their input and recommendation. The Task Force’s recommendation and the Ballot Title are being presented to the City Council for adoption and referral and contemporaneously presented the same evening to the Urban Renewal Board for its recommendation. Since this is a referral, the Council and Board could amend the proposed Ballot Title as long as it meets the word limits and is impartial in its presentation.

This is an advisory vote, which is not legally binding. However, the Councilors and the Councilors acting as UR Board members have historically followed the advice of the citizens on

such votes.

COMMUNITY INVOLVEMENT PROCESS:

This matter has been discussed by the Economic Development Task Force at three meetings, all of which were open to the public and well attended. A detailed story on this subject has appeared in a recent edition of the *Wilsonville Spokesman*. The staff is also recommending that the City Council and the Urban Renewal Board conduct a public hearing before finalizing their decision on Resolution No. 2390.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

If the voters recommend the creation of the proposed Zones and the requisite urban renewal districts are established by the City Council, the City would have a way to fund economic development incentives to better compete with the Enterprise Zones in place in other communities. If successful, this program could lead to long-term benefits to the community in the form of increased property tax and payroll tax revenues, as well as the creation of numerous jobs.

ALTERNATIVES:

The City Council and Urban Renewal Board have three alternatives:

- 1) Refer the proposed ballot title to the Secretary of State and the County Clerks of both Washington and Clackamas Counties for a March vote;
- 2) Choose not to refer the matter to the voters; or
- 3) Amend the proposed language and send a modified version of the ballot title to the Secretary of State and the County Clerks of both Washington and Clackamas Counties for a March vote.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Resolution No. 2390
- B. Proposed Ballot Title

Exhibit A

RESOLUTION NO. 2390

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING A BALLOT TITLE FOR THE MARCH 2013 ELECTION ENTITLED "BUSINESS INCENTIVE PROGRAM FOR INVESTMENT AND JOB CREATION BY MANUFACTURERS"

WHEREAS, the National Citizen Survey™ of the community of Wilsonville conducted in 2012 found that 69 percent of respondents support providing financial incentives to attract new businesses and 76 percent of respondents support providing financial incentives to help expand existing businesses; and

WHEREAS, the City of Wilsonville convened an Economic Development Advisory Committee in 2012 to develop an Economic Development Strategy; and

WHEREAS, in August of 2012, City Council adopted the resulting Economic Development Strategy with the intent of subsequently forming an Economic Development Task Force (Task Force) to examine the use of incentives for business recruitment and retention purposes; and

WHEREAS, this Task Force was convened on November 8, 2012 to discuss and make recommendations to City Council on the use of economic incentives; and

WHEREAS, the proposed mechanism for this incentive is property tax rebates through the use of Urban Renewal by creating up to 6 single-property urban renewal districts to be called Tax Increment Financing Zones (Zone); and

WHEREAS, the intent of the proposed Tax Increment Financing Zone program is to incentivize the private-sector to convert lower-value, vacant and/or underutilized industrial buildings into higher-value manufacturing sites that provide buildings with higher assessed valuation and a larger employment base at a higher wage level; and

WHEREAS, the ultimate objective is to encourage existing or new manufacturers to bring economic benefits to the community in terms of new family-wage jobs, increased tax revenues and increased economic vitality through direct, indirect and induced generation of wealth; and

WHEREAS, if a qualifying investment does not occur within a Zone during the first five years of the adoption of the program, the Zone will be automatically closed; and

WHEREAS, if a qualified investment is made within a Zone, that Zone could have a ten-year term, at which point the Zone would be closed ten years after the first rebate; and

WHEREAS, given the five years to make an investment in a Zone and the potential ten year life of a Zone, the program could have a maximum life of 15 years; and

WHEREAS, each Zone would share at least 25 percent of increased tax increment with other taxing districts and rebate the balance of incrementally paid taxes back to the participating company; and

WHEREAS, if a participating company does not perform by making a qualifying investment, creating a minimum number of sustained new jobs, meeting other qualifying criteria as may be determined and approved by the City Council and the Urban Renewal Agency Board to carry out the program, no rebate will be issued; and

WHEREAS, participating companies, whether tenants or owners occupying any of the proposed Tax Increment Financing Zones, would be eligible to receive a property tax rebate of up to 75 percent of increased property tax increment paid each year, for up to five years, provided that the company meet specific criteria and thereafter, a new five-year rebate period could begin with any new capital investment and job creation, meeting Zone criteria, thereby potentially providing up to a total 10-year rebate; and

WHEREAS City Council has directed that no new Urban Renewal/Tax Increment Financing Zone be established without first obtaining an advisory vote of the citizens; and

WHEREAS, the proposed Ballot Title will allow Wilsonville citizens the opportunity to advise the City Council on whether there is public support to use Urban Renewal in the form of a Tax Increment Financing Zone program to create single-property urban renewal districts as an economic development incentive; and

WHEREAS, on December 13, 2012, a majority of the Task Force quorum voted in support of recommending to City Council the conditional use of financial incentives for businesses investing at least \$25 million in qualifying capital improvements and/or qualifying equipment and creating 75 or more new full-time jobs paying at least 125 percent of the average Clackamas County wage, with two additional years available if the new jobs pay at least 150 percent of average County wage.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council authorizes the ballot title “Business Incentive Program for Investment and Job Creation by Manufacturers,” a copy of which is marked Exhibit A, attached hereto, and incorporated by reference as if fully set forth herein, to be placed on the ballot for the March 2013 election in order to determine if there is public support for using urban renewal as a tool to provide incentives as described above and more particularly set forth in the Ballot Title.
2. This resolution is effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 17th day of December, 2012, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Councilor Nunez

Councilor Goddard

Councilor Starr

Councilor Fitzgerald

Attachment:

Exhibit A – Ballot Title

REFERRED: CITY OF WILSONVILLE MEASURE _____

CAPTION (Ten-word maximum):

Business Incentive Program for Investment and Job Creation by Manufacturers. (10 words)

QUESTION (Twenty-word maximum):

Shall urban renewal district zones be created to stimulate converting targeted warehouses to manufacturing by partially rebating property tax increment? (20 words)

SUMMARY (175-word maximum):

Many cities offer financial incentive programs to attract business investment. Wilsonville proposes adopting an incentive program to target conversion of vacant or underutilized industrial buildings to manufacturing operations and create jobs.

Up to six buildings over 100,000 square feet in size would be established as Tax Increment Financing Zones. Each Zone would rebate to qualifying companies up to 75 percent of increased property tax increment for three years for investment of at least \$25 million in capital improvements and/or qualified equipment, and creation of 75 or more new full-time jobs paying at least 125 percent of the average Clackamas County wage. Two additional years of rebate available if ^{new} jobs pay at least 150 percent of average county wage.

~~Add # jobs.~~

Each Zone would terminate 10 years after first rebate; non-performance by company would require repayment. If no qualifying investment occurs within five years of creating Zone, it would terminate.

Other taxing districts including schools and fire district would receive 25 percent of increased property tax increment.

(165 words)



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: December 17, 2012</p>	<p>Subject: Ordinance No. 712 Amend park rules to prohibit the use of tobacco on City park property and park facilities and buildings.</p> <p>Staff Member: Patty Brescia Department: Community Services</p>
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>
<p><input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda</p>	<p><input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable</p> <p>Comments: Parks and Recreation Board endorsed the creation of tobacco free parks at their October 11, 2012 board meeting.</p>

<p>Staff Recommendation:</p> <p>Staff recommends adoption of Ordinance No. 712 to amend park rules to prohibit smoking and the use of any tobacco products in city parks, facilities, and buildings located in parks.</p>
<p>Recommended Language for Motion:</p> <p>Recommend approval on Ordinance No. 712 on 1st reading.</p>

<p>PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i></p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

The issue before Council is to eliminate tobacco from City parks.

EXECUTIVE SUMMARY:

The City received a \$50,000 grant from the CDC (Center for Disease Control) for the ACHIEVE program. ACHIEVE is a program created through a partnership with CDC and the National Parks and Recreation Association. The goal of the ACHIEVE program is to assess and determine ways to create a healthy community. The ACHIEVE coalition, comprised of community members, developed two goals and three objectives focused on health and wellness in Wilsonville. The ACHIEVE coalition presented these goals to the City Council Work Session on November 5, 2012. One of the goals is to adopt an ordinance prohibiting smoking and use of any type of tobacco in city parks. This also includes park facilities and buildings.

A student from the Arts and Technology High School conducted surveys at events throughout the community to gauge community interest in prohibiting smoking in city parks. Residents overwhelmingly supported prohibiting smoking in city parks. The ACHIEVE coalition adopted this as a goal and presented it to the Parks and Recreation Board who highly recommended the city council adopt such an ordinance. Several other cities in Oregon have already adopted smoke free ordinances such as City of Bend, City of Sherwood and City of Lake Oswego. If adopted in Wilsonville, signs will be installed in all city parks indicating they are smoke free. This ordinance is enforced through fines as outlined in city code.

EXPECTED RESULTS:

Healthier and safer use of City parks. See benefits below.

TIMELINE:

The ordinance takes effect 30 days after adoption on second reading.

CURRENT YEAR BUDGET IMPACTS:

The ACHIEVE grant provides funding for the purchase of park signs and /or literature for educational outreach on the tobacco free policy and the health effects of exposure to tobacco smoke. The ACHIEVE coalition plans to work with city staff to create signs that are consistent with the city's sign code.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: JEO Date: 12-6-12

Grant funds are available to cover the costs of signs and/or literature related to this ordinance

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 12/6/12

The ordinance is approved as to form.

COMMUNITY INVOLVEMENT PROCESS:

A CHANGE tool was completed on the following community organizations: Art Tech High School, Wilsonville High School, West Linn-Wilsonville School District, City of Wilsonville Planning Department, Charbonneau Country Club, Lamb's Thriftway Management, State Farm Insurance, YMCA Childcare, Northwest Family Wellness Center and Grace Chapel Church. Additional data was collected on citizen attitudes towards tobacco use in parks at the following events: Public Works Celebration Day, Neighborhood Barbeque, Fun in the Park, Kiwanis Kids Fun Run, Wilsonville Sunday Streets and Movies in the Park. A total of 366 citizens provided input, and 98% voted for one of the following options: Wilsonville Parks should be tobacco free, or children's play areas in parks should be tobacco free, the remaining respondents, totaling 2% believed there should be no policy on tobacco in parks.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups):

- Health impacts (e.g. improve health, reduce health risks for people who use parks, especially those with chronic conditions)
- Environmental impacts (litter from cigarette butts, protect habitat)
- Social impacts (parks enhance quality of life, kids aspire up)
- Economic impacts (parks help fuel economic health)

Second Hand Smoke (SHS)

- Exposure to SHS is harmful-especially to children
- No level of SHS is risk free
- Contains 4,000 chemicals-listed as a Group A carcinogen
- Exposure to SHS negates the positive effects of engaging in healthy outdoor activities
- SHS exposure in outdoor areas can rival amounts in indoor spaces.

ALTERNATIVES:

CITY MANAGER COMMENT:

ATTACHMENTS

A. Ordinance No. 712

ORDINANCE NO. 712

AN ORDINANCE AMENDING CITY OF WILSONVILLE PARK RULES TO PROHIBIT SMOKING OR OTHER USE OF TOBACCO ON ALL CITY PARK PROPERTY, PARK FACILITIES AND BUILDINGS

WHEREAS, the City Council has received information regarding the benefits of prohibiting smoking or other use of tobacco on all City park property, park facilities and buildings;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Wilsonville Code, Parks and Playgrounds, § 3.000, Rules and Regulations, is amended by adding the following subsection:

“(31) Smoking or the use of tobacco products is prohibited on all City park property, park facilities and buildings. ‘Tobacco products’ includes any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be used for smoking, chewing, inhalation, or other means of ingestion.”

2. Wilsonville Code, Parks and Playgrounds, § 3.030(2), Enforcement and Penalty, subsection (2) shall be amended as follows:

“2.1 The reference in subsection (2) to Section 1.102 shall be corrected to read Section 1.012.

“2.2 There shall be added to subsection (2) the following last sentence: ‘Provided, further, a conviction for violation of Section 3.000(31) shall only be punished as a violation pursuant to Section 1.012.’”

3. This ordinance is effective upon adoption.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 17th day of December, 2012, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, Oregon, and scheduled for second reading on January 7, 2013.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2013, by the following votes: Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of _____, 2013.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp
Councilor Goddard
Councilor Starr
Councilor Fitzgerald
Councilor Stevens

**CITY OF WILSONVILLE
CITY COUNCIL
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN that the Wilsonville City Council will conduct a public hearing on December 17, 2012 beginning at 7 p.m. at City Hall, 29799 SW Town Center Loop, Wilsonville, Oregon.

The purpose of this public hearing is to consider public testimony on:

AN ORDINANCE AMENDING CITY OF WILSONVILLE PARK RULES TO PROHIBIT SMOKING OR OTHER USE OF TOBACCO ON ALL CITY PARK PROPERTY, PARK FACILITIES AND BUILDINGS

Copies may be obtained at a cost of 25 cents per page, at City Hall or by calling the City Recorder at 503-570-1506 and requesting a copy to be mailed to you.

Specific suggestions or questions concerning the proposed ordinance may be directed to Patty Brescia, Senior Programs Manager, 503-570-1525. Public testimony, both oral and written will be accepted at the public hearing. Written statements are encouraged and may be submitted to Sandra C. King, MMC, City Recorder, 29799 SW Town Center Loop E, Wilsonville, OR 97070.

Assistive listening devices are available for persons with impaired hearing and can be scheduled for this meeting. The City will endeavor to provide qualified sign language interpreters without cost if requested at least 48 hours prior to the meeting. To obtain such services call the office of the City Recorder at 682-1011.

Published in the Wilsonville Spokesman December 11, 2012.

ORDINANCE NO. 705

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL – 10 - 12 DU/AC ON 1.14 ACRES COMPRISING TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON; “FOX CENTER TOWNHOMES” SEEMA, LLC, APPLICANT

WHEREAS, SEEMA, LLC (“Applicant”), as owner of the real property legally shown and described on **Exhibit A**, Attachments 1 and 2, attached hereto and incorporated by reference herein (“Property”), has made a development application requesting, among other things, a Comprehensive Plan Map Amendment of the Property; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the request and prepared a staff report, finding that the application met the requirements for a Comprehensive Plan Map Amendment and recommending approval of the Comprehensive Plan Map Amendment, attached hereto as **Exhibit B** and incorporated by reference herein, which staff report was presented to the Development Review Board (DRB) on August 13 and October 8, 2012; and

WHEREAS, the DRB Panel A held a public hearing on the application for a Comprehensive Plan Map Amendment (DB12-0033) and other related development applications (DB12-0034-0036, TR12-0067 and DB12-0039) on August 13, 2012, and after taking public testimony, receiving exhibits, and giving full consideration to the matter, determined to continue the hearing in order to allow the Applicant additional time to consider and address public testimony concerns and DRB Panel member concerns; and

WHEREAS, on October 8, 2012, the DRB Panel A reconvened and continued the public hearing on the application for a Comprehensive Plan Map Amendment (DB12-0033) and other related development applications (DB12-0034-0036, TR12-0067 and DB12-0039) and, after taking additional public testimony, receiving exhibits, reviewing the applicant’s revised application and the revised staff report, and giving full consideration to the matter, adopted Resolution No. 234, attached hereto as **Exhibit C** and incorporated by reference herein; and

WHEREAS, Resolution No. 234 recommends that the City Council approve the Applicant’s request for a Comprehensive Plan Map Amendment (Case File DB12-0033), approve all other related applications within DRB jurisdiction, and adopt the staff report with its modified findings, recommendations, and conditions, all as placed on the record. Contingent

upon City Council approval of the Comprehensive Plan Map Amendment, Resolution No. 234 authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

WHEREAS, on November 5, 2012, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the staff report, which record was incorporated into the City Council public hearing record; took public testimony; and, upon deliberation, concluded that the proposed Comprehensive Plan Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code, as summarized in the staff report, including, but not limited to, a one dwelling unit (du) density bonus for senior residents, for a total of 15 dwelling units for the development.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing recitals and the staff report, as contained in the record of the above described DRB hearing, and incorporates them by reference herein as if fully set forth.

Section 2. Order. The City of Wilsonville Comprehensive Plan Map is hereby amended by Comprehensive Plan Map Order DB12-0033, attached hereto as **Exhibit A**, from Commercial to Residential, 10 - 12 dwelling units per acre (du/ac), together with a one unit density bonus for senior residents.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of November, 2012, and scheduled for second reading at a regular meeting thereof on the 19th day of November, 2012 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2012, by the following votes: Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of _____, 2012.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp

Council President Nunez

Councilor Goddard

Councilor Starr

Attachments:

Exhibit A – Comprehensive Plan Order DB12-0033

Attachment 1, Map Depicting Plan Amendment

Attachment 2, Legal Description

Exhibit B – Comprehensive Map Amendment Findings

Exhibit C – DRB Resolution No. 234

Exhibit A
BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
Fox Center Townhomes

In the Matter of the Application of)
Mr. Lee Leighton of Westlake Consultants,)
Inc., Agent for the Applicant,)
Seema, LLC., for a Comprehensive Plan)
Map Amendment Incorporated in the)
City of Wilsonville Comprehensive Plan.)

COMPREHENSIVE PLAN ORDER
NO. DB012-0033

The above-entitled matter is before the Council to consider the application of DB12-0033, for a Comprehensive Plan Map Amendment and an Order, amending the Comprehensive Plan Map as incorporated in the Comprehensive Plan.

The Council finds that the subject property ("Property"), legally described and shown on Attachments 1 and 2, has heretofore appeared on the City of Wilsonville Comprehensive Plan Map as Commercial.

The Council having heard and considered all matters relevant to the application for a Comprehensive Plan Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of 1.14 acres of Tax Lot 100 as more particularly shown in the Comprehensive Plan Map Amendment, Attachment 1 and described in Attachment 2 is hereby Residential - 10 - 12 du/ac. The foregoing re-designated is hereby declared an amendment to the Wilsonville Comprehensive Plan Map and shall appear as such from and after entry of this Order.

Dated: This ___ day of ___, 2012.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, CMC, City Recorder

Exhibit A: Comprehensive Plan Map Order

Attachment 1: Map depicting Comprehensive Plan Map Amendment

Attachment 2: Legal Description

Exhibit B: Comprehensive Plan Map Amendment Findings

GRAHAMS OAK PARK

SW WILSONVILLE ROAD

Lot 1
Block 1
Fox Chase
Subdivision
Tax Lot 100

**SUBJECT
PROPERTY**

**COMPREHENSIVE PLAN MAP
CHANGE:
COMMERCIAL TO
RESIDENTIAL 10 -12
DWELLING UNITS PER ACRE
TO ALLOW 15 TOWNHOMES IN
FOUR BUILDINGS**

WILLAMETTE WAY EAST

VALLEY
CHRISTIAN
CHURCH

CITY COUNCIL
EXHIBIT B

CHANTILLY

EXHIBIT

Lot 1, Block 1, FOX CHASE (Volume 86, Page 6, Clackamas County Plats), in the City of Wilsonville, County of Clackamas and State of Oregon, more particularly described per Plat dimensions as follows:

Commencing at an angle point in the north line of said FOX CHASE being North $64^{\circ}31'00''$ East, 1147.50 feet from the northwest corner thereof;

thence, along the north line of said FOX CHASE North $52^{\circ}43'59''$ East, 76.04 feet to the point of beginning;

thence, continuing along said north line, North $52^{\circ}43'59''$ East, 182.72 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $116^{\circ}27'25''$, (chord bears South $69^{\circ}02'18''$ East, 25.50 feet) an arc distance of 30.49 feet;

thence, South $10^{\circ}48'35''$ East, 283.61 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $75^{\circ}28'35''$, (chord bears South $26^{\circ}55'43''$ West, 18.36 feet) an arc distance of 19.76 feet;

thence, South $64^{\circ}40'$ West, 16.52 feet;

thence, along a tangent 113.00 foot radius curve to the right, through a central angle of $38^{\circ}54'45''$, (chord bears South $84^{\circ}07'23''$ West, 75.28 feet) an arc distance of 76.74 feet;

thence, North $76^{\circ}25'15''$ West, 73.73 feet;

thence, along a tangent 137.00 foot radius curve to the left, through a central angle of $7^{\circ}06'21''$, (chord bears North $79^{\circ}58'25''$ West, 16.98 feet) an arc distance of 33.75 feet;

thence, North $10^{\circ}48'35''$ West, 191.34 feet to the point of beginning.

**COUNCIL EXHIBIT B
STAFF REPORT**

**WILSONVILLE PLANNING DIVISION
CITY COUNCIL
QUASI - JUDICIAL PUBLIC HEARING
*Fox Center Townhomes***

Public Hearing Date: November 5, 2012

Application Number: DB12-0033 **Comp. Plan Map Amendment**

Property Owner/Applicant: Seema, LLC

REQUEST: Mr. Lee Leighton, AICP, of Westlake Consultants Inc., acting as agent for Seema, LLC, Applicant, proposes a 15 unit townhome residential development on 1.14 acres located at the southwest corner of SW Wilsonville Road and Willamette Way East being Lot 1, Block 1 of Fox Chase subdivision.

The Applicant is proposing to modify the Fox Chase Stage I Preliminary Plan (Master Plan – Case File 83PC09) to change 1.14 acres in commercial into a multi-family residential use (15 townhomes - rental units). In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing. Proposed is a Comprehensive Plan Map Amendment which would enable development of the project.

Current Comprehensive Plan Map Designation: Commercial

Proposed Comp. Plan Map Designation: Residential 10 – 12 units/acre

Zone Map Designation: Planned Development Commercial (PDC) see proposed Ordinance #705.

Proposed Zone: Planned Development Residential – 5 (PDR-5) see proposed Ordinance #706.

STAFF RECOMMENDATION: Approve the application with no conditions of approval.

Location: 30625 SW Willamette Road East. The property is more particularly described as being Tax Lot 100 of Section 22AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon. The subject site has relatively level terrain with 11 deciduous and coniferous trees at the northerly part of the property.

VICINITY MAP



APPLICABLE REVIEW CRITERIA:

Wilsonville Code Section(s)	Description
Sections 4.008-4.015	Application Process – Findings and Conditions
Section 4.100	Zoning - Purpose
Section 4.118 (as applicable)	Standards for All Planned Development Zones
Section 4.140	Planned Development Regulations
Section 4.198.01(A through D)	Comprehensive Plan Map Amendment

Other Planning Documents:
Storm Water Master Plan
Transportation Systems Plan
Comprehensive Plan: Policy 4.1.4, Implementation Measures 4.1.4.b, 4.1.4.c, 4.1.4.d, 4.1.4.e, 4.1.4.f, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, 4.1.4.p, 4.1.4.q, 4.1.4.v, and 4.1.4.x.
Applicable Statewide Planning Goals: 1) Citizen Involvement, 2) Land Use Planning, 6) Air, Water and Land Resources Quality, 9) Economic Development. 10) Housing, 11) Public Facilities, and 12) Transportation.
Fox Chase Master Plan

Staff Reviewers: Blaise Edmonds, Manager of Current Planning, Mike Ward, City Civil Engineer, Don Walters, Plans Examiner, and Kerry Rappold, Natural Resources Program Manager.

BACKGROUND:

The subject property was part of the Willamette Village Master Plan represented by John Grossman/Wilcox Development in 1971. A master plan and a zone map amendment were approved by the City Council on September 7, 1977. A tentative subdivision plat for Phase 1 was also approved by the Planning Commission. In 1978 the 1000 Friends of Oregon appealed the Planning Commission decision to the City Council citing non-compliance with Statewide Goals. The Statewide Goals were in effect because the City’s Comprehensive Plan had not yet been

acknowledged by the State. The City records reflect that the City Council upheld the Planning Commission decision. Shortly after, a national economic recession delayed the construction start of the Willamette Village subdivision.

In 1983, the Planning Commission, in Resolution 83PC09, approved a modified preliminary plat renaming Willamette Village to Fox Chase. Subsequent City approvals re-platted the project to become Fox Chase subdivision and the adjacent Rivergreen subdivision. An elaborate parks and recreation plan shown on the earlier 1978 Willamette Village Master Plan comprising tennis courts, baseball fields, tot lots, pathways, etc., were deleted. However, a neighborhood commercial center shown on both the Willamette Village and Fox Chase master plans was kept in place.

In 1995 and 1996 under Resolutions No.'s 95PC21 and 96DB23 following a controversial process that involved citizen concerns about the proposed retail uses. The Development Review Board approved a small retail commercial center of which the land use approvals ultimately expired. For over 35 years there has not been a successful effort to develop the subject property into a commercial use so the Applicant is proposing a townhouse residential development which requires amendments to the Comprehensive Plan Map and the Official Zone Map.

PROJECT SUMMARY AND RECOMMENDATIONS:

A detailed project introduction and compliance report in support of the application is provided by the Applicant found in Exhibits B1 and B9. The Applicant's introduction on pages 1 and 2 of Exhibit B1 adequately describes the project, the requested application components, and compliance findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, Staff has relied upon the Applicant's submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

Comprehensive Plan Map Amendment

The proposal is to change the 'Commercial' designation on 1.14 acres to 'Residential 10 – 12 dwelling units/per acre'. The adjacent Fox Chase subdivision is designated 'Residential 6 – 7 dwelling units/per acre' and is a detached, single-family house subdivision.

As demonstrated in findings A1 through A27, the proposed Comprehensive Plan Map Amendment meets all applicable requirements on pages 8 and 9 of the Comprehensive Plan and in Section 4.198.01(A through D).

DISCUSSION TOPICS

Housing Density: The Applicant is not proposing to build the project at the Comprehensive Plan Map density of 10 – 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units or 14 units). Instead the Applicant is seeking to obtain 15 dwelling units through Implementation Measure 4.1.4.v; "*Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).*" This would be a net increase of 1.32 dwelling units over the maximum Comprehensive Plan density or

10% of 14 units. However, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is: 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density.

DB12-0033: Comprehensive Plan Map Amendment

On the basis of findings A1 through A27 this action approves the Comprehensive Plan Map Amendment from Commercial to Residential 10 – 12 du/ac with no conditions of approval.

EXHIBIT LIST

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the application as submitted:

- A1. Staff Report, findings, recommendations and conditions.
- A2. Staff PowerPoint presentation.

Applicant's Written and Graphic Materials:

- B1. Land Use application in a binder notebook and on compact disk, date received July 13, 2012 including; Code compliance/findings. Application, mailing list, introduction/project narrative, Comprehensive Plan Map & Zoning Map Illustrations, neighborhood meeting documentation, compliance reports, Economic Opportunity Analysis Report, Table 1 – Modification of Fox Chase Final Plat/Planned Development Approval, application form, Fox Center Townhomes Tree Maintenance and Protection Plan, Correspondence with Allied Waste Management, legal description, DKS Traffic Report, site plan sheets, conceptual building elevations and arborist's report for requests A through F.

Full Size Drawings/Plan Sheets.

Sheet Number Sheet title

- B2. A1.1: Site Plan
- B3. A3.1 Preliminary Building Elevations
- B4. A3.2 Preliminary Building Elevations
- B5. C1.0 Preliminary Grading Plan
- B6. C2.0 Preliminary Utility Plan
- B7. New Entry Fencing Perspective Illustration
- B8. Applicant's powerpoint presentation at the 8.13.12 DRB meeting.
- B9. The Applicant submitted revised application materials replacing or modifying the items listed in Exhibit B1.
- B10. E-mail, tolling the 120-day review period, dated August 21, 2012.

Public Testimony:

Letters (neither for nor Against):
Letters (In Favor): None submitted
Letters (Opposed):

- D1. Letter, Robert Meyer dated August 13, 2012.

FINDINGS OF FACT

1. **Existing Site Conditions:** The Applicant has provided a full project description in Exhibit B1. The subject property is currently zoned PDC.

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Boones Ferry Primary and Wood Middle School – PF Zone
East	Valley Christian Church
South	Fox Chase Subdivision
West	Fox Chase Subdivision

Natural Characteristics: The relatively level property is 1.14 acres which includes a group of eleven conifer and deciduous trees.

Streets: The subject property is a corner lot with three side fronting Wilsonville Road at the north, Willamette Way East on the east and Chantilly at the south.

Previous Planning Applications Relevant to the subject property: See the background statement on page 3 of this staff report. Also;

83PC09: Fox Chase, Stage I Preliminary Plan (Master Plan)

95PC21: Stage II Final Plan for retail center.

96DB23: Site Design Review for retail center.

2. 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.
3. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.
4. The statutory 120-day time limit applies to this application. The application was initially received on June 15, 2012. Staff conducted a completeness review within the statutorily allowed 30-day review period, and advised the Applicant by letter on June 25, 2012, of missing items. On July 13, 2012, the Applicant submitted additional materials intended to complete the application. On July 16, 2012 the application was deemed complete. On August 13 the Board conducted a public hearing on the subject and continued the public hearing to October 8. The Applicant granted a 56 – day extension which moved the date for issuing the city decision from November 12, 2012 to January 8, 2013. Thus the City must render a final decision for the request, including any appeals, by January 8, 2013.

CONCLUSIONARY FINDINGS

The Applicant's compliance findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures are found in Exhibit B1 and are hereby incorporated into this staff report as findings for approval.

REQUEST (A): COMPREHENSIVE PLAN MAP AMENDMENT

Section 4.009: Who May Initiate Applications

- A1.** The property owner through his authorized planning consultant (Lee Leighton) has made application to modify the Comprehensive Plan Map for his property designated "Commercial" to become "Residential 10 – 12 dwelling units/acre."
- A2.** The Applicant has met all applicable filing requirements for a Comprehensive Plan Map Amendment. The findings and recommended conditions of approval adopted by the Development Review Board in review of the application to amend the Comprehensive Plan Map will be forwarded as a recommendation to the City Council.
- A3.** Last fall the Applicant conducted a neighborhood meeting to discuss the proposed project and has satisfied Plan requirements of citizen involvement. According to the Applicant there was a favorable reaction to the proposed project. See Exhibit B1 for the Neighborhood Meeting Documentation.

Standards for Development Review Board and City Council Approval of Plan Amendments. Criteria a through e are found on pages 8 and 9 of the Comprehensive Plan and listed below.

- a. The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.**
- A4.** The Applicant does not propose to modify or amend any other portion of the Comprehensive Plan.
 - b. The granting of the amendment is in the public interest.**
- A5.** Implementation Measures 4.1.4.b, d, and o speak to the City's desire to see a diversity of housing types and affordability. The Applicant's proposal would add to the diversity of 15 multiple-family townhomes. The project site is currently a vacant parcel with eleven trees which is Lot 1, Block 1 of the Fox Chase residential subdivision, and is presently master planned for a retail commercial use. The property has remained vacant, and since 1983 no viable commercial development has been able to materialize. It has remained off the Clackamas County tax roll for building assessment. The subject property being located at the Willamette Way East entrance to the Fox Chase and Rivergreen subdivisions has a highly visible location. In the professional opinion of staff, the proposed project would enhance the easterly gateway entrance to the Fox Chase and Rivergreen subdivisions.

A6. Policy 4.1.4 and Implementation Measures 4.1.4.f, 4.1.4.l, and 4.1.4.p of the Comprehensive Plan speak to the City's desire to see the development of housing that is affordable to and serves employees working in the City. The proposed 15 townhome project would only slightly increase housing units within the City and it would attract employed or retired persons.

c. **The public interest is best served by granting the amendment at this time.**

A7. Because of the staggering economy and the national home mortgage crisis, there are high foreclosures but low vacancy rates in multi-family housing in the Metro area. This provides circumstantial evidence that the public interest would be best served by granting the amendment at this time because there is a high demand for multi-family housing. (See finding A8). The proposed Comprehensive Plan Map Amendment is intended to implement the residential objectives of the Comprehensive Plan by providing 15 new housing units that were not previously available under the "Commercial" designation, thereby creating at a small degree, more diversity in a townhome housing type.

A8. The "Residential Development" portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City. Again, the national trend is to provide multi-family housing which according to the U.S. Commerce Department; *"fewer people bought new homes in December, 2011. The decline made 2011 the worst year for new - homes sales on records dating back nearly half a century to 1963. New-home sales fell 2.2 percent last December to a seasonally adjusted annual pace of 307,000. The pace is less than half the 700,000 that economists say must be sold in a healthy economy. The median sales prices for new homes dropped in December to \$210,300. Builders continued to slash price to stay competitive in the depressed market. A key reason for the dismal 2011 sales is that builders must compete with foreclosures and short sales, when lenders accept less for a house than what is owed on the mortgage. Furthermore, the wave of foreclosures is pushing many families out of their homes and into the rental market. For those increasing numbers of residents and employees that do not qualify to purchase a house, multi-family housing helps fill their housing need."*

Furthermore, the need for more multi-family housing at this time is further demonstrated by a recent article by Elliot Njus, of The Oregonian, dated, April 18, 2012. *"According to the Metro Multifamily Housing Association, which released its latest survey of apartment managers and owners Wednesday, vacancy across the metro area grew to 3.72 percent from 3.34 percent late last year. Rents, meanwhile, climbed 3 percent in the same period, reaching \$1 a square foot per month across the metro area. An average two-bedroom unit now rents for \$771 a month, an increase of \$28 a month compared with six months earlier. The Portland area has one of the lowest rental vacancy rates in the country. Last year, the U.S. Census Bureau and the National Association of Realtors both ranked Portland the second-tightest rental market among the largest metro areas. That's good news for owners of apartment buildings, who can push rents higher without risking empty units. "If you want to live in the moment, the moment is fantastic," Portland economist Jerry Johnson told an audience of housing professionals at the report's release. But the clock is running. High demand for apartments has drawn interest from developers, and*

Johnson said some 6,100 units are in the works. "New product must be rented, and there will be fierce competition," said Maureen MacNabb, the president of Capital Property Management Services Inc. of Portland."

"The bulk of those new apartments are still months or years away. Only 1,700 units will come to market this year, with another 2,700 on track to open in 2013. That lags the region's 15-year historical average of 4,000 new units a year."

Tight rental market

	Average rent per square foot	Average market vacancy rate
Inner and central S.E. Portland	\$1.21	1.4%
Inner and central N.E. Portland	1.13	1.8
S.W. Portland	0.99	2.7
Clackamas	0.93	3.1
Wilsonville / Canby	0.95	3.2
Beaverton	0.95	3.4
Milwaukie	0.94	3.4
Outer S.E. Portland	0.88	3.5
West Vancouver	0.85	3.5
Aloha	0.92	3.7
Tigard / Tualatin / Sherwood	0.92	3.7
N. Portland / St. Johns	1.17	3.8
N.W. Portland	1.44	3.8
Troutdale / Fairview / Wood Village / Gresham	0.90	4.2
East Vancouver	0.87	4.7
Downtown Portland	1.66	5.1
Hillsboro/ North of 26	0.98	5.2
Lake Oswego / West Linn	1.07	5.3
Oregon City / Gladstone	0.85	5.3
Outer N.E. Portland	1.02	6.0

Source: Metro Multifamily Housing Association

DAVID BADDERS/ THE OREGONIAN

- d. The following factors have been adequately addressed in the proposed amendment:
Suitability of the various areas for particular land uses and improvements;

In 2000, the City was at a 9.5% vacancy rate but according to a Metro Multifamily Housing Association report released in April, 2012, the metro area grew to 3.72% vacancy rate from 3.34% from late last year. The report further indicates that Wilsonville had 3.2 percent vacancy rate. Unfortunately, because of the rental housing shortage rent levels are increasing making housing less affordable.

Land uses and improvements in the area;

- A9. The Applicant has satisfied the requirements of the Comprehensive Plan relative to and proposed residential planning density and community design that specifically address the impacts of the proposed development on the provision of franchise and emergency services, and pedestrian and vehicular connectivity.

Trends in land improvement;

A10. In Resolution No. 96DB23 the Board approved site development plans for a child day care and retail commercial center. However, those land use approvals ultimately expired. Subsequent developments of Old Town Square (Fred Meyer and retail buildings) together with Lowries MarketPlace have left no real market demand for retail development on the subject site. Thus, in the professional opinion of staff, the highest and best use of the subject property is for a residential use.

Density of development;

A11. The adjoining Fox Center subdivision is designated on the Comprehensive Plan as Residential 6 – 7 dwelling units per acre which is medium residential density. Near to the southeast is Autumn Park Apartments with a Residential 10 - 12 dwelling units per acre designation. Adjacent to the east is Valley Christian Church zoned PDR-5 also with a Comprehensive Plan designation of 10-12 du/ac. The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City. The March 2012 Development Summary completed by the City indicates that approximately 23% of 4,502 acres of land within the City is zoned Planned Development Residential (PDR).

City Wide Housing Units

Type	New	YTD	Total
Apartment	0	0	4591
Condominium	0	0	563
Duplex	0	0	68
Mobile Homes	0	0	20
Mobile Home/park	0	0	143
Single Family	21	21	3696
Totals	21	21	9081

On the basis of the above inventory there are 56.75% multi-family (including 563 condominiums), 41.5% single-family (including 68 duplexes) and 1.75% mobile homes. Adjusting the housing units to include the recently approved Brenchley Estates - North project comprising 320 apartment units and 39 single-family units, the revised housing unit split is 58.4% multi-family, 40.3% single family and 1.3% mobile homes. The proposed 15 apartment unit project would increase the percentage of land in PDR zoning and apartment units by a negligible amount.

Though the City has historically through an older version of the Comprehensive Plan sought to achieve 50 percent in single-family houses, 40 percent in multi-family units and 10 percent in manufactured houses at mobile home parks those percentages the Comprehensive Plan no longer has a stated goal of maintaining those percentages. The Comprehensive Plan was revised in its entirety by City Council Ordinance No. 517 on October 16, 2000. Housing is now determined by density ranges in Table 1 in Finding B2 for each mapped zoning district. Residential development must also be balanced with

Policy 4.1.4 and its implementation measures that seek to “provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.” In the near future, multi-family and single-family housing percentages will become more balanced with the construction of Tonquin Woods (27 homes); Tonquin Woods 2 (168 homes); Coppercreek (21 homes); Jory Trail at the Grove (30 homes); Brenchley Estates – North (39 homes); Retherford Meadows (88 homes); SAP-East, Phase 3 (185 homes) and Willamette Landing (33 homes), for total 591 homes.

Property values;

- A12.** As stated in findings A7 through A10 the nationwide recession has caused more foreclosures in home ownership and has resulted in lower property values. The proposed project is located on the last remaining and undeveloped lot (Lot 1) of the Fox Chase subdivision and if this project is approved it will become the last development in Fox Chase to occur since the 1980’s. In the professional opinion of staff, the project having attractive design will increase property values over time.

Needs of economic enterprises in the future development of the area;

- A13.** The subject site is not within an area identified by the City of economic enterprises for future development. The subject site is a remnant lot of the Fox Chase subdivision of only 1.14 acres and is only infill development.

Transportation access;

- A14.** The Traffic Impact Study completed for this project (Exhibit B1), prepared by DKS Associates indicates that the Willamette Way East and Chantilly provides sufficient access for the future residents, emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

Natural resources; and Public need for healthful, safe and aesthetic surroundings and conditions.

- A15.** The subject property does not have protected natural resources.

e. Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.

- A16.** The proposal is for a small project comprising 15 townhome units that would not have any apparent conflicts with the applicable Metro requirements. To a lesser degree the proposed project will offset the employment and housing imbalance within the City by rezoning land from commercial to residential. Title 1 of the Urban Growth Management Functional Plan (UGMFP) requires 80% Maximum density at build-out of any particular parcel. With the rewrite of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. In conjunction with the proposed Comprehensive Plan Map Amendment the Applicant in Request B is requesting a Zone Map Amendment from Planned Development

Commercial (PDC) to Planned Development Residential (PDR-5) which corresponds to the proposed Comprehensive Plan Map density of 10 - 12 dwelling units per acre.

Wilsonville Development Code – Comprehensive Plan Changes

Subsection 4.198(.01) of the Development Code stipulates, “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:”

Criterion A: “That the proposed amendment meets a public need that has been identified;”

A17. Finding A5 addresses Criterion A. Through the Stage II Final Plan conditions of approval proposed by staff, the project can be adequately served with urban services and would minimize off-site impacts.

The traffic study completed for this project (Exhibit B1), prepared by DKS Associates indicate that the Willamette Way East and Chantilly provides sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan.

Criterion B: That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made.

A18. See Findings A7 through A10. The current Comprehensive Plan designation for the subject property is Commercial. The Zoning Map identifies the subject property as Planned Development Commercial (PDC). The Planned Development Regulations of the Development Code require that properties over two acres result in a Planned Development community. Though the subject property is 1.14 acres less than 2 acres a prior condition of approval for Fox Chase (Resolution 83PC09) requires a Stage II Final Plan for commercial or multi-family residential development on this site. Proposed project has 13.16 dwelling units per gross acre which would be slightly more than the adjacent properties at the west, south, and east that are designated Residential 6 – 7 and 10 – 12 du/ac on the Comprehensive Plan Map.

Criterion C: “That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;”

A19. The Applicable Statewide Planning Goals are;

Goal 1 - Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

A20. In the fall of 2011, the Applicant conducted a neighborhood meeting to discuss the proposed project and has satisfied Plan requirements of citizen involvement. According to Exhibit B of Exhibit B1 (Neighborhood meeting Documentation Notes) there was a favorable reaction to the proposed project.

- A21.** 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.
- A22.** Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.

Goal 10 - Housing: *To provide for the housing needs of citizens of the state.*

- A23.** The City of Wilsonville Comprehensive Plan has been acknowledged by the State of Oregon Land Conservation and Development Commission and the Plan is consistent with Title 1 of Metro's Urban Growth Management Functional Plan,

Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

- A24.** The City of Wilsonville Comprehensive Plan includes a Stormwater Master Plan, Water Master Plan and Wastewater Master Plan all of which have been acknowledged by the State of Oregon Land Conservation and Development Commission.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

- A25.** The City of Wilsonville Comprehensive Plan includes a Transportation Systems Plan of which has been acknowledged by the State of Oregon Land Conservation and Development Commission.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

- A26.** The project supports the applicable Statewide Planning Goals.

Criterion D: “That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.”

- A27.** The Applicant is requesting an amendment of the Comprehensive Plan Map for the subject property. The Applicant does not propose to modify or amend any other portion of the Comprehensive Plan.

SUMMARY FINDING:

- A28.** The Applicant's proposed Comprehensive Plan Map Amendment meets all applicable Comprehensive Plan and Planning and Land Development Ordinance requirements.

October 11, 2012

DEVELOPMENT REVIEW BOARD PANEL A

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND
RECOMMENDATION TO CITY COUNCIL**

Project Name: Fox Center Townhomes

Case Files: Request A: DB12-0033 – Comp. Plan Map Amendment
Request B: DB12-0034 – Zone Map Amendment
Request C: DB12-0035 – Revised Fox Chase, Stage I Preliminary Plan
Request D: DB12-0036 – Stage II Final Plan
Request E: TR12-0067 – Type ‘C’ Tree Plan
Request F: DB12-0039 – Waiver to front yard setback

Applicant / Owner: Seema LLC

Property Description: Tax Lots 100, Section 22AC, T3S-R1W, Clackamas, County,
Wilsonville, Oregon

Location: 30625 SW Willamette Way East

On October 8, 2012, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Request A and B: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, November 5, 2012 to hear these items.*

Requests C, D, E, and F: Approved with conditions of approval.
These approvals are contingent upon City Council's approval of Request A and B.

An appeal of Requests C, D, E, and F to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of Decision. *WC Sec. 4.022(.02)*. A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830*.

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 11th day of October 2012 and is available for public inspection. The decision regarding Requests C, D, E, and F shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 234, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 234**

A RESOLUTION ADOPTING FINDINGS AND RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL 10 – 12 DU/AC AND A ZONE MAP AMENDMENT FROM PLANNED DEVELOPMENT COMMERCIAL (PDC) TO PLANNED DEVELOPMENT RESIDENTIAL - 5 (PDR-5), AND ADOPTING FINDINGS AND CONDITIONS APPROVING A REVISED STAGE I PRELIMINARY PLAN FOR FOX CHASE, A STAGE II FINAL PLAN, A TYPE 'C' TREE PLAN AND A WAIVER TO ENABLE DEVELOPMENT OF FIFTEEN (15) TOWNHOME UNITS FOR FOX CENTER TOWNHOMES. THE SUBJECT 1.14 ACRE PROPERTY IS LOCATED ON TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON. SEEMA, LLC, APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff reports on the above-captioned subject dated July 31, 2012 and September 19, 2012, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meetings conducted on August 13, 2012 and October 8, 2012, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board Panel A of the City of Wilsonville recommends that the City Council approve a Comprehensive Plan Map Amendment a Zone Map Amendment (Case Files DB12-0033 and DB12-0034), approve a revised Stage I Preliminary Plan, Stage II Final Plan, Type 'C' Tree Plan and a waiver to a front yard setback, and does hereby adopt the staff report attached hereto as Exhibit A1 with modified findings, recommendations and conditions placed on the record herein and authorizes the Planning Director to issue approvals consistent with said recommendations for Case File(s):

DB12-0033 Comprehensive Plan Map Amendment
DB12-0034 Zone Map Amendment
DB12-0035 Revised Fox Chase, Stage I Preliminary Plan
DB12-0036 Stage II Final Plan

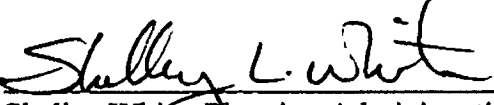
TR12-0067 Type 'C' Tree Plan
DB12-0039 Waiver to front yard setback

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of October 2012 and filed with the Planning Administrative Assistant on October 11, 2012. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.



Douglas King, Chair
Development Review Board, Panel A

Attest:



Shelley White, Planning Administrative Assistant

ORDINANCE NO. 706

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE PLANNED DEVELOPMENT COMMERCIAL (PDC) ZONE TO THE PLANNED DEVELOPMENT RESIDENTIAL - 5 (PDR-5) ZONE ON 1.14 ACRES COMPRISING TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON; "FOX CENTER TOWNHOMES" SEEMA, LLC, APPLICANT

WHEREAS, SEEMA, LLC ("Applicant"), as owner of the real property legally shown and described on **Exhibit A**, Attachments 1 and 2, attached hereto and incorporated by reference herein ("Property"), has made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the request and prepared a staff report, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, attached hereto as **Exhibit B** and incorporated by reference herein, which staff report was presented to the Development Review Board (DRB) on August 13 and October 8, 2012;

WHEREAS, the DRB Panel A held two public hearings on the application for a Zone Map Amendment (DB12-0034) and other related development applications (DB12-0033, 0035 and 0036, TR12-0067 and DB12-0039) on August 13, 2012, and after taking public testimony, receiving exhibits, and giving full consideration to the matter, determined to continue the hearing in order to allow the Applicant additional time to consider and address public testimony concerns and DRB Panel A member concerns; and

WHEREAS, on October 8, 2012, DRB Panel A reconvened and continued the public hearing on the application for the aforementioned Zone Map Amendment and related applications and, after taking additional public testimony, receiving exhibits, and being fully advised in the matter, DRB Panel A adopted Resolution No. 234, attached hereto as **Exhibit C** and incorporated by reference herein, which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB12-0034); approve all other related applications; adopt the staff report with modified findings and recommendations, all as placed on the record at the hearing; and contingent upon City Council approval of the Zone Map Amendment, authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

WHEREAS, on November 5, 2012, and December 3, 2012 the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the staff report, which record was incorporated into the City Council public hearing record; took public testimony, received exhibits; and, upon deliberation, recommended approval of the zone change with the additional conditions:

(1) Record a deed restriction to run with the land that each unit would be rented to occupants at least one of whom would be 55 years of age. Based on the recording of the deed restriction to ensure the provision of senior housing, the total unit count of 15 is authorized.

(2) That Council further recommends the Design Review Board review for consideration the following:

(a) Review applicant's alternative building roof design and whether or not the alternative building roof design is more in line with the surrounding suburban residential neighborhood and if so, whether or not such design outweighs the features the applicant's current roof design provides;

(b) Review whether or not the location of the street bulb out on the north is appropriately located;

(c) Review whether or not parking should be restricted on Willamette Way north of the driveway on Willamette Way prior to Chantilly, noting the need for parking to access the mailboxes on the east side of Willamette Way;

(d) Review whether or not there should be any parking restriction from the above driveway south on Willamette Way prior to Chantilly; and

(e) Review whether or not there should be any parking limits on the section of Chantilly the development borders.

The Council received a variety of information on these matters which was not before it for decision and desires the Design Review Board provide due consideration of them.

Based upon the foregoing the City Council concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code and conforms to the Comprehensive Plan Map Amendment, Ordinance No. 705, adopted by the City Council on December 3, 2012 contemporaneously herewith;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing recitals and the staff report, as contained in the record of the above described DRB hearing, and incorporates them by reference herein, as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB12-0034, attached hereto as **Exhibit A**, from Planned Development Commercial (PDC) Zone to Planned Development Residential - 5 (PDR-5) Zone.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 5th day of November, 2012, and December 3, 2012 commencing at the hour of 7 p.m., at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon, and scheduled for the second and final reading at the same hour and place on December 17, 2012.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2012, by the following votes: Yes: ____ No: ____

Sandra C. King, MMC, City Recorder
DATED and signed by the Mayor this ____ day of _____, 2012.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

- Mayor Knapp
- Councilor Nunez
- Councilor Goddard
- Councilor Starr

Attachments:

Exhibit A – Zoning Order DB12-0034

Attachment 1, Map Depicting Zone Amendment

Attachment 2, Legal Description

Exhibit B – Zone Map Amendment Findings

Exhibit C – DRB Resolution No. 234

Exhibit A
BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
Fox Center Townhomes

In the Matter of the Application of)
Mr. Lee Leighton of Westlake Consultants,)
Inc., Agent for the Applicant,)
Seema, LLC., for a)
Rezoning of Land and Amendment)
of the City of Wilsonville)
Zoning Map Incorporated in Section 4.102)
of the Wilsonville Code.)

ZONING ORDER DB12-0034

The above-entitled matter is before the Council to consider the application of DB12-0034, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property ("Property"), legally shown and described on Attachments 1 and 2, has heretofore appeared on the City of Wilsonville Zoning Map as Planned Development Commercial (PDC).

The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of 1.14 acres of Tax Lot 100 as more particularly shown in the Zone Map Amendment Map, Attachment 1 and described in Attachment 2 is hereby rezoned to Planned Development Residential - 5 (PDR-5). The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This ___ day of ___, 2012.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, CMC, City Recorder

Exhibit A: Zone Order

Attachment 1: Map depicting Zone Map Amendment

Attachment 2: Legal Description

Exhibit B: Zone Map Amendment Findings

GRAHAMS OAK PARK

SW WILSONVILLE ROAD

Lot 1
Block 1
Fox Chase
Subdivision
Tax Lot 100

**SUBJECT
PROPERTY**

**PROPOSED:
RE-ZONE: PDC TO PDR-5**

WILLAMETTE WAY EAST

VALLEY
CHRISTIAN
CHURCH

CITY COUNCIL
EXHIBIT B

CHANTILLY

EXHIBIT

Lot 1, Block 1, FOX CHASE (Volume 86, Page 6, Clackamas County Plats), in the City of Wilsonville, County of Clackamas and State of Oregon, more particularly described per Plat dimensions as follows:

Commencing at an angle point in the north line of said FOX CHASE being North $64^{\circ}31'00''$ East, 1147.50 feet from the northwest corner thereof;

thence, along the north line of said FOX CHASE North $52^{\circ}43'59''$ East, 76.04 feet to the point of beginning;

thence, continuing along said north line, North $52^{\circ}43'59''$ East, 182.72 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $116^{\circ}27'25''$, (chord bears South $69^{\circ}02'18''$ East, 25.50 feet) an arc distance of 30.49 feet;

thence, South $10^{\circ}48'35''$ East, 283.61 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $75^{\circ}28'35''$, (chord bears South $26^{\circ}55'43''$ West, 18.36 feet) an arc distance of 19.76 feet;

thence, South $64^{\circ}40'$ West, 16.52 feet;

thence, along a tangent 113.00 foot radius curve to the right, through a central angle of $38^{\circ}54'45''$, (chord bears South $84^{\circ}07'23''$ West, 75.28 feet) an arc distance of 76.74 feet;

thence, North $76^{\circ}25'15''$ West, 73.73 feet;

thence, along a tangent 137.00 foot radius curve to the left, through a central angle of $7^{\circ}06'21''$, (chord bears North $79^{\circ}58'25''$ West, 16.98 feet) an arc distance of 33.75 feet;

thence, North $10^{\circ}48'35''$ West, 191.34 feet to the point of beginning.

**COUNCIL EXHIBIT B
STAFF REPORT**

**WILSONVILLE PLANNING DIVISION
CITY COUNCIL
QUASI - JUDICIAL PUBLIC HEARING
*Fox Center Townhomes***

Public Hearing Date: November 5, 2012

Application Number: DB12-0034 Zone Map Amendment

Property Owner/Applicant: Seema, LLC

REQUEST: Mr. Lee Leighton, AICP, of Westlake Consultants Inc., acting as agent for Seema, LLC, Applicant, proposes a 15 unit townhome residential development on 1.14 acres located at the southwest corner of SW Wilsonville Road and Willamette Way East being Lot 1, Block 1 of Fox Chase subdivision.

The Applicant is proposing to modify the Fox Chase Stage I Preliminary Plan (Master Plan – Case File 83PC09) to change 1.14 acres in commercial into a multi-family residential use townhomes. In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly for at least one unit. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing. Proposed are Comprehensive Plan Map Amendment and a Zone Map Amendment which would enable development of the project. The Applicant's project introduction is found on pages 1 and 2 of Exhibit Bland revised in Exhibit B9. Approvals of Requests C through F are contingent upon City Council approval of the Comprehensive Plan Amendment and the Zone Map Amendment in case files DB12-0033 and DB12-0034 (Requests A and B).

Current Comprehensive Plan Map Designation: Commercial

Proposed Comp. Plan Map Designation: Residential 10 – 12 units/acre

Zone Map Designation: Planned Development Commercial (PDC).

Proposed Zone: Planned Development Residential – 5 (PDR-5) See Ordinance #705

STAFF RECOMMENDATION: Approve the application.

Location: 30625 SW Willamette Road East. The property is more particularly described as being Tax Lot 100 of Section 22AC; Township 3S, Range 1W; Clackamas County; Wilsonville, Oregon. The subject site has relatively level terrain with 11 deciduous and coniferous trees at the northerly part of the property.

VICINITY MAP



APPLICABLE REVIEW CRITERIA:

Wilsonville Code Section(s)	Description
Sections 4.008-4.015	Application Process – Findings and Conditions
Section 4.100	Zoning - Purpose
Section 4.113 (as applicable)	Standards for Residential Development in Any Zone
Section 4.118 (as applicable)	Standards for All Planned Development Zones
Section 4.131	Planned Development Commercial (PDC) Zone
Section 4.124.5	Planned Development Residential – 5 (PDR-5) Zone
Section 4.140	Planned Development Regulations
Section 4.140.07	Stage I Preliminary Plan
Section 4.197.02(A through G)	Zone Map Amendment

Other Planning Documents:
Storm Water Master Plan
Transportation Systems Plan
Comprehensive Plan: Policy 4.1.4, Implementation Measures 4.1.4.b, 4.1.4.c, 4.1.4.d, 4.1.4.e, 4.1.4.f, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, 4.1.4.p, 4.1.4.q, 4.1.4.v, and 4.1.4.x.
Applicable Statewide Planning Goals: 1) Citizen Involvement, 2) Land Use Planning, 6) Air, Water and Land Resources Quality, 9) Economic Development. 10) Housing, 11) Public Facilities, and 12) Transportation.
Fox Chase Master Plan

Staff Reviewers: Blaise Edmonds, Manager of Current Planning, Mike Ward, City Civil Engineer, Don Walters, Plans Examiner, and Kerry Rappold, Natural Resources Program Manager.

BACKGROUND:

The subject property was part of the Willamette Village Master Plan represented by John Grossman/Wilcox Development in 1971. A master plan and a zone map amendment were approved by the City Council on September 7, 1977. A tentative subdivision plat for Phase 1 was also approved by the Planning Commission. In 1978 the 1000 Friends of Oregon appealed the Planning Commission decision to the City Council citing non-compliance with Statewide Goals. The Statewide Goals were in effect because the City's Comprehensive Plan had not yet been acknowledged by the State. The City records reflect that the City Council upheld the Planning Commission decision. Shortly after, a national economic recession delayed the construction start of the Willamette Village subdivision.

In 1983, the Planning Commission, in Resolution 83PC09, approved a modified preliminary plat renaming Willamette Village to Fox Chase. Subsequent City approvals re-platted the project to become Fox Chase subdivision and the adjacent Rivergreen subdivision. An elaborate parks and recreation plan shown on the earlier 1978 Willamette Village Master Plan comprising tennis courts, baseball fields, tot lots, pathways, etc., were deleted. However, a neighborhood commercial center shown on both the Willamette Village and Fox Chase master plans was kept in place.

In 1995 and 1996 under Resolutions No.'s 95PC21 and 96DB23 following a controversial process that involved citizen concerns about the proposed retail uses. The Development Review Board approved a small retail commercial center of which the land use approvals ultimately expired. For over 35 years there has not been a successful effort to develop the subject property into a commercial use so the Applicant is proposing a townhouse residential development which requires amendments to the Comprehensive Plan Map and the Official Zone Map.

PROJECT SUMMARY AND RECOMMENDATIONS:

A detailed project introduction and compliance report in support of the application is provided by the Applicant found in Exhibits B1 and B9. The Applicant's introduction on pages 1 and 2 of Exhibit B1 adequately describes the project, the requested application components, and compliance findings regarding applicable review criteria. Except where necessary to examine issues identified in this report, Staff has relied upon the Applicant's submittal documents and compliance findings, rather than repeat their contents again here. The application components are described briefly, below:

Zone Map Amendment

The proposal is to change the Planned Development Commercial (PDC) Zone on 1.14 acres to the Planned Development Residential - 5 (PDR-5) Zone. The proposed townhome - residential use is permitted under Wilsonville Code Section 4.124. The proposed Zone Map Amendment would enable the development permitting process.

As demonstrated in findings B1 through B27, the proposed Zone Map Amendment meets all applicable requirements in Section 4.197 subject to compliance with proposed conditions of approval.

Revised Stage I Preliminary Plan

The Code minimum and maximum densities can be achieved through the proposed Zone Map Amendment together with the proposed revised Stage I Preliminary Plan for the Fox Chase subdivision.

As demonstrated in findings C1 through C60, the proposed revised Stage I Preliminary Plan meets all applicable requirements in Section 4.140.01 through .07.

DISCUSSION TOPICS

Housing Density: In this application age restricted rental housing is proposed for persons 55 and over. In a separate land use action found in Ordinance No. 703, the City Council approved zone map amendment for Brenchley Estates – North. Council adopted as a finding that the “Applicant voluntarily reduced housing density and imposed age restriction on certain yet to be built and designed units.” For the proposed Fox Center Townhomes the Applicant is not proposing to build the project at the Comprehensive Plan Map density of 10 – 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units or 14 units). Instead the Applicant is seeking to obtain 15 dwelling units through Implementation Measure 4.1.4.v; “*Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).*” This would be a net increase of 1.32 dwelling units over the maximum Comprehensive Plan density or 10% of 14 units. However, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is: 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density.

DB12-0034: Zone Map Amendment

On the basis of findings B1 through B27 this action approves the Zone Map Amendment from PDC to PDR-5 with no proposed conditions of approval.

EXHIBIT LIST

The following exhibits are hereby entered into the public record by the Development Review Board in consideration of the application as submitted:

- A1.** Staff Report, findings, recommendations and conditions.
- A2.** Staff PowerPoint presentation.

Applicant’s Written and Graphic Materials:

- B1.** Land Use application in a binder notebook and on compact disk, date received July 13, 2012 including; Code compliance/findings. Application, mailing list, introduction/project narrative, Comprehensive Plan Map & Zoning Map Illustrations, neighborhood meeting documentation, compliance reports, Economic Opportunity Analysis Report, Table 1 – Modification of Fox Chase Final Plat/Planned Development Approval, application form, Fox Center Townhomes Tree Maintenance and Protection Plan, Correspondence with Allied Waste Management, legal description, DKS Traffic Report, site plan sheets, conceptual building elevations and arborist’s report for requests A through F.

Full Size Drawings/Plan Sheets.

Sheet Number Sheet title

B2. A1.1: Site Plan

B3. A3.1 Preliminary Building Elevations

B4. A3.2 Preliminary Building Elevations

B5. C1.0 Preliminary Grading Plan

B6. C2.0 Preliminary Utility Plan

B7. New Entry Fencing Perspective Illustration

B8. Applicant's powerpoint presentation at the 8.13.12 DRB meeting.

B9. The Applicant submitted revised application materials replacing or modifying the items listed in Exhibit B1.

B10. E-mail, tolling the 120-day review period, dated August 21, 2012.

Development Review Team

C1. Engineering Division Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.

C2. Natural Resources Program Director Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.

C3. Building Division Conditions, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.

C4. TVFR Conditions, Dated July 26, 2012. Included in this staff report in the Conditions of Approval.

C5. Public Works Department Condition, Dated July 30, 2012. Included in this staff report in the Conditions of Approval.

SMART Transit, no conditions provided.

C6. *Engineering Division memorandum regarding Condition PW, Dated August 9, 2012.*

Public Testimony:

Letters (neither for nor Against):

Letters (In Favor): None submitted

Letters (Opposed): D1. Letter, Robert Meyer dated August 13, 2012.

FINDINGS OF FACT

1. **Existing Site Conditions:** The Applicant has provided a full project description in Exhibit B1. The subject property is currently zoned PDC.

Surrounding Development: The adjacent land uses are as follows:

Compass Direction	Existing Use(s)
North	Boones Ferry Primary and Wood Middle School – PF Zone
East	Valley Christian Church
South	Fox Chase Subdivision
West	Fox Chase Subdivision

Natural Characteristics: The relatively level property is 1.14 acres which includes a group of eleven conifer and deciduous trees.

Streets: The subject property is a corner lot with three side fronting Wilsonville Road at the north, Willamette Way East on the east and Chantilly at the south.

Previous Planning Applications Relevant to the subject property: See the background statement on page 3 of this staff report. Also;

83PC09: Fox Chase, Stage I Preliminary Plan (Master Plan)

95PC21: Stage II Final Plan for retail center.

96DB23: Site Design Review for retail center.

2. 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.
3. Notice of the proposed project has been sent to the appropriate agencies involved in the review of public improvements. Comments and conditions of approval from the Building and Engineering Divisions, and Natural Resources Program Manager were received and are incorporated into this staff report.
4. The statutory 120-day time limit applies to this application. The application was initially received on June 15, 2012. Staff conducted a completeness review within the statutorily allowed 30-day review period, and advised the Applicant by letter on June 25, 2012, of missing items. On July 13, 2012, the Applicant submitted additional materials intended to complete the application. On July 16, 2012 the application was deemed complete. On August 13 the Board conducted a public hearing on the subject and continued the public hearing to October 8. The Applicant granted a 56 – day extension which moved the date for issuing the city decision from November 12, 2012 to January 8, 2013. Thus the City must render a final decision for the request, including any appeals, by January 8, 2013.

CONCLUSIONARY FINDINGS

The Applicant's compliance findings to the applicable land development criteria and Comprehensive Plan goals, policies and implementation measures are found in Exhibit B1 and are hereby incorporated into this staff report as findings for approval.

DB12-0034: ZONE MAP AMENDMENT

This request is for approval of a Zone Map Amendment from the Planned Development Commercial Zone to the Planned Development Residential – 5 (PDR-5) Zone for 1.14 acres involving Tax Lot 100. Because the service levels vary throughout the City, the zoning process allows for a case-by-case analysis of the availability of public facilities and services and to determine specific conditions related to needed public facilities improvements. All land development proposals are reviewed for conformity with the Comprehensive Plan and specific standards set forth in the zoning ordinance.

As set forth in Subsection 4.197(.02) of the Wilsonville Code, in recommending approval or denial of a proposed zone map amendment, the Board must at a minimum, adopt findings addressing Criteria A-G, below.

Criterion 'A'

“That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140.”

- B1.** The Applicant has provided findings in Exhibits B1 and B9 addressing the Zone Map Amendment criteria, which are included in this staff report as findings for approval. Approval of the proposed Zoning Map Amendment is contingent on approval by the City Council by a City Ordinance.

Criterion 'B'

“That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text.”

Proposed Comprehensive Plan Designation: Residential 10 - 12 dwelling units per acre.

- B2.** The subject site is currently zoned Planned Development Commercial (PDC). The Applicant proposes to change the PDC Zone to the Planned Development Residential - 5 (PDR-5) Zone on 1.14 acres to enable development of 15 townhomes for rent. On the basis of Section 4.124.05 (Table 1) the Applicant is seeking the appropriate PDR-5 zone based on the 10 - 12 d.u. per acre Comprehensive Plan Density.

Comprehensive Plan Density	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

B3. The proposed Comprehensive Plan Map designation is Residential 10 – 12 dwelling units per acre. The gross site area of the subject property is 1.14 acres so the maximum Comprehensive Plan density is 13.68 dwelling units. However, the Comprehensive Plan ‘Residential 10 - 12 du/ac’ density is intended to be implemented by the PDR zones in Section 4.124, so the actual maximum density allowed by the PDR-5 zone at 19.9 or 20 dwelling units. An approval of the proposed revised Stage I Preliminary Development Plan is reviewed in Request C of this staff report.

B4. Housing Density: In this application age restricted housing is proposed for persons 55 and over. In a separate land use action found in Ordinance No. 703, it involved City Council approval of a zone map amendment for Brenchley Estates – North. Council adopted as a finding that the “*Applicant voluntary reduced housing density and imposed age restriction on certain yet to be built and designed units.*” In this subject application the Applicant is not proposing to build the project at the maximum Comprehensive Plan Map density of 12 dwelling units per acre (1.14 gross acres x 12 = 13.68 dwelling units). Instead the Applicant is seeking approval for 15 dwelling units through Implementation Measure 4.1.4.v; “*Densities may be increased through the Planned Development process to provide for meeting special needs. (e.g., low/moderate income, elderly, or handicapped).*” This would be a net increase of 1.32 dwelling units over the maximum plan density. In order to increase the housing density by 1.32 units above the maximum density of the Comprehensive Plan Map designation of 6 – 7 dwelling units per acre the Applicant is seeking a 1.32 unit density increase through Implementation Measure 4.1.4.v for meeting special needs for elderly. Thus only 10% of 14 units allowed by the Comprehensive Plan or 1.4 units are needed for elderly housing. Furthermore, the Comprehensive Plan and the Development Code allows a higher maximum density based on PDR zoning which in this case is 1.14 acres x 43,560 sq. ft. per acre = 49,658.40 sq. ft./minimum lot size of 2,500 sq. ft. (Proposed PDR-5 Zone) = 19.86 units or 6.18 units above the maximum Comprehensive Plan Map density. See the following table:

Allowed Housing Units under Section 4.124.5:

Table 1: Fox Center Townhouses -Proposed PDR-5 Zone 15 Apartments Units			
Size (Gross Acres)	Net Acres	Total Housing 15 Units	PDR-5 2,500 SF, Maximum Units 4,000 SF, Minimum Units
1.14 acres (49,658 SF), gross site area	1.14 net acres		49,658 SF/2500 = 19.86 units 49,658 SF/4000 = 12.4 units 15 – 12.4 = 2.6 units above minimum zoning density and 4.86 units below maximum zoning density.

Variety/Diversity of Housing

Implementation Measures 4.1.4.c, 4.1.4.g, 4.1.4.j, 4.1.4.k, 4.1.4.l, and 4.1.4.p speak to the City’s desire to plan for and establish a variety and diversity of housing types that meet the social and economic needs of the residents, including the need for affordable housing and a balance of housing with jobs.

B5. The Applicant’s zone change proposal seeks to enable 15 townhome/apartment units dispersed in 4 buildings. The Applicant’s response findings in Exhibits B1 and B9 to Section 4.198.01(A) speak to the providing for additional multi-family housing in the City, meeting these measures.

Implementation Measures 4.1.1.j, 4.1.4.i, 4.1.4.o, and 4.1.4.r speak to the City’s desire to approve new residential development concurrent with the availability of public facilities.

B6. Water, sanitary sewer, and storm sewer are either available to the proposed site (with appropriate connections) or can be supplied to the project. The Applicant will be constructing a private drive system internal to the site to serve the proposed townhomes.

Implementation Measure 4.1.4.h: “Require new housing developments to pay an equitable share of the cost of required capital improvements for public services.”

B7. The Applicant will be required to pay the equitable share (as determined by the Community Development Director) of the capital improvement costs for public services.

Area of Special Concern

B8. The subject property is not located in an area of special concern by the Comprehensive Plan.

Implementation Measure 4.1.4.b – Variety in Housing Type “Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City’s desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes

the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.”

- B9.** Implementation Measures 4.1.4.b, d, and o declares the City’s desire to seek a diversity of housing types and affordability. The Applicant’s proposal would add ~~16~~ **15** townhomes to the City’s housing diversity. With regard to traffic, through the conditions of approval recommended by staff, the project can be adequately served with urban services designed to minimize off-site impacts the project.
- B10.** Because of the staggering economy and the national home mortgage crisis there are high foreclosures but low vacancy rates in multi-family housing in the Metro area. See findings A9 though A11. This provides circumstantial evidence that there is a demand for more multi-family housing in proposed Fox Center Townhomes. The proposed Zone Map Amendment is to implement the residential objectives of the Comprehensive Plan by providing diversity in housing types. Changing the PDC Zone to the proposed PDR-5 Zone meets IM 4.1.4b. Adequate public services can be made available to the site. Thus, the Zone Map Amendment together with the proposed Fox Center Townhomes project meets IM 4.1.4.b.
- B11.** Metro’s Urban Growth Management Functional Plan Title 1 of the Urban Growth Management Functional Plan (UGMFP) and the Comprehensive Plan requires 80% maximum density at build-out of any particular parcel. With the revision of the City’s Development Code in November 2000, the lower end of the planned density range was increased to reflect this 80% requirement. The Applicant is requesting a Zone Map Amendment to Planned Development Residential - 5 (PDR-5) which corresponds to a Comprehensive Plan Map density of Residential 10 - 12 dwelling units per acre. Furthermore, the Applicant’s proposal will fully achieve compliance with the minimum density required at build-out. Metro’s Functional Plan provides that this deficiency is justified, in order to approximate the density of adjacent, surrounding neighborhoods. See the Applicants’ response findings found on pages 17 through 22 of Exhibit B1, and Exhibit B9.
- B12. Section 4.140.09(J)(2) Traffic:** The DKS Associates traffic study completed for the project found in Exhibit B1 indicates existing streets will provide sufficient access for emergency vehicles and comply with the traffic level of service requirements of the Development Code and the Transportation Systems Plan. The proposed zone change is expected to result in significantly fewer trips being generated by (i.e., 16 peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under the existing zoning) the project. The location, design, size and the proposed residential apartments are such that traffic generated by the development can be accommodated safely for up to 13 (9 in 4 out) p.m. peak hour trips of which 7 p.m. peak hour trips through the and I-5/Wilsonville interchange area, and without congestion in excess of level of service (LOS) "D" defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets. Thus, there is adequate traffic capacity to serve the project and it will maintain LOS ‘D’, which complies with Subsection 4.140.09(J)(2).

According to the DKS Traffic Analysis in Exhibit B1: *“Because the proposed zone change is expected to result in significantly fewer trips being generated by the project*

(i.e., 16 p.m. peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under existing zoning), no additional Transportation Planning Rule (TPR) analysis needed since there would be no impacts from the proposed zone change.”

Implementation Measure 4.1.4.d – Diversity of Housing Types “Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms,” and;

Implementation Measure 4.1.4.e “Targets are to be set in order to meet the City’s Goals for housing and to assure compliance with State and regional standards.”

B13. The original, adopted City of Wilsonville Comprehensive Plan Map in 1980, geographically distributed housing density for the purpose of maintaining the balance of housing types and to not concentrate higher density for multi-family housing in a few areas of the City. Historically, with the exception of adding Villebois Village, there have been a few amendments to the Comprehensive Plan Map relative to the geographic distribution of housing density. Through the years the City has approved Comprehensive Plan Amendments that changed Residential to Industrial to enable the development of Canyon Creek Business Park – North, and changed Residential to Industrial on Mentor Graphics property south of SW Boeckman Road (formally part of the Ash Meadows Master Plan residential area). Those plan amendments reduced residential housing density in the City. Otherwise, residential projects that were approved within the City correspond with the Comprehensive Plan Map and with PDR minimum and maximum densities allowed by Land Use and Development Code.

B14. Pages 2 and 3 of the Comprehensive Plan: “Wilsonville’s planning programs are required to support Metro’s 2040 Regional Framework Plan, and any Functional Plans that are formally adopted by Metro Council. Such Metro plans are intended to direct the region’s urban growth and development.” “The residential designations include planned density ranges which have been changed to reflect Metro’s requirement that minimum densities be at least 80% of maximums. In order to meet that requirement, the lower end of the planned density range has been increased and the higher end left unchanged.” This in effect increases residential density with new development and is expected with the proposed project. Thus, the proposed Zone Map Amendment meets IM 4.1.4.d and 4.1.4.e.

B15. The proposed project offers 1.4 townhomes for market rate rent housing meeting IM 4.1.4.d. The March, 2012 City Housing Unit Summary indicates 9,060 dwelling units:

City Wide Housing Units

Type	New	YTD	Total
Apartment	324	376	4591
Condominium	0	0	563
Duplex	0	0	68
Mobile Homes	0	0	20
Mobile Home/park	0	0	143
Single Family	10	77	3675
Totals	334	453	9060

On the basis of that inventory there are 56.75% multi-family (including 563 condominiums), 41.5% single-family (including 68 duplexes) and 1.75% mobile homes. Adjusting the housing units to include the recently approved Brenchley Estates - North project comprising 320 apartment units and 39 single-family units, the revised housing unit split is 58.4% multi-family, 40.3% single family and 1.3% mobile homes. The proposed 15 apartment unit project would increase the percentage of land in PDR zoning and apartment units by a negligible amount.

Though the City has historically through an older version of the Comprehensive Plan sought to achieve 50 percent in single-family houses, 40 percent in multi-family units and 10 percent in manufactured houses at mobile home parks those percentages the Comprehensive Plan no longer has a stated goal of maintaining those percentages. The Comprehensive Plan was revised in its entirety by City Council Ordinance No. 517 on October 16, 2000. Housing is now determined by density ranges in Table 1 in Finding B2 for each mapped zoning district. Residential development must also be balanced with Policy 4.1.4 and its implementation measures that seek to “provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.” In the near future, multi-family and single-family housing percentages will become more balanced with the construction of Tonquin Woods (27 homes); Woods 2 phases I and II (168 homes); Coppercreek (21 homes); Jory Trail at the Grove (30 homes); Brenchley Estates – North (39 homes); Retherford Meadows (88 homes); SAP-East, Phase 3 (185 homes) and Willamette Landing (33 homes), for total of 591 homes.

- B16.** The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City. See findings A7 through A11 for the need demonstration for the proposed 15 townhome units. Thus the proposed Zone Map Amendment meets a public need that has been identified for rental housing.

Implementation Measure 4.1.4.v Site development standards and performance criteria have been developed for determining the approval of specific densities within each district. Densities may be increased through the Planned Development process to provide for meeting specific needs (e.g., low/moderate income, elderly, or handicapped).

B17. On pages 19 and 20 of Exhibit B1 the Applicant has responded to IM 4.1.4.v but has misinterpreted how the PDR-5 maximum density limitation is determined at one unit per 3,000 SF under Subsection 4.124.5(.01). Per Subsection 4.124.5(.02) the maximum density is 49,658/2,500 SF/DU = 19.86 or 20 units. Per Subsection 4.124.5(.03) the minimum density is 49,658/4,000 SF = 12.4 or 12 units. Proposed are 15 dwelling units which are between 12 and 20. However, the proposed Comprehensive Plan designation of Residential 10 – 12 du/ac, allows 13.68 or 14 maximum units. The Comprehensive Plan ‘Residential 10 - 12 du/ac’ density is intended to be implemented by the PDR zones in Section 4.124WDC, so the actual maximum density allowed by the PDR-5 zone is 19.9 or 20 dwelling units.

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B18. In terms of the proposed Residential 10 – 12 dwelling units per acre Comprehensive Plan Map designation for the project is considered medium density. Though this density is higher than its parent Fox Chase subdivision at Residential 6 – 7 du/ac. The Comprehensive Plan on page D-19 identifies Residential 6 – 7 du/ac and 10 – 12 du/ac as “medium density housing areas.” It should also be noted that the adjacent Valley Christian Church property and the Autumn Park Apartments are designated 10 – 12 du/ac.

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Implementation Measure 4.1.4.q “The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.”

B19. The Applicant is not proposing to site mobile (manufactured) homes in this application so this criterion is not applicable.

Criterion ‘D’ – Public Facilities: “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

B20. The Deputy City Engineer’s recommended Public Facility (PF) conditions impose further performance upon the Stage II Final Plan application, which requires the Applicant to provide adequate water, drainage and sanitary sewer infrastructure to serve the proposed project. As currently configured, the project satisfies all design requirements regarding needed infrastructure improvements.

Criterion ‘E’ – Significant Resource Overlay Zone: “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone.”

B21. The subject property is not designated within the Significant Resource Overlay Zone (SROZ).

Criterion 'F' "That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

B22. The Applicant's submittal documents indicate the intent to develop 15 market rent townhomes after final approvals is obtained from the City within the next year meeting Code.

Criterion 'G' "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards."

B23. The Applicant's proposal, together with the Stage II Final Plan conditions of approval will bring it into compliance with all applicable development standards.

Subsection 4.197(.03) provides that "If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied."

B24. The Applicant has made affirmative findings in Exhibits B1 and B9 to Subsection 4.197.02(A)-(G) meeting Subsection 4.197(.03).

Subsection 4.197(.04) stipulates that the "City Council action approving a change in zoning shall be in the form of a Zoning Order."

B25. Staff recommends approval of the proposed Zone Map Amendment with no conditions of approval being proposed. A City Council Zoning Order and Ordinance regarding the proposed Zone Map Amendment is required subsequent to contingent approval of the requested companion applications.

Subsection 4.197(.05) provides "In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed."

B26. Staff recommends adoption of these findings to the Development Review Board in review of the application to modify the Zone Map designation from PDC to PDR-5. Upon recommendation of approval by the Board, these will be forwarded to the City Council for final action.

SUMMARY FINDING:

B27. The Applicant has demonstrated that the proposed Zone Map Amendment will meet all applicable requirements.

October 11, 2012

DEVELOPMENT REVIEW BOARD PANEL A

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND
RECOMMENDATION TO CITY COUNCIL**

Project Name: Fox Center Townhomes

Case Files: Request A: DB12-0033 – Comp. Plan Map Amendment
Request B: DB12-0034 – Zone Map Amendment
Request C: DB12-0035 – Revised Fox Chase, Stage I Preliminary Plan
Request D: DB12-0036 – Stage II Final Plan
Request E: TR12-0067 – Type ‘C’ Tree Plan
Request F: DB12-0039 – Waiver to front yard setback

Applicant / Owner: Seema LLC

Property Description: Tax Lots 100, Section 22AC, T3S-R1W, Clackamas, County,
Wilsonville, Oregon

Location: 30625 SW Willamette Way East

On October 8, 2012, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Request A and B: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, November 5, 2012 to hear these items.*

Requests C, D, E, and F: Approved with conditions of approval.
These approvals are contingent upon City Council's approval of Request A and B.

An appeal of Requests C, D, E, and F to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of Decision. *WC Sec. 4.022(.02)*. A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830*.

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 11th day of October 2012 and is available for public inspection. The decision regarding Requests C, D, E, and F shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 234, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 234**

A RESOLUTION ADOPTING FINDINGS AND RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL 10 – 12 DU/AC AND A ZONE MAP AMENDMENT FROM PLANNED DEVELOPMENT COMMERCIAL (PDC) TO PLANNED DEVELOPMENT RESIDENTIAL - 5 (PDR-5), AND ADOPTING FINDINGS AND CONDITIONS APPROVING A REVISED STAGE I PRELIMINARY PLAN FOR FOX CHASE, A STAGE II FINAL PLAN, A TYPE 'C' TREE PLAN AND A WAIVER TO ENABLE DEVELOPMENT OF FIFTEEN (15) TOWNHOME UNITS FOR FOX CENTER TOWNHOMES. THE SUBJECT 1.14 ACRE PROPERTY IS LOCATED ON TAX LOT 100 OF SECTION 22AC, T3S, R1W, CLACKAMAS COUNTY, OREGON. SEEMA, LLC, APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff reports on the above-captioned subject dated July 31, 2012 and September 19, 2012, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meetings conducted on August 13, 2012 and October 8, 2012, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

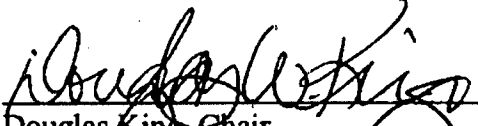
WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board Panel A of the City of Wilsonville recommends that the City Council approve a Comprehensive Plan Map Amendment a Zone Map Amendment (Case Files DB12-0033 and DB12-0034), approve a revised Stage I Preliminary Plan, Stage II Final Plan, Type 'C' Tree Plan and a waiver to a front yard setback, and does hereby adopt the staff report attached hereto as Exhibit A1 with modified findings, recommendations and conditions placed on the record herein and authorizes the Planning Director to issue approvals consistent with said recommendations for Case File(s):

- DB12-0033 Comprehensive Plan Map Amendment
- DB12-0034 Zone Map Amendment
- DB12-0035 Revised Fox Chase, Stage I Preliminary Plan
- DB12-0036 Stage II Final Plan

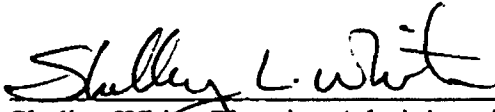
TR12-0067 Type 'C' Tree Plan
DB12-0039 Waiver to front yard setback

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 8th day of October 2012 and filed with the Planning Administrative Assistant on October 11, 2012. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.



Douglas King, Chair
Development Review Board, Panel A

Attest:



Shelley White, Planning Administrative Assistant

**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: December 3, 2012	Subject: Ordinance No. 709, Zone Map Amendment from RA-H, PF, and EFU to V, "Tonquin Meadows", Phase 3 of SAP East, Villebois. Polygon Northwest Company, City of Wilsonville, Urban Renewal Agency City of Wilsonville, and Metro, applicants. Staff Members: Blaise Edmonds, Manager of Current Planning and Daniel Pauly AICP, Associate Planner. Department: Planning Division
Action Required	Development Review Board Recommendation
<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: Dec. 3 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: Dec. 17 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comment: Following their review at the Nov. 15th meeting, the Development Review Board, Panel A recommends approval of the Zone Map Amendment.

Staff Recommendation: Staff recommends that the City Council adopt Ordinance No. 709 approving a Zone Map Amendment from the Residential Agriculture – Holding (RA-H) Zone, Exclusive Farm Use (EFU), and the Public Facility (PF) Zone to the Village (V) Zone. The State statutory 120-day time limit applies to this application. The City must render a final decision for the request by February 2, 2013.

Recommended Language for Motion: I Move to Adopt Ordinance No. 709 on the 2nd reading.

PROJECT / ISSUE RELATES TO: Comprehensive Plan, Zone Code and Villebois Master Plan.

<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Villebois Master Plan	<input type="checkbox"/> Not Applicable
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ISSUE BEFORE COUNCIL: Approve or Deny Ordinance No. 709 for a Zone Map Amendment from the RA-H, EFU, and PF zones Zone to Village zone on 73.27- acres comprising the northeastern part of Villebois, which is south of Boeckman Road and adjacent to 110th Avenue. Conforming the V Zone to the established densities on the Villebois Village Master Plan Map is a routine item, for which the City Council is the final local authority.

EXECUTIVE SUMMARY: The proposed Zone Map Amendment is being forwarded to the City Council by Development Review Board Panel 'A' with a recommendation of approval. The Board approved several companion applications including a Preliminary Development Plan, Final Development Plan, Tentative Subdivision Plat, Type C Tree Plan and SAP – East refinement and amendments. Those approvals are contingent on Council approval of the subject Zone Map Amendment. The site area is approximately 73.27 acres comprising 163 single-family detached houses and 42 row houses. The proposed zone change will enable development of the houses together with approximately 44.72 acres of parks and open space, including portions of the Coffee Creek Wetlands. No change to Villebois Village Master Plan densities is proposed.

EXPECTED RESULTS: Adoption of Ordinance No.709.

TIMELINE: Construction of the subdivision would likely begin in 2014.

CURRENT YEAR BUDGET IMPACTS: Proposed is 205 lot single family detached and row house subdivision. This project is a private development so the applicant is responsible to make all public and private improvements, pay city application fees and systems development charges for parks, storm sewer and streets.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: JEO, 11/20/12

This ordinance has no financial impact.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK, 11/26/12

Planning has advised that the proposed 205 unit development is within the total housing units Matrix had proposed for SAP-E, given that all development units for SAP-E will have been approved. Matrix had 655 total units. There is a proposed development agreement that provides for the proportional sharing of infrastructure costs that meets Dolan, which is on the Council's agenda. The Zone Map Amendment meets requirements.

COMMUNITY INVOLVEMENT PROCESS: The required public hearing notices have been sent.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY Ordinance No. 709 will provide:

- Extension of SW Villebois Drive North to Boeckman Road.
- 205 residential homes.
- Construction jobs for several years.

- Development a number of private parks and two regional public parks.

ALTERNATIVES: The Applicant seeks to develop the subject property within the allowed V Zone housing density and does not seek a Comprehensive Plan Map Amendment.

CITY MANAGER COMMENT:

ATTACHMENTS:

Exhibit A - Zoning Order DB12-0045

Attachment 1: Map depicting Zone Map Amendment

Attachment 2: Legal Description and Map

Exhibit B – Planning Staff Report, Zone Change Findings, and Recommendation to City Council, Dec. 3rd.

Exhibit C - DRB Panel A Notice of Decision and Resolution No. 238.

Exhibit D – Amended Adopted Staff Report and DRB Recommendation (Exhibit A1), and Application on compact disk.

Exhibit E – November 15th DRB Minutes

Exhibit F – Note of Future on 110th Avenue

ORDINANCE NO. 709

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE RESIDENTIAL AGRICULTURE – HOLDING (RA-H) ZONE, THE PUBLIC FACILITY (PF) ZONE, AND THE EXCLUSIVE FARM USE (EFU) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 73.27 - ACRES COMPRISING TAX LOTS 100, 180, 103, 192, 181, 102, 101, 200, PORTIONS OF TAX LOT 2916, PORTIONS OF TAX LOT 2919 OF SECTION 15, AND TAX LOTS 1401 OF SECTION 10, T3S, R1W, CLACKAMAS COUNTY, OREGON, POLYGON NORTHWEST COMPANY, CITY OF WILSONVILLE, URBAN RENEWAL AGENCY CITY OF WILSONVILLE, AND METRO APPLICANTS.

RECITALS

WHEREAS, Polygon Northwest Company, City of Wilsonville, Urban Renewal Agency City of Wilsonville, and Metro (“Applicants”), as owners or authorized agents for owners of the real property legally described and shown on Exhibits A and B, attached hereto and incorporated by reference herein (“Property”) has made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, currently the unvacated portion of 110th Avenue is a public street and 110th is intended to be vacated or exchanged for other property dedicated to public roadway use as development occurs within Villebois Village.

WHEREAS, to the extent vacation or exchange occurs and the vacated or exchanged land goes to the respective land owners, it is the intent that the zoning for the vacated or exchanged property shall be the same as the adjacent land the vacated or exchanged property shall become a part of.

WHEREAS, the City of Wilsonville Planning Staff analyzed the request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on November 15, 2012;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on November 15, 2012, and after taking public

testimony and giving full consideration to the matter, adopted Resolution No. 238 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB12-0045), adopts the staff report with modified findings and recommendation, all as placed on the record at the hearing, contingent on City Council approval of the Zone Map Amendment and authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

WHEREAS, on December 3, 2012, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Development Review Board staff report, as contained in the record of the above described DRB hearing and incorporates it by reference herein, as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB12-0045, attached hereto as Exhibit A, from the Residential Agriculture – Holding (RA-H) Zone, the Public Facility (PF) Zone, and the Exclusive Farm Use (EFU) Zone to the Village (V) Zone. In addition, Planning staff is hereby ordered to amend the zoning map for portions of the 110th Avenue right-a-way upon the vacation or exchange being completed.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 3rd day of December 2012, and scheduled for the second and final reading on December 17, 2012, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of December, 2012, by the following

votes:

Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of December, 2012.

Tim Knapp, MAYOR

SUMMARY OF VOTES:

Mayor Knapp

Council President Nunez

Councilor Starr

Councilor Goddard

Councilor Fitzgerald

Attachments:

Exhibit A, Zoning Order DB12-0045.

Attachment 1, Map Depicting Zone Amendment

Attachment 2, Legal Description

Exhibit B Zone Map Amendment Findings, December 3, 2012.

Exhibit C DRB Resolution No. 238

Exhibit D 110th Right-of-Way

EXHIBIT A

**BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
POLYGON NORTHWEST COMPANY**

In the Matter of the Application of)
Pacific Community Design, Inc.,)
Agent for the Applicants,)
Polygon Northwest Company, City of)
Wilsonville, Urban Renewal Agency)
of the City of Wilsonville, and Metro,)
for a Rezoning of Land and Amendment)
of the City of Wilsonville)
Zoning Map Incorporated in Section 4.102)
of the Wilsonville Code.)

ZONING ORDER DB12-0045

The above-entitled matter is before the Council to consider the application of DB12-0045, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached Exhibits 1 and 2, has heretofore appeared on the City of Wilsonville Zoning Map as Residential Agriculture-Holding (RA-H), Public Facility (PF), and Exclusive Farm Use (EFU).

The Council having heard and considered all matters relevant to the application for a zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 73.27 acres comprising Tax Lots 100, 180, 103, 192, 181, 102, 101, 200, portions of Tax Lots 2916 and 2919 of Section 15, and Tax Lot 1401 of Section 10 as more particularly shown in the Zone Map Amendment Map, Exhibit 1 and described in Exhibit 2 is hereby rezoned to Village (V), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order. Currently, the unvacated portion of 110th is a public street. The Villebois Village Master Plan calls for it to be replaced by a different road system. Accordingly, 110th is intended to be vacated or exchanged for other property dedicated to public roadway use as development occurs within Villebois Village. The

development proposals for SAP-E, PDP-3 and PDP-4 anticipate certain portions of 110th will be vacated or exchanged under the development proposals in accordance with the Villebois Village Master Plan. To the extent vacation or exchange occurs and the vacated or exchanged land goes to the respective land owners, it is the intent that the zoning for the vacated or exchanged property shall be the same as the adjacent land the vacated or exchanged property shall become a part of. Planning staff hereby ordered to amend the zoning map accordingly upon the vacation or exchange being completed.

Dated: This 3rd day of December, 2012.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, CMC, City Recorder

Attachment 1: Legal Description

Attachment 2: Map depicting Zone Map Amendment

N:\proj\395-007\09 Drawings\06 Survey\Exhibits\395007.Zone Change Legal.dwg - SHEET: PAGE 1 Nov. 20, 12 - 2:22 PM 1c1

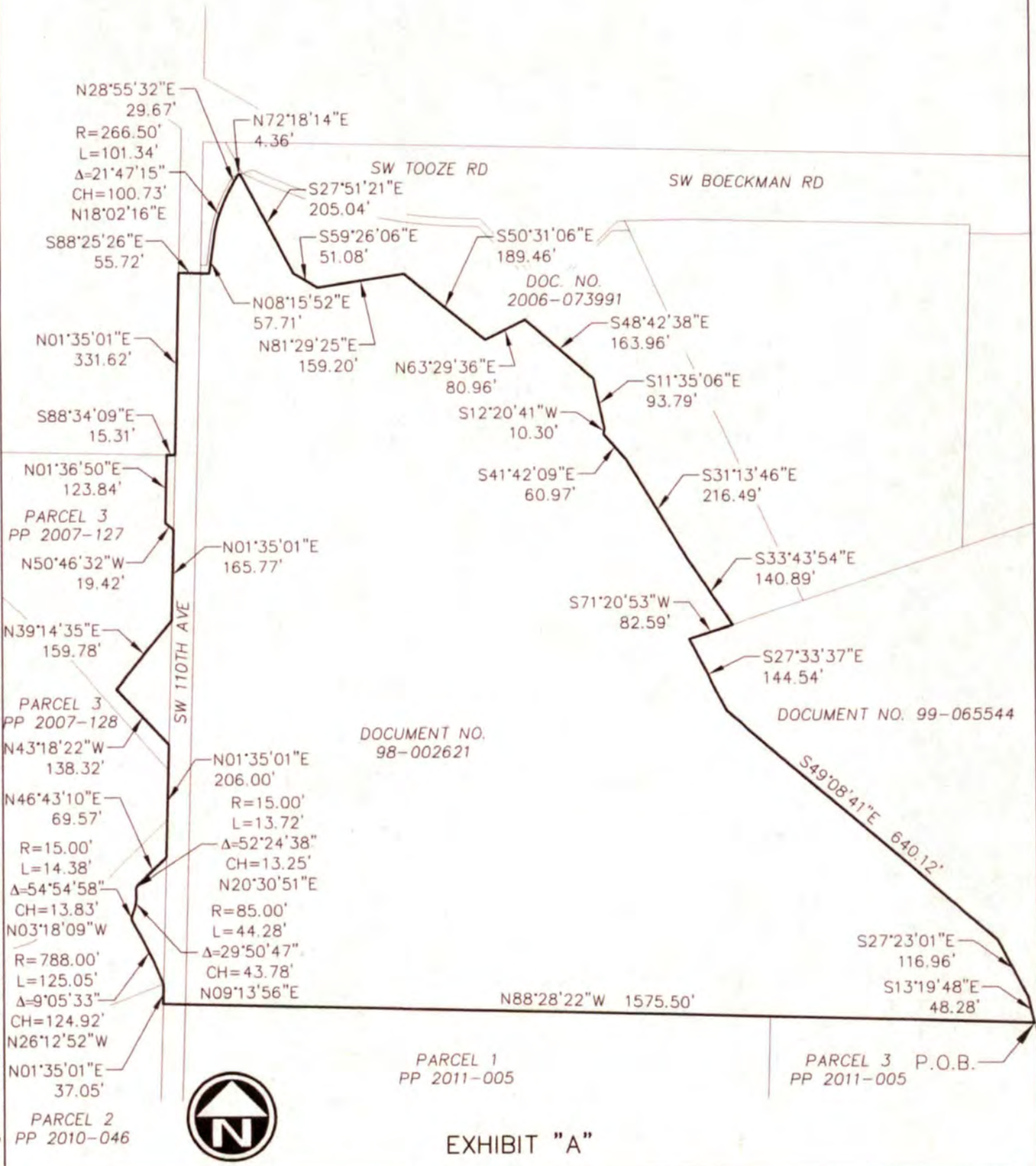


EXHIBIT "A"

DRAWN BY: TCJ DATE: 11/20/12
 REVIEWED BY: TCJ DATE: 11/20/12
 PROJECT NO.: 395-007
 SCALE: 1"=250'
 PAGE 4 OF 4

Pacific Community Design
 [T] 503-941-9484 [F] 503-941-9485

Note on Legal Descriptions for Zoning Order:

Legal descriptions of a majority of the properties involved in the Zone Map Amendment are not yet available, but most will be provided at the hearing. While City Staff is working on getting the remainder and they ask for the Council's direction to add any description not available prior to the public hearing as they become available.

Current Tax Maps are provided showing all City, Urban Renewal Agency, and Metro tax lots for which a legal description is not yet available.

City of Wilsonville
TL ~~101~~, 103, Section 15
Urban Renewal Agency
TL 101, 181, Section 15

Page 1 of 3

EXHIBIT A

PARCEL 1 - FEE-TAKE

A tract of land situated within that tract of land described in Clackamas County Deed Document 97-101953, and situated in the NW 1/4 of Section 14, and the NE 1/4 of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, said tract of land is more particularly described as follows:

Beginning at a one-half inch iron pipe marking the corner common to Sections 10, 11, 14 and 15 of Township 3 South, Range 1 West of the Willamette Meridian from which a brass disc monumenting the one-quarter corner between said Sections 11 and 14 bears South 88°38'04" East; thence South 88°38'04" East from said one-half inch iron pipe, coincident with the North line of Section 14, a distance of 69.33 feet to the northeasterly corner of that tract of land described in Clackamas County Deed Document 78-00389, thence South 19°07'50" East, coincident with the most easterly line of said tract, 363.00 feet, more or less, to the Northeast corner of that tract of land described in said Deed Document 97-101953 and the TRUE POINT OF BEGINNING; thence continuing South 19°07'50" East coincident with the easterly line of said tract described in Document 97-101953, a distance of 597.95 feet, more or less, to the most easterly southeast corner of said described tract of land; thence South 71°52'10" West, coincident with the most southerly line of said tract, 748.09 feet; thence leaving said most southerly line, North 24°34'41" West 753.89 feet to a point from which the aforementioned one-half inch iron pipe at the point of beginning of this description bears North 54°29'54" East 786.49 feet; thence South 89°03'43" West from said point, 12.66 feet; thence South 46°32'23" West 133.00 feet; thence North 88°42'13" West 66.46 feet; thence North 42°29'59" West 129.98 feet; thence North 88°42'05" West 26.17 feet to the point of curve of a 939.00 foot radius curve concave northeasterly; thence northwesterly 399.34 feet along the arc of said curve, through a central angle of 24°22'01", (the long chord bears North 76°31'05" West 396.34 feet) to the westerly end of said curve; thence South 72°21'42" West 38.92 feet; thence South 28°55'47" West 22.28 feet to the point of curve of a 273.50 foot radius curve left;

FEE TAKE DESCRIPTION CONTINUED

thence southwesterly 104.00 feet along the arc of said curve, through a central angle of 21°47'11", (the long chord bears South 18°02'11" West 103.37 feet) to the point of tangency; thence South 07°09'07" West 42.86 feet; thence North 88°24'28" West 11.40 feet more or less, to the East right-of-way of 110th Avenue, said right-of-way being situated easterly in direction, a perpendicular distance of 20.00 feet from the East line of Donation Land Claim No. 50; thence North 01°35'32" East, coincident with said right-of-way, 223.09 feet, more or less, to the most westerly Northwest corner of the aforementioned tract of land described in Deed Document 97-101953; thence South 88°38'41" East; coincident with the North boundary line of said described tract, 1594.44 feet to the TRUE POINT OF BEGINNING and containing 15.68 acres of land, more or less.

Expires 12/31/06

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
AUGUST 22, 1975
ROGER W. MORELAND
1033

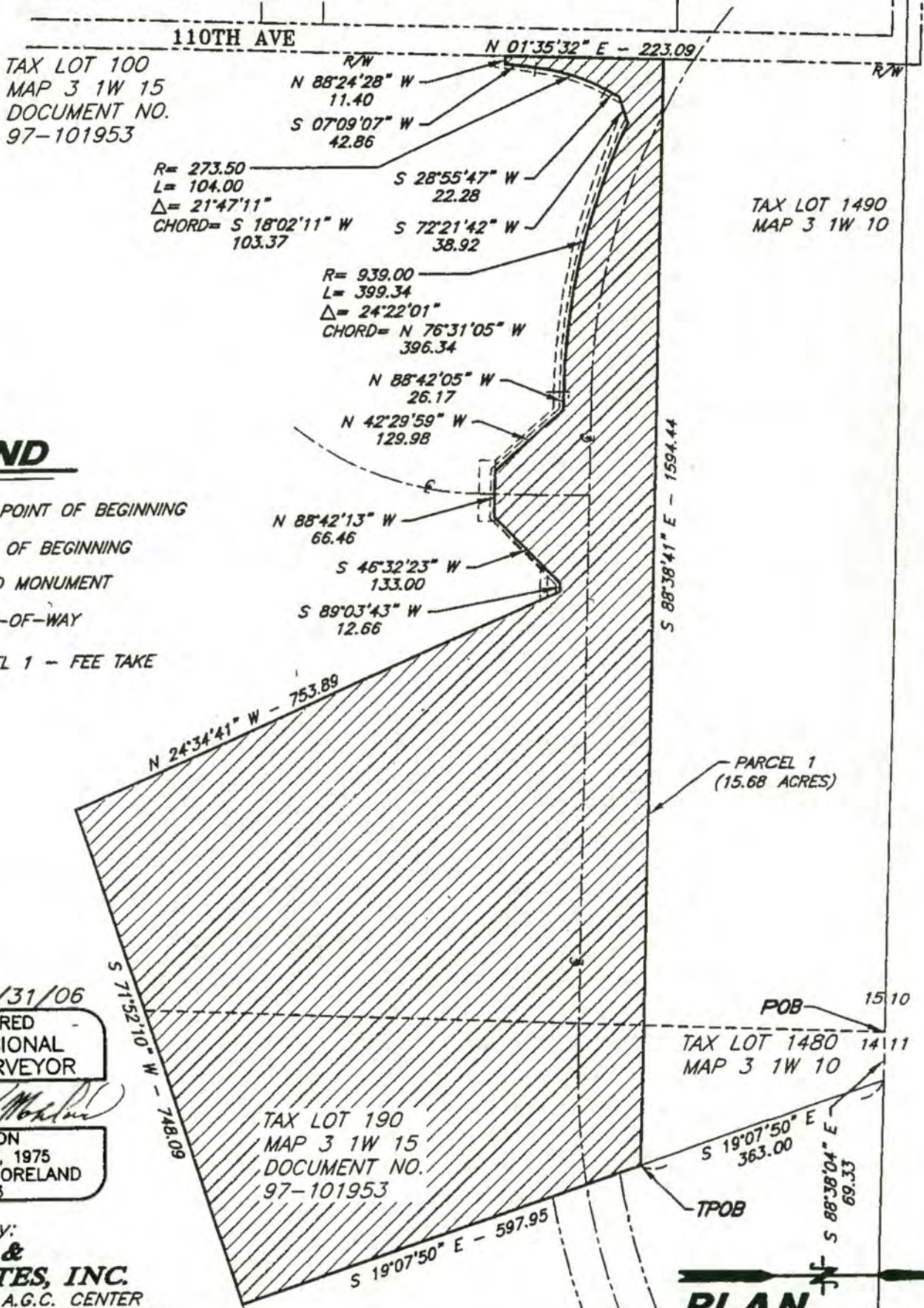
EXHIBIT "B"

FEE TAKE

Exhibit 4
Page 3 of 3

Page 3 of 3

Located within the NW 1/4 of Section 14 and the NE 1/4 of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon



TAX LOT 100
MAP 3 1W 15
DOCUMENT NO.
97-101953

TAX LOT 1490
MAP 3 1W 10

R= 273.50
L= 104.00
Δ= 21°47'11"
CHORD= S 18°02'11" W
103.37

S 28°55'47" W 22.28
S 72°21'42" W 38.92

R= 939.00
L= 399.34
Δ= 24°22'01"
CHORD= N 76°31'05" W
396.34

N 88°42'05" W 26.17
N 42°29'59" W 129.98

N 88°42'13" W 66.46

S 46°32'23" W 133.00

S 89°03'43" W 12.66

N 24°34'41" W - 753.89

S 88°38'41" E - 1594.44

PARCEL 1
(15.68 ACRES)

S 71°52'10" W - 718.09

TAX LOT 1480
MAP 3 1W 10

TAX LOT 190
MAP 3 1W 15
DOCUMENT NO.
97-101953

S 19°07'50" E 363.00

S 19°07'50" E - 597.95

S 88°38'04" E 69.33

LEGEND

- TPOB TRUE POINT OF BEGINNING
- POB POINT OF BEGINNING
- FOUND MONUMENT
- R/W RIGHT-OF-WAY
- ▨ PARCEL 1 -- FEE TAKE

Expires 12/31/06

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Roger W. Moreland

OREGON
AUGUST 22, 1975
ROGER W. MORELAND
1033

Prepared by:
**DEHAAS &
ASSOCIATES, INC.**
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450

Prepared for:
The CITY of WILSONVILLE

PLAN

Scale: 1"=200'

01/31/05
02.625.1119

SECTION 15 T.3S. R.1W. W.M.
 Clackamas County 31 W 15
 1" = 400' & INDEX
 WILSONVILLE

D. L. C.
 ROBERT V. SHORT DLC 46
 SAMUEL B. FRANKLIN DLC 60

Cancelled Taxlots

- 180 2800
- 170 2801
- 160 2700
- 380 2701
- 390 2702
- 380 2800E1
- 380 2800
- 400 2801
- 400 2805
- 800 2805E1
- 801 2804
- 802 2805
- 580 2057
- 880 2058
- 880 2010
- 1500 2811
- 1802 2812
- 1201 2813
- 1207 2814
- 1708 2817
- 1701 2814
- 1702 2880
- 1700 2880
- 1704 3000
- 1706 2880
- 1706 3000E1
- 1707
- 1708
- 1709
- 1710
- 1711
- 1712
- 1713
- 1714
- 1716
- 1718
- 2000E1
- 2300
- 2301
- 2302
- 2303
- 3300
- 3301
- 3400
- 2200

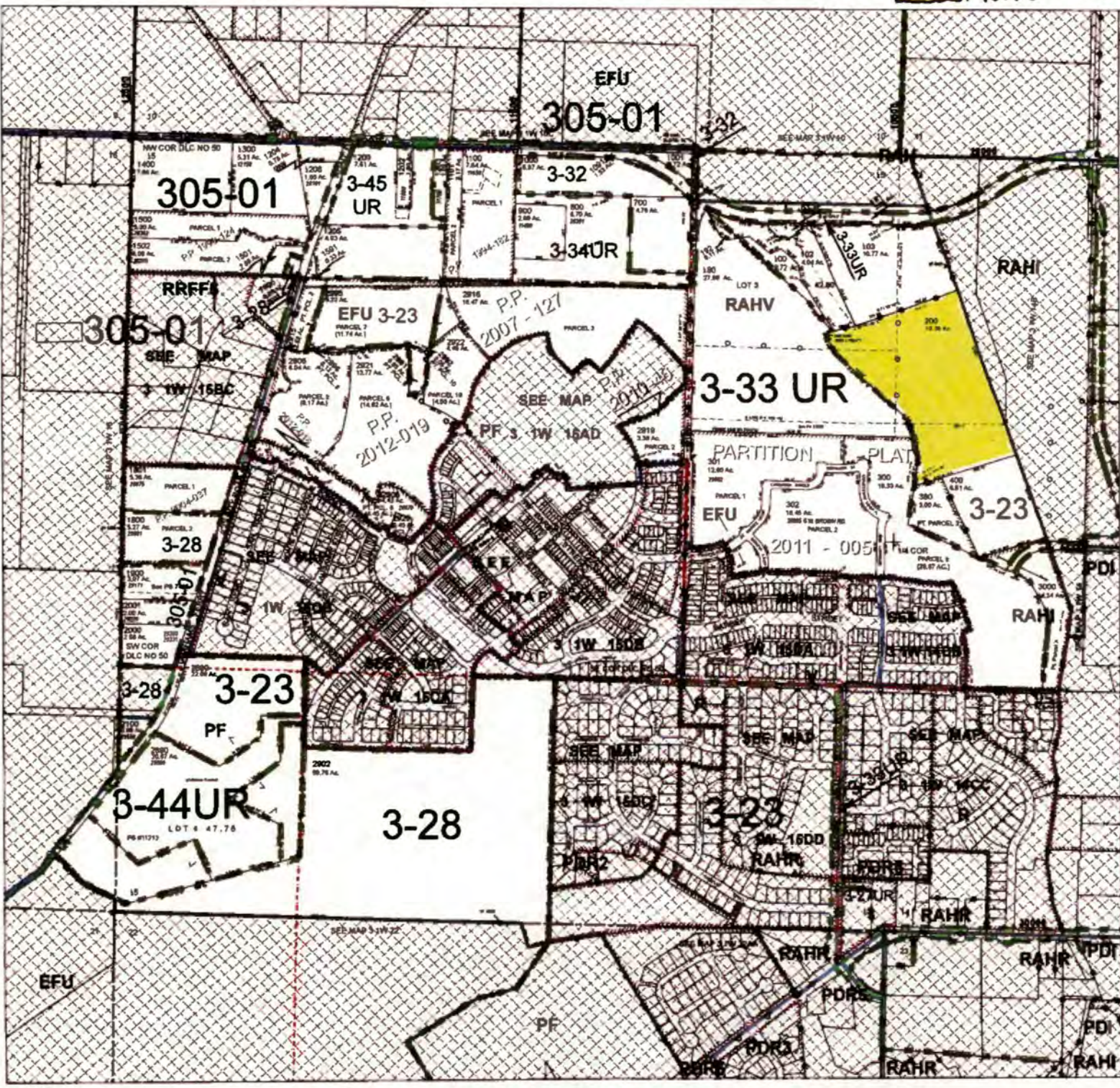
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plate
- Water
- Corner
- Section Corner
- 1/8th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PL80 Section Line
- Historic Corridor 47
- Historic Corridor 207



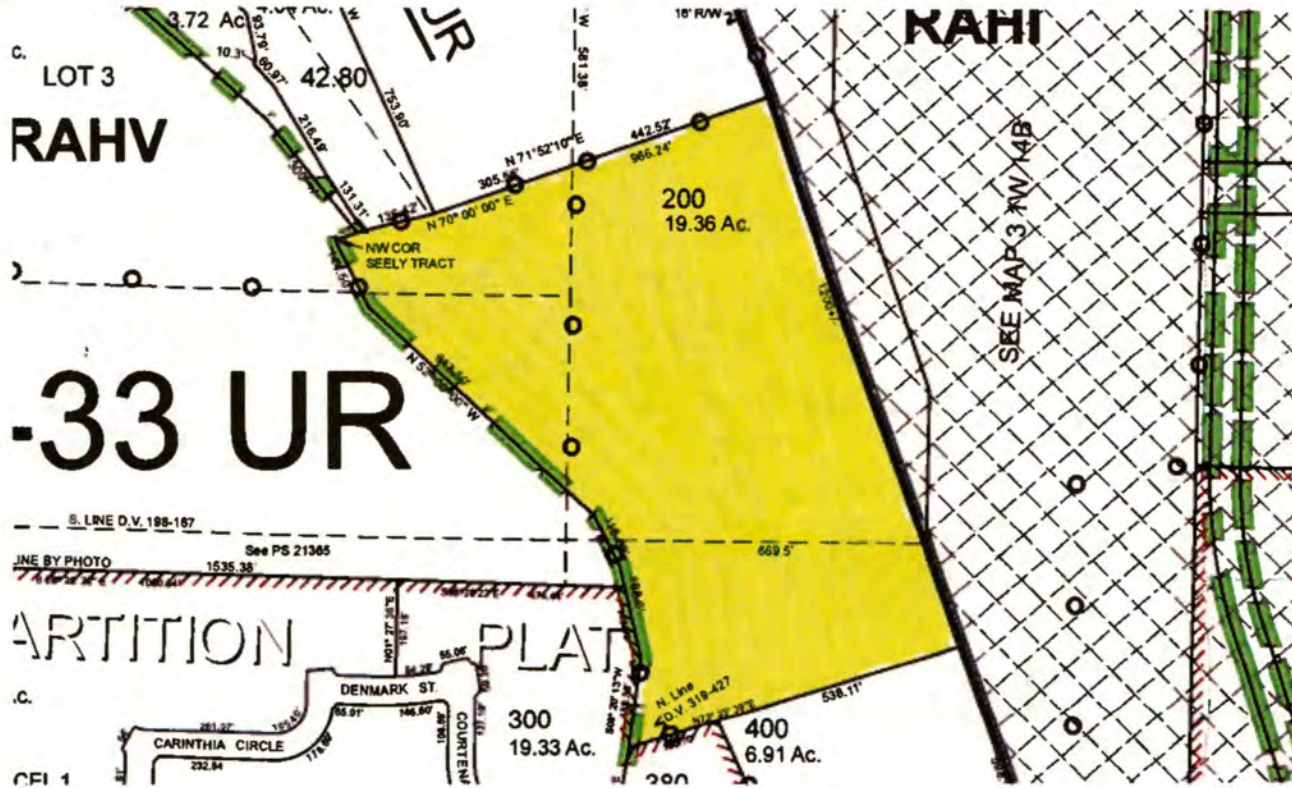
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



31 W 15
 & INDEX
 WILSONVILLE



Metro
TL 200, Section 15



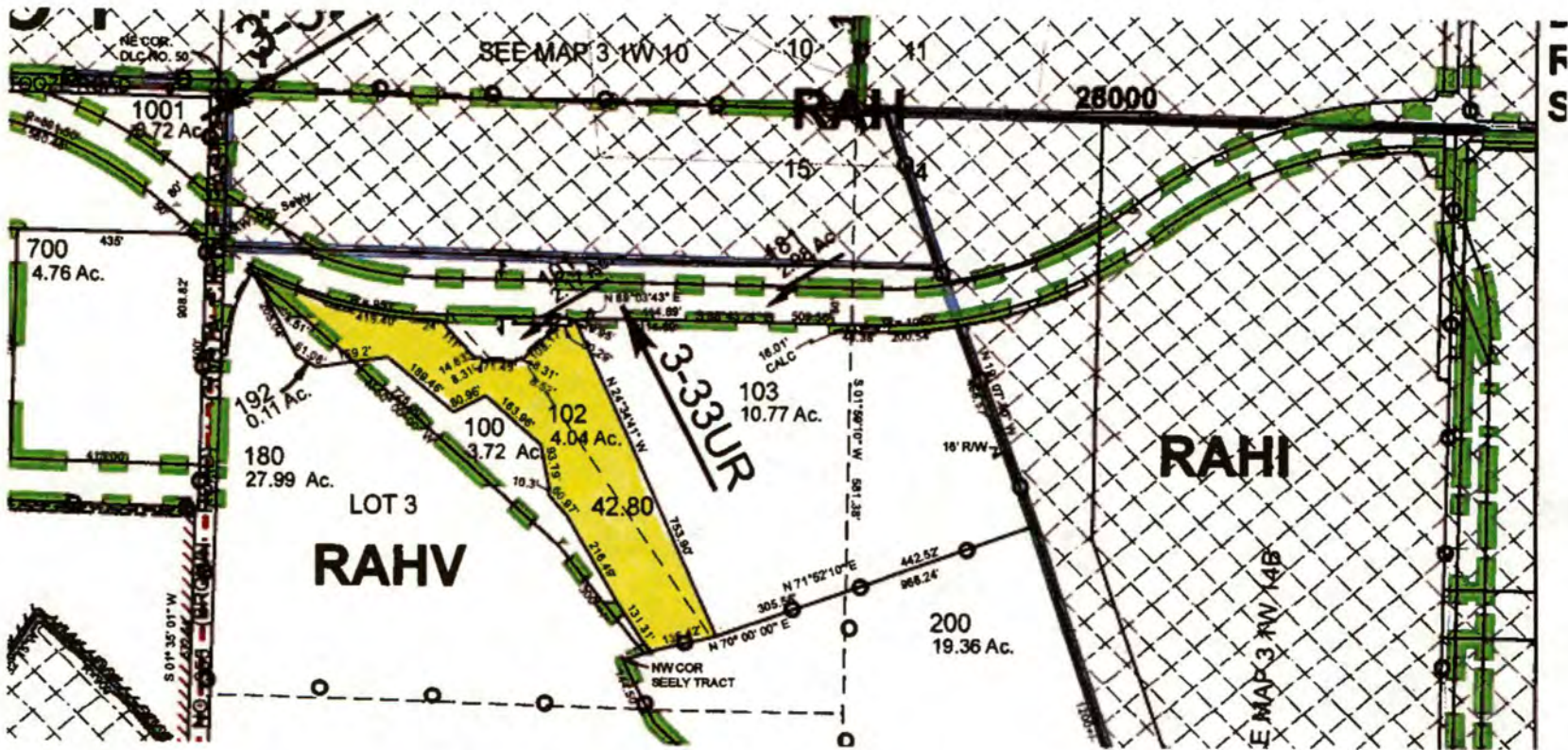
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- - - Private Road ROV
- - - Historical Boundai
- + + + Railroad Centerlin
- TaxCodeLines
- ☒ Map Index
- WaterLines
- Land Use Zoning
- ▨ Plats
- ☒ Water
- ⊙ Corner



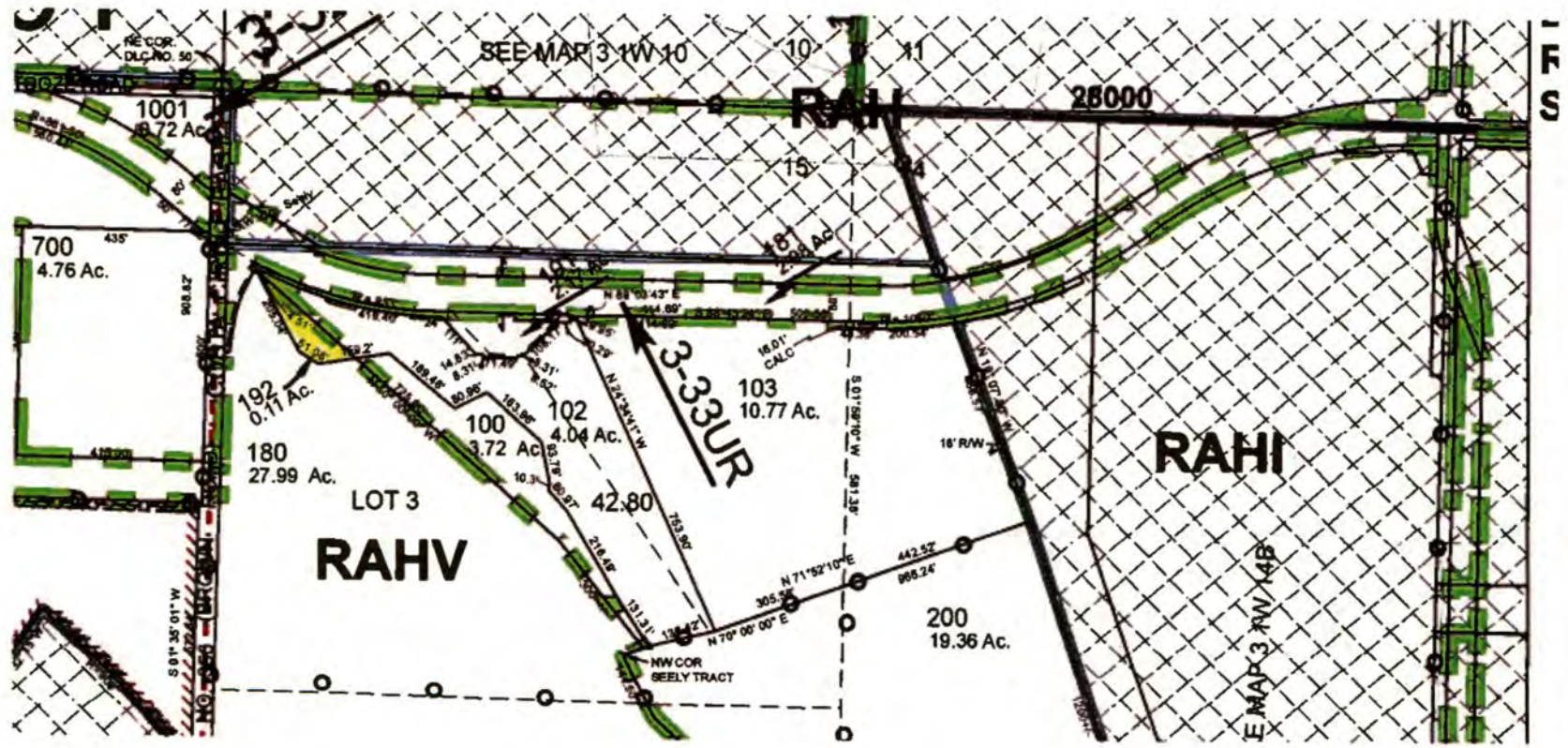
Urban Renewal Agency

page 1 of 1

TL 102, Section 15



Urban Renewal Agency
TL 192, Section 15
page 1 of 1





City of Wilsonville
TL 1401, Section 10

page
1 of 1

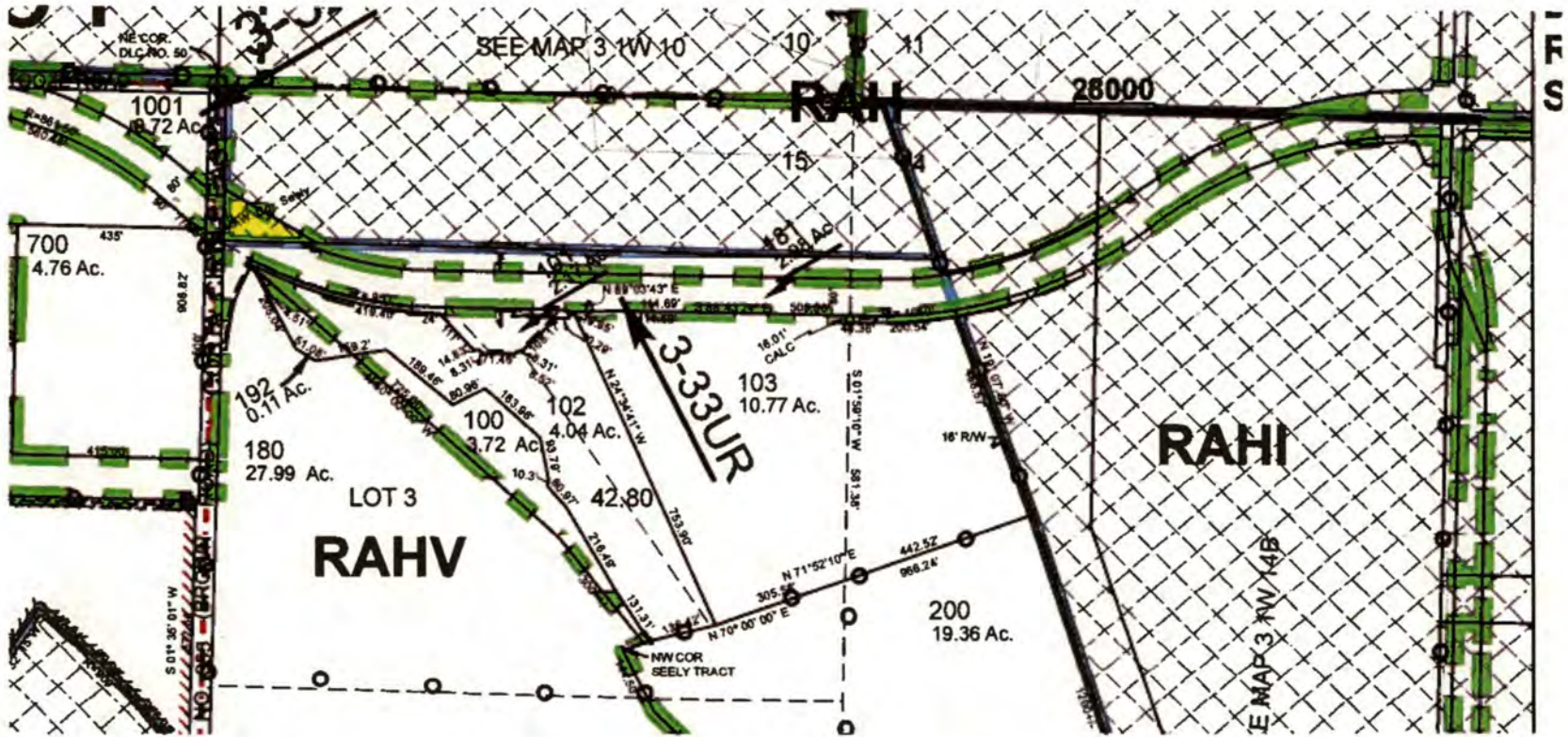


EXHIBIT "A"

November 20, 2012

LEGAL DESCRIPTION

Job No. 395-007

A parcel of land being a portion of Document No. 98-002621, Clackamas County Deed Records, Parcel 3 of Partition Plat No. 2007-127, Parcel 2 of Partition Plat No. 2010-046, and Public Right-of-way, in the Northeast Quarter of Section 15 and the Northwest Quarter of Section 14, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Northeast corner of Parcel 3 of Partition Plat No. 2011-005;

thence along the northerly line of said Partition Plat No. 2011-005, North 88° 28'22" West, a distance of 1575.50 feet, to a point on the westerly right-of-way line of SW 110th Avenue;

thence along said right-of-way line, North 01° 35'01" East, a distance of 37.05 feet;

thence leaving said right-of-way line, along a 788.00 foot radius non-tangential curve, concave westerly, with a radius point bearing South 68° 19'55" West, central angle of 09° 05'33", arc length of 125.05 feet, chord bearing of North 26° 12'52" West, and chord distance of 124.92 feet;

thence in a northerly direction with a reverse tangent curve turning to the right with a radius of 15.00 feet, chord bearing of North 03° 18'09" West and a chord distance of 13.83 feet, having a central angle of 54° 54'58" and an arc length of 14.38 feet;

thence in a northerly direction with a reverse tangent curve turning to the left with a radius of 85.00 feet, having a chord bearing of North 09° 13'56" East and a chord distance of 43.78 feet, having a central angle of 29° 50'47" and an arc length of 44.28 feet;

thence in a northerly direction with a reverse tangent curve turning to the right with a radius of 15.00 feet, having a chord bearing of North 20° 30'51" East and a chord distance of 13.25 feet, having a central angle of 52° 24'38" and an arc length of 13.72 feet;

thence North 46°43'10" East, a distance of 69.57 feet to a point on the westerly right-of-way line of SW 110th Avenue;

thence along said right-of-way line, North 01°35'01" East, a distance of 206.00 feet;

thence leaving said right-of-way line, North 43°18'22" West, a distance of 138.32 feet;

thence North 39°14'35" East, a distance of 159.78 feet to a point on the westerly right-of-way line of SW 110th Avenue;

thence along said right-of-way line, North 01°35'01" East, a distance of 165.77 feet;

thence leaving said right-of-way line, North 50°46'32" West, a distance of 19.42 feet;

thence North 01°36'50" East, a distance of 123.84 feet to a point on the northerly line of Parcel 3 of Partition Plat No. 2007-127;

thence along said northerly line, South 88°34'09" East, a distance of 15.31 feet a point on the westerly right-of-way line of SW 110th Avenue;

thence along said right-of-way line, North 01°35'01" East, a distance of 331.62 feet;

thence leaving said right-of-way line, South 88°25'26" East, a distance of 55.72 feet to a point on the easterly right-of-way line of SW 110th Avenue;

thence along said right-of-way line, North 08°15'52" East, a distance of 57.71 feet;

thence continuing along said right-of-way line, on a 266.50 foot radius non-tangential curve, concave easterly, with a radius point bearing South 82°51'24" East, central angle of 21°47'15", arc length of 101.34 feet, chord bearing of North 18°02'16" East, and chord distance of 100.73 feet;

thence continuing along said right-of-way line, North 28°55'32" East, a distance of 29.67 feet;

thence continuing along said right-of-way line, North 72°18'14" East, a distance of 4.36 feet, to the Northwest corner of the tract of land described in Document No. 2006-073991;

thence along the southerly line of said tract of land the following eleven courses:

South 27°51'21" East, a distance of 205.04 feet,

South 59°26'06" East, a distance of 51.08 feet,

North 81°29'25" East, a distance of 159.20 feet,
South 50°31'06" East, a distance of 189.46 feet,
North 63°29'36" East, a distance of 80.96 feet,
South 48°42'38" East, a distance of 163.96 feet,
South 11°35'06" East, a distance of 93.79 feet,
South 12°20'41" West, a distance of 10.30 feet,
South 41°42'09" East, a distance of 60.97 feet,
South 31°13'46" East, a distance of 216.49 feet,
South 33°43'54" East, a distance of 140.89 feet to the Southwest corner of said tract of land;

thence along the northerly line of the tract of land described in Document No. 99-065544, South 71°20'53" West, a distance of 82.59 feet to the Northwest corner of said tract of land;

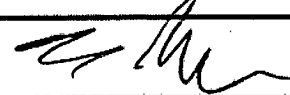
thence along the westerly line of said tract of land the following four courses:

South 27°33'37" East, a distance of 144.54 feet,
South 49°08'41" East, a distance of 640.12 feet,
South 27°23'01" East, a distance of 116.96 feet,
South 13°19'48" East, a distance of 48.28 feet to the POINT OF BEGINNING.

Containing 32.54 acres, more or less.

Basis of bearing per Survey No. 2004-318, Clackamas County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2013

Exhibit B
STAFF REPORT
WILSONVILLE PLANNING DIVISION

Polygon Homes- Villebois Phase 3 East
"Tonquin Meadows"
Zone map amendment

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

HEARING DATE December 3, 2012

APPLICATION NOS.: DB12-0045 Zone Map Amendment

REQUEST/SUMMARY: The Development Review Board is being asked to review a Zone Map Amendment that will enable the development of a 205-lot residential subdivision, and associated parks and open space and other improvements.

LOCATION: South side of SW Boeckman Road, East of SW 110th Avenue and just west of 110th and portions of the 110th right-of-way, north of Lowrie Primary School. The property is specifically known as Tax Lots 100 and 180 and portions of 2916 and 2919, portions of current SW 110th right-of-way, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Other Tax Lots involved in some of the requests include: Tax Lots 103, 192, 181, 102, 101, Section 15, and Tax Lot 1401, Section 10.

PROPERTY OWNERS: Donald E. Bischoff and Sharon L. Lund (TL 100, 180)
City of Wilsonville (TL 103, TL 1401 Section 10)
Urban Renewal Agency City of Wilsonville (TL 192, 181, 102, 101)
PNW Homebuilders LLC (TL 2916, 2919)
Fasano Family LLC (TL 301, 16400, and 16500)

APPLICANTS: Fred Gast, Polygon NW Company
City of Wilsonville and Urban Renewal Agency City of Wilsonville

APPLICANT'S REP.: Stacy Connery, AICP
Pacific Community Design, Inc.

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATIONS: RAH (Residential-Agriculture Holding)
PF (Public Facility)

STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner
Steve Adams PE, Interim City Engineer
Kerry Rappold, Natural Resource Program Manager
Don Walters, Building Plans Examiner

DRB RECOMMENDATIONS: Approve the requested Zone Map Amendment.

APPLICABLE REVIEW CRITERIA

DEVELOPMENT CODE	
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 4.033	Authority of City Council
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.125	V-Village Zone
Sections 4.139.00 through 4.139.11 as applicable	Significant Resource Overlay Zone (SROZ)
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
COMPREHENSIVE PLAN	
Implementation Measure 4.1.6.a.	
Implementation Measure 4.1.6.b.	
Implementation Measure 4.1.6.c.	
Implementation Measure 4.1.6.d.	
OTHER PLANNING DOCUMENTS	
Villebois Village Master Plan	
SAP East Approval Documents	

Vicinity Map



BACKGROUND/SUMMARY:

PDP 3E Preliminary Development Plan (DB12-0042)

At the core of the proposed Phase 3 of Specific Area Plan East (also known as PDP 3E) is the 30.84 gross acre site current owned by Donald Bischoff and Sharon Lund. On this property the applicant proposes a variety of housing types totaling 205 units, 6.22 acres of park/open space areas, and associated infrastructure improvements. All the homes in the development will back up to alleys. The front of the homes will face tree lined streets, parks and green spaces, and in the case of nine homes, a wetland. In addition to the Bischoff/Lund property, the PDP request also includes three areas in the 110th Avenue right-of-way and on adjacent property owned by PNW Homebuilders LLC and parcels to north and east of the Bischoff/Lund Property owned by the City and the Urban Renewal Agency. All of these additional areas are slated for parks and open space development. The 110th and PNW Homebuilders property will be portions of Pocket Park 12, Neighborhood Park 5, and Linear Green 15. The City and Urban Renewal Agency parcels will be regional parks and open space, with a small portion of Tax Lot 102 set to become the connection of Villebois Drive to Boeckman Rd.



Proposed Housing Type	Number of Units
Medium Single Family	29
Small Single Family	59
Cottage Size Single Family	75
Row Homes	42
Total	205

Zone Map Amendment (DB12-0045)

The primary proposal is to change the current RA-H zone on the Bischoff/Lund property to the Village (V) zone. The proposed residential and park uses are permitted under Wilsonville Code Section 4.125. The proposed Zone Map Amendment would enable the development permitting process for this area of Villebois.

Staff also recommends the parcels owned by the City and the Urban Renewal Agency which will contain parks and open space be rezoned at the same time as all or portions have been or will be developed to their planned uses in connection with PDP 3E. The City and Urban Renewal Agency properties are also currently zoned RA-H.

Finally, portions of Tax Lots 2916 and 2919 planned for development of parks in connection with PDP 3E are proposed to be rezoned to Village (V) from the current Public Facility (PF) Zoning in conformance with the Comprehensive Plan and the Villebois Village Master Plan.

A portion of the SW 110th Avenue public right-of-way is also shown to be part of the parks associated with PDP 3E. The Villebois Village Master Plan calls for 110th to be replaced by a different road system. Accordingly, 110th is intended to be vacated or exchanged for other property dedicated to public roadway use as development occurs within Villebois. The development proposals for SAP-E, PDP-3 and PDP-4 anticipate certain portions of 110th will be vacated or exchanged under the development proposals in accordance with the Villebois Village Master Plan. To the extent vacation or exchange occurs and the vacated or exchanged land goes to the respective land owners, it is the intent that the zoning for the vacated or exchanged property will be the same as the adjacent property, which would be Village (V).

See the Vicinity Map above for location of different property affected by the proposed zone map amendment.

CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the applicant's analysis of compliance with the applicable criteria. This Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings.

MASTER EXHIBIT LIST:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB12-0042 through DB12-0048.

- A1.** Staff report and findings (this document)
- A2.** Resolution 2377, Addendum No. 4 to Matrix Development Agreement
- A3.** Property Account Summaries for Tax Lots 2916 and 2919 from Clackamas County Assessor's Office October 25, 2012 showing PNW Homebuilders LLC as property owner.
- B1.** Applicant's Response to Incompleteness Letter
- B2.** Application Form Signed on Behalf of the City of Wilsonville
- B3.** Application Form Signed on Behalf of the Urban Renewal Agency City of Wilsonville
- B4.** Application Form Signed by Fred Gast for PNW Homebuilders LLC
- B5.** Copy of Application Form Signed by Lou Fasano for Fasano Family LLC
- B6.** Applicant's Large Format Plans (Smaller 11x17 plans included in Sections IIB, IIIB, and VIB of Exhibit B7.
 - Sheet 1 Cover Sheet
 - Sheet 2 Existing Conditions
 - Sheet 3 Aerial Photograph
 - Sheet 4.1 Tentative Plat
 - Sheet 4.2 Tentative Plat
 - Sheet 5 Grading and Erosion Control
 - Sheet 6 Composite Utility Plan
 - Sheet 7.1 Circulation Plan
 - Sheet 7.2 Street Sections
 - Sheet 8 Site/Land Use Plan
 - Sheet 9 Tree Preservation Plan
 - Sheet 10 Street Tree/Lighting Plan

- Sheet 11 PDP Phasing Plan
- Sheet 12 SAP North Connectivity Plan
- Sheet 1 Cover Sheet (Landscape Plans)
- Sheet L 1.0 Landscape Plan
- Sheet L 2.0 Landscape Plan
- Sheet L 3.0 Landscape Plan
- Sheet L 4.0 Landscape Plan
- Sheet L 5.0 Landscape Plan
- Sheet L 6.0 Landscape Plan
- Sheet L 7.0 Details and Specs
- Sheet L 8.0 Rainwater Detail Sheet

B7. Applicant's Notebook:

Section I: General Information

- IA) Introductory Narrative
- IB) Form/Ownership Documentation
- IC) Fee Calculation *Staff Note: This information has been revised*
- ID) Mailing List *Staff Note: This information has been revised*
- IE) Updated SAP East Phasing + Unit Counts *Staff Note: This information has been revised, See Exhibit B8.*

Section II: Preliminary Development Plan (Including Refinements)

- IIA) Supporting Compliance Report
- IIB) Reduced Drawings
- IIC) Utility & Drainage Reports
- IID) Traffic Analysis
- IIE) Tree Report
- IIF) Signage and Fencing Exhibits
- IIG) Flood Plain Location Documentation
- IIH) Wetland Delineation

Section III: Tentative Plat

- IIIA) Supporting Compliance Report
- IIIB) Tentative Plat
- IIIC) Draft CC&R's
- IIID) Copy of Certificate of Assessments and Liens
- IIIE) Subdivision Name Approval

Section IV: Zone Change

- IVA) Supporting Compliance Report
- IVB) Zone Change Map *Staff Note: Reflects only Bischoff/Lund Property*
- IVC) Legal Description and Sketch

Section V: Tree Removal Plan

- VA) Supporting Compliance Report
- VB) Tree Report
- VC) Tree Preservation Plan

Section VI: Final Development Plan

- VIA) Supporting Compliance Report
- VIB) Reduced Drawings
- VIC) Mailbox Kiosk Elevation and Info

Section VII:

VIIA) Supporting Compliance Report

VIIB) Proposed Note

- B8.** October 24, 2012 Memo from Stacy Connery Regarding Housing Mix With Site Maps
- B9.** October 24, 2012 Memo from Stacy Connery Listing changes to SAP South Pattern Book to Create Proposed Pattern Book, Includes "Mock Up" of proposed Pattern Book.
- B10.** Email from Stacy Connery to Daniel Pauly requesting portions of Tax Lots 2916 and 2919 be included in the application.
- B11.** Tree Removal and Retention information for Pocket Park 12 and Neighborhood Park 5
- B12.** Preliminary Sample Front Elevations of Different Housing Types
- C1.** Comments and Conditions from Engineering Division
- C2.** Comments and Conditions from Building Division
- C3.** Comments and Conditions from Natural Resources
- C4.** Comments and Conditions from TVF&R

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on August 24, 2012. On September 19, 2012, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on October 5, 2012, the Applicant submitted new materials. On October 5, 2012 the application was deemed complete. The City must render a final decision for the request, including any appeals, by February 2, 2013
2. Surrounding land uses are as follows:

- DB12-0042 SAP-East PDP-3E, Preliminary Development Plan
- DB12-0043 SAP-East Refinements
- DB12-0045 Zone Map Amendment
- DB12-0046 Tentative Subdivision Plat
- DB12-0047 Type C Tree Plan
- DB12-0048 Final Development Plan for Parks and Open Space

Compass Direction	Zone:	Existing Use:
North:	RA-H	Coffee Lake Wetland
East:	RA-H	Coffee Lake Wetland
South:	EFU/V	Undeveloped/Approved Retherford Meadows Subdivision/Coffee Lake Wetland
West:	PF/EFU	Rural residential/undeveloped

DB12-0044 SAP-East Amendments

Compass Direction	Zone:	Existing Use:
North:	EFU	Agriculture
East:	RA-H	Coffee Lake Wetland
South:	V	Lowrie Primary School, SAP E PDP 1 and 2
West:	PF/EFU/V	Rural residential/undeveloped/SAP S PDP 6

3. Prior land use actions include:

Legislative:

- 02PC06 - Villebois Village Concept Plan
- 02PC07A - Villebois Comprehensive Plan Text
- 02PC07C - Villebois Comprehensive Plan Map
- 02PC07B - Villebois Village Master Plan
- 02PC08 - Village Zone Text
- 04PC02 – Adopted Villebois Village Master Plan
- LP-2005-02-00006 – Revised Villebois Village Master Plan
- LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)

Quasi Judicial:

- 04 DB 22 et seq – SAP-East
- DB05-0011 et seq – PDP-1E, Legend at Villebois
- DB10-0023 et seq – PDP-2aE, Lowrie Primary School
- AR10-0073 Partition Plat – Lowrie Primary School
- DB11-0047 et seq – PDP-2E, Retherford Meadows

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.

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criteria: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville’s development review process.

Finding: These criteria are met.

Details of Finding: The application is being processed in accordance with the applicable general procedures of this Section.

Section 4.009 Who May Initiate Application

Review Criterion: “Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply.”

Finding: This criterion is satisfied.

Details of Finding: The application has been submitted on behalf of the contract purchaser, Polygon Northwest Company. The application form is signed by Fred Gast, Vice President. The Application form for the PNW Homebuilders LLC is signed by Fred Gast as well. The application for the parcels owned by the City and Urban Renewal Agency have been signed by Kristen Retherford, an authorized representative of the City. An application for the SAP Amendments is signed by Lou Fasano for Fasano Family LLC.

Subsection 4.010 (.02) Pre-Application Conference

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Details of Finding: A pre-application conference was held on May 3, 2012 in accordance with this subsection.

Subsection 4.011 (.02) B. Lien Payment before Application Approval

Review Criterion: “City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application.”

Finding: This criterion is satisfied.

Details of Finding: No applicable liens exist for the subject property. The application can thus move forward. Section IIID of the applicant’s notebook, Exhibit 7, includes a copy of certification of assessments and liens.

Section 4.014 Burden of Proof is on the Applicant

Review Criterion: “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. In the case of an appeal, the burden of proof rests with the appellant.”

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided the necessary findings of fact for approval with conditions of the requested development applications in accordance with this Section.

Subsection 4.035 (.04) A. General Site Development Permit Submission Requirements

Review Criteria: “An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.” Listed 1. through 6. j.

Finding: These criteria are satisfied.

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

Section 4.110 Zoning-Generally

Review Criteria: “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located,

except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

Finding: These criteria are satisfied.

Details of Finding: This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

CONCLUSIONARY FINDINGS, REQUEST D: DB12-0045 ZONE MAP AMENDMENT

Properties included in this request include Tax Lots 100, 180, 103, 192, 181, 102, 101, portions of 2916, portions of 2919, Section 15, and Tax Lot 1401, Section 10.

The applicant’s findings in Section IVA of their notebook, Exhibit B7, respond to the majority of the applicable criteria.

Comprehensive Plan

Compact Urban Development-Implementation Measures

Implementation Measure 4.1.6.a

D1. **Review Criteria:** “Development in the “Residential-Village” Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the “Village” Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable.”

Finding: These criteria are satisfied.

Details of Finding: The subject area is within SAP-East, which was previously approved as part of case file 04 DB 22 et seq and found to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance.

Implementation Measure 4.1.6.b.

D2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

Finding: These criteria are not applicable

Details of Finding: The current proposal is for a preliminary development plan implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved.

Implementation Measure 4.1.6.c.

D3. **Review Criterion:** “The “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.”

Finding: This criterion is satisfied.

Details of Finding: The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

Implementation Measure 4.1.6.d.

D4. **Review Criterion:** “The “Village” Zone District shall allow a wide range of uses that befit and support an “urban village,” including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses.”

Finding: This criterion is satisfied.

Details of Finding: The area covered by the proposed zone change is proposed for residential uses, parks, and open space as shown in the Villebois Village Master Plan.

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

D5. **Review Criterion:** “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”

Finding: This criterion is satisfied.

Details of Finding: The applicant is applying for a zone change concurrently with other land use applications for the development as required by this section.

Subsection 4.110 (.01) Base Zones

D6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

Details of Finding: The requested zoning designation of Village “V” is among the base zones identified in this subsection.

Subsection 4.125 (.01) Village Zone Purpose

D7. **Review Criteria:** “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”

Finding: These criteria are satisfied.

Details of Finding: The subject lands are designated Residential-Village on the Comprehensive Plan map and are within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village “V”.

Subsection 4.125 (.02) Village Zone Permitted Uses

D8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The proposed residential, park, and open space uses are consistent with the Village Zone designation and Villebois Village Master Plan.

Subsection 4.125 (.18) B. 2. Zone Change Concurrent with PDP Approval

D9. **Review Criteria:** "... Application for a zone change shall be made concurrently with an application for PDP approval..."

Finding: This criterion is satisfied.

Details of Finding: A zone map amendment is being requested concurrently with a request for PDP approval. See Request. A.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

D10. **Review Criteria:** "That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;"

Finding: These criteria are satisfied.

Details of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.

D11. **Review Criteria:** "That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;"

Finding: These criteria are satisfied.

Details of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings D1 through D4 substantially comply with applicable Comprehensive Plan text.

Subsection 4.197 (.02) C. Zone Change: Specific Findings Regarding Residential Designated Lands

D12. **Review Criteria:** "In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text;"

Finding: These criteria are satisfied.

Details of Finding: Implementation Measure 4.1.6.c. states the "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation. Since the Village Zone must be applied to areas designated "Residential Village" on the Comprehensive Plan Map and is the only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency

D13. **Review Criteria:** "That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized."

Finding: These criteria are satisfied.

Details of Finding: The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project. Section IIC of the applicant's notebook, Exhibit B7, includes supporting utility and drainage reports. In addition, the applicant has provided a Traffic Impact Analysis, which is in Section IID of the applicant's notebook, Exhibit B7.

Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas

D14. **Review Criteria:** "That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;"

Finding: These criteria are satisfied.

Details of Finding: The eastern and northernmost portions of the property include areas within the Significant Resource Overlay Zone. The PDP Supporting Compliance Report, section IIA of the applicant's notebook, Exhibit B7, demonstrates that the proposed development does not have a significant adverse effect on the SROZ. The portions of the City and Urban Renewal properties within the SROZ are not slated for development or for park development consistent with the SROZ regulations.

Subsection 4.197 (.02) F. Zone Change: Development within 2 Years

D15. **Review Criterion:** "That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided information stating they reasonably expect to commence development within two (2) years of the approval of the zone change. However, in the scenario where the applicant or their successors due not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

D16. **Review Criteria:** "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards."

Finding: These criteria are satisfied.

Details of Finding: As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

November 19, 2012

DEVELOPMENT REVIEW BOARD PANEL A

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND
RECOMMENDATION TO CITY COUNCIL**

Project Name: Villebois SAP East PDP-3

Case Files:

Request A:	DB12-0042 - SAP-East PDP-3E, Preliminary Development Plan
Request B:	DB12-0043 - SAP-East Refinements
Request C:	DB12-0044 - SAP-East Amendments
Request D:	DB12-0045 - Zone Map Amendment
Request E:	DB12-0046 - Tentative Subdivision Plat
Request F:	DB12-0047 - Type C Tree Plan
Request G:	DB12-0048 - Final Development Plan for Parks and Open Space

Applicant: Fred Gast – Polygon Northwest Company

Applicant's Representative: Stacy Connery – Pacific Community Design, Inc.

Property Description: Properties part of the Zone Map Amendment include Tax Lots 100, 180, 103, 192, 181, 102, 101, 200, portions of 2916, portions of 2919, Section 15, and Tax Lot 1401, Section 10. Properties part of the Preliminary Development Plan include Tax Lots 100, 180, 103, 192, 181, 102, 101, 200, portions of 2916, and portions of 2919, and portions of SW 110th right-of-way, Section 15 and Tax Lot 1401, Section 10. Properties part of the SAP Refinements are Tax Lots 100 and 180, Section 15. Properties part of the SAP Amendments are Tax Lots 100, 180, 103, 192, 181, 102, 101, portions of 2916, portions of 2919, 301, and portions of SW 110th right-of-way Section 15, Tax Lots 16400 and 16500, Section 15DA, and Tax Lot 1401, Section 10. Properties part of the Tentative Subdivision Plat are Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15. Properties part of the Type C Tree Plan are Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15. Properties part of the Final Development Plan are Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15. All tax lots listed above are in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Location: Villebois SAP East

On November 15, 2012, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Request D: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, December 3, 2012 to hear these items.*

Requests A, B, C, E, F and G: Approved with conditions of approval.

These approvals are contingent upon City Council's approval of Request D.

An appeal of Requests A, B, C, E, F and G to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of Decision. *WC Sec. 4.022(.02)*. A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830*.

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 19th day of November 2012 and is available for public inspection. The decision regarding Requests A, B, C, E, F and G shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 238, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 238**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL OF A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE-HOLDING, PUBLIC FACILITY, AND EXCLUSIVE FARM USE TO VILLAGE AND ADOPTING FINDINGS AND CONDITIONS APPROVING A PRELIMINARY DEVELOPMENT PLAN, SAP REFINEMENTS, SAP AMENDMENTS, ZONE MAP AMENDMENT, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, AND FINAL DEVELOPMENT PLAN FOR A 205-LOT RESIDENTIAL SUBDIVISION, ASSOCIATED AND ADJACENT PARKS AND OPEN SPACE AND OTHER IMPROVEMENTS. PROPERTIES PART OF THE ZONE MAP AMENDMENT INCLUDE TAX LOTS 100, 180, 103, 192, 181, 102, 101, 200, PORTIONS OF 2916, PORTIONS OF 2919, SECTION 15, AND TAX LOT 1401, SECTION 10. PROPERTIES PART OF THE PRELIMINARY DEVELOPMENT PLAN INCLUDE TAX LOTS 100, 180, 103, 192, 181, 102, 101, 200, PORTIONS OF 2916, AND PORTIONS OF 2919, AND PORTIONS OF SW 110TH RIGHT-OF-WAY, SECTION 15 AND TAX LOT 1401, SECTION 10. PROPERTIES PART OF THE SAP REFINEMENTS ARE TAX LOTS 100 AND 180, SECTION 15. PROPERTIES PART OF THE SAP AMENDMENTS ARE TAX LOTS 100, 180, 103, 192, 181, 102, 101, PORTIONS OF 2916, PORTIONS OF 2919, 301, AND PORTIONS OF SW 110TH RIGHT-OF-WAY SECTION 15, TAX LOTS 16400 AND 16500, SECTION 15DA, AND TAX LOT 1401, SECTION 10. PROPERTIES PART OF THE TENTATIVE SUBDIVISION PLAT ARE TAX LOTS 100, 180, PORTIONS OF 2916, PORTIONS OF 2919, AND PORTIONS OF SW 110TH RIGHT-OF-WAY, SECTION 15. PROPERTIES PART OF THE TYPE C TREE PLAN ARE TAX LOTS 100, 180, PORTIONS OF 2916, PORTIONS OF 2919, AND PORTIONS OF SW 110TH RIGHT-OF-WAY, SECTION 15. PROPERTIES PART OF THE FINAL DEVELOPMENT PLAN ARE TAX LOTS 100, 180, PORTIONS OF 2916, PORTIONS OF 2919, AND PORTIONS OF SW 110TH RIGHT-OF-WAY, SECTION 15. ALL TAX LOTS LISTED ABOVE ARE IN TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. - REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY, CITY OF WILSONVILLE, URBAN RENEWAL AGENCY CITY OF WILSONVILLE, AND METRO- APPLICANTS.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated November 8, 2012, and

WHEREAS, said planning exhibits and staff report were duly considered and amended by the Development Review Board Panel A at a scheduled meeting conducted on November 15, 2012, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated November 8, 2012, as amended November 15, 2012, attached hereto as Exhibit A1, with findings and recommendations

contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB12-0042 through DB12-0048 Preliminary Development Plan, SAP Refinements, SAP Amendments, Zone Map Amendment, Tentative Subdivision Plat, Type C Tree Plan, and Final Development Plan for a 205-lot residential subdivision, adjacent and associated parks and open space and other improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 15th day of November, 2012 and filed with the Planning Administrative Assistant on Nov. 19, 2012. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.



Bob Alexander B Vice Chair, Panel A
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant

Exhibit A1
STAFF REPORT
WILSONVILLE PLANNING DIVISION

Polygon Homes- Villebois Phase 3 East
“Tonquin Meadows”
and SAP East Amendments

DEVELOPMENT REVIEW BOARD PANEL ‘A’
QUASI-JUDICIAL PUBLIC HEARING
STAFF REPORT
AMENDED AND ADOPTED NOVEMBER 15, 2012

Added Language identified in **Bold, Italics, Underlined**
Deleted Language is ~~struck through~~

HEARING DATE	November 15, 2012
DATE OF REPORT:	November 8, 2012

APPLICATION NOS.: DB12-0042 SAP-East PDP-3E, Preliminary Development Plan
DB12-0043 SAP-East Refinements
DB12-0044 SAP-East Amendments
DB12-0045 Zone Map Amendment
DB12-0046 Tentative Subdivision Plat
DB12-0047 Type C Tree Plan
DB12-0048 Final Development Plan for Parks and Open Space

REQUEST/SUMMARY: The Development Review Board is being asked to review a Preliminary Development Plan, SAP Refinements, SAP Amendments, Zone Map Amendment, Tentative Subdivision Plat, Type C Tree Plan, and Final Development Plan for a 205-lot residential subdivision, and associated parks and open space and other improvements. The SAP Amendments also pertain to Phase 4 East.

LOCATION: South side of SW Boeckman Road, East of SW 110th Avenue and just west of 110th and portions of the 110th right-of-way, north of Lowrie Primary School. The property is specifically known as Tax Lots 100 and 180 and portions of 2916 and 2919, portions of current SW 110th right-of-way, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Other Tax Lots involved in some of the requests include:

- Tax Lots 103, 192, 181, 102, 101, Section 15, and Tax Lot 1401, Section 10, which are located along SW Boeckman Road and in the Wetlands South of SW Boeckman Rd. (Preliminary Development Plan, SAP East Refinements, SAP East Amendments, Zone Map Amendment)
- **Tax Lot 200, Section 15 (Preliminary Development Plan, Zone Map Amendment)**
- Tax Lot 301, Section 15, and Tax Lots 16400 and 16500, Section 15DA, which are located east of SW 110th Avenue and north and west of Lowrie Primary School. (SAP East Amendments for Phasing and Pattern Book)

PROPERTY OWNERS: Donald E. Bischoff and Sharon L. Lund (TL 100, 180)
City of Wilsonville (TL 103, TL 1401 Section 10)
Urban Renewal Agency City of Wilsonville (TL 192, 181, 102, 101)
Metro (TL 200)
PNW Homebuilders LLC (TL 2916, 2919)
Fasano Family LLC (TL 301, 16400, and 16500)

APPLICANTS: Fred Gast, Polygon NW Company
City of Wilsonville and Urban Renewal Agency City of Wilsonville
Metro

APPLICANT'S REP.: Stacy Connery, AICP
Pacific Community Design, Inc.

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATIONS: RAH (Residential-Agriculture Holding)
PF (Public Facility)
EFU (Exclusive Farm Use)

STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner
Steve Adams PE, Interim City Engineer
Kerry Rappold, Natural Resource Program Manager
Don Walters, Building Plans Examiner

STAFF RECOMMENDATIONS: **Approve with conditions** the requested Preliminary Development Plan, SAP Refinements, SAP Amendments, Tentative Subdivision Plat, Tree Removal Plan, and Final Development Plan for Parks and Open Space. **Recommend approval** of the requested Zone Map Amendment to City Council.

APPLICABLE REVIEW CRITERIA

DEVELOPMENT CODE	
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 4.125	V-Village Zone
Sections 4.139.00 through 4.139.11 as applicable	Significant Resource Overlay Zone (SROZ)
Section 4.154	Bicycle, Pedestrian, and Transit Facilities
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.169	General Regulations-Double Frontage Lots
Section 4.171	Protection of Natural Features and Other Resources
Section 4.172	Flood Plain Regulations
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.178	Sidewalk and Pathway Standards
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
Sections 4.199.20 through 4.199.60	Outdoor Lighting
Sections 4.200 through 4.220	Land Divisions
Sections 4.236 through 4.270	Land Division Standards
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600 through 4.640.20 as applicable	Tree Preservation and Protection
COMPREHENSIVE PLAN	
Implementation Measure 4.1.6.a.	
Implementation Measure 4.1.6.b.	
Implementation Measure 4.1.6.c.	
Implementation Measure 4.1.6.d.	
OTHER PLANNING DOCUMENTS	
Villebois Village Master Plan	
SAP East Approval Documents	

Vicinity Map



BACKGROUND/SUMMARY:

PDP 3E Preliminary Development Plan (DB12-0042)

At the core of the proposed Phase 3 of Specific Area Plan East (also known as PDP 3E) is the 30.84 gross acre site current owned by Donald Bischoff and Sharon Lund. On this property the applicant proposes a variety of housing types totaling 205 units, 6.22 acres of park/open space areas, and associated infrastructure improvements. All the homes in the development will back up to alleys. The front of the homes will face tree lined streets, parks and green spaces, and in the case of nine homes, a wetland. In addition to the Bischoff/Lund property, the PDP request also includes three areas in the 110th Avenue right-of-way and on adjacent property owned by PNW Homebuilders LLC and parcels to north and east of the Bischoff/Lund Property owned by the City, ~~and~~ the Urban Renewal Agency, and Metro. All of these additional areas are slated for parks and open space development. The 110th and PNW Homebuilders property will be portions of Pocket Park 12, Neighborhood Park 5, and Linear Green 15. The City, ~~and~~ Urban Renewal Agency, and Metro parcels will be regional parks and open space, with a small portion of Tax Lot 102 set to become the connection of Villebois Drive to Boeckman Rd.



Proposed Housing Type	Number of Units
Medium Single Family	29
Small Single Family	59
Cottage Size Single Family	75
Row Homes	42
Total	205

Refinements to SAP East (DB12-0043)

When submitting a Preliminary Development Plan the Development Code allows applicants to request “refinements” to the previously approved Specific Area Plan (SAP) and Villebois Village Master Plan. “Refinements” are specifically defined changes not significant in a quantifiable or qualitative sense as defined in the code. Refinements are required to equally or better implement relevant goals, policies, and implementation measures of the Villebois Village Master Plan as well as not have a detrimental effect on natural and scenic resources, or preclude adjoining areas from developing according to the Villebois Village Master Plan.

In concurrence with their PDP request, the applicant is requesting five refinements: street network, parks trails, and open space, utilities and storm water facilities, location and mix of land uses, and density. A portion of a number of the refinements has to do with the retention of an isolated wetland in the northeast corner of the site shown for street and lot development in the Villebois Village Master Plan and SAP. Other notable drivers of refinements include increasing

the size of and number of pocket parks and linear greens and changing the product types to reflect developer preferences, as the SAP was requested by a different developer.

As demonstrated by the findings under Request B the requested refinements are not significant changes as defined by code and equally or better meet the applicable components of the Villebois Village Master Plan.

Amendments to SAP South East (DB12-0044)

Amendment to Phasing Plan

The phasing for SAP East was set during the review of previous phases. The requested phasing amendment reflects current ownership differences and Polygon Homes phasing plans. Proposed Phase 3 East includes the Bischoff/Lund Property as well as adjacent land for parks and open space. Proposed Phase 4 East includes Fasano Family LLC property. Phase 4 East, if approved, will likely be developed prior to Phase 3 East. The reason 3 East is a lower number is because Polygon began planning the phase prior to knowing if they would also be planning Phase 4 East. The phasing numbers have been kept in order to prevent confusion in the record, but in no way indicate an intent or requirement that 3 East develop prior to 4 East.

Amendments to SAP East-Pattern Book (Creating Specific Pattern Book for Phase 3E and 4E)

As explained by the applicant in Section VIIA of their notebook, Exhibit B7, each Villebois Specific Area Plan (SAP) has a toolkit that regulates proposed development. These toolkits are similar to maintain consistency in areas that are important for a cohesive community identity. The toolkit includes the Architectural Pattern Book, the Community Elements Book, the Master Signage and Wayfinding Plan and the Rainwater Management Program. Of these documents, the Architectural Pattern Book and the Community Elements Book serve the largest role in regulating the look and feel of the community. These documents address the character of the buildings and public spaces, providing standards as well as required and encouraged elements to maintain consistency with the Villebois Village Master Plan.

Both the SAP East and SAP South Pattern Books were approved in 2005 and resulted from the same intensive review and coordination process. While they are very similar in most aspects, a number of notable variations exist reflecting the preferences of the developers who participated in the development of the Pattern Books. The SAP East Architectural Pattern Book was influenced by Legend Homes/Matrix Development as, at the time, they intended to develop all of SAP East. The SAP South Architectural Pattern Book was influenced by Arbor Homes/West Hills Development as, at the time, they intended to develop all of SAP South. Polygon Homes has been building homes in SAP South in compliance with the SAP South Architectural Pattern Book and wish to continue using the majority of this pattern book for their development in SAP East as it more closely reflects their preferences. The request is thus to make a few modifications to the content of the SAP South Pattern Book and adopt it as the pattern book for SAP East Phases 3 and 4.

The applicant has prepared a Memorandum dated October 24, 2012 outlining the changes proposed to the SAP South Pattern book to adapt for use in these two phases. Many of the

changes simply have to do with removing maps, diagrams, and references to SAP South and replacing them with the equivalent for SAP East, PDP 3 and 4. Other notable changes have to do with specific housing types. The lot requirements for row homes are adjusted to reflect the product that Polygon plans to build. Those shown in the SAP South Pattern book are simply reflecting the West Hills row home product. There are no Master Plan or Development Code requirements for row home lot width or size. Also, currently the SAP East shows a housing product called "Single-family Attached" which is shown extensively in the Master Plan and SAP land use plans for these two phases. These are a specific product type planned by Matrix Development/Legend Homes at the time of Master Planning and SAP Approval when they anticipated developing all of SAP East. These units are on slightly narrower lots, 30' minimum lot width compared to 32' minimum lot width for a small detached home in SAP South. and 40-80% of the homes along a given street frontage are required to be attached. In practice in SAP East PDP 1 the homes were minimally attached at the garage. The applicant has proposed replacing these with what they are calling "cottage" lots. The cottage is a detached structure narrower than a small single-family home that will fill the category between row home and small single-family shown in the Master Plan and SAP documents. The main difference from the product built on similarly sized lots by Matrix/Legend Homes is they will not be attached at the garage.

- * The applicant has provided a "redlined" mock-up of the proposed pattern book in Section VIIB of their submitted notebook, Exhibit B7. Condition of Approval PDC 2 requires the applicant submit copies of the final pattern book to the City for use in reviewing development in these two phases.

Adjustment of SAP Boundary

A number of planned private parks along the current 110th right-of-way are shown overlapping current ownership and the SAP Boundaries. In Addendum 4 to the Matrix Development Agreement adopted by City Council in Resolution 2377 the City and Polygon agree that both prefer the portions of parks partially on the development site along the west side be constructed together with development of the Bischoff/Lund property if agreement could be obtained from the relevant property owners. Since the development agreement some of the adjacent properties have been purchased by PNW Homebuilders LLC, and are under the control of Mr. Gast. This has enabled the parks to be developed in their entirety. However, the current SAP Boundary divides the parks. Proposed is to adjust the SAP Boundary to put the entire parks in the 110th right-of-way and on the PNW Homebuilders LLC property in SAP East. The boundary refinements will facilitate all the necessary approvals for the entire parks as well as facilitating creation of single tracts for each of the parks to be owned and maintained by the homeowners association.

Zone Map Amendment (DB12-0045)

The primary proposal is to change the current RA-H zone on the Bischoff/Lund property to the Village (V) zone. The proposed residential and park uses are permitted under Wilsonville Code Section 4.125. The proposed Zone Map Amendment would enable the development permitting process for this area of Villebois.

Staff also recommends the parcels owned by the City, and the Urban Renewal Agency, and Metro which will contain parks and open space be rezoned at the same time as all or portions have been or will be developed to their planned uses in connection with PDP 3E. The City and Urban Renewal Agency properties are also currently zoned RA-H. The Metro property is split between RA-H and Clackamas County EFU Zoning.

Finally, portions of Tax Lots 2916 and 2919 planned for development of parks in connection with PDP 3E are proposed to be rezoned to Village (V) from the current Public Facility (PF) Zoning in conformance with the Comprehensive Plan and the Villebois Village Master Plan.

A portion of the SW 110th Avenue public right-of-way is also shown to be part of the parks associated with PDP 3E. The Villebois Village Master Plan calls for 110th to be replaced by a different road system. Accordingly, 110th is intended to be vacated or exchanged for other property dedicated to public roadway use as development occurs within Villebois. The development proposals for SAP-E, PDP-3 and PDP-4 anticipate certain portions of 110th will be vacated or exchanged under the development proposals in accordance with the Villebois Village Master Plan. To the extent vacation or exchange occurs and the vacated or exchanged land goes to the respective land owners, it is the intent that the zoning for the vacated or exchanged property will be the same as the adjacent property, which would be Village (V).

See the Vicinity Map above for location of different property affected by the proposed zone map amendment.

Tentative Subdivision Plat (DB12-0046)

The applicant is proposing the subdivision of the Bischoff/Lund property (Tax Lots 100 and 180) into 205 residential lots, along with alleys, parks and open space and associated site improvements. Also included are two tracts on the southeast corner of the property to be combined with a future development tract in Phase 2E for two additional Medium sized lots. Also a portion of proposed Lot 180 is in PDP 4E, which is planned to be developed prior to the PDP 3E and is anticipated to be available to be incorporated into the designated phase.

In addition, portions of Tax Lots 2916 and 2919, owned by PNW Homebuilders LLC, that will be Pocket Park 12, Neighborhood Park 5, and Linear Green 15 will be included as part of tracts on the plat. A portion of these private parks are also planned for the SW 110th right-of-way which will need to be vacated or exchanged prior to creation of the park tracts, and thus prior to the approval of the final plat. See Condition of Approval PDE 7 and PDE 11.

Type C Tree Plan (DB12-0047)

~~Eleven (11) trees exist on the site, all of which~~ Twenty-four (24) trees will be removed and mitigated with street trees and trees in parks and open spaces.

Final Development Plan for Parks and Open Space (DB12-0048)

Details have been provided for all the parks and open space matching the requirements of the Community Elements Book.

Street trees, curb extensions, street lights, and mail kiosks are also shown conforming to the Community Elements Book.

Specific requirements are being placed on the materials for retaining walls within the public view shed and any hand rails for stairs within the various pocket parks and linear greens.

A future Final Development Plan for Regional Parks 7 and 8 will be submitted following additional work with the Parks Board and different property owners including Metro and the City.

DISCUSSION TOPICS:

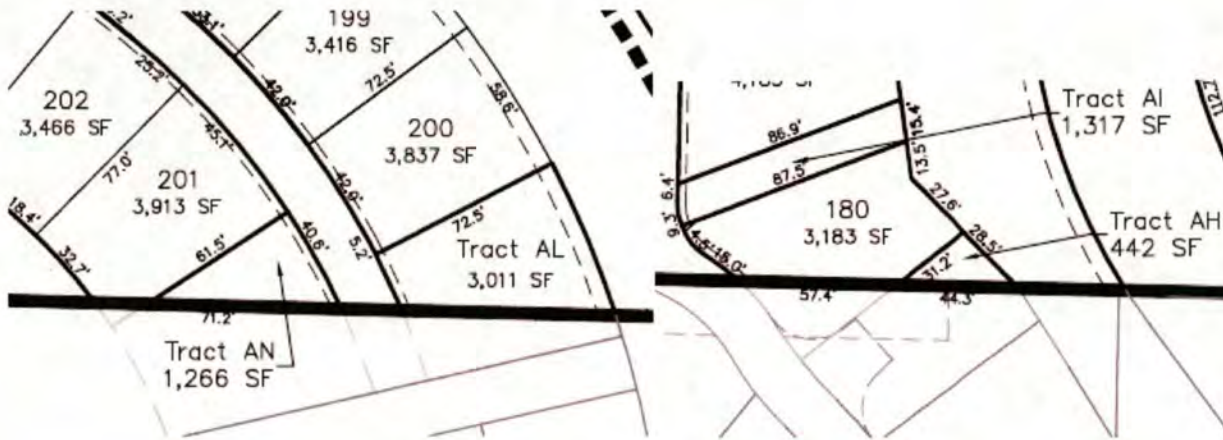
Parks Overlapping Current Ownership and SAP Boundaries.

A number of planned private parks along the current 110th right-of-way are shown overlapping current ownership and the SAP Boundaries. In Addendum 4 to the Matrix Development Agreement adopted by City Council in Resolution 2377, the City and Polygon agree that both prefer the portions of parks partially on the development site along the west side be constructed together with development of the Bischoff/Lund property if agreement could be obtained from the relevant property owners. Since the development agreement, some of the adjacent properties have been purchased by PNW Homebuilders LLC, and are under the control of Mr. Gast. This has enabled the parks to be developed in their entirety. The SAP boundary is requested to be adjusted to enable the necessary PDP, zone map amendment, tract creation as part of the tentative plat to occur to provide for design, construction, ownership, and maintenance of the three parks affected by this provision of the Development Agreement: Pocket Park 12, Neighborhood Park 5, and Linear Green 15. There are additional planned park areas to the north of Linear Green 15 within the 110th right-of-way and on Tax Lot 700 and 800, but consent of the current property owner has not been able to be obtained pursuant to the Development Agreement. These park areas are anticipated to be planned, designed, and built as part of a future phase of SAP North.

Future Development Tracts/Lots Overlapping PDP Boundary

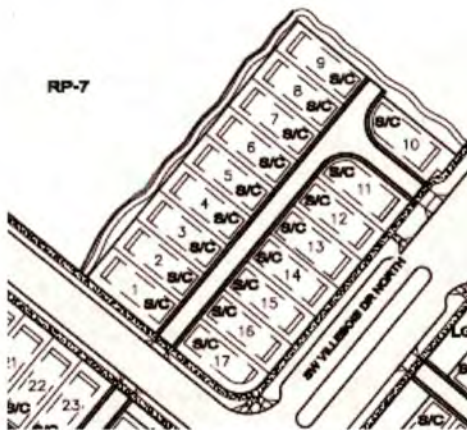
In this and previous applications PDP boundaries have been adjusted to reflect property ownership. In a number of cases this led to remnant areas between the PDP's developable with homes using land from multiple PDP's. The tentative subdivision plat for PDP 2E shows a "future development" tract adjacent to the southeast corner of PDP 3E. The proposed tentative subdivision plat includes two future development tracts on the southeast corner to be combined with the future development tract of PDP 2E to create two additional medium lots. A small future development tract is also shown below Lot 180 to be combined with a lot in PDP 4E.

In addition, two of the numbered lots in the tentative subdivision plat overlap the boundary of the PDP. Lot 201 has a small corner shown in the future development tract of PDP 2E. While a home could be built on Lot 201 without the small corner portion, all attempts should be made to incorporate it into Lot 201 at the time lots are created from the adjacent tracts. A proposed future development tract in PDP 4E would be incorporated into Lot 180. It is anticipated that PDP 4E will develop prior to PDP 3E making this tract available to be incorporated into Lot 180.



Tract for Access Path Along Wetland

A pedestrian path is required from the sidewalk along Villebois Drive North just northeast of Lot 10 along the side of Lot 10 and 9 and then along the wetland in front of Lots 1-9 connecting to the sidewalk on SW Verdun Loop just southwest of Lot 1. The path is currently shown in Tract A, much of which will become Regional Park 7 with portions under public ownership. With adjacent public ownership concern exists about ownership and maintenance of the required path and supporting retaining wall footing and associated improvements. For this reason, Condition of Approval PDE 13 requires the path, associated access paths to the front lot line of homes, the retaining wall, and retaining wall foundation and other associated improvements be placed in a distinct tract on the tentative subdivision plat with maintenance the responsibility of the homeowners association or other private arrangement of the relevant homeowners. PDA 8 also requires access from the path be provided to lots 1-9.



Access from Path to Front of Lots 1-9

A major primary purpose of the path in front of Lots 1-9 is to provide a pedestrian and bicycle connection to the front of each lot. However, the plans show a meandering path without clear connections to the front of each of the lots. Condition of Approval PDA 7 requires connecting paths were necessary to the front of the lot. The intent is that each home on Lots 1-9 will have a straight connection from their front door to the path.

Ownership and Tract for Wetland

The retention of the wetland in the northwest corner of the property raises the question of the ownership of the maintenance of the property that the master plan and SAP documents shows being developed as lots and streets. Currently the tentative plat shows the entire wetland in a single tract. The additional retained wetland does not have any public significance for which the City would publicly maintain it. For this reason Condition of Approval PDE? 11 requires a separate tract be created to contain the portions of the wetland not shown in Master Plan documents and SAP documents as Regional Park 7. This portion of the wetland and adjacent property will be required to be maintained by the homeowners association.

With the wetland being divided between public and private ownership it may be difficult to determine the boundary during future enhancement or maintenance activities. For this reason the Condition of Approval PDG? 11 requires markers to delineate the property line. Staff suggests poles with bird nests or something similar that could be used by wildlife. See Finding E6 and Condition of Approval PDE 12.

Preliminary Development Plan for Metro Property

The Metro property, Tax Lot 200, is included in the request for a Preliminary Development Plan. However, Metro has not agreed to any features, infrastructure, amenities, etc. that may be shown in the applicant's plan sheets for the PDP. It is understood that the PDP request for the Metro property simply adopts what is shown for the area in the Villebois Village Master Plan and previously approved Specific Area Plan (SAP) documents. This enables design, function, etc. to be designed by Metro and approved by the City as part of a future Final Development Plan, including any refinements, without need to go through the Preliminary Development Plan and Zone Map Amendment processes.

Proposed Regional Water Quality Dry Ponds and Bio Retention Swells in Regional Park 8

As part of the storm water system for the proposed development the applicant proposes two regional water quality dry ponds and bio retention swells within Regional Park 8. As shown on the applicant's sheet 6. see Exhibit B6, the facilities are proposed east of Villebois Drive North midway between Coffee Lake Drive and Boeckman Road and east of Coffee Lake Drive just south of Serenity Way. Both of these facilities are in areas indicated in the Villebois Village Master Plan and SAP approval documents. It is understood the final design of both these facilities will be determined together with the future Final Development Plan for Regional Park 8. However, the function the facilities provide is an essential component of the storm water system for the development being proposed with the Preliminary Development Plan. Condition of Approval PDA 5 ensures the proper steps are taken to construct the proposed facilities if possible or find alternatives. No grading permit will be granted until the facilities or their alternatives have received final regulatory approval.

The facility east of Villebois Drive North is within the 100 year flood plain. The necessary approvals related to the flood plain have not been granted. The applicant will need to get the

necessary approvals in connection with the final design approved with the future Final Development Plan request.

The facility east of Coffee Creek Drive near Serenity may also be partially in the flood plain depending on the final design. In addition, the facility is shown partially on property owned by Metro, who has not given permission for such a facility to be placed on their property. Condition of Approval PDA 5 ensures Metro's approval is gained for any facility on their property or an alternative design not involving Metro's property is found. See also Finding A74.

In short, the storm water facilities shown in Regional Park 8 reflect the Master Plan and SAP approvals. Further refinements to the nature or location of storm water facilities will likely be necessary during the Final Development Approval as enabled by Subsection 4.125 (.18) O. 1. a. iii.

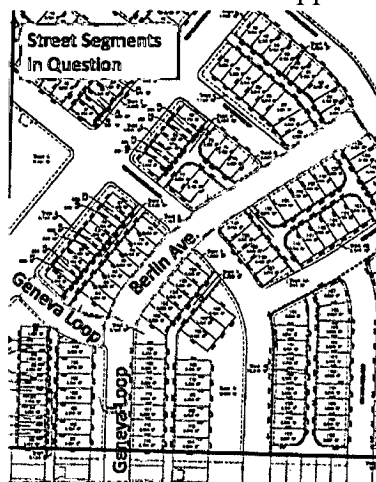
Conditions of Approval from both the Engineering Division and Natural Resources also relate to the final location and design of the storm water facilities.

Park Maintenance:

The parks within PDP 3E are identified as a neighborhood park, pocket parks, and linear greens in the Villebois Village Master Plan. Due to their lack of regional amenities, all the park areas will be privately maintained by a homeowners association in perpetuity. The developer will be required to enter into an Operations and Maintenance Agreement for the PDP that clearly identifies ownership and maintenance responsibilities. This document will be recorded with the subdivision for "Tonquin Meadows". This requirement has been added as Condition of Approval PDA 6.

Street Naming

The applicant's plan sheets show a T-intersection with Geneva Loop transitioning into Berlin Avenue, with the west arm remaining Geneva Loop. To follow City street naming convention either the street names need to be changed with the west arm being renamed and Geneva Loop continuing on to Coffee Lake Drive. See Condition of Approval PFA 6.



Cross Slope at Villebois Drive/Geneva Loop Intersection:

The U.S. Access Board has certain standards for cross slopes at intersections associated with the Americans with Disabilities Act. As proposed, the cross slope at the Villebois Drive North/Geneva Loop intersection does not meet the standards. Condition of Approval PFA 18 requires the intersection design meet the standards of the U.S. Access Board.

Continuation of Updating Architecture:

While Condition of Approval PDA 4 requires the developer submit initial elevations for each product type prior to the City signing the final plat, the City understands the design of the different homes is an ongoing process. Different elevations are expected overtime and encouraged to increase diversity. Each will be reviewed by the City’s architectural consultant prior to any building permits being issued matching the design. Only initial examples are required prior to signing of the final plat.

CONCLUSION AND CONDITIONS OF APPROVAL:

Staff has reviewed the applicant’s analysis of compliance with the applicable criteria. This 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 approve the proposed applications (DB12-0042 through DB12-0044 and DB12-0046 through DB12-0048) and recommend approval of the zone map amendment to City Council (DB12-0045) with the following conditions:

The Developer has worked with the City to reach agreement on the apportionment of fair and equitable exactions for the subject applications as established by Addendum No. 4 to the June 14 2004 Matrix Development Agreement as adopted by City Council in Resolution 2377, or as may otherwise be amended as agreed upon by the parties.

REQUEST A: DB12-0042 SAP-East PDP-3E, Preliminary Development Plan

Planning Division Conditions:	
PDA 1.	Approval of DB12-0042 (Request A) Preliminary Development Plan for PDP 3E is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF), <i>Exclusive Farm Use (EFU)</i> , and Residential Agriculture-Holding (RA-H) to Village (V) (Case File DB12-0045).
PDA 2.	If Polygon Northwest Company, LLC (“Polygon”) completes the purchase of the subject property currently owned by Donald E. Bischoff and Sharon N. Lund, Polygon or its successors in interest shall fulfill all obligations established by Addendum No. 4 to the June 14 2004 Matrix Development Agreement as adopted by City Council in Resolution 2377, or as may otherwise be amended as agreed upon by the parties, and other relevant components of the June 14, 2004 Matrix Development Agreement between The City, The Urban Renewal Agency of the City, Matrix Development, and Property Owners. <i>If Polygon does not complete the purchase, a Development Agreement between the City and any other developer will be required before development of this Property can move forward.</i> See Findings A62 and A65.

PDA 3.	All landscaping, and park improvements approved by the Development Review Board and Engineering Division Public Works Permit punch list items for the specific phase of the PDP shall be completed before 50% of the homes are occupied for PDP 3 unless weather or other special circumstances prohibit completion, which case bonding for the improvements is permitted. See Finding A61.												
PDA 4.	The applicant/owner shall provide the architectural plans for the proposed row houses, single-family houses, and “cottage” sized single-family houses along with their variations based on lot width and depth and grading to staff and obtain approval from the City’s architectural consultant prior to the City Planning Director and Community Development Director signing the final plat. See Finding A27 and A42.												
PDA 5.	No grading permits shall be granted for the Tonquin Meadows Subdivision until all storm water facilities in Regional Park 8 or equivalent facilities receive approval, if applicable, from Flood Plain regulators and all property owners on which the facilities will be located.												
PDA 6.	The developer of Tonquin Meadows shall enter into an Operations and Maintenance Agreement for the subdivision that clearly identifies ownership and maintenance for Neighborhood Park 5 and all pocket parks and linear greens, paths, and natural area tracts, including the portions of the retained wetland in Regional Park 7 set for private ownership. Such agreement shall ensure maintenance in perpetuity and shall be recorded with the subdivision for Tonquin Meadows. Such agreement shall be reviewed and approved by the City Attorney prior to recordation. See also Findings E6. and G4.												
Engineering Division Conditions:													
Standard Comments:													
PFA 1.	All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.												
PFA 2.	Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:												
	<table> <tr> <td>General Aggregate</td> <td>\$2,000,000</td> </tr> <tr> <td>Products-Completed Operations Aggregate</td> <td>\$2,000,000</td> </tr> <tr> <td>Each Occurrence</td> <td>\$2,000,000</td> </tr> <tr> <td><u>Auto Insurance</u></td> <td><u>\$1,000,000</u></td> </tr> <tr> <td>Fire Damage (any one fire)</td> <td>\$ 50,000</td> </tr> <tr> <td>Medical Expense (any one person)</td> <td>\$ 25,000<u>10,000</u></td> </tr> </table>	General Aggregate	\$2,000,000	Products-Completed Operations Aggregate	\$2,000,000	Each Occurrence	\$2,000,000	<u>Auto Insurance</u>	<u>\$1,000,000</u>	Fire Damage (any one fire)	\$ 50,000	Medical Expense (any one person)	\$ 25,000 <u>10,000</u>
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Fire Damage (any one fire)	\$ 50,000												
Medical Expense (any one person)	\$ 25,000 <u>10,000</u>												
PFA 3.	No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.												
PFA 4.	All public utility/improvement plans submitted for review shall be based upon a 22”x 34” format and shall be prepared in accordance with the City of Wilsonville Public Work’s Standards.												
PFA 5.	Plans submitted for review shall meet the following general criteria:												
	<ul style="list-style-type: none"> a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the 												

City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.

- b. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
- c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.
- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
- e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
- h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- k. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.

PFA 6. Submit plans in the following format and order:

- a. Cover sheet
- b. City of Wilsonville construction note sheet
- c. General note sheet
- d. Existing conditions plan.
- e. Erosion control and tree protection plan.
- f. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
- g. Grading plan, with 1-foot contours.
- h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
- i. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
- j. Street plans.
- k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference
- l. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.

	<ul style="list-style-type: none"> m. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure. n. Detailed plan for water quality facility (both plan and profile views). Note that although storm water quality facilities are typically privately maintained they will be inspected by Natural Resources, and the plans must be part of the Public Works Permit set. o. Composite franchise utility plan. p. City of Wilsonville detail drawings. q. Illumination plan. r. Striping and signage plan. s. Landscape plan.
PFA 7.	Prior to manhole and sewer line testing, design engineer shall coordinate with the City and update the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to the updated numbering system. Design engineer shall also show the updated numbering system on As-Built drawings submitted to the City.
PFA 8.	The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
PFA 9.	Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
PFA 10.	<p>A storm water analysis prepared by a Registered Professional Engineer shall be submitted for review and approval by the City to address appropriate pipe sizing as well as pond locations and routing strategy. The analysis shall be prepared utilizing the appropriate values in the Storm Water Master Plan. For example, in the application materials, the predeveloped time of concentration calculation for all basins uses a Mannings "n" value of 0.13 (used for Range in natural condition). This is not applicable for the existing condition for calculating the time of concentration. Therefore, the analysis shall be prepared using an "n" value of 0.15, in accordance with the Stormwater Master Plan. Also, all curve numbers shall comply with Table 2-2a, SCS Technical Release #55.</p> <ul style="list-style-type: none"> A) SCS Curve #80 for open space and landscape areas B) SCS Curve #94 for commercial areas C) SCS Curve #98 for impervious surface areas (roadways) D) SCS Curve #90 for residential development, 1/8 acre or less (townhouses) E) SCS Curve #83 for residential development, 1/4 acre

PFA 11.	The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
PFA 12.	Storm water quality facilities shall have approved landscape planted and/or some other erosion control method installed and approved by the City of Wilsonville prior to streets and/or alleys being paved.
PFA 13.	The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall maintain all LID storm water components and private conventional storm water facilities located within medians and from the back of curb onto and including the project site.
PFA 14.	Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.
PFA 15.	Install water line improvements in conformance with the City's Water Master Plan and the Villebois Master Plan and as necessary to supply adequate fire flows during phased construction.
PFA 16.	The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
PFA 17.	All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
PFA 18.	Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
PFA 19.	No surcharging of sanitary or storm water manholes is allowed.
PFA 20.	The project shall connect to an existing manhole or existing stub-out at each connection point to the public sanitary sewer system.
PFA 21.	A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
PFA 22.	Applicant shall coordinate and align centerlines of intersecting roadways and alleyways.
PFA 23.	Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.

PFA 24.	All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
PFA 25.	The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control.
PFA 26.	Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections. . Specific designs to be submitted and approved by the City Engineer.
PFA 27.	Applicant shall design interior streets and alleys to meet specifications and design requirements of Tualatin Valley Fire & Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.
PFA 28.	Applicant shall prepare an Ownership and Maintenance agreement between the City and the Owner. Stormwater or rainwater facilities may be located within the public right-of-way upon approval of the City Engineer. The Ownership and Maintenance agreement shall specify that the rainwater and stormwater facilities shall be privately maintained by the Applicant; maintenance shall transfer to the respective homeowners association when it is formed.
PFA 29.	All water lines that are to be temporary dead-end lines due to the phasing of construction shall have a valved tee with fire-hydrant assembly installed at the end of the line.
PFA 30.	The applicant shall work with the other developers of Villebois and the City to develop an equitable storm water and parks maintenance fee or a maintenance memorandum of understanding prior to any final plat approval.
PFA 31.	Mylar Record Drawings: At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, <i>and a digitally signed PDF.</i>
Specific Comments:	
PFA 32.	Note that the City is currently forming a sanitary sewer reimbursement district that includes the tax lot where this proposed development is located. <i><u>The City has formed a sanitary sewer reimbursement district that includes the proposed subdivision and therefore all tax lots included in the proposed subdivision will be subject to assessment based on their inclusion in the reimbursement district.</u></i>

PFA 33. At the request of Staff, DKS Associates completed a Transportation Review of Villebois SAP East PDP 3 dated October 2, 2012. Polygon Northwest Company had proposed revising the housing mix in SAP East PDP 3 to 185 single family units.

Since the Transportation Review was completed, the Applicant has submitted a change and is currently proposing 163 single family home and 42 row homes for a total of 205 residences. However, using the trip rates from the ITE manual there is no net change in anticipated PM Peak Hour trips and no additional impact anticipated on City streets.

Previously the land use in SAP East had been approved for a housing mix of 353 single family units and 288 condo/townhouse units. The applicant's current proposed housing mix is 462 single family units, 114 condo/townhouse units and an existing 500 student primary school. This change in mix in housing units is expected to increase the PM Peak Hour traffic trips as follows:

<u>SAP East</u>	<u>Dwelling Unit Count</u>	<u>Total PM Peak Hour Trips</u>
Initial Approval	353 single fam. / 288 condos	507
Current Proposal	462 single fam. / 114 condos / school	602

The applicant may be required to pay Street SDC fees for a portion of these additional 95 PM Peak Hour Trips, unless applicant can show evidence of other arrangements with the City having been made.

This project is hereby limited to no more than the following impacts:

Net new P.M. peak hour trips	187
Trips through Wilsonville Road Interchange Area	60

PFA 34. The City understands that the Applicant will also construct Villebois Drive west of the development through its intersection with Costa Circle, and construct Costa Circle from this intersection to its present location at Mt. Blanc. Existing transition between Costa Circle and 110th Avenue shall be demolished with construction of the new roadway.

With completion of this roadway construction, 110th Avenue will be closed. Applicant shall submit the required exhibits and work with the City to abandon or transfer the existing right-of-way and create easements for the underground private and/or public utilities that remain. See also PDA 2.

PFA 35. Applicant shall provide a paved connection to any remaining driveway located on the west side of 110th Ave to one of the proposed streets in the development.

PFA 36.	The applicant shall provide stamped engineering details for all curb extensions for turning movement verification for review and approval. At a minimum, Submittal shall include 'stamped' engineering AutoTURN layouts for fire trucks and buses (WB-60) that show the overhang and/or mirrors of the vehicle as opposed to the wheel paths. Adequate clearance shall be provided at all street intersections and alley intersections. Turning vehicles may use the width of the minor street to start the appropriate turn. The vehicle must however, stay within the appropriate receiving (inside) lane of the major street. Additionally, the turning vehicle must not intrude onto the wheel chair ramp on the inside of the turning movement.
PFA 37.	All construction traffic shall ingress and egress the project site via the existing 110 th Avenue/Tooze Road streets or proposed Villebois Drive/Boeckman Road. No construction traffic will be allowed on Brown Road.
PFA 38.	Public access to SAP East PDP 3 shall be via the planned streets, alleys and intersections as shown on submitted plans dated 10/2/2012. Direct access from the development to Boeckman Road shall only be allowed from Villebois Drive via the roundabout.
PFA 39.	On Villebois Drive north of Coffee Lake Drive no on-street parking shall be allowed.
PFA 40.	The applicant shall provide a 'stamped' engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways. Secondly, the street lighting shall be in conformance to the current edition of the Villebois Community Elements Book and the Villebois Street Lighting plan, as updated August 2011, except that PGE now requires a minimum pole height of 18 feet.
PFA 41.	The applicant shall provide two perpendicular directional pedestrian ramps at intersection curb returns.
PFA 42.	Applicant shall design and construct minor and major pathways as depicted in the Villebois Village Master Plan. Minor pathways shall be constructed with minimum 8-foot wide ADA ramps at street crossings; major pathways shall be constructed with minimum 10-ft ADA ramps at street crossings.
PFA 43.	The adjacent proposed development Villebois SAP East PDP 4 shall be built previously or concurrently with the proposed development to provide connectivity of streets and utilities. Presently, this site has no adjacent public water available to serve it.
PFA 44.	Note that Composite Utility Plan sheets shall show storm and sanitary laterals and water services. Show numbering system for all storm and sanitary manholes, cleanouts and/or catch basins. Identify storm, sanitary, and water lines by number and provide referencing to appropriate plan sheet where system information can be located.
PFA 45.	Per City Ordinance 608 storm water detention is not required for this project due to its proximity to the Coffee Creek wetlands. Storm water release points will be required to have a flow spreading device or other approved structure(s) to allow stormwater to be dispersed via sheet flow to the wetlands area.

PFA 46.	At the time of plan submittal for a Public Works Permit, the applicant shall provide to the City a copy of correspondence showing that the plans have also been distributed to the franchise utilities. Prior to issuance of a Public Works Permit, the applicant shall have coordinated the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easements or right-of-way be required to construct the public improvements or to relocate a franchised utility, the applicant shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the applicant shall obtain written approval from the appropriate utility prior to commencing any construction. See Finding E34.
PFA 47.	<p>Currently, city staff is verifying capacity needs for the area. Results are not yet available. Should the analysis indicate the need to adjust the following waterline sizing and/or alignment, modified conditions will be provided:</p> <p>Applicant shall provide an 18-inch water main line in Villebois Drive tying into the 18" line at the Boeckman/Villebois Drive roundabout. Note that a Pressure Reducing Valve and vault need to be installed at this connection to separate the transmission main from the distribution system.</p> <p>Applicant shall install an 18-inch water main line in Verdun Loop, continuing north at the old 110th Avenue location and connecting to the existing 18-inch water line near 110th Avenue and Boeckman Road using an inline valve.</p> <p>Applicant shall install an 18" x 18" Tee at Verdun Loop and 110th Avenue right-of-way. Applicant shall install an 18" x 18" cross at Verdun Loop and Villebois Drive to connect these two 18-inch water lines.</p> <p>Applicant shall provide a minimum 8-inch looped water system through the remaining proposed development tying into the 18" line in Villebois Drive and connecting to the 8" water lines (planned to be installed with Villebois SAP East PDP 4) at Finland Avenue, Stockholm Avenue, Geneva Loop and Costa Circle.</p>
PFA 48.	All new franchise utility lines shall be installed underground, any existing overhead franchise utility lines within the project area or immediately adjacent to roadways (i.e. along 110 th Avenue) shall also be relocated underground. The applicant shall be responsible for and make all necessary arrangements with the serving utility to provide underground service(s).
PFA 49.	Water flow modeling shall be done by a Professional Engineer registered in the State of Oregon. Modeling information shall be provided to the City in a format acceptable to City staff. Modeling shall show that required fire flows are being met when taking into account the water demands from full buildout of the previously approved lots located in Villebois SAP South PDP 1, PDP 2, PDP 3, PDP 4, PDP 5 and PDP 6, Villebois SAP East PDP 1, PDP 2, PDP 4, the Lowrie Primary School, Villebois SAP North PDP 1 Phase 1, and Villebois SAP Central PDP 1 and PDP 2.
PFA 50.	Applicant shall provide sufficient mail box units for the proposed phasing plan; applicant shall construct mail kiosk at locations coordinated with City staff and the Wilsonville U.S. Postmaster.

PFA 51.	SAP East PDP 3 consists of 205 lots. All construction work in association with the Public Works Permit and Project Corrections List shall be completed prior to the City Building Division issuing a certificate of occupancy, or a building permit for the housing unit(s) in excess of 50% of total (103 rd lot).
<u>Building Division Conditions:</u>	
BD 1.	ADDRESSING. As per the fire marshal, the monument marker (or other equivalent means approved by the fire marshal) displaying the addresses for Lots 1- 89 , shall be placed at the entrance to the Alley (Tract "B") adjacent to Lot 1 off of Verdun Loop. If this is not possible, the monument marker may be placed at the entrance to the walkway giving access to the fronts of Lots 1- 89 .
<u>Natural Resources Division Conditions:</u>	
<u>Stormwater Management:</u>	
NRA 1.	Provide documentation that demonstrates the proposed regional water quality dry pond and bioretention cell, located within the 100-year floodplain, will not have its functionality adversely affected by inundation during a flood event. Provide a justification for its current location, and explain why it cannot be located outside the floodplain.
NRA 2.	Provide profiles, plan views and specifications for the proposed water quality treatment facilities consistent with the requirements of the City of Wilsonville's Public Works Standards.
NRA 3.	Pursuant to the Public Works Standards, the applicant shall submit a maintenance plan (including the City's stormwater maintenance and access easement) for the proposed stormwater facilities, inclusive of the rainwater management components, prior to approval for occupancy of the associated development.
NRA 4.	Pursuant to the City of Wilsonville's Public Works Standards, access shall be provided to all areas of the proposed water quality treatment facilities. At a minimum, at least one access shall be provided for maintenance and inspection.
<u>Rainwater Management Components:</u>	
NRA 5.	Pursuant to the City of Wilsonville Public Works Standards, access shall be provided to all areas of the proposed rainwater management components. At a minimum, at least one access shall be provided for maintenance and inspection.
NRA 6.	All rainwater management components and associated infrastructure located in public areas shall be designed to the City of Wilsonville Public Works Standards. Rainwater management components in private areas shall comply with the plumbing code.
NRA 7.	Plantings in rainwater management components located in public areas shall comply with the City of Wilsonville Public Works Standards. Plantings in rainwater management components located in private areas shall comply with the plant list in the Rainwater Management Program or Community Elements Plan.
NRA 8.	The rainwater management components shall comply with the requirements of the Oregon Department of Environmental Quality UIC (Underground Injection Control) Program.
<u>Significant Resource Overlay Zone</u>	
NRA 9.	The Significant Resource Overlay Zone (SROZ) and its associated 25-foot Impact Area boundaries shall be depicted for the adjacent significant natural resources.

Other
NRA 10. The applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g. DEQ NPDES #1200-C permit).
NRA 11. The applicant shall comply with all applicable requirements of the U.S. Army Corps of Engineers and Oregon Department of State Lands for construction activities that may impact wetlands or waterways. Provide documentation of any permits for proposed impacts to jurisdictional areas.
NRA 12. Pursuant to the City of Wilsonville's Ordinance No. 482, the applicant shall incorporate the following techniques and methods into the Erosion Control Plan, where necessary: <ul style="list-style-type: none"> a. Stockpiles and plastic sheeting; b. Dust control; c. Temporary/permanent seeding or wet weather measures (e.g. mulch); d. Limits of construction; and e. Other appropriate erosion and sedimentation control methods.

REQUEST B: DB12-0043 SAP-East Refinements

<u>Planning Division Conditions:</u>
PDB 1. Approval of DB12-0042 (Request B) SAP East Refinements is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) and Residential Agriculture-Holding (RA-H) to Village (V) (Case File DB12-0045).

REQUEST C DB12-0044 SAP-East Amendments

<u>Planning Division Conditions:</u>
PDC 1. The Applicant/Owner shall submit a revised Phasing Plan Update (Section IE of Exhibit B1), to include all areas within SAP East including parks and open space/wetland areas.
PDC 2. Prior to approval of the Final Plat of Tonquin Meadows or Tonquin Meadows No. 2 by the City, the applicant shall cause three (3) bound copies of the new pattern book for SAP East PDP 3 and 4 be printed and given to the City. Such copies shall be in substantial conformance with the Development Review Board approval including all lot dimensions and sizes. See Finding C6.
PDC 3. <u><i>The final version of the Pattern Book for SAP East PDP 3 and 4 shall add the following language to the note of page B1 regarding what is included within the public view shed, "the third story of three-story facades facing alleys" or substantially similar language.</i></u>

REQUEST D: DB12-0045 Zone Map Amendment

<u>Planning Division Conditions: No Conditions of Approval Proposed for This Request</u>
This action recommends adoption of the Zone Map Amendment to the City Council for the subject properties. Case files DB12-0042, DB12-0043, DB12-0046, DB12-0047, and DB12-0048 are contingent upon City Council's action on the Zone Map Amendment request.

REQUEST E: DB12-0046 Tentative Subdivision Plat

Planning Division Conditions:	
PDE 1.	Approval of DB12-0046 (Request E) Tentative Subdivision Plat is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) and Residential Agriculture-Holding (RA-H) to Village (V) (Case File DB12-0045).
PDE 2.	Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
PDE 3.	If one or more of the park/open space tracts are to be dedicated to the City or other public entity, this dedication(s) shall also be executed and recorded with the Final Plat.
PDE 4.	Alleyways, parking lots and drives shall remain in private ownership and be maintained by the Homeowner's Association established by the subdivision's CC&Rs. The CC&R's shall be reviewed and approved by the City Attorney prior to recordation.
PDE 5.	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 PDP-3E or the Tentative Plat.
PDE 6.	Approval of DB12-0046 (Request E) Tentative Subdivision Plat is contingent upon City Council approval of the vacation or exchange of portions of the SW 110 th right-of-way planned for the development of Pocket Park 12, Neighborhood Park 5, and Linear Green 15.
PDE 7.	A non-access reservation strip shall be applied on the final plat to those lots with access to a public street and an alley. All lots with access to a public street and an alley must take vehicular access from the alley to a garage or parking area. A plat note effectuating that same result can be used in the alternative. The applicant shall work with the County Surveyor and City Staff regarding appropriate language. See Finding E3.
PDE 8.	All reserve strips and street plugs shall be detailed on the Final Subdivision Plat. See Finding
PDE 9.	The final plat shall show a five (5) foot public utility easement on the interior of the front lot line for Lots 1-9. See Finding E34.
PDE 10.	The final plat shall show a single tract for each of the following private parks incorporating property that is currently owned by Bischoff/Lund, PNW Homebuilders LLC, and SW 110 th right-of-way: Pocket Park 12, Neighborhood Park 5, and Linear Green 15. See Finding E6 and G36.
PDE 11.	The final plat shall show a tract created from Tract A incorporating portions of the delineated wetland and adjacent lands not shown to be part of Regional Park 7 in the Villebois Village Master Plan and SAP East approval documents minus any portions of the tract created pursuant to Condition of Approval PDE 12. This tract shall be privately maintained and subject to Operations and Maintenance Agreement and other requirements outlined in Condition of Approval PDA 6. See Finding E6.

PDE 12. The final plat shall show the path from the sidewalk along Villebois Drive North just northeast of Lot 10 along the side of Lot 10 and 9 and then along the wetland in front of Lots 1-9 connecting to the sidewalk on SW Verdun Loop just southwest of Lot 1, associated access paths to the front lot line of homes, the retaining wall, and retaining wall foundation and other associated improvements in a distinct tract separate from Tract A. Maintenance of all improvements within the tract shall be the responsibility of the homeowners association or other private arrangement of the relevant homeowners in perpetuity. The CC&R's or other agreement covering maintenance of the tract shall be reviewed and approved by the City Attorney prior to recordation. See Finding E6 and G36.

PDE 13. All tracts shall, except those indicated for future home development, shall include a public access easement across their entirety.

Engineering Division Conditions:

PFE 1. Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Minor and Major Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.

PFE 2. If public or franchise services are to be located in alleyways, a minimum 26-foot wide easement shall be provided. All utility meters, boxes, or pedestals shall be located in an easement; where utility clusters are located, additional easement area may be required.

PFE 3. Applicant shall provide sidewalk easements if portions of the public sidewalk or minor or major pathways are located outside of the public right-of-way.

PFE 4. Tracts of land containing alleys shall have vehicle and pedestrian ingress and egress easements located over their entirety.

PFE 5. Subdivision Plat:
Paper copies of all proposed subdivision plats shall be provided to the City for review. Once the subdivision plat is approved, applicant shall have the documents recorded at the appropriate County office. Once recording is completed by the County, the applicant shall be required to provide the City with a 3 mil Mylar copy of the recorded subdivision plat.

PFE 6. On submitted plans dated 10/2/2012, Applicant has shown a T-intersection with Geneva Loop transitioning into Berlin Avenue, with the west arm remaining Geneva Loop. To follow City street naming convention either the street names need to be changed with the west arm being renamed and Geneva Loop continuing on to Coffee Lake Drive, or the intersection alignment needs to change so that Berlin Avenue tees into Geneva Loop. See Finding E32.

REQUEST F: DB12-0047 Type C Tree Plan

Planning Division Conditions:

PDF 1. Approval of DB12-0047 (Request F) Tree Removal Plan is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) and Residential Agriculture-Holding (RA-H) to Village (V) (Case File DB12-0045).

PDF 2.	The property owner/applicant or their successors in interest shall grant access to the property for authorized City representatives as needed to verify the tree related information provided, to observe tree related site conditions, and to verify, once a removal permit is granted, that the terms and conditions of the permit are followed. See Finding F1.
PDF 3.	Prior to granting a Tree Removal Permit in accordance with the proposed Tree Removal Plan the permit grantee shall file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined by the City to ensure compliance with the Tree Removal Permit conditions and the requirements of the Tree Preservation and Protection Ordinance. See Finding F5.
PDF 4.	Trees planted as replacement of removed trees shall be, state Department of Agriculture Nursery Grade No. 1. or better, shall meet the requirements of the American Association of Nursery Men (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade, shall be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced. See Findings F11 and F12.
PDF 5.	Solvents, building material, construction equipment, soil, or irrigated landscaping, shall not be placed within the drip line of any preserved tree, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist. See Finding F14.
PDF 6.	Before and during development, land clearing, filling or any land alteration the applicant shall erect and maintain suitable tree protective barriers which shall include the following: <ul style="list-style-type: none"> • 6' high fence set at tree drip lines. • Fence materials shall consist of 2 inch mesh chain links secured to a minimum of 1 ½ inch diameter steel or aluminum line posts. • Posts shall be set to a depth of no less than 2 feet in native soil. Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. See Finding F14.
PDF 7.	Trees shown as preserved on sheet 9 in Exhibit B11 in poor condition shall be further evaluated to determine appropriateness of retention prior to the granting of a Type C Tree Removal Permit. If it is determined by a Certified Arborist that the trees cannot be reasonably retained they shall be mitigated with trees <i>Tree 281x shown in Exhibit B14 shall be mitigated with a tree</i> of the same or similar variety in the same vicinity as the removal on a 1 for 1 basis. Such trees <i>tree</i> shall be at least 2 inch caliper and meet all other requirements for replacement trees in Condition of Approval PDF 4. See Finding F13.

REQUEST G: DB12-0048 Final Development Plan for Parks and Open Space

Planning Division Conditions:

PDG 1. Approval of DB12-0048 (Request G) Final Development Plan for Parks and Open Space is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) and Residential Agriculture-Holding (RA-H) to Village (V) (Case File DB12-0045).

PDG 2.	All play structures shall meet all technical requirements listed on page 15 of the SAP East Community Elements Book, including color. The final design shall be approved by the Planning Division through the Class I Administrative Review process. See Finding G9 and G17.
PDG 3.	All plant materials shall be installed consistent with current industry standards.
PDG 4.	All construction, site development, and landscaping of the parks shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor alterations may be approved by the Planning Division through the Class I Administrative Review process. See Finding G32.
PDG 5.	All retaining walls within the public view shed, including the retaining wall along the wetland in front of Lot 1-9 shall be a decorative stone or brick construction or veneer. Final color and material for the retaining walls shall be approved by the Planning Division through the Class I Administrative Review Process. See Finding G37.
PDG 6.	All hand rails within the parks and open space shall be of a design similar to the approved courtyard fencing shown in the Architectural Pattern Book. Final design of any hand rails in parks and open space shall be approved by the Planning Division through the Class I Administrative Review Process. See Finding G37.
PDG 7.	All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board. See Finding G 42.
PDG 8.	The applicant shall submit final parks, landscaping and irrigation plans to the City prior to Public Works Permit approval and construction of parks. Irrigation must not be excessive to harm existing trees. The irrigation plan must be consistent with the requirements of Section 4.176(.07)C.
PDG 9.	Prior to occupancy of each house the Applicant/Owner shall install landscaping along the public view-sheds of each house, unless otherwise approved by the Community Development Director. Homeowners association shall contract with a professional landscape service to maintain the landscaping.
PDG 10.	Street trees, as shown on the landscape plans, sheets L1.0 through L7.0 of Exhibit B6, shall be planted as each house or park is built.
PDG 11.	<u>The applicant shall install visible markers at a spacing and of a design approved by the Planning Director demarcating the property boundary between Regional Park 7 and the private wetland tract required to be created by Condition of Approval PDE 11.</u>

MASTER EXHIBIT LIST:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB12-0042 through DB12-0048.

- A1. Staff report and findings (this document)
- A2. Resolution 2377, Addendum No. 4 to Matrix Development Agreement
- A3. Property Account Summaries for Tax Lots 2916 and 2919 from Clackamas County Assessor's Office October 25, 2012 showing PNW Homebuilders LLC as property owner.
- A4. *Staff's Powerpoint Presentation November 15, 2012*
- A5. *Memo from Daniel Pauly to the Development Review Board dated November 15, 2012*
- B1. Applicant's Response to Incompleteness Letter
- B2. Application Form Signed on Behalf of the City of Wilsonville
- B3. Application Form Signed on Behalf of the Urban Renewal Agency City of Wilsonville
- B4. Application Form Signed by Fred Gast for PNW Homebuilders LLC
- B5. Copy of Application Formed Signed by Lou Fasano for Fasano Family LLC
- B6. Applicant's Large Format Plans (Smaller 11x17 plans included in Sections IIB, IIIB, and VIB of Exhibit B7.
 - Sheet 1 Cover Sheet
 - Sheet 2 Existing Conditions
 - Sheet 3 Aerial Photograph
 - Sheet 4.1 Tentative Plat
 - Sheet 4.2 Tentative Plat
 - Sheet 5 Grading and Erosion Control
 - Sheet 6 Composite Utility Plan
 - Sheet 7.1 Circulation Plan
 - Sheet 7.2 Street Sections
 - Sheet 8 Site/Land Use Plan
 - Sheet 9 Tree Preservation Plan
 - Sheet 10 Street Tree/Lighting Plan
 - Sheet 11 PDP Phasing Plan
 - Sheet 12 SAP North Connectivity Plan
 - Sheet 1 Cover Sheet (Landscape Plans)
 - Sheet L 1.0 Landscape Plan
 - Sheet L 2.0 Landscape Plan
 - Sheet L 3.0 Landscape Plan
 - Sheet L 4.0 Landscape Plan
 - Sheet L 5.0 Landscape Plan
 - Sheet L 6.0 Landscape Plan
 - Sheet L 7.0 Details and Specs
 - Sheet L 8.0 Rainwater Detail Sheet

- B7.** Applicant's Notebook:
 Section I: General Information
 IA) Introductory Narrative
 IB) Form/Ownership Documentation
 IC) Fee Calculation *Staff Note: This information has been revised*
 ID) Mailing List *Staff Note: This information has been revised*
 IE) Updated SAP East Phasing + Unit Counts *Staff Note: This information has been revised, See Exhibit B8.*
- Section II: Preliminary Development Plan (Including Refinements)
 IIA) Supporting Compliance Report
 IIB) Reduced Drawings
 IIC) Utility & Drainage Reports
 IID) Traffic Analysis
 IIE) Tree Report
 IIF) Signage and Fencing Exhibits
 IIG) Flood Plain Location Documentation
 IIH) Wetland Delineation
- Section III: Tentative Plat
 IIIA) Supporting Compliance Report
 IIIB) Tentative Plat
 IIIC) Draft CC&R's
 IIID) Copy of Certificate of Assessments and Liens
 IIIE) Subdivision Name Approval
- Section IV: Zone Change
 IVA) Supporting Compliance Report
 IVB) Zone Change Map *Staff Note: Reflects only Bischoff/Lund Property*
 IVC) Legal Description and Sketch
- Section V: Tree Removal Plan
 VA) Supporting Compliance Report
 VB) Tree Report
 VC) Tree Preservation Plan
- Section VI: Final Development Plan
 VIA) Supporting Compliance Report
 VIB) Reduced Drawings
 VIC) Mailbox Kiosk Elevation and Info
- Section VII:
 VIIA) Supporting Compliance Report
 VIIB) Proposed Note
- B8.** October 24, 2012 Memo from Stacy Connery Regarding Housing Mix With Site Maps
B9. October 24, 2012 Memo from Stacy Connery Listing changes to SAP South Pattern Book to Create Proposed Pattern Book, Includes "Mock Up" of proposed Pattern Book.
B10. Email from Stacy Connery to Daniel Pauly requesting portions of Tax Lots 2916 and 2919 be included in the application.
B11. Tree Removal and Retention information for Pocket Park 12 and Neighborhood Park 5

- B12.** Preliminary Sample Front Elevations of Different Housing Types
- B13.** Application Form Signed on Behalf of Metro
- B14.** Memo from Morgan Holen to Stacy Connery dated November 14, 2012 RE: Supplementary Tree Inventory and Arborist Recommendations
- C1.** Comments and Conditions from Engineering Division
- C2.** Comments and Conditions from Building Division
- C3.** Comments and Conditions from Natural Resources
- C4.** Comments and Conditions from TVF&R
- C5.** Email from Mike Ward PE, Civil Engineer requesting change to Condition of Approval PFA 31.

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on August 24, 2012. On September 19, 2012, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on October 5, 2012, the Applicant submitted new materials. On October 5, 2012 the application was deemed complete. The City must render a final decision for the request, including any appeals, by February 2, 2013
2. Surrounding land uses are as follows:

- DB12-0042 SAP-East PDP-3E, Preliminary Development Plan
- DB12-0043 SAP-East Refinements
- DB12-0045 Zone Map Amendment
- DB12-0046 Tentative Subdivision Plat
- DB12-0047 Type C Tree Plan
- DB12-0048 Final Development Plan for Parks and Open Space

Compass Direction	Zone:	Existing Use:
North:	RA-H	Coffee Lake Wetland
East:	RA-H	Coffee Lake Wetland
South:	EFU/V	Undeveloped/Approved Retherford Meadows Subdivision/Coffee Lake Wetland
West:	PF/EFU	Rural residential/undeveloped

DB12-0044 SAP-East Amendments

Compass Direction	Zone:	Existing Use:
North:	EFU	Agriculture
East:	RA-H	Coffee Lake Wetland
South:	V	Lowrie Primary School, SAP E PDP 1 and 2
West:	PF/EFU/V	Rural residential/undeveloped/SAP S PDP 6

3. Prior land use actions include:

Legislative:

- 02PC06 - Villebois Village Concept Plan
- 02PC07A - Villebois Comprehensive Plan Text
- 02PC07C - Villebois Comprehensive Plan Map
- 02PC07B - Villebois Village Master Plan
- 02PC08 - Village Zone Text
- 04PC02 – Adopted Villebois Village Master Plan
- LP-2005-02-00006 – Revised Villebois Village Master Plan
- LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)

Quasi Judicial:

- 04 DB 22 et seq – SAP-East
- DB05-0011 et seq – PDP-1E, Legend at Villebois
- DB10-0023 et seq – PDP-2aE, Lowrie Primary School
- AR10-0073 Partition Plat – Lowrie Primary School
- DB11-0047 et seq – PDP-2E, Retherford Meadows

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.

CONCLUSIONARY FINDINGS:

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criteria: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Finding: These criteria are met.

Details of Finding: The application is being processed in accordance with the applicable general procedures of this Section.

Section 4.009 Who May Initiate Application

Review Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Finding: This criterion is satisfied.

Details of Finding: The application has been submitted on behalf of the contract purchaser, Polygon Northwest Company. The application form is signed by Fred Gast, Vice President. The Application form for the PNW Homebuilders LLC is signed by Fred Gast as well. The application for the parcels owned by the City and Urban Renewal Agency have been signed by Kristen Retherford, an authorized representative of the City. An application for the SAP Amendments is signed by Lou Fasano for Fasano Family LLC. ***An application for the parcel owned by Metro has been signed by Kathleen Brennan-Hunter, Metro Natural Areas Program Director.***

Subsection 4.010 (.02) Pre-Application Conference

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Details of Finding: A pre-application conference was held on May 3, 2012 in accordance with this subsection.

Subsection 4.011 (.02) B. Lien Payment before Application Approval

Review Criterion: "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application."

Finding: This criterion is satisfied.

Details of Finding: No applicable liens exist for the subject property. The application can thus move forward. Section IIID of the applicant's notebook, Exhibit 7, includes a copy of certification of assessments and liens.

Section 4.014 Burden of Proof is on the Applicant

Review Criterion: “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. In the case of an appeal, the burden of proof rests with the appellant.”

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided the necessary findings of fact for approval with conditions of the requested development applications in accordance with this Section.

Subsection 4.035 (.04) A. General Site Development Permit Submission Requirements

Review Criteria: “An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.” Listed l. through 6. j.

Finding: These criteria are satisfied.

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

Section 4.110 Zoning-Generally

Review Criteria: “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

Finding: These criteria are satisfied.

Details of Finding: This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

REQUEST A: DB12-0042 SAP-EAST PDP-3E, PRELIMINARY DEVELOPMENT PLAN

Properties included in this request include Tax Lots 100, 180, 103, 192, 181, 102, 101, 200, portions of 2916, and portions of 2919, and portions of SW 110th right-of-way Section 15 and Tax Lot 1401 Section 10.

The applicant's findings in Section IIA of their notebook, Exhibit B7, respond to the majority of the applicable criteria.

Village Zone

Subsection 4.125 (.02) Permitted Uses in Village Zone

A1. **Review Criteria:** This subsection lists the uses typically permitted in the Village Zone, including single-family detached dwellings, row houses, and non-commercial parks, playgrounds, and recreational facilities.

Finding: These criteria are satisfied.

Details of Finding: The uses proposed include row homes, single-family homes, parks and playgrounds, and open space.

Subsection 4.125 (.05) Development Standards Applying to All Development in the Village Zone

"All development in this zone shall be subject to the V Zone and the applicable provisions of the Wilsonville Planning and Land Development Ordinance. If there is a conflict, then the standards of this section shall apply. The following standards shall apply to all development in the V zone:"

Subsection 4.125 (.05) A. 1. Block, Alley, Pedestrian and Bicycle Standards: Maximum Block Perimeter

A2. **Review Criteria:** "Maximums Block Perimeter: 1,800 feet, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent a block perimeter from meeting this standard.

Finding: These criteria are satisfied.

Details of Finding: Blocks within the proposed PDP plan meet the maximum 1,800-foot block perimeter, except as follows.

- The PDP includes one block bounded by SW Villebois Drive to the east, SW Verdun Loop to the south, and park/open space areas to the north and west. This block exceeds the 1,800-foot maximum block perimeter due to the retention of the existing wetland to the west of lots 1-9. The retained wetland is a barrier to building a street and a bike/pedestrian connection through this area and prevents the block perimeter from meeting this standard. Though this wetland has not been designated as SROZ, the applicant is protecting it, and the City supports the effort to preserve it.
- This PDP includes blocks that will extend into PDP 4E and exceed the maximum 1,800-foot block perimeter. The blocks exceed the block perimeter due to the steeper topography in this area. The Topography prevents the addition of an east-west street as the street would exceed grades allowable per the City's Public Works Standards.

Subsection 4.125 (.05) A. 2. Block, Alley, Pedestrian and Bicycle Standards: Maximum Spacing Between Streets for Local Access

- A3. **Review Criteria:** “If the maximum spacing for streets for local access exceeds 530 feet, intervening pedestrian and bicycle access shall be provided, with a maximum spacing of 330 feet from those local streets, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions from meeting this standard.”

Finding: These criteria are satisfied.

Details of Finding: Streets within the proposed PDP meet the maximum 530-foot spacing standard, except one block bounded by SW Villebois Drive to the east, SW Verdun Loop to the south, and park/open space areas to the north and west. The maximum spacing between Verdun Loop and Tooze/Boeckman exceeds 530 feet due to the retention of the existing wetland to the west of lots 1-9. The retained wetland is a barrier to building a street and a bike/pedestrian connection through this area and prevents the street spacing from meeting this standard.

Subsection 4.125 (.05) A. 2. Block, Alley, Pedestrian and Bicycle Standards: Intervening Pedestrian and Bicycle Access

- A4. **Review Criteria:** “If the maximum spacing for streets for local access exceeds 530 feet, intervening pedestrian and bicycle access shall be provided, with a maximum spacing of 330 feet from those local streets, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions from meeting this standard.”

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDA 7.

Details of Finding: A connection is provided around the edge of the wetland on the southeast side providing pedestrian and bicycle access to the adjoining homes. Condition of Approval PDA 7 assures there is actually a path connection to the front of each of the lots.

Subsection 4.125 (.05) B. Access

- A5. **Review Criterion:** “All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer.”

Finding: This criterion is satisfied.

Details of Finding: All of the lots within the proposed PDP that have frontage on a public street and an alley will take vehicular access from an alley to a garage or parking area. See also Finding E3 and Condition of Approval PDE 8.

Table V-1, Development Standards

A6. Review Criteria:

Table V-1: Development Standards												
Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width ^{10, 11} (%)	Max. Bldg. Height (ft.)	Front Min. (ft.)	Front Max. (ft.)	Rear Min. (ft.)	Side Min. (ft.)	Alley-Loaded Garage (note)	Street-Loaded Garage (note)
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	1	80	60	NR ³	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	1	60	45	8 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	1	80	45	8 ⁵	15	NR	NR	NR	NA
Duplexes	4,000	45	70	2	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17,18
Single-Family Dwellings	2,250	35	50	2	60 ¹⁸	35	12 ^{2,6}	20 ⁹	5	5 ¹⁵	7	8,17

Notes: NR No Requirement
 NA Not Allowed
 1 Lot < 8000sf. NR: Lot >8000sf. 80% (Max. Lot Coverage)
 2 Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%, Estate Lots: 45% Maximum Lot Coverage
 On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.
 3 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.
 4 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.
 5 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.
 6 For Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback.
 7 The garage setback from alley shall be between 3 and 5 foot or, when as optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.
 8 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main facade of the associated dwelling unit.
 9 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
 10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.
 11 Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB.
 12 See Definitions, 4.125.01, for measurement of Minimum Frontage Width.
 13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.
 14 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.
 15 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.
 16 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.
 17 Dwellings on lots without alley access shall be at least 36 feet wide.
 18 Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.
 19 Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements.
 20 Lots are categorized as small, medium, standard, large or estate as shown in the Pattern Book. [Table V-1 amended by Ord. 667 on 8/17/09; Ord. 682, 9/9/10]

Finding: These criteria are satisfied.

Details of Finding: In previous PDP's it has consistently been interpreted to allow the lot width and lot sizes to be governed by the Pattern Book. The proposed SAP Amendment to establish a new pattern book for this and adjacent PDP 4 East would allow small single family lots to be reduced to 32 feet wide and cottage lots to be 30 feet wide. The lot depth of all proposed single family lots exceed 50 feet deep. Some of the cottage lots also below the 2250 square foot lot are minimum, but are of the dimensions shown in the SAP East Pattern Book previously for attached small lots, which are not addressed in Table V-1, and for cottage lots in the proposed Pattern Book. Other development standards, including minimum frontage width, building height, and setbacks will be determined at the time of issuance of building permits for each home. Each single family lot does is of appropriate dimensions to allow each of the development standards that will be checked at the time of building permit to be met.

Subsection 4.125 (.07) Table V-2 Off-Street Parking, Loading & Bicycle Parking

A7. Review Criteria:

Table V-2: Off Street Parking Requirements				
Permitted or Conditional Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short-term (Spaces)	Bicycle Long-term (Spaces)
Permitted Uses				
Single-Family Detached Dwellings	1.0/DU	NR	NR	NR
Single-Family Accessory Dwelling Units*	1.0/DU	NR	NR	NR
Duplex	1.0/DU	NR	NR	NR
Row Houses	1.0/DU	NR	NR	NR
Multi-Family Dwellings	1.0/1 Bdr 1.5/2 Bdr 1.75/3 Bdr	NR	1 per 20 units Min. of 2	1 per 4 units Min. of 2
Community Housing	1 per 4 residents	1 per unit	None	1 per 8 residents Min. of 2
Commercial Uses				
Convenience Store	2/1000 sf	5/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Restaurant/Pub	2/1000 sf	10/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Child Day Care	0.2 per student/staff	0.3 per student/staff	None	1 per 10,000 sf Min. of 2
Medical/Dental	3/1000 sf	4/1000 sf	1 per 40,000 sf Min. of 2	1 per 70,000 sf Min. of 2
All other commercial uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
Conditional Uses				
Schools	0.2 per student/staff	0.3 per student/staff	0.3 per student/staff	0.2 per classroom
Recreational Facilities	3/1000 sf ¹	5/1000 sf ¹	1 per 3,000 sf Min. of 4	1 per 3000 sf Min. of 4
Conference Center	0.3 per seat	0.5 per seat	1 per 15 seats Min. of 2	1 per 40 seats Min. of 10
Library/Museum	2/1000 sf	4/1000 sf	1 per 1000 sf Min. of 6	1 per 1000 sf Min. of 6
Religious Institution	.25 per seat	.5 per seat	1 per 2,000 sf Min. of 2	1 per 4,000 sf Min. of 2
Theater	.25 per seat	.5 per seat	1 per 20 seats Min. of 2	1 per 50 seats Min. of 4
Overnight Lodging Facility	1 per room	1.5 per room	1 per 20 rooms Min. of 2	1 per 20 rooms Min. of 2
Light Manufacturing/Research and Development	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
All other Conditional Uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2

Notes: ¹ 1/1000 sf min. for court facilities

NR No requirement

* See WC Section 4.113(11) Assessorly Dwelling Units

[Table 4-2 amended by Ord. 677, 3/1/10]

Finding: These criteria are satisfied.

Details of Finding: At least one (1) parking space is provided for each dwelling unit.

Subsection 4.125 (.08) Parks & Open Space

A8. **Review Criteria:** This subsection prescribes the open space requirement for development in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The applicant states the following regarding these requirements, “The Parks Master Plan for Villebois states that there are 57.87 acres of parks and 101.46 acres of open space for a total of 159.33 acres within Villebois, approximately 33%. SAP East includes parks and open space areas consistent with the Master Plan. The proposed PDP includes the parks and open space areas shown in the Villebois Village Master Plan for this area, with increased areas and new linear greens and pocket parks and a larger regional park/open space for a retained wetland area. Therefore, this proposal provides more park, linear green, and open space areas than originally included in this phase.”

Subsection 4.125 (.09) Street Alignment and Access Improvements

Subsection 4.125 (.09) A. 1. a. Street Alignment and Access Improvements Conformity with Master Plan, etc.

A9. **Review Criterion:** “All street alignment and access improvements shall conform to the Villebois Village Master Plan, or as refined in the Specific Area Plan, Preliminary Development Plan, or Final Development Plan . . .”

Finding: This criterion is satisfied.

Details of Finding: The street alignments and access improvements within this PDP are generally consistent with those approved in the Villebois Village Master Plan and SAP East, as refined by this PDP application. See Request B and Findings B2 through B7.

Subsection 4.125 (.09) A. 1. a. i. Street Improvement: Conformity with Public Works Standards and Continuation of Streets

A10. **Review Criteria:** “All street improvements shall conform to the Public Works Standards and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: All street improvements within this PDP will comply with the applicable Public Works Standards. The street system within this PDP is designed to provide for the continuation of streets within Villebois and to adjoining properties or subdivisions according to the Master Plan.

Subsection 4.125 (.09) A. 1. a. ii. Streets Developed According to Master Plan

A11. **Review Criterion:** “All streets shall be developed according to the Master Plan.”

Finding: This criterion is satisfied.

Details of Finding: All streets within this PDP will be developed with curbs, landscape strips, sidewalks, and bikeways or pedestrian pathways as depicted on the Circulation Plan, applicant’s sheet 7.1 in Exhibit B6, and in accordance with the Master Plan.

Subsection 4.125 (.09) A. 2. a. & b. Intersections of Streets: Angles and Intersections

A12. Review Criteria:

- “Angles: Streets shall intersect one another at angles not less than 90 degrees, unless existing development or topography makes it impractical.
- Intersections: If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of thirty (30) foot centerline radius and said angle shall not be less than sixty (60) degrees. Any angle less than ninety (90) degrees shall require approval by the City Engineer after consultation with the Fire District.”

Finding: These criteria are satisfied.

Details of Finding: The Circulation Plan, applicant’s sheet 7.1 in Exhibit B6, demonstrates that all proposed streets will intersect at angles consistent with the above standards.

Subsection 4.15 (.09) A. 2. c. Intersection of Streets: Offsets

A13. Review Criterion: “Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:

- 1000 ft. for major arterials
- 600 ft. for minor arterials
- 100 ft. for major collector
- 50 ft. for minor collector”

Finding: These criteria are satisfied.

Details of Finding: The plan sheets demonstrate that opposing intersections on public streets are offset, as appropriate, so that no danger to the traveling public is created.

Subsection 4.125 (.09) A. 2. d. Curb Extensions

A14. Review Criteria: “Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F) below, and shall:

- Not obstruct bicycle lanes on collector streets.
- Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections shall have, shall meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.”

Finding: These criteria are satisfied.

Details of Finding: Curb extensions are shown on the Circulation Plan, sheet 7.1 in Exhibit B6. Curb extensions will not obstruct bicycle lanes on collector streets (Villebois Drive). The plan sheets illustrate that all local street intersections will have a minimum 20 foot wide clear distance between curb extensions.

Subsection 4.125 (.09) A. 3. Street Grades

A15. Review Criteria: “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

Finding: These criteria are satisfied.

Details of Finding: The Grading & Erosion Control Plan, sheet 5 Exhibit B6, demonstrates that proposed streets comply with this standard.

Subsection 4.125 (.09) A. 4. Centerline Radius Street Curves

A16. **Review Criterion:** “The minimum centerline radius street curves shall be as follows:

- Arterial streets: 600 feet, but may be reduced to 400 feet in commercial areas, as approved by City Engineer.
- Collector streets: 600 feet, but may be reduced to conform with the Public Works Standards, as approved by the City Engineer.
- Local streets: 75 feet”

Finding: These criteria are satisfied.

Details of Finding: Compliance is shown on the plan sheets.

Subsection 4.125 (.09) A. 5. Rights-of-way

A17. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for rights-of-way as no other provisions are noted.

Finding: These criteria are satisfied.

Details of Finding: Proposed rights-of-way are shown on the applicant’s plan sheets, including sheet 4.1, Tentative Subdivision Plat, in Exhibit B6. Rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177.

Subsection 4.125 (.09) A. 6. Access Drives

A18. **Review Criteria:** Access drives are required to be 16 feet for two-way traffic. Otherwise, pursuant to subsection (.09) A. above, the provisions of 4.177 apply for access drives as no other provisions are noted.

Finding: These criteria are satisfied.

Details of Finding: The applicant states, “Access drives (alleys) will be paved at least 16-foot in width within a 20-foot tract, as shown on the Circulation Plan. In accordance with Section 4.177, all access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by the fire department. All access drives will be designed to provide a clear travel lane free from any obstructions.”

Subsection 4.125 (.09) A. 7. Clear Vision Areas

A19. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for clear vision areas as no other provisions are noted.

Finding: These criteria are satisfied.

Details of Finding: The applicant states that clear vision areas will be provided and maintained in compliance with the Section 4.177.

Subsection 4.125 (.09) A. 8. Vertical Clearance

- A20. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for vertical clearance as no other provisions are noted.
Finding: These criteria are satisfied.
Details of Finding: The applicant states that Vertical clearance will be provided and maintained in compliance with the Section 4.177.

Subsection 4.125 (.09) A. 9. Interim Improvement Standards

- A21. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for interim improvement standards as no other provisions are noted.
Finding: These criteria are satisfied.
Details of Finding: No interim improvement are proposed. If interim improvements are proposed between phases they will be required to meet the standards referenced by this subsection.

Subsection 4.125 (.10) Sidewalk and Pathway Improvement Standards

- A22. **Review Criteria:** “The provisions of Section 4.178 shall apply within the Village zone.”
Finding: These criteria are satisfied.
Details of Finding: The applicant states, “All sidewalks and pathways within SAP East will be constructed in accordance with the standards of Section 4.178 and the Villebois Village Master Plan. Sidewalks and pathways are shown in the street cross-sections on the *Circulation Plan*.” See applicant’s sheet 7.2, Exhibit B6.

Subsection 4.125 (.11) Landscaping, Screening and Buffering

- A23. **Review Criteria:** “Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:
- Streets in the Village Zone shall be developed with street trees as described in the Community Elements Book.”
- Finding:** These criteria are satisfied.
Details of Finding: The appropriate landscaping is provided. The proposed street trees are among the choices provided in the Community Elements Book.

Subsection 4.125 (.12) Signage and Wayfinding

- A24. **Review Criteria:** “Except as this subsection may otherwise be amended, or until such time as a Signage and Wayfinding Plan is approved as required by Section 4.125(.18)(D)(2)(f), signs within the Village zone shall be subject to provisions of Section 4.156.”
Finding: These criteria are satisfied.
Details of Finding: The SAP East Signage & Wayfinding Plan indicates the provision of ‘Monumentation A – Primary Gateway’ at Villebois Drive at its intersection with Coffee Lake Drive. The applicant’s plan sheets L2.0, Exhibit B6, show provision of the required monumentation. The final location of which will be determined with the Final Development Plans for Regional Parks 7 and 8. Elevations of the monuments and signage are included in Section IIF of the applicant’s notebook, Exhibit B7. A sign permit is required prior to installation.

Subsection 4.125 (.13) Design Principles Applying to the Village Zone

A25. **Review Criteria:** “The following design principles reflect the fundamental concepts, and support the objectives of the Villebois Village Master Plan, and guide the fundamental qualities of the built environment within the Village zone.

- The design of landscape, streets, public places and buildings shall create a place of distinct character.
- The landscape, streets, public places and buildings within individual development projects shall be considered related and connected components of the Villebois Village Master Plan.
- The design of streets and public spaces shall provide for and promote pedestrian safety, connectivity and activity.
- The design of exterior lighting shall minimize off-site impacts, yet enable functionality.”

Finding: These criteria are satisfied.

Details of Finding: The Architectural Pattern Book and Community Elements Book ensure the design meets the fundamental design concepts and support the objectives of the Villebois Village Master Plan. By complying with an approved Architectural Pattern Book and Community Elements Book the design of the PDP will satisfy these criteria. See also Final Development Plan, Request G.

Subsection 4.125 (.14) A. 1. a. Design Standards: Flag Lots

A26. **Review Criterion:** “Flag lots are not permitted.”

Finding: This criterion is satisfied.

Details of Finding: No flag lots are proposed.

Subsection 4.125 (.14) A. 2. a. - e. and h. – k. Building and Site Design Requirements

A27. **Review Criteria:** “Building and site design shall include:

- Proportions and massing of architectural elements consistent with those established in an approved Architectural Pattern Book or Village Center Architectural Standards.
- Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.
- Protective overhangs or recesses at windows and doors.
- Raised stoops, terraces or porches at single-family dwellings.
- Exposed gutters, scuppers, and downspouts, or approved equivalent.
- Building elevations of block complexes shall not repeat an elevation found on an adjacent block.
- Building elevations of detached buildings shall not repeat an elevation found on buildings on adjacent lots.
- A porch shall have no more than three walls.
- A garage shall provide enclosure for the storage of no more than three motor vehicles, as described in the definition of Parking Space.”

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDA 4.

Details of Finding: The application requests PDP approval for single family detached homes, including cottage-sized homes, and row homes. Conformance with the Pattern Book and Community Elements Book will assure consistency with the Design Standards of subsection (.14). Condition of Approval PDA 4 requires the applicant provide architectural plans for approval by the City's architectural consultant prior to the City signing the final plat, which will ensure conformance of these different housing types with the Architectural Pattern Book.

Subsection 4.125 (.14) A. 2. g. Landscape Plans

A28. **Review Criterion:** "Building and site design shall include:

- A landscape plan in compliance with Sections 4.125(.07) and (.11), above."

Finding: This criterion is satisfied.

Details of Finding: The appropriate landscape plans have been provided. See Landscape Sheets in Exhibit B6.

Subsection 4.125 (.14) A. 2. f. Protection of Significant Trees

A29. **Review Criterion:** "Building and site design shall include:

- The protection of existing significant trees as identified in an approved Community Elements Book."

Finding: This criterion is satisfied.

Details of Finding: Tree protection information is provided. See Request F.

Subsection 4.125 (.14) A. 3. Lighting and Site Furnishings

A30. **Review Criteria:** "Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards."

Finding: These criteria are satisfied or will be required to do so by Condition of Approval PDG 2.

Details of Finding: All information provided on site elements in the FDP request match the Community Elements Book or will be required to meet them by a condition of approval. Specifically, the applicant has provided preliminary information on play structures, but not technical details discussed in the Community Elements Book. While the play structure shown have the potential to meet the technical requirements sufficient detail has not been provided and a condition of approval is needed to ensure the detailed technical requirements will be met.

Subsection 4.125 (.14) A. 4. Building Systems

A31. **Review Criteria:** "Building systems, as noted in Tables V-3 and V-4 (Permitted Materials and Configurations), below, shall comply with the materials, applications and configurations required therein. Design creativity is encouraged. The LEED Building Certification Program of the U.S. Green Building Council may be used as a guide in this regard."

Finding: These criteria are satisfied.

Details of Finding: Subsequent Building Permit applications will review proposed buildings for consistency with the criteria of Table V-3 and the Architectural Pattern Book.

Subsection 4.125 (.18) G. Preliminary Development Plan Approval Process

Subsection 4.125 (.18) G. 1. a. Preliminary Development Plan: Submission Timing

A32. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed with the City Planning Division for the entire SAP, or when submission of the SAP in phases has been authorized by the Development Review Board, for a phase in the approved sequence.”

Finding: This criterion is satisfied.

Details of Finding: As stated by the applicant, “this PDP addresses Phase 3 on the amended SAP East Phasing Plan. This PDP includes a request to amend the SAP East Phasing.” See Request C.

Subsection 4.125 (.18) G. 1. b. Preliminary Development Plan: Owners’ Consent

A33. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be made by the owner of all affected property or the owner’s authorized agent;”

Finding: This criterion is satisfied.

Details of Finding: This application is made by Polygon Northwest Company, who has been authorized by the property owner, Donald Bischoff to submit this application. The application form can be found in Section IB of the applicant’s notebook, Exhibit B7, along with a copy of the vesting deed. Exhibits B2 and B3 are application forms signed by an authorized representative of the City and the Urban Renewal Agency to allow the PDP approval to be applied to property the City and Urban Renewal Agency own in the PDP area, including those on which portions of Regional Parks will be constructed. Fred Gast has also signed an application, Exhibit B4, as representative for PNW Homebuilders, whose property the PDP extends to incorporate Pocket Park 12, Neighborhood Park 5, and Linear Green 15. Exhibit A3 demonstrates current ownership of Tax Lots 2916 and 2919 by PNW Homebuilders LLC. **An application for the parcel owned by Metro has been signed by Kathleen Brennan-Hunter, Metro Natural Areas Program Director. See Exhibit B13.**

Subsection 4.125 (.18) G. 1. c. Preliminary Development Plan Permit Process: Proper Form & Fees

A34. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution;”

Finding: These criteria are satisfied.

Details of Finding: The applicant has used the prescribed form and paid the required application fees.

Subsection 4.125 (.18) G. 1. d. Preliminary Development Plan Permit Process: Professional Coordinator

A35. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall set forth the professional coordinator and professional design team for the project;”

Finding: This criterion is satisfied.

Details of Finding: A professional design team is working on the project with Stacey Connery AICP from Pacific Community Design as the professional coordinator.

Subsection 4.125 (.18) G. 1. e. Preliminary Development Plan Permit Process: Mixed Uses

A36. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall state whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.”

Finding: This criterion is satisfied.

Details of Finding: The proposed PDP includes only residential uses with supporting recreational amenities.

Subsection 4.125 (.18) G. 1. f. Preliminary Development Plan Permit Process: Land Division

A37. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a preliminary land division (concurrently) per Section 4.400, as applicable.”

Finding: This criterion is satisfied.

Details of Finding: A preliminary subdivision plat has been submitted concurrently with this request. See Request E.

Subsection 4.125 (.18) G. 1. g. Preliminary Development Plan Permit Process: Zone Map Amendment

A38. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a concurrent application for a Zone Map Amendment (i.e., Zone Change) for the subject phase.”

Finding: This criterion is satisfied.

Details of Finding: A zone change request has been submitted concurrently with this request. See Request D.

Subsection 4.125 (.18) G. 2. a. – c. Preliminary Development Plan Permit Process: Information Required

A39. **Review Criteria:** “The application for Preliminary Development Plan approval shall include conceptual and quantitatively accurate representations of the entire development sufficient to demonstrate conformance with the approved SAP and to judge the scope, size and impact of the development on the community and shall be accompanied by the following information:

- A boundary survey or a certified boundary description by a surveyor licensed in the State of Oregon.
- Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, (e.g., flood plain, wetlands, forested areas, steep slopes or adjacent to stream banks). Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
 - One (1) foot contours for slopes of up to five percent (5%);
 - Two (2) foot contours for slopes from six percent (6%) to twelve (12%);
 - Five (5) foot contours for slopes from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
 - Ten (10) foot contours for slopes exceeding twenty percent (20%).
- The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the PDP and within 50 feet of the PDP boundary, as required by Section 4.139.

Finding: These criteria are satisfied.

Details of Finding: A certified boundary description by a surveyor licensed in the State of Oregon is provided as the legal description and sketch for the zone map amendment See Section IVC of the applicant’s notebook, Exhibit B7. Boundary information for the City property and the portions of Tax Lots 2916 and 2919 will be prepared for the City Council Zoning Order. Topographic information and SROZ information in accordance with Sections 4.125(.18) G. 2. b. & c. is shown on sheet 2 of Exhibit B6, Existing Conditions,

Subsection 4.125 (.18) G. 2. d. Preliminary Development Plan Permit Process: Land Area Tabulation

A40. **Review Criteria:** “A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.”

Finding: These criteria are satisfied.

Details of Finding: Following is a tabulation of land area devoted to the various uses and a calculation of net residential density:

Approx. Gross Acreage (all properties)	52.845 <u>73.27</u> Acres
Parks 24.298 <u>44.721</u> Acres	
Public Streets	12.837 Acres
Lots and Alleys	15.71 Acres

Net Residential Density: 205 lots / 15.71 Acres = 11.78 units per net acre

Subsection 4.125 (.18) G. 2. e. Preliminary Development Plan Permit Process: Streets, Alleys, and Trees

A41. **Review Criteria:** “The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the PDP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails, and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only.”

Finding: These criteria are satisfied.

Details of Finding: Information on planned alleys and streets are provided or the information is readily available. Easements, sidewalks, bike routes and bikeways, trails, and other relevant features are shown. The required trees are shown.

Subsection 4.125 (.18) G. 2. f. Preliminary Development Plan Permit Process: Building Drawings

A42. **Review Criteria:** “Conceptual drawings, illustrations and building elevations for each of the listed housing products and typical non-residential and mixed-use buildings to be constructed within the Preliminary Development Plan boundary, as identified in the approved SAP, and where required, the approved Village Center Design.”

Finding: This criterion will be satisfied by Condition of Approval PDA 4.

Details of Finding: The proposed PDP includes Medium, Small Detached, Cottage, and Row House housing products, along with a number of variations within these product types based on varying lot widths, lot depths, and split grading. Condition of Approval PDA 4 requires conceptual elevations for all the products within the PDP be provided for review by the City’s architectural consultant prior to the City signing of the final plat. Future proposed homes will be designed to be consistent with the conceptual elevations in the Architectural Pattern Book and reviewed by the City’s architectural consultant.

Subsection 4.125 (.18) G. 2. g. Preliminary Development Plan Permit Process: Utility Plan

A43. **Review Criterion:** “A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.”

Finding: This criterion is satisfied.

Details of Finding: A composite utility plan has been provided. See applicant’s sheet 6 in Exhibit B6.

Subsection 4.125 (.18) G. 2. h. Preliminary Development Plan Permit Process: Phasing Sequence

A44. **Review Criterion:** “If it is proposed that the Preliminary Development Plan will be executed in Phases, the sequence thereof shall be provided.”

Finding: This criterion is satisfied.

Details of Finding: The PDP is proposed to be executed in one or two phases. The proposed phases of the subject PDP are shown on the PDP Phasing Plan. See applicant’s sheet 11 in Exhibit B6.

Subsection 4.125 (.18) G. 2. i. Preliminary Development Plan Permit Process: Security for Capital Improvements

A45. **Review Criterion:** “A commitment by the applicant to provide a performance bond or other acceptable security for the capital improvements required by the project.”

Finding: This criterion is satisfied.

Details of Finding: The applicant states “the applicant will provide a performance bond or other acceptable security for the capital improvements required by the project.”

Subsection 4.125 (.18) G. 2. j. Preliminary Development Plan Permit Process: Traffic Report

A46. **Review Criterion:** “At the applicant’s expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the SAP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire SAP, and it shall meet Subsection 4.140(.09)(J)(2).”

Finding: This criterion is satisfied.

Details of Finding: The required traffic report has been provided, and can be found in Section IID of the applicant’s notebook, Exhibit B7.

Subsection 4.125 (.18) H. PDP Application Submittal Requirements

Subsection 4.125 (.18) H. 1. PDP Application Submittal Requirements: General

A47. **Review Criteria:** “The Preliminary Development Plan shall conform with the approved Specific Area Plan, and shall include all information required by (.18)(D)(1) and (2), plus the following:

- The location of water, sewerage and drainage facilities;
- Conceptual building and landscape plans and elevations, sufficient to indicate the general character of the development;
- The general type and location of signs;
- Topographic information as set forth in Section 4.035;
- A map indicating the types and locations of all proposed uses; and
- A grading and erosion control plan illustrating existing and proposed contours as prescribed previously in this section.”

Finding: These criteria are satisfied.

Details of Finding: As stated by the applicant, “the proposed PDP generally conforms to the approved SAP East, with the proposed refinements described in the following sections of this report. As demonstrated above, the PDP application includes all information required by 4.125(.18)(D)(1) and (2), as applicable to a PDP.”

Subsection 4.125 (.18) H. 2. PDP Application Submittal Requirements: Traffic Report

A48. **Review Criteria:** “In addition to this information, and unless waived by the City’s Community Development Director as enabled by Section 4.008(.02)(B), at the applicant’s expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the PDP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire PDP, and it shall meet Subsection 4.140(.09)(J)(2) for the full development of all five SAPs.”

Finding: These criteria are satisfied.

Details of Finding: The required traffic report is included in Section IID of the applicant’s notebook, Exhibit B7.

Subsection 4.125 (.18) H. 3. PDP Application Submittal Requirements: Level of Detail

A49. **Review Criterion:** “The Preliminary Development Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the phase of development. However, approval of a Final Development Plan is a separate and more detailed review of proposed design features, subject to the standards of Section 4.125(.18)(L) through (P), and Section 4.400 through Section 4.450.”

Finding: This criterion is satisfied.

Details of Finding: As stated by the applicant, “the plan sheets for the proposed Preliminary Development Plan provide sufficient detail to show the ultimate operation and appearance of the subject phase of development. The FDP application for design of the included park areas within the PDP area is submitted concurrent with this application.” See Request G.

Subsection 4.125 (.18) H. 4. PDP Application Submittal Requirements: Copies of Legal Documents

A50. **Review Criterion:** “Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner’s association, shall also be submitted.”

Finding: This criterion is satisfied.

Details of Finding: The required legal documents for review have been provided. See Section IIIC in the applicant’s notebook, Exhibit B7.

Subsection 4.125 (.18) I. PDP Approval Procedures

A51. **Review Criteria:** “An application for PDP approval shall be reviewed using the following procedures:

- Notice of a public hearing before the Development Review Board regarding a proposed PDP shall be made in accordance with the procedures contained in Section 4.012.
- A public hearing shall be held on each such application as provided in Section 4.013.
- After such hearing, the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.”

Finding: These criteria are satisfied.

Details of Finding: The request is being reviewed according to this subsection.

Subsection 4.125 (.18) J. PDP Refinements to Approved SAP

Subsection 4.125 (.18) J. 1. a. i. Refinements to the SAP: Street Network and Classification

A52. **Review Criterion:** “Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.”

Finding: This criterion is satisfied.

Details of Finding: Concurrently with this PDP request refinements to the street network are being requested that meet the applicable criteria. See Request B.

Subsection 4.125 (.18) J. 1. a. ii. Refinements to the SAP: Parks, Trails, and Open Space

A53. **Review Criterion:** “Changes to the nature or location of park types, trails or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Specific Area Plan.”

Finding: This criterion is satisfied.

Details of Finding: Concurrently with this PDP request refinements to the parks, trails, and open space are being requested that meet the applicable criteria. See Request B.

Subsection 4.125 (.18) J. 1. a. iii. Refinements to the SAP: Utilities and Storm Water Facilities

A54. **Review Criterion:** “Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.”

Finding: This criterion is satisfied.

Details of Finding: Concurrently with this PDP request refinements to the location of utilities or storm water facilities are being requested that meet the applicable criteria. See Request B.

Subsection 4.125 (.18) J. 1. a. iv. and v/ Refinements to the SAP: Mix of Land Uses and Density

A55. **Review Criteria:**

- “Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan.
- A change in density that does not exceed ten percent, provided such density change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village.”

Finding: These criteria are satisfied.

Details of Finding: Concurrently with this PDP request refinements to the location and mix of land uses and density are being requested that meet the applicable criteria. See Request B.

Subsection 4.125 (.18) K. PDP Approval Criteria

Subsection 4.125 (.18) K. 1. a. PDP Approval Criteria: Consistent with Standards of Section 4.125

A56. **Review Criteria:** “Is consistent with the standards identified in this section.”

Finding: These criteria are satisfied.

Details of Finding: As shown elsewhere in this request, the proposed Preliminary Development Plan is consistent with the standards of Section 4.125.

Subsection 4.125 (.18) K. 1. b. PDP Approval Criteria: Complies with the Planning and Land Development Ordinance

A57. **Review Criterion:** “Complies with the applicable standards of the Planning and Land Development Ordinance, including Section 4.140(.09)(J)(1)-(3).”

Finding: This criterion is satisfied.

Details of Finding: Findings are provided showing compliance with applicable standards of the Planning and Land Development Ordinance. Specifically Findings A65 through A67 address Subsections 4.140 (.09) J. 1. through 3.

Subsection 4.125 (.18) K. 1. c. PDP Approval Criteria: Consistent with Approved SAP

A58. **Review Criterion:** “Is consistent with the approved Specific Area Plan in which it is located.”

Finding: This criterion is satisfied.

Details of Finding: Together with the proposed refinements and amendments, the PDP is consistent with the approved SAP.

Subsection 4.125 (.18) K. 1. d. PDP Approval Criteria: Consistent with Approved Pattern Book

A59. **Review Criterion:** “Is consistent with the approved Pattern Book and, where required, the approved Village Center Architectural Standards.”

Finding: This criterion is satisfied.

Details of Finding: As stated by the applicant, “No buildings are proposed with this Preliminary Development Plan. Subsequent Building Permit applications for residential buildings in this Preliminary Development Plan will document compliance with the Architectural Pattern Book. However, proposed lots are sized to accommodate proposed uses in a manner consistent with Table V-1 and the Architectural Pattern Book.”

Subsection 4.125 (.18) K. 2. PDP Approval Criteria: Reasonable Phasing Schedule

A60. **Review Criterion:** “If the PDP is to be phased, that the phasing schedule is reasonable and does not exceed two years between commencement of development of the first, and completion of the last phase, unless otherwise authorized by the Development Review Board.”

Finding: This criterion is satisfied.

Details of Finding: As stated in item 12 in the applicant’s letter responding to incompleteness, Exhibit B1, “PDP 3E is proposed to be built in two (2) phases. Phase 1 is the northern and western portions of the PDP and includes all the initial utility connections required for service. Phase 2 is the southeastern portion of the PDP. Polygon may build both phases at the same time. If the phasing option is chosen, Phase 2 would be built approximately 12 months after Phase 1.”

Subsection 4.125 (.18) K. 3. PDP Approval Criteria: Parks Concurrency

A61. **Review Criterion:** “Parks within each PDP or PDP Phase shall be constructed prior to occupancy of 50% of the dwelling units in the PDP or PDP phase, unless weather or other special circumstances prohibit completion, in which case bonding for such improvements shall be permitted.”

Finding: This criterion will be satisfied by Condition of Approval PDA 3.

Details of Finding: The applicant asserts and a condition of approval ensures the parks within PDP 3E will be completed prior to occupancy of 50% of the housing units or bonding will be provided if special circumstances prevent completion.

Subsection 4.125 (.18) K. 5. PDP Approval Criteria: DRB Conditions

A62. **Review Criterion:** “The Development Review Board may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.”

Finding: This criterion is satisfied.

Details of Finding: Condition of Approval PDA 2 is recommended to ensure the obligations under the development agreement are met that facilitate development in conformance with the Master Plan and approved SAP. The development agreement ensures public improvements are built as approved and available to serve the development.

Subsection 4.140 (.09) J. Planned Development Permit Review Criteria

“A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:”

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

A63. **Review Criteria:** “The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.”

Finding: These criteria are satisfied.

Details of Finding: The applicant’s findings demonstrate that the location, design, size, and uses proposed with the PDP are both separately and as a whole consistent with SAP East, and thus the Villebois Village Master Plan, the City’s Comprehensive Plan designation of Residential – Village for the area, and any other applicable ordinance of which staff is aware.

Subsection 4.140 (.09) J. 2. Meeting Traffic Level of Service D

A64. **Review Criteria:** That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City’s adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

Finding: These criteria are satisfied.

Details of Finding: The location, design, size and uses are such that traffic generated within the PDP at the most heavily used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D. The proposed uses and the circulation system are consistent with the SAP – East application, which included an Internal Circulation Evaluation including an assessment of intersection performance by DKS

Associates. A copy of the Traffic Impact Analysis is attached in Section IID of the applicant's notebook, Exhibit B7.

Subsection 4.140 (.09) J. 3. Concurrency for Other Facilities and Services

A65. **Review Criteria:** "That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services."

Finding: These criteria are satisfied.

Details of Finding: As shown in the Utility and Drainage Report, Section IIC of the applicant's notebook, Exhibit B7, and plan sheets, see Exhibit B6, adequate or immediately planned facilities and services are sufficient to serve the planned development. Condition of Approval PDA 2 further ensures the obligations related to planned facilities in the development agreement are built as agreed upon and available to serve the development.

Section 4.171 Protection of Natural Features & Other Resources

Subsection 4.171 (.02) General Terrain Preparation

A66. **Review Criteria:**

- "All developments shall be planned designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant land forms.
- All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code, all development shall be planned, designed, constructed and maintained so as to:
 - Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.
 - Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.
 - Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.

Finding: These criteria are satisfied.

Details of Finding: As stated by the applicant, "the plan sheets located in Section IIB of the applicant's notebook, Exhibit B7, demonstrate that the subject Preliminary Development Plan is designed with maximum regard to natural terrain features and topography. The subject PDP does not contain hillside areas. The flood plain associated with Seely Ditch is shown on the attached plans. No development impacts to the flood plain are proposed with the PDP. (If the final park designs for RP-7 or RP-8 proposed flood plain impacts, these will be reviewed with the subsequent FDP application(s) for RP-7 and RP-8). The Grading and Erosion Control Plan shows proposed grading within the subject area and the Tree Preservation Plan shows proposed tree preservation.

All subsequent grading, filling and excavating will be done in accordance with the Uniform Building Code. Disturbance of soils and removal of trees and other native vegetation will be limited to the extent necessary to construct the proposed development.

Construction will occur in a manner that avoids substantial probabilities of accelerated erosion; pollution, contamination or siltation of lakes, rivers, streams and wetlands; damage to vegetation; and injury to wildlife and fish habitats.

Subsection 4.171 (.03) Hillsides

A67. **Review Criterion:** “Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:”

Finding: This criterion does not apply.

Details of Finding: The subject Preliminary Development Plan does not include any areas of slopes in excess of 25%. Therefore, this standard does not apply to this application.

Subsection 4.171 (.04) Trees and Wooded Area

A68. **Review Criteria:**

- “All developments shall be planned, designed, constructed and maintained so that:
 - Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.
 - Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible.
 - Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:
 - Avoiding disturbance of the roots by grading and/or compacting activity.
 - Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces.
 - Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.
 - Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees.

Finding: These criteria are satisfied.

Details of Finding: The Tree Preservation Plan, applicant’s sheet 9 of their plan set, Exhibit B6, depicts existing trees within the subject area and identifies trees to be retained and to be removed. See also Exhibit B11 for information on tree removal and retention in Pocket Park 12 and Neighborhood Park 5. This application includes a request for approval of a Type “C” Tree Removal Plan, which can be found in Section V of the applicant’s notebook, Exhibit B7.

Section V of the applicant’s notebook includes the Tree Report prepared by Morgan Holan addressing existing trees and development impacts within the subject area, a tree inventory and tree mitigation details. The information contained in Section V of the applicant’s notebook demonstrates that the subject Preliminary Development Plan is designed to incorporate all trees with a diameter at breast height of six inches or greater into the plan where feasible. All trees rated “Important” or “Good” have been retained to the extent feasible within the area addressed by this PDP. Trees that are retained, as identified in the Tree Preservation Plan, will be protected during site preparation and construction in

accordance with City Public Works design specifications and Section 4.171(.04). See also Request G.

Subsection 4.171 (.05) High Voltage Power Lines

A69. **Review Criteria:** “High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:

- Due to the restrictions placed on these lands, no residential structures shall be allowed within high voltage power line easements and rights of way and petroleum pipeline easements, and any development, particularly residential, adjacent to high voltage power line easements and rights of way and petroleum pipeline easement shall be carefully reviewed.
- Any proposed non-residential development within high voltage power line easements and rights of way and petroleum pipeline easements shall be coordinated with and approved by the Bonneville Power Administration, Portland General Electric Company or other appropriate utility, depending on the easement or right of way ownership.

Finding: These criteria do not apply.

Details of Finding: The development area and surrounding area are not around high voltage power lines. The nearest high voltage power lines are on the opposite side of the the Coffee Lake wetland.

Subsection 4.171 (.06) Safety Hazards

A70. **Review Criteria:** “

- To protect lives and property from natural or human-induced geologic or hydrologic hazards and disasters.
- To protect lives and property from damage due to soil hazards.
- To protect lives and property from forest and brush fires.
- To avoid financial loss resulting from development in hazard areas.

Finding: These criteria are satisfied.

Details of Finding: The applicant states that development of the subject area will occur in a manner that minimizes potential hazards to safety.

Subsection 4.171 (.07) Earth Movement Hazard Areas

A71. **Review Criterion:** “No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions.”

Finding: This criterion is satisfied.

Details of Finding: No areas of land movement, slump, earth flow, or mud or debris flow have been identified in the project area.

Subsection 4.171 (.08) Standards for Soil Hazard Areas

A72. **Review Criteria:**

- “Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.

- The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulleting and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

Finding: These criteria are satisfied.

Details of Finding: No soil hazard areas have been identified within the subject area.

Subsection 4.171 (.09) Historic Protection

A73. **Review Criteria:** This subsection establishes requirements for protection of historic resources.

Finding: This criterion is satisfied.

Details of Finding: A Historic/ Cultural Resource Inventory was previously conducted for the property identified as SAP – East. The inventory includes the farm house on the subject property. However, the house has not been listed in any other inventory and is not required to be maintained.

Section 4.172 Flood Plain Regulations

A74. **Review Criteria:** This section establishes the regulations for flood plains within the City.

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDA 5.

Details of Finding: No development or uses that are not permitted outright are proposed in the flood plain within the PDP and a flood plain permit is not required. Staff notes that one of the storm water facilities in Regional Park 8 is in the 100-year flood plain. The final design and location of the facility will be determined together with the future Final Development Plan request for Regional Park 8. Condition of Approval PDA 5 requires all applicable flood plain regulations be met and regulatory approvals granted for this facility or an alternative design determined and approved prior to issuing a grading permit for the Tonquin Meadows subdivision.

Section 4.176 Landscaping, Screening, and Buffering

A75. **Review Criteria:** This section establishes landscape, screening, and buffering requirements for development within the City.

Finding: These criteria are satisfied.

Details of Finding: Landscaping will be provided in accordance with the standards in Section 4.176. The Street Tree/Lighting Plan depicts street trees along rights-of-way within the subject Preliminary Development Plan area. The plan has been developed in conformance with the *Community Elements Book* and the applicable standards of Section 4.176. Landscaping in the parks and linear green areas will be reviewed with Request G, Final Development Plan.

Section 4.177 Street Improvement Standards

A76. **Review Criteria:** This section establishes street improvements standards for development within the City.

Finding: These criteria are satisfied.

Details of Finding: The rights-of-way proposed within the subject PDP are shown on the plan sheets in Exhibit B6. Rights-of-way will be dedicated and a waiver of remonstrance

against the formation of a local improvement district will be recorded with the final plat. The plan sheets demonstrate that all proposed access drives (alleys) within the PDP area will have a minimum improvement width of 16 feet and will provide two-way travel. All access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by TVF&R. All access drives will be designed to provide a clear travel lane free from any obstructions. Clear vision areas will be maintained in accordance with the standards of Subsection 4.177(.01)(I). Vertical clearance will be maintained over all streets and access drives in accordance with Subsection 4.177(.01)(J).

Section 4.178 Sidewalk and Pathway Standards

A77. Review Criteria:

- “Sidewalks. All sidewalks shall be concrete and a minimum of five (5) feet in width, except where the walk is adjacent to commercial storefronts. In such cases, they shall be increased to a minimum of ten (10) feet in width.
- Pathways
 - Bicycle facilities shall be provided using a bicycle lane as the preferred facility design. The other facility designs listed will only be used if the bike lane standard cannot be constructed due to physical or financial constraints. The alternative standards are listed in order of preference.
 - Bike lane. This design includes 12-foot minimum travel lanes for autos and paved shoulders, 5-6 feet wide for bikes that are striped and marked as bicycle lanes. This shall be the basic standard applied to bike lanes on all arterial and collector streets in the City, with the exception of minor residential collectors with less than 1,500 (existing or anticipated) vehicle trips per day.”

Finding: These criteria are satisfied.

Details of Finding: The applicant’s sheet 7.2, see Exhibit B6, depicts cross-sections of the proposed sidewalks and pathways in compliance with the above standards and Specific Area Plan – East.

REQUEST B: DB12-0043 SAP-EAST REFINEMENTS

Properties included in this request include Tax Lots 100 and 180, Section 15.

The applicant's findings in Section IIA of their notebook, Exhibit B7, specifically pages 19-28, respond to the majority of the applicable criteria.

Refinements Generally

Subsection 4.125 (.18) J. 1. Refinement Process

B1. **Review Criteria:** "In the process of reviewing a PDP for consistency with the approved Specific Area Plan, the DRB may approve refinements, but not amendments, to the SAP. Refinements to the SAP may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section (.18)(J)(2), below."

Finding: These criteria are satisfied.

Details of Finding: The applicant is requesting a number of refinements as listed below. The applicant has provided plan sheets showing sufficient information to demonstrate compliance with the applicable criteria. As can be seen in the Findings below the criteria set forth in Subsection 4.125 (.18) J. 2. are satisfied for each requested refinement.

Refinement Request "a": Street Network

Subsection 4.125 (.18) J. 1. a. i. SAP Refinements: Street Network and Functional Classification

B2. **Review Criteria:** "Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians."

Finding: These criteria are satisfied.

Details of Finding: The proposed changes are as follows:

- Cherbourg Loop and Milford Lane- Removal enables the retention of an isolated wetland
- Berlin Avenue alignment adjusted to provide better functionality within blocks and alignment of alley intersections
- Stockholm Avenue alignment slightly adjusted to the west allowed an increased size for Pocket Park 11.
- Finland Avenue alignment slightly adjusted enabling the additional of a pocket park along Courtney Loop North.

The proposed changes in Berlin Avenue, Stockholm Avenue and Finland Avenue have no effect on the circulation system. The proposed changes affecting Cherbourg Loop and Milford Lane alter the circulation pattern in this area; however, the changes do not significantly reduce the circulation system function or connectivity for vehicles, bicycles or pedestrians. Vehicular connection continues to be provided north-south through the continuation of Villebois Drive, and east-west through Verdun Loop and Stockholm Avenue. Bicycle and pedestrian circulation is provided on all streets and along all

alleyways within the subject block and surrounding blocks. Bicycle and pedestrian circulation is also provided around the lots on the southeast corner of the resulting block. The major trail connection through or adjacent to Regional Park 7 is still provided and the minor trail connection through the linear greens along the transmission lines is also still provided.

Subsection 4.125 (.18) J. 1. b. i. Defining “Significant” for SAP Refinements: Quantifiable

B3. **Review Criteria:** “As used herein, “significant” means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

Details of Finding: Quantifiable measures related to this refinement request include circulation system function and connectivity. Level of Service (LOS) is the quantifiable performance measure related to circulation system function for vehicles. No data is available nor practical to obtain regarding the circulation system function for bicycles and pedestrians. While the traffic study did not compare LOS at various intersections with and without the proposed refinements, LOS of service continues to be met with the proposed changes. The quantifiable measure of connectivity is number of connecting routes. The proposed alignment changes of Berlin Avenue, Stockholm Avenue, and Finland Avenue do not remove any connections. The removal of Cherbourg Loop and Milford Lane do remove connections for all mode types. Replacement bicycle and pedestrian connections are provided along the Tonkin Trail alignment as well as the path provided in front of Lots 1-9 and on the side of Lot 10. This leaves the loss of the two vehicle connections, which is much less than 10 percent of the overall number of vehicle connections provided in the SAP and PDP.

Subsection 4.125 (.18) J. 1. b. ii. Defining “Significant” for SAP Refinements: Qualitative

B4. **Review Criteria:** “As used herein, “significant” means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

Details of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B5 below, the proposed refinements do not negatively affect qualitative features of the street network.

Subsection 4.125 (.18) J. 2. a. SAP Refinement Review Criteria: Better or Equally Implementing Villebois Village Master Plan

B5. **Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The following are the relevant goals and policies from the Villebois Village Master Plan followed by discussion of how the refinements better or equally meet them:

Circulation System Goal: The Villebois Village shall provide for a circulation system that is designed to reflect the principles of smart growth.

While some vehicle connectivity choices are being removed, retaining of the isolated wetland furthers the smart growth principle of a thriving natural environment. The enlargement and addition of pocket parks add more green space within the development.

Circulations System Policy 1: The Villebois Village shall encourage alternatives to the automobile, while accommodating all travel modes, including passenger cars, trucks, buses, bicycles and pedestrians.

There will continue to be access to all homes and destinations from a variety of travel modes. The design of homes facing pocket parks and green spaces encourages more pedestrian mode choices.

Subsection 4.125 (.18) J. 2. b. SAP Refinement Review Criteria: Impact on Natural and Scenic Resources

B6. **Review Criterion:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

Finding: These criteria are satisfied.

Details of Finding: The proposed refinements add green space and retain an isolated wetland having a positive impact on the natural and scenic resources and amenities in the development.

Subsection 4.125 (.18) J. 2. c. SAP Refinement Review Criteria: Effect on Subsequent PDP's and SAP's

B7. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposed changes in Berlin Avenue, Stockholm Avenue and Finland Avenue do not affect adjoining or subsequent PDP's. However the removal of Cherbourg Loop and Milford Lane do have a direct relationship with the street network in the adjacent portion of SAP North. As explained by the applicant in item 2 of their letter responding to the notice of incomplete application dated October 4, 2012, Exhibit B1, “the subject area of SAP North is already required to be readdressed by future applicants due to changes resulting from the school relocation and the nature of the original SAP North approval.” Applicant's sheet 12, see Exhibit B6, shows a potential layout for the subject area of SAP North adapted to the removal of these street. Additionally, a note on Figure 1 of the Villebois Village Master Plan states “Adjustments in plan, street alignments, and intersections as well as rainwater facilities and pathways will be made to comply with SROZ Regulations.” While the subject isolated wetland is not mapped as part of the City's

SROZ, resource related regulations on the state and federal level impacted the decision to retain the wetland and change the alignment.

Refinement Request “b”:Parks, Trails,and Open Space

Subsection 4.125 (.18) J. 1. a. ii. SAP Refinements: Parks, Trails, and Open Space

B8. **Review Criteria:** “Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Preliminary Development Plan.”

Finding: These criteria are satisfied.

Details of Finding: The following table outlines the proposed changes to parks:

Park	Name	Location	Master Plan Amenities	Proposed Changes
RP-7		South of Boeckman/Tooze west of Villebois Drive	<ul style="list-style-type: none"> • General Lawn Play • Benches • Tables • Shelter • Rainwater Elements 	More isolated wetland retained expanding park area
PP-11	Garden Park North	West of Stockholm Avenue	<ul style="list-style-type: none"> • “Space for recreation and informal play” 	Increased in size
LG 15		Along former 110 th ROW	<ul style="list-style-type: none"> • Pedestrian connection • Other misc. amenities 	Includes area previously designated as PP-9
LG-16		Along former 110 th ROW	<ul style="list-style-type: none"> • Pedestrian connection • Other misc. amenities 	Area incorporated into NP-7 with retention of wetlands
PP-9		Along former 110 th ROW	<ul style="list-style-type: none"> • Creative Play • Benches • Pathway 	Incorporated into LG-15, amenities maintained
New Linear Greens		Throughout PDP	<ul style="list-style-type: none"> • none 	Pedestrian connection Other misc. amenities
New Pocket Parks		Both sides of Serenity Way south of Coffee Lake Drive	<ul style="list-style-type: none"> • none 	Rainwater Elements

No amenities are being removed, additional amenities and features are being added. Staff notes additional refinements are expected during the future FDP request from Regional Parks 7 and 8 as enabled by Subsection 4.125 (.18) O..

Subsection 4.125 (.18) J. 1. b. i. Defining “Significant” for SAP Refinements: Quantifiable

B9. **Review Criteria:** “As used herein, “significant” means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above,”

Finding: These criteria are satisfied.

Details of Finding: The performance measures, etc. being measured for the purpose of this refinement are the reduction of function, usability, connectivity, or overall distribution or availability of park uses in the Preliminary Development Plan. Park amenities are being added, creating no reduction in any measurable aspect of the parks.

Subsection 4.125 (.18) J. 1. b. ii. Defining “Significant” for SAP Refinements: Qualitative

B10. **Review Criteria:** “As used herein, “significant” means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

Details of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider to be the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B11 below, the proposed refinements do not negatively affect qualitative features of the parks.

Subsection 4.125 (.18) J. 2. a. SAP Refinement Review Criteria: Better or Equally Implementing Villebois Village Master Plan

B11. **Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The following are the relevant goals and policies from the Villebois Village Master Plan followed by discussion of how the refinements better or equally meet them:

Goal stated in paragraph one under 3.1 Introduction/Proposal for Parks and Open Space:

Offer a variety of opportunities that are engaging to all senses, through the provision of programming elements that allow for a wide variety of experiences.

3.3 Parks Goal: The Parks system within Villebois Village shall create a range of experiences for its residents and visitors through an interconnected network of pathways, parks, trails, open space and other public spaces that protect and enhance the site’s natural resources and connect Villebois to the larger regional park/open space system.

Policy 2: An interconnected trail system shall be created linking the park and open spaces and key destination points within Villebois and to the surrounding neighborhoods. The trails system shall also provide loops of varying lengths to accommodate various activities such as walking, running, and rollerblading.

Policy 3: Parks shall encourage the juxtaposition of various age-oriented facilities and activities, while maintaining adequate areas of calm.

Policy 4: Park designs shall encourage opportunities for wildlife habitat, such as plantings for wildlife foraging and/or habitat, bird and/or bat boxes and other like elements.

Policy 5: Gathering spaces in parks shall generate social interaction by adding layers of activity (Power of Ten).

Policy 6: Build-out of the Villebois Village Master Plan shall comply with the City of Wilsonville SROZ regulations. Any encroachment into the SROZ will be reviewed for compliance or exemption as more detailed information is provided that will affect the SROZ areas. Adjustments in plan, street alignments, and intersections as well as rainwater facilities and pathways shall be made to comply with SROZ regulations.

Policy 9: Parks and recreation spaces shall provide for flexibility over time to allow for adaptation to the future community's park, recreation and open space needs.

Implementation Measure 1: Future and pending development applications within Villebois (Specific Area Plans, Preliminary Development Plans and Final Development Plans) shall comply with the park, trail, open space system proposed in Figure 5 – Parks and Open Space Plan, Figure 5A – Recreational Experiences Plan, and Table 1: Parks Programming. Refinements may be approved

Implementation Measure 3: Parks and open spaces shall be designed to incorporate native vegetation, landforms and hydrology to the fullest extent possible.

Implementation Measure 12: Through time, the Developers shall have a responsibility to participate in planning, implementing and securing funding sources for a wetland naturalization and enhancement plan for the Coffee Lake wetland complex. These wetlands are adjacent to Coffee Creek and within the boundary of Villebois. The wetland naturalization and enhancement plan shall be initiated and completed with the phased development of the Village.

Implementation Measure 15: Each child play area shall include uses suitable for a range of age groups.

The refinements propose all the amenities and their related variety shown in the Master Plan for the PDP area, while acknowledging further refinements are expected during the future FDP applications for RP-7 and RP-8. The addition of the retained wetland better implements the policies and implementation measures related to being designed to incorporate native vegetation, landforms and hydrology and encouraging wildlife habitat.

Subsection 4.125 (.18) J. 2. b. SAP Refinement Review Criteria: Impact on Natural and Scenic Resources

B12. **Review Criterion:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

Finding: These criteria are satisfied.

Details of Finding: The proposed refinements add green space and retain an isolated wetland having a positive impact on the natural and scenic resources and amenities in the development.

Subsection 4.125 (.18) J. 2. c. SAP Refinement Review Criteria: Effect on Subsequent PDP's and SAP's

B13. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposed park refinements do not preclude an adjoining or subsequent PDP or SAP area from developing consistent with the approved SAP or Master Plan.

Refinement Request “c”: Utilities and Storm Water Facilities

Subsection 4.125 (.18) J. 1. a. iii. SAP Refinements: Utilities and Storm Water Facilities

B14. **Review Criteria:** “Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.”

Finding: These criteria are satisfied.

Details of Finding: The changes to utility and storm water facilities are described by the applicant as follows: “The proposed PDP includes changes to utility lines that correspond with the changes in the street network described above, including refining the alignment of a sanitary sewer trunk line to go around the existing wetland being retained. The SAP East plans show storm water ponds within RP-8 that are no longer required (NOTE: SAP East was approved in 2004). An amendment of the Villebois Village Master Plan occurred in 2006 for the overall parks master plan. During the parks master planning process, the City determined that detention would not be required along the 100-year flood plain associated with Coffee Lake Creek and Master Plan figures were updated to reflect this decision. The Villebois Village Master Plan shows storm water/ rainwater swales within RP-7 and RP-8. The proposed PDP does not alter these intentions. Rainwater cells/swales are also shown in the Master Plan within the median in Villebois Drive. Proposed PDP plans include rainwater cells/swales within the Villebois Drive median. Thus, the only true utility refinements proposed are those associated with refinements to the street network and retention of the existing wetland. The proposed utility/street refinements do not reduce the service or function of utilities in any way.” Staff additionally notes the proposed utility realignments and storm water systems have been reviewed by the City’s Engineering and Natural Resources staff.

Subsection 4.125 (.18) J. 1. b. i. Defining “Significant” for SAP Refinements: Quantifiable

B15. **Review Criteria:** “As used herein, “significant” means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above,”

Finding: These criteria are satisfied.

Details of Finding: The quantifiable requirements for utilities and storm water facilities described in the referenced subsection are service and function. Engineering staff has not noted any reduction in the service or function of the proposed facilities over those shown in the relevant Master Plan or SAP materials.

Subsection 4.125 (.18) J. 1. b. ii. Defining “Significant” for SAP Refinements: Qualitative

B16. **Review Criteria:** “As used herein, “significant” means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

Details of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider to be the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B17 below, the proposed refinements do not negatively affect qualitative features of the street network.

Subsection 4.125 (.18) J. 2. a. SAP Refinement Review Criteria: Better or Equally Implementing Villebois Village Master Plan

B17. **Review Criteria:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The City Engineer has not indicated that any utility or storm water related goals, policies, or implementation measures have been negatively impacted by the proposed refinements.

Subsection 4.125 (.18) J. 2. b. SAP Refinement Review Criteria: Impact on Natural and Scenic Resources

B18. **Review Criterion:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

Finding: These criteria are satisfied.

Details of Finding: No significant detrimental impacts to natural or scenic resources have been noted. In fact, low impact development practices have been incorporated into the design, and the sewer is being realigned as part of the effort to retain an isolated wetland.

Subsection 4.125 (.18) J. 2. c. SAP Refinement Review Criteria: Effect on Subsequent PDP’s and SAP’s

B19. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposed refinements will continue to allow adjoining PDPs and SAPs to develop according to approved SAPs and the Master Plan.

Refinement Request “d”: Location and Mix of Land Uses

Subsection 4.125 (.18) J. 1. a. iv. SAP Refinements: Location and Mix of Land Uses

B20. Review Criteria: “Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan. For purposes of this subsection, “land uses” or “uses” are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.”

Finding: These criteria are satisfied.

Details of Finding: The changes to the location and mix of land uses are illustrated in the following table. Overall, as shown in Exhibit B8 (Site Map) and in the findings below, do not significantly alter the distribution or availability of uses in the PDP. The Small Cottage is a replacement product for the Small Single-family Attached unit type. Both are on similar size lots (approx. 30 feet wide) and are expected to serve a similar market segment (see issues section and discussion of SAP Pattern Book Amendment under Request C.)

Description of Block (bounded by:)	SAP Plan	Proposed PDP Plan
SW Verdun Loop SW Villebois Dr N SW Tooze Road SAP Boundary	8-16 Small Attached 8-12 Small Detached <hr/> 16-28 Total	17 Small Cottage <hr/> 17 Total
SW Stockholm Ave. SW Villebois Dr. N. SW Verdun Lp. SAP Boundary	13-21 Row Homes	8 Row Homes 9 Small Cottage 1 Medium <hr/> 18 Total
SW Verdun Lp. SW Berlin Ave. SW Coffee Lake Ave. SW Villebois Dr. N.	13-21 Small Attached	17 Small Cottage <hr/> 17 Total
SW Stockholm Ave. SW Berlin Ave. SW Verdun Lp. SW Villebois Dr. N.	9-17 Row Homes	8 Row Homes 5 Small Cottage <hr/> 13 Total
SW Geneva Lp. SW Berlin Ave. SW Stockholm Ave. SW Villebois Dr. N.	13-21 Row Homes	12 Row Homes 7 Small Cottage <hr/> 19 Total
SAP Boundary SW Berlin Ave. SW Geneva Lp. SW Costa Cir. E./SW Villebois Dr. N.	20-24 Row Homes or NA (20 du/acre) (includes entire block to SW Mont Blanc Ln)	14 Row Homes 7 Small Detached <hr/> 21 Total (plus lots in PDP 4E)
SW Brussels Ln. SW Coffee Lake Dr. SW Berlin Ave. SW Stockholm Ave.	14-30 Small Attached	20 Small Cottage 1 Small Detached 1 Medium <hr/> 22 Total
SAP Boundary SW Stockholm Ave. SW Berlin Ave.	11-15 Row Homes 18-26 Small Attached <hr/> 29-41 Total (includes entire block to SW Month Blanc Ln.)	21 Small Detached <hr/> 21 Total (plus lots in PDP 4E)
SAP Boundary SW Finland Ave.	6-10 Small Attached 8-10 Small Detached	19 Small Detached <hr/> 19 Total

SW Brussels Ln. SW Stockholm Ave.	14-20 Total	
SAP Boundary SW Serenity Way SW Coffee Lake Dr. SW Brussels Ln. SW Finland Ave.	10-14 Small Detached 13-17 Medium (includes entire east side of block to SW Denmark St.) <hr/> 23-31 Total	10 Small Detached 16 Medium <hr/> 26 Total (plus lots in other PDP 2E and 4E)
SAP Boundary SW Coffee Lake Dr. SW Serenity Way	14-18 Medium (includes entire block to SW Denmark St.)	12 Medium <hr/> 12 Total (plus lots in PDP 2E and overlapping lots for future development)

Subsection 4.125 (.18) J. 1. b. i. Defining “Significant” for SAP Refinements: Quantifiable

B21. **Review Criteria:** “As used herein, “significant” means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

Details of Finding: For the purpose of this refinement the quantifiable requirement is the number of lots/units under an aggregated land use category on the SAP level. The first land use category small detached, and all attached housing types. Staff notes the cottage also is interpreted to fall into this aggregated category. The second land use category includes medium and larger single-family unit types. The table below shows the proposed changes affect the SAP East Land Use Mix. Proposed is a 5.88 percent increase in the larger land use category, and a 0.95 percent decrease in the smaller and attached land use category. Both of these are well within the ten percent allowance.

	Current SAP E Unit Count	Proposed SAP E Unit Count	% Change
Medium/ Standard/ Large/ Estate	153	162	5.88%
Small Detached/ Small Attached/ Cottage/ Row Homes/ Neighborhood Apartment	421	417	-0.95%
Total	574	579	0.87%

Subsection 4.125 (.18) J. 1. b. ii. Defining “Significant” for SAP Refinements: Qualitative

B22. **Review Criteria:** “As used herein, “significant” means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

Details of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B23 below, the proposed refinements do not negatively affect qualitative features of the street network.

Subsection 4.125 (.18) J. 2. a. SAP Refinement Review Criteria: Better or Equally Implementing Villebois Village Master Plan

B23. **Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The following are the relevant goals and policies from the Villebois Village Master Plan followed by discussion of how the refinements better or equally meet them:

Land Use Policy 1: The Villebois Village shall be a complete community with a wide range of living choices, transportation choices, and working and shopping choices. Housing shall be provided in a mix of types and densities resulting in a minimum of 2,300 dwelling units within the Villebois Village Master Plan area.

Land Use Policy 2: Future development applications within the Villebois Village area shall provide land uses and other major components of the Plan such as roadways and parks and open space in general compliance with their configuration as illustrated on Figure 1 – Land Use Plan or as refined by Specific Area Plans.

Residential Neighborhood Housing Goal: The Villebois Village shall provide neighborhoods consisting of a mix of homes for sale, apartments for rent, row homes, and single-family homes on a variety of lot sizes, as well as providing housing for individuals with special needs. The Villebois Village shall provide housing choices for people of a wide range of economic levels and stages of life through diversity in product type.

Residential Neighborhood Housing Policy 1: Each of the Villebois Village’s neighborhoods shall include a wide variety of housing options and shall provide home ownership options ranging from affordable housing to estate lots.

Residential Neighborhood Housing Policy 5: The Villebois Village shall provide a mix of housing types within each neighborhood and on each street to the greatest extent practicable.

Residential Neighborhood Housing Policy 10: Natural features shall be incorporated into the design of each neighborhood to maximize their aesthetic character while minimizing impacts to said natural features.

As stated by the applicant in their October 24, 2012 memo, Exhibit B8, “The proposed refinements better achieve the intent of the Master Plan than the original SAP plan for this area by achieving a mix of housing types along each street within this neighborhood and by better incorporating natural features into the plan through retention of an existing wetland and greater distribution of linear greens throughout more blocks within this neighborhood. The aesthetic character of these natural areas is maximized, while minimizing impacts to the wetland.”

“There is also additional diversity within the Mediums, Smalls and Cottages. The Smalls within areas of steeper slopes will include a house plan designed to accommodate the slope

and, in doing so, will provide an opportunity for a 'Master on the Main' floor plan. Some of the Mediums, Smalls and Cottages are extra deep to accommodate deeper housing product and allow for larger square footages within these housing types. Additionally, the Smalls include some extra wide lots which will accommodate a wider housing product and allow for some larger square footages, as well as variety in the street frontage."

Subsection 4.125 (.18) J. 2. b. SAP Refinement Review Criteria: Impact on Natural and Scenic Resources

B24. **Review Criterion:** "The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area"

Finding: These criteria are satisfied.

Details of Finding: The proposed refinements add green space and retain an isolated wetland having a positive impact on the natural and scenic resources and amenities in the development.

Subsection 4.125 (.18) J. 2. c. SAP Refinement Review Criteria: Effect on Subsequent PDP's and SAP's

B25. **Review Criterion:** "The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan."

Finding: These criteria are satisfied.

Details of Finding: The proposed refinements will not preclude any other SAP's or PDP's from developing consistent with the approved SAP or the Master Plan.

Refinement Request "e": Density

Subsection 4.125 (.18) J. 1. a. v. SAP Refinements: Density

B26. **Review Criteria:** "A change in density that does not exceed ten percent, provided such density change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village."

Finding: These criteria are satisfied.

Details of Finding: The proposed PDP, as proposed, would result in a density increase (change in the number of overall units) in the SAP of 0.87 percent, which is well below the ten percent (10%) allowance. The proposal results in a total of 2541 units within Villebois.

Subsection 4.125 (.18) J. 2. a. SAP Refinement Review Criteria: Better or Equally Implementing Villebois Village Master Plan

B27. **Review Criteria:** "The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan."

Finding: These criteria are satisfied.

Details of Finding: The following is policy from the Villebois Village Master Plan followed by discussion of how the refinements better or equally meet it:

Residential Neighborhood Housing Policy 3: The mix of housing shall be such that the Village development provides an overall average density of at least 10 dwelling units per net residential acre.

The change of density is small increase and continues to meet the density requirement for the Village Zone.

Subsection 4.125 (.18) J. 2. b. SAP Refinement Review Criteria: Impact on Natural and Scenic Resources

B28. **Review Criterion**: “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

Finding: This criterion is satisfied.

Details of Finding: The proposed minor increase in density does not create any sort of impact that can be seen being detrimental to any of the resources mentioned in this subsection.

Subsection 4.125 (.18) J. 2. c. SAP Refinement Review Criteria: Effect on Subsequent PDP's and SAP's

B29. **Review Criterion**: “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

Finding: This criterion is satisfied.

Details of Finding: The proposed minor change in density does not affect any adjoining PDP's or SAP's.

REQUEST C: DB12-0044 SAP-EAST AMENDMENTS

Properties included in this request include Tax Lots 100, 180, 103, 192, 181, 102, 101, portions of 2916, portions of 2919, 301, and portions of SW 110th right-of-way Section 15, Tax Lots 16400 and 16500, Section 15DA, and Tax Lot 1401, Section 10.

The applicant's findings in Section IIA (page 28) and Section VIIA of their notebook, Exhibit B7, respond to the majority of the applicable criteria.

Amendment Request "a": SAP Phasing

Subsection 4.125 (.18) J. 4. SAP Phasing Amendment to be Processed as Class II Review

C1. **Review Criteria:** "Amendments to the SAP for phasing will be processed as a Class II administrative review proposal."

Finding: These criteria are satisfied.

Details of Finding: While the SAP Phasing Amendment is eligible to be processed as a Class II Review, the Planning Director is allowing it to be reviewed by the DRB as a component of the broader application for PDP 3 East, as authorized by Section 4.030.

Subsection 4.125 (.18) E. 1. b. ii. SAP Phasing Reasonable

C2. **Review Criterion:** "If the SAP is to be phased, as enabled by Sections 4.125(.18)(D)(2)(g) and (h), that the phasing sequence is reasonable."

Finding: This criterion is satisfied.

Details of Finding: The SAP East phasing is being realigned based on current property ownership. As a practical matter, develop requests are coming in as developers secure purchasing options from different property owners.

Amendment Request "b": Pattern Book Amendment

Subsection 4.125 (.18) J. 3. SAP Amendment Process

C3. **Review Criteria:** "Amendments to the SAP, not including SAP amendments for phasing, must follow the same procedures applicable to adoption of the SAP itself. Amendments are defined as changes to elements of the SAP not constituting a refinement."

Finding: These criteria are satisfied.

Details of Finding: The proposed changes to the pattern book are not among the changes listed as eligible for refinements. The amendments to the pattern book are thus being processed following the same procedures applicable to the adoption of the SAP itself.

Subsection 4.125 (.18) C. 1. SAP and Villebois Village Master Plan

C4. **Review Criteria:** "Purpose – A SAP is intended to advance the design of the Villebois Village Master Plan."

Finding: These criteria are satisfied.

Details of Finding: The applicant proposes using pattern book materials, primarily from SAP South, that have previously been found to advance the design of the Villebois Village Master Plan.

Subsection 4.125 (.18) C. 2. SAP Application Procedures

- C5. **Review Criteria:** “If not initiated by the City Council, Planning Commission or Development Review Board, an application for SAP approval shall be submitted by the Master Planner, or by landowners pursuant to subsection C.3 below. The application shall be accompanied by payment of a fee established in accordance with the City’s fee schedule.”

Finding: These criteria are satisfied.

Details of Finding: Due to lack of clarity of who currently is the Master Planner, it is not practical for the Master Planner to submit the application. All effected property owners or their authorized representatives have signed an application form submitting for the pattern book amendment. The signature for the property controlled by Fasano Family LLC is on the application for case files DB12-0050 et. seq. See Exhibit B5.

Subsection 4.125 (.18) D. 3. Architectural Pattern Book Submission Requirements

- C6. **Review Criteria:** This subsection lists the submission requirements for Architectural Pattern Book.

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDC 2.

Details of Finding: Condition of Approval PDC 2 requires the applicant submit bound copies of pattern books that includes an illustration of which areas within SAP East are covered by the new pattern book. The existing explanation of organization and use of the pattern book, which is the same for SAP East and SAP South pattern books, will be included. Other items the proposed pattern book includes, incorporating from primarily the SAP South pattern book, are definition of specific design standards, a checklist system to facilitate review, the required information for different building types, illustrations of appropriate architectural styles, descriptions and illustrations of appropriate lighting types, and a master fencing and sign and wayfinding plan.

Subsection 4.125 (.18) D. 8. SAP Narrative Statement

- C7. **Review Criteria:** A narrative statement shall be submitted, addressing the following: “Includes a description of the goals and objectives of the Villebois Village Master Plan and the Design Principles of the V-Zone, and how they will be met for the specified land use area.”

Finding: These criteria are satisfied.

Details of Finding: Both the pattern books for SAP South and SAP East, which are being used to compile the proposed pattern book, have previously been found to be supportive of the goals and objectives of the Villebois Village Master Plan. The applicant has provided additional analysis of the amendment’s support of the goals and objectives on pages 3-5 of Section VIIA of the applicant’s notebook, Exhibit B7.

Subsection 4.125 (.18) E. 1. b. i. SAP Approval Criteria: Consistent with Standards of Section 4.125

- C8. **Review Criteria:** “Is consistent with the standards identified in this section.”

Finding: These criteria are satisfied.

Details of Finding: Both the pattern books for SAP South and SAP East, which are being used to compile the proposed pattern book, have previously been found to be consistent with the standards of Section 4.125. The applicant has provided additional analysis of the amendments' consistency with the standards of pages 5-8 of the Section VIIA of the applicant's notebook, Exhibit B7.

Subsection 4.125 (.18) E. 1. b. i. SAP Approval Criteria: Complies with Development Code Standards

C9. **Review Criteria:** "Complies with the applicable standards of the Planning and Land Development Ordinance."

Finding: These criteria are satisfied.

Details of Finding: Both the pattern books for SAP South and SAP East, which are being used to compile the proposed pattern book, have previously been found to comply with the standards of the development code.

Subsection 4.125 (.18) E. 1. b. i. SAP Approval Criteria: Consistent with Master Plan

C10. **Review Criteria:** "Is consistent with the Villebois Village Master Plan. Those elements of the Village Master Plan with which the SAP must be consistent are the Plan's Goals, Policies, and Implementation Measures, and, except as the text otherwise provides, Figures 1, 5, 6A, 7, 8, 9A, and 9B."

Finding: These criteria are satisfied.

Details of Finding: Both the pattern books for SAP South and SAP East, which are being used to compile the proposed pattern book, have previously been found to be supportive of the goals and objectives of the Villebois Village Master Plan. The applicant has provided additional analysis of the amendments support of the goals and objectives on pages 3-5 of Section VIIA of the applicant's notebook, Exhibit B7.

Subsection 4.125 (.18) E. 1. b. iii. SAP Approval Criteria: DRB Modifications and Conditions

C11. **Review Criteria:** "The Development Review Board may require modifications to the SAP, or otherwise impose such conditions, as it may deem necessary to ensure conformance with the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section."

Finding: These criteria are satisfied.

Details of Finding: No additional modifications or conditions are recommended.

Amendment Request "c": Minor Adjustments to SAP Boundary

Subsection 4.125 (.18) D. 1. b. Adjustments to the SAP Boundary

C12. **Review Criteria:** "The boundaries of the Specific Area Plan as may be refined and in keeping with the intent of the Villebois Village Master Plan's conceptual location of SAPs. (See Figure 3 "Conceptual Specific Area Plan Boundaries" of the Villebois Village Master Plan.)"

Finding: These criteria are satisfied.

Details of Finding: In Addendum 4 to the Matrix Development Agreement adopted by City Council in Resolution 2377 the City and Polygon agree that both prefer the portions

of parks partially on the development site along the west side be constructed together with development of the Bischoff/Lund property if agreement could be obtained from the relevant property owners. Since the development agreement some of the adjacent properties have been purchased by PNW Homebuilders LLC, and are the under the control of Mr. Gast. This has enabled the parks to be developed in their entirety. However, the current SAP Boundary divides the parks. Proposed is to adjust the SAP Boundary to put the entire parks in the 110th right-of-way and the PNW Homebuilders LLC property in SAP East. The boundary refinements will facilitate all the necessary approvals for the entire parks as well as facilitating creation of single tracts for each of the parks to be owned and maintained by the homeowners association.

REQUEST D: DB12-0045 ZONE MAP AMENDMENT

Properties included in this request include Tax Lots 100, 180, 103, 192, 181, 102, 101, 200, portions of 2916, portions of 2919, Section 15, and Tax Lot 1401, Section 10.

The applicant's findings in Section IVA of their notebook, Exhibit B7, respond to the majority of the applicable criteria.

Comprehensive Plan

Compact Urban Development-Implementation Measures

Implementation Measure 4.1.6.a

D1. **Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

Finding: These criteria are satisfied.

Details of Finding: The subject area is within SAP-East, which was previously approved as part of case file 04 DB 22 et seq and found to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance.

Implementation Measure 4.1.6.b.

D2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

Finding: These criteria are not applicable

Details of Finding: The current proposal is for a preliminary development plan implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved.

Implementation Measure 4.1.6.c.

D3. **Review Criterion:** "The "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation."

Finding: This criterion is satisfied.

Details of Finding: The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

Implementation Measure 4.1.6.d.

D4. **Review Criterion:** "The "Village" Zone District shall allow a wide range of uses that benefit and support an "urban village," including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses."

Finding: This criterion is satisfied.

Details of Finding: The area covered by the proposed zone change is proposed for residential uses, parks, and open space as shown in the Villebois Village Master Plan.

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

D5. **Review Criterion:** “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”

Finding: This criterion is satisfied.

Details of Finding: The applicant is applying for a zone change concurrently with other land use applications for the development as required by this section.

Subsection 4.110 (.01) Base Zones

D6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

Details of Finding: The requested zoning designation of Village “V” is among the base zones identified in this subsection.

Subsection 4.125 (.01) Village Zone Purpose

D7. **Review Criteria:** “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”

Finding: These criteria are satisfied.

Details of Finding: The subject lands are designated Residential-Village on the Comprehensive Plan map and are within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village “V”.

Subsection 4.125 (.02) Village Zone Permitted Uses

D8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The proposed residential, park, and open space uses are consistent with the Village Zone designation and Villebois Village Master Plan.

Subsection 4.125 (.18) B. 2. Zone Change Concurrent with PDP Approval

D9. **Review Criterion:** “... Application for a zone change shall be made concurrently with an application for PDP approval...”

Finding: This criterion is satisfied.

Details of Finding: A zone map amendment is being requested concurrently with a request for PDP approval. See Request. A.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

D10. **Review Criteria:** “That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;”

Finding: These criteria are satisfied.

Details of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.

D11. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

Finding: These criteria are satisfied.

Details of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings D1 through D4 substantially comply with applicable Comprehensive Plan text.

Subsection 4.197 (.02) C. Zone Change: Specific Findings Regarding Residential Designated Lands

D12. **Review Criteria:** “In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text;”

Finding: These criteria are satisfied.

Details of Finding: Implementation Measure 4.1.6.c. states the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation. Since the Village Zone must be applied to areas designated “Residential Village” on the Comprehensive Plan Map and is the only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency

D13. **Review Criteria:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

Finding: These criteria are satisfied.

Details of Finding: The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project. Section IIC of the applicant’s notebook, Exhibit

B7, includes supporting utility and drainage reports. In addition, the applicant has provided a Traffic Impact Analysis, which is in Section IID of the applicant's notebook, Exhibit B7.

Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas

D14. **Review Criteria:** "That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;"

Finding: These criteria are satisfied.

Details of Finding: The eastern and northernmost portions of the property include areas within the Significant Resource Overlay Zone. The PDP Supporting Compliance Report, section IIA of the applicant's notebook, Exhibit B7, demonstrates that the proposed development does not have a significant adverse effect on the SROZ. The portions of the City, and Urban Renewal, and Metro properties within the SROZ are not slated for development or for park development consistent with the SROZ regulations.

Subsection 4.197 (.02) F. Zone Change: Development within 2 Years

D15. **Review Criterion:** "That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided information stating they reasonably expect to commence development within two (2) years of the approval of the zone change. However, in the scenario where the applicant or their successors due not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

D16. **Review Criteria:** "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards."

Finding: These criteria are satisfied.

Details of Finding: As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

REQUEST E: DB12-0046 TENTATIVE SUBDIVISION PLAT

Properties included in this request include Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15.

The applicant's findings in Section IIIA of their notebook, Exhibit B7, respond to the majority of the applicable criteria.

Subsection 4.125 (.02) Permitted Uses in the Village Zone

E1. **Review Criteria:** This subsection lists the permitted uses in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The proposed subdivision is for uses including single family homes and row homes, parks, and open space permitted in the Village Zone.

Subsection 4.125 (.05) Development Standards Applying to All Development in Village Zone

Subsection 4.125 (.05) A. Block, Alley, Pedestrian, and Bicycle Standards

E2. **Review Criteria:** This subsection lists the block, alley, pedestrian, and bicycle standards applicable in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows blocks, alleys, pedestrian, and bicycle paths consistent with this subsection and the proposed PDP.

Subsection 4.125 (.05) B. Access Standards

E3. **Review Criterion:** "All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer."

Finding: This criterion will be satisfied by Condition of Approval PDE 7.

Details of Finding: Condition of Approval PDE 7 requires a non-access reservation strip on the street side of lots with street access helping to ensure this criterion is met.

Table V-1: Development Standards in the Village Zone

E4. **Review Criteria:** This table shows the development standards, including setback for different uses in the Village Zone. See full table under Finding A4.

Finding: These criteria are satisfied.

Details of Finding: As been consistently interpreted for PDP approvals in Villebois, lot dimensions in the Architectural Pattern Book can govern such things as lot width and size even when it is not consistent with the table. The proposed lots facilitate the construction that meets relevant standards of the table.

Subsection 4.125 (.07) Off-Street Parking, Loading and Bicycle Parking

E5. **Review Criteria:** "Except as required by Subsections (A) through (D), below, the requirements of Section 4.155 shall apply within the Village zone."

Finding: These criteria are satisfied.

Details of Finding: Nothing concerning the tentative subdivision would prevent the required parking from being built.

Subsection 4.125 (.08) Open Space Requirements

- E6. **Review Criteria:** This subsection establishes the open space requirements for the Village Zone.
Finding: These criteria are satisfied or will be satisfied by Conditions of Approval.
Details of Finding: The tentative subdivision plat shows open space consistent with the requirements of the Village Zone and the proposed PDP. Consistent with the requirements of (.08) C. Conditions of approval require the City Attorney to review and approve pertinent bylaws, covenants, or agreements prior to recordation. In addition, the requirement that each park be a single tract in Condition of Approval PDE 10 will further facilitate this requirement. Also, as ownership and maintenance of the wetland in Tract A not previously shown as part of Regional Park 7 will be by the homeowners association, it as well as adjacent portions of the tract to the south and west are required to be a separate tract by Condition of Approval PDE 11. Condition of Approval PDE 12 requires the path from the sidewalk along Villebois Drive North just northeast of Lot 10 along the side of Lot 10 and 9 and then along the wetland in front of Lots 1-9 connecting to the sidewalk on SW Verdun Loop just southwest of Lot 1 and associated improvements to be maintained by the homeowners association or by other private arrangement.

Subsection 4.125 (.09) A. 1. Street and Improvement Standards: General Provisions

- E7. **Review Criteria:** “Except as noted below, the provisions of Section 4.177 shall apply within the Village zone:
- General Provisions:
 - All street alignment and access improvements shall conform to Figures 7, 8, 9A, and 9B of the Villebois Village Master Plan, or as refined in an approved Specific Area Plan, Preliminary Development Plan, or Final Development Plan, and the following standards:
 - All street improvements shall conform to the Public Works Standards and the Transportation Systems Plan, and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.
 - All streets shall be developed according to the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows street alignments, improvements, and access improvements consistent with the approved PDP and associated refinements found to be consistent with the Master Plan and Transportation Systems Plan.

Subsection 4.125 (.09) A. 2. Street and Improvement Standards: Intersection of Streets

- E8. **Review Criteria:** “Intersections of streets:
- Angles: Streets shall intersect one another at angles not less than 90 degrees, unless existing development or topography makes it impractical.
 - Intersections: If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of a thirty (30) foot centerline radius and said angle shall not be less than sixty (60) degrees. Any angle less

than ninety 90 degrees shall require approval by the City Engineer after consultation with the Fire District.

- Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:
 - 1000 ft. for major arterials
 - 600 ft. for minor arterials
 - 100 ft. for major collector
 - 50 ft. for minor collector
- Curb Extensions:
 - Curb extensions at intersections shall be shown on the Specific Area Plans required in Subsection 4.125(.18)(C) through (F), below, and shall:
 - Not obstruct bicycle lanes on collector streets.
 - Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections, meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows street intersections as proposed in the proposed PDP consistent with these standards.

Subsection 4.125 (.09) A. 3. Street and Improvement Standards: Street Grades

E9. **Review Criteria:** “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets found to meet these standards under Request A.

Subsection 4.125 (.09) A. 4. Street and Improvement Standards: Centerline Radius Street Curves

E10. **Review Criteria:** “The minimum centerline radius street curves shall be as follows:

- Arterial streets: 600 feet, but may be reduced to 400 feet in commercial areas, as approved by the City Engineer.
- Collector streets: 600 feet, but may be reduced to conform with the Public Works Standards, as approved by the City Engineer.
- Local streets: 75 feet”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets found to meet these standards under Request A.

Subsections 4.125 (.09) A. 5. and 4.177 (.01) C. Street and Improvement Standards: Rights-of-way

E11. **Review Criteria:**

- “Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance

with the Street System Master Transportation Systems Plan. All dedications shall be recorded with the County Assessor's Office.

- The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder's Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.
- In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater."

Finding: These criteria are satisfied.

Details of Finding: As stated by the applicant, "rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177."

Subsections 4.125 (.09) A. 6. and 4.177 (.01) E. Street and Improvement Standards: Access Drives

E12. **Review Criteria:**

- Access drives are required to be 16 feet for two-way traffic.
- An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions.
- Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load.
- Secondary or emergency access lanes may be improved to a minimum 12 feet with an all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.
- Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.
- Where access drives connect to the public right-of-way, construction within the right-of-way shall be in conformance to the Public Works Standards.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows alleys of sufficient width to meet the width standards. The applicant states easements for fire access will be dedicated as required.

Subsections 4.125 (.09) A. 7. and 4.177 (.01) F. Street and Improvement Standards: Clear Vision Areas

E13. **Review Criteria:** "A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:" Listed 1. a.-f.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets found to meet these standards under Request A.

Subsections 4.125 (.09) A. 8. and 4.177 (.01) G. Street and Improvement Standards: Vertical Clearance

E14. **Review Criterion:** “a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.”

Finding: This criterion is satisfied.

Details of Finding: Nothing shown on the tentative subdivision plat would preclude the required clearance from being provided.

Subsections 4.125 (.09) A. 9. and 4.177 (.01) H. Street and Improvement Standards: Interim Improvement Standards

E15. **Review Criteria:** “It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Planning Commission, the following interim standards shall apply.

- Arterials - 24 foot paved, with standard sub-base. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the City Engineer, regarding adequate structural quality to support an overlay.
- Half-streets are generally considered unacceptable. However, where the Development Review Board finds it essential to allow for reasonable development, a half-street may be approved. Whenever a half-street improvement is approved, it shall conform to the requirements in the Public Works Standards:
- When considered appropriate in conjunction with other anticipated or scheduled street improvements, the City Engineer may approve street improvements with a single asphalt lift. However, adequate provision must be made for interim storm drainage, pavement transitions at seams and the scheduling of the second lift through the Capital Improvements Plan.

Finding: These criteria are satisfied.

Details of Finding: The area covered by the tentative subdivision plat does not include any interim improvements.

Subsection 4.202 (.01) through (.03) Plats Reviewed by Planning Director or DRB

E16. **Review Criteria:** “Pursuant to ORS Chapter 92, plans and plats must be approved by the Planning Director or Development Review Board (Board), as specified in Sections 4.030 and 4.031, before a plat for any land division may be filed in the county recording office for any land within the boundaries of the City, except that the Planning Director shall have authority to approve a final plat that is found to be substantially consistent with the tentative plat approved by the Board.

The Development Review Board and Planning Director shall be given all the powers and duties with respect to procedures and action on tentative and final plans, plats and maps of land divisions specified in Oregon Revised Statutes and by this Code.

Approval by the Development Review Board or Planning Director of divisions of land within the boundaries of the City, other than statutory subdivisions, is hereby required by virtue of the authority granted to the City in ORS 92.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat is being reviewed by the Development Review Board according to this subsection. The final plat will be reviewed by the Planning Division under the authority of the Planning Director to ensure compliance with the DRB review of the tentative subdivision plat.

Subsection 4.202 (.04) A. Lots must be Legally Created for Issuing Development Permit

E17. **Review Criterion:** “No person shall sell any lot or parcel in any condominium, subdivision, or land partition until a final condominium, subdivision or partition plat has been approved by the Planning Director as set forth in this Code and properly recorded with the appropriate county.”

Finding: This criterion is satisfied.

Details of Finding: It is understood that no lots or parcels will be sold until the final plat has been approved by the Planning Director and recorded.

Subsection 4.202 (.04) B. Prohibition of Creating Undersized Lots

E18. **Review Criterion:** “It shall be a violation of this Code to divide a tract of land into a parcel smaller than the lot size required in the Zoning Sections of this Code unless specifically approved by the Development Review Board or City Council. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements, unless specifically authorized through the Variance procedures of Section 4.196 or the waiver provisions of the Planned Development procedures of Section 4.118.”

Finding: This criterion is satisfied.

Details of Finding: No lots will be divided into a size smaller than allowed by the proposed Village “V” zoning designation.

Subsection 4.210 (.01) Pre-Application Conference

E19. **Review Criterion:** “Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.”

Finding: This criterion is satisfied.

Details of Finding: A pre-application meeting has been held. See case file PA12-0006.

Subsection 4.210 (.01) A. Preparation of Tentative Plat

E20. **Review Criterion:** “The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.”

Finding: This criterion is satisfied.

Details of Finding: The applicant’s sheet 4.2 of their plan set, Exhibit B6, is a tentative subdivision plat prepared in accordance with this subsection.

Subsection 4.210 (.01) B. Tentative Plat Submission

E21. **Review Criteria:** “The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:” Listed 1. through 26.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat has been submitted with the required information.

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

E22. **Review Criteria:** “Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.”

Finding: These criteria are satisfied.

Details of Finding: Phasing is shown on the tentative subdivision plat and explained in narrative form in item 12 of the applicant’s letter responding to the notice of incompleteness, Exhibit B1.

Subsection 4.210 (.01) E. Remainder Tracts

E23. **Review Criteria:** “Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.”

Finding: These criteria are satisfied.

Details of Finding: All affected property has been incorporated into the tentative subdivision plat.

Subsection 4.236 (.01) Conformity to the Master Plan or Map

E24. **Review Criteria:** “Land divisions shall conform to and be in harmony with the Transportation Master Plan (Transportation Systems Plan), the Bicycle and Pedestrian Master Plan, the Parks and Recreation Master Plan, the Official Plan or Map and especially to the Master Street Plan.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat is consistent with applicable plans including the Transportation Systems Plan and Villebois Village Master Plan.

Subsection 4.236 (.02) Relation to Adjoining Street System

E25. **Review Criteria:**

- A land division shall provide for the continuation of the principal streets existing in the adjoining area, or of their proper projection when adjoining property is not developed, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Director or Development Review Board, topographic conditions make such continuation or conformity impractical, an exception may be made. In cases where the Board or Planning Commission has adopted a

plan or plat of a neighborhood or area of which the proposed land division is a part, the subdivision shall conform to such adopted neighborhood or area plan.

- Where the plat submitted covers only a part of the applicant's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.
- At any time when an applicant proposes a land division and the Comprehensive Plan would allow for the proposed lots to be further divided, the city may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street plans and other requirements specified in these regulations.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets meeting these standards consistent with the proposed PDP and refinements. See Requests A and B.

Subsection 4.236 (.03) Streets: Conformity to Standards Elsewhere in the Code

E26. **Review Criteria:** “All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets consistent with the proposed PDP under Request A which meets Section 4.177 and the block requirements of the zone.

Subsection 4.236 (.04) Creation of Easements

E27. **Review Criteria:** “The Planning Director or Development Review Board may approve an easement to be established without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to allow partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to divide into more than two (2) parcels, a street dedication may be required.”

Finding: These criteria are satisfied.

Details of Finding: No specific easements are requested pursuant to this subsection.

Subsection 4.236 (.05) Topography

E28. **Review Criterion:** “The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations.”

Finding: This criterion is satisfied.

Details of Finding: The tentative subdivision plat shows street alignments recognizing topographic conditions consistent with the requested PDP.

Subsection 4.236 (.06) Reserve Strips

E29. **Review Criteria:** “The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the Director or Board determine that a strip is necessary.” Reasons listed A. through D.

Finding: These criteria are satisfied.

Details of Finding: No reserve strips are being required for the reasons listed in this subsection. However, reserve strips are being required by Condition of Approval PDE 7 to prevent access to the front side of lots served by an alley. See also Findings A5 and E3.

Subsection 4.236 (.07) Future Expansion of Street

E30. **Review Criteria:** When necessary to give access to, or permit a satisfactory future division of, adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs shall be required to preserve the objective of street extension.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets for future expansion consistent with this subsection.

Subsection 4.236 (.08) Additional Right-of-Way for Existing Streets

E31. **Review Criteria:** “Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Transportation Systems Plan.”

Finding: These criteria are satisfied.

Details of Finding: No additional right-of-way is being required for existing streets.

Subsection 4.236 (.09) Street Names

E32. **Review Criteria:** “No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.”

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PFE 6.

Details of Finding: Street names will be reviewed by Engineering staff and be subject to approval by the City Engineer consistent with this subsection. The Interim City Engineer is requiring a name changes for Geneva Loop or Berlin Avenue. See Condition of Approval PFE 6.

Subsection 4.237 (.01) Blocks

E33. **Review Criteria:**

- The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of pedestrian, bicycle, and motor vehicle traffic, and recognition of limitations and opportunities of topography.
- Sizes: Blocks shall not exceed the sizes and lengths specified for the zone in which they are located unless topographical conditions or other physical constraints necessitate larger blocks. Larger blocks shall only be approved where specific findings are made justifying the size, shape, and configuration.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows blocks consistent with those proposed and reviewed as part of Request A, Preliminary Development Plan.

Subsection 4.237 (.02) Easements

E34. Review Criteria:

- Utility lines. Easements for sanitary or storm sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards, as specified by the City Engineer or Planning Director. All of the public utility lines within and adjacent to the site shall be installed within the public right-of-way or easement; with underground services extending to the private parcel constructed in conformance to the City's Public Works Standards. All franchise utilities shall be installed within a public utility easement. All utilities shall have appropriate easements for construction and maintenance purposes.
- Water courses. Where a land division is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purposes of conveying storm water and allowing for maintenance of the facility or channel. Streets or parkways parallel to water courses may be required.

Finding: These criteria are satisfied or will be satisfied by Conditions of Approval.

Details of Finding: As shown on the applicant's sheet 4.1 of their plan set, Exhibit B6, Tentative Plat, generally the required easements have been provided. A Condition of Approval PDE 9 requires an additional public utility easement along the front five (5) feet of Lots 1-9. Condition of Approval PFA 46 additionally ensure all easements dealing with utilities are on the final plat.

Subsection 4.237 (.03) Mid-block Pedestrian and Bicycle Pathways

E35. Review Criteria: "An improved public pathway shall be required to transverse the block near its middle if that block exceeds the length standards of the zone in which it is located.

- Pathways shall be required to connect to cul-de-sacs or to pass through unusually shaped blocks.
- Pathways required by this subsection shall have a minimum width of ten (10) feet unless they are found to be unnecessary for bicycle traffic, in which case they are to have a minimum width of six (6) feet.

Finding: These criteria are satisfied.

Details of Finding: Pathways are provided southeast of the wetland along Lots 1-9, between Lots 121 and 122 and 108 and 109, and south of Lot 179 and between Lots 180- and 181 creating mid-block pedestrian connects to the extent practicable.

Subsection 4.237 (.04) Tree Planting & Tree Access Easements

E36. Review Criteria: "Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the Director or Development Review Board before the planting is begun. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property."

Finding: These criteria are satisfied.

Details of Finding: The proposed street trees are within the proposed public right-of-way.

Subsection 4.237 (.05) Lot Size and Shape

E37. **Review Criteria:** “The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located.”

Finding: These criteria are satisfied.

Details of Finding: Proposed lot sizes, widths, shapes and orientations are appropriate for the proposed development and are in conformance with the Village Zone requirements as discussed under Request A.

Subsection 4.237 (.06) Access

E38. **Review Criteria:** “The division of land shall be such that each lot shall have a minimum frontage on a street or private drive, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:” Listed A. and B.

Finding: These criteria are satisfied.

Details of Finding: Each lot has the minimum frontage on a street or greenbelt, as allowed in the approved Architectural Pattern Book.

Subsection 4.237 (.07) Through Lots

E39. **Review Criteria:** “Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation.”

Finding: These criteria are satisfied.

Details of Finding: No through lots are proposed.

Subsection 4.237 (.08) Lot Side Lines

E40. **Review Criteria:** “The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street or tract with a private drive upon which the lots face.”

Finding: These criteria are satisfied.

Details of Finding: Generally side lot lines are at right angles with the front lot line. Where they do not, they run at the closest possible angle to 90 degrees as allowed by block shape, adjacent lot shape, and required alley orientation.

Subsection 4.237 (.09) Large Lot Land Divisions

E41. **Review Criteria:** “In dividing tracts which at some future time are likely to be re-divided, the location of lot lines and other details of the layout shall be such that re-division may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Development Review Board considers it necessary.”

Finding: These criteria are satisfied.

Details of Finding: No future divisions of the lots included in the tentative subdivision plat are anticipated.

Subsection 4.237 (.10) and (.11) Building Line and Built-to Line

- E42. **Review Criteria:** The Planning Director or Development Review Board may establish special:
- building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.
 - build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.

Finding: These criteria are satisfied.

Details of Finding: No building lines or built-to lines are proposed or recommended.

Subsection 4.237 (.12) Land for Public Purposes

- E43. **Review Criterion:** “The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.”

Finding: This criterion is satisfied.

Details of Finding: No property reservation is recommended as described in this subsection.

Subsection 4.237 (.13) Corner Lots

- E44. **Review Criterion:** “Lots on street intersections shall have a corner radius of not less than ten (10) feet.”

Finding: This criterion is satisfied.

Details of Finding: All proposed corner lots meet the minimum corner radius of ten (10) feet.

Section 4.250 Lots of Record

- E45. **Review Criteria:** “All lots of record that have been legally created prior to the adoption of this ordinance shall be considered to be legal lots. Tax lots created by the County Assessor are not necessarily legal lots of record.”

Finding: These criteria are satisfied.

Details of Finding: The parcels being divided are of record, and the resulting subdivision lots will be lots of record.

Section 4.260 Improvements-Procedures

- E46. **Review Criteria:** “In addition to other requirements, improvements installed by the developer, either as a requirement of these regulations or at the developer's own option, shall conform to the requirements of this Code and improvement standards and specifications of the City. The improvements shall be installed in accordance with the City's Public Works Standards.”

Finding: These criteria are satisfied.

Details of Finding: The rights-of-way shown on the tentative subdivision plat are sufficient for installation of improvements to City standards. Conformance of the improvements with the City's Public Works Standards and other applicable standards will be ensured through the Engineering Division's permit and inspection process.

Section 4.262 Improvements-Requirements

E47. **Review Criteria:** This section establishes requirements for a number of different improvements including curbs, sidewalks, sanitary sewers, drainage, underground utility and service facilities, streetlight standards, street signs, monuments, and water.

Finding: These criteria are satisfied.

Details of Finding: The applicant has stated their intent to meet the requirements for all the types of improvements indicated in this subsection. Conformance with these requirements will be ensured through the Engineering Division's, and Building Division's where applicable, permit and inspection process.

REQUEST F: DB12-0047 TYPE C TREE PLAN

Properties included in this request include Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15.

The applicant's findings in Section VA of their notebook, Exhibit B7, respond to the majority of the applicable criteria.

Subsection 4.600.50 (.03) A. Access to Site for Tree Related Observation

F1. **Review Criterion:** "By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant's property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed."

Finding: This criterion will be satisfied by Condition of Approval PDF 2.

Details of Finding: Condition of Approval PDF 2 ensures the required access is allowed.

Subsection 4.610.00 (.03) B. Type C Tree Removal Review Authority

F2. **Review Criterion:** "Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council."

Finding: This criterion is satisfied.

Details of Finding: The requested tree removal is connected to site plan review by the Development Review Board for the proposed development. The tree removal is thus being reviewed by the DRB.

Subsection 4.610.00 (.06) A. Conditions Attached to Type C Tree Permits

F3. **Review Criterion:** "Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;"

Finding: This criterion is satisfied.

Details of Finding: No additional conditions are recommended pursuant to this subsection.

Subsection 4.610.00 (.06) B. Completion of Operation

F4. **Review Criterion:** "Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:" "Fix a reasonable time to complete tree removal operations;"

Finding: This criterion is satisfied.

Details of Finding: It is understood the tree removal will be completed by the time construction of all homes, parks, and other improvements in the PDP are completed, which is a reasonable time frame for tree removal.

Subsection 4.610.00 (.06) C. Security

F5. **Review Criterion:** “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter. 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.”

Finding: This criterion will be satisfied by Condition of Approval PDF 3.

Details of Finding: The condition of approval ensures the security requirement of this subsection is met.

Subsection 4.610.10 (.01) Standards for Tree Removal, Relocation or Replacement

F6. **Review Criteria:** “Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:” Listed A. through J.

Finding: These criteria are satisfied.

Details of Finding: The standards of this subsection are met as follows:

- The proposed tree removal is not within the Significant Resource Overlay Zone
- The applicant states tree preservation was taken into consideration the preservation of trees on the site.
- No significant wooded areas or trees would be preserved by design alternatives.
- Land clearing will not exceed the permitted areas.
- The applicant states the homes are designed to blend into the landscape as much as feasible consistent with the relevant pattern book.
- It is understood the proposed development will comply with all applicable statutes and ordinances.
- The necessary tree replacement and protection is planned according to the requirements of tree preservation and protection ordinance.
- Tree removal is limited to where it is necessary for construction or to address nuisances or where the health of the trees warrants removal..
- A tree survey has been provided. See Section V of the applicant’s notebook, Exhibit B7, and Exhibit B11.
- A tree maintenance and protection plan has been submitted concurrently with the request for a tentative subdivision plat.
- No utilities are proposed to be located where they would cause adverse environmental consequences.

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

F7. **Review Criteria:** “Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may

require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.”

Finding: These criteria are satisfied.

Details of Finding: The proposed Type C Tree Plan is being reviewed concurrently with the Preliminary Development Plan, which is the equivalent of a Stage II Final Plan in the Village Zone.

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

F8. **Review Criteria:** “The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:” Listed A. 1. through A. 7.

Finding: These criteria are satisfied.

Details of Finding: The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. See Section V of the applicants notebook, Exhibit B7, and Exhibit B11.

Subsection 4.620.00 (.01) Tree Replacement Requirement

F9. **Review Criterion:** “A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.”

Finding: This criterion is satisfied.

Details of Finding: The tree mitigation requirements will be more than exceeded by the planned street tree and trees in parks and linear greens.

Subsection 4.620.00 (.02) Basis for Determining Replacement

F10. **Review Criteria:** “The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2”) or more in diameter.”

Finding: These criteria are satisfied.

Details of Finding: More trees are planned to be planted than proposed to be removed. Each tree, including street trees and trees in parks and linear greens will meet the minimum diameter requirement.

Subsection 4.620.00 (.03) Replacement Tree Requirements

F11. **Review Criteria:** “A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.

A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.

- B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date.
- C. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.
- D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat."

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDF 4.

Details of Finding: The condition of approval will ensure the relevant requirements of this subsection are met.

Subsection 4.620.00 (.04) Replacement Tree Stock Requirements

- F12. **Review Criteria:** "All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade."

Finding: These criteria will be satisfied by Condition of Approval PDF 4.

Details of Finding: Condition of Approval PDF 4 assures this is met.

Subsection 4.620.00 (.05) Replacement Trees Locations

- F13. **Review Criteria:** "The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed."

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDF 7.

Details of Finding: The applicant proposes to mitigate for all removed trees on site and in the appropriate locations for the proposed development. ~~Some of the trees proposed for preservation may need to end up being removed due to poor health. If this is the case Condition of Approval PDF 7 requires similar trees to be replanted.~~ **Sheet L3.0 of the applicant's plan sheets, Exhibit B6, show a tree being preserved in Neighborhood Park 5. The arborist report in Exhibit B14 recommends the same tree be removed due to tree health. Condition of Approval PDF 7 requires a tree of the same or similar species be replaced at the location as mitigation for the removed tree.**

Section 4.620.10 Tree Protection During Construction

- F14. **Review Criteria:** "Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:" Listed A. through D.

Finding: These criteria are satisfied or will be satisfied by Condition of Approvals PDF 5 and PDF 6.

Details of Finding: The conditions of approval assure the applicable requirements of this Section will be met.

REQUEST G: DB12-0048 FINAL DEVELOPMENT PLAN FOR PARKS AND OPEN SPACE

Properties included in this request include Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15.

The applicant's findings in Section VIA of their notebook, Exhibit B7, respond to the majority of the applicable criteria.

Subsection 4.125 (.02) Permitted Uses in the Village Zone

G1. **Review Criteria:** This subsection lists the uses typically permitted in the Village Zone including "Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association."

Finding: These criteria are satisfied.

Details of Finding: The requested Final Development Plan is for parks and open space allowed within the Village Zone.

Subsection 4.125 (.08) A. Parks and Open Space in the Village Zone-Amount Required

G2. **Review Criteria:** "In all residential developments and in mixed-use developments where the majority of the developed square footage is to be in residential use, at least twenty-five percent (25%) of the area shall be open space, excluding street pavement and surface parking. In multi-phased developments, individual phases are not required to meet the 25% standard as long as an approved Specific Area Plan demonstrates that the overall development shall provide a minimum of 25% open space. Required yard areas shall not be counted towards the required open space area."

Finding: These criteria are satisfied.

Details of Finding: The parks master plan for Villebois provides for approximately 33% of the area to be parks and open space. The subject area includes the parks shown in the Villebois Village Master Plan plus increases the size of the some of the parks and adds pocket parks and linear greens.

Subsection 4.125 (.08) B. Parks and Open Space in the Village Zone-Ownership

G3. **Review Criteria:** "Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City of Wilsonville standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage."

Finding: These criteria are satisfied.

Details of Finding: This discretion of the DRB is understood. Ownership will be according to agreements reached between the developer and the City. See Condition of Approval PDA 6.

Subsection 4.125 (.08) C. Parks and Open Space in the Village Zone-Protection and Maintenance

- G4. **Review Criteria:** “The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners’ association, the City Attorney shall review and approve any pertinent bylaws, covenants, or agreements prior to recordation.”
Finding: These criteria are satisfied.
Details of Finding: Protection and maintenance of the open space and recreational areas are covered in the CCR’s being reviewed by the City, and Operation and Maintenance Agreements between the developer and the City.

Subsection 4.125 (.09) Street and Access Improvement Standards

- G5. **Review Criteria:** This section lists street and access improvement standards for the Village Zone including vision clearance standards.
Finding: These criteria are satisfied.
Details of Finding: This code section does not apply to the proposed parks and open space, except for vision clearance for vegetation which is met.

Subsection 4.125 (.10) Sidewalk and Pathway Improvement Standards

- G6. **Review Criteria:** “The provisions of Section 4.178 shall apply within the Village zone.”
Finding: These criteria are satisfied.
Details of Finding: Findings regarding Compliance with the standards of Section 4.178 can be found in Finding A77.

Subsection 4.125 (.11) Landscaping Screening and Buffering

- G7. **Review Criteria:** “Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:” “Streets in the Village zone shall be developed with street trees as described in the Community Elements Book.”
Finding: These criteria are satisfied.
Details of Finding: Findings G18 through G29 pertain to Section 4.176. Street trees are proposed consistent with the Community Elements Book.

Section 4.125 (.12) A. Signs Compliance with Master Sign and Wayfinding Plan for SAP

- G8. **Review Criterion:** “All signage and wayfinding elements within the Village Zone shall be in compliance with the adopted Signage and wayfinding Master Plan for the appropriate SAP.”
Finding: This criterion does not apply.
Details of Finding: The primary identifier signs within the PDP area will be included in the FDP for RP-7 and RP-8 respectively rather than this FDP request.

Subsection 4.125 (.14) Design Standards Applying to the Village Zone

The following Design Standards implement the Design Principles found in Section 4.125(.13), above, and enumerate the architectural details and design requirements applicable to buildings and other features within the Village (V) zone. The Design Standards are based primarily on the features, types, and details of the residential traditions in the Northwest, but are not intended to mandate a particular style or fashion. All development within the Village zone shall incorporate the following:

Subsection 4.125 (.14) A. 2. b. Details to Match Architectural Pattern Book and Community Elements Book

G9. **Review Criteria:** “Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.”

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDG 2.

Details of Finding: The park furnishings, benches and tables, shown match the Community Elements Book for SAP East. The applicant has provided sufficient information to show that playground equipment meeting the Community Elements Book can be provided. However, Condition of Approval PDG 2 requires additional technical details and ensures the detailed requirements on page 15 of the Community Elements Book are met. The FDP also includes the mail kiosks. Elevations of the kiosks have been provided which are consistent with previous approvals. The locations of two of the mail kiosks have been adjusted. A mail kiosk that was on Cherbourg Loop in the preserved wetland has been shifted to Verdun Loop at the closest potential location. A mail kiosk at the intersection of Coffee Lake Drive and Brussels Lane has been moved to different portion of the intersection, but will serve the same service area.

Subsection 4.125 (.14) A. 2. f. Protection of Significant Trees

G10. **Review Criterion:** “The protection of existing significant trees as identified in an approved Community Elements Book.”

Finding: This criterion is satisfied.

Details of Finding: No significant trees are within the parks and open space covered by the proposed FDP.

Subsection 4.125 (.14) A. 2. g. Landscape Plan

G11. **Review Criterion:** “A landscape plan in compliance with Sections 4.125(.07) and (.11), above.”

Finding: This criterion is satisfied.

Details of Finding: Landscape plans have been provided in compliance with the referenced sections.

Subsection 4.125 (.14) C. Lighting and Site Furnishings

G12. **Review Criteria:** “Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.”

Finding: These criteria are satisfied.

Details of Finding: The lighting and site furnishings shown by the applicant match the Community Elements Book for SAP East.

Subsection 4.125 (.18) L. Final Development Plan Approval Procedures

G13. **Review Criteria:** This subsection establishes the approval procedures for Final Development Plans.

Finding: These criteria are satisfied.

Details of Finding: The applicant has followed the applicable procedures set out in this subsection for approval of a FDP.

Subsection 4.125 (.18) M. Final Development Plan Submittal Requirements

G14. **Review Criteria:** “An application for approval of a FDP shall be subject to the provisions of Section 4.034.”

Finding: These criteria are satisfied.

Details of Finding: The necessary materials have been submitted for review of the FDP.

Subsections 4.125 (.18) N. and P. 1. Final Development Plans Subject to Site Design Review Criteria

G15. **Review Criteria:** “An application for approval of a FDP shall be subject to the provisions of Section 4.421”

Finding: These criteria are satisfied.

Details of Finding: The provisions of Section 4.421 are being used as criteria in the review of the FDP. See Findings G30 through G37.

Subsection 4.125 (.18) O. Refinements to Preliminary Development Plan as part of Final Development Plan

G16. **Review Criteria:** This subsection identifies the process and requirements for refinements to a preliminary development plan as party of a final development plan.

Finding: These criteria are satisfied.

Details of Finding: No refinements are proposed as part of the requested FDP, as park and open space refinements were requested as part of the PDP approval request. See Request B. However, the FDP for RP-7 and RP-8 have not been submitted, and PDP refinements are expected as part of these future applications.

Subsection 4.125 (.18) P.2. Final Development Plan Compliance with Architectural Pattern Book, Community Elements Book, and PDP Conditions of Approval

G17. **Review Criteria:** “An application for an FDP shall demonstrate that the proposal conforms to the applicable Architectural Pattern Book, Community Elements Book, Village Center Architectural Standards and any conditions of a previously approved PDP.”

Finding: These criteria are satisfied or will be satisfied by a Condition of Approval PDG 2.

Details of Finding: Overall, as demonstrated by Finding G7 through G9 above, the FDP demonstrates compliance with the SAP East Community Elements Book. The applicant has provided sufficient information to show that playground equipment meeting the Community Elements Book can be provided. However, Condition of Approval PDG 2 ensures the detailed requirements on page 15 of the Community Elements Book are met. There are no relevant portions of the Architectural Pattern Book, or Conditions of Approval for a previously approved PDP to which to demonstrate compliance.

Landscape Standards Section 4.176

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

G18. **Review Criterion:** “All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length”

Finding: This criterion is satisfied.

Details of Finding: No waivers or variances to landscape standards have been requested. Thus all landscaping and screening must comply with standards of this section.

Subsection 4.176 (.03) Landscape Area and Locations

G19. **Review Criteria:** “Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.”

Finding: These criteria are satisfied.

Details of Finding: The proposed parks are predominantly covered with vegetative plant materials other than areas for walkways, play structures, benches, tables, etc. The plantings are in a variety of areas.

Subsection 4.176 (.04) Buffering and Screening

G20. **Review Criteria:** “Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.

D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.

E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.

F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval.”

Finding: These criteria are satisfied.

Details of Finding: No conditions requiring buffering and screening are within the area covered by the subject FDP request.

Subsection 4.176 (.06) A. Plant Materials-Shrubs and Groundcover

G21. **Review Criteria:** This subsection establishes plant material and planting requirements for shrubs and ground cover.

Finding: These criteria are satisfied.

Details of Finding: Applicant’s sheet L1.0 in their plan set, Exhibit B6, indicates the requirements established by this subsection will be met by the proposed plantings.

Subsection 4.176 (.06) B. Plant Materials-Trees

G22. **Review Criteria:** This subsection establishes plant material requirements for trees.

Finding: These criteria are satisfied.

Details of Finding: Applicant’s sheet L1.0 of their plan set, Exhibit B6, indicates the requirements established by this subsection will be met by the proposed plantings.

Subsection 4.176 (.06) D. Plant Materials-Street Trees

G23. **Review Criteria:** This subsection establishes plant material requirements for street trees.

Finding: These criteria are satisfied.

Details of Finding: Applicant’s sheet L1.0 of their plan set, Exhibit B6, indicates the requirements established by this subsection as well as the Community Elements Book will be met by the proposed plantings.

Subsection 4.176 (.06) E. Types of Plant Species

G24. **Review Criteria:** This subsection discusses use of existing landscaping or native vegetation, selection of plant materials, and prohibited plant materials.

Finding: These criteria are satisfied.

Details of Finding: The allowed plant materials are governed by the Community Elements Book. All proposed plant materials are consistent with the SAP East Community Elements Book.

Subsection 4.176 (.06) F. Tree Credit

G25. **Review Criteria:** “Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows: Existing trunk diameter

Number of Tree Credits	
3 tree credits	18 to 24 inches in diameter
4 tree credits	25 to 31 inches in diameter
5 tree credits:”	32 inches or greater

Maintenance requirements listed 1. through 2.

Finding: These criteria are satisfied.

Details of Finding: The applicant is not requesting any of the preserved trees be counted as tree credits pursuant to this subsection.

Subsection 4.176 (.06) G. Exceeding Plant Material Standards

G26. **Review Criterion:** “Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met.”

Finding: This criterion is satisfied.

Details of Finding: The selected landscape materials do not violate any height or vision clearance requirements.

Subsection 4.176 (.07) Installation and Maintenance of Landscaping

G27. **Review Criteria:** This subsection establishes installation and maintenance standards for landscaping.

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDG 3.

Details of Finding: The installation and maintenance standards are or will be met 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.
- A note on the applicant’s sheet L1.0 in their plan set, Exhibit B6, indicates “project is to be irrigated by an automatic underground system, which will provide full coverage for all plant material. System is to be design/build by landscape contractor.”

Subsection 4.176 (.09) Landscape Plans

G28. **Review Criterion:** “Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated.”

Finding: This criterion is satisfied.

Details of Finding: Landscape plans have been submitted with the required information. See applicant’s sheets L1.0 through L6.0 in their plan set, Exhibit B6.

Subsection 4.176 (.10) Completion of Landscaping

G29. **Review Criterion:** “The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review.”

Finding: This criterion is satisfied.

Details of Finding: As a condition of PDP approval the parks for the PDP or PDP phase must be completed prior to fifty percent (50%) of the homes being occupied unless certain conditions exist, similar to what is described in this subsection, in which case a bond can be posted. See Finding A61 in Request A and Condition of Approval PDA 3.

Site Design Review

Subsection 4.400 (.01) Excessive Uniformity, Inappropriateness of Design, Etc.

G30. **Review Criteria:** “Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.”

Finding: These criteria are satisfied.

Details of Finding: It is staff’s professional opinion that the proposed development will not result in excessive uniformity, inappropriateness or poor design, and the proper attention has been paid to site development and landscaping.

Subsection 4.400 (.02) Purposes of Objectives of Site Design Review

G31. **Review Criterion:** “The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:” Listed A through J.

Finding: These criteria are satisfied.

Details of Finding: It is staff’s professional opinion that the applicant has provided sufficient information demonstrating compliance with the purposes and objectives of site design review. Among the information provided is a written response to these purposes and objectives on pages 16 through 18 in Section VI of the applicant’s notebook, Exhibit B7.

Section 4.420 Site Design Review-Jurisdiction and Power of the Board

G32. **Review Criteria:** The section states the jurisdiction and power of the Development Review Board in relation to site design review including the application of the section, that development is required in accord with plans, and variance information.

Finding: These criteria will be satisfied by Condition of Approval PDG 4.

Details of Finding: A condition of approval has been included to ensure construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. No grading or other permits will be granted prior to development review board approval. No variances are requested from site development requirements.

Subsection 4.421 (.01) Site Design Review-Design Standards

G33. **Review Criteria:** “The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards.” Listed A through G.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided sufficient information demonstrating compliance with the standards of this subsection. Among the information provided is a written response to these standards on pages 18 through 20 of Section VI of the applicant’s notebook, Exhibit B7.

Subsection 4.421 (.02) Applicability of Design Standards to Various Site Features

G34. **Review Criteria:** “The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.”

Finding: These criteria are satisfied.

Details of Finding: Design standards have been applied to all site features.

Subsection 4.421 (.03) Objectives of Section 4.400 Serve as Additional Criteria and Standards

G35. **Review Criteria:** “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.”

Finding: These criteria are satisfied.

Details of Finding: The purposes and objectives in Section 4.400 are being used as additional criteria and standards. See Finding G31 above.

Subsection 4.421 (.05) Site Design Review-Conditions of Approval

G36. **Review Criterion:** “The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code.”

Finding: This criterion is satisfied.

Details of Finding: Conditions of Approval PDE 11 and PDE 13 have been attached to the approval of the Tentative Plat, Request E. A prominent reason for which staff recommends these conditions is to insure the ultimate proper and efficient functioning of the parks and pathway development under common ownership and maintenance obligation. See Also Finding E6.

Subsection 4.421 (.06) Color or Materials Requirements

G37. **Review Criterion:** “The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.”

Finding: This criterion will be satisfied by Condition of Approvals PDG 5 and PDG 6.

Details of Finding: Condition of Approval PDG 5 requires all retaining walls within the public view shed, including the retaining wall along Lots 1-9, to be a decorative stone or brick construction or veneer. These will be in the public view shed and in the case of the retaining wall next to the wetland one of the first things travelers on Tooze Road will see coming into the City. Final design of retaining wall design will be approved by the Planning Division through the Class I Administrative Review process. Further, while staff realizes the design of stairs within the parks and open space are such to avoid the need of hand rails, if they are required Condition of Approval PDG 6 ensures they are of a design mirroring that for courtyard fences shown in the Architectural Pattern Book. **Any other rails within parks and open space tracts, including those that may be placed at the top of retaining walls, will also be required to meet these design requirements.** Final design of any handrails in parks and open space will be approved by the Planning Division through the Class I Administrative Review process.

Section 4.440 Site Design Review-Procedures

G38. **Review Criteria:** "A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:" Listed A through F.

Finding: These criteria are satisfied.

Details of Finding: The applicant has submitted the required additional materials, as applicable.

Section 4.442 Time Limit on Approval

G39. **Review Criterion:** "Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

Finding: This criterion is satisfied.

Details of Finding: It is understood that the approval will expire after 2 years if a building permit hasn't been issued unless an extension has been granted by the board.

Subsection 4.450 (.01) Landscape Installation or Bonding

G40. **Review Criterion:** "All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant."

Finding: This criterion is satisfied.

Details of Finding: As a condition of PDP approval the parks for the PDP or PDP phase must be completed prior to fifty percent (50%) of the homes being occupied. See Finding A61 in Request A and Condition of Approval PDA 3.

Subsection 4.450 (.02) Approved Landscape Plan Binding

G41. **Review Criterion:** “Action by the City approving a proposed landscape plan shall be binding upon the applicant. 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, as specified in this Code.”

Finding: This criterion will be satisfied by Condition of Approval PDG 7.

Details of Finding: The condition of approval shall provide ongoing assurance this criterion is met.

Subsection 4.450 (.03) Landscape Maintenance and Watering

G42. **Review Criterion:** “All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.”

Finding: This criterion will be satisfied by Condition of Approval PDG 7.

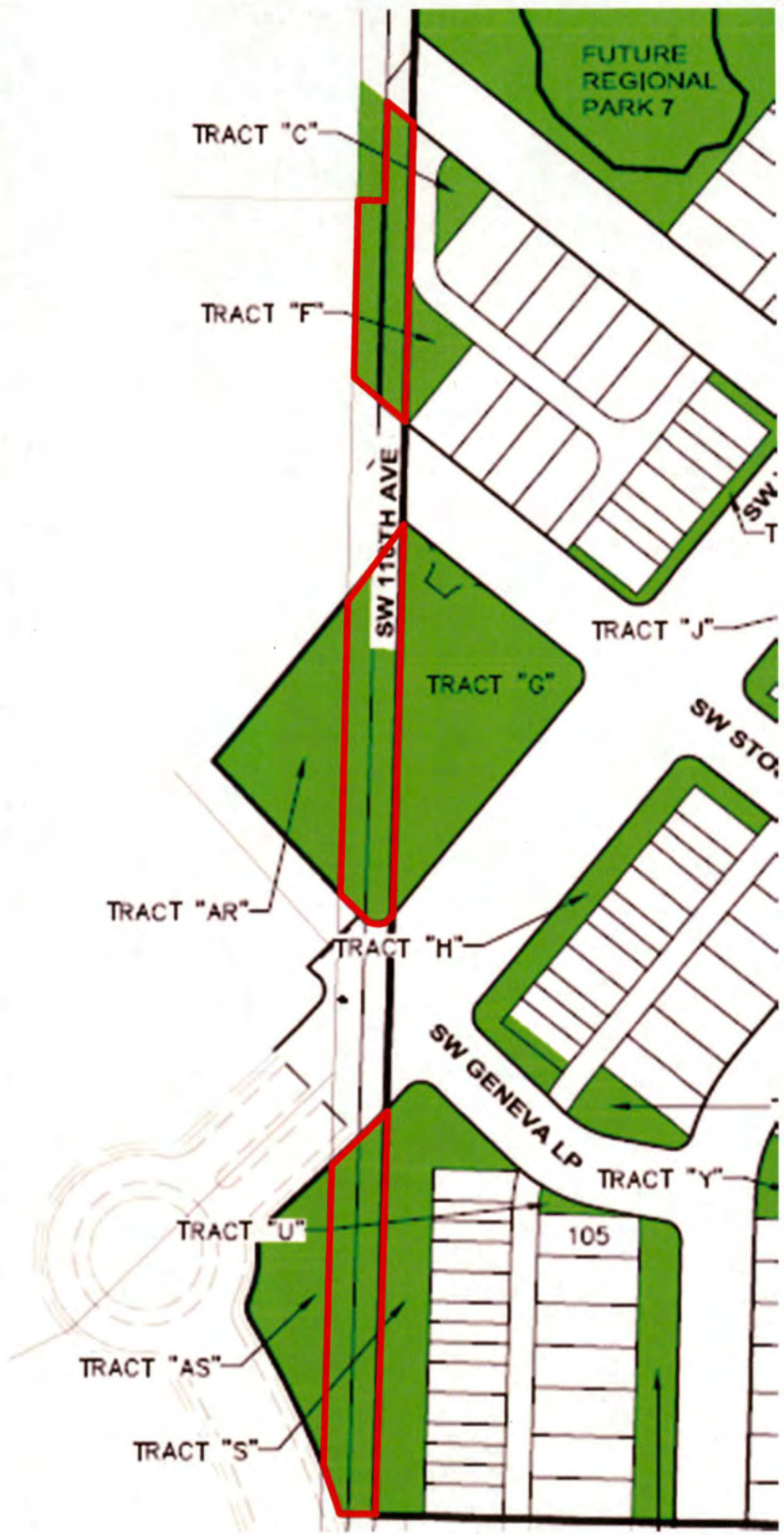
Details of Finding: The condition of approval will ensure landscaping is continually maintained in accordance with this subsection.

Subsection 4.450 (.04) Addition and Modifications of Landscaping

G43. **Review Criterion:** “If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City’s development review process, that removal or modification must first be approved through the procedures of Section 4.010.”

Finding: This criterion will be satisfied by Condition of Approval PDG 7.

Details of Finding: The condition of approval shall provide ongoing assurance that this criterion is met by preventing modification or removal without the appropriate City review.



Legend



Areas of 110th Ave. right-of-way expected to be vacated or exchanged for development of Pocket Park 12, Neighborhood Park 5, and Linear Green 15.



alpha

COMMUNITY DEVELOPMENT

LEGAL DESCRIPTION

Exhibit A (Legal
description)

JOB NO. 108-048

GAP PARCEL

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 15 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY; THENCE ALONG THE EAST LINE OF SAID SECTION SOUTH 01°59'10" WEST, 466.49 FEET; THENCE LEAVING SAID LINE NORTH 88°43' 24" WEST, 509.56 FEET; THENCE SOUTH 89°03'43" WEST, 114.69 FEET; THENCE SOUTH 24°34'41" EAST, 19.55 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 24°34'41" EAST, 733.55 FEET TO A POINT ON THE SOUTH LINE OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 97-101953 CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID LINE SOUTH 71°57'14" WEST, 136.42 FEET; THENCE LEAVING SAID LINE AND RUNNING ALONG THE FLOOD PLAIN BUFFER LINE NORTH 33°44'07" WEST, 131.81 FEET; THENCE NORTH 31°13'59" WEST, 216.49 FEET; THENCE NORTH 41°42'22" WEST, 60.97 FEET; THENCE NORTH 12°20'28" EAST, 10.30 FEET; THENCE NORTH 11°35' 19" WEST, 93.79 FEET; NORTH 48°42'51" WEST, 163.96 FEET; THENCE SOUTH 63°29'23" WEST, 80.96 FEET; THENCE NORTH 50°31'19" WEST, 189.46 FEET; THENCE SOUTH 81°29'12" WEST, 159.20 FEET; THENCE NORTH 59°26'19" WEST, 51.08 FEET; THENCE NORTH 27°51'34" WEST, 205.04 FEET; THENCE NORTH 72°21'42" EAST, 4.51 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF BOECKMAN ROAD; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 28°27'24" EAST, 0.44 FEET; THENCE ALONG THE ARC OF A 953.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY 419.40 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 25°12'53", THE RADIUS POINT OF WHICH BEARS NORTH 26°30'48" EAST AND A LONG CHORD BEARING SOUTH 76°05'38" EAST, 416.02 FEET; THENCE SOUTH 88°42'05" EAST, 24.00 FEET; THENCE SOUTH 42°46'58" EAST, 111.11 FEET; THENCE SOUTH 88°42'13" EAST, 14.83 FEET; THENCE SOUTH 42°29'59" EAST, 8.31 FEET; THENCE SOUTH 88°42'13" EAST, 71.49 FEET; THENCE NORTH 46°32'23" EAST, 8.52 FEET; THENCE NORTH 88°42'13" WEST, 8.31 FEET; THENCE NORTH 46°32'23" EAST, 108.17 FEET; THENCE SOUTH 89°25'29" EAST, 30.29 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 194,032 SQUARE FEET OR 4.454 ACRES.

THE BASIS OF BEARINGS IS THE EAST LINE OF SECTION 15 TAKEN AS SOUTH 01°59' 10" WEST.

Plaza West - Suite 230 - 9600 SW Oak - Portland - Oregon 97223
Office 503 452-8003 - Fax 503 452-8043
www.alphacommunity.com



VA-LED UNTIL 12/31/06

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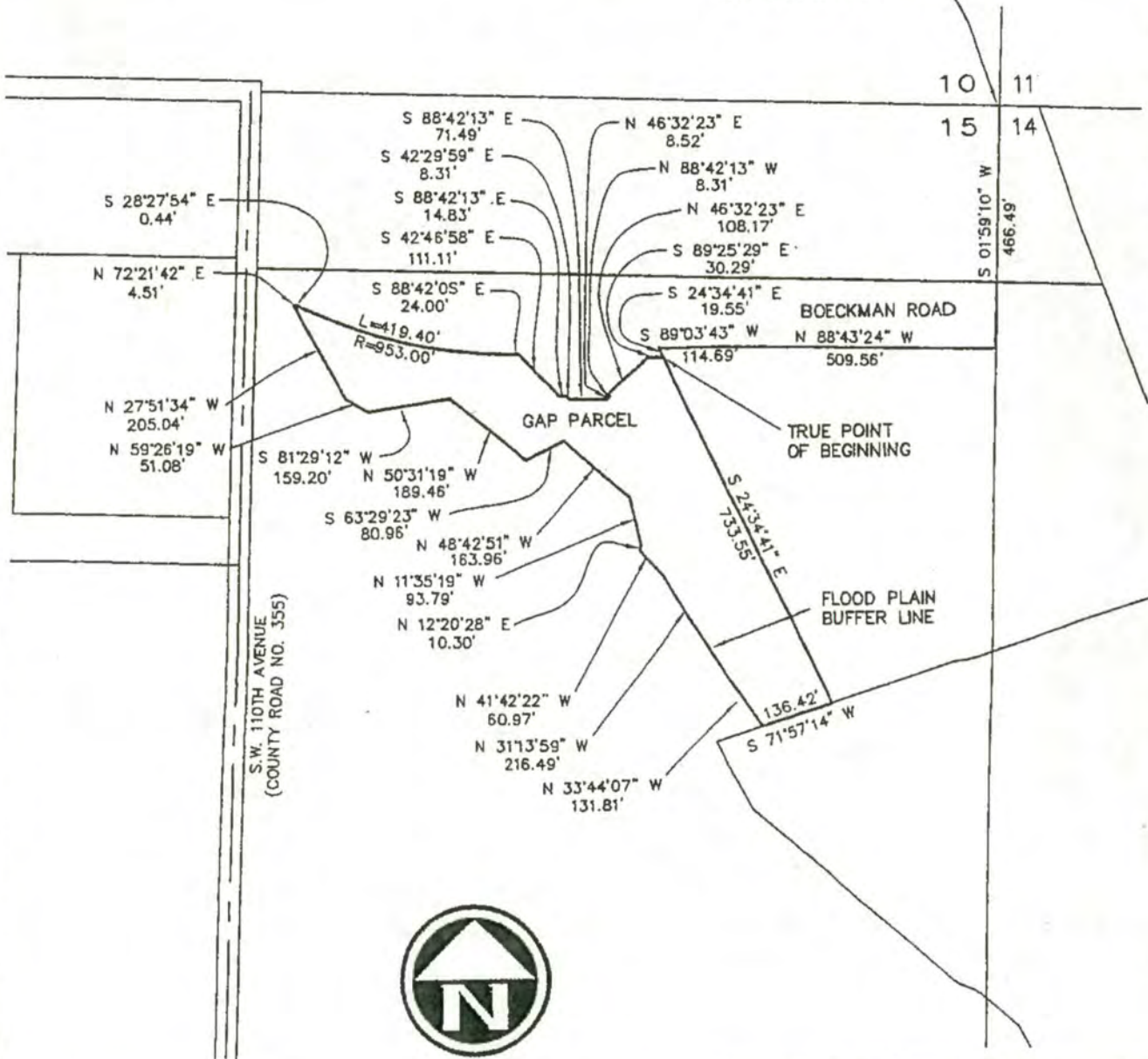
Exhibit A (Map)

FOR: THE CITY OF WILSONVILLE

LOCATED IN THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST,
W.M., CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

AREA = 194,032 OR 4.454 ACRES

POINT OF COMMENCEMENT
N.E. CORNER SECTION 15



N:\proj\108-048\dwg\Survey\108048EXH1.dwg - SHEET: 8x11 Jun 29, 2006 - 3:50pm cwf

DRAWN BY: CWF DATE: 06/29/06
 REVIEWED BY: LMC DATE: 06/29/06
 PROJECT NO.: 0108-0048
 SCALE: 1" = 300'
EXHIBIT MAP



5

EXHIBIT A

 **TICOR TITLE INSURANCE****LEGAL DESCRIPTION**

PARCEL 1: A tract of land located in Sections 14 and 15, Township 3 South, Range 1 West of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point South 24-1/2° East 14.96 chains from the Northeast corner said Section 15 (for a witness corner of a quart bottle is deposited 14 inches under the surface 8 links South 70° West from true corner which is in center of main ditch); thence South 70° West 14.64 chains to the West boundary of land formerly owned by L. A. Seely, to a stake from which an ash tree 2 feet in diameter (with top broken off) bears North 11° West 35 links distant; thence South 35° East 2.19 chains; thence South 52° East 9.75 chains; thence South 26° East 1.77 chains; thence South 14° East 3.00 chains; thence South 10° 30' West to the North boundary line of a tract of land conveyed to John Boston, et ux, by Deed recorded January 22, 1944 in Book 319 page 427, Deed Records; thence North 72° 16' East a distance of 195.5 feet to the most Westerly corner of a tract of land conveyed to Otto Jaeger, et ux, by Deed recorded January 22, 1944 in Book 319 page 425, Deed Records; thence continuing North 72° 16' East a distance of 538.11 feet to the Easterly boundary line of a tract of land conveyed to J.W. Kelly, et ux, by Deed recorded June 19, 1944 in Book 327 page 28, Deed Records, known as Parcel III; thence Northwesterly along said Easterly boundary thereof, to the true point of beginning.

EXHIBIT A

PARCEL 1 - FEE-TAKE

A tract of land situated within that tract of land described in Clackamas County Deed Document 78-00389, and situated in the NE 1/4 of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, State of Oregon, said tract of land is more particularly described as follows:

Beginning at a 1/2" iron pipe marking the corner common to Sections 10,11,14 and 15 of said Township and Range, thence South 88°38'04" East, contiguous with the North line of said Section 14, a distance of 69.33 feet; thence South 19°07'50" East, contiguous with the easterly line of said tract described in Document 78-00389, a distance of 363.00 feet to the southeasterly corner of said tract; thence North 88°38'41" West, contiguous with the South boundary line of said described tract 1594.44 feet, more or less, to a point on the East right-of-way of 110th Avenue, the TRUE POINT OF BEGINNING, said point is situated easterly in direction a perpendicular distance of 20.00 feet from the East line of Donation Land Claim No. 50; thence North 01°35'25" East contiguous with said East right-of-way 115.86 feet thence leaving said East right-of-way South 59°53'31" East 240.86 feet to the South boundary of said tract described in Document 78-00389; thence North 88°38'41" West contiguous with said South boundary 211.63 feet to the TRUE POINT OF BEGINNING and containing 12,260 square feet of land (0.28 acres), more or less.

Expires 12/31/07

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS

625 3 1W 10 TL 1490 Fee Take
01/27/06

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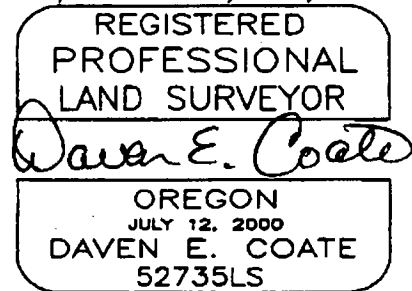
EXHIBIT A

PARCEL 2 -- FEE TAKE

A tract of land situated within that land described in Clackamas County Deed Document 78-00389, and situated in the NE 1/4 of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, State of Oregon, said tract of land is more particularly described as follows:

Beginning at a 1/2" iron pipe marking the corner common to Sections 10,11,14 and 15 of said Township and Range, thence South 88°38'04" East, coincident with the North line of said Section 14, a distance of 69.33 feet; thence South 19°07'50 East, coincident with the easterly line of said tract described in Document 78-00389, a distance of 363.00 feet to the southeasterly corner of said tract; thence North 88°38'41" West, coincident with the South boundary line of said described tract, 1012.28 feet to the TRUE POINT OF BEGINNING; thence North 51°23'56" East 15.76 feet; thence South 88°38'41" East 71.06 feet; thence South 50°02'37" East 16.22 feet to a point on the aforementioned South boundary line; thence North 88°38'41" West, coincident with said line, 95.82 feet; to the TRUE POINT OF BEGINNING and containing 844 square feet of land.

Expires 12/31/07

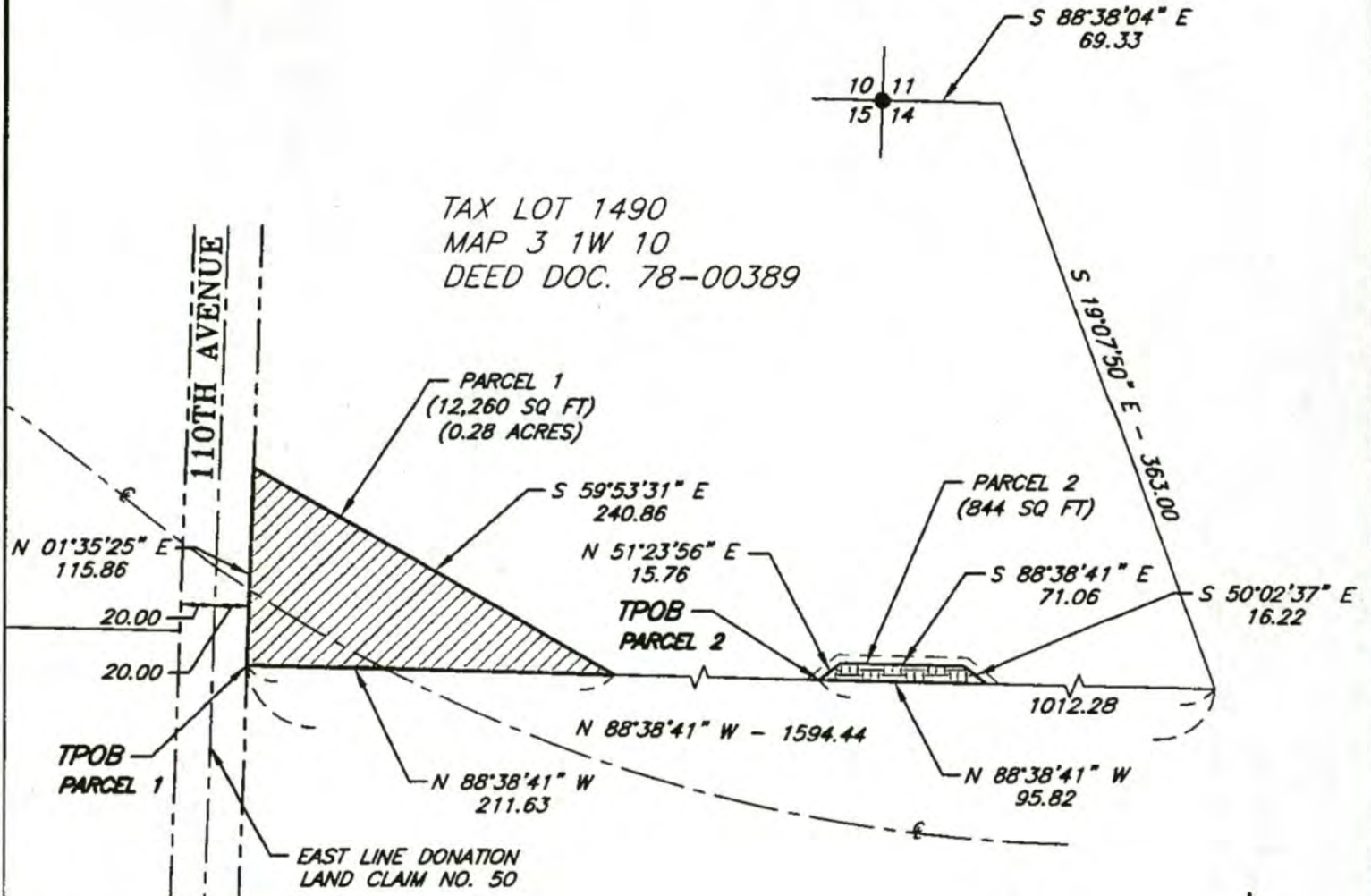


625 3 1W 10 TL 1490 Parcel 2 Fee Take
02/14/06

EXHIBIT "B"

FEE TAKE

Located within the NE 1/4 of Section 15,
Township 3 South, Range 1 West, Willamette Meridian,
Clackamas County, Oregon



LEGEND

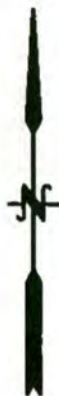
- TPOB TRUE POINT OF BEGINNING
- POB POINT OF BEGINNING
- FOUND MONUMENT
- R/W RIGHT-OF-WAY
- ▨ PARCEL 1 - FEE TAKE
- ▤ PARCEL 2 - FEE TAKE

Expires 12/31/07

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS



PLAN

Scale: 1"=100'

Prepared by:
**DEHAAS &
ASSOCIATES, INC.**
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450

Prepared for: **The CITY of WILSONVILLE**

02/14/06

02.625.1119



LEGAL DESCRIPTION

Exhibit A (Legal description)

JOB NO. 108-048

GAP PARCEL

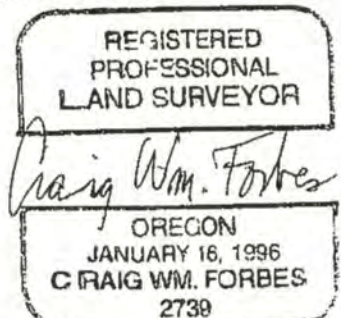
A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 15 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY; THENCE ALONG THE EAST LINE OF SAID SECTION SOUTH $01^{\circ}59'10''$ WEST, 466.49 FEET; THENCE LEAVING SAID LINE NORTH $88^{\circ}43'24''$ WEST, 509.56 FEET; THENCE SOUTH $89^{\circ}03'43''$ WEST, 114.69 FEET; THENCE SOUTH $24^{\circ}34'41''$ EAST, 19.55 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH $24^{\circ}34'41''$ EAST, 733.55 FEET TO A POINT ON THE SOUTH LINE OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 97-101953 CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID LINE SOUTH $71^{\circ}57'14''$ WEST, 136.42 FEET; THENCE LEAVING SAID LINE AND RUNNING ALONG THE FLOOD PLAIN BUFFER LINE NORTH $33^{\circ}44'07''$ WEST, 131.81 FEET; THENCE NORTH $31^{\circ}13'59''$ WEST, 216.49 FEET; THENCE NORTH $41^{\circ}42'22''$ WEST, 60.97 FEET; THENCE NORTH $12^{\circ}20'28''$ EAST, 10.30 FEET; THENCE NORTH $11^{\circ}35'19''$ WEST, 93.79 FEET; NORTH $48^{\circ}42'51''$ WEST, 163.96 FEET; THENCE SOUTH $63^{\circ}29'23''$ WEST, 80.96 FEET; THENCE NORTH $50^{\circ}31'19''$ WEST, 189.46 FEET; THENCE SOUTH $81^{\circ}29'12''$ WEST, 159.20 FEET; THENCE NORTH $59^{\circ}26'19''$ WEST, 51.08 FEET; THENCE NORTH $27^{\circ}51'34''$ WEST, 205.04 FEET; THENCE NORTH $72^{\circ}21'42''$ EAST, 4.51 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF BOECKMAN ROAD; THENCE ALONG SAID RIGHT-OF-WAY SOUTH $28^{\circ}27'24''$ EAST, 0.44 FEET; THENCE ALONG THE ARC OF A 953.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY 419.40 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF $25^{\circ}12'53''$, THE RADIUS POINT OF WHICH BEARS NORTH $26^{\circ}30'48''$ EAST AND A LONG CHORD BEARING SOUTH $76^{\circ}05'38''$ EAST, 416.02 FEET; THENCE SOUTH $88^{\circ}42'05''$ EAST, 24.00 FEET; THENCE SOUTH $42^{\circ}46'58''$ EAST, 111.11 FEET; THENCE SOUTH $88^{\circ}42'13''$ EAST, 14.83 FEET; THENCE SOUTH $42^{\circ}29'59''$ EAST, 8.31 FEET; THENCE SOUTH $88^{\circ}42'13''$ EAST, 71.49 FEET; THENCE NORTH $46^{\circ}32'23''$ EAST, 8.52 FEET; THENCE NORTH $88^{\circ}42'13''$ WEST, 8.31 FEET; THENCE NORTH $46^{\circ}32'23''$ EAST, 108.17 FEET; THENCE SOUTH $89^{\circ}25'29''$ EAST, 30.29 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 194,032 SQUARE FEET OR 4.454 ACRES.

THE BASIS OF BEARINGS IS THE EAST LINE OF SECTION 15 TAKEN AS SOUTH $01^{\circ}59'10''$ WEST.

Plaza West - Suite 230 - 9600 SW Oak - Portland - Oregon 97223
Office 503 452-8003 - Fax 503 452-8043
www.alphacommunity.com



VA-LAD UNY4L 12/31/06

4

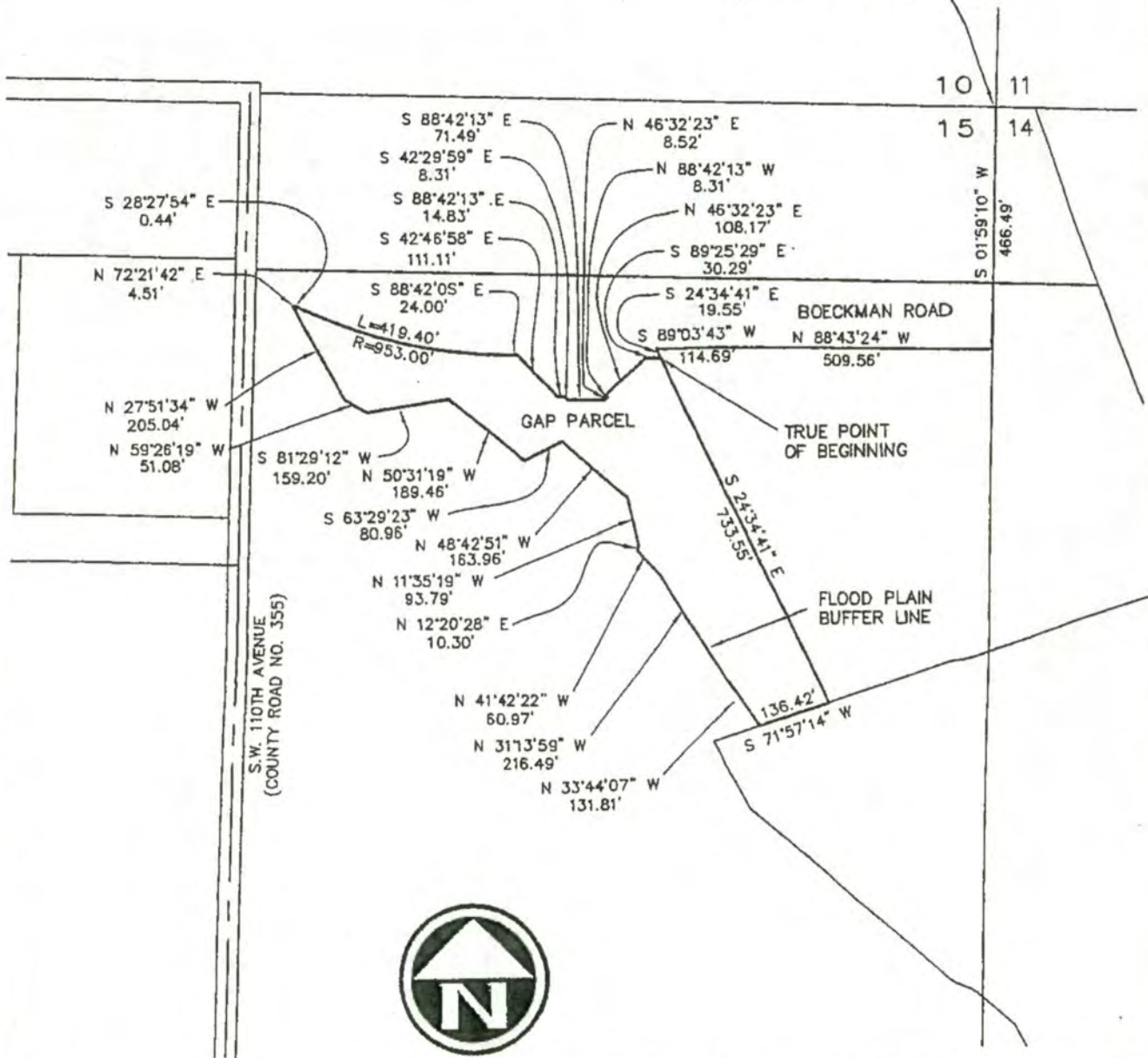
Exhibit A (Map)

FOR: THE CITY OF WILSONVILLE

LOCATED IN THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST,
W.M., CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

AREA = 194,032 OR 4.454 ACRES

POINT OF COMMENCEMENT
N.E. CORNER SECTION 15



N:\pro\108-048\dwg\Survey\10804BEXH1.dwg - SHEET: 8x11 Jun 29, 2006 - 3:50pm cwf

DRAWN BY: CWF DATE: 06/29/06
 REVIEWED BY: LMC DATE: 06/29/06
 PROJECT NO.: 0108-0048
 SCALE: 1" = 300'
EXHIBIT MAP



5

**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: December 3, 2012	Subject: Ordinance No.710, Zone Map Amendment from EFU to V, "Tonquin Meadows No. 2", Phase 4 of SAP East, Villebois. Polygon Northwest Company. Staff Members: Blaise Edmonds, Manager of Current Planning and Daniel Pauly AICP, Associate Planner. Department: Planning Division
Action Required	Development Review Board Recommendation
<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: Dec. 3. <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: Dec. 17. <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comment: Following their review at the Nov. 15 th meeting, the Development Review Board, Panel A recommends approval of the Zone Map Amendment.

Staff Recommendation: Staff recommends that the City Council adopt Ordinance No. 710 approving a Zone Map Amendment from the Clackamas EFU Zone to the City Village Zone. The State statutory 120-day time limit applies to this application. The City must render a final decision for the request by February 7, 2013.

Recommended Language for Motion: I Move to Adopt Ordinance No. 710 on the 2nd reading.

PROJECT / ISSUE RELATES TO: Comprehensive Plan, Zone Code and Villebois Master Plan.

<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Villebois Master Plan	<input type="checkbox"/> Not Applicable
---	---	---

ISSUE BEFORE COUNCIL: Approve or Deny Ordinance No. 710 for a Zone Map Amendment from the Clackamas County Exclusive Farm Use (EFU) Zone to the City, Village (V) zone on 12.6 acres comprising the eastern part of Villebois, which is immediately north and west of Lowrie Primary School. Conforming the V Zone to the established densities on the Villebois Village Master Plan Map is a routine item, for which the City Council is the final local

authority.

EXECUTIVE SUMMARY: The proposed Zone Map Amendment is being forwarded to the City Council by Development Review Board Panel 'A' with a recommendation of approval. The Board approved several companion applications including a Preliminary Development Plan, Final Development Plan for parks and open space and a Tentative Subdivision Plat. Those approvals are contingent on Council approval of the subject Zone Map Amendment. The site area is 12.96 acres, including areas previously zoned Village (V), comprising 93 single-family detached houses. The proposed zone change will enable development of the houses together with 3.03 acres of private parks and open space. No change to Villebois Village Master Plan densities is proposed.

EXPECTED RESULTS: Adoption of Ordinance No. 710.

TIMELINE: Construction of the subdivision is anticipated begin in 2013.

CURRENT YEAR BUDGET IMPACTS: Proposed is a 93 single-family residential subdivision. This project is a private development so the applicant is responsible to make all public and private improvements, pay city application fees and systems development charges for parks, storm sewer and streets.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: __JEO__, 11-20-12

This ordinance has no financial impact.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK, Date: 11/21/12

Meets requisite for Zone change; Planning advises that the 93 units when added to other approvals for PDP's are within SAP-E number of units previously proposed by Matrix.

COMMUNITY INVOLVEMENT PROCESS: The required public hearing notices have been sent.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY Ordinance No. 710 will provide:

- 93 new residential homes.
- Construction jobs for several years.
- Development of 3.03 acres of parks and open space.

ALTERNATIVES: The Applicant seeks to develop the subject property within the allowed V Zone housing density and does not seek a Comprehensive Plan Map Amendment.

CITY MANAGER COMMENT:

ATTACHMENTS:

Exhibit A - Zoning Order DB12-0050

Attachment 1: Map depicting Zone Map Amendment

Attachment 2: Legal Description and Map

Exhibit B – Planning Staff Report, Zone Change Findings, and Recommendation to City Council, Dec. 3rd

Exhibit C - DRB Panel A, Notice of Decision and Resolution No. 239

Exhibit D – Amended and Adopted Staff Report and DRB Recommendation (Exhibit A1), Nov. 15th and Application on compact disk.

Exhibit E – 15th DRB Minutes

ORDINANCE NO. 710

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE EXCLUSIVE FARM USE (EFU) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 12.6 - ACRES COMPRISING TAX LOT 301 OF SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON, POLYGON NORTHWEST COMPANY, APPLICANT.

WHEREAS, Polygon Northwest Company (“Applicant”), as owner of the real property legally described and shown on Exhibits A and B, attached hereto and incorporated by reference herein (“Property”) has made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the request and prepared a staff report, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on November 15, 2012;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on November 15, 2012, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 239 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB12-0050), adopts the staff report with modified findings and recommendation, all as placed on the record at the hearing, contingent on City Council approval of the Zone Map Amendment and authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

WHEREAS, on December 3, 2012, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the staff report; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Development Review Board and City Council staff reports, as contained in the record of the above described DRB hearing and incorporates it by reference herein, as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB12-0050, attached hereto as Exhibit A, from the Clackamas County Exclusive Farm Use (EFU) Zone to the City Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 3rd day of December 2012, and scheduled for the second and final reading on December 17, 2012, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of December, 2012, by the following

votes: Yes:___ No:___

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of ____, 2012.

Tim Knapp, MAYOR

SUMMARY OF VOTES:
Mayor Knapp
Council President Nunez
Councilor Starr
Councilor Goddard
Councilor Fitzgerald

Attachments:

- Exhibit A, Zoning Order DB12-0050
- Attachment 1, Map Depicting Zone Amendment
- Attachment 2, Legal Description
- Exhibit B Zone Map Amendment Findings
- Exhibit C DRB Resolution No. 239

**BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
POLYGON NORTHWEST COMPANY**

In the Matter of the Application of)
Pacific Community Design, Inc.,)
Agent for the Applicant,)
Polygon Northwest Company, for a)
Rezoning of Land and Amendment)
of the City of Wilsonville)
Zoning Map Incorporated in Section 4.102)
of the Wilsonville Code.)

ZONING ORDER DB12-0050

The above-entitled matter is before the Council to consider the application of DB12-0050, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached Exhibits 1 and 2, has heretofore appeared on the City of Wilsonville Zoning Map as Exclusive Farm Use (EFU).

The Council having heard and considered all matters relevant to the application for a zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 12.6 acres comprising of Tax Lot 301 in Section 15, T3S, R1W as more particularly shown in the Zone Map Amendment Map, Exhibit 1 and described in Exhibit 2 is hereby rezoned to Village (V), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 3rd day of December, 2012.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, CMC, City Recorder

Attachment 1: Legal Description

Attachment 2: Map depicting Zone Map Amendment

N:\proj\392\Drawings\06 Survey\Exhibits\395011.Legal-Zone Change.dwg - SHEET: 1 Sep. 14, 12 - 1:10 PM tcj

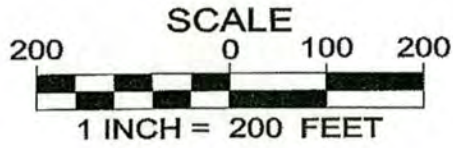
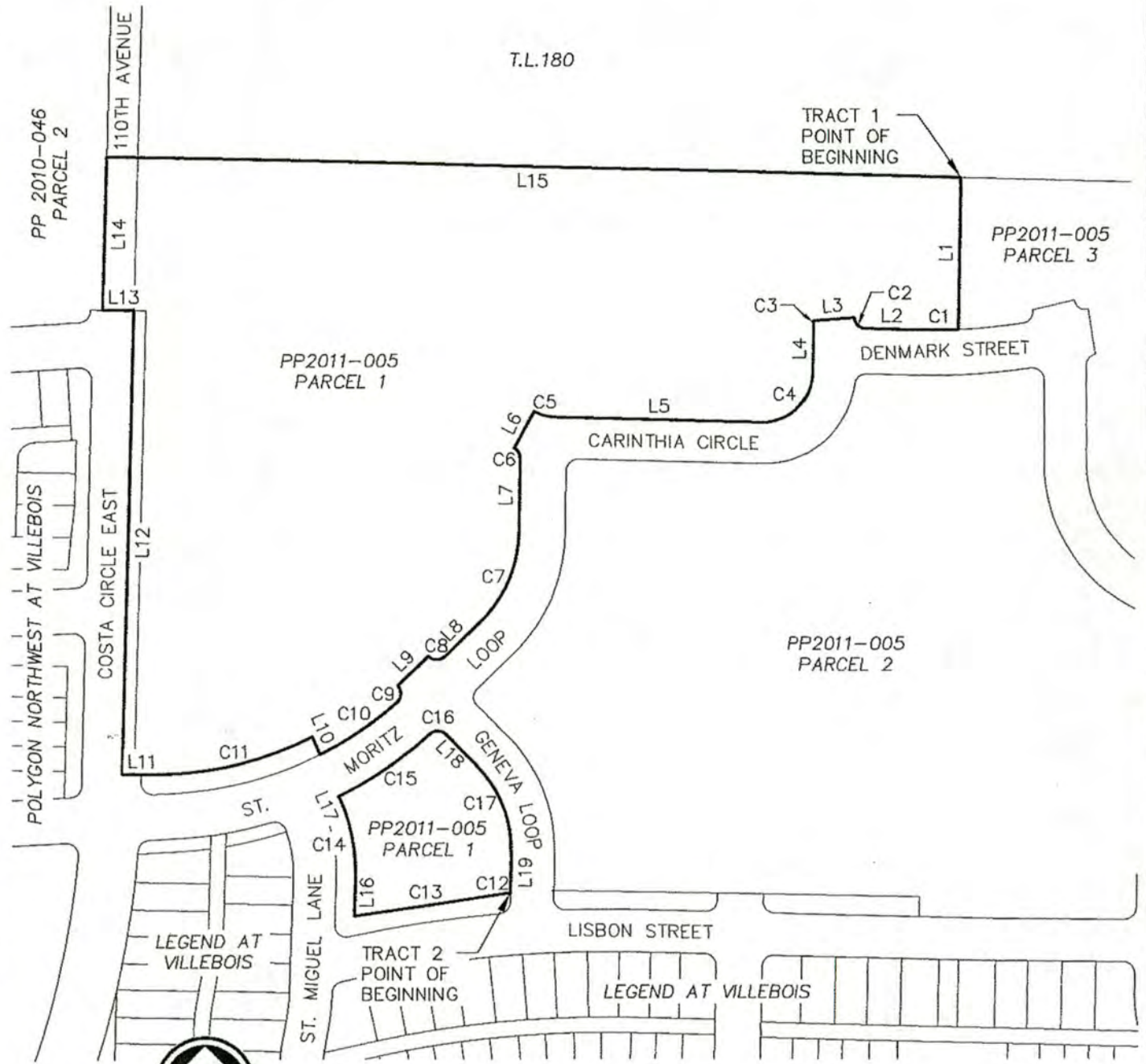


EXHIBIT "A"

DRAWN BY: TCJ DATE: 9/14/12
 REVIEWED BY: _____ DATE: _____
 PROJECT NO.: 395-011
 SCALE: 1"=200'
 PAGE 5 OF 6

Pacific Community Design

[T] 503-941-9484 [F] 503-941-9485

LINE TABLE		
LINE	BEARING	LENGTH
L1	S01°27'35"W	197.16'
L2	N88°24'37"W	64.94'
L3	S86°01'21"W	54.00'
L4	S01°27'35"W	61.00'
L5	N88°24'37"W	261.07'
L6	S28°34'33"W	54.00'
L7	S01°27'35"W	97.81'
L8	S45°42'19"W	61.79'
L9	S46°07'30"W	55.00'
L10	N23°49'42"W	25.04'
L11	N88°24'59"W	34.26'
L12	N01°35'01"E	603.88'
L13	N88°24'59"W	40.00'
L14	N01°35'01"E	198.30'
L15	S88°28'22"E	1100.93'
L16	S02°02'35"W	49.23'
L17	S23°49'42"E	2.23'
L18	N44°19'57"W	55.15'
L19	N01°27'35"E	53.60'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	52.28'	720.50'	4°09'27"	52.27'	S89°30'39"W
C2	22.10'	15.00'	84°25'57"	20.16'	N46°11'39"W
C3	6.17'	65.00'	5°26'11"	6.16'	S01°15'30"E
C4	105.40'	67.00'	90°07'48"	94.86'	S46°31'29"W
C5	30.61'	65.00'	26°59'09"	30.33'	N74°55'03"W
C6	16.46'	15.00'	62°53'20"	15.65'	S29°59'05"E
C7	131.67'	170.50'	44°14'44"	128.42'	S23°34'57"W
C8	23.55'	15.00'	89°57'44"	21.21'	N89°18'49"W
C9	24.19'	15.00'	92°24'52"	21.66'	S01°52'31"W
C10	120.38'	460.50'	14°58'38"	120.03'	S55°34'16"W
C11	218.17'	435.50'	28°42'12"	215.90'	S77°13'57"W
C12	16.67'	416.00'	2°17'44"	16.67'	N81°58'31"E
C13	185.68'	10289.93'	1°02'02"	185.68'	N81°20'40"E
C14	107.31'	237.65'	25°52'18"	106.40'	S10°53'33"E
C15	142.65'	519.50'	15°43'59"	142.20'	S55°32'49"W
C16	23.03'	15.00'	87°59'14"	20.84'	N88°19'34"W
C17	123.88'	155.00'	45°47'32"	120.61'	N21°26'11"W

EXHIBIT "A"

DRAWN BY: TCJ DATE: 9/14/12
 REVIEWED BY: _____ DATE: _____
 PROJECT NO.: 395-011
 SCALE: _____

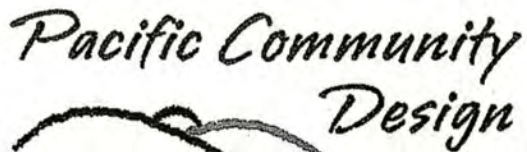


EXHIBIT "A"

September 14, 2012

LEGAL DESCRIPTION
Zone Change

Job No. 395-011

Two tracts of land being Parcel 1 of Partition Plat No. 2011-005, and street right-of-ways, in the Northeast and Southeast Quarters of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

Tract 1

BEGINNING at the Northwest corner of Parcel 3 of said Partition Plat;

thence along the westerly boundary line of said Parcel 3, South 01°27'35" West, a distance of 197.16 feet to the northerly right-of-way line of Denmark Street;

thence along said right-of-way line on a 720.50 foot radius non-tangential curve, concave northerly, with a radius point bearing North 02°34'04" West, central angle of 04°09'27", arc length of 52.28 feet, chord bearing of South 89°30'40" West, and chord distance of 52.27 feet;

thence continuing along said right-of-way line, North 88°24'37" West, a distance of 64.94 feet;

thence continuing along said right-of-way line on a 15.00 foot radius tangential curve to the right, through a central angle of 84°25'57", arc length of 22.10 feet, chord bearing of North 46°11'39" West, and chord distance of 20.16 feet;

thence continuing along said right-of-way line, South 86°01'21" West, a distance of 54.00 feet to the westerly right-of-way line of Carinthia Circle;

thence along said right-of-way line on a 65.00 foot radius non-tangential curve, concave westerly, with a radius point bearing South 86°01'24" West, central angle of 05°26'11", arc length of 6.17 feet, chord bearing of South 01°15'30" East, and chord distance of 6.16 feet;

thence continuing along said right-of-way line, South 01°27'35" West, a distance of 61.00 feet;

thence continuing along said right-of-way line on a 67.00 foot radius tangential curve to the right, through a central angle of $90^{\circ}07'48''$, arc length of 105.40 feet, chord bearing of South $46^{\circ}31'29''$ West, and chord distance of 94.86 feet to the northerly right-of-way line of Carinthia Circle;

thence along said right-of-way line, North $88^{\circ}24'37''$ West, a distance of 261.07 feet;

thence continuing along said right-of-way line on a 65.00 foot radius tangential curve to the right, through a central angle of $26^{\circ}59'09''$, arc length of 30.61 feet, chord bearing of North $74^{\circ}55'03''$ West, and chord distance of 30.33 feet;

thence continuing along said right-of-way line South $28^{\circ}34'33''$ West, a distance of 54.00 feet to the westerly right-of-way line of St. Moritz Loop;

thence along said right-of-way line on a 15.00 foot radius non-tangential curve, concave southwesterly, with a radius point bearing South $28^{\circ}34'15''$ West, central angle of $62^{\circ}53'20''$, arc length of 16.46 feet, chord bearing of South $29^{\circ}59'05''$ East, and chord distance of 15.65 feet;

thence continuing along said right-of-way line, South $01^{\circ}27'35''$ West, a distance of 97.81 feet;

thence continuing along said right-of-way line on a 170.50 foot radius tangential curve to the right, through a central angle of $44^{\circ}14'44''$, arc length of 131.67 feet, chord bearing of South $23^{\circ}34'57''$ West, and chord distance of 128.42 feet;

thence continuing along said right-of-way line, South $45^{\circ}42'19''$ West, a distance of 61.79 feet;

thence continuing along said right-of-way line on a 15.00 foot radius tangential curve to the right, through a central angle of $89^{\circ}57'44''$, arc length of 23.55 feet, chord bearing of North $89^{\circ}18'49''$ West, and chord distance of 21.21 feet;

thence continuing along said right-of-way line, South $46^{\circ}07'30''$ West, a distance of 55.00 feet;

thence continuing along said right-of-way line on a 15.00 foot radius non-tangential curve, concave westerly, with a radius point bearing South $45^{\circ}40'05''$ West, central angle of $92^{\circ}24'52''$, arc length of 24.19 feet, chord bearing of South $01^{\circ}52'31''$ West, and chord distance of 21.66 feet;

thence continuing along said right-of-way line on a 460.50 foot radius compound curve, through a central angle of $14^{\circ}58'38''$, arc length of 120.38 feet, chord bearing of South $55^{\circ}34'16''$ West a chord distance of 120.03 feet to the Southeast corner of Tract EE, plat of "Legend at Villebois";

thence along the easterly line of said Tract EE, North 23° 49'42" West, a distance of 25.04 feet to the Northeast corner of said Tract EE;

thence along the northerly line of said plat of "Legend at Villebois" on a 435.50 foot radius non-tangential curve, concave northerly, with a radius point bearing North 27° 07'09" West, central angle of 28° 42'12", arc length of 218.17 feet, chord bearing of South 77° 13'57" West, and chord distance of 215.90 feet;

thence continuing along said northerly line, North 88° 24'59" West, a distance of 34.26 feet to the Northwest corner of said plat of "Legend at Villebois";

thence along the easterly right-of-way line of Costa Circle East, North 01° 35'01" East, a distance of 603.88 feet;

thence North 88° 24'59" West, a distance of 40.00 feet to the Southeast corner of Parcel 2 of Partition Plat No. 2010-046;

thence along the westerly right-of-way line of 110th Avenue, North 01° 35'01" East, a distance of 198.30 feet;

thence crossing said right-of-way and continuing along the northerly property line of said Parcel 1 of Partition Plat No. 2011-005, South 88° 28'22" East, a distance of 1100.93 feet to the POINT OF BEGINNING.

Containing 12.14 acres, more or less.

Tract 2

BEGINNING at the most Easterly Northeast corner of Tract DD, plat of "Legend at Villebois"

thence along the northerly line of said Tract DD, on a 416.00 foot radius curve, concave southerly, with a radius point bearing South 06° 52'37" East, central angle of 02° 17'44", arc length of 16.67 feet, chord bearing of South 81° 58'31" West, and chord distance of 16.67 feet;

thence continuing along said line on a 10289.93 foot radius compound curve, through a central angle of 01° 02'02", arc length of 185.68 feet, chord bearing of South 81° 20'40" West, and chord distance of 185.68 feet to an angle point in said Parcel DD;

thence along the easterly line of said Tract DD, North 02° 02'35" East, a distance of 49.23 feet;

thence continuing along said line, on a 237.65 foot radius tangential curve to the left, through a central angle of 25°52'18", arc length of 107.31 feet, chord bearing of North 10°53'33" West, and chord distance of 106.40 feet;

thence continuing along said line, North 23°49'42" West, a distance of 2.23 feet to the most Northerly Northeast corner of said Tract DD;

thence along the southerly right-of-way line of St. Moritz Loop, on a 519.50 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North 26°35'12" West, central angle of 15°43'59", arc length of 142.65 feet, chord bearing of North 55°32'49" East, and chord distance of 142.20 feet;

thence continuing along said line on a 15.00 foot radius curve to the right, through a central angle of 87°59'14", arc length of 23.03 feet, chord bearing of South 88°19'34" East, and chord distance of 20.84 feet to the westerly right-of-way line of Geneva Loop;

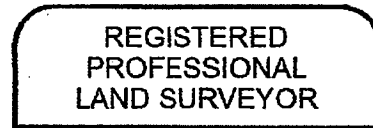
thence along said right-of-way line, South 44°19'57" East, a distance of 55.15 feet;

thence continuing along said right-of-way line on a 155.00 foot radius tangential curve to the right, through a central angle of 45°47'32", arc length of 123.88 feet, chord bearing of South 21°26'11" East, and chord distance of 120.61 feet;

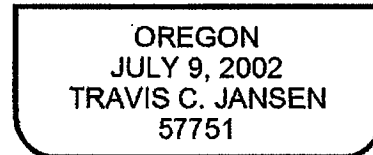
thence continuing along said right-of-way line, South 01°27'35" West, a distance of 53.60 feet to the POINT OF BEGINNING;

Containing 0.86 acres, more or less.

Basis of bearing per Partition Plat No. 2011-005,
Clackamas County Survey Records.



A handwritten signature in black ink, appearing to read "T. Jansen".



RENEWS: 6/30/2013

Exhibit B
STAFF REPORT
WILSONVILLE PLANNING DIVISION

Polygon Home- Villebois Phase 4 East
"Tonquin Meadows No. 2"

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

HEARING DATE December 3, 2012

APPLICATION NO.: DB12-0050 Zone Map Amendment

REQUEST/SUMMARY: The Development Review Board is being asked to review a Preliminary Development Plan, SAP Refinements, Zone Map Amendment, Tentative Subdivision Plat, and Final Development Plan for a 93-lot residential subdivision and associated improvements

LOCATION: Northwest of Lowrie Primary School, East of SW 110th Avenue The property is specifically known as Tax Lot 301, Section 15, Tax Lots 16400 and 16500, Section 15DA, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

PROPERTY OWNER: Lou Fasano
Fasano Family, LLC

APPLICANT: Fred Gast
Polygon NW Company

APPLICANT'S REP.: Stacy Connery, AICP
Pacific Community Design, Inc.

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATION: EFU (Exclusive Farm Use)

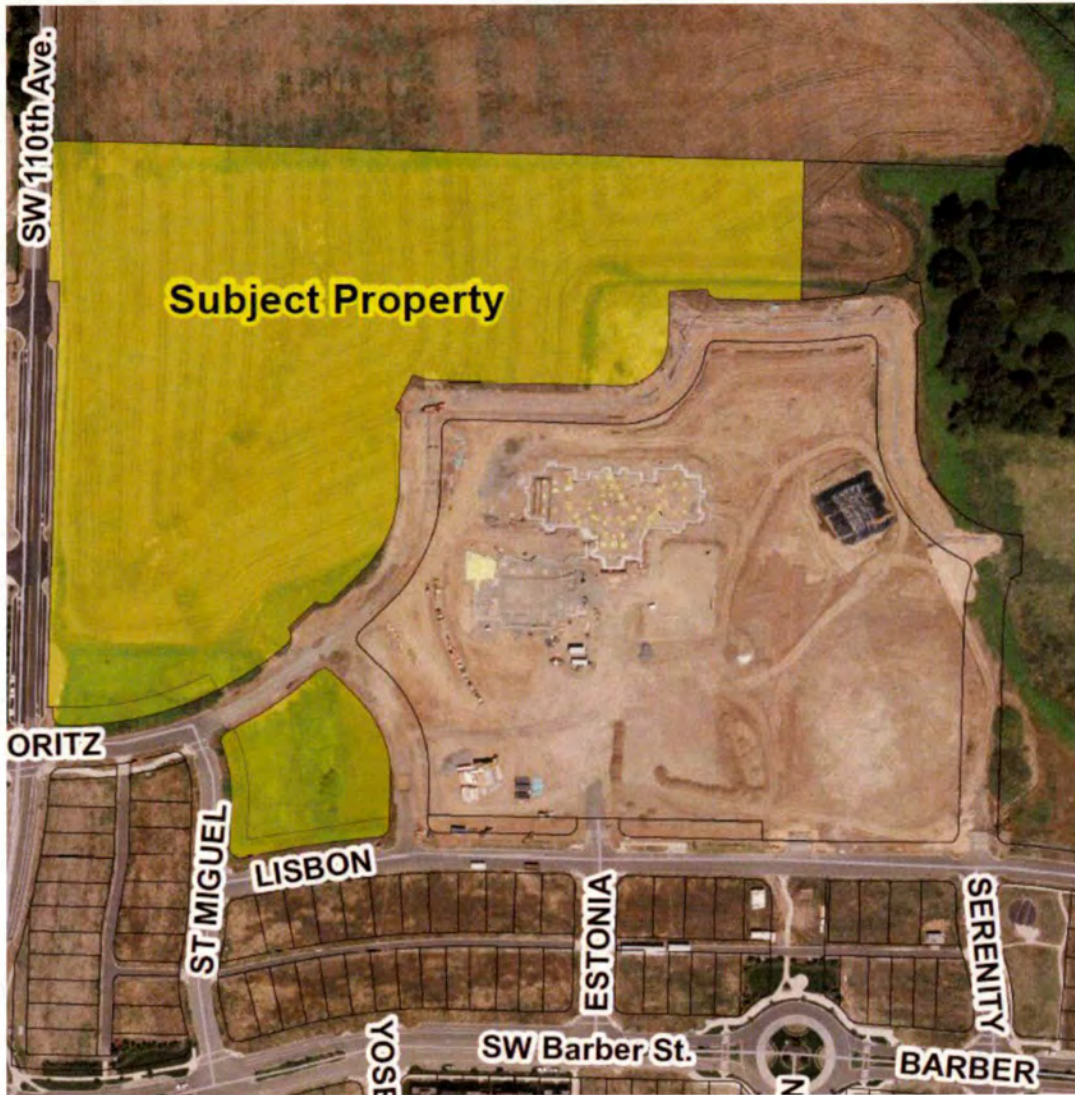
STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner
Steve Adams PE, Interim City Engineer
Kerry Rappold, Natural Resource Program Manager
Don Walters, Building Plans Examiner

DRB RECOMMENDATION: Approve the requested Zone Map Amendment.

APPLICABLE REVIEW CRITERIA

DEVELOPMENT CODE	
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 4.033	Authority of City Council
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.125	V-Village Zone
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
COMPREHENSIVE PLAN	
Implementation Measure 4.1.6.a.	
Implementation Measure 4.1.6.b.	
Implementation Measure 4.1.6.c.	
Implementation Measure 4.1.6.d.	
OTHER PLANNING DOCUMENTS	
Villebois Village Master Plan	
SAP East Approval Documents	

Vicinity Map



BACKGROUND/SUMMARY:

PDP 4E Preliminary Development Plan (DB12-0053)

At the core of the proposed Phase 4 of Specific Area Plan East (also known as PDP 4E) is the 12.96 gross acre site current owned by Fasano Family LLC. Development proposed on this property includes small and medium sized single-family lots allowing for the construction of 93 homes, 3.03 acres of parks and open space, and associated infrastructure improvements. All the homes in the development will back up to alleys. The front of the homes will face tree lined streets, parks and green spaces.



Proposed Housing Type	Number of Units
Medium Single Family	11
Small Single Family	82
Total	93

Zone Map Amendment (DB12-0050)

The proposal is to change the County EFU zone on Tax Lot 301 the Village (V) zone consistent with the Villebois Village Master Plan. Tax Lots 16400 and 16500 were previously zoned Village (V) together with SAP East Phase 1. The proposed residential and park uses are permitted under Wilsonville Code Section 4.125. The proposed Zone Map Amendment would enable the development permitting process for this area of Villebois.

Compass Direction	Zone:	Existing Use:
North:	RA-H	Agriculture (Proposed Phase 3 East)
East:	Village	Single Family Residential, Villebois Phase 6 South)
South:	Village	Lowrie Primary School, undeveloped single-family lots, Villebois Phase 1 East
West:	Village	Lowrie Primary School, Villebois Phase 2 East (approved, but undeveloped)

3. Prior land use actions include:

Legislative:

02PC06 - Villebois Village Concept Plan
 02PC07A - Villebois Comprehensive Plan Text
 02PC07C - Villebois Comprehensive Plan Map
 02PC07B - Villebois Village Master Plan
 02PC08 - Village Zone Text
 04PC02 – Adopted Villebois Village Master Plan
 LP-2005-02-00006 – Revised Villebois Village Master Plan
 LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)

Quasi Judicial:

04 DB 22 et seq – SAP-East
 DB05-0011 et seq – PDP-1E, Legend at Villebois
 DB10-0023 et seq – PDP-2aE, Lowrie Primary School
 AR10-0073 Partition Plat – Lowrie Primary School
 DB11-0047 et seq – PDP-2E, Retherford Meadows
 DB12-0042 et seq – PDP-3E, Tonquin Meadows, and SAP Phasing and Pattern Book Amendments (still pending DRB review)

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.

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criteria: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville’s development review process.

Finding: These criteria are met.

Details of Finding: The application is being processed in accordance with the applicable general procedures of this Section.

Section 4.009 Who May Initiate Application

Review Criterion: “Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply.”

Finding: This criterion is satisfied.

Details of Finding: The application has been signed by Lou Fasano, managing member of Fasano Family LLC, the property owner.

Subsection 4.010 (.02) Pre-Application Conference

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Details of Finding: A pre-application conference was held on August 30, 2012 in accordance with this subsection.

Subsection 4.011 (.02) B. Lien Payment before Application Approval

Review Criterion: “City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application.”

Finding: This criterion is satisfied.

Details of Finding: No applicable liens exist for the subject property. The application can thus move forward. A copy of the Certification of Assessment and Liens can be found in Section IIID of the applicant’s notebook, Exhibit B3.

Section 4.014 Burden of Proof is on the Applicant

Review Criterion: “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. In the case of an appeal, the burden of proof rests with the appellant.”

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided the necessary findings of fact for approval with conditions of the requested development applications in accordance with this Section.

Subsection 4.035 (.04) A. General Site Development Permit Submission Requirements

Review Criteria: “An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.” Listed 1. through 6. j.

Finding: These criteria are satisfied.

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

Section 4.110 Zoning-Generally

Review Criteria: “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

Finding: These criteria are satisfied.

Details of Finding: This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

CONCLUSIONARY FINDINGS, REQUEST C: DB12-0050 ZONE MAP AMENDMENT

The applicant's findings in Section IVA of their notebook, Exhibit B3, respond to the majority of the applicable criteria.

Comprehensive Plan

Compact Urban Development-Implementation Measures

Implementation Measure 4.1.6.a

- C1. **Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."
Finding: These criteria are satisfied.
Details of Finding: The subject area is within SAP-East, which was previously approved as part of case file 04 DB 22 et seq and found to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance.

Implementation Measure 4.1.6.b.

- C2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.
Finding: These criteria are not applicable
Details of Finding: The current proposal is for a preliminary development plan implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved.

Implementation Measure 4.1.6.c.

- C3. **Review Criterion:** "The "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation."
Finding: This criterion is satisfied.
Details of Finding: The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

Implementation Measure 4.1.6.d.

- C4. **Review Criterion:** "The "Village" Zone District shall allow a wide range of uses that befit and support an "urban village," including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses."
Finding: This criterion is satisfied.
Details of Finding: The area covered by the proposed zone change is proposed for residential use as shown in the Villebois Village Master Plan.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

- C10. **Review Criteria:** “That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;”
Finding: These criteria are satisfied.
Details of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.

- C11. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”
Finding: These criteria are satisfied.
Details of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings c1 through C4 substantially comply with applicable Comprehensive Plan text.

Subsection 4.197 (.02) C. Zone Change: Specific Findings Regarding Residential Designated Lands

- C12. **Review Criteria:** “In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text;”
Finding: These criteria are satisfied.
Details of Finding: Implementation Measure 4.1.6.c. states the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation. Since the Village Zone must be applied to areas designated “Residential Village” on the Comprehensive Plan Map and is the only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency

- C13. **Review Criteria:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”
Finding: These criteria are satisfied.
Details of Finding: The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available and can be provided in conjunction with the project. Section IIC of the applicant’s notebook includes supporting utility and drainage reports. In addition, the applicant has funded the completion of a Traffic Impact Analysis, which is in Section IID of the applicant’s notebook, Exhibit B3.

Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas

C14. **Review Criteria:** “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;”

Finding: These criteria are satisfied.

Details of Finding: The eastern and northernmost portions of the property include areas within the Significant Resource Overlay Zone. The PDP Supporting Compliance Report, section IIA of the applicant’s notebook, Exhibit B3, demonstrates that the proposed development does not have a significant adverse effect on the SROZ.

Subsection 4.197 (.02) F. Zone Change: Development within 2 Years

C15. **Review Criterion:** “That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided information stating they reasonably expect to commence development within two (2) years of the approval of the zone change. However, in the scenario where the applicant or their successors due not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

C16. **Review Criteria:** “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards.”

Finding: These criteria are satisfied.

Details of Finding: As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

November 19, 2012

DEVELOPMENT REVIEW BOARD PANEL A

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND
RECOMMENDATION TO CITY COUNCIL**

Project Name: Villebois SAP East PDP-4

Case Files: Request A: DB12-0053 – Villebois SAP-East PDP-4E, Preliminary
Development Plan
Request B: DB12-0052 – Villebois SAP-East Refinements
Request C: DB12-0050 – Zone Map Amendment
Request D: DB12-0055 – Tentative Subdivision Plat
Request E: DB12-0054 – Final Development Plan for Parks and Open Space

Applicant / Owner: Fred Gast – Polygon Northwest Company

Applicant's Representative: Stacy Connery – Pacific Community Design, Inc.

Property Description: Tax Lot 301 of Section 15, and Tax Lots 16400 and 16500 of Section 15DA, T3S, R1W, Clackamas County, Oregon.

Location: Villebois SAP East

On November 15, 2012, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Request C: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, December 3, 2012 to hear these items.*

Requests A, B, D, and E: Approved with conditions of approval. *These approvals are contingent upon City Council's approval of Request C.*

An appeal of Requests A, B, D, and E to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of Decision. *WC Sec. 4.022(.02).* A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830.*

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 19th day of November 2012 and is available for public inspection. The decision regarding Requests A, B, D, and E shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 239, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 239**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL OF A ZONE MAP AMENDMENT FROM EXCLUSIVE FARM USE TO VILLAGE AND ADOPTING FINDINGS AND CONDITIONS APPROVING A PRELIMINARY DEVELOPMENT PLAN, SAP REFINEMENTS, TENTATIVE SUBDIVISION PLAT, AND FINAL DEVELOPMENT PLAN FOR A 93-LOT RESIDENTIAL SUBDIVISION AND ASSOCIATED IMPROVEMENTS. PROPERTIES INVOLVED ARE TAX LOT 301, SECTION 15, TAX LOTS 16400 AND 16500, SECTION 15DA, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. - REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY- APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated November 8, 2012, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on November 15, 2012, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

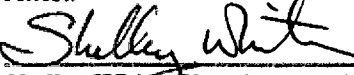
NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated November 8, 2012, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB12-0050 and DB12-0052 through DB12-0055 Preliminary Development Plan, SAP Refinements, Zone Map Amendment, Tentative Subdivision Plat, and Final Development Plan for a 93-lot residential subdivision and associated improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 15th day of November, 2012 and filed with the Planning Administrative Assistant on Nov. 19, 2012. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.


Bob Alexander Vice Chair, Panel A
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant

Exhibit A1
STAFF REPORT
WILSONVILLE PLANNING DIVISION

Polygon Home- Villebois Phase 4 East
"Tonquin Meadows No. 2"

DEVELOPMENT REVIEW BOARD PANEL 'A'
QUASI-JUDICIAL PUBLIC HEARING
STAFF REPORT
AMENDED AND ADOPTED NOVEMBER 15, 2012

Added Language identified in **Bold**, *Italics*, Underlined
Deleted Language is ~~struck through~~

HEARING DATE	November 15, 2012
DATE OF REPORT:	November 8, 2012

APPLICATION NOS.: DB12-0053 SAP-East PDP-4E, Preliminary Development Plan
DB12-0052 SAP-East Refinements
DB12-0050 Zone Map Amendment
DB12-0055 Tentative Subdivision Plat
DB12-0054 Final Development Plan for Parks and Open Space

REQUEST/SUMMARY: The Development Review Board is being asked to review a Preliminary Development Plan, SAP Refinements, Zone Map Amendment, Tentative Subdivision Plat, and Final Development Plan for a 93-lot residential subdivision and associated improvements

LOCATION: Northwest of Lowrie Primary School, East of SW 110th Avenue The property is specifically known as Tax Lot 301, Section 15, Tax Lots 16400 and 16500, Section 15DA, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

PROPERTY OWNER: Lou Fasano
Fasano Family, LLC

APPLICANT: Fred Gast
Polygon NW Company

APPLICANT'S REP.: Stacy Connery, AICP
Pacific Community Design, Inc.

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATION: EFU (Exclusive Farm Use)

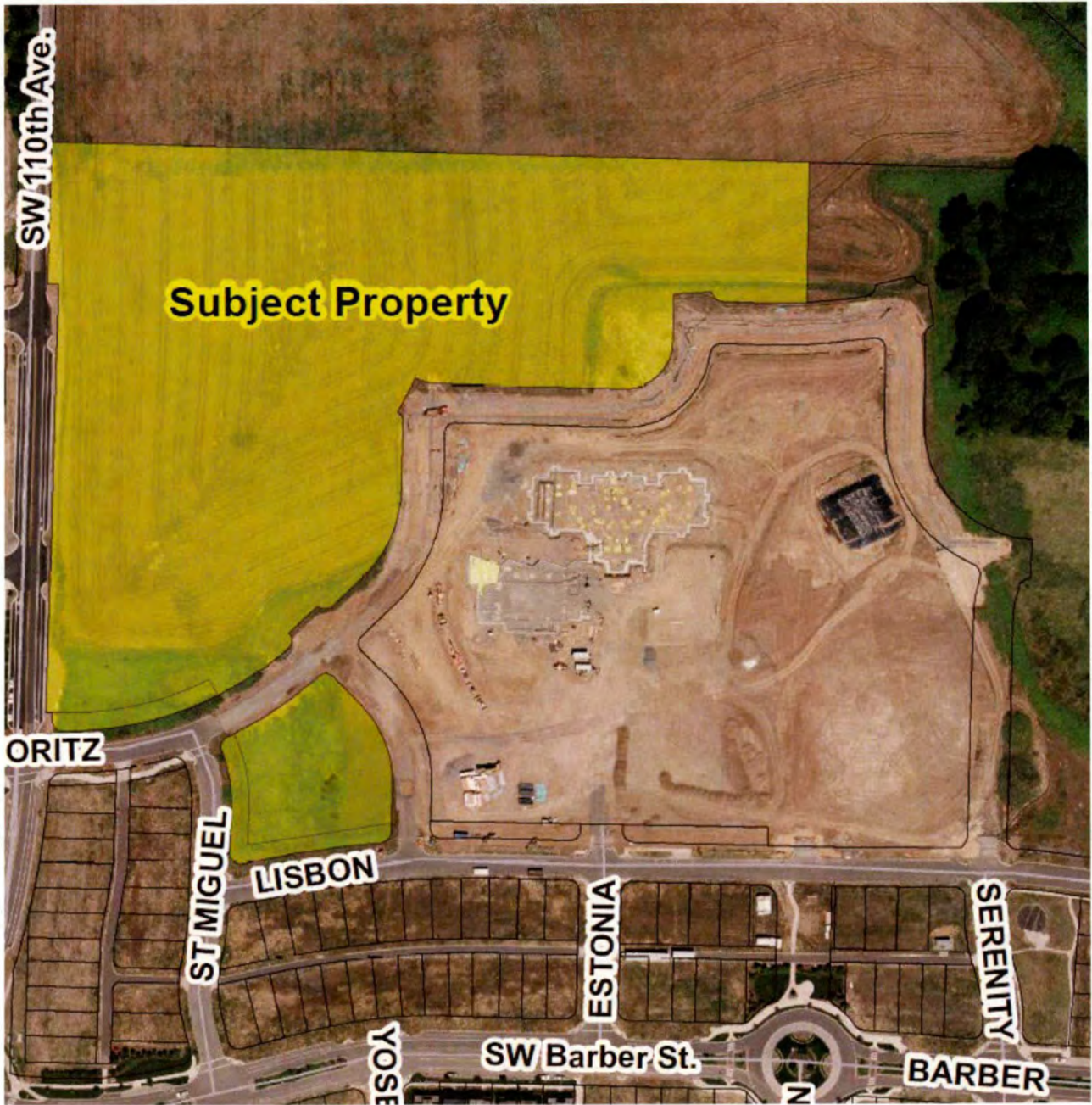
STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner
 Steve Adams PE, Interim City Engineer
 Kerry Rappold, Natural Resource Program Manager
 Don Walters, Building Plans Examiner

STAFF RECOMMENDATION: Approve with conditions the requested Preliminary Development Plan, SAP Refinements, Tentative Subdivision Plat, and Final Development Plan for Parks and Open Space. Recommend approval of the requested Zone Change to City Council.

APPLICABLE REVIEW CRITERIA

DEVELOPMENT CODE	
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 4.125	V-Village Zone
Section 4.154	Bicycle, Pedestrian, and Transit Facilities
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.169	General Regulations-Double Frontage Lots
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 4.178	Sidewalk and Pathway Standards
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
Sections 4.199.20 through 4.199.60	Outdoor Lighting
Sections 4.200 through 4.220	Land Divisions
Sections 4.236 through 4.270	Land Division Standards
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
COMPREHENSIVE PLAN	
Implementation Measure 4.1.6.a.	
Implementation Measure 4.1.6.b.	
Implementation Measure 4.1.6.c.	
Implementation Measure 4.1.6.d.	
OTHER PLANNING DOCUMENTS	
Villebois Village Master Plan	
SAP East Approval Documents	

Vicinity Map



BACKGROUND/SUMMARY:

PDP 4E Preliminary Development Plan (DB12-0053)

At the core of the proposed Phase 4 of Specific Area Plan East (also known as PDP 4E) is the 12.96 gross acre site current owned by Fasano Family LLC. Development proposed on this property includes small and medium sized single-family lots allowing for the construction of 93 homes, 3.03 acres of parks and open space, and associated infrastructure improvements. All the homes in the development will back up to alleys. The front of the homes will face tree lined streets, parks and green spaces.



Proposed Housing Type	Number of Units
Medium Single Family	11
Small Single Family	82
Total	93

Refinements to SAP East (DB12-0052)

When submitting a Preliminary Development Plan the Development Code allows applicants to request “refinements” to the previously approved Specific Area Plan (SAP) and Villebois Village Master Plan. “Refinements” are specifically defined changes not significant in a quantifiable or qualitative sense as defined in the code. Refinements are required to equally or better implement relevant goals, policies, and implementation measures in the Villebois Village Master Plan as well as not have a detrimental effect on natural and scenic resources, or preclude adjoining areas from developing according to the Villebois Village Master Plan.

In concurrence with their PDP request, the applicant is requesting five refinements involving the following: street network, parks trails, and open space, utilities and storm water facilities, location and mix of land uses, and density. Notable drivers of refinements include increasing the size of and number of pocket parks and linear greens and changing the housing product types to reflect developer preferences, as the SAP was requested by a different developer.

As demonstrated by the findings in under Request B the requested refinements are not significant changes as defined by code and equally or better meet the applicable components of the Villebois Village Master Plan.

Zone Map Amendment (DB12-0050)

The proposal is to change the County EFU zone on Tax Lot 301 the Village (V) zone consistent with the Villebois Village Master Plan. Tax Lots 16400 and 16500 were previously zoned Village (V) together with SAP East Phase 1. The proposed residential and park uses are permitted under Wilsonville Code Section 4.125. The proposed Zone Map Amendment would enable the development permitting process for this area of Villebois.

Tentative Subdivision Plat (DB12-0055)

The applicant is proposing the subdivision of the Fasano Family LLC property (Tax Lots 301, 16400 and 16500) into 93 residential lots, along with alleys, parks and open space and associated site improvements. The proposed subdivision name is "Tonquin Meadows No. 2." Also included is a tract on the northeast corner of the property to be combined with a future development tract in the "Retherford Meadows" subdivision plat (Phase 2E) for two additional Medium sized lots and a linear green. Tract Z is planned to be part of Lot 180 in the "Tonquin Meadows" subdivision plat (PDP 3E) and is counted as a lot on that plat. See sheet 4 in the applicant's plan set, Exhibit B2.

Final Development Plan for Parks and Open Space (DB12-0054)

Details have been provided for all the parks and open space, besides Neighborhood Park 6, matching the requirements of the Community Elements Book. Neighborhood Park 6 will be reviewed as a separate Final Development Plan in the coming months after further coordination between the applicant and City Staff and review by the City's Parks Board.

Street trees, curb extensions, street lights, and mail kiosks are also shown conforming to the Community Elements Book.

Specific requirements are being placed on the materials for retaining walls within the public view shed and any hand rails for stairs within the various pocket parks and linear greens.

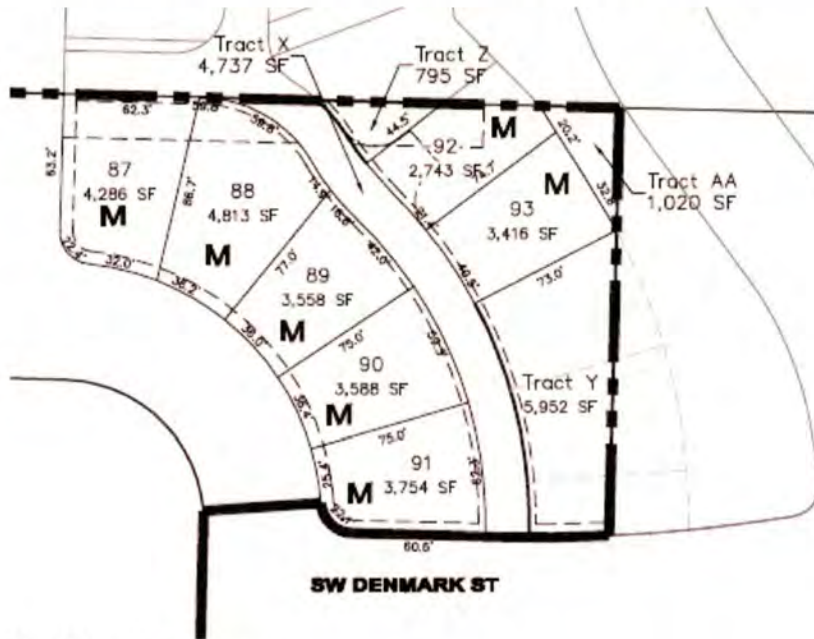
DISCUSSION TOPICS:

Future Development Tracts/Lots Overlapping PDP Boundary

In this and previous applications PDP boundaries have been adjusted to reflect property ownership. In a number of cases this led to remnant areas between the PDP's developable with

homes using land from multiple PDP's. The tentative subdivision plat for "Retherford Meadows" (PDP 2E) shows a "future development" tract adjacent to the northeast corner of "Tonquin Meadows No. 2" (PDP 4E). The proposed tentative subdivision plat includes future development tracts, "Y" and "AA", on the northeast corner to be combined with the future development tract of PDP 2E to create two additional medium lots along with associated linear greens and/or pocket parks. A small future development tract "Z" is also shown above Lot 92 to be part of the planned Lot 180 on the "Tonquin Meadows" subdivision plat (PDP 3E).

In addition, Lot 92 has a small corner shown within the "Tonquin Meadows" subdivision (PDP 3E). A future development tract is proposed in the "Tonquin Meadows" plat to be incorporated into Lot 92. Lot 92 will not be able to be developed until "Tonquin Meadows" plat is recorded and the tract and Lot 92 are under common ownership.



Park Maintenance:

The parks within PDP 4E are identified as a neighborhood park, pocket parks, and linear greens in the Villebois Village Master Plan. Due to their lack of regional amenities, all the park areas will be privately maintained by a homeowners association in perpetuity. The developer will be required to enter into an Operations and Maintenance Agreement for the PDP that clearly identifies ownership and maintenance responsibilities. This document will be recorded with the subdivision for "Tonquin Meadows No. 2". This requirement has been added as Condition of Approval PDA 7.

Cross Slope at Mont Blanc/Geneva Intersection:

The U.S. Access Board has certain standards for cross slopes at intersections associated with the Americans with Disabilities Act. As proposed, the cross slope at the Mont Blanc/Geneva intersection does not meet the standards. Condition of Approval PFA 18 requires the intersection design meet the standards of the U.S. Access Board.

Continuation of Updating Architecture:

While Condition of Approval PDA 5 requires the developer submit initial elevations for each product type prior to the City signing the final plat, the City understands the design of the different homes is an ongoing process. Different elevations are expected overtime and encouraged to increase diversity. Each will be reviewed by the City’s architectural consultant prior to any building permits being issued matching the design. Only initial examples are required prior to signing of the final plat.

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 approve the proposed applications (DB12-0052 through DB12-0055) and recommend approval of the Zone Map Amendment to the City Council (DB12-0050) with the following conditions:

The Developer has worked with the City to reach agreement on the apportionment of fair and equitable exactions for the subject applications as established by Addendum No. 5 to the June 14 2004 Matrix Development Agreement as adopted by City Council in Resolution 2382, or as may otherwise be amended as agreed upon by the parties.

REQUEST A: DB12-0053 SAP-East PDP-4E, Preliminary Development Plan

Planning Division Conditions:

PDA 1. Approval of DB12-0053 (Request A) Preliminary Development Plan for PDP 4E is contingent upon City Council approval of the Zone Map Amendment from Exclusive Farm Use (EFU) to Village (V) (Case File DB12-0050).

PDA 2. If Polygon Northwest Company, LLC (“Polygon”) completes the purchase of the subject property currently owned by Fasano Family LLC, Polygon or its successors in interest shall fulfill all obligations established by Addendum No. 5 to the June 14 2004 Matrix Development Agreement as adopted by City Council in Resolution 2382, or as may otherwise be amended as agreed upon by the parties, and other relevant components of the June 14, 2004 Matrix Development Agreement between The City, The Urban Renewal Agency of the City, Matrix Development, and Property Owners. ***If Polygon does not complete the purchase, a Development Agreement between the City and any other developer will be required before development of this Property can move forward.*** See Finding A61 and A64.

PDA 3. All play structures shall meet all technical requirements listed on page 15 of the SAP East Community Elements Book, including color. The final design shall be approved by the Planning Division through the Class I Administrative Review process. See Finding A30, E9 and E17.

PDA 4.	All landscaping, and park improvements approved by the Development Review Board and Engineering Division Public Works Permit punch list items for the specific phase of the PDP shall be completed before 50% of the homes are occupied for PDP 3 unless weather or other special circumstances prohibit completion, which case bonding for the improvements shall be permitted. See Finding A60.												
PDA 5.	The applicant/owner shall provide the architectural plans for the proposed single-family houses along with their variations based on lot width and depth and grading to staff and obtain approval from City's architectural consultant prior to the City Planning Director and Community Development Director signing the final plat. See Finding A27 and A42.												
PDA 6.	The applicant shall gain final approval for street sections with grades in excess of eight percent (8%) as part of the Public Works permit process. See Finding A15.												
PDA 7.	The developer of the Tonquin Meadows No. 2 shall enter into an Operations and Maintenance Agreement for the subdivision that clearly identifies ownership and maintenance for Neighborhood Park 6 and all pocket parks and linear greens. Such agreement shall ensure maintenance in perpetuity and shall be recorded with the subdivision for Tonquin Meadows No. 2. Such agreement shall be reviewed and approved by the City Attorney prior to recordation. See Finding D6.												
Standard Comments:													
PFA 1.	All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.												
PFA 2.	Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:												
	<table> <tr> <td>General Aggregate</td> <td>\$2,000,000</td> </tr> <tr> <td>Products-Completed Operations Aggregate</td> <td>\$2,000,000</td> </tr> <tr> <td>Each Occurrence</td> <td>\$2,000,000</td> </tr> <tr> <td><u>Auto Insurance</u></td> <td><u>\$2,000,000</u></td> </tr> <tr> <td>Fire Damage (any one fire)</td> <td>\$ 50,000</td> </tr> <tr> <td>Medical Expense (any one person)</td> <td>\$ 25,00010,000</td> </tr> </table>	General Aggregate	\$2,000,000	Products-Completed Operations Aggregate	\$2,000,000	Each Occurrence	\$2,000,000	<u>Auto Insurance</u>	<u>\$2,000,000</u>	Fire Damage (any one fire)	\$ 50,000	Medical Expense (any one person)	\$ 25,000 10,000
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<u>Auto Insurance</u>	<u>\$2,000,000</u>												
Fire Damage (any one fire)	\$ 50,000												
Medical Expense (any one person)	\$ 25,000 10,000												
PFA 3.	No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.												
PFA 4.	All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.												

PFA 5. Plans submitted for review shall meet the following general criteria:

- a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
- b. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
- c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.
- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
- e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
- h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- k. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.

PFA 6. Submit plans in the following format and order:

- a. Cover sheet
- b. City of Wilsonville construction note sheet
- c. General note sheet
- d. Existing conditions plan.
- e. Erosion control and tree protection plan.
- f. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
- g. Grading plan, with 1-foot contours.
- h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
- i. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
- j. Street plans.
- k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for

<p>easier reference</p> <ul style="list-style-type: none"> l. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference. m. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure. n. Detailed plan for water quality facility (both plan and profile views). Note that although storm water quality facilities are typically privately maintained they will be inspected by Natural Resources, and the plans must be part of the Public Works Permit set. o. Composite franchise utility plan. p. City of Wilsonville detail drawings. q. Illumination plan. r. Striping and signage plan. s. Landscape plan.
<p>PFA 7. Prior to manhole and sewer line testing, design engineer shall coordinate with the City and update the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to the updated numbering system. Design engineer shall also show the updated numbering system on As-Built drawings submitted to the City.</p>
<p>PFA 8. The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.</p>
<p>PFA 9. Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.</p>
<p>PFA 10. A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City to address appropriate pipe sizing as well as pond locations and routing strategy. The analysis shall be prepared utilizing the appropriate values in the Storm Water Master Plan. For example, in the application materials, the predeveloped time of concentration calculation for all basins uses a Mannings "n" value of 0.13 (used for Range in natural condition). This is not applicable for the existing condition for calculating the time of concentration. Therefore, the analysis shall be prepared using an "n" value of 0.15, in accordance with the Stormwater Master Plan. Also, all curve numbers shall comply with Table 2-2a, SCS Technical Release #55.</p> <ul style="list-style-type: none"> A) SCS Curve #80 for open space and landscape areas B) SCS Curve #94 for commercial areas C) SCS Curve #98 for impervious surface areas (roadways) D) SCS Curve #90 for residential development, 1/8 acre or less (townhouses)

E) SCS Curve #83 for residential development, 1/4 acre
PFA 11. The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
PFA 12. Storm water quality facilities shall have approved landscape planted and/or some other erosion control method installed and approved by the City of Wilsonville prior to streets and/or alleys being paved.
PFA 13. The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall maintain all LID storm water components and private conventional storm water facilities located within medians and from the back of curb onto and including the project site.
PFA 14. Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.
PFA 15. Install water line improvements in conformance with the City's Water Master Plan and the Villebois Master Plan and as necessary to supply adequate fire flows during phased construction.
PFA 16. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
PFA 17. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
PFA 18. Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
PFA 19. No surcharging of sanitary or storm water manholes is allowed.
PFA 20. The project shall connect to an existing manhole or existing stub-out at each connection point to the public storm system and sanitary sewer system.
PFA 21. A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.

PFA 22.	Applicant shall coordinate and align centerlines of intersecting roadways and alleyways.
PFA 23.	Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.
PFA 24.	All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
PFA 25.	The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control.
PFA 26.	Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections. . Specific designs to be submitted and approved by the City Engineer.
PFA 27.	Applicant shall design interior streets and alleys to meet specifications and design requirements of Tualatin Valley Fire & Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.
PFA 28.	Applicant shall prepare an Ownership and Maintenance agreement between the City and the Owner. Stormwater or rainwater facilities may be located within the public right-of-way upon approval of the City Engineer. The Ownership and Maintenance agreement shall specify that the rainwater and stormwater facilities shall be privately maintained by the Applicant; maintenance shall transfer to the respective homeowners association when it is formed.
PFA 29.	All water lines that are to be temporary dead-end lines due to the phasing of construction shall have a valved tee with fire-hydrant assembly installed at the end of the line.
PFA 30.	The applicant shall work with the other developers of Villebois and the City to develop an equitable storm water and parks maintenance fee or a maintenance memorandum of understanding prior to any final plat approval.
PFA 31.	<p>Mylar Record Drawings:</p> <p>At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, <i>and a digitally signed PDF.</i></p>

Specific Comments:

PFA 32. Note that the City and the West Linn / Wilsonville School District are both currently forming utility and/or street reimbursement districts that include the tax lot where this proposed development is located. *The City has formed a sanitary sewer reimbursement district that includes the proposed subdivision and therefore all tax lots included in the proposed subdivision will be subject to assessment based on their inclusion in the reimbursement district.*

PFA 33. At the request of Staff, DKS Associates completed a Transportation Review of Villebois SAP North PDP 1 dated October 3, 2012. Polygon Northwest Company had proposed revising the housing mix in SAP East PDP 4 to 93 single family units.

Previously the land use in SAP East had been approved for a housing mix of 353 single family units and 288 condo/townhouse units. The applicant's current proposed housing mix is 462 single family units, 114 condo/townhouse units and an existing 500 student primary school. This change in mix in housing units is expected to increase the PM Peak Hour traffic trips as follows:

SAP East	Dwelling Unit Count	Total PM Peak Hour Trips
Initial Approval	353 single fam. / 288 condos	507
Current Proposal	462 single fam. / 114 condos / school	602

The applicant may be required to pay Street SDC fees for a portion of these additional 95 PM Peak Hour Trips, unless applicant can show evidence of other arrangements with the City having been made.

This project is hereby limited to no more than the following impacts:

Net new P.M. peak hour trips	94
Trips through Wilsonville Road Interchange Area	31

PFA 34. St. Moritz Loop between Geneva Loop and St. Miguel was constructed as a temporary roadway. Applicant shall complete the street improvements with this development. Existing asphalt shall be saw cut a minimum of 1-foot back to create a clean edge to construct up against. Note that roadway may need to be demolished and reconstructed to meet design plans.

PFA 35. Geneva Loop, Denmark Street, Carinthia Circle and St. Moritz between Geneva and Carinthia were constructed as partial street improvements. Applicant shall complete the street improvements with this development. Existing asphalt shall be saw cut a minimum of 1-foot back to create a clean edge to construct up against.

PFA 36. Note that with construction of Lowrie Primary School the City created a new street profile, section and designation for Carinthia Circle. Applicant shall design and construct Carinthia Circle to this new designation.

PFA 37.	Typically the City would require the Applicant to construct Costa Circle adjacent to this development; however the City understands the Applicant plans to develop both this project and the Villebois SAP East PDP 3 project. Addendum 4 to the Development Agreement of June 14, 2004 by and between the City of Wilsonville and the Urban Renewal Agency of the City of Wilsonville, and Matrix Development Corporation, and property owners Donald E. Bischof / Sharon L. Lund, Arthur C. / Dee W. Piculell, the DeArmond Family LLC / Louis J. / Margaret P. Fasano, and Valerie and Mathew Kirkendall has the Applicant constructing Costa Circle from Mt. Blanc to Villebois Drive in conjunction with the Villebois SAP East PDP 3 development. With this understanding the Applicant will not be required to construct this segment of Costa Circle with this development.
PFA 38.	The applicant shall provide stamped engineering details for all curb extensions for turning movement verification for review and approval. At a minimum, Submittal shall include 'stamped' engineering AutoTURN layouts for fire trucks and buses (WB-60) that show the overhang and/or mirrors of the vehicle as opposed to the wheelpaths. Adequate clearance shall be provided at all street intersections and alley intersections. Turning vehicles may use the width of the minor street to start the appropriate turn. The vehicle must however, stay within the appropriate receiving (inside) lane of the major street. Additionally, the turning vehicle must not intrude onto the wheel chair ramp on the inside of the turning movement.
PFA 39.	All construction traffic shall ingress and egress the project site via the existing site roadways through Villebois SAP East PDP 1 or via 110th Avenue. No construction traffic will be allowed on Brown Road.
PFA 40.	Public access to SAP East PDP 4 shall be via the planned streets, alleys and intersections as shown on submitted plans dated 10/08/2012.
PFA 41.	The applicant shall provide a 'stamped' engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways. Secondly, the street lighting shall be in conformance to the current edition of the Villebois Community Elements Book and the Villebois Street Lighting plan, as updated August 2011, except that PGE now requires a minimum pole height of 18 feet.
PFA 42.	The applicant shall provide two perpendicular directional pedestrian ramps at intersection curb returns.
PFA 43.	Project is located adjacent to the Lowrie Primary School. With construction of additional streets the school zone area is likely to expand. Applicant shall install or relocate school zone signage or crosswalks where the City and its traffic consultant determine as necessary.
PFA 44.	Applicant shall design and construct minor and major pathways as depicted in the Villebois Village Master Plan. Minor pathways shall be constructed with minimum 8-foot wide ADA ramps at street crossings; major pathways shall be constructed with minimum 10-ft ADA ramps at street crossings.

PFA 45.	Note that Composite Utility Plan sheets shall show storm and sanitary laterals and water services. Show numbering system for all storm and sanitary manholes, cleanouts and/or catch basins. Identify storm, sanitary, and water lines by number and provide referencing to appropriate plan sheet where system information can be located.
PFA 46.	Note that as designed on submitted Plans dated 10/08/12 most of the lots cannot be serviced by storm or sanitary lines. Existing public storm and sanitary systems are located in Carinthia Circle and St. Moritz; Applicant should connect to existing systems as per PFA 20.
PFA 47.	Per City Ordinance 608 storm water detention is not required for this project due to its proximity to the Coffee Creek wetlands. Storm water release points will be required to have a flow spreading device or other approved structure(s) to allow stormwater to be dispersed via sheet flow to the wetlands area. Any stormwater released north of the site shall require an easement from the respective owner(s).
PFA 48.	At the time of plan submittal for a Public Works Permit, the applicant shall provide to the City a copy of correspondence showing that the plans have also been distributed to the franchise utilities. Prior to issuance of a Public Works Permit, the applicant shall have coordinated the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easements or right-of-way be required to construct the public improvements or to relocate a franchised utility, the applicant shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the applicant shall obtain written approval from the appropriate utility prior to commencing any construction.
PFA 49.	Applicant shall provide a looped water system through the proposed development tying into the existing 8" water lines at Mt. Blanc Lane, Davos Lane, Geneva Loop and Carinthia Circle.
PFA 50.	Water flow modeling shall be done by a Professional Engineer registered in the State of Oregon. Modeling information shall be provided to the City in a format acceptable to City staff. Modeling shall show that required fire flows are being met when taking into account the water demands from full buildout of the previously approved lots located in Villebois SAP South PDP 1, PDP 2, PDP 3, PDP 4, PDP 5 and PDP 6, Villebois SAP East PDP 1, PDP 2, the Lowrie Primary School, Villebois SAP North PDP 1 Phase 1, and Villebois SAP Central PDP 1 and PDP 2.
PFA 51.	All new franchise utility lines shall be installed underground, any existing overhead franchise utility lines within the project area or immediately adjacent to roadways shall also be relocated underground. The applicant shall be responsible for and make all necessary arrangements with the serving utility to provide underground service(s).
PFA 52.	Applicant shall provide sufficient mail box units for the proposed development; applicant shall construct mail kiosk at locations coordinated with City staff and the Wilsonville U.S. Postmaster.

PFA 53. SAP East PDP 4 consists of 93 lots. All construction work in association with the Public Works Permit and Project Corrections List shall be completed prior to the City Building Division issuing a certificate of occupancy, or a building permit for the housing unit(s) in excess of 50% of total (47th lot).

REQUEST B: DB12-0052 SAP-East Refinements

Planning Division Conditions:

PDB 1. Approval of DB12-0052 (Request B) SAP East Refinements is contingent upon City Council approval of the Zone Map Amendment from Exclusive Farm Use (EFU) to Village (V) (Case File DB12-0050).

REQUEST C DB12-0050 Zone Map Amendment

No conditions recommended for this request

This action recommends adoption of the Zone Map Amendment to the City Council for the subject properties. Case files DB12-0052, DB12-0053, DB12-0054, DB12-0055, are contingent upon City Council's action on the Zone Map Amendment request.

REQUEST D: DB12-0055 Tentative Subdivision Plat

Planning Division Conditions:

PDD 1. Approval of DB12-0055 (Request D) Tentative Subdivision Plat is contingent upon City Council approval of the Zone Map Amendment from Exclusive Farm Use (EFU) to Village (V) (Case File DB12-0050).

PDD 2. Any necessary easements or dedications shall be identified on the Final Subdivision Plat.

PDD 3. Alleyways, parking lots and drives shall remain in private ownership and be maintained by the Homeowner's Association established by the subdivision's CC&Rs. The CC&R's shall be reviewed and approved by the City Attorney prior to recordation.

PDD 4. 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 PDP-4E or the Tentative Plat.

PDD 5. A non-access reservation strip shall be applied on the final plat to those lots with access to a public street and an alley. All lots with access to a public street and an alley must take vehicular access from the alley to a garage or parking area. A plat note effectuating that same result can be used in the alternative. The applicant shall work with the County Surveyor and City Staff regarding appropriate language. See Finding D3.

PDD 6. All reserve strips and street plugs shall be detailed on the Final Subdivision Plat.

PDD 7. All tracts shall, except those indicated for future home development, shall include a public access easement across their entirety.

Engineering Division Conditions:

PFD 1. Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Minor and Major Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.

PFD 2.	If public or franchise services are to be located in alleyways, a minimum 26-foot wide easement shall be provided. All utility meters, boxes, or pedestals shall be located in an easement; where utility clusters are located, additional easement area may be required.
PFD 3.	Applicant shall provide sidewalk easements if portions of the public sidewalk or minor or major pathways are located outside of the public right-of-way.
PFD 4.	Tracts of land containing alleys shall have vehicle and pedestrian ingress and egress easements located over their entirety.
PFD 5.	Subdivision Plat: Paper copies of all proposed subdivision plats shall be provided to the City for review. Once the subdivision plat is approved, applicant shall have the documents recorded at the appropriate County office. Once recording is completed by the County, the applicant shall be required to provide the City with a 3 mil Mylar copy of the recorded subdivision plat.

REQUEST E: DB12-0054 Final Development Plan for Parks and Open Space

Planning Division Conditions:	
PDE 1.	Approval of DB12-0054 (Request G) Final Development Plan for Parks and Open Space is contingent upon City Council approval of the Zone Map Amendment from Exclusive Farm Use (EFU) to Village (V) (Case File DB12-0050).
PDE 2.	All plant materials shall be installed consistent with current industry standards.
PDE 3.	All construction, site development, and landscaping of the parks shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor alterations may be approved by the Planning Division through the Class I Administrative Review process. See Finding E32 and E41.
PDE 4.	All retaining walls within the public view shed shall be a decorative stone or brick construction or veneer. Final color and material for the retaining walls shall be approved by the Planning Division through the Class I Administrative Review Process. See Finding E37.
PDE 5.	All hand rails within the parks and open space shall be of a design similar to the approved courtyard fencing shown in the Architectural Pattern Book. Final design of any hand rails shall be approved by the Planning Division through the Class I Administrative Review Process. See Finding E37.
PDE 6.	All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board. See Finding E 42.
PDE 7.	The applicant shall submit final parks, landscaping and irrigation plan to the City prior to Public Works Permit approval and construction of parks. Irrigation must not be excessive to harm existing trees. The irrigation plan must be consistent with the requirements of Section 4.176(.07)C.
PDE 8.	Prior to occupancy of each house the Applicant/Owner shall install landscaping along the public view-sheds of each house, unless otherwise approved by the Community Development Director. Homeowners association shall contract with a professional landscape service to maintain the landscaping.

PDE 9. Street trees, as shown on the landscape plans, sheets L1.0 through L7.0 of Exhibit B2, shall be planted as each house or park is built.

MASTER EXHIBIT LIST:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB12-0050 and DB12-0052 through DB12-0055.

- A1.** Staff report and findings (this document)
- A2.** Addendum No. 5 to Matrix Development Agreement
- A3.** **Staff's Powerpoint Presentation November 15, 2012**
- B1.** Applicant's Response to Incompleteness Letter
- B2.** Applicant's Large Format Plans (under separate cover)
 - Sheet 1 Cover Sheet
 - Sheet 2 Existing Conditions
 - Sheet 3 Aerial Photograph
 - Sheet 4.1 Tentative Plat
 - Sheet 4.2 Tentative Plat
 - Sheet 5 Grading and Erosion Control
 - Sheet 6 Composite Utility Plan
 - Sheet 7.1 Circulation Plan
 - Sheet 7.2 Street Sections
 - Sheet 8 Site/Land Use Plan
 - Sheet 9 Tree Preservation Plan
 - Sheet 10 Street Tree/Lighting Plan
 - Sheet 11 PDP Phasing Plan
 - Sheet 12 SAP North Connectivity Plan
 - Sheet 1 Cover Sheet (Landscape Plans)
 - Sheet L 1.0 Landscape Plan
 - Sheet L 2.0 Landscape Plan
 - Sheet L 3.0 Landscape Plan
 - Sheet L 4.0 Landscape Plan
 - Sheet L 5.0 Landscape Plan
 - Sheet L 6.0 Landscape Plan
 - Sheet L 7.0 Details and Specs
 - Sheet L 8.0 Rainwater Detail Sheet
- B3.** Applicant's Notebook: (under separate cover)
 - Section I: General Information
 - IA) Introductory Narrative
 - IB) Form/Ownership Documentation
 - IC) Fee Calculation *Staff Note: This information has been revised*
 - ID) Mailing List *Staff Note: This information has been revised*
 - IE) Updated SAP East Phasing + Unit Counts
 - Section II: Preliminary Development Plan (Including Refinements)
 - IIA) Supporting Compliance Report

- IIB) Reduced Drawings
- IIC) Utility & Drainage Reports
- IID) Traffic Analysis
- IIE) Tree Report
- IIF) Signage and Fencing Exhibits
- IIG) Flood Plain Location Documentation
- IIH) Wetland Delineation

Section III: Tentative Plat

- IIIA) Supporting Compliance Report
- IIIB) Tentative Plat
- IIIC) Draft CC&R's
- IIID) Copy of Certificate of Assessments and Liens
- IIIE) Subdivision Name Approval

Section IV: Zone Change

- IVA) Supporting Compliance Report
- IVB) Zone Change Map
- IVC) Legal Description and Sketch

Section V: Tree Removal Plan

- VA) Supporting Compliance Report
- VB) Tree Report
- VC) Tree Preservation Plan

Section VI: Final Development Plan

- VIA) Supporting Compliance Report
- VIB) Reduced Drawings
- VIC) Mailbox Kiosk Elevation and Info

Section VII:

- VIIA) Supporting Compliance Report
- VIIB) Proposed Note

- B4.** October 24, 2012 Memo from Stacy Connery Regarding Housing Mix with Site Maps
- B5.** Preliminary Samples of Home Elevations
- C1.** Comments and Conditions from Engineering Division
- C2.** Comments and Conditions from Natural Resources
- C3.** Comments and Conditions from Building Division
- C4.** Comments and Conditions from TVF&R
- C5.** **Email from Mike Ward PE, Civil Engineer requesting change to Condition of Approval PFA 31.**

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on September 14, 2012. On September 25, 2012, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on October 10, 2012, the Applicant submitted new materials. On October 10, 2012 the application was deemed complete. The City must render a final decision for the request, including any appeals, by February 7, 2013.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	RA-H	Agriculture (Proposed Phase 3 East)
East:	Village	Single Family Residential, Villebois Phase 6 South)
South:	Village	Lowrie Primary School, undeveloped single-family lots, Villebois Phase 1 East
West:	Village	Lowrie Primary School, Villebois Phase 2 East (approved, but undeveloped)

3. Prior land use actions include:

Legislative:

- 02PC06 - Villebois Village Concept Plan
- 02PC07A - Villebois Comprehensive Plan Text
- 02PC07C - Villebois Comprehensive Plan Map
- 02PC07B - Villebois Village Master Plan
- 02PC08 - Village Zone Text
- 04PC02 – Adopted Villebois Village Master Plan
- LP-2005-02-00006 – Revised Villebois Village Master Plan
- LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)

Quasi Judicial:

- 04 DB 22 et seq – SAP-East
- DB05-0011 et seq – PDP-1E, Legend at Villebois
- DB10-0023 et seq – PDP-2aE, Lowrie Primary School
- AR10-0073 Partition Plat – Lowrie Primary School
- DB11-0047 et seq – PDP-2E, Retherford Meadows
- DB12-0042 et seq – PDP-3E, Tonquin Meadows, and SAP Phasing and Pattern Book Amendments (still pending DRB review)

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.

CONCLUSIONARY FINDINGS:

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criteria: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Finding: These criteria are met.

Details of Finding: The application is being processed in accordance with the applicable general procedures of this Section.

Section 4.009 Who May Initiate Application

Review Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Finding: This criterion is satisfied.

Details of Finding: The application has been signed by Lou Fasano, managing member of Fasano Family LLC, the property owner.

Subsection 4.010 (.02) Pre-Application Conference

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Details of Finding: A pre-application conference was held on August 30, 2012 in accordance with this subsection.

Subsection 4.011 (.02) B. Lien Payment before Application Approval

Review Criterion: "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application."

Finding: This criterion is satisfied.

Details of Finding: No applicable liens exist for the subject property. The application can thus move forward. A copy of the Certification of Assessment and Liens can be found in Section IIID of the applicant's notebook, Exhibit B3.

Section 4.014 Burden of Proof is on the Applicant

Review Criterion: "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. In the case of an appeal, the burden of proof rests with the appellant."

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided the necessary findings of fact for approval with conditions of the requested development applications in accordance with this Section.

Subsection 4.035 (.04) A. General Site Development Permit Submission Requirements

Review Criteria: “An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.” Listed 1. through 6. j.

Finding: These criteria are satisfied.

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

Section 4.110 Zoning-Generally

Review Criteria: “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

Finding: These criteria are satisfied.

Details of Finding: This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

REQUEST A: DB12-0053 SAP-EAST PDP-4E, PRELIMINARY DEVELOPMENT PLAN

The applicant's findings in Section IIA of their notebook (Exhibit B3) addressing the Wilsonville Planning & Development Ordinance respond to the majority of the applicable criteria.

Village Zone

Subsection 4.125 (.02) Permitted Uses in Village Zone

A1. **Review Criteria:** This subsection lists the uses typically permitted in the Village Zone, including single-family detached dwellings, row houses, and non-commercial parks, playgrounds, and recreational facilities.

Finding: These criteria are satisfied.

Details of Finding: The uses proposed include single-family homes, parks and playgrounds.

Subsection 4.125 (.05) Development Standards Applying to All Development in the Village Zone

"All development in this zone shall be subject to the V Zone and the applicable provisions of the Wilsonville Planning and Land Development Ordinance. If there is a conflict, then the standards of this section shall apply. The following standards shall apply to all development in the V zone:"

Subsection 4.125 (.05) A. 1. Block, Alley, Pedestrian and Bicycle Standards: Maximum Block Perimeter

A2. **Review Criteria:** "Maximums Block Perimeter: 1,800 feet, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent a block perimeter from meeting this standard."

Finding: These criteria are satisfied.

Details of Finding: All the blocks within the PDP meet the maximum 1800 foot block perimeter.

Subsection 4.125 (.05) A. 2. Block, Alley, Pedestrian and Bicycle Standards: Maximum Spacing Between Streets for Local Access

A3. **Review Criteria:** "Maximum spacing between streets for local access: 530 feet, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions from meeting this standard."

Finding: These criteria are satisfied.

Details of Finding: The street network shown in the Master Plan and SAP approvals working with the slope in the area prevent the maximum street spacing requirement from being met.

Subsection 4.125 (.05) A. 2. Block, Alley, Pedestrian and Bicycle Standards: Intervening Pedestrian and Bicycle Access

A4. **Review Criteria:** “If the maximum spacing for streets for local access exceeds 530 feet, intervening pedestrian and bicycle access shall be provided, with a maximum spacing of 330 feet from those local streets, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions from meeting this standard.”

Finding: These criteria are satisfied.

Details of Finding: The required intervening pedestrian and bicycle access is provided in PDP 3 East.

Subsection 4.125 (.05) B. Access

A5. **Review Criterion:** “All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer.”

Finding: This criterion is satisfied.

Details of Finding: All of the lots within the proposed PDP that have frontage on a public street and an alley will take vehicular access from an alley to a garage or parking area.

Table V-1, Development Standards

A6. **Review Criteria:**

Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width ^{1,14} (ft.)	Max. Bldg. Height (ft.)	Setbacks ^{10,11,20}			Alley-Loaded Garage (note)	Street-Loaded Garage (note)	
							Front Min. (ft.)	Front Max. (ft.)	Rear Min. (ft.)			Side Min. (ft.)
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	1	80	60	NR ³	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	1	60	45	8 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	1	80	45	8 ⁵	15	NR	NR	NR	NA
Duplexes	4,000	45	70	2	60 ¹⁴	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8.17,18
Single-Family Dwellings	2,250	35	50	2	60 ¹⁰	35	12 ^{2,9}	20 ⁶	5	5 ¹⁵	7	8.17

Notes: NR - No Requirement
 NA - Not Allowed
 1 Lot < 8000sf: NR; Lot > 8000sf: 80% (Max. Lot Coverage)
 2 Small lots: 75%. Medium Lots: 65%. Standard and Large Lots: 55%. Estate Lots: 45% Maximum Lot Coverage
 3 On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.
 4 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.
 5 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.
 6 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.
 7 For Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min. (1' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback.
 8 The garage setback from alley shall be between 3 and 5 foot or, when as optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.
 9 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main facade of the associated dwelling unit.
 10 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
 11 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.
 12 Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB.
 13 See Definitions, 4.125.01, for measurement of Minimum Frontage Width.
 14 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.
 15 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.
 16 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.
 17 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.
 18 Dwellings on lots without alley access shall be at least 36 feet wide.
 19 Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.
 20 Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements.
 21 Lots are categorized as small, medium, standard, large or estate as shown in the Pattern Book.

Finding: These criteria are satisfied.

Details of Finding: All proposed single-family lots meet the minimum lot size of 2250

square feet. In previous PDP's it has consistently been interpreted to allow the lot width to be governed by the Pattern Book. A SAP Amendment has been applied for (Case File DB12-0044) to establish a new pattern book for this and adjacent PDP 3 East which would allow small single family lots to be reduced to 32 feet wide, the same as allowed in the SAP South Pattern Book. The lot depth of all proposed single family lots exceed 50 feet deep. Other development standards, including minimum frontage width, building height, and setbacks will be determined at the time of issuance of building permits for each home. Each single family lot does is of appropriate dimensions to allow each of the development standards that will be checked at the time of building permit to be met.

Subsection 4.125 (.07) Table V-2 Off-Street Parking, Loading & Bicycle Parking

A7. Review Criteria:

Table V-2: Off Street Parking Requirements				
	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short-term (Spaces)	Bicycle Long-term (Spaces)
Permitted or Conditional Use				
Permitted Uses				
Single-Family Detached Dwellings	1.0/DU	NR	NR	NR
Single-Family Accessory Dwelling Units*	1.0/DU	NR	NR	NR
Duplex	1.0/DU	NR	NR	NR
Row Houses	1.0/DU	NR	NR	NR
Multi-Family Dwellings	1.0/1 Bdr 1.5/2 Bdr 1.75/3 Bdr	NR	1 per 20 units Min. of 2	1 per 4 units Min. of 2
Community Housing	1 per 4 residents	1 per unit	None	1 per 8 residents Min. of 2
Commercial Uses				
Convenience Store	2/1000 sf	5/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Restaurant/Pub	2/1000 sf	10/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Child Day Care	0.2 per student/staff	0.3 per student/staff	None	1 per 10,000 sf Min. of 2
Medical/Dental	3/1000 sf	4/1000 sf	1 per 40,000 sf Min. of 2	1 per 70,000 sf Min. of 2
All other commercial uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
Conditional Uses				
Schools	0.2 per student/staff	0.3 per student/staff	0.3 per student/staff	0.2 per classroom
Recreational Facilities	3/1000 sf ¹	5/1000 sf ¹	1 per 3,000 sf Min. of 4	1 per 3000 sf Min. of 4
Conference Center	0.3 per seat	0.5 per seat	1 per 15 seats Min. of 2	1 per 40 seats Min. of 10
Library/Museum	2/1000 sf	4/1000 sf	1 per 1000 sf Min. of 6	1 per 1000 sf Min. of 6
Religious Institution	.25 per seat	.5 per seat	1 per 2,000 sf Min. of 2	1 per 4,000 sf Min. of 2
Theater	.25 per seat	.5 per seat	1 per 20 seats Min. of 2	1 per 50 seats Min. of 4
Overnight Lodging Facility	1 per room	1.5 per room	1 per 20 rooms Min. of 2	1 per 20 rooms Min. of 2
Light Manufacturing/Research and Development	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
All other Conditional Uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2

Notes: ¹ 1/1000 sf min. for court facilities
 NR No requirement
 * See WC Section 4.113(.11) Assessorly Dwelling Units

[Table 4-2 amended by Ord. 677, 3/1/10]

Finding: These criteria are satisfied.

Details of Finding: At least one (1) parking space is provided for each dwelling unit.

Subsection 4.125 (.08) Parks & Open Space

A8. **Review Criteria:** This subsection prescribes the open space requirement for development in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The applicant states the following regarding these requirements, “The Parks Master Plan for Villebois states that there are 57.87 acres of parks and 101.46 acres of open space for a total of 159.33 acres within Villebois, approximately 33%. SAP East includes parks and open space areas consistent with the Master Plan. The proposed PDP includes the parks and open space areas shown in the Villebois Village Master Plan for this area.

Subsection 4.125 (.09) Street Alignment and Access Improvements

Subsection 4.125 (.09) A. 1. a. Street Alignment and Access Improvements Conformity with Master Plan, etc.

A9. **Review Criterion:** “All street alignment and access improvements shall conform to the Villebois Village Master Plan, or as refined in the Specific Area Plan, Preliminary Development Plan, or Final Development Plan . . .”

Finding: This criterion is satisfied.

Details of Finding: The street alignments and access improvements within this PDP are generally consistent with those approved in the Villebois Village Master Plan and SAP East, as refined by this PDP application. See Request B and Findings B2 through B7.

Subsection 4.125 (.09) A. 1. a. i. Street Improvement: Conformity with Public Works Standards and Continuation of Streets

A10. **Review Criteria:** “All street improvements shall conform to the Public Works Standards and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: All street improvements within this PDP will comply with the applicable Public Works Standards. The street system within this PDP is designed to provide for the continuation of streets within Villebois and to adjoining properties or subdivisions according to the Master Plan.

Subsection 4.125 (.09) A. 1. a. ii. Streets Developed According to Master Plan

A11. **Review Criterion:** “All streets shall be developed according to the Master Plan.”

Finding: This criterion is satisfied.

Details of Finding: All streets within this PDP will be developed with curbs, landscape strips, sidewalks, and bikeways or pedestrian pathways as depicted on the Circulation Plan, applicant’s sheet 7.1 in their plan set, see Exhibit B2, and in accordance with the Master Plan.

Subsection 4.125 (.09) A. 2. a. & b. Intersections of Streets: Angles and Intersections

A12. **Review Criteria:**

- “Angles: Streets shall intersect one another at angles not less than 90 degrees, unless existing development or topography makes it impractical.
- Intersections: If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of thirty (30) foot centerline radius and said angle shall not be less than sixty (60) degrees. Any angle less than ninety (90) degrees shall require approval by the City Engineer after consultation with the Fire District.”

Finding: These criteria are satisfied.

Details of Finding: The plan sheets located in Exhibit B2 demonstrate that all proposed streets will intersect at angles consistent with the above standards.

Subsection 4.15 (.09) A. 2. c. Intersection of Streets: Offsets

A13. **Review Criterion:** “Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:

- 1000 ft. for major arterials
- 600 ft. for minor arterials
- 100 ft. for major collector
- 50 ft. for minor collector”

Finding: These criteria are satisfied.

Details of Finding: The plan sheets in Exhibit B2 demonstrate that opposing intersections on public streets are offset, as appropriate, so that no danger to the traveling public is created.

Subsection 4.125 (.09) A. 2. d. Curb Extensions

A14. **Review Criteria:** “Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F) below, and shall:

- Not obstruct bicycle lanes on collector streets.
- Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections shall have, shall meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.”

Finding: These criteria are satisfied.

Details of Finding: Curb extensions shown by the applicant, see applicant’s sheet 8 in their plan set, Exhibit B2, are consistent with page 6 of the Community Elements Book for SAP East which were approved at the SAP level consistent with this subsection.

Subsection 4.125 (.09) A. 3. Street Grades

A15. **Review Criteria:** “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

Finding: These criteria will be satisfied by Condition of Approval PDA 6.

Details of Finding: The Interim City Engineer has reviewed the plans and preliminarily approved the use of grades in excess of 8% consistent with this subsection. The condition

of approval requires final approval be obtained during the Public Works permit process.

Subsection 4.125 (.09) A. 4. Centerline Radius Street Curves

A16. **Review Criteria:** “The minimum centerline radius street curves shall be as follows:

- Arterial streets: 600 feet, but may be reduced to 400 feet in commercial areas, as approved by City Engineer.
- Collector streets: 600 feet, but may be reduced to conform with the Public Works Standards, as approved by the City Engineer.
- Local streets: 75 feet”

Finding: These criteria are satisfied.

Details of Finding: Compliance is shown on the plan sheets.

Subsection 4.125 (.09) A. 5. Rights-of-way

A17. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for rights-of-way as no other provisions are noted.

Finding: These criteria are satisfied.

Details of Finding: Proposed rights-of-way are shown on the applicant’s plan sheets, Exhibit B2, including sheet 4 (Tentative Subdivision Plat). Rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177.

Subsection 4.125 (.09) A. 6. Access Drives

A18. **Review Criteria:** Access drives are required to be 16 feet for two-way traffic. Otherwise, pursuant to subsection (.09) A. above, the provisions of 4.177 apply for access drives as no other provisions are noted.

Finding: These criteria are satisfied.

Details of Finding: The applicant states, “Access drives (alleys) will be paved at least 16-feet in width within a 20-foot tract, as shown on the Circulation Plan. In accordance with Section 4.177, all access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by the fire department. All access drives will be designed to provide a clear travel lane free from any obstructions.”

Subsection 4.125 (.09) A. 7. Clear Vision Areas

A19. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for clear vision areas as no other provisions are noted.

Finding: These criteria are satisfied.

Details of Finding: The applicant states that clear vision areas will be provided and maintained in compliance with the Section 4.177.

Subsection 4.125 (.09) A. 8. Vertical Clearance

A20. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for vertical clearance as no other provisions are noted.

Finding: These criteria are satisfied.

Details of Finding: The applicant states that Vertical clearance will be provided and maintained in compliance with the Section 4.177.

Subsection 4.125 (.09) A. 9. Interim Improvement Standards

A21. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for interim improvement standards as no other provisions are noted.

Finding: These criteria are satisfied.

Details of Finding: No interim improvements are proposed.

Subsection 4.125 (.10) Sidewalk and Pathway Improvement Standards

A22. **Review Criteria:** “The provisions of Section 4.178 shall apply within the Village zone.”

Finding: These criteria are satisfied.

Details of Finding: The applicant states, “All sidewalks and pathways within SAP East will be constructed in accordance with the standards of Section 4.178 and the Villebois Village Master Plan. Sidewalks and pathways are shown in the street cross-sections on the Circulation Plan.” See sheet 7.1, Exhibit B2.

Subsection 4.125 (.11) Landscaping, Screening and Buffering

A23. **Review Criteria:** “Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:

- Streets in the Village Zone shall be developed with street trees as described in the Community Elements Book.”

Finding: These criteria are satisfied.

Details of Finding: The appropriate landscaping is provided. The proposed street trees are among the choices provided in the Community Elements Book for SAP East.

Subsection 4.125 (.12) Signage and Wayfinding

A24. **Review Criteria:** “Except as this subsection may otherwise be amended, or until such time as a Signage and Wayfinding Plan is approved as required by Section 4.125(.18)(D)(2)(f), signs within the Village zone shall be subject to provisions of Section 4.156.”

Finding: These criteria are satisfied.

Details of Finding: No permanent signs are shown in the Master Signage and Wayfinding Plan for the subject PDP.

Subsection 4.125 (.13) Design Principles Applying to the Village Zone

A25. **Review Criteria:** “The following design principles reflect the fundamental concepts, and support the objectives of the Villebois Village Master Plan, and guide the fundamental qualities of the built environment within the Village zone.

- The design of landscape, streets, public places and buildings shall create a place of distinct character.
- The landscape, streets, public places and buildings within individual development projects shall be considered related and connected components of the Villebois Village Master Plan.

- The design of streets and public spaces shall provide for and promote pedestrian safety, connectivity and activity.
- The design of exterior lighting shall minimize off-site impacts, yet enable functionality.”

Finding: These criteria are satisfied.

Details of Finding: The Architectural Pattern Book and Community Elements Book ensure the design meets the fundamental design concepts and support the objectives of the Villebois Village Master Plan. By complying with an approved Architectural Pattern Book and Community Elements Book the design of the PDP will satisfy these criteria. See also FDP Request E.

Subsection 4.125 (.14) A. 1. a. Design Standards: Flag Lots

A26. **Review Criterion:** “Flag lots are not permitted.”

Finding: This criterion is satisfied.

Details of Finding: No flag lots are proposed.

Subsection 4.125 (.14) A. 2. a. - e. and h. – k. Building and Site Design Requirements

A27. **Review Criteria:** “Building and site design shall include:

- Proportions and massing of architectural elements consistent with those established in an approved Architectural Pattern Book or Village Center Architectural Standards.
- Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.
- Protective overhangs or recesses at windows and doors.
- Raised stoops, terraces or porches at single-family dwellings.
- Exposed gutters, scuppers, and downspouts, or approved equivalent.
- Building elevations of block complexes shall not repeat an elevation found on an adjacent block.
- Building elevations of detached buildings shall not repeat an elevation found on buildings on adjacent lots.
- A porch shall have no more than three walls.
- A garage shall provide enclosure for the storage of no more than three motor vehicles, as described in the definition of Parking Space.”

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDA 5.

Details of Finding: The applicant states, “this application requests PDP approval for single family detached lots. No buildings are proposed at this time. Conformance with the Pattern Book and Community Elements Book will assure consistency with the Design Standards of subsection (.14). Subsequent Building Permit applications will review building and site design for consistency with the Pattern Book.” Condition of Approval PDA 5 requires the applicant provide architectural plans for approval by the City’s architectural consultant prior to the City signing the final plat, which will ensure conformance of the different housing types with the Architectural Pattern Book.

Subsection 4.125 (.14) A. 2. g. Landscape Plans

A28. **Review Criterion:** “Building and site design shall include:

- A landscape plan in compliance with Sections 4.125(.07) and (.11), above.”

Finding: This criterion is satisfied.

Details of Finding: The appropriate landscape plans have been provided.

Subsection 4.125 (.14) A. 2. f. Protection of Significant Trees

A29. **Review Criterion:** “Building and site design shall include:

- The protection of existing significant trees as identified in an approved Community Elements Book.”

Finding: This criterion is satisfied.

Details of Finding: No trees are on the site to protect.

Subsection 4.125 (.14) A. 3. Lighting and Site Furnishings

A30. **Review Criteria:** “Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.”

Finding: These criteria are satisfied or will be required to do so my Condition of Approval PDA 3.

Details of Finding: All information provided on site elements in the FDP request match the Community Elements Book or will be required to meet them by a Condition of Approval.

Subsection 4.125 (.14) A. 4. Building Systems

A31. **Review Criteria:** “Building systems, as noted in Tables V-3 and V-4 (Permitted Materials and Configurations), below, shall comply with the materials, applications and configurations required therein. Design creativity is encouraged. The LEED Building Certification Program of the U.S. Green Building Council may be used as a guide in this regard.”

Finding: These criteria are satisfied.

Details of Finding: Subsequent Building Permit applications will review proposed buildings for consistency with the criteria of Table V-3 and the Architectural Pattern Book.

Subsection 4.125 (.18) G. Preliminary Development Plan Approval Process

Subsection 4.125 (.18) G. 1. a. Preliminary Development Plan: Submission Timing

A32. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed with the City Planning Division for the entire SAP, or when submission of the SAP in phases has been authorized by the Development Review Board, for a phase in the approved sequence.”

Finding: This criterion is satisfied.

Details of Finding: The current application is for Phase 4 of SAP East, consistent with the phasing requested to be approved by the DRB in Case File DB12-0044.

Subsection 4.125 (.18) G. 1. b. Preliminary Development Plan: Owners’ Consent

A33. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be made by the owner of all affected property or the owner’s authorized agent;”

Finding: This criterion is satisfied.

Details of Finding: This application is authorized by Lou Fasano, Managing Member of Fasano Family LLC which owns the property. The application form signed by Mr. Fasano in Section IB of the applicant's notebook, Exhibit B3.

Subsection 4.125 (.18) G. 1. c. Preliminary Development Plan Permit Process: Proper Form & Fees

A34. **Review Criterion:** "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution;"

Finding: These criteria are satisfied.

Details of Finding: The applicant has used the prescribed form and paid the required application fees.

Subsection 4.125 (.18) G. 1. d. Preliminary Development Plan Permit Process: Professional Coordinator

A35. **Review Criterion:** "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall set forth the professional coordinator and professional design team for the project;"

Finding: This criterion is satisfied.

Details of Finding: A professional design team is working on the project with Stacey Connery AICP from Pacific Community Design as the professional coordinator.

Subsection 4.125 (.18) G. 1. e. Preliminary Development Plan Permit Process: Mixed Uses

A36. **Review Criterion:** "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall state whether the development will include mixed land uses, and if so, what uses and in what proportions and locations."

Finding: This criterion is satisfied.

Details of Finding: The proposed PDP includes only residential uses with supporting recreational amenities.

Subsection 4.125 (.18) G. 1. f. Preliminary Development Plan Permit Process: Land Division

A37. **Review Criterion:** "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a preliminary land division (concurrently) per Section 4.400, as applicable."

Finding: This criterion is satisfied.

Details of Finding: A preliminary subdivision plat has been submitted concurrently with this request. See Request D.

Subsection 4.125 (.18) G. 1. g. Preliminary Development Plan Permit Process: Zone Map Amendment

A38. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a concurrent application for a Zone Map Amendment (i.e., Zone Change) for the subject phase.”

Finding: This criterion is satisfied.

Details of Finding: A zone change request has been submitted concurrently with this request. See Request C.

Subsection 4.125 (.18) G. 2. a. – c. Preliminary Development Plan Permit Process: Information Required

A39. **Review Criteria:** “The application for Preliminary Development Plan approval shall include conceptual and quantitatively accurate representations of the entire development sufficient to demonstrate conformance with the approved SAP and to judge the scope, size and impact of the development on the community and shall be accompanied by the following information:

- A boundary survey or a certified boundary description by a surveyor licensed in the State of Oregon.
- Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, (e.g., flood plain, wetlands, forested areas, steep slopes or adjacent to stream banks). Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
 - One (1) foot contours for slopes of up to five percent (5%);
 - Two (2) foot contours for slopes from six percent (6%) to twelve (12%);
 - Five (5) foot contours for slopes from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
 - Ten (10) foot contours for slopes exceeding twenty percent (20%).
- The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the PDP and within 50 feet of the PDP boundary, as required by Section 4.139.

Finding: These criteria are satisfied.

Details of Finding: A certified boundary description by a surveyor licensed in the State of Oregon is provided as the legal description and sketch for the zone map amendment. See Section IVC of the applicant’s notebook, Exhibit B3. Topographic information and SROZ information are in accordance with Sections 4.125(.18) G. 2. b. & c. shown on the applicant’s sheet 2, Existing Conditions, of their plan set, Exhibit B2.

Subsection 4.125 (.18) G. 2. d. Preliminary Development Plan Permit Process: Land Area Tabulation

A40. **Review Criteria:** “A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.”

Finding: These criteria are satisfied.

Details of Finding: Following is a tabulation of land area devoted to the various uses and a calculation of net residential density:

Gross Acreage 12.96 Acres
Parks 3.03 Acres

Public Streets 2.99 Acres
Lots and Alleys 6.94 Acres

Net Residential Density: 93 lots / 6.94 Acres = 13.4 units per net acre

Subsection 4.125 (.18) G. 2. e. Preliminary Development Plan Permit Process: Streets, Alleys, and Trees

A41. **Review Criteria:** “The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the PDP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails, and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only.”

Finding: These criteria are satisfied.

Details of Finding: Information on planned alleys and streets are provided or the information is readily available. Easements, sidewalks, bike routes and bikeways, trails, and other relevant features are shown. No trees 6 inch d.b.h. or greater are on the project site.

Subsection 4.125 (.18) G. 2. f. Preliminary Development Plan Permit Process: Building Drawings

A42. **Review Criteria:** “Conceptual drawings, illustrations and building elevations for each of the listed housing products and typical non-residential and mixed-use buildings to be constructed within the Preliminary Development Plan boundary, as identified in the approved SAP, and where required, the approved Village Center Design.”

Finding: These criteria are satisfied or will be satisfied by a Condition of Approval PDA 5.

Details of Finding: As stated by the applicant, “The proposed PDP includes Small Detached and Medium lot types, which are all detached single-family homes. Conceptual elevations for the homes within the PDP will be provided for review by the City’s Architectural consultant prior to building permit submittal. Future proposed homes will be designed to be consistent with the conceptual elevations in the Architectural Pattern Book.” Condition of Approval PDA 5 requires conceptual elevations for all the products within the PDP will be provided for review by the City’s architectural consultant prior to the City signing of the final plat. Future proposed homes will be designed to be consistent with the conceptual elevations in the Architectural Pattern Book and reviewed by the City’s architectural consultant.

Subsection 4.125 (.18) G. 2. g. Preliminary Development Plan Permit Process: Utility Plan

A43. **Review Criterion:** “A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.”

Finding: This criterion is satisfied.

Details of Finding: A composite utility plan has been provided. See applicant’s sheet 6, Exhibit B2.

Subsection 4.125 (.18) G. 2. h. Preliminary Development Plan Permit Process: Phasing Sequence

A44. **Review Criterion:** “If it is proposed that the Preliminary Development Plan will be executed in Phases, the sequence thereof shall be provided.”

Finding: This criterion is satisfied.

Details of Finding: The PDP is proposed to be executed in a single phase.

Subsection 4.125 (.18) G. 2. i. Preliminary Development Plan Permit Process: Security for Capital Improvements

A45. **Review Criterion:** “A commitment by the applicant to provide a performance bond or other acceptable security for the capital improvements required by the project.”

Finding: This criterion is satisfied.

Details of Finding: The applicant states “the applicant will provide a performance bond or other acceptable security for the capital improvements required by the project.”

Subsection 4.125 (.18) G. 2. j. Preliminary Development Plan Permit Process: Security for Capital Improvements

A46. **Review Criterion:** “At the applicant’s expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the SAP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire SAP, and it shall meet Subsection 4.140(.09)(J)(2).”

Finding: This criterion is satisfied.

Details of Finding: The required traffic analysis can be found in Section IID of the applicant’s notebook, Exhibit B3.

Subsection 4.125 (.18) H. PDP Application Submittal Requirements

Subsection 4.125 (.18) H. 1. PDP Application Submittal Requirements: General

A47. **Review Criteria:** “The Preliminary Development Plan shall conform with the approved Specific Area Plan, and shall include all information required by (.18)(D)(1) and (2), plus the following:

- The location of water, sewerage and drainage facilities;
- Conceptual building and landscape plans and elevations, sufficient to indicate the general character of the development;
- The general type and location of signs;
- Topographic information as set forth in Section 4.035;
- A map indicating the types and locations of all proposed uses; and
- A grading and erosion control plan illustrating existing and proposed contours as prescribed previously in this section.”

Finding: These criteria are satisfied.

Details of Finding: As stated by the applicant, “the proposed PDP generally conforms to the approved SAP East, with the proposed refinements described in the following sections of this report. As demonstrated above, the PDP application includes all information required by 4.125(.18)(D)(1) and (2), as applicable to a PDP.”

Subsection 4.125 (.18) H. 2. PDP Application Submittal Requirements: Traffic Report

A48. **Review Criteria:** “In addition to this information, and unless waived by the City’s Community Development Director as enabled by Section 4.008(.02)(B), at the applicant’s expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the PDP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire PDP, and it shall meet Subsection 4.140(.09)(J)(2) for the full development of all five SAPs.”

Finding: These criteria are satisfied.

Details of Finding: The required traffic report is included in Section IID of the applicant’s notebook, Exhibit B3.

Subsection 4.125 (.18) H. 3. PDP Application Submittal Requirements: Level of Detail

A49. **Review Criterion:** “The Preliminary Development Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the phase of development. However, approval of a Final Development Plan is a separate and more detailed review of proposed design features, subject to the standards of Section 4.125(.18)(L) through (P), and Section 4.400 through Section 4.450.”

Finding: This criterion is satisfied.

Details of Finding: As stated by the applicant, “the plan sheets for the proposed Preliminary Development Plan provide sufficient detail to show the ultimate operation and appearance of the subject phase of development. The FDP application for design of the included park areas within the PDP area is submitted concurrent with this application.” See Request G.

Subsection 4.125 (.18) H. 4. PDP Application Submittal Requirements: Copies of Legal Documents

A50. **Review Criterion:** “Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner’s association, shall also be submitted.”

Finding: This criterion is satisfied.

Details of Finding: The required legal documents for review have been provided. See Section IIIC in the applicant’s notebook, Exhibit B3.

Subsection 4.125 (.18) I. PDP Approval Procedures

A51. **Review Criteria:** “An application for PDP approval shall be reviewed using the following procedures:

- Notice of a public hearing before the Development Review Board regarding a proposed PDP shall be made in accordance with the procedures contained in Section 4.012.
- A public hearing shall be held on each such application as provided in Section 4.013.
- After such hearing, the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.”

Finding: These criteria are satisfied.

Details of Finding: The request is being reviewed according to this subsection.

Subsection 4.125 (.18) J. PDP Refinements to Approved SAP

Subsection 4.125 (.18) J. 1. a. i. Refinements to the SAP: Street Network and Classification

A52. **Review Criterion:** “Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.”

Finding: This criterion is satisfied.

Details of Finding: Concurrently with this PDP Request refinements to the street network are being requested that meet the applicable criteria. See Request B.

Subsection 4.125 (.18) J. 1. a. ii. Refinements to the SAP: Parks, Trails, and Open Space

A53. **Review Criterion:** “Changes to the nature or location of park types, trails or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Specific Area Plan.”

Finding: This criterion is satisfied.

Details of Finding: Concurrently with this PDP Request refinements to the parks, trails, and open space are being requested that meet the applicable criteria. See Request B.

Subsection 4.125 (.18) J. 1. a. iv. and v. Refinements to the SAP: Mix of Land Uses and Density

A54. **Review Criteria:**

- “Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan.
- A change in density that does not exceed ten percent, provided such density change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village.”

Finding: These criteria are satisfied.

Details of Finding: Concurrently with this PDP Request refinements to the location and mix of land uses and density are being requested that meet the applicable criteria. See Request B.

Subsection 4.125 (.18) K. PDP Approval Criteria

Subsection 4.125 (.18) K. 1. a. PDP Approval Criteria: Consistent with Standards of Section 4.125

A55. **Review Criteria:** “Is consistent with the standards identified in this section.”

Finding: These criteria are satisfied.

Details of Finding: As shown elsewhere in this request, the proposed Preliminary Development Plan is consistent with the standards of Section 4.125.

Subsection 4.125 (.18) K. 1. b. PDP Approval Criteria: Complies with the Planning and Land Development Ordinance

A56. **Review Criterion:** “Complies with the applicable standards of the Planning and Land Development Ordinance, including Section 4.140(.09)(J)(1)-(3).”

Finding: This criterion is satisfied.

Details of Finding: Findings are provided showing compliance with applicable standards of the Planning and Land Development Ordinance. Specifically Findings A62 through A64 address Subsections 4.140 (.09) J. 1. through 3.

Subsection 4.125 (.18) K. 1. c. PDP Approval Criteria: Consistent with Approved SAP

A57. **Review Criterion:** “Is consistent with the approved Specific Area Plan in which it is located.”

Finding: This criterion is satisfied.

Details of Finding: Together with the approved refinements, the PDP is consistent with the approved SAP.

Subsection 4.125 (.18) K. 1. d. PDP Approval Criteria: Consistent with Approved Pattern Book

A58. **Review Criterion:** “Is consistent with the approved Pattern Book and, where required, the approved Village Center Architectural Standards.”

Finding: This criterion is satisfied.

Details of Finding: As stated by the applicant, “No buildings are proposed with this Preliminary Development Plan. Subsequent Building Permit applications for residential buildings in this Preliminary Development Plan will document compliance with the Architectural Pattern Book. However, proposed lots are sized to accommodate proposed uses in a manner consistent with Table V-1 and the Architectural Pattern Book.”

Subsection 4.125 (.18) K. 2. PDP Approval Criteria: Reasonable Phasing Schedule

A59. **Review Criterion:** “If the PDP is to be phased, that the phasing schedule is reasonable and does not exceed two years between commencement of development of the first, and completion of the last phase, unless otherwise authorized by the Development Review Board.”

Finding: This criterion is satisfied.

Details of Finding: The PDP is not proposed to be phased.

Subsection 4.125 (.18) K. 3. PDP Approval Criteria: Parks Concurrency

A60. **Review Criterion:** “Parks within each PDP or PDP Phase shall be constructed prior to occupancy of 50% of the dwelling units in the PDP or PDP phase, unless weather or other special circumstances prohibit completion, in which case bonding for such improvements shall be permitted.”

Finding: This criterion will be satisfied by Condition of Approval PDA 4.

Details of Finding: The applicant asserts and a condition of approval ensures the parks within PDP 4E will be completed prior to occupancy of 50% of the housing units or bonding will be provided if special circumstances prohibit completion.

Subsection 4.125 (.18) K. 5. PDP Approval Criteria: DRB Conditions

A61. **Review Criterion:** “The Development Review Board may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.”

Finding: This criterion is satisfied.

Details of Finding: Condition of Approval PDA 2 is recommended to ensure the obligations under the development agreement are met that facilitate development in conformance with the Master Plan and approved SAP. The development agreement ensures public improvements are built as approved and available to serve the development.

Subsection 4.140 (.09) J. Planned Development Permit Review Criteria

“A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:”

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

A62. **Review Criteria:** “The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.”

Finding: These criteria are satisfied.

Details of Finding: The applicant’s findings demonstrate that the location, design, size, and uses proposed with the PDP are both separately and as a whole consistent with SAP East, and thus the Villebois Village Master Plan, the City’s Comprehensive Plan designation of Residential – Village for the area, and any other applicable ordinance of which staff is aware.

Subsection 4.140 (.09) J. 2. Meeting Traffic Level of Service D

A63. **Review Criteria:** That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City’s adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

Finding: These criteria are satisfied.

Details of Finding: The location, design, size and uses are such that traffic generated within the PDP at the most heavily used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D. The proposed uses and the circulation system are consistent with the SAP – East application, which included an Internal Circulation Evaluation including an assessment of intersection performance by DKS

Associates. A copy of the Traffic Impact Analysis is attached in Section IID of the applicant's notebook, Exhibit B3.

Subsection 4.140 (.09) J. 3. Concurrency for Other Facilities and Services

A64. **Review Criteria:** This section identifies the sign regulations throughout the City.

Finding: These criteria are satisfied.

Details of Finding: As shown in the Utility and Drainage Report (Section IIC, Exhibit B3) and plan sheets, Exhibit B2, adequate or immediately planned facilities and services are sufficient to serve the planned development. Condition of Approval PDA 2 further ensures the obligations related to planned facilities are built as agreed upon and available to serve the development.

Section 4.171 Protection of Natural Features & Other Resources

Subsection 4.171 (.02) General Terrain Preparation

A65. **Review Criteria:**

- “All developments shall be planned designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant land forms.
- All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code, all development shall be planned, designed, constructed and maintained so as to:
 - Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.
 - Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.
 - Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.

Finding: These criteria are satisfied.

Details of Finding: The plan sheets (Exhibit B2) demonstrate that the subject Preliminary Development Plan is designed with maximum regard to natural terrain features and topography. The subject PDP does not contain hillside areas. No development impacts to the flood plain are proposed with the PDP. The Grading and Erosion Control Plan shows proposed grading within the subject area.

All subsequent grading, filling and excavating will be done in accordance with the Uniform Building Code. Disturbance of soils and removal of native vegetation will be limited to the extent necessary to construct the proposed development. Construction will occur in a manner that avoids substantial probabilities of accelerated erosion; pollution, contamination or siltation of lakes, rivers, streams and wetlands; damage to vegetation; and injury to wildlife and fish habitats.

Subsection 4.171 (.03) Hillsides

A66. **Review Criterion:** “Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:”

Finding: This criterion does not apply.

Details of Finding: The subject Preliminary Development Plan does not include any areas of slopes in excess of 25%. Therefore, this standard does not apply to this application.

Subsection 4.171 (.04) Trees and Wooded Area

A67. **Review Criteria:**

- “All developments shall be planned, designed, constructed and maintained so that:
 - Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.
 - Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible.
 - Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:
 - Avoiding disturbance of the roots by grading and/or compacting activity.
 - Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces.
 - Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.
 - Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees.

Finding: These criteria are satisfied.

Details of Finding: No tree or wooded areas exist on the site or will be directly impacted by the proposed development.

Subsection 4.171 (.05) High Voltage Power Lines

A68. **Review Criteria:** “High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:

- Due to the restrictions placed on these lands, no residential structures shall be allowed within high voltage power line easements and rights of way and petroleum pipeline easements, and any development, particularly residential, adjacent to high voltage power line easements and rights of way and petroleum pipeline easement shall be carefully reviewed.
- Any proposed non-residential development within high voltage power line easements and rights of way and petroleum pipeline easements shall be coordinated with and approved by the Bonneville Power Administration, Portland General Electric Company or other appropriate utility, depending on the easement or right of way ownership.

Finding: These criteria do not apply.

Details of Finding: The development area and surrounding area are not around high voltage power lines. The nearest high voltage power lines are on the opposite side of the the Coffee Lake wetland.

Subsection 4.171 (.06) Safety Hazards

A69. **Review Criteria:** “

- To protect lives and property from natural or human-induced geologic or hydrologic hazards and disasters.
- To protect lives and property from damage due to soil hazards.
- To protect lives and property from forest and brush fires.
- To avoid financial loss resulting from development in hazard areas.

Finding: These criteria are satisfied.

Details of Finding: The applicant states that development of the subject area will occur in a manner that minimizes potential hazards to safety.

Subsection 4.171 (.07) Earth Movement Hazard Areas

A70. **Review Criterion:** “No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions.”

Finding: This criterion is satisfied.

Details of Finding: No areas of land movement, slump, earth flow, or mud or debris flow have been identified in the project area.

Subsection 4.171 (.08) Standards for Soil Hazard Areas

A71. **Review Criteria:**

- “Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.
- The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulleting and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

Finding: These criteria are satisfied.

Details of Finding: No soil hazard areas have been identified within the subject area.

Subsection 4.171 (.09) Historic Protection

A72. **Review Criteria:** This subsection establishes requirements for protection of historic resources.

Finding: This criterion is satisfied.

Details of Finding: No historic or cultural resources have been identified on the subject property. A resource inventory was previously conducted for the entirety of SAP East.

Section 4.176 Landscaping, Screening, and Buffering

A73. **Review Criteria:** This section establishes landscape, screening, and buffering requirements for development within the City.

Finding: These criteria are satisfied.

Details of Finding: Landscaping will be provided in accordance with the standards in Section 4.176. The Street Tree/Lighting Plan depicts street trees along rights-of-way within the subject Preliminary Development Plan area. The plan has been developed in

conformance with the Community Elements Book and the applicable standards of Section 4.176. Landscaping in the parks and linear green areas will be reviewed with Request E.

Section 4.177 Street Improvement Standards

A74. **Review Criteria:** This section establishes street improvements standards for development within the City.

Finding: These criteria are satisfied.

Details of Finding: The rights-of-way proposed within the subject PDP are shown on the applicant's plan sheets, Exhibit B2. Rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with the final plat. The plan sheets demonstrate that all proposed access drives (alleys) within the PDP area will have a minimum improvement width of 16 feet and will provide two-way travel. All access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by TVF&R All access drives will be designed to provide a clear travel lane free from any obstructions. Clear vision areas will be maintained in accordance with the standards of Subsection 4.177(.01)(I). Vertical clearance will be maintained over all streets and access drives in accordance with Subsection 4.177(.01)(J).

Section 4.178 Sidewalk and Pathway Standards

A75. **Review Criteria:**

- “Sidewalks. All sidewalks shall be concrete and a minimum of five (5) feet in width, except where the walk is adjacent to commercial storefronts. In such cases, they shall be increased to a minimum of ten (10) feet in width.
- Pathways
 - Bicycle facilities shall be provided using a bicycle lane as the preferred facility design. The other facility designs listed will only be used if the bike lane standard cannot be constructed due to physical or financial constraints. The alternative standards are listed in order of preference.
 - Bike lane. This design includes 12-foot minimum travel lanes for autos and paved shoulders, 5-6 feet wide for bikes that are striped and marked as bicycle lanes. This shall be the basic standard applied to bike lanes on all arterial and collector streets in the City, with the exception of minor residential collectors with less than 1,500 (existing or anticipated) vehicle trips per day.”

Finding: These criteria are satisfied.

Details of Finding: Applicant's sheet 7.1, Exhibit B2, depict cross-sections of the proposed sidewalks and pathways in compliance with the above standards and SAP East approval documents.

REQUEST B: DB12-0052 SAP-EAST REFINEMENTS

The applicant's findings in Section IIA of their notebook, Exhibit B3, specifically pages 19-28, respond to the majority of the applicable criteria.

Refinements Generally

Subsection 4.125 (.18) J. 1. Refinement Process

B1. **Review Criteria:** "In the process of reviewing a PDP for consistency with the approved Specific Area Plan, the DRB may approve refinements, but not amendments, to the SAP. Refinements to the SAP may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section (.18)(J)(2), below."

Finding: These criteria are satisfied.

Details of Finding: The applicant is requesting a number of refinements as listed below. The applicant has provided plan sheets showing sufficient information to demonstrate compliance with the applicable criteria. As can be seen in the findings below, the criteria set forth in Subsection 4.125 (.18) J. 2. are satisfied for each requested refinement.

Refinement Request "a": Street Network

Subsection 4.125 (.18) J. 1. a. i. SAP Refinements: Street Network and Functional Classification

B2. **Review Criteria:** "Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians."

Finding: These criteria are satisfied.

Details of Finding: The changes match slight alignment changes proposed for PDP 3 East to the north. The proposed changes have no effect on the circulation system or connectivity.

Subsection 4.125 (.18) J. 1. b. i. Defining "Significant" for SAP Refinements: Quantifiable

B3. **Review Criteria:** "As used herein, "significant" means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above,"

Finding: These criteria are satisfied.

Details of Finding: There are no measurable impacts of the slight alignments changes.

Subsection 4.125 (.18) J. 1. b. ii. Defining "Significant" for SAP Refinements: Qualitative

B4. **Review Criteria:** "As used herein, "significant" means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above."

Finding: These criteria are satisfied.

Details of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design

principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B5 below, the proposed refinements do not negatively affect qualitative features of the street network.

Subsection 4.125 (.18) J. 2. a. SAP Refinement Review Criteria: Better or Equally Implementing Villebois Village Master Plan

B5. **Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The following are the relevant goals and policies from the Villebois Village Master Plan followed by discussion of how the refinements better or equally meet them:

Circulation System Goal: The Villebois Village shall provide for a circulation system that is designed to reflect the principles of smart growth.

The enlargement and addition of pocket parks enabled by the realignments add more green space within the development helping to foster an attractive environment that supports a walkable neighborhood.

Circulations System Policy 1: The Villebois Village shall encourage alternatives to the automobile, while accommodating all travel modes, including passenger cars, trucks, buses, bicycles and pedestrians.

The proposed changes don't have bearing on this policy.

Subsection 4.125 (.18) J. 2. b. SAP Refinement Review Criteria: Impact on Natural and Scenic Resources

B6. **Review Criterion:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

Finding: These criteria are satisfied.

Details of Finding: The proposed minor street alignment changes do not have a direct impact on any environmental or natural or scenic resources.

Subsection 4.125 (.18) J. 2. c. SAP Refinement Review Criteria: Effect on Subsequent PDP's and SAP's

B7. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposed refinements are minor street alignment changes matching those in an adjacent PDP, and do not have an effect on any other adjoining PDP's or SAP's.

Refinement Request “b”: Parks, Trails, and Open Space

Subsection 4.125 (.18) J. 1. a. ii. SAP Refinements: Parks, Trails, and Open Space

B8. **Review Criteria:** “Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Preliminary Development Plan.”

Finding: These criteria are satisfied.

Details of Finding: Additional linear greens are being added not shown in the Master Plan with amenities including pedestrian connections. This does not reduce the function, usability, connectivity, distribution, or availability of park elements shown in the Master Plan for the subject PDP. Staff notes the largest park in the PDP is NP-6. No refinements are being requested at this time, but staff understands refinements are likely when an FDP is submitted for the park.

Subsection 4.125 (.18) J. 1. b. i. Defining “Significant” for SAP Refinements: Quantifiable

B9. **Review Criteria:** “As used herein, “significant” means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

Details of Finding: The performance measures, etc. being measured for the purpose of this refinement are the reduction of function, usability, connectivity, or overall distribution or availability of park uses in the Preliminary Development Plan. Park amenities are being added, creating no reduction in any measurable aspect of the parks.

Subsection 4.125 (.18) J. 1. b. ii. Defining “Significant” for SAP Refinements: Qualitative

B10. **Review Criteria:** “As used herein, “significant” means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

Details of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B11 below, the proposed refinements do not negatively affect qualitative features of the parks.

Subsection 4.125 (.18) J. 2. a. SAP Refinement Review Criteria: Better or Equally Implementing Villebois Village Master Plan

B11. **Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: With the retention of the amenities and parks shown in the Master Plan the goals, policies, and implementation measures are equally met.

Subsection 4.125 (.18) J. 2. b. SAP Refinement Review Criteria: Impact on Natural and Scenic Resources

B12. **Review Criterion:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

Finding: These criteria are satisfied.

Details of Finding: The proposed linear green additions do not have a direct impact on any environmental or natural or scenic resources.

Subsection 4.125 (.18) J. 2. c. SAP Refinement Review Criteria: Effect on Subsequent PDP’s and SAP’s

B13. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposed changes are interior to the site and do not affect any adjoining PDP’s or SAP’s.

Refinement Request “d”: Location and Mix of Land Uses

Subsection 4.125 (.18) J. 1. a. iv. SAP Refinements: Location and Mix of Land Uses

B14. **Review Criteria:** “Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan. For purposes of this subsection, “land uses” or “uses” are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.”

Finding: These criteria are satisfied.

Details of Finding: The changes to the location and mix of land uses are illustrated in the following table. Overall, as shown in land use maps provided by the applicant, Exhibit B4, and in the findings below, the changes do not significantly alter the distribution or availability of uses.

Description of Block, bounded by:	SAP Plan	Proposed PDP Plan
SW Mont Blanc St. SW Geneva Lp. SAP Boundary SW Costa Circle E.	20-24 Row Homes or NA (20 du/acre) (includes entire block to SW Geneva Loop and SW Villebois Dr. N. intersection)	12 Small Detached <hr/> 12 Total (plus lots in PDP 3E)
SW Mont Blanc St. SW Carinthia Cir. SW Stockholm St. SAP Boundary SW Geneva Lp.	.11-15 Row Homes 18-26 Small Attached <hr/> 29-41 Total (includes entire block to SW Month Blanc Ln.)	10 Small Detached <hr/> 10 Total (plus lots in PDP 3E)
SW Carinthia Cir. SW Finland Ave. SAP Boundary	4-8 Small Attached <hr/> 4-8 Total	5 Small Detached <hr/> 5 Total

SW Stockholm Ave.		
SW Denmark St. SW Serenity Way SAP Boundary SW Finland Ave. SW Carinthia Cir.	14-18 Medium <hr/> 14-18 Total (includes entire east side of block north to alley above Lot 186 PDP 3 E)	7 Medium <hr/> 7 Total (plus lots in PDP 3E)
SW Davos Ln. SW Geneva Lp. SW Mont Blanc St. SW Costa Circle E.	11-19 Small Attached <hr/> 11-19 Total	13 Small Detached 2 Medium <hr/> 15 Total
SW St. Moritz Lp. SW Carinthia Cir. SW Mont Blanc St. SW Geneva Lp.	4-8 Small Attached 5-7 Small Detached <hr/> 9-15 Total	17 Small Detached <hr/> 17 Total
SW St. Moritz Lp. SW Geneva Lp. SW Davos Ln. SW Costa Circle E.	5-9 Small Attached 7-9 Small Detached <hr/> 12-18 Total	14 Small Detached 2 Medium <hr/> 16 Total
SW Lisbon St. SW Geneva Lp. SW St. Moritz Lp. SW St. Miguel Ln.	7-15 Small Attached <hr/> 7-15 Total	11 Small Detached <hr/> 11 Total

Subsection 4.125 (.18) J. 1. b. i. Defining “Significant” for SAP Refinements: Quantifiable

B15. **Review Criteria:** “As used herein, “significant” means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above,”

Finding: These criteria are satisfied.

Details of Finding: For the purpose of this refinement the quantifiable requirement is the number of lots/units under an aggregated land use category on the SAP level. The first land use category small detached, and all attached housing types. Staff notes the cottage also is interpreted to fall into this aggregated category. The second land use category includes medium and larger single-family unit types. The table below shows how the proposed changes affect the SAP East Land Use Mix. Proposed is a 7.84 percent increase in the larger land use category, and a 1.43 percent decrease in the smaller and attached land use category. Both of these are well within the ten percent allowance.

	Current SAP E Unit Count	Proposed SAP E Unit Count	% Change
Medium/ Standard/ Large/ Estate	153	165	7.84%
Small Detached/ Small Attached/ Cottage/ Row Homes/ Neighborhood Apartment	421	415	-1.43%
Total	574	580	1.05%

Subsection 4.125 (.18) J. 1. b. ii. Defining “Significant” for SAP Refinements: Qualitative

B16. **Review Criteria:** “As used herein, “significant” means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

Details of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design

principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B17 below, the proposed refinements do not negatively affect qualitative features of the land use mix.

Subsection 4.125 (.18) J. 2. a. SAP Refinement Review Criteria: Better or Equally Implementing Villebois Village Master Plan

B17. **Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The following are the relevant goals and policies from the Villebois Village Master Plan followed by discussion of how the refinements better or equally meet them:

Land Use Policy 1: The Villebois Village shall be a complete community with a wide range of living choices, transportation choices, and working and shopping choices. Housing shall be provided in a mix of types and densities resulting in a minimum of 2,300 dwelling units within the Villebois Village Master Plan area.

Land Use Policy 2: Future development applications within the Villebois Village area shall provide land uses and other major components of the Plan such as roadways and parks and open space in general compliance with their configuration as illustrated on Figure 1 – Land Use Plan or as refined by Specific Area Plans.

Residential Neighborhood Housing Goal: The Villebois Village shall provide neighborhoods consisting of a mix of homes for sale, apartments for rent, row homes, and single-family homes on a variety of lot sizes, as well as providing housing for individuals with special needs. The Villebois Village shall provide housing choices for people of a wide range of economic levels and stages of life through diversity in product type.

Residential Neighborhood Housing Policy 1: Each of the Villebois Village’s neighborhoods shall include a wide variety of housing options and shall provide home ownership options ranging from affordable housing to estate lots.

Residential Neighborhood Housing Policy 5: The Villebois Village shall provide a mix of housing types within each neighborhood and on each street to the greatest extent practicable.

Residential Neighborhood Housing Policy 10: Natural features shall be incorporated into the design of each neighborhood to maximize their aesthetic character while minimizing impacts to said natural features.

As stated by the applicant in their October 24, 2012 memo, Exhibit B4, “The proposed refinements better achieve the intent of the Master Plan than the original SAP plan for this area by achieving a mix of housing types along each street within this neighborhood and by better incorporating natural features into the plan through retention of an existing

wetland and greater distribution of linear greens throughout more blocks within this neighborhood. The aesthetic character of these natural areas is maximized, while minimizing impacts to the wetland.

“There is also additional diversity within the Mediums, Smalls and Cottages. The Smalls within areas of steeper slopes will include a house plan designed to accommodate the slope and, in doing so, will provide an opportunity for a ‘Master on the Main’ floor plan. Some of the Mediums, Smalls and Cottages are extra deep to accommodate deeper housing product and allow for larger square footages within these housing types. Additionally, the Smalls include some extra wide lots which will accommodate a wider housing product and allow for some larger square footages, as well as variety in the street frontage.”

Subsection 4.125 (.18) J. 2. b. SAP Refinement Review Criteria: Impact on Natural and Scenic Resources

B18. **Review Criterion:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

Finding: This criterion is satisfied.

Details of Finding: The change of product and lot types within planned blocks will not have an impact on any of the resources listed in this subsection.

Subsection 4.125 (.18) J. 2. c. SAP Refinement Review Criteria: Effect on Subsequent PDP’s and SAP’s

B19. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The change of product and lot types within planned blocks will not preclude any other SAP or PDP from developing according to the SAP and Master Plan.

Refinement Request “e”: Density

Subsection 4.125 (.18) J. 1. a. v. SAP Refinements: Density

B20. **Review Criteria:** “A change in density that does not exceed ten percent, provided such density change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village.”

Finding: These criteria are satisfied.

Details of Finding: A proposed small increase in density (1.05% for the SAP) will result in a total of 2542 dwelling units in Villebois.

Subsection 4.125 (.18) J. 2. a. SAP Refinement Review Criteria: Better or Equally Implementing Villebois Village Master Plan

B21. **Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The following is policy from the Villebois Village Master Plan followed by discussion of how the refinements better or equally meet it:

Residential Neighborhood Housing Policy 3: The mix of housing shall be such that the Village development provides an overall average density of at least 10 dwelling units per net residential acre.

The change of density is small increase and continues to meet the density requirement for the Village Zone.

Subsection 4.125 (.18) J. 2. b. SAP Refinement Review Criteria: Impact on Natural and Scenic Resources

B22. **Review Criterion:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

Finding: These criteria are satisfied.

Details of Finding: The proposed minor increase in density does not create any sort of impact that can be seen being detrimental to any of the resources mentioned in this subsection.

Subsection 4.125 (.18) J. 2. c. SAP Refinement Review Criteria: Effect on Subsequent PDP's and SAP's

B23. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposed minor increase in density does not affect any adjoining PDP's or SAP's.

REQUEST C: DB12-0050 ZONE MAP AMENDMENT

The applicant's findings in Section IVA of their notebook, Exhibit B3, respond to the majority of the applicable criteria.

Comprehensive Plan

Compact Urban Development-Implementation Measures

Implementation Measure 4.1.6.a

- C1. **Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

Finding: These criteria are satisfied.

Details of Finding: The subject area is within SAP-East, which was previously approved as part of case file 04 DB 22 et seq and found to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance.

Implementation Measure 4.1.6.b.

- C2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

Finding: These criteria are not applicable

Details of Finding: The current proposal is for a preliminary development plan implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved.

Implementation Measure 4.1.6.c.

- C3. **Review Criterion:** "The "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation."

Finding: This criterion is satisfied.

Details of Finding: The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

Implementation Measure 4.1.6.d.

- C4. **Review Criterion:** "The "Village" Zone District shall allow a wide range of uses that befit and support an "urban village," including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses."

Finding: This criterion is satisfied.

Details of Finding: The area covered by the proposed zone change is proposed for residential use as shown in the Villebois Village Master Plan.

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

- C5. **Review Criterion:** “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”
Finding: This criterion is satisfied.
Details of Finding: The applicant is applying for a zone change concurrently with other land use applications for the development as required by this section.

Subsection 4.110 (.01) Base Zones

- C6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.
Finding: This criterion is satisfied.
Details of Finding: The requested zoning designation of Village “V” is among the base zones identified in this subsection.

Subsection 4.125 (.01) Village Zone Purpose

- C7. **Review Criteria:** “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”
Finding: These criteria are satisfied.
Details of Finding: The subject lands are designated Residential-Village on the Comprehensive Plan map and our within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village “V”.

Subsection 4.125 (.02) Village Zone Permitted Uses

- C8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.
Finding: These criteria are satisfied.
Details of Finding: The proposed residential uses are consistent with the Village Zone designation and Villebois Village Master Plan.

Subsection 4.125 (.18) B. 2. Zone Change Concurrent with PDP Approval

- C9. **Review Criterion:** “... Application for a zone change shall be made concurrently with an application for PDP approval...”
Finding: This criterion is satisfied.
Details of Finding: A zone map amendment is being requested concurrently with a request for PDP approval. See Request. A.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

C10. **Review Criteria:** “That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;”

Finding: These criteria are satisfied.

Details of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.

C11. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

Finding: These criteria are satisfied.

Details of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings c1 through C4 substantially comply with applicable Comprehensive Plan text.

Subsection 4.197 (.02) C. Zone Change: Specific Findings Regarding Residential Designated Lands

C12. **Review Criteria:** “In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text;”

Finding: These criteria are satisfied.

Details of Finding: Implementation Measure 4.1.6.c. states the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation. Since the Village Zone must be applied to areas designated “Residential Village” on the Comprehensive Plan Map and is the only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency

C13. **Review Criteria:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

Finding: These criteria are satisfied.

Details of Finding: The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available and can be provided in conjunction with the project. Section IIC of the applicant’s notebook includes supporting utility and drainage reports. In addition, the applicant has funded the

completion of a Traffic Impact Analysis, which is in Section IID of the applicant's notebook, Exhibit B3.

Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas

- C14. **Review Criteria:** "That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;"

Finding: These criteria are satisfied.

Details of Finding: The eastern and northernmost portions of the property include areas within the Significant Resource Overlay Zone. The PDP Supporting Compliance Report, section IIA of the applicant's notebook, Exhibit B3, demonstrates that the proposed development does not have a significant adverse effect on the SROZ.

Subsection 4.197 (.02) F. Zone Change: Development within 2 Years

- C15. **Review Criterion:** "That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided information stating they reasonably expect to commence development within two (2) years of the approval of the zone change. However, in the scenario where the applicant or their successors due not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

- C16. **Review Criteria:** "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards."

Finding: These criteria are satisfied.

Details of Finding: As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

REQUEST D: DB12-0055 TENTATIVE SUBDIVISION PLAT

The applicant's findings in Section IIIA of their notebook, Exhibit B3, respond to the majority of the applicable criteria.

Subsection 4.125 (.02) Permitted Uses in the Village Zone

D1. **Review Criteria:** This subsection lists the permitted uses in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The proposed subdivision is for uses including single family residences and parks and open space permitted in the Village Zone.

Subsection 4.125 (.05) Development Standards Applying to All Development in Village Zone

Subsection 4.125 (.05) A. Block, Alley, Pedestrian, and Bicycle Standards

D2. **Review Criteria:** This subsection lists the block, alley, pedestrian, and bicycle standards applicable in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows blocks, alleys, pedestrian, and bicycle paths consistent with this subsection and the proposed PDP.

Subsection 4.125 (.05) B. Access Standards

D3. **Review Criterion:** "All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer."

Finding: This criterion will be satisfied by Condition of Approval PDD 5.

Details of Finding: Condition of Approval PDD 5 requires a non-access reservation strip on the street side of lots with street access helping to ensure this criterion is met.

Table V-1: Development Standards in the Village Zone

D4. **Review Criteria:** This table shows the development standards, including setback for different uses in the Village Zone. See full table under Finding A4.

Finding: These criteria are satisfied.

Details of Finding: All building lots shown on the tentative subdivision plat meet the applicable standards of the table and facilitate housing products that meet the table. As been consistently interpreted for PDP approvals in Villebois, the lot width has been allowed to be less than 35 feet if it complies with the applicable lot diagram in the applicable Architectural Pattern Book.

Subsection 4.125 (.07) Off-Street Parking, Loading and Bicycle Parking

D5. **Review Criteria:** "Except as required by Subsections (A) through (D), below, the requirements of Section 4.155 shall apply within the Village zone."

Finding: These criteria are satisfied.

Details of Finding: Nothing concerning the tentative subdivision would prevent the required parking from being built.

Subsection 4.125 (.08) Open Space Requirements

- D6. **Review Criteria:** This subsection establishes the open space requirements for the Village Zone.
Finding: These criteria are satisfied or will be satisfied by a Condition of Approval PDA 7.
Details of Finding: The tentative subdivision plat shows open space consistent with the requirements of the Village Zone and the proposed PDP. Consistent with the requirements of (.08) C. Condition of Approval PDA 7 requires the City Attorney to review and approve pertinent bylaws, covenants, or agreements prior to recordation.

Subsection 4.125 (.09) A. 1. Street and Improvement Standards: General Provisions

- D7. **Review Criteria:** “Except as noted below, the provisions of Section 4.177 shall apply within the Village zone:
- General Provisions:
 - All street alignment and access improvements shall conform to Figures 7, 8, 9A, and 9B of the Villebois Village Master Plan, or as refined in an approved Specific Area Plan, Preliminary Development Plan, or Final Development Plan, and the following standards:
 - All street improvements shall conform to the Public Works Standards and the Transportation Systems Plan, and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.
 - All streets shall be developed according to the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows street alignments, improvements, and access improvements consistent with the approved PDP and associated refinements found to be consistent with the Master Plan, Transportation Systems Plan.

Subsection 4.125 (.09) A. 2. Street and Improvement Standards: Intersection of Streets

- D8. **Review Criteria:** “Intersections of streets:
- Angles: Streets shall intersect one another at angles not less than 90 degrees, unless existing development or topography makes it impractical.
 - Intersections: If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of a thirty (30) foot centerline radius and said angle shall not be less than sixty (60) degrees. Any angle less than ninety 90 degrees shall require approval by the City Engineer after consultation with the Fire District.
 - Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:
 - 1000 ft. for major arterials
 - 600 ft. for minor arterials
 - 100 ft. for major collector
 - 50 ft. for minor collector
 - Curb Extensions:
 - Curb extensions at intersections shall be shown on the Specific Area Plans required in Subsection 4.125(.18)(C) through (F), below, and shall:

- Not obstruct bicycle lanes on collector streets.
- Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections, meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows street intersections as proposed in the proposed PDP consistent with these standards.

Subsection 4.125 (.09) A. 3. Street and Improvement Standards: Street Grades

D9. **Review Criteria:** “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets found to meet these standards under Request A.

Subsection 4.125 (.09) A. 4. Street and Improvement Standards: Centerline Radius Street Curves

D10. **Review Criteria:** “The minimum centerline radius street curves shall be as follows:

- Arterial streets: 600 feet, but may be reduced to 400 feet in commercial areas, as approved by the City Engineer.
- Collector streets: 600 feet, but may be reduced to conform with the Public Works Standards, as approved by the City Engineer.
- Local streets: 75 feet”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets found to meet these standards under Request A.

Subsections 4.125 (.09) A. 5. and 4.177 (.01) C. Street and Improvement Standards: Rights-of-way

D11. **Review Criteria:**

- “Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Street System Master Transportation Systems Plan. All dedications shall be recorded with the County Assessor's Office.
- The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder’s Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.
- In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.”

Finding: These criteria are satisfied.

Details of Finding: As stated by the applicant, “rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177.”

Subsections 4.125 (.09) A. 6. and 4.177 (.01) E. Street and Improvement Standards: Access Drives

D12. Review Criteria:

- Access drives are required to be 16 feet for two-way traffic.
- An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions.
- Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load.
- Secondary or emergency access lanes may be improved to a minimum 12 feet with an all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.
- Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.
- Where access drives connect to the public right-of-way, construction within the right-of-way shall be in conformance to the Public Works Standards.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows alleys of sufficient width to meet the width standards. The applicant states easements for fire access will be dedicated as required.

Subsections 4.125 (.09) A. 7. and 4.177 (.01) F. Street and Improvement Standards: Clear Vision Areas

D13. Review Criteria: “A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:” Listed 1. a.-f.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets found to meet these standards under Request A.

Subsections 4.125 (.09) A. 8. and 4.177 (.01) G. Street and Improvement Standards: Vertical Clearance

D14. Review Criterion: “a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.”

Finding: This criterion is satisfied.

Details of Finding: Nothing shown on the tentative subdivision plat would preclude the required clearance from being provided.

Subsections 4.125 (.09) A. 9.and 4.177 (.01) H. Street and Improvement Standards: Interim Improvement Standards

D15. **Review Criteria:** “It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Planning Commission, the following interim standards shall apply.

- Arterials - 24 foot paved, with standard sub-base. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the City Engineer, regarding adequate structural quality to support an overlay.
- Half-streets are generally considered unacceptable. However, where the Development Review Board finds it essential to allow for reasonable development, a half-street may be approved. Whenever a half-street improvement is approved, it shall conform to the requirements in the Public Works Standards:
- When considered appropriate in conjunction with other anticipated or scheduled street improvements, the City Engineer may approve street improvements with a single asphalt lift. However, adequate provision must be made for interim storm drainage, pavement transitions at seams and the scheduling of the second lift through the Capital Improvements Plan.

Finding: These criteria are satisfied.

Details of Finding: The area covered by the tentative subdivision plat does not include any interim improvements.

Subsection 4.202 (.01) through (.03) Plats Reviewed by Planning Director or DRB

D16. **Review Criteria:** “Pursuant to ORS Chapter 92, plans and plats must be approved by the Planning Director or Development Review Board (Board), as specified in Sections 4.030 and 4.031, before a plat for any land division may be filed in the county recording office for any land within the boundaries of the City, except that the Planning Director shall have authority to approve a final plat that is found to be substantially consistent with the tentative plat approved by the Board.

The Development Review Board and Planning Director shall be given all the powers and duties with respect to procedures and action on tentative and final plans, plats and maps of land divisions specified in Oregon Revised Statutes and by this Code.

Approval by the Development Review Board or Planning Director of divisions of land within the boundaries of the City, other than statutory subdivisions, is hereby required by virtue of the authority granted to the City in ORS 92.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat is being reviewed by the Development Review Board according to this subsection. The final plat will be reviewed by the Planning Division under the authority of the Planning Director to ensure compliance with the DRB review of the tentative subdivision plat.

Subsection 4.202 (.04) A. Lots must be Legally Created for Issuing Development Permit

D17. **Review Criterion:** “No person shall sell any lot or parcel in any condominium, subdivision, or land partition until a final condominium, subdivision or partition plat has been approved by the Planning Director as set forth in this Code and properly recorded with the appropriate county.”

Finding: This criterion is satisfied.

Details of Finding: It is understood that no lots or parcels will be sold until the final plat has been approved by the Planning Director and recorded.

Subsection 4.202 (.04) B. Prohibition of Creating Undersized Lots

D18. **Review Criterion:** “It shall be a violation of this Code to divide a tract of land into a parcel smaller than the lot size required in the Zoning Sections of this Code unless specifically approved by the Development Review Board or City Council. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements, unless specifically authorized through the Variance procedures of Section 4.196 or the waiver provisions of the Planned Development procedures of Section 4.118.”

Finding: This criterion is satisfied.

Details of Finding: No lots will be divided into a size smaller than allowed by the proposed Village “V” zoning designation.

Subsection 4.210 (.01) Pre-Application Conference

D19. **Review Criterion:** “Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.”

Finding: This criterion is satisfied.

Details of Finding: A pre-application meeting has been held. See case file PA12-0011.

Subsection 4.210 (.01) A. Preparation of Tentative Plat

D20. **Review Criterion:** “The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.”

Finding: This criterion is satisfied.

Details of Finding: The applicant’s sheet 4.2, Exhibit B2, is a tentative subdivision plat prepared in accordance with this subsection.

Subsection 4.210 (.01) B. Tentative Plat Submission

D21. **Review Criteria:** “The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:” Listed 1. through 26.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat has been submitted with the required information.

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

D22. **Review Criteria:** “Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time

limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.”

Finding: These criteria are satisfied.

Details of Finding: The proposed subdivision is proposed to be developed in one phase.

Subsection 4.210 (.01) E. Remainder Tracts

D23. **Review Criteria:** “Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.”

Finding: These criteria are satisfied.

Details of Finding: All affected property has been incorporated into the tentative subdivision plat.

Subsection 4.236 (.01) Conformity to the Master Plan or Map

D24. **Review Criteria:** “Land divisions shall conform to and be in harmony with the Transportation Master Plan (Transportation Systems Plan), the Bicycle and Pedestrian Master Plan, the Parks and Recreation Master Plan, the Official Plan or Map and especially to the Master Street Plan.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat is consistent with applicable plans including the Transportation Systems Plan and Villebois Village Master Plan.

Subsection 4.236 (.02) Relation to Adjoining Street System

D25. **Review Criteria:**

- A land division shall provide for the continuation of the principal streets existing in the adjoining area, or of their proper projection when adjoining property is not developed, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Director or Development Review Board, topographic conditions make such continuation or conformity impractical, an exception may be made. In cases where the Board or Planning Commission has adopted a plan or plat of a neighborhood or area of which the proposed land division is a part, the subdivision shall conform to such adopted neighborhood or area plan.
- Where the plat submitted covers only a part of the applicant's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.
- At any time when an applicant proposes a land division and the Comprehensive Plan would allow for the proposed lots to be further divided, the city may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street plans and other requirements specified in these regulations.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets meeting these standards consistent with the proposed PDP and refinements. See Requests A and B.

Subsection 4.236 (.03) Streets: Conformity to Standards Elsewhere in the Code

D26. **Review Criteria:** “All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets consistent with the proposed PDP under Request A which meets Section 4.177 and the block requirements of the zone.

Subsection 4.236 (.04) Creation of Easements

D27. **Review Criteria:** “The Planning Director or Development Review Board may approve an easement to be established without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to allow partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to divide into more than two (2) parcels, a street dedication may be required.”

Finding: These criteria are satisfied.

Details of Finding: No specific easements are requested pursuant to this subsection.

Subsection 4.236 (.05) Topography

D28. **Review Criterion:** “The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations.”

Finding: This criterion is satisfied.

Details of Finding: The tentative subdivision plat shows street alignments recognizing topographic conditions consistent with the requested PDP.

Subsection 4.236 (.06) Reserve Strips

D29. **Review Criteria:** “The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the Director or Board determine that a strip is necessary.” Reasons listed A. through D.

Finding: These criteria are satisfied.

Details of Finding: No reserve strips are being required for the reasons listed in this subsection. However, reserve strips are being required by Condition of Approval PDD 5 to prevent access to the front side of lots served by an alley. See also Finding A5 and D3.

Subsection 4.236 (.07) Future Expansion of Street

D30. **Review Criteria:** When necessary to give access to, or permit a satisfactory future division of, adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs shall be required to preserve the objective of street extension.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets for future expansion consistent with this subsection.

Subsection 4.236 (.08) Additional Right-of-Way for Existing Streets

D31. **Review Criteria:** “Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Transportation Systems Plan.”

Finding: These criteria are satisfied.

Details of Finding: No additional right-of-way is being required for existing streets.

Subsection 4.236 (.09) Street Names

D32. **Review Criteria:** “No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.”

Finding: These criteria are satisfied.

Details of Finding: Street names will be reviewed by Engineering staff and be subject to approval by the City Engineer consistent with this subsection.

Subsection 4.237 (.01) Blocks

D33. **Review Criteria:**

- The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of pedestrian, bicycle, and motor vehicle traffic, and recognition of limitations and opportunities of topography.
- Sizes: Blocks shall not exceed the sizes and lengths specified for the zone in which they are located unless topographical conditions or other physical constraints necessitate larger blocks. Larger blocks shall only be approved where specific findings are made justifying the size, shape, and configuration.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows blocks consistent with those proposed and reviewed as part of Request A, Preliminary Development Plan.

Subsection 4.237 (.02) Easements

D34. **Review Criteria:**

- Utility lines. Easements for sanitary or storm sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards, as specified by the City Engineer or Planning Director. All of the public utility lines within and adjacent to the site shall be installed within the public right-of-way or easement; with underground services extending to the private parcel constructed in conformance to the City's Public Works Standards. All franchise utilities shall be installed within a public utility easement. All utilities shall have appropriate easements for construction and maintenance purposes.
- Water courses. Where a land division is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purposes of conveying storm water and allowing for maintenance of the facility or channel. Streets or parkways parallel to water courses may be required.

Finding: These criteria are satisfied.

Details of Finding: As shown on the applicant's sheet 4.1 "Tentative Plat", Exhibit B2, the required easements have been provided.

Subsection 4.237 (.03) Mid-block Pedestrian and Bicycle Pathways

D35. **Review Criteria:** "An improved public pathway shall be required to transverse the block near its middle if that block exceeds the length standards of the zone in which it is located.

- Pathways shall be required to connect to cul-de-sacs or to pass through unusually shaped blocks.
- Pathways required by this subsection shall have a minimum width of ten (10) feet unless they are found to be unnecessary for bicycle traffic, in which case they are to have a minimum width of six (6) feet.

Finding: These criteria are satisfied.

Details of Finding: No mid-block paths are required for this subdivision.

Subsection 4.237 (.04) Tree Planting & Tree Access Easements

D36. **Review Criteria:** "Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the Director or Development Review Board before the planting is begun. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property."

Finding: These criteria are satisfied.

Details of Finding: The proposed street trees are within the proposed public right-of-way.

Subsection 4.237 (.05) Lot Size and Shape

D37. **Review Criteria:** "The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located."

Finding: These criteria are satisfied.

Details of Finding: Proposed lot sizes, widths, shapes and orientations are appropriate for the proposed development and are in conformance with the Village Zone requirements as discussed under Request A.

Subsection 4.237 (.06) Access

D38. **Review Criteria:** "The division of land shall be such that each lot shall have a minimum frontage on a street or private drive, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:" Listed A. and B.

Finding: These criteria are satisfied.

Details of Finding: Each lot has the minimum frontage on a street or greenbelt, as allowed in the approved Architectural Pattern Book.

Subsection 4.237 (.07) Through Lots

D39. **Review Criteria:** “Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation.”

Finding: These criteria are satisfied.

Details of Finding: No through lots are proposed.

Subsection 4.237 (.08) Lot Side Lines

D40. **Review Criteria:** “The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street or tract with a private drive upon which the lots face.”

Finding: These criteria are satisfied.

Details of Finding: Generally side lot lines are at right angles with the front lot line. Where they do not, they run at the closest possible angle to 90 degrees as allowed by block shape, adjacent lot shape, and required alley orientation.

Subsection 4.237 (.09) Large Lot Land Divisions

D41. **Review Criteria:** “In dividing tracts which at some future time are likely to be re-divided, the location of lot lines and other details of the layout shall be such that re-division may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Development Review Board considers it necessary.”

Finding: These criteria are satisfied.

Details of Finding: No future divisions of the lots included in the tentative subdivision plat are anticipated.

Subsection 4.237 (.10) and (.11) Building Line and Built-to Line

D42. **Review Criteria:** The Planning Director or Development Review Board may establish special:

- building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.
- build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.

Finding: These criteria are satisfied.

Details of Finding: No building lines or built-to lines are proposed or recommended.

Subsection 4.237 (.12) Land for Public Purposes

D43. **Review Criterion:** “The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.”

Finding: This criterion is satisfied.

Details of Finding: No property reservation is recommended as described in this subsection.

Subsection 4.237 (.13) Corner Lots

D44. **Review Criterion:** “Lots on street intersections shall have a corner radius of not less than ten (10) feet.”

Finding: This criterion is satisfied.

Details of Finding: All proposed corner lots meet the minimum corner radius of ten (10) feet.

Section 4.250 Lots of Record

D45. **Review Criteria:** “All lots of record that have been legally created prior to the adoption of this ordinance shall be considered to be legal lots. Tax lots created by the County Assessor are not necessarily legal lots of record.”

Finding: These criteria are satisfied.

Details of Finding: The parcels being divided are of record, and the resulting subdivision lots will be lots of record.

Section 4.260 Improvements-Procedures

D46. **Review Criteria:** “In addition to other requirements, improvements installed by the developer, either as a requirement of these regulations or at the developer's own option, shall conform to the requirements of this Code and improvement standards and specifications of the City. The improvements shall be installed in accordance with the City's Public Works Standards.”

Finding: These criteria are satisfied.

Details of Finding: The rights-of-way shown on the tentative subdivision plat are sufficient for installation of improvements to City standards. Conformance of the improvements with the City's Public Works Standards and other applicable standards will be ensured through the Engineering Division's permit and inspection process.

Section 4.262 Improvements-Requirements

D47. **Review Criteria:** This section establishes requirements for a number of different improvements including curbs, sidewalks, sanitary sewers, drainage, underground utility and service facilities, streetlight standards, street signs, monuments, and water.

Finding: These criteria are satisfied.

Details of Finding: The applicant has stated their intent to meet the requirements for all the types of improvements indicated in this subsection. Conformance with these requirements will be ensured through the Engineering Division's, and Building Division's where applicable, permit and inspection process.

REQUEST E: DB12-0054 FINAL DEVELOPMENT PLAN FOR PARKS AND OPEN SPACE

The applicant's findings in Section VA of their notebook, Exhibit B3, respond to the majority of the applicable criteria.

Subsection 4.125 (.02) Permitted Uses in the Village Zone

E1. **Review Criteria:** This subsection lists the uses typically permitted in the Village Zone including "Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association."

Finding: These criteria are satisfied.

Details of Finding: The requested Final Development Plan is for parks and open space allowed within the Village Zone.

Subsection 4.125 (.08) A. Parks and Open Space in the Village Zone-Amount Required

E2. **Review Criteria:** "In all residential developments and in mixed-use developments where the majority of the developed square footage is to be in residential use, at least twenty-five percent (25%) of the area shall be open space, excluding street pavement and surface parking. In multi-phased developments, individual phases are not required to meet the 25% standard as long as an approved Specific Area Plan demonstrates that the overall development shall provide a minimum of 25% open space. Required yard areas shall not be counted towards the required open space area."

Finding: These criteria are satisfied.

Details of Finding: The parks master plan for Villebois provides for approximately 33% of the area to be parks and open space. The subject area includes the parks shown in the Villebois Village Master Plan plus increases the size of the some of the parks and adds pocket parks and linear greens.

Subsection 4.125 (.08) B. Parks and Open Space in the Village Zone-Ownership

E3. **Review Criteria:** "Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City of Wilsonville standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage."

Finding: These criteria are satisfied.

Details of Finding: All park and open space area in PDP 4E, including Neighborhood Park 6, will be privately owned and maintained.

Subsection 4.125 (.08) C. Parks and Open Space in the Village Zone-Protection and Maintenance

E4. **Review Criteria:** "The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or

maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review and approve any pertinent bylaws, covenants, or agreements prior to recordation."

Finding: These criteria are satisfied.

Details of Finding: Protection and maintenance of the open space and recreational areas are covered in the CCR's being reviewed by the City, and Operation and Maintenance Agreements between the developer and the City.

Subsection 4.125 (.09) Street and Access Improvement Standards

E5. **Review Criteria:** This section lists street and access improvement standards for the Village Zone including vision clearance standards.

Finding: These criteria are satisfied.

Details of Finding: This code section does not apply to the proposed parks and open space, except for vision clearance for vegetation which is met.

Subsection 4.125 (.10) Sidewalk and Pathway Improvement Standards

E6. **Review Criteria:** "The provisions of Section 4.178 shall apply within the Village zone."

Finding: These criteria are satisfied.

Details of Finding: Findings regarding Compliance with the standards of Section 4.178 can be found in Finding A75.

Subsection 4.125 (.11) Landscaping Screening and Buffering

E7. **Review Criteria:** "Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:" "Streets in the Village zone shall be developed with street trees as described in the Community Elements Book."

Finding: These criteria are satisfied.

Details of Finding: Findings E18 through E29 pertain to Section 4.176. Street trees are proposed consistent with the Community Elements Book.

Section 4.125 (.12) A. Signs Compliance with Master Sign and Wayfinding Plan for SAP

E8. **Review Criterion:** "All signage and wayfinding elements within the Village Zone shall be in compliance with the adopted Signage and wayfinding Master Plan for the appropriate SAP."

Finding: This criterion does not apply.

Details of Finding: Any signs within the development will be consistent with the approved Master Sign and Wayfinding Plan. No development identifier signs are shown within the PDP.

Subsection 4.125 (.14) Design Standards Applying to the Village Zone

The following Design Standards implement the Design Principles found in Section 4.125(.13), above, and enumerate the architectural details and design requirements applicable to buildings and other features within the Village (V) zone. The Design Standards are based primarily on the features, types, and details of the residential traditions in the Northwest, but are not intended to mandate a particular style or fashion. All development within the Village zone shall incorporate the following:

Subsection 4.125 (.14) A. 2. b. Details to Match Architectural Pattern Book and Community Elements Book

E9. **Review Criteria:** “Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.”

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDA 3.

Details of Finding: The park furnishings, benches and tables, shown match the Community Elements Book for SAP East. The applicant has provided sufficient information to show that playground equipment meeting the Community Elements Book can be provided. However, Condition of Approval PDA 3 requires additional technical details and ensures the detailed requirements on page 15 of the Community Elements Book are met. The FDP also includes the mail kiosks. Elevations of the kiosks have been provided in Section VC of the applicant’s notebook, Exhibit B3.

Subsection 4.125 (.14) A. 2. f. Protection of Significant Trees

E10. **Review Criterion:** “The protection of existing significant trees as identified in an approved Community Elements Book.”

Finding: This criterion is satisfied.

Details of Finding: No significant trees are within the parks and open space covered by the proposed FDP.

Subsection 4.125 (.14) A. 2. g. Landscape Plan

E11. **Review Criterion:** “A landscape plan in compliance with Sections 4.125(.07) and (.11), above.”

Finding: This criterion is satisfied.

Details of Finding: Landscape plans have been provided in compliance with the referenced sections.

Subsection 4.125 (.14) C. Lighting and Site Furnishings

E12. **Review Criteria:** “Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.”

Finding: These criteria are satisfied.

Details of Finding: The lighting and site furnishings shown by the applicant match the Community Elements Book for SAP East.

Subsection 4.125 (.18) L. Final Development Plan Approval Procedures

E13. **Review Criteria:** This subsection establishes the approval procedures for Final Development Plans.

Finding: These criteria are satisfied.

Details of Finding: The applicant has followed the applicable procedures set out in this subsection for approval of a FDP.

Subsection 4.125 (.18) M. Final Development Plan Submittal Requirements

E14. **Review Criteria:** “An application for approval of a FDP shall be subject to the provisions of Section 4.034.”

Finding: These criteria are satisfied.

Details of Finding: The necessary materials have been submitted for review of the FDP.

Subsections 4.125 (.18) N. and P. 1. Final Development Plans Subject to Site Design Review Criteria

E15. **Review Criteria:** “An application for approval of a FDP shall be subject to the provisions of Section 4.421”

Finding: These criteria are satisfied.

Details of Finding: The provisions of Section 4.421 are being used as criteria in the review of the FDP. See Findings E30 through E37.

Subsection 4.125 (.18) O. Refinements to Preliminary Development Plan as part of Final Development Plan

E16. **Review Criteria:** This subsection identifies the process and requirements for refinements to a preliminary development plan as part of a final development plan.

Finding: These criteria are satisfied.

Details of Finding: No refinements are proposed as part of the requested FDP, as park and open space refinements were requested as part of the PDP approval request. See Request B. However, the FDP for Neighborhood Park 6 has not been submitted, and PDP refinements are expected as part of these future applications, especially regarding programming that would be duplicative of programming at the nearby school.

Subsection 4.125 (.18) P.2. Final Development Plan Compliance with Architectural Pattern Book, Community Elements Book, and PDP Conditions of Approval

E17. **Review Criteria:** “An application for an FDP shall demonstrate that the proposal conforms to the applicable Architectural Pattern Book, Community Elements Book, Village Center Architectural Standards and any conditions of a previously approved PDP.”

Finding: These criteria are satisfied.

Details of Finding: Overall, as demonstrated by Finding E7 through E9 above, the FDP demonstrates compliance with the SAP East Community Elements Book. The applicant has provided sufficient information to show that playground equipment meeting the Community Elements Book can be provided. However, Condition of Approval PDA 3 requires additional technical details and ensures the detailed requirements on page 15 of

the Community Elements Book are met. There are no relevant portions of the Architectural Pattern Book, or Conditions of Approval for a previously approved PDP to which to demonstrate compliance.

Landscape Standards Section 4.176

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

E18. **Review Criterion:** “All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length”

Finding: This criterion is satisfied.

Details of Finding: No waivers or variances to landscape standards have been requested. Thus all landscaping and screening must comply with standards of this section.

Subsection 4.176 (.03) Landscape Area and Locations

E19. **Review Criteria:** “Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.”

Finding: These criteria are satisfied.

Details of Finding: The proposed parks are predominantly covered with vegetative plant materials other than areas for walkways, play structures, benches, tables, etc. The plantings are in a variety of areas.

Subsection 4.176 (.04) Buffering and Screening

E20. **Review Criteria:** “Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.

D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.

E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.

F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval.”

Finding: These criteria are satisfied.

Details of Finding: No conditions requiring buffering and screening are within the area covered by the subject FDP request.

Subsection 4.176 (.06) A. Plant Materials-Shrubs and Groundcover

E21. **Review Criteria:** This subsection establishes plant material and planting requirements for shrubs and ground cover.

Finding: These criteria are satisfied.

Details of Finding: Applicant's sheet L1.0, see Exhibit B2 or Section VB of Exhibit B3, indicates the requirements established by this subsection will be met by the proposed plantings.

Subsection 4.176 (.06) B. Plant Materials-Trees

E22. **Review Criteria:** This subsection establishes plant material requirements for trees.

Finding: These criteria are satisfied.

Details of Finding: Applicant's sheet L1.0, see Exhibit B2 or Section VB of Exhibit B3, indicates the requirements established by this subsection will be met by the proposed plantings.

Subsection 4.176 (.06) D. Plant Materials-Street Trees

E23. **Review Criteria:** This subsection establishes plant material requirements for street trees.

Finding: These criteria are satisfied.

Details of Finding: Applicant's sheet L1.0, see Exhibit B2 or Section VB of Exhibit B3, indicates the requirements established by this subsection as well as the Community Elements Book will be met by the proposed plantings.

Subsection 4.176 (.06) E. Types of Plant Species

E24. **Review Criteria:** This subsection discusses use of existing landscaping or native vegetation, selection of plant materials, and prohibited plant materials.

Finding: These criteria are satisfied.

Details of Finding: The allowed plant materials are governed by the Community Elements Book. All proposed plant materials are consistent with the SAP East Community Elements Book.

Subsection 4.176 (.06) F. Tree Credit

E25. **Review Criteria:** "Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows: Existing trunk diameter . Number of Tree Credits

18 to 24 inches in diameter	3 tree credits
25 to 31 inches in diameter	4 tree credits
32 inches or greater	5 tree credits:"

Maintenance requirements listed 1. through 2.

Finding: These criteria are satisfied.

Details of Finding: No trees are on the site to be preserved in accordance with this subsection.

Subsection 4.176 (.06) G. Exceeding Plant Material Standards

E26. **Review Criterion:** “Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met.”

Finding: This criterion is satisfied.

Details of Finding: The selected landscape materials do not violate any height or vision clearance requirements.

Subsection 4.176 (.07) Installation and Maintenance of Landscaping

E27. **Review Criteria:** This subsection establishes installation and maintenance standards for landscaping.

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDE 2.

Details of Finding: The installation and maintenance standards are or will be met 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.
- A note on the applicant’s sheet L1.0, see Exhibit B2 or Section VB of Exhibit B3, indicates “project is to be irrigated by an automatic underground system, which will provide full coverage for all plant material. System is to be design/build by landscape contractor.”

Subsection 4.176 (.09) Landscape Plans

E28. **Review Criterion:** “Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated.”

Finding: This criterion is satisfied.

Details of Finding: Landscape plans have been submitted with the required information. See applicant’s sheets L1.0 through L6.0, see Exhibit B2 or Section VB of Exhibit B3.

Subsection 4.176 (.10) Completion of Landscaping

E29. **Review Criterion:** “The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review.”

Finding: This criterion is satisfied.

Details of Finding: As a condition of PDP approval the parks for the PDP or PDP phase must be completed prior to fifty percent (50%) of the homes being occupied unless certain conditions exist, similar to what is described in this subsection, in which case a bond can be posted. See Finding A60 in Request A and Condition of Approval PDA 4.

Site Design Review

Subsection 4.400 (.01) Excessive Uniformity, Inappropriateness of Design, Etc.

E30. **Review Criteria:** “Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.”

Finding: These criteria are satisfied.

Details of Finding: It is staff’s professional opinion that the proposed development will not result in excessive uniformity, inappropriateness or poor design, and the proper attention has been paid to site development and landscaping.

Subsection 4.400 (.02) Purposes of Objectives of Site Design Review

E31. **Review Criterion:** “The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:” Listed A through J.

Finding: These criteria are satisfied.

Details of Finding: It is staff’s professional opinion that the applicant has provided sufficient information demonstrating compliance with the purposes and objectives of site design review. Among the information provided is a written response to these purposes and objectives on pages 15 through 18 in Section VA of the applicant’s compliance narrative, Exhibit B3.

Section 4.420 Site Design Review-Jurisdiction and Power of the Board

E32. **Review Criteria:** The section states the jurisdiction and power of the Development Review Board in relation to site design review including the application of the section, that development is required in accord with plans, and variance information.

Finding: These criteria will be satisfied by Condition of Approval PDE 3.

Details of Finding: A condition of approval has been included to ensure construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. No grading or other permits will be granted prior to development review board approval. No variances are requested from site development requirements.

Subsection 4.421 (.01) Site Design Review-Design Standards

E33. **Review Criteria:** “The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards.” Listed A through G.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided sufficient information demonstrating compliance with the standards of this subsection. Among the information provided is a written response to these standards on pages 18 and 20 of Section VA of their compliance narrative, Exhibit B3.

Subsection 4.421 (.02) Applicability of Design Standards to Various Site Features

E34. **Review Criteria:** “The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.”

Finding: These criteria are satisfied.

Details of Finding: Design standards have been applied to all site features.

Subsection 4.421 (.03) Objectives of Section 4.400 Serve as Additional Criteria and Standards

E35. **Review Criteria:** “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.”

Finding: These criteria are satisfied.

Details of Finding: The purposes and objectives in Section 4.400 are being used as additional criteria and standards. See Finding E31 above.

Subsection 4.421 (.05) Site Design Review-Conditions of Approval

E36. **Review Criterion:** “The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code.”

Finding: This criterion is satisfied.

Details of Finding: No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development.

Subsection 4.421 (.06) Color or Materials Requirements

E37. **Review Criterion:** “The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.”

Finding: This criterion will be satisfied by Condition of Approvals PDE 4 and PDE 5.

Details of Finding: Condition of Approval PDE 4 requires all retaining walls within the public view shed to be a decorative stone or brick construction or veneer. Final design of

retaining wall design will be approved by the Planning Division through the Class I Administrative Review process. Further, while staff realizes the design of stairs within the parks and open space are such to avoid the need of hand rails, if they are required Condition of Approval PDE 5 ensures they are of a design mirroring that for courtyard fences shown in the Architectural Pattern Book. Final design of any handrails will be approved by the Planning Division through the Class I Administrative Review process.

Section 4.440 Site Design Review-Procedures

E38. **Review Criteria:** “A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:” Listed A through F.

Finding: These criteria are satisfied.

Details of Finding: The applicant has submitted the required additional materials, as applicable.

Section 4.442 Time Limit on Approval

E39. **Review Criterion:** “Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

Finding: This criterion is satisfied.

Details of Finding: The applicant has indicated that they will pursue development within two (2) years and it is understood that the approval will expire after 2 years if a building permit hasn't been issued unless an extension has been granted by the board.

Subsection 4.450 (.01) Landscape Installation or Bonding

E40. **Review Criterion:** “All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.”

Finding: This criterion is satisfied.

Details of Finding: As a condition of PDP approval the parks for the PDP or PDP phase must be completed prior to fifty percent (50%) of the homes being occupied. See Finding A61 in Request A and Condition of Approval PDA 4.

Subsection 4.450 (.02) Approved Landscape Plan Binding

E41. **Review Criterion:** “Action by the City approving a proposed landscape plan shall be binding upon the applicant. 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, as specified in this Code.”

Finding: This criterion will be satisfied by Condition of Approval PDE 3.

Details of Finding: The condition of approval shall provide ongoing assurance this criterion is met.

Subsection 4.450 (.03) Landscape Maintenance and Watering

E42. **Review Criterion:** “All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.”

Finding: This criterion will be satisfied by Condition of Approval PDE 6.

Details of Finding: The condition of approval will ensure landscaping is continually maintained in accordance with this subsection.

Subsection 4.450 (.04) Addition and Modifications of Landscaping

E43. **Review Criterion:** “If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City’s development review process, that removal or modification must first be approved through the procedures of Section 4.010.”

Finding: This criterion will be satisfied by Condition of Approval PDE 6.

Details of Finding: The condition of approval shall provide ongoing assurance that this criterion is met by preventing modification or removal without the appropriate City review.



29799 SW Town Center Loop East
Wilsonville, OR 97070
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Fax 503-682-1015
TDD 503-682-0843
Web www.ci.wilsonville.or.us

**WILSONVILLE CITY COUNCIL
NOTICE OF DECISION
ORDINANCE NO. 705**

FILE NO: ORDINANCE NO. 705

APPLICANT:

After conducting a public hearing on December 3, 2012 and second reading on December 17, 2012 the City Council voted to adopt Ordinance No.705 as submitted and adopted findings and conclusions to support their action.

This decision has been finalized in written form as

Ordinance No. 705

An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From Commercial To Residential – 10-12 DU/AC On 1.14 Acres Comprising Tax Lot 100 Of Section 22AC, T3S, R1W, Clackamas County, Oregon; “Fox Center Townhomes” Seema, LLC, Applicant.

And placed on file in the city records at the Wilsonville City Hall the 18th day of December 2012, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of decision. Copies of Ordinance No. 705 may be obtained from the City Recorder, 29799 SW Town Center Loop East, Wilsonville, OR 97070, (503) 570-1506, or via email at king@ci.wilsonville.or.us

For further information, please contact the Wilsonville Planning Division, City Hall, 29799 SW Town Center Loop East, Wilsonville, OR 97070 or telephone (503) 682-4960.

**AFFIDAVIT OF MAILING
NOTICE OF CITY COUNCIL DECISION
OF THE CITY OF WILSONVILLE**

STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
)
CITY OF WILSONVILLE)


I, Sandra C. King, do hereby certify that I am City Recorder of the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, and that the attached copy of Notice of Decision regarding Ordinance No. 705, entitled:

Ordinance No. 705

An Ordinance Of The City Of Wilsonville Approving A Comprehensive Plan Map Amendment From Commercial To Residential – 10-12 DU/AC On 1.14 Acres Comprising Tax Lot 100 Of Section 22AC, T3S, R1W, Clackamas County, Oregon; “Fox Center Townhomes” Seema, LLC, Applicant.


is a true copy of the original notice; that on, December 19th, 2012, I did cause to be mailed via U.S. Mail copies of such notice of decision in the exact form hereto the persons listed on the attached mailing list

Witness my hand this 19th day of December 2012.



Sandra C. King, MMC, City Recorder

Subscribed and sworn to before me this 19th day of December 2012.



NOTARY PUBLIC, STATE OF OREGON

My commission expires: May 16, 2015



Attach list of people who received hearing notice, and/or testified on Ordinance No. 705

Seema LLC
c/o Greg Close, Wyse Investment
1501 SW Taylor, Ste 100
Portland OR 97205

Lee Leighton, AICP
Westlake Consultants, Inc.
15115 SW Sequoia Parkway, Suite 150
Tigard, OR 97224

Dan Vasquez
Mildren Design Group
7650 SW Beveland St, Suite 120
Tigard, OR 97223

Mike Thompson
11259 SW Chantilly
Wilsonville, OR 97070

Bennie Bitz
11315 SW Chantilly
Wilsonville, OR 97070

John Budiao
31065 SW Willamette Way East
Wilsonville OR 97070

Bill Rhoades
West Linn/Wilsonville School District 3JT
22210 SW Stafford Road
Tualatin, OR 97062

ODOT
123 NW Flanders Street
Portland, OR 97209

Tualatin Valley Fire & Rescue
South Division
7401 SW Washo Court
Tualatin, OR 97062



29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone 503-682-0411
Fax 503-682-1015
TDD 503-682-0843
Web www.ci.wilsonville.or.us

**WILSONVILLE CITY COUNCIL
NOTICE OF DECISION
ORDINANCE NO. 706**

FILE NO: ORDINANCE NO. 706

APPLICANT:

After conducting a public hearing on December 3, 2012 and second reading on December 17, 2012 the City Council voted to adopt Ordinance No. as submitted and adopted findings and conclusions to support their action.

This decision has been finalized in written form as

ORDINANCE NO. 706

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Planned Development Commercial (PDC) Zone To The Planned Development Residential – 5 PDR-5) Zone On 1.14 Acres Comprising Tax Lot 100 Of Section 22AC, T3S, R1W, Clackamas County, Oregon; “Fox Center Townhomes” Seema, LLC, Applicant. (Staff – Edmonds)

And placed on file in the city records at the Wilsonville City Hall the 17th day of December 2012, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of decision. Copies of Ordinance No. 706 may be obtained from the City Recorder, 29799 SW Town Center Loop East, Wilsonville, OR 97070, (503) 570-1506, or via email at king@ci.wilsonville.or.us

For further information, please contact the Wilsonville Planning Division, City Hall, 29799 SW Town Center Loop East, Wilsonville, OR 97070 or telephone (503) 682-4960.

**AFFIDAVIT OF MAILING
NOTICE OF CITY COUNCIL DECISION
OF THE CITY OF WILSONVILLE**

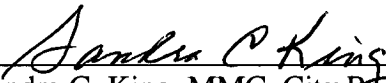
STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
)
CITY OF WILSONVILLE)

I, Sandra C. King, do hereby certify that I am City Recorder of the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, and that the attached copy of Notice of Decision regarding **Ordinance No. 706**, entitled:

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Planned Development Commercial (PDC) Zone To The Planned Development Residential – 5 PDR-5) Zone On 1.14 Acres Comprising Tax Lot 100 Of Section 22AC, T3S, R1W, Clackamas County, Oregon; “Fox Center Townhomes” Seema, LLC, Applicant.

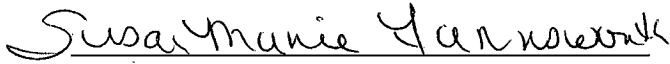
is a true copy of the original notice; that on, December 19th 2012, I did cause to be mailed via U.S. Mail copies of such notice of decision in the exact form hereto the persons listed on the attached mailing list

Witness my hand this 19th day of December 2012.



Sandra C. King, MMC, City Recorder

Subscribed and sworn to before me this 19th day of December 2012.



NOTARY PUBLIC, STATE OF OREGON

My commission expires: May 16, 2015



Attach list of people who received hearing notice, and/or testified on Ordinance No. 705

Seema LLC
c/o Greg Close, Wyse Investment
1501 SW Taylor, Ste 100
Portland OR 97205

Lee Leighton, AICP
Westlake Consultants, Inc.
15115 SW Sequoia Parkway, Suite 150
Tigard, OR 97224

Dan Vasquez
Mildren Design Group
7650 SW Beveland St, Suite 120
Tigard, OR 97223

Mike Thompson
11259 SW Chantilly
Wilsonville, OR 97070

Bennie Bitz
11315 SW Chantilly
Wilsonville, OR 97070

John Budiao
31065 SW Willamette Way East
Wilsonville OR 97070

Attach list of people who received hearing notice, and/or testified on Ordinance No. 705

Seema LLC
c/o Greg Close, Wyse Investment
1501 SW Taylor, Ste 100
Portland OR 97205

Lee Leighton, AICP
Westlake Consultants, Inc.
15115 SW Sequoia Parkway, Suite 150
Tigard, OR 97224

Dan Vasquez
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7650 SW Beveland St, Suite 120
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11259 SW Chantilly
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Bennie Bitz
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Web www.ci.wilsonville.or.us

**WILSONVILLE CITY COUNCIL
NOTICE OF DECISION
ORDINANCE NO. 709**

FILE NO: ORDINANCE NO. 709

APPLICANT:

After conducting a public hearing on December 3, 2012 and second reading on December 17, 2012 the City Council voted to adopt Ordinance No.709 as submitted and adopted findings and conclusions to support their action.

This decision has been finalized in written form as

ORDINANCE NO. 709

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Residential Agriculture – Holding (RA-H) Zone, The Public Facility (Pf) Zone, And The Exclusive Farm Use (EFU) Zone To The Village (V) Zone On Approximately 73.27 - Acres Comprising Tax Lots 100, 180, 103, 192, 181, 102, 101, 200, Portions Of Tax Lot 2916, Portions Of Tax Lot 2919 Of Section 15, And Tax Lots 1401 Of Section 10, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, City Of Wilsonville, Urban Renewal Agency City Of Wilsonville, And Metro Applicants.

And placed on file in the city records at the Wilsonville City Hall the 15th day of December 2012, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of decision. Copies of Ordinance No. 709 may be obtained from the City Recorder, 29799 SW Town Center Loop East, Wilsonville, OR 97070, (503) 570-1506, or via email at king@ci.wilsonville.or.us

For further information, please contact the Wilsonville Planning Division, City Hall, 29799 SW Town Center Loop East, Wilsonville, OR 97070 or telephone (503) 682-4960.

**AFFIDAVIT OF MAILING
NOTICE OF CITY COUNCIL DECISION
OF THE CITY OF WILSONVILLE**

STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
)
CITY OF WILSONVILLE)

I, Sandra C. King, do hereby certify that I am City Recorder of the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, and that the attached copy of Notice of Decision regarding **Ordinance No. 709**, entitled:

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Residential Agriculture – Holding (RA-H) Zone, The Public Facility (Pf) Zone, And The Exclusive Farm Use (EFU) Zone To The Village (V) Zone On Approximately 73.27 - Acres Comprising Tax Lots 100, 180, 103, 192, 181, 102, 101, 200, Portions Of Tax Lot 2916, Portions Of Tax Lot 2919 Of Section 15, And Tax Lots 1401 Of Section 10, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, City Of Wilsonville, Urban Renewal Agency City Of Wilsonville, And Metro Applicants.

is a true copy of the original notice; that on, December 19, 2012, I did cause to be mailed via U.S. Mail copies of such notice of decision in the exact form hereto the persons listed on the attached mailing list

Witness my hand this 19th day of December 2012.

Sandra C. King
Sandra C. King, MMC, City Recorder

Subscribed and sworn to before me this 19th day of December 2012.

Susan Marie Farnsworth
NOTARY PUBLIC, STATE OF OREGON

My commission expires: May 16, 2015



Attach list of people who received hearing notice, and/or testified:

Fred Gast
Polygon Northwest Company
109 E. 13th Street
Vancouver, WA 98660

Stacy Connery
Pacific Community Design Inc.
13500 SW Pacific Hwy. Ste 58
PMB#519
Tigard, OR 97223

Jim Lange
13445 SW 110th Ave
Tigard, OR 97223



29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone 503-682-0411
Fax 503-682-1015
TDD 503-682-0843
Web www.ci.wilsonville.or.us

**WILSONVILLE CITY COUNCIL
NOTICE OF DECISION
ORDINANCE NO. 710**

FILE NO: ORDINANCE NO. 710

APPLICANT:

After conducting a public hearing on December 3, 2012 and second reading on December 17, 2012 the City Council voted to adopt Ordinance No. 710 as submitted and adopted findings and conclusions to support their action.

This decision has been finalized in written form as

ORDINANCE NO. 710

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Exclusive Farm Use (EFU) Zone To The Village (V) Zone On Approximately 12.6 - Acres Comprising Tax Lot 301 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.

And placed on file in the city records at the Wilsonville City Hall the 18th day of December 2012, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-one days from the date of decision. Copies of Ordinance No. 710 may be obtained from the City Recorder, 29799 SW Town Center Loop East, Wilsonville, OR 97070, (503) 570-1506, or via email at king@ci.wilsonville.or.us

For further information, please contact the Wilsonville Planning Division, City Hall, 29799 SW Town Center Loop East, Wilsonville, OR 97070 or telephone (503) 682-4960.

**AFFIDAVIT OF MAILING
NOTICE OF CITY COUNCIL DECISION
OF THE CITY OF WILSONVILLE**

STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
)
CITY OF WILSONVILLE)

I, Sandra C. King, do hereby certify that I am City Recorder of the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, and that the attached copy of Notice of Decision regarding **Ordinance No. 710**, entitled:

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Exclusive Farm Use (EFU) Zone To The Village (V) Zone On Approximately 12.96 - Acres Comprising Tax Lot 301 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.

is a true copy of the original notice; that on, December 19, 2012, I did cause to be mailed via U.S. Mail copies of such notice of decision in the exact form hereto the persons listed on the attached mailing list

Witness my hand this 19th day of December 2012.



Sandra C. King, MMC, City Recorder

Subscribed and sworn to before me this 19th day of December 2012.



NOTARY PUBLIC, STATE OF OREGON

My commission expires: May 16, 2015



Attach list of people who received hearing notice, and/or testified:

Fred Gast
Polygon Northwest Company
109 E. 13th Street
Vancouver, WA 98660

Stacy Connery
Pacific Community Design Inc.
13500 SW Pacific Hwy. Ste 58
PMB#519
Tigard, OR 97223

Jim Lange
13445 SW 110th Ave
Tigard, OR 97223

City of Wilsonville
December 17, 2012 City Council Meeting

Ec. Dev.
res. 2390

SPEAKER CARD

→ Recommended passage

NAME: Alan Steiger

ADDRESS: 7054 SW Cedar Pointe Drive Wilsonville

TELEPHONE: 503-685-9202 E-MAIL alsteiger@comcast.net

AGENDA ITEM YOU WANT TO ADDRESS: _____
Resolution 2390

Please limit your comments to 3 minutes. Thank you.

Ord 712

City of Wilsonville
December 17, 2012 City Council Meeting

SPEAKER CARD → Favours Passage
T.C.

NAME: Anna Rankin

ADDRESS: 29775 SW Rose Ln # 207 Wilsonville OR 97070

TELEPHONE: 503-548-7159 E-MAIL rankinac@psx.edu

AGENDA ITEM YOU WANT TO ADDRESS: _____
Tobacco free park ordinance

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
City Council Meeting
December 17, 2012 Sign In Sheet

Name	Mailing Address
Vera Wise	
Paris White	
Alan Steiger	7054 SW Cedar Pointe Drive Wilsonville
Dea Spence	
JEAN T SOROS	
Kate Greenfield	
Jerry Greenfield	
Bob Renfro	
Anna Rankin	29725 SW Rose Ln. # 207 Wilsonville, OR 97076

Fox Center Townhomes

Application for

Comprehensive Plan Map Amendment
Zone Change
Planned Development Stage I & II
Tree Removal Plan Type C
Waiver (Front Setback Reduction)

July 31, 2012

Rec'd 11/5/12
see.

September 18, 2012

Mr. Robert Meyer
11307 SW Chantilly
Wilsonville, OR 97070

RE: Fox Center Townhomes Revisions

Dear Mr. Meyer:

On behalf of the Fox Center Townhomes design team, I am writing to thank you for the thoughtful comments you presented to the Development Review Board at the hearing on August 13, 2012, and to share with you the revised plans we have submitted in response to your concerns and those of the DRB members.

While the DRB hearing was in session, as I recall, you asked me whether it would be possible to shift the southwestern building to the north in order to eliminate the need for the minimum front yard setback waiver along Chantilly. Unfortunately, at that particular moment I was not able to have that conversation with you because I needed to remain focused on the DRB members' discussion; I hope you did not think me rude at the time. The design team subsequently considered that as well as other suggestions, and we have provided revised drawings to City staff.

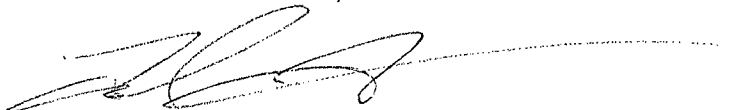
As you review the enclosed copy of the revised plans, you will see the following specific changes, which the DRB (Panel A) will consider at the continued hearing on October 8th:

- One unit was eliminated - the southwesterly building now contains only 3 units (total of 15).
- All buildings were re-positioned to meet the 20-foot front yard setback requirement at all locations, eliminating front setback waivers for any of the buildings (the arbor structure in the northern landscape area is now the only thing for which a setback waiver is requested).
- The south driveway has been eliminated, following consultation with Tualatin Valley Fire & Rescue (TVF&R) to ensure their access needs are satisfied.
- One of the community garden recreational use spaces has been moved to the southwest corner (which will have the best access to sunlight, much sought after by many gardeners).
- With a total of 44 off-street parking spaces for 15 dwelling units, the overall parking ratio is 2.93 spaces per unit - one space shy of two times the minimum requirement.
- The Site Plan drawing provides area calculations showing that the plan exceeds all applicable landscape/open space requirements.
- Similarly, the Tree Plan provides for new tree plantings in excess of the basic mitigation requirements for tree removal.
- Site Grading and Utilities Plans have been revised consistent with the 15-unit revised Site Plan.

We are sending these copies for your convenience, so you will not need to make a special trip to City Hall to review them. Thank you for your participation in the land use review procedure.

Sincerely,

Westlake Consultants, Inc.



Lee D. Leighton, AICP
Director of Planning, Associate

cc: Dan Vasquez; Greg Close; Sia Vossoughi

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Fox Center Townhomes

Application for

**Comprehensive Plan Map Amendment
Zone Change
Planned Development Stage I & II
Tree Removal Plan Type C
Waiver (Front Setback Reduction)**

Prepared for:

Seema, LLC

c/o 1501 SW Taylor, Suite 100

Portland, Or 97205

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List of Exhibits

- A Comprehensive Plan Map & Zoning Map Illustrations (Proposed Changes)
- B Neighborhood Meeting Documentation
- C Project Drawings (Site Plan, Elevations, Grading, Utilities, Tree Planting Plan, Corner Perspective)
- D DKS Report (Traffic Impact Analysis)
- E SMART Route 4 Map with Annotation of Subject Property Location
- F Economic Opportunity Analysis (2008) (excerpted pages)
- G Table 1 - Modification of Fox Chase Final Plat/Planned Development Approval
- H Application Form
- I Arborist’s Report and Tree Planting Plan
- J Correspondence with Allied Waste
- K Legal Description, Metes and Bounds of Subject Property

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Fox Center Townhomes – Land Use Approvals Request

Overview

The subject property is located at the southwest corner of SW Wilsonville Road and SW Willamette Way East. It was created in 1983 as Lot 1 of Block 1 of the Fox Chase subdivision plat, containing 1.14 acres (49,678 square feet).

When the Willamette Village Planned Development was approved in the late 1970's, neighborhood commercial use of this property was anticipated. However, since that time there have been several attempts at commercial development – including a child day care center and a shopping center with a convenience store – none of which has been successful. The property remains a barren lot at the southwest corner of Wilsonville Road and Willamette Way East, even as the vicinity has developed to include:

- Boones Ferry Primary School and Inza Wood Middle School to the north (across Wilsonville Road);
- Single-family residential development to the west and the south (the Fox Chase Planned Development, of which the Subject Property is a part);
- To the east (across Willamette Way East), Valley Christian Church and Preschool, and Autumn Park, a subsidized housing development owned and operated by Northwest Housing Associates (NHA), with 144 apartments in 36 four-unit buildings, and 287 parking spaces (1.99 spaces per dwelling unit);
- SMART transit service on Wilsonville Road; Route 4 makes a direct connection to the Westside Express Service (WES) intercity rail at SMART Central at Wilsonville Station, about 1.4 mile away.
- Graham Oaks Nature Park, about 0.5 mile to the west.

This proposal is to change the zoning and to modify the Fox Chase planned development approval to allow construction of attached residential units on the vacant site. The property owner/developer's intention is to construct apartment units specifically designed to meet the lifestyle preferences characteristic of persons age 55 and older: apartments with private attached parking garages (four buildings with four rowhouse units each), in a landscaped campus setting with special plots to accommodate gardening as an outdoor activity.

Map excerpts illustrating the proposed changes to the Comprehensive Plan Map and the Zoning Map are provided in Exhibit A.

In preparing to make this submittal, the Applicant conducted a neighborhood meeting where the proposed plans (work in progress) were presented to interested citizens, followed by valuable dialogue about the proposal. Documentation is provided in Exhibit B.

Request Components:

- Comprehensive Plan Amendment
- Zone Change
- Planned Development Modification (83PC09, Fox Chase / Phase A Willamette Village)
 - Stage I Preliminary Plan
 - Stage II Final Plan
- Tree Removal Plan Type C
- Waiver of Minimum Front Yard Setbacks

Anticipated Subsequent Requests (not part of this application):

- Site Design Review
- Sign Program

Comprehensive Plan Amendment

The following sections of this narrative cite applicable provisions of Wilsonville's Comprehensive Plan, with responses from the Applicant.

Plan Amendments

This Plan has been designed to provide some flexibility in interpretation in an effort to be market responsive and to minimize the need for Plan amendments. However, since it is impossible and impractical to allow for all possible combinations of land development proposals, it is probable that occasional Plan amendments will be necessary. In addition, economic and social conditions change over time, as do land use laws. Therefore, Plans must be periodically reviewed to consider changed circumstances. As noted above, periodic review of local Plans is also required by state law.

The Planning Commission, Development Review Board, and City Council all provide the public with opportunities to comment on non-agenda items at each regularly scheduled public meeting. Any interested person has the opportunity to suggest changes to the Comprehensive Plan that those decision-making bodies may wish to consider. The Commission, DRB, or Council may initiate a Plan amendment, by motion, as prescribed in #1, below.

1. *Who May Initiate Plan Amendments? An amendment to the adopted Plan may be initiated by:
 - a. *The City Council*
 - b. *The Planning Commission (for legislative amendments) or Development Review Board (for quasi-judicial amendments); or*
 - c. *Application of the property owner(s) or contract purchaser(s) affected or their authorized agents, as specified in #2, below.**
2. *Application for Plan Amendments:
An application for an amendment to the Plan maps or text shall be made on forms provided by the City. The application, except when initiated by the City Council, DRB, or Planning Commission, as noted in #1, above, shall be accompanied by a Plan Amendment Fee.*

Response: This request has been submitted by the owner of the property, as permitted by Subsection 1.c., on forms provided by the City and with payment of application review fees, including the Plan Amendment Fee. The request meets these requirements.

3. *The Consideration of Plan Amendments:
 - a. *Amendments to the maps or text of the Comprehensive Plan shall only be considered by the City Council after receiving findings and recommendations from the Planning Commission (legislative) or Development Review Board (quasi-judicial) at their regular or special meetings.*
 - b. *Amendments must be initiated as provided in this section, sufficiently in advance of the first evidentiary hearing on the proposal to allow adequate time for providing public notice and preparing a staff report on the**

proposal. The first evidentiary hearing is usually the first public hearing held by the Planning Commission or Development Review Board on the proposal.

- c. *This Plan, and each of its elements, is always open for amendments that consider compliance with the Statewide Planning Goals and Plans of Metro. Amendment and revision for compliance with the above regional Goals, Objectives, and Plans shall be consistent with any re-opening of local Plans as approved by the Land Conservation and Development Commission (LCDC). This provision is not to be construed as waiving any legal rights which the City may have to challenge the legality of a regional Goal, Objective or Plan provision.*
- d. *The Planning Commission or City Council may conduct a public hearing at any time to consider an amendment to the Plan text or Plan map when the Commission or Council finds that the consideration of such amendments are necessary to comply with the rules, regulations, goals, guidelines or other legal actions of any governmental agency having jurisdiction over matters contained in said text or Plan map.*

Response: This Section provides procedural direction and requires no evidence or other response from the Applicant.

4. *Standards for approval of Plan Amendments.*
In order to grant a Plan amendment, the City Council shall, after considering the recommendation of the Development Review Board (quasi-judicial) or Planning Commission (legislative), find that:
 - a. *The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.*

Response: The proposed Comprehensive Plan Map amendment is to change the designation of a single 1.14-acre lot, from *Commercial* to *Residential 10-12 DU/Acre*. This change will not affect broad policies of the Comprehensive Plan, nor will it directly affect any property in the community other than the subject property itself. The change will indirectly affect adjacent properties only to the extent their adjacency relationships will change:

- On the west and south, the current zoning transition between *Residential 6-7 DU/Acre* and *Commercial* will become a transition between *Residential 6-7 DU/Acre* and *Residential 10-12 DU/Acre*.
- On the east, across Willamette Way East, the current zoning transition between *Residential 10-12 DU/Acre* and *Commercial* will be eliminated. Both southern corners of the Wilsonville Road/Willamette Way East intersection will be in the *Residential 10-12 DU/Acre* designation.
- To the north, where Boones Ferry Primary School and Inza Wood Middle School are located, the current zoning transition between *Public Land* and *Commercial* will become a transition between *Public Land* and *Residential 10-12 DU/Acre*. This change will eliminate the potential for a use such as a convenience store to locate across Wilsonville Road from these schools.

In the Comprehensive Plan, Residential Development Implementation Measure 4.1.4.u prescribes six different density ranges for residential development. In that list, the density ranges identified as *6-7 units/acre* and *10-12 units/acre* appear with no intervening density range between them; in other words, the proposed density range difference is only a single increment in the City's prescribed ranges, and there is a density range gap between them. A similar gap occurs between *10-12 units/acre* and the next higher range, *18-20 units/acre*. (Comprehensive Plan Implementation Measure 4.1.4.u.)

Such transitions between residential districts of different densities are already found nearby in the vicinity of the Subject Property as well as in other parts of the City. They generally are associated with a lesser impact on the residential character of the neighboring property than a residential-to-commercial adjacency relationship causes with development characteristic of the different zones. For all the above reasons, the proposed change is in conformance with all other provisions of the Plan.

b. The granting of the amendment is in the public interest.

Response: As mentioned in the introduction, the owner has attempted to obtain approvals for commercial development of the Subject Property over time, including a convenience store and a child day care center. The different proposals were unable to overcome various barriers, ranging from rules limiting arterial access and hours of operation (which are problematic for a convenience store) to neighborhood opposition based on fears about noise, traffic and other impacts anticipated to accompany a day care center. So, while local and regional real estate development boomed through the late 1990's and 2000's, the Subject Property languished amid failed efforts at its commercial development. More recently, with the opening of a new Fred Meyer store adding to the retail and other commercial businesses nearby to the west of the I-5 freeway, it seems apparent that there may in fact be no real need, or market demand, for neighborhood-scale commercial development at this location.

The public interest is not served by having a site within the City limits remain undeveloped because its zoning designation does not align with the current or future needs of Wilsonville residents, resulting in no economic impetus for its development and active use. Available infrastructure capable of serving the site is under-utilized, and the vacant property's contribution to property tax revenue is limited to its land value. By contrast, residential development pursuant to the proposed designation change will add to the number, as well as the variety, of dwelling units available in the community, furthering the City's housing-related goals. It is in the public interest to enable this underdeveloped site to contribute to meeting Wilsonville's housing needs in this way.

c. The public interest is best served by granting the amendment at this time.

Response: The public interest argument provided for subparagraph *b* above might not make sense in one situation: if the Subject Property were so uniquely suited for an essential planned function that restricting it from any other development would be warranted. However, the Plan identifies no such specific function for the Subject Property. Moreover, if there were such a role for the site it would be appropriate for the City to acquire it and designate it for Public rather than Commercial use in the Plan. Instead, over many years, the Commercial designation has

failed to produce any development whatsoever at the Subject Property. The property owner has prepared a plan for immediate residential development of the Subject Property, which will be compatible with the neighboring existing uses, will add dwelling units to the City's housing inventory, and will expand the variety of dwelling unit types and sizes available in the community. For all these reasons, it is in the public interest to grant the requested amendment at this time.

d. *The following factors have been adequately addressed in the proposed amendment:*

- *the suitability of the various areas for particular land uses and improvements;*
- *the land uses and improvements in the area;*

Response: The Subject Property's current Plan designation for *Commercial* use makes it a small, isolated site that is now flanked by residential neighborhoods, a church and parochial school, and public elementary and middle schools. With a significant concentration of commercial uses capable of serving the local population located about one mile to the east, clustered all around the Wilsonville Road/Boones Ferry Road intersection, it is difficult to identify a competitive commercial market niche for which the Subject Property is suited. Indeed, since the lot's 1983 creation, no effort to develop the property under its Commercial designation has reached the construction stage.

At this time, it has become apparent that the Wilsonville community prefers a close, uninterrupted relationship between its residential areas and schools, i.e., without distributed small commercial sites in the midst. The proposed *Residential 10-12 DU/Acre* re-designation will be the same as the opposite side of Willamette Way East, where the Autumn Park apartments (144 units in 36 four-unit buildings, with 287 parking spaces) and Valley Christian Church and Preschool are located. The change will encourage multifamily residential development at a suitable scale on the southwest corner of the Willamette Way-Wilsonville Road intersection, with two public schools to the north, and a church/school to the east along with multifamily residences in buildings of similar scale and overall density (144 units in 36 four-unit apartment buildings). The Fox Hill Townhomes' proposed parking complement also compares favorably with the existing Autumn Park:

Autumn Park:	287 parking spaces / 144 apartments = 1.99 spaces per unit
Fox Center TH:	43 parking spaces / 16 apartments = 2.69 spaces per unit

There is no evidence of Autumn Park giving rise to complaints about insufficient parking, so 2 parking spaces per unit appears to meet the needs characteristic of this area's residents. The Fox Center Townhomes proposal includes one one-car garage per unit and 35 on-site spaces, for a total of 43 on-site spaces. Additionally, subject to approval by the City Engineer, up to five parking spaces can be provided on the west side of Willamette Way East, where the existing curb-to-curb paved width is 29 feet.

Because the *Residential 10-12 DU/Acre* designation is better suited to multifamily dwelling units than subdivision, the 1.14-acre site can be designed as a planned residential campus with a centrally located group of buildings surrounded by landscaping that preserves most of the mature

canopy trees on the site. The Applicant has provided drawings to illustrate the intended residential development concept in Exhibit C (Note: a subsequent Site Design Review approval will be required prior to commencing such development).

By contrast, a lower density designation, such as *Residential 6-7 DU/Acre*, would be much less likely to produce development visually compatible with the institutional uses to the north and east of the intersection. Instead, it would predictably lead to division of the relatively small site into lots for a few detached single-family dwellings. Even apart from the economic infeasibility resulting from low yield, the resulting home orientations would be principally determined by the site's awkward size, irregular shape, and vehicular access limitations. These factors could combine to produce an unattractive "fence-scape" at the southwestern intersection corner.

For all the above reasons, the Subject Property is not suitable for commercial use, and is most suitable for development consistent with the *Residential 10-12 DU/Acre* Plan designation.

- *trends in land improvement;*

Response: Since the economic recession that began in 2008, nationally as well as in local markets, demand for rental housing has grown as home ownership has become harder for many households to maintain. In the past two years, there has been a shift toward multi-family construction starts and a lag in single-family home construction. The proposed designation change will enable a form of development (attached residential units) for which there is a substantial need, as well as market demand, in the community at this time.

- *density of development;*

Response: The Subject Property is located on the south side of Wilsonville Road, across from the Boones Ferry Primary School/Inza Wood Middle School site, which is designated *Public Land*. The Subject Property is adjacent to land designated *Residential 6-7 DU/Acre* to the south and west. The land to the east, across Willamette Way East, is designated *Residential 10-12 DU/Acre*. The proposed designation change, to *Residential 10-12 DU/Acre*, will put both southerly corners of the Wilsonville Road/Willamette Way East intersection in the same designation.

The 10-12 DU/Acre density range is preferable adjacent to this intersection for the following reasons:

- It is more conducive to development using a campus plan with clustered attached dwellings;
- The campus plan can centralize parking & circulation, reducing the number of driveways along Willamette Way East (a strategy for reducing congestion at the Wilsonville Road intersection);
- Attached residential buildings can be surrounded by landscaped perimeter open space areas in which several of the existing mature trees closest to Wilsonville Road can be conserved. Landscape design and maintenance as an integrated site will present a consistent aesthetic appearance in relation to all of the neighboring residential properties, including superior landscape screening to maintain visual privacy in rear yard areas.

- Property on the east side of Willamette Way East is the site of the Autumn Park apartments, with 144 units in 36 four-unit buildings and 287 parking spaces, a ratio of 2 spaces per dwelling unit. The site surrounds the Valley Christian Church/Preschool site, with frontages on both Willamette Way East and Wilsonville Road.

The Site Plan and other drawings submitted by the Applicant demonstrate the feasibility of development in the 10-12 DU/Acre range that maintains compatible setbacks from the street and neighboring properties, exceeds the City's landscaping and open space requirements for multifamily development, and provides buildings similar to other apartments in the immediate vicinity, while accommodating more on-site parking to meet the needs of current and future Wilsonville residents.

- *property values;*

Response: A potential negative impact on property values has been among the concerns expressed by neighbors in response to previous proposals to develop and use the Subject Property in accordance with the current *Commercial* designation and zoning (PDC – Planned Development Commercial). The proposed designation change needs to be viewed in this context, as a measure that benefits neighboring properties by eliminating the potential for feared forms of commercial development.

Also noteworthy – from the standpoint of how neighboring properties' development can affect values – are lot sizes in the applicable alternative zones. The lot size standards of today's PDR-4 Zone – corresponding to the *Residential 6-7 DU-Acre* Comp Plan designation, pursuant to Section 4.124(.05) of the Zoning and Land Development Ordinance – encourage much smaller lot sizes than are found in the Fox Chase Planned Development, approved in 1983. In the immediate area around the Subject Property, the 25 lots fronting on Chantilly Loop (Fox Chase Block 1 Lots 2-16, and all of Block 2) have an average lot size of 9,235 square feet. By contrast, single-family development under current PDR-4 standards would yield lots with average lot size of 5,000 square feet and minimum lot size of 4,000 square feet – approximately half the size of the existing surrounding development – with up to 75% building coverage allowed on each lot. (See Section 4.124.4 of the Wilsonville Planning and Land Development Ordinance [WPLDO].) A typical lot layout and home construction based on these standards would be dramatically different, with houses whose size and character would be distinctly different from the existing homes.

The *Residential 10-12 DU/Acre* designation and the Applicant's intended multifamily development plan – with sixteen residences in four four-unit buildings – is preferable from the standpoint of consolidating access, circulation & parking, with a landscaped perimeter surrounding the clustered buildings. Because this approach to design and construction is the better way to enable development of the Subject Property while protecting the value of surrounding developed properties, the *Residential 10-12 DU/Acre* designation is preferable with respect to this review criterion.

- *the needs of economic enterprises in the future development of the area;*

Response: As discussed above, the Subject Property has not been identified by the City of Wilsonville as being uniquely suited for a function requiring *Commercial* designation, that is, its use for commercial development is not essential for the City's economic development. Moreover, the failure of any proposed commercial economic use of the property to proceed through land use approval into construction since 1983 suggests that insufficient market demand for such use is present at this location. The Subject Property is likely to contribute more to Wilsonville's economic development by adding to the number and variety of housing options available to people in Wilsonville's growing workforce.

- *transportation access;*

Response: The Subject Property is located on the south side of Wilsonville Road, approximately 1.25 miles west of the Interstate 5 freeway, at the intersection of Willamette Way East. Wilsonville Road is designated a Minor Arterial in this vicinity, and Willamette Way East is designated a Local street.

A Transportation Analysis memorandum, dated May 22, 2012, was prepared by DKS Associates. The DKS evaluation of this proposal reached the following key conclusions (paraphrased):

- The proposed designation/zoning change would result in significantly fewer peak hour vehicle trips; as a result no additional Transportation Planning Rule analysis is needed.
- The proposed development will not affect operations or safety at the study intersection, which will continue to operate at Level of Service B (LOS B); therefore no mitigation actions are recommended.
- The proposed driveway on Willamette Way East should be aligned with the existing church/school driveway on the east side of that street.
- Signage should be used to ensure that the proposed driveway on Chantilly is used only as a one-way entrance, with no exiting trips (to avoid adding traffic on Chantilly).
- On-street parking should be restricted on Willamette Way East near Wilsonville Road, to ensure satisfactory operation and safety at that intersection. (See DKS memo in Exhibit D.)

Public transportation to the site is provided by South Metro Area Regional Transit (SMART) Route 4, with service to the Wilsonville Road-Willamette Way East intersection at the northeast corner of the Subject Property. (See SMART Route 4 map with notation of the Subject Property in Exhibit E.) Route 4 makes a direct connection to SMART Central at Wilsonville Station, about 1.5 miles away, where riders can transfer to other SMART routes or to the Westside Express Service operated by TriMet. The WES line offers commuter service to Tualatin, Tigard and Beaverton, including transfer to the MAX Red and Blue light rail lines and TriMet bus routes at the Beaverton Transit Center.

Based on the DKS technical memorandum, transportation facilities and access are sufficient to meet the needs associated with development of the Subject Property under the proposed *Residential 10-12 DU/Acre* designation. Importantly, vehicle trips (travel demand) associated with the proposed designation will be significantly lower than that for the existing *Commercial* designation.

- *natural resources; and*

Response: The Subject Property does not contain, nor is it located in the vicinity of, any identified significant natural resources. The proposed designation change will have no effect on natural resources or the protection thereof. This criterion is not applicable.

- *the public need for healthful, safe and aesthetic surroundings and conditions.*

Response: In several of the above responses, the Applicant has explained how the proposed re-designation of the Subject Property from *Commercial* to *Residential 10-12 DU/Acre* will further healthful, safe and aesthetic attached residential development that will coexist well with the existing development in the surrounding area. For example, there are 36 existing four-unit apartment buildings at the Autumn Park site, just across Willamette Way East from the Subject Property. The re-designation is designed to lead immediately to residential development and active use of the Subject Property, which will be preferable to its current status as a vacant site close to two public schools and a church/school operation. For these reasons, the proposed designation change is consistent with this community value.

- e. *Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements.*

Response: The Subject Property is not located in a designated Metro Region 2040 Design Type district, or any other form of Metro requirement, that would require it to remain in *Commercial* designation and zoning. The proposed change to *Residential 10-12 DU/Acre* will be consistent with the character of the surrounding area as well as the Comp Plan and zoning designations in the vicinity.

Oregon's Statewide Planning Goals

1. *Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Response: Notice and hearings procedures in the Wilsonville Code (WPLDO) provide opportunities for citizens to become aware of the proposed amendment, to provide testimony, and to participate in public hearings before the Wilsonville Planning Commission and the Wilsonville City Council. These procedures comply with state requirements to insure citizen involvement opportunities.

2. *Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Response: City of Wilsonville's processing of this request includes providing timely notice of the request to the Oregon Department of Land Conservation and Development (DLCD), and consideration of all applicable criteria for the review and approval of the proposed amendment,

based on the factual evidence and arguments provided by the Applicant and any other process participants.

3. *Agricultural Lands: To preserve and maintain agricultural lands.*
4. *Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Response: The Subject Property is located within the designated urban area of the City of Wilsonville, and is not designated as either agricultural or forest resource land. These Goals are not applicable.

5. *Natural Resources, Scenic and Historic Areas, and Open Spaces: To conserve open space and protect natural and scenic resources.*

Response: The Subject Property does not contain, and is not located proximate to, any identified significant Goal 5 resources. This Goal is not applicable.

6. *Air, Water, and Land Resources Quality: To maintain and improve the quality of the air, water, and land resources of the state.*

Response: The proposed action will re-designate the Subject Property – a 1.14-acre site designated for commercial use, surrounded by single-family residences, schools and a church – for multifamily residential use. The site has available all necessary urban services (water, sewer, storm drainage) as well as franchise utilities (natural gas, electricity, telephone, cable tv, etc.). This proposal affects only whether the Subject Property can be developed for urban residential rather than urban commercial use – a choice that will have no significant impact on air, water and land resources quality.

7. *Areas Subject to Natural Disasters and Hazards: To protect life and property from natural disasters and hazards.*

Response: The Subject Property is not located within an area subject to natural disasters and hazards. This Goal is not applicable.

8. *Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Response: The Subject property is not suitable or necessary for use as a recreational facility, in part because sufficient local open space facilities and parks are located in the immediate vicinity. Although this Goal is not applicable, it is noteworthy that, with the proposed re-designation, the WPLDO will require future residential development of the Subject Property to allocate land within the site for open space uses – which would not be required if it were to remain in the *Commercial* designation and undergo commercial development and use.

9. *Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Response: In 2008, the City of Wilsonville completed an Economic Opportunity Analysis for Statewide Goal 9 Compliance (See Exhibit F). As part of the analysis, projected land demand to support commercial and industrial activities in Wilsonville was compared to the inventory of vacant commercial and industrial land within the city limits, with stratification in characteristic parcel size ranges. The reconciliation of demand and supply figures for a 20-year growth scenario shows that the Wilsonville UGB contains 33 tax lots designated for commercial use within the Urban Growth Boundary (UGB), ranging in size from less than one acre to the five-to-ten acre range, while projected demand is for 34 commercial lots. Although projected demand for commercial lots exceeds supply in the less-than-one-acre range and the five-to-ten-acre range, in the one-to-five-acre range the report found 14 tax lots in inventory to meet a projected demand of 9 lots. On an acreage basis, in the "Efficient Land Use Scenario," calculations suggest an overall deficit of 11 acres of commercial land within the UGB (See Table 16B, page 43). The report discusses Comprehensive Plan Area K (42 acres for river-oriented and mixed-use development) and the Coffee Creek Industrial Area north of Day Road as potential locations where additional commercial land designations would be able to make up the calculated deficit.

Given the many uncertainties associated with attempting to project commercial land use patterns twenty years in the future, with regard to commercial land supply it is reasonable to conclude that:

- (1) Projected commercial land demand and supply are tracking fairly closely with community needs at this time;
- (2) To the extent there may be a shortage of lots zoned for commercial use, it affects the availability of lots less than one acre in size or more than five acres; and
- (3) Areas in which Wilsonville expects to be preparing urbanization plans in the next several years offer opportunities to allocate additional lands to eliminate the estimated deficit.

Finally, it is noteworthy that none of the proposed commercial uses of the Subject Property has been able to advance through land use approval to construction since its zoning was approved in 1983. This suggests that this isolated, small site is simply not suitable for economic use in the commercial category. If that is the case, there is no point counting it in the inventory of usable commercial properties because market factors apparently keep it from being successfully deployed for commercial use.

Taken in context, allowing the Subject Property to be converted to the *Residential 10-12 DU/Acre* designation will have no significant effect on the City of Wilsonville's compliance with Goal 9.

10. *Housing: To provide for the housing needs of the citizens of the state.*

Response: The proposed re-designation of the Subject Property will set the stage for the Applicant/Owner to submit an immediate proposal to develop the property with sixteen dwelling

units: four units each in four attached-dwelling buildings. In addition to achieving energy efficiencies, such multifamily dwellings broaden the variety of housing types and styles available in the local community. The re-designation of the Subject Property will enable provision of a more affordable alternative housing choice than detached single-family residences, which remain the predominant form of housing in western Wilsonville. For these reasons, the proposed change will further achievement of Goal 10-Housing objectives in Wilsonville.

11. *Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Response: Public facilities and services are already installed in the local streets in the vicinity, and are capable of serving the site, whether it is developed for commercial or residential use. The proposed designation change for the Subject Property will have no significant effect on the provision of these services.

12. *Transportation: To provide and encourage a safe, convenient and economic transportation system.*

Response: As discussed in detail above, the Transportation Analysis memorandum of May 22, 2012 by DKS Associates concludes that overall trip generation will be reduced by the proposed designation change, and that the study intersection (Wilsonville Road and Willamette Way East) will continue to perform satisfactorily at LOS B. Actual site development will be subject to access restrictions:

- The Subject Property will be allowed no driveway access on Wilsonville Road;
- Primary access will be on Willamette Way, aligned with the existing church driveway across the street, to avoid congestion; and
- A one-way driveway limited to in-bound access is proposed for Chantilly (providing a loop access for use in emergencies, without causing departing motorists to travel the one-way loop around Chantilly).

13. *Energy Conservation: To conserve energy.*

Response: Re-designation of the 1.14-acre Subject Property from *Commercial* to *Residential 10-12 DU/Acre* will have no discernible effect on energy use patterns in the community. This Goal is not applicable.

14. *Urbanization: To provide for the orderly and efficient transition from rural to urban land use.*

Response: The Subject Property is located within the Wilsonville UGB and has been annexed into the city limits. This Goal is not applicable.

15. *Willamette River Greenway: To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

Response: The Subject Property is not located within the Willamette River Greenway area. This Goal is not applicable.

Section 4.198. Comprehensive Plan Changes - Adoption by the City Council.

(.01) Proposals to amend the Comprehensive Plan, or to adopt new elements or subelements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:

A. That the proposed amendment meets a public need that has been identified;

Response: The Applicant has provided findings, above, addressing the criteria in the Comprehensive Plan for review and approval of proposed amendments. Summarizing from those findings:

- The City of Wilsonville has identified a public need for housing in a variety of sizes, styles and affordability ranges.
- The proposed designation change will enable feasible residential development of the Subject Property, which will help to meet the community's housing needs. Therefore, this criterion is satisfied.
- By contrast, good intentions notwithstanding, the existing *Commercial* designation has failed to produce an economically viable proposal for the Subject Property's development and use since it was adopted in 1983. It follows that failure to adopt the proposed amendment can be predicted to keep the Subject Property in a vacant state, doing nothing to meet any of the public needs the Comprehensive Plan is designed to address.

B. That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;

Response: The Applicant's findings, above, consider compatibility of the proposed re-designation with neighboring existing development. Summarizing from those findings:

- The Subject Property is an isolated 1.14-acre corner parcel currently designated *Commercial* and zoned *Planned Development Commercial (PDC)*. As noted above, no proposal for commercial development pursuant to the applicable standards has been successful since its initial designation in 1983. Further, in the past two years, additional commercial development at the Wilsonville Road – Boones Ferry Road intersection (about a mile to the east) has added to the variety of convenient shopping and services available to residents in the immediate vicinity. There is no evidence to suggest that commercial development is a viable economic concept for the Subject Property, or that a different type of non-residential zoning for private development – whether commercial or industrial – would stand to be more fruitful.
- To the north, across Wilsonville Road, Boones Ferry Primary School and Wood Middle School are located on land designated *Public Lands* and zoned *Public Facilities (PF)*. The City has not identified any public use function for which the property is suitable or needed. Therefore, *Public Lands* designation and zoning would not be appropriate.
- Neighboring properties to the west and south are designated *Residential 6-7 DU/Acre* and zoned *PDR-4*. This zoning characteristically produces primarily single-family development on lots averaging between 5,000 and 6,000 square feet, with minimum lot area of 4,000 square feet. Under the current standards, a minimum density of one

dwelling unit per 6,000 square feet of net site area is required; however, no minimum density requirement was applicable when Fox Chase was initially platted in 1983. New PDR-4 lots would therefore be roughly half the size of the existing neighboring lots (the average lot area for lots on Chantilly Loop is 9,235 square feet). Such zoning and development would create a sense of crowding and discontinuity adjacent to the neighboring homes.

- Neighboring property to the east (across Willamette Way East) is designated *Residential 10-12 DU/Acre* and zoned *Planned Development Residential 5 (PDR5)*. The Valley Christian Church and Preschool, situated at the corner, is surrounded on the south and east by the Autumn Park apartments, with 144 apartments in 36 four-unit buildings on a 12.27 acre site. The church and school buildings are set back from the roadways, and they are larger in volume and height than homes in the area. In this context, the proposed re-designation and zoning of the Subject Property to match the existing developments and designations across Willamette Way East (*Residential 10-12 DU/Acre* and *PDR5*) will make feasible the proposed conceptual plan for development with four four-unit rowhouse buildings in a garden campus setting – similar in character to the existing Autumn Park development. This design approach will make all of the development at the Wilsonville Road – Willamette Way East intersection more compatible in overall scale and character than if the density difference were to occur across Willamette Way East.
- The only residential designations found adjacent to the Subject Property are *Residential 6-7 DU/Acre+PDR4* and *Residential 10-12 DU/Acre+PDR5*. None of the City’s other residential zoning designations would be contiguous with other areas in like zoning, resulting in an isolated 1.14-acre “spot” zoning unlike neighboring properties. Also, from a practical standpoint, the size and dimensions of the Subject Property were conceived initially to foster a neighborhood commercial use adjacent to a Collector roadway (of which none has ever materialized). Concerning the City’s lower-density residential designations, unlike larger home sites along the scenic Willamette River corridor to the south, this location is unlikely to result in premium valuations for larger lots, and the property is further constrained by its irregular shape and access limitations. The resulting yield (number and configuration of lots) could be too low to be feasible for aesthetic and compatible development. The City’s higher-density residential designations are also not suitable primarily due to the small size of the subject property and the scale of neighboring homes: taller structures, possibly involving parking structure(s) at grade level, could be necessary to meet density requirements while providing sufficient off-street parking capacity.
- For all the above reasons, this approval criterion is met.

C. That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and

Response: The Applicant has provided specific findings, above, addressing the Statewide Planning Goals. The findings demonstrate that no Goal exception is required, and that the proposed amendment will be in compliance with all applicable Goals.

D. That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.

Response: The Comprehensive Plan contains no provisions applicable to the Subject Property that would be affected by its re-designation for residential rather than commercial use. It is evident that local neighborhood needs for shopping and services are fully satisfied by the vibrant mix of commercial activities located nearby, surrounding the Boones Ferry Road – Wilsonville Road intersection on the west side of Interstate 5, as well as in the City’s Town Center area. The result has been a lack of viable economic development opportunity for the Subject Property within the commercial arena. The proposed designation change to *Residential 10-12 DU/Acre* will further Comprehensive Plan policies aimed at creating vibrant neighborhood areas with diverse housing opportunities in the community.

- (.02) Following the adoption and signature of the Resolution by the Development Review Board or Planning Commission, together with minutes of public hearings on the proposed Amendment, the matter shall be scheduled for public hearing before the City Council.*
- (.03) Notice of the Council's consideration of the matter shall be provided as set forth in Section 4.012.*
- (.04) Upon conclusion of its public hearing on the matter, the Council shall adopt its decision by ordinance, authorizing the Planning Director to amend the official zoning map, Comprehensive Plan Map or the text of Chapter 4 as set forth in Section 4.102.*
- (.05) In cases where a property owner or other applicant has requested an amendment to the Comprehensive Plan map and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the Comprehensive Plan map shall be changed.*

Response: These provisions provide procedural guidance and require no response from the Applicant.

Zone Change

Section 4.197. Zone Changes and Amendments To This Code – Procedures.

(.01) The following procedure shall be followed in applying for an amendment to the text of this Chapter:

A. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is proposed and shall, within forty (40) days after concluding the hearing, provide a report and recommendation to the City Council regarding the proposed amendment. The findings and recommendations of the Commission shall be adopted by resolution and shall be signed by the Chair of the Commission.

*B. In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:
[detailed provisions omitted for brevity; not applicable because the proposed action is not a text amendment]*

(.02) In recommending approval or denial of a proposed zone map amendment, the Planning Commission or Development Review Board shall at a minimum, adopt findings addressing the following criteria:

A. That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2) or, in the case of a Planned Development, Section 4.140; and [Amended by Ord 557, adopted 9/5/03]

Response: The Subject Property was part of Phase A of the Willamette Village Planned Development, approved in 1979. Subsequently, in 1983, the plat approval was modified and the project name was changed to Fox Chase (Case No. 83PC09). Therefore the applicable submittal requirements are found in Section 4.140 (Planned Development Regulations). The Applicant has provided factual evidence and recommended findings responding to the submittal and review requirements of that Section (see below). This criterion is satisfied.

B. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text; and

Response: The proposed zone map amendment accompanies a Comprehensive Plan map amendment proposal, for which the Applicant has provided supportive evidence and findings to demonstrate compliance with all applicable approval requirements (see above). This criterion is satisfied.

C. In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measures 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text; and [Amended by Ordinance No. 538, 2/21/02.]

Response: The proposed Comprehensive Plan map amendment and zone map amendment will result in designation of the Subject Property as *Residential*. The specified Implementation Measures are quoted below in *italic* type, followed by responses from the Applicant:

Implementation Measure 4.1.4.b Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.

This proposal is to convert the 1.14-acre Subject Property from *Commercial + PDC* zoning to *Residential 10-12 DU/Acre + PDR5* zoning. The change will allow the Applicant to follow through with construction of attached dwelling units, based on detailed site plans for four four-unit rowhouse buildings in a campus setting, with open space areas, gardening plots, and circulation and parking internal to the site. This is consistent with *the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels*. On the west side of Interstate 5, the preponderance of the City's housing stock consists of detached single-family homes on lots ranging generally from 6,000 to 10,000 square feet (and larger). The intended project will provide housing in southwestern Wilsonville for sixteen households whose incomes and lifestyles are better accommodated by multifamily housing. Because of the small size of the Subject Property, the existing public facilities and services (water, sewer, storm utilities, transportation, natural gas, telephone, cable tv, police, fire and other government services) will not be overburdened by the addition of sixteen dwelling units at this location, as compared to the various types of commercial uses that could potentially locate there under the current zoning. The proposal is therefore consistent with this implementation measure.

Implementation Measure 4.1.4.d Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms.

The Applicant intends to construct a total of sixteen apartment units in the form of four rowhouse buildings, each containing four side-by-side dwellings. This will expand the diversity of housing types as well as the distribution of rental housing in the community, helping to *maintain a general balance according to housing type and geographic distribution, both presently and in the future*. The proposal thus directly furthers this implementation measure.

Implementation Measure 4.1.4.e Targets are to be set in order to meet the City's Goals for housing and assure compliance with State and regional standards.

The proposed change will increase the availability of distributed rental housing in Wilsonville neighborhood areas. Notably, at sixteen units, the modest scale of the intended project will offer a form of housing that will be more compatible with adjacent single-family residential units than the large-scale garden apartment complexes typical of larger sites.

Implementation Measure 4.1.4.q The City will continue to allow for mobile homes and manufactured dwellings, subject to development review processes that are similar to those used for other forms of housing. Individual units will continue to be allowed on individual lots, subject to design standards. Mobile home parks and subdivisions shall be subject to the same procedures as other forms of planned developments.

This proposal is to convert the 1.14-acre Subject Property from *Commercial + PDC* zoning to *Residential 10-12 DU/Acre + PDR5* zoning, setting the stage for implementation of detailed multifamily dwelling construction plans by the Applicant. For this reason, development of a mobile home park or siting of manufactured dwellings on subdivision lots is primarily a hypothetical possibility. Nothing in this proposal would disallow such use of the property pursuant to the applicable PDR5 standards; however, in practical terms, the site's irregular shape and access limitations could make it an inefficient site for these forms of housing.

Implementation Measure 4.1.4.v Site development standards and performance criteria have been developed for determining the approval of specific densities within each district. Densities may be increased through the Planned Development process to provide for meeting special needs (e.g., low/moderate income, elderly, or handicapped).

The proposed development (Planned Development modification request submitted with the Comp Plan Map Amendment/Zone Change request) is designed to meet the lifestyle preferences of persons age 55 and older: rowhouse units (four buildings with four units each) with integral parking garages, in a landscaped campus setting with special plots to accommodate gardening as an outdoor activity. This concept is valuable for the 55-and-over demographic group because it offers recreational outdoor gardening, but uses professional property/landscape management for non-recreational chores such as mowing, tree pruning, weed control, and general landscape maintenance of the campus as a whole.

Affordable rental rates for these market-priced units depends in part on reaching a satisfactory number of dwelling units to spread operational costs broadly enough to remain a small share of the operating cost per dwelling unit (that is, having a high enough denominator when allocating costs among units). The development plan includes 16 dwelling units, which is consistent with the PDR-5 maximum density limitation of one unit per 3,000 square feet of site area:

§4.124.5.(01) Average lot area per unit [Minimum]: 3,000 square feet

Area of Subject Property: 49,678 square feet

49,678 SF / 3,000 SF/DU = 16.56 Dwelling Units [Maximum]

Approval of the Planned Development modification request is consistent with development standards in the PDR-5 Zone. Those zoning standards allow development at somewhat higher densities than the nominal target density range of the *Residential 10-12 DU/Acre* Comprehensive Plan category. In the case of this proposal, which will provide market housing (i.e., not supported by government subsidies) at reasonable rates for Wilsonville residents age 55 and older, Implementation Measure 4.1.4.v supports approval of the proposed 16-unit plan as an instance where *Densities may be increased through the Planned Development process to provide for meeting special needs.*

Implementation Measure 4.1.4.x Apartments and mobile homes are to be located to produce an optimum living environment for the occupants and surrounding residential areas.

Development criteria includes:

1. *Buffering by means of landscaping, fencing, and distance from conflicting uses.*
2. *Compatibility of design, recognizing the architectural differences between apartment buildings and houses.*
3. *On-site recreation space as well as pedestrian and bicycle access to parks, schools, mass transit stops and convenience shopping.*
4. *The siting of buildings to minimize the visual effects of parking areas and to increase the availability of privacy and natural surveillance for security.*

The Applicant has provided a site plan for Planned Development Stage II approval, as well as elevation drawings for the intended design, to illustrate the feasibility of residential development meeting the above development criteria. In the proposed site plan, buildings are clustered around the parking and circulation area, surrounded by landscaping with garden plots, walking paths, perimeter visual screening, and protection/preservation of most of the existing mature trees in the northern part of the property. Garden plots provide opportunities for recreational gardening by residents. This example demonstrates that, at this location, the proposed apartment units will be *located to produce an optimum living environment for the occupants and surrounding residential areas*, as intended by this implementation measure.

Based on the foregoing statements, this criterion is satisfied.

- D. *That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and*

Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized; and

Response: The Subject Property is surrounded by existing urban development, a fact that makes its vacancy conspicuous. Streets are fully constructed throughout the vicinity, including existing curbside sidewalks along the property's frontages on Wilsonville Road and Willamette Way East. Water, sewer and storm facility connections are available, and any differences in service needs (as compared to commercial development) are expected to be insignificant relative to those systems' capacities.

E. That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/or geologic hazard are located on or abut the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone and

Response: This criterion is not applicable because the Subject Property is not within or abutting any of the listed resource areas or hazard areas. The proposed map changes will have no significant effect on any SROZ, or any natural- or geologic hazard area.

F. That the applicant is committed to a development schedule demonstrating that development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change; and

Response: The Applicant has provided plans indicating the level of detailed plan development that has been invested toward multifamily residential development of the property. The Applicant's intention is to submit for Design Review approvals as soon as possible when the Comp Plan Map/Zoning Map amendment action has been completed, and then to proceed to construction in 2013.

G. That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached that insure that the project development substantially conforms to the applicable development standards.

Response: The Applicant believes that the detailed illustrative site plans, elevations and other materials in the record demonstrate the feasibility of multifamily development *in compliance with the applicable development standards*; however, the authority of the Wilsonville decision-making bodies to attach approval conditions *that insure that the project development substantially conforms to the applicable development standards* is not disputed.

(.03) If affirmative findings cannot be made for all applicable criteria listed above the Planning Commission or Development Review Board shall recommend that the proposed text or map amendment, as the case may be, be denied.

- (.04) City Council action approving a change in zoning shall be in the form of a Zoning Order.*
- (.05) In cases where a property owner or other applicant has requested a change in zoning and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the zoning shall be changed.*

Response: These provisions provide substantive and procedural guidance, and require no responses from the Applicant.

Planned Development Modification (83PC09, Fox Chase / Phase A Willamette Village)

The proposed change will affect only the development and use of Lot 1, Block 1, of Fox Chase (a replat of Blocks 4-15 inclusive, of Willamette Village), located at the southwest corner of Wilsonville Road and Willamette Way East (the Subject Property). For brevity, the following findings are focused on the limited effects the proposed change will have on aspects of the 1983 land use approval on which the Fox Chase plat is based (Wilsonville Case No. 83PC09), and corresponding modification requests.

Modifications of the Planned Development approval are needed along two basic thematic lines:

1. Reallocating the area of Lot 1, Block 1 (49,678 square feet or 1.14 acres) from commercial to residential use will affect certain of the Planned Development's statistics, such as the number of residences and the calculation of residential density.
2. Provisions specifically referencing commercial use of the Subject Property will become redundant, as there will no longer be any commercially-designated land within the boundary of the Planned Development.

Table 1 (See Exhibit G) identifies aspects of the 1983 Fox Chase approval to be modified (Case No. 93PC09), states the requested modification, explains the reason for each change, and provides findings to support the request. Please refer to Table 1 for those details. Exhibit G also includes a copy of the Planning Commission resolution and attachments to which Table 1 refers.

Stage I Preliminary Plan

(.07) Preliminary Approval (Stage One):

- A. *Applications for preliminary approval for planned developments shall:*
 1. *Be made by the owner of all affected property or the owner's authorized agent; and*
 2. *Be filed on a form prescribed by the City Planning Department and filed with said Department.*
 3. *Set forth the professional coordinator and professional design team as provided in subsection (.04), above.*
 4. *State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.*
- B. *The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size, and impact of the development on the community; and, in addition to the requirements set forth in Section 4.035, shall be accompanied by the following information:*

[detailed requirements abridged for brevity]
- C. *An application for a Stage I approval shall be considered by the Development Review Board as follows:*

[detailed requirements abridged for brevity]

Response: The Applicant has provided the information required for review of this request, demonstrating that the proposed modification of the Planned Development approval is consistent with the City's approval criteria, with focus on the limited context of the proposed rezoning. In particular, Table 1 (Exhibit G) includes revisions to tabulations of land use allocations, numbers of residential units by type, and resulting residential densities that will result from the proposed change. The Applicant has also included site plan and elevation drawings to demonstrate the feasibility of development as intended, with four rowhouse buildings containing four dwelling units each, in a campus setting surrounded by open spaces and landscaping. Based on that preliminary design work, no waivers from site development standards are anticipated. The submitted site plan and elevation drawings show that the Applicant is prepared to submit for Site Design Review immediately following approval of the current request. Construction is planned to occur in a single phase as soon as practicable following Development Review approval.

Stage II Final Plan

(.09) Final Approval (Stage Two): [Note: Outline Number is incorrect.]

- ...
- D. *The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.*
- ...
- G. *Upon receipt of the final development plan, the Development Review Board shall conduct a public hearing and examine such plan and determine:*
1. *Whether it conforms to all applicable criteria and standards; and*
 2. *Whether it conforms in all substantial respects to the preliminary approval; or*
 3. *Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.*
- ...
- J. *A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:*
1. *The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.*
 2. *That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or*

collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.... [Detailed direction for preparation of traffic impact reports abridged for brevity]

3. *That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.*

Response: This Planned Development Modification request is in conjunction with a request for Comprehensive Plan Map amendment and Zoning Map amendment to re-designate the Subject property, from *Commercial+PDC to Residential 10-12 DU/Acre+PDR5*. The Applicant has provided substantial evidence to show that the intended development (consisting of 16 dwelling units, four each in four rowhouse buildings, in a landscaped campus setting) will be consistent with the requested designation/zone change. The traffic analysis prepared by DKS Associates and included with the submittal shows that vehicle trip generation will be lower than would be associated with commercial use of the Subject Property, and that the study intersection will function satisfactorily without mitigation actions by the developer. The site is within the developed area of the City, inside the City limit, and is fully served by existing utility services. These approval criteria have been met.

- ...
- L. *Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.*

Response: The proposed Planned Development approval modification is part of a package involving amendment of the Comprehensive Plan Map and the Zoning Map. The approval process will require public hearings before the Planning Commission as well as the City Council. The Applicant's submitted site plan and elevation drawings are intended to be used as the *approved final plan* to guide subsequent Site Design Review and construction procedures.

Tree Removal Plan Type C

The Applicant has provided an arborist's report and recommendations as well as a preliminary tree planting plan in Exhibit I.

The arborist's inventory did not include the existing street trees located along Wilsonville Road because they are within the public right-of-way, outside the existing perimeter fence. All of the street trees are proposed to remain in place and will be protected during the construction process.

Of the eleven trees inventoried within the site, five are grand firs that have an untreatable insect infestation but the other trees are in good health:

- Five trees in the northern part of the site (three bigleaf maples, a red maple and a lodgepole pine) are proposed for protection and retention (#105, 107, 109, 110, and 111);
- Three trees (a lodgepole pine and two grand firs) are proposed for removal due to conflicts with the proposed construction and development (#101, 102 and 103);
- Two grand fir trees are proposed for removal due to poor health and condition (#104 and 108); and
- One grand fir (#106) has the insect infestation but it may survive up to ten years; it is proposed for designation as a "Situational Tree" so that it can be retained as long as its health allows. Ultimately, it will be removed when necessary with issuance of a Tree Removal Permit Type A.

The preliminary tree protection and planting plan in Exhibit I illustrates tree protection fencing locations as well as typical proposed locations for the following specified trees:

- Two Hogan cedars (*Thuja plicata* 'Hogan') along the north property boundary;
- Two Katsuras (*Cercidiphyllum japonicum*) at the east and west ends of the northern open space area;
- Six Katsuras in parking lot landscape islands;
- Two Tricolor Beeches (*Fagus sylvatica* 'roseomarginata') adjacent to Chantilly Loop; and
- Eight Bowhall Red Maples along the west property boundary.

This represents a total of twenty trees to be planted within the site, all of which will be nursery stock specimens meeting the City's replacement planting specifications. The planting plan therefore exceeds by fourteen specimens the number of trees to be removed (five immediately and one in the foreseeable future). As a result, no replacement planting should be required in the future when situational tree #106 needs to be removed. The cost of this planting plan will be approximately \$4,800, based on a typical installed unit cost of \$400.00 per tree.

The submitted materials demonstrate compliance with the requirements for approval of the Tree Removal Plan Type C request.

Waiver of Minimum Front Yard Setbacks

Anticipating approval of the proposed Zone Change, the Subject Property will be in the PDR-5 Zone, in which the minimum front yard setback requirement is 20 feet. The Applicant/Owner has been advised by Wilsonville Planning staff that, based on the definitions in the Wilsonville Planning and Land Development Ordinance, the Subject Property is considered to have “front” yards on all three of its public street frontages. As a result, the minimum building setback is 20 feet along the Wilsonville Road/north property line, the Willamette Way East/east property line, and the Chantilly Loop/south property line. (The west property line is considered a side lot line and is subject to a 10-foot minimum setback standard.)

Referring to the Site Plan (See Exhibit C), there are three locations where encroachments within 20 feet of the rights-of-way are proposed, as follows:

North / Wilsonville Road Frontage

The proposed trellis structure near the northeast corner of the Subject Property [See Keynote 7 of the Site Plan drawing] is located partially within the 20-foot minimum setback perimeter. (Although this is not a “building,” the Applicant/Owner is unsure of its status with regard to the minimum setback provisions, so it is included here in an abundance of caution.) Because of the acute angle at the southwest corner of the intersection, the location of the trellis will not interfere with intersection sight distances. Its form and position are designed to create an appealing visual impression from Wilsonville Road, framing a view into the open space area in the northern part of the site. [See perspective drawing in Exhibit C.]

East / Willamette Way East Frontage

Two of the four-unit rowhouse buildings face Willamette Way East right-of-way, where there is an existing curb-side sidewalk and five foot wide landscape strip within the public right-of-way along the property frontage. The proposed design locates the front building wall about 19 feet from the back of the existing sidewalk, 14 feet from the front property line. The design also includes second-floor balconies that will project 2 feet and 4 inches in front of the front building wall, creating an attractive combination of positive and negative forms on the building façade, which is preferable to the impression that there is a broad, flat front wall surface. The balcony projections are complemented by the recessed areas forming the balcony spaces as well as the recessed front entryways at ground level. The resulting setback between the second-floor balconies and the front property line will be 11.5 feet (which will be about 16.5 feet from the back of the sidewalk).

Along this street frontage, front yard landscaping will create an attractive streetscape, and each of the units will have a front courtyard garden with a low fence and gate, reinforcing a series of transitions that define spaces as public (street and sidewalk), semi-public (between the sidewalk and the front garden fence), semi-private (between the garden gate and the front door of the residence), and private (the dwelling interior). In effect, the limited projection of the balconies is similar in scale to typical roof overhang dimensions, and will add to the aesthetic appeal of the Willamette Way East street frontage – but will not be so close as to create a sense of crowding.

Importantly, the east-side setback waiver will make possible an oversized building setback on the west side of the Subject Property (about 22+ feet rather than the minimum of ten feet), providing space for perimeter landscape screen plantings and a meandering pedestrian walkway to the formal entrances of the western units.

South / Chantilly Frontage

In the southern part of the Subject Property, as a result of the curving, angular alignment of Chantilly Loop, both buildings will have a small corner triangle within twenty feet of the southern property line. The eastern building's southeast corner will be 19 feet from the Chantilly right-of-way. Most of the western building's south building wall is more than 20 feet from the south property line, with the eastern (rear) building corner more than 30 feet away, but the building's front corner will be about 12 feet from the property line. The southerly positioning of this building helps maximize the usable open space area located in the north part of the site, between the buildings and Wilsonville Road. Unlike having a large wall surface parallel to the street, the angular relationship between the street and the building will create an aesthetic appearance in conjunction with proposed tree plantings (See Exhibit I) and site landscaping.

The Subject property is unusual in that the 20-foot front setback requirement applies to three of its four sides. On the north and south sides, a limited encroachment arises within a context of general compliance with the front setback standard. On the east side, allowing the buildings' ground floor front walls to be located closer to the street provides for a wider setback on the west side, better preserving the privacy of the neighboring property. Taken in context, the encroachments add visual contrast along the street frontages, make the buildings' facades more interesting, and contribute to a more compatible relationship with the adjacent existing residence.

4.118(03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:

A. Waive the following typical development standards:

...

3. height and yard requirements;

The Purpose statements from Section 4.140, Planned Development Regulations, are:

(.01) Purpose .

A. The provisions of Section 4.140 shall be known as the Planned Development Regulations. The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.

B. It is the further purpose of the following Section:

1. *To take advantage of advances in technology, architectural design, and functional land use design;*
2. *To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;*
3. *To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.*
4. *To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;*
5. *To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.*
6. *To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.*
7. *To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.*
8. *To allow flexibility and innovation in adapting to changes in the economic and technological climate.*

Response: The requested waiver will allow the kinds of flexibility and design creativity intended by the Purpose statements of the Planned Development standards. The proposed site plan and building design involve a limited number of encroachments within 20 feet of the “front” property line, which (for reasons of Code interpretation) apply to three of the site’s four sides. Strict application of a 20-foot setback requirement on three of the site’s four sides would be burdensome to the property owner without necessarily resulting in aesthetically or functionally superior development. The requested waiver reductions of the front setback requirements will allow the project to maximize retention of open space and existing trees in the north part of the property, and will also allow for better privacy screening for the benefit of the adjacent residence to the west, without being detrimental to the appearance or the functioning of Willamette Way East.

Summary

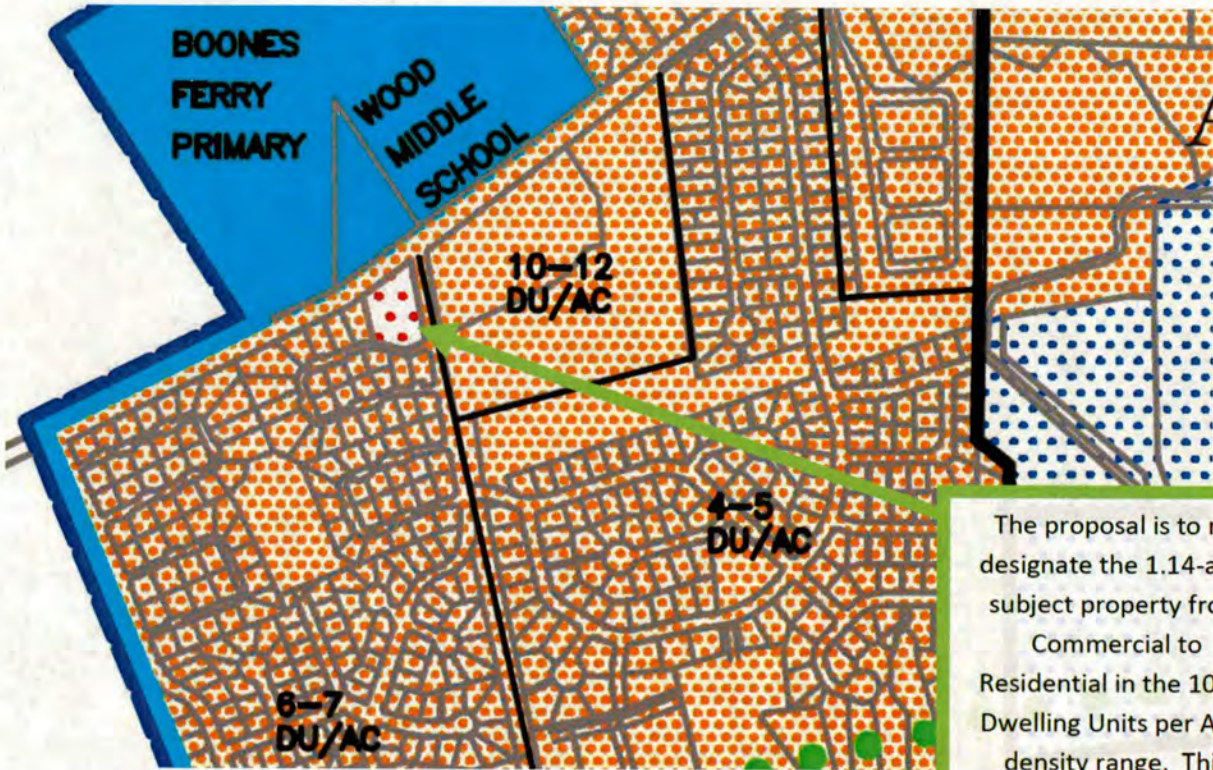
The Applicant has presented substantial evidence demonstrating that the proposed Comprehensive Plan Map amendment, Zone Map amendment, Planned Development Stage I & Stage II modification, Tree Removal Type C and Waiver requests should be approved.

Exhibit A

**Comprehensive Plan Map & Zoning Map Illustrations
(Proposed Changes)**

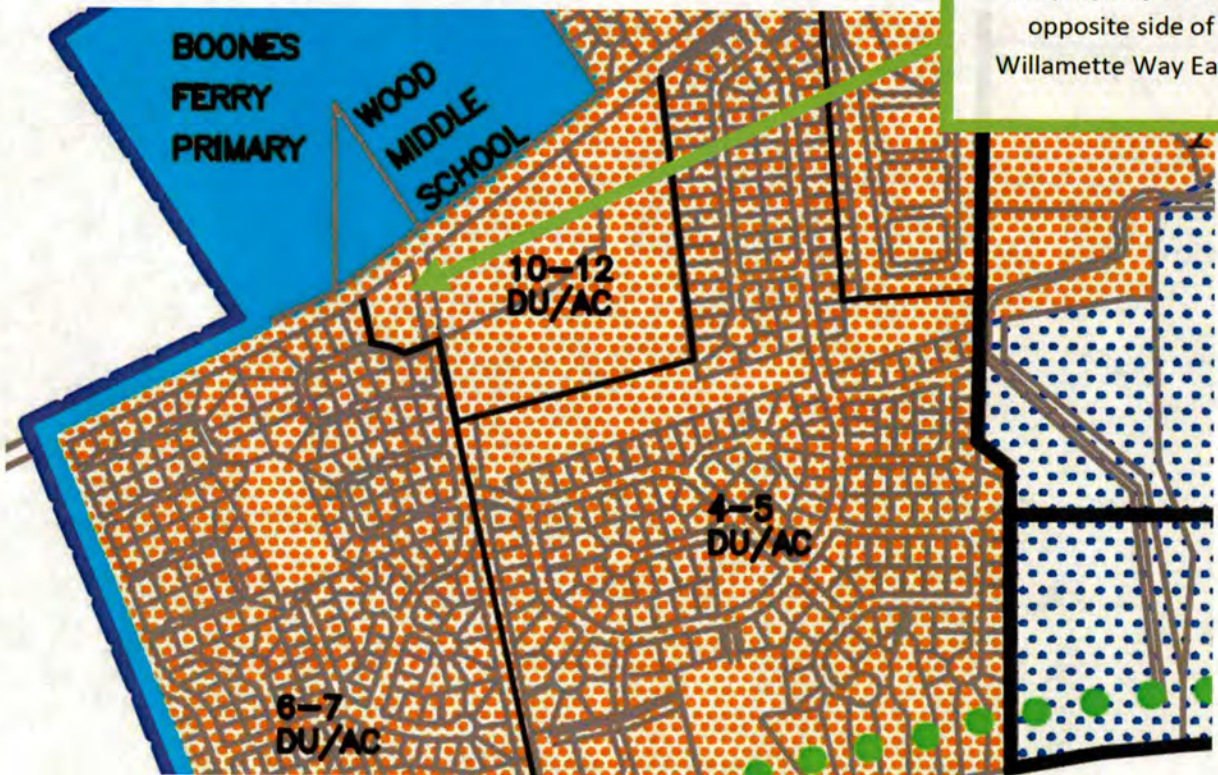
Fox Center Townhomes - Proposed Comprehensive Plan Map Amendment and Zone Change

Existing Comprehensive Plan Map (vicinity excerpt):



The proposal is to re-designate the 1.14-acre subject property from Commercial to Residential in the 10-12 Dwelling Units per Acre density range. This density is the same as the property on the opposite side of Willamette Way East.

Proposed Amended Comprehensive Plan Map:



Fox Center Townhomes - Proposed Comprehensive Plan Map Amendment and Zone Change

Existing Zoning Map (vicinity excerpt):



The proposal is to rezone the 1.14-acre subject property from Planned Development Commercial (PDC) to Planned Development Residential 5 (PDR5). This is the same zoning as the property on the opposite side of Willamette Way East.

Proposed Zoning Map:

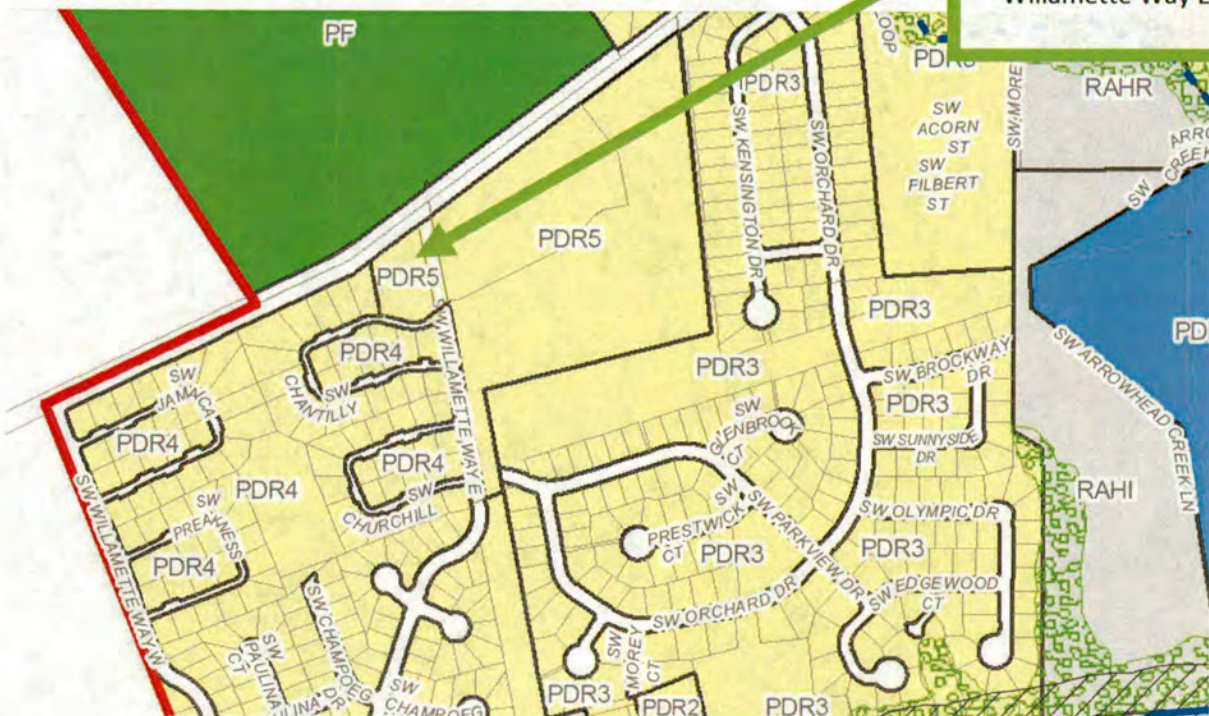


Exhibit B

Neighborhood Meeting Documentation

Fox Center Townhomes Project
Neighborhood Meeting Notes

September 20, 2011, 6:30-7:30 p.m.
Valley Christian Church, 11188 SW Wilsonville Road, Wilsonville

Fox Center Townhomes Design Team members arrived at the meeting site about ½ hour before the official start time, and were greeted by Ms. Becky Nichols. In addition to providing access to the building, she provided refreshments for all of the meeting participants.

The Design Team set up display easels with drawings for browsing prior to the presentation, and then welcomed neighbors as they arrived. Based on the sign-in sheets, eight individuals attended the meeting (see attached copy of sign-in sheets).

At approximately 6:35 p.m., Lee Leighton of Westlake Consultants, Inc. began the presentation with a discussion of the City of Wilsonville's zoning of the subject property and the change the owner intends to request:

- Currently, the site is designated for neighborhood commercial use, but no development project has been able to succeed with that zoning designation.
- The owner intends to propose changing the City's Comprehensive Plan and Zoning designations of the property to allow residential development with sixteen dwelling units on the property. (The planned units, with four separate four-unit buildings, will be designed to appeal to renters in the 55-and-older segment of the market.)
- Procedurally, the owner needs to schedule a pre-application conference with City of Wilsonville staff, then prepare and submit an application requesting the necessary amendments.
- The application review process will begin with public notice of the proposal, including dates for public hearings before both the Planning Commission and the City Council. The City will mail notices to owners of properties within 250 feet of the subject property (which is a smaller area than the property owner used for mailing the Neighborhood Meeting invitations).
- Submittal of the land use application is anticipated during the fall of 2011.

Greg Close of Wyse Investment Services Company then talked about how the property owner and his designers have struggled to find a feasible program for its development and use over time:

- Concepts such as a convenience store or a day care center have failed, due to neighborhood opposition, economic infeasibility or other factors.
- The new proposal is designed to provide housing compatible with the existing neighborhood, while producing a yield that makes the development feasible.
- The property owner's intention is to create rental units for long-term income rather than condominiums to sell.
- As with other properties in the owner's portfolio, a professional property management company would be retained to provided quality maintenance of the site and buildings.

- He clarified that the drawings to be presented are work in progress and that the Design Team will work to respond to comments and suggestions.

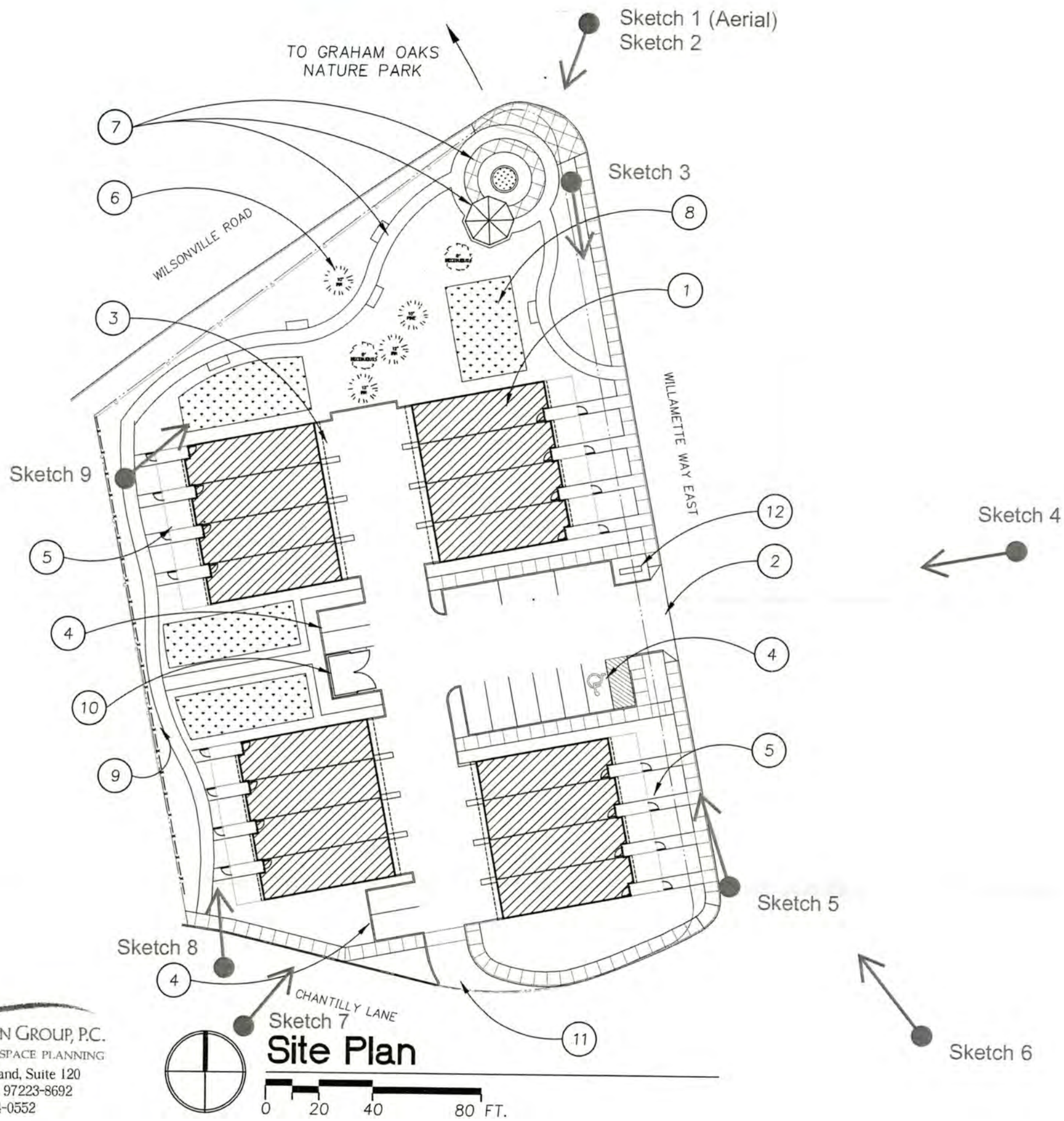
Dan Vasquez of Mildren Design Group then presented the drawing boards, including the site plan, unit floor plans, building elevations, and perspective drawings:

- Buildings are sited in the southern part of the property to retain the large existing trees in the northern part of the property. Each unit will have its own single-car garage, with living space on the ground floor and bedrooms upstairs.
- Front facades of the units will face east (on Willamette Way East) or west (on a 30-foot wide pedestrian walkway within the property).
- With access primarily at a single driveway on Willamette Way East (opposite the Valley Christian Church driveway), garage doors, automobile parking and circulation are centrally located within the site.
- A secondary driveway at the south will be shaped to allow only incoming trips from SW Chantilly. Signage within the parking area (e.g., ONE WAY - DO NOT ENTER) will instruct motorists not to attempt to exit by that route; however, having two driveways for fire and emergency access is an important safety need.
- On-site parking is provided at the ratio required by the City of Wilsonville Code, at 1.5 spaces per dwelling unit (including garages).
- Landscaping of the yards on all four sides of the property will maintain an aesthetic visual appearance from the streets and from neighboring properties - including visual screening for privacy where appropriate.
- The design of the units' entry gardens provides a series of well-defined spaces between the public streets and the private interior areas:
 - Public space (sidewalk)
 - Semi-public space (walkway outside entry garden fences/gates)
 - Semi-private space (inside entry garden, visible to others)
 - Private space (porches and unit doorways)

The following is a list of themes, concepts and suggestions that came up in dialogue at the meeting:

- On-street parking is extremely limited and neighbors expressed concern that 1.5 spaces per unit may be insufficient to meet the needs of residents and their visitors. Providing more parking within the site would be preferred by neighbors.
- Two-story units may not appeal to 55-and-older residents (who may tend to prefer stair-free single-level living).
- Neighbors asked whether single-family development had been considered for the site. (Greg Close responded that it would be unlikely to provide a reasonable yield.)
- Next-door neighbor Nancie Thompson asked whether a new fence was anticipated along her shared property line (west boundary of the subject property). She and her husband would like enough width beside their existing house to be able to pull their vehicle into the back yard from time to time. (Lee Leighton responded that he was not aware of a regulatory barrier to making such an arrangement; however, none of the Design Team members could respond definitively on behalf of the property owner, but would discuss that idea with him when he is back in town.)

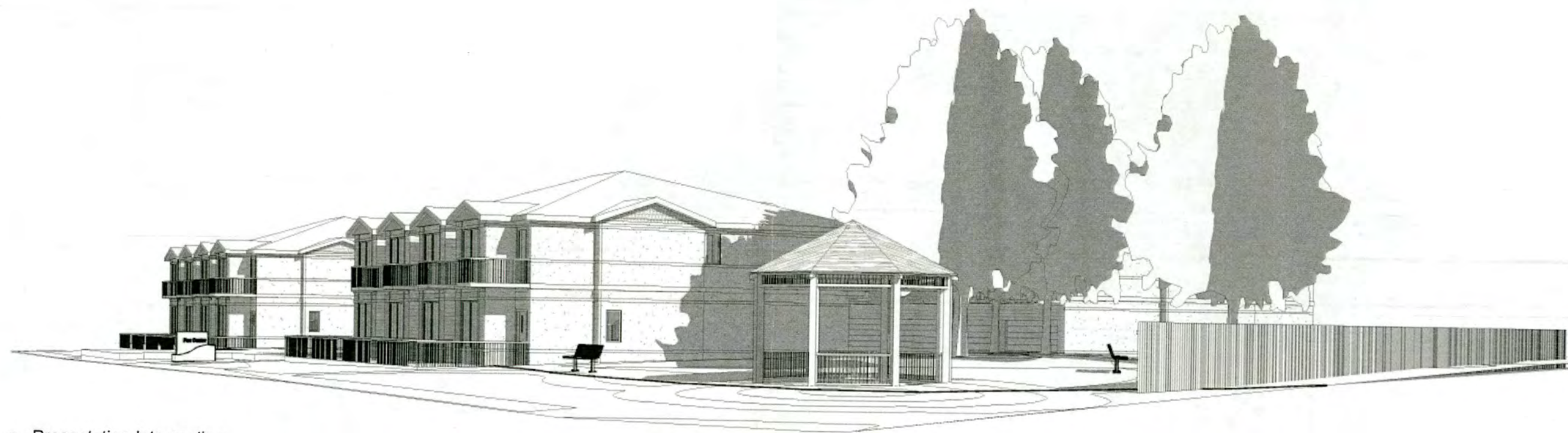
- There were questions about what portions of the site perimeter would be fenced and what type of fence would be installed. A six-foot fence along the Thompson property line would be preferred, plus some taller trees for visual screening. Maintaining or replacing the fence along Wilsonville Road, possibly to include wrapping around the northeast corner of the property, was suggested because children walking to and from school tend to cut across the property. A gazebo or other item in the northern garden would enjoy a greater sense of privacy with an extended fence around the garden area.
- Management of circulation - especially avoiding wrong-way driving on Chantilly - was of concern. Neighbors asked if the southern driveway could be closed to vehicular access other than for emergency responders. They also asked whether on-street parking would be allowed along the site frontages.
- Generally, the gable-roof forms were preferred as compared to a shed-roof alternative, but some commented that more use of color would be preferred (by contrast to the muted greys typical within the Villebois development).
- Neighbors wished that more parking could be provided on site, to better accommodate visitors, 2-car households, etc.
- Neighbors pointed out that Chantilly does not have a sidewalk, so providing a sidewalk along the south side of the property will be terminate awkwardly at the west end. It may be preferable to accommodate pedestrians with a less formal path or other method that will be compatible with the rest of the one-way loop street's design.
- Use of solar panels was encouraged.
- Providing a pedestrian connection into the site from the Wilsonville Road/Willamette Way East corner was encouraged.
- Attention to site perimeter landscaping, particularly along the southern frontage and at the southeast corner of the site, was requested as a strategy for maintaining an aesthetically pleasing relationship with neighboring homes. A neighbor who lives to the south suggested a combination of fencing and landscaping along the Chantilly street frontage.




MILDREN DESIGN GROUP, P.C.
 ARCHITECTURE • SPACE PLANNING
 7650 S.W. Beveland, Suite 120
 Tigard, Oregon 97223-8692
 (503) 244-0552

FOX CENTER — TOWNHOUSE PROJECT
 MDGPC 108146.03
 8-29-11





① Presentation-Intersection



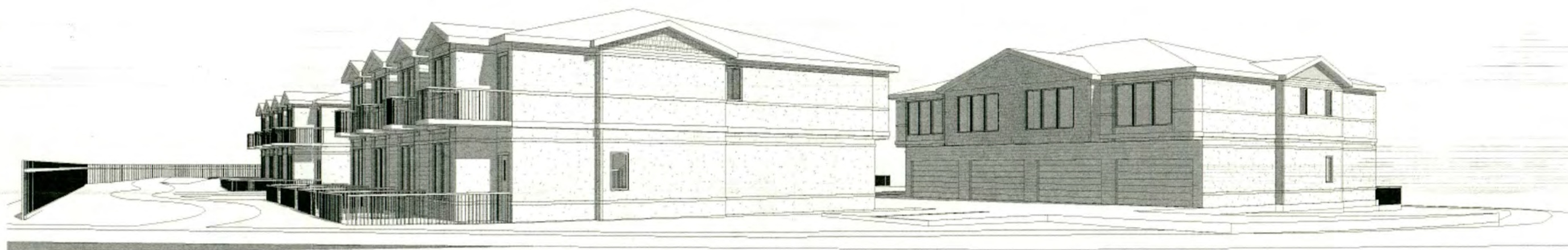


① Presentation-Church Way



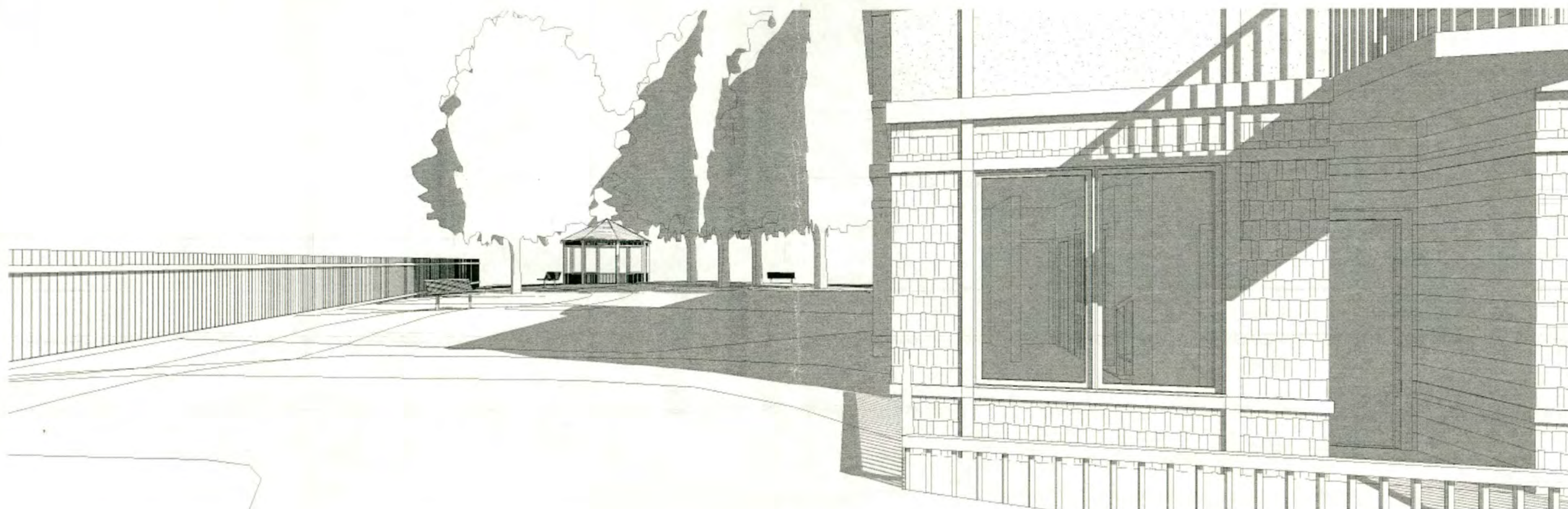
Sketch 6





① Presentation-Rear Chantilly





① Presentation-Gazebo Rear

PUBLIC MEETING
On A
Preliminary Development Proposal
Affecting

Change from Commercial to Residential Zoning

PROPOSED

Townhouse Residential Development

A meeting to discuss the preliminary
development proposal is scheduled for

Tuesday, September 23, 6:30 - 7:30 p.m.
Valley Christian Church
11100 SW Wilkesville Road

ALL INTERESTED PERSONS MAY ATTEND

FOR MORE INFORMATION
CONTACT:

Lee Leighton 503-684-0652
Westlake Consultants, Inc.



Fox Center Townhomes
 Neighborhood Meeting, September 20, 2011
 Valley Christian Church
 11188 SW Wilsonville Road, Wilsonville

Sign-In Sheet

Name	Address	Phone	E-mail
Nancie L. Thompson	<i>live directly next to property</i> 11259 SW Chantilly Wilsonville	503-351-1515	nancie.thompson7@gmail.com
Becky Nichols	11336 SW Churchill Wilsonville		beckynics@msn.com
JASON & Brandy Meng			
Michael Code	11299 SW Chantilly W/V	503 682 6079	michael.Code@Frontier.com
AL LEVIT			
Pam Brown	11362 SW Chantilly		

Fox Center Townhomes
 Neighborhood Meeting, September 20, 2011
 Valley Christian Church
 11188 SW Wilsonville Road, Wilsonville

Sign-In Sheet

Name	Address	Phone	E-mail
Mary Hinds	11299 SW Chantilly	503 682 6079	

You Are Invited to a Neighborhood Meeting

6:30 – 7:30 p.m., Tuesday, September 20, 2011
Valley Christian Church, 11188 SW Wilsonville Road

September 1, 2011

Greetings, Neighbor!

Westlake is working with Wyse Investment Services to obtain development permits for the approximately one-acre vacant site at the southwest corner of Willamette Way East and Wilsonville Road. We hope you can come to this meeting to learn about the proposal, ask questions, and share with us any questions or concerns you may have about it.

As you may be aware, the property is zoned for Commercial use; however, this proposal will be for townhome-style residential development instead. This change will require procedures to amend the City of Wilsonville's Comprehensive Plan Map and Zoning Map, converting the property to an Attached Residential zoning designation.

This project will be designed to appeal to, and to meet the needs of, adults 55 years of age and older, living independently. The accompanying site plan illustrates how four buildings with four townhomes each can be sited on the property, with a single driveway on Willamette Way East and one (entry only) on Chantilly Lane. Every home will have a garage, but since all garages will be located along a central internal alley, the primary visual feature will be the front facades of the residences facing Willamette Way East.

At the meeting, we will present additional information about the proposed development, discuss the City's review/approval process and how to participate in it, and respond to any questions you may have. We hope you can join us for about an hour.

If you are not able to attend, you are welcome to call Lee Leighton at Westlake Consultants, 503 684-0652, or send email to lleighton@westlakeconsultants.com, concerning the project.

Sincerely,
Westlake Consultants, Inc.



Lee Leighton, AICP
Director of Planning
Associate

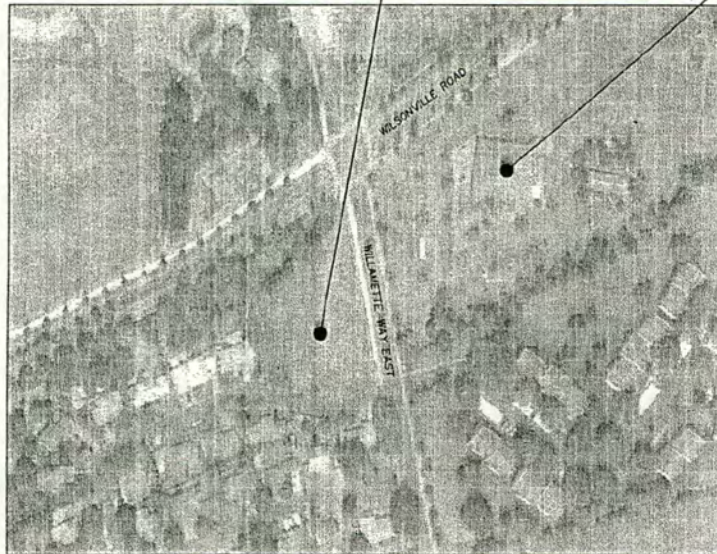
Enclosures

FOX CENTER - TOWNHOUSE PROJECT

WILSONVILLE, OREGON

SITE

MEETING LOCATION:
VALLEY CHRISTIAN CHURCH
TUESDAY, SEPTEMBER 20, 2011
6:30-7:30 PM



LOT INFORMATION:

AREA: 49,676 SF 1.14 ACRES (< 2 ACRES)

ZONE: TBD

REQUIRED OPEN SPACE: 25% (12,419 SF)
EXCLUDING STREETS

REQUIRED OUTDOOR RECREATIONAL AREA -
1) OR FEWER UNITS: 1,000 SF
11 - 19 UNITS: 200 SF PER UNIT
20 OR MORE UNITS: 300 SF PER UNIT

SETBACKS -
FRONT YARD: 20 FEET MIN.
SIDE YARD: 10 FEET MIN.
REAR YARD: 20 FEET MIN.

PARKING - REQUIRED:
(PER 4.155, TABLE 5.a)

UP TO 9 UNITS	1 PER UNIT (MIN) - NO LIMIT (MAX)
OVER 9 UNITS	1 PER UNIT (LESS THAN 500 SF) - NO LIMIT (MAX)
	1.25 PER UNIT (1 BEDROOM UNIT)
	1.5 PER UNIT (2 BEDROOM UNIT)
	1.75 PER UNIT (3 BEDROOM UNIT)



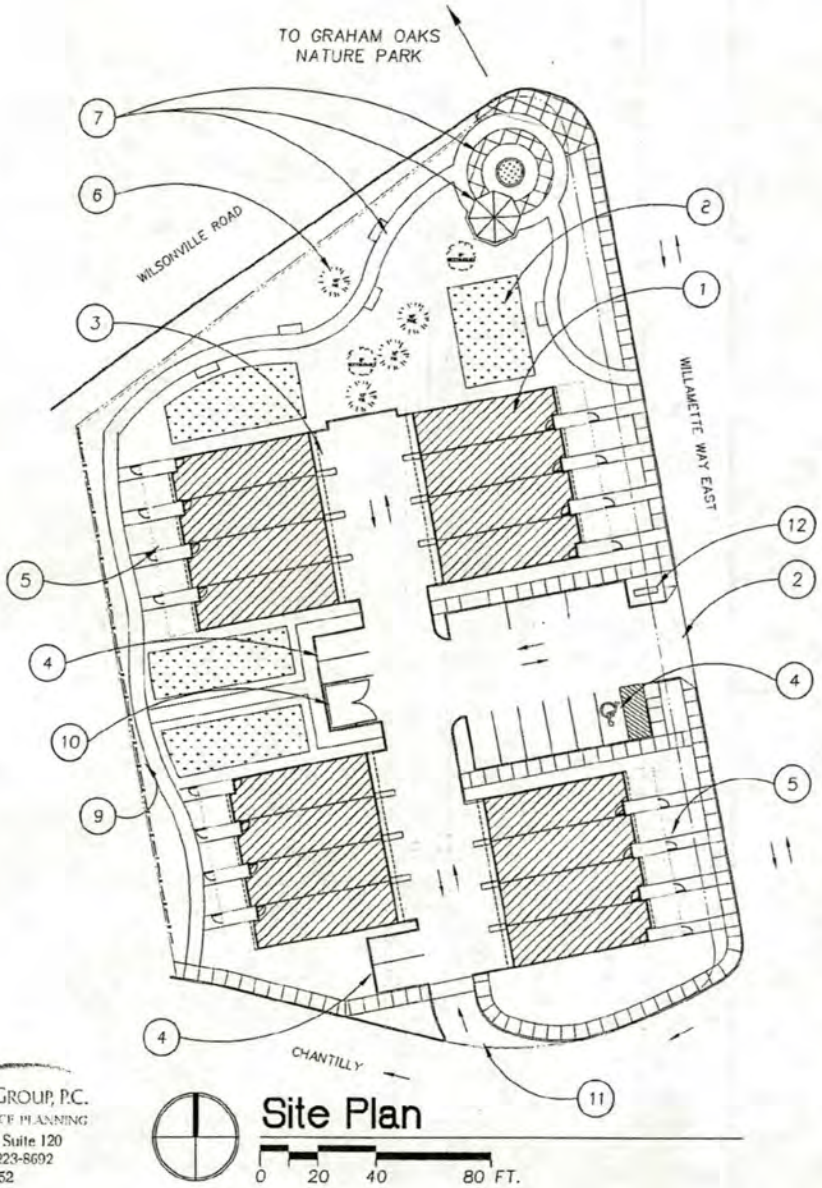
Vicinity Map

Not to scale



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7650 S.W. Beveland, Suite 120
Tigard, Oregon 97223-8692
(503) 244-0532

FOX CENTER - TOWNHOUSE PROJECT
MDGPC 108146.03
9-1-11



INDEPENDENT LIVING COMMUNITY: TWO STORY TOWNHOUSE UNITS (2 BEDROOM UNITS, 16 TOTAL)

COVERAGE AREA -	
BUILDING A:	2,860 SF
BUILDING B:	2,860 SF
BUILDING C:	2,860 SF
BUILDING D:	2,860 SF (TOTAL: 11,440 SF)
	23% OF SITE
PARKING, DRIVEWAYS, ETC.: 10,980 SF	
MISC. (TRASH ENCL., GAZEBO): 380 SF	
TOTAL: 22,800 SF	
OPEN SPACE: 26,876 SF (54.1%)	
OUTDOOR RECREATIONAL MISC.:	
(COMMUNAL GARDENS, ONE 200 SF PER BUILDING):	3,200 SF REQUIRED
	3,200+ SF PROVIDED
TWO STORY UNITS	
SQUARE FOOTAGE PER UNIT:	1,200 SF (EXCL. GARAGE)
TOTAL NUMBER OF UNITS: 16 UNITS	
(ALL TWO BEDROOM UNITS)	
REQUIRED PARKING	
(1.5 STALLS PER UNIT):	24 SPACES
PROVIDED:	29 SPACES (INCL. GARAGES)

Keynotes

1. TWO-STORY TOWNHOUSE UNIT, TYPICAL
2. WILLAMETTE WAY ACCESS - ACROSS FROM EXISTING ACCESS TO VALLEY CHRISTIAN CHURCH ON EAST SIDE OF STREET
3. DRIVEWAY ACCESS TO GARAGE, TYPICAL
4. ADDITIONAL PARKING
5. LANDSCAPED ENTRY AREA WITH FENCED FRONT YARD AND PEDESTRIAN PATHWAY TO EACH UNIT, TYPICAL
6. EXISTING TREES TO REMAIN, TYPICAL
7. PEDESTRIAN PATHWAY: CONCRETE WALKWAY, BENCH SEATING AND PLAZA FOCAL POINT/GAZEBO AT NORTHEAST CORNER OF SITE
8. OUTDOOR RECREATIONAL AREA - COMMUNITY GARDEN, TYPICAL OF FOUR
9. NEW FENCE (MATERIAL TBD)
10. TRASH AND RECYCLING ENCLOSURE (ACTUAL SIZE T.B.D.)
11. ONE WAY ACCESS "ENTRY ONLY" - COORDINATE DETAILS WITH CITY
12. MONUMENT SIGN

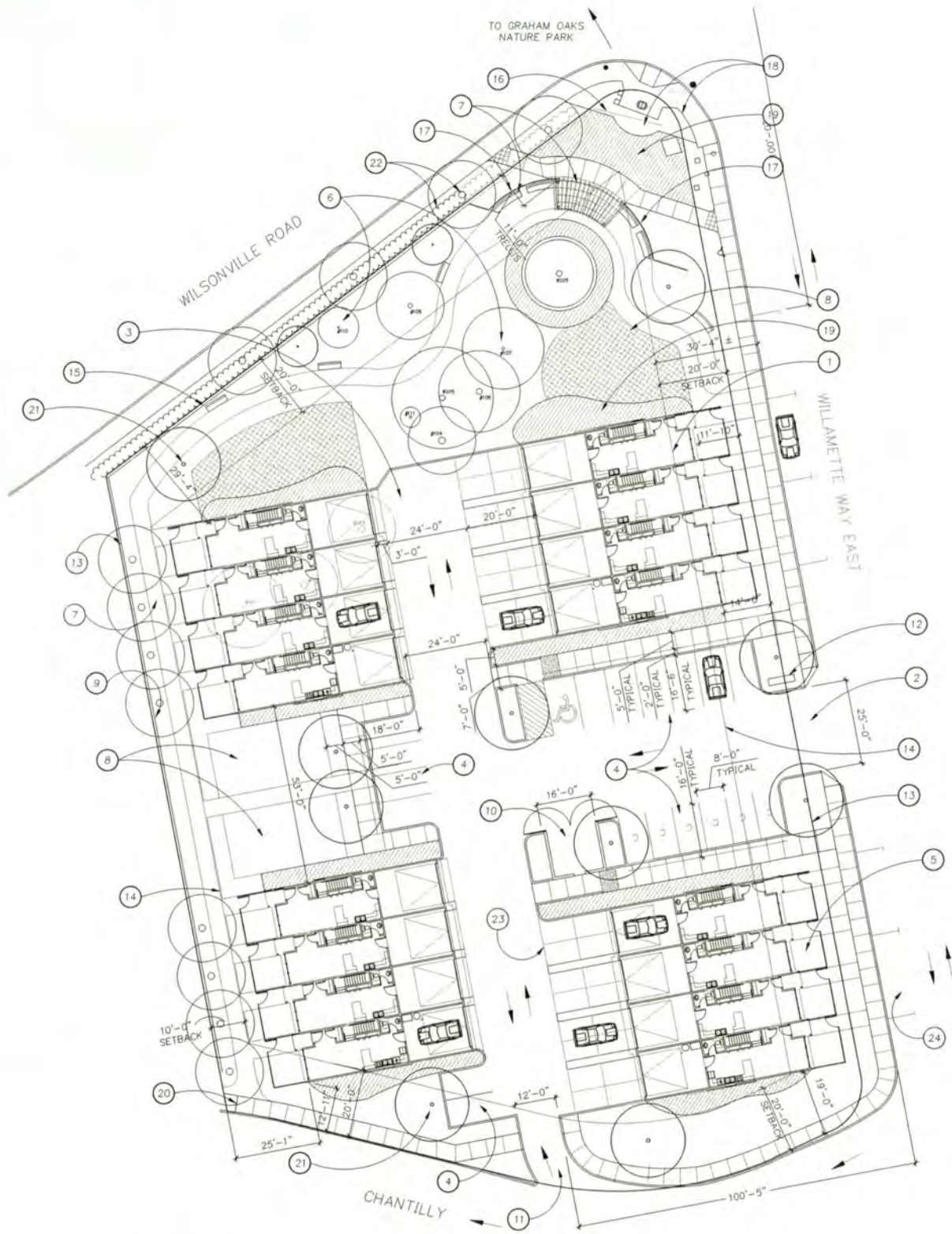
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MILDREN DESIGN GROUP, P.C.
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 Tigard, Oregon 97223-8692
 (503) 244-0552



FOX CENTER - TOWNHOUSE PROJECT
 MDGPC 108146.03
 9-1-11

Exhibit C

Drawing Set



Site Plan
0 10 20 40 FT.

Area of Site



Vicinity Map (Existing)
Not to scale



Vicinity Map (Proposed Massing)
Not to scale

LOT INFORMATION:
AREA: 49,676 SF 1.14 ACRES (< 2 ACRES)
ZONE: TBD

REQUIRED OPEN SPACE: 25% (12,419 SF) EXCLUDING STREETS

REQUIRED OUTDOOR RECREATIONAL AREA -
10 OR FEWER UNITS: 1,000 SF
11 - 19 UNITS: 200 SF PER UNIT
20 OR MORE UNITS: 300 SF PER UNIT

SETBACKS -
FRONT YARD: 20 FEET MIN.
SIDE YARD: 10 FEET MIN.
REAR YARD: 20 FEET MIN.

PARKING - REQUIRED:
(PER 4.155, TABLE 5.a)
UP TO 9 UNITS: 1 PER UNIT (MIN) - NO LIMIT (MAX)
1 PER UNIT (LESS THAN 500 SF) - NO LIMIT
1.25 PER UNIT (1 BEDROOM)
1.5 PER UNIT (2 BEDROOM)
1.75 PER UNIT (3 BEDROOM)

INDEPENDENT LIVING COMMUNITY: TWO STORY TOWNHOUSE UNITS (16 UNITS TOTAL)

COVERAGE AREA -
BUILDING A: 2,860 SF
BUILDING B: 2,860 SF
BUILDING C: 2,860 SF
BUILDING D: 2,860 SF (TOTAL: 11,440 SF) 23% OF SITE
PARKING, DRIVEWAYS, ETC.: 12,820 SF
MISC. (ENTRY PLAZA): 720 SF
TOTAL: 24,980 SF

OPEN SPACE: 24,696 SF (49.7%)

OUTDOOR RECREATIONAL AREA: 3,200 SF REQUIRED
(COMMUNAL GARDENS, ONE 800 SF PER BUILDING): 3,373 SF PROVIDED

TWO STORY UNITS SQUARE FOOTAGE PER UNIT: 1,200 SF (EXCL GARAGE)

TOTAL NUMBER OF UNITS: 16 UNITS
(ALL TWO BEDROOM UNITS)

REQUIRED PARKING (1.5 STALLS PER UNIT): 24 SPACES
PROVIDED: 48 SPACES (INCLUDING 8 AND 5 STREET PARKING)
GARAGES:

COMPACT STALLS: 6 PROVIDED (13 ALLOWED)

LANDSCAPE AREA CALCULATIONS:

TOTAL LANDSCAPING REQUIRED (15% OF OVERALL AREA): 24,696 SF (7,452 SF REQ'D)

PARKING LOT LANDSCAPING (10% OF PARKING AREA): 1,531 SF (1,097 SF REQ'D)

Date: 31 July 2012
Drawn by: JAK **Checked by:** DAV
Job Number: 108146.04
Sheet

Keynotes

1. TWO-STORY TOWNHOUSE UNIT, TYPICAL OF 4
2. WILLAMETTE WAY ACCESS - ACROSS FROM EXISTING ACCESS TO VALLEY CHRISTIAN CHURCH ON EAST SIDE OF STREET
3. DRIVEWAY ACCESS TO GARAGE, TYPICAL
4. ADDITIONAL PARKING
5. LANDSCAPED ENTRY AREA WITH FENCED FRONT YARD AND PEDESTRIAN PATHWAY TO EACH UNIT, TYPICAL
6. EXISTING TREES TO REMAIN, TYPICAL (TREES TO BE REMOVED SHOWN DASHED)
7. PEDESTRIAN PATHWAY: HARDSCAPE WALKWAY, BENCH SEATING AND PLAZA ENTRY TRELLIS STRUCTURE AT NORTHEAST CORNER OF SITE
8. OUTDOOR RECREATIONAL AREA - COMMUNITY GARDEN/FLOWER BED, TYPICAL OF FOUR - ONE PER BUILDING (SHOWN CROSS-HATCHED)
9. NEW FENCE (MATERIAL TBD)
10. TRASH AND RECYCLING ENCLOSURE
11. ONE WAY ACCESS "ENTRY ONLY" - DETAILS TO BE COORDINATED WITH CITY
12. PROPOSED MONUMENT SIGN
13. PROPERTY LINE
14. BUILDING SETBACK LINE
15. EXISTING FENCING TO REMAIN
16. PORTION OF EXISTING FENCE TO BE REMOVED (SHOWN DASHED)
17. NEW FENCE TO TIE INTO EXISTING (SIMILAR FENCE MATERIALS)
18. EXTENT OF EXISTING CONCRETE, NEW CONCRETE AREA TO TIE INTO EXISTING
19. PROPOSED DESIGNATED LANDSCAPE AREAS (SHRUBS, FLOWERS, ETC. - SHOWN HATCHED)
20. TERMINATION OF PROPOSED SIDEWALK AT SW CORNER OF PROPERTY
21. PROPOSED TREE, TYPICAL - EXACT LOCATION AND SPECIES TO BE DETERMINED
22. EXISTING STREET TREES AND VEGETATION TO REMAIN (PORTION OF VEGETATION TO BE REMOVED SHOWN DASHED)
23. PROPOSED DRIVEWAY, TYPICAL OF B
24. PROPOSED STREET PARKING (5 SPACES TOTAL)



Owner:
Seema, LLC

334 NW 11th Avenue
Portland, Oregon 97209

Project:
Fox Center
Townhouse
Project

Wilsonville, Oregon 97070

Sheet Title:
Site Plan

Revisions:

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**IN
 PROGRESS**

Client:
Seema, LLC

Wilsonville, Oregon 97070

Project:
**Fox Center
 Townhouse
 Project**

Sheet Title:
**Preliminary
 Elevations**

Revisions:

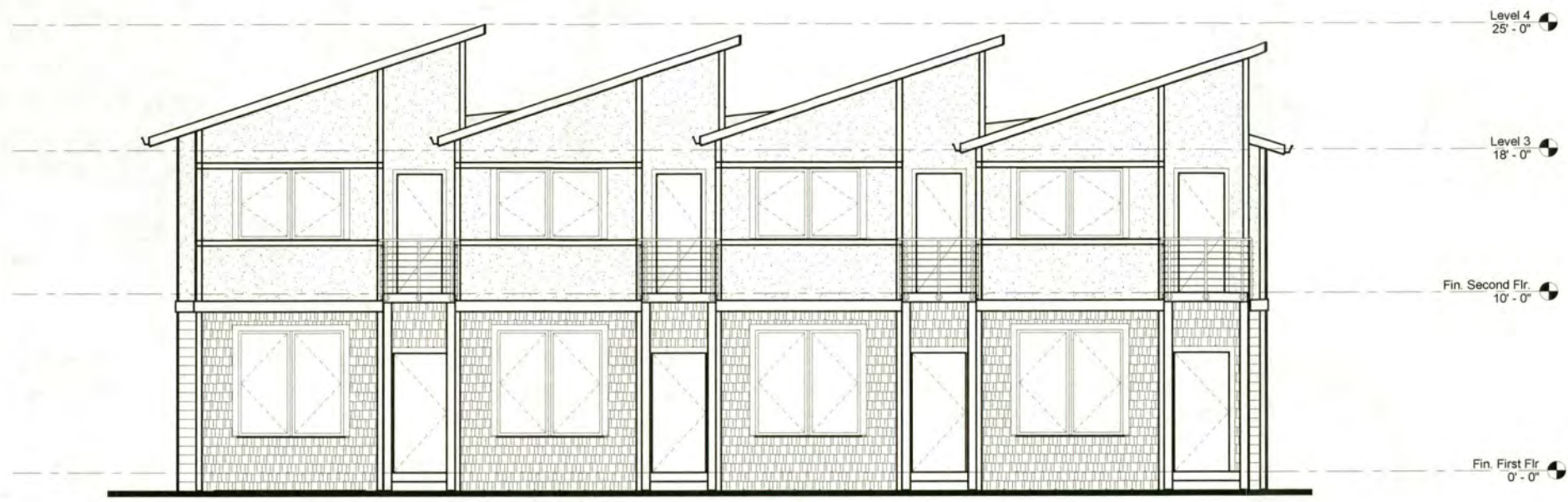


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Date: 07/11/11
 Drawn by: JAK Checked by: JAK
 Job Number: 108146.03
 Sheet

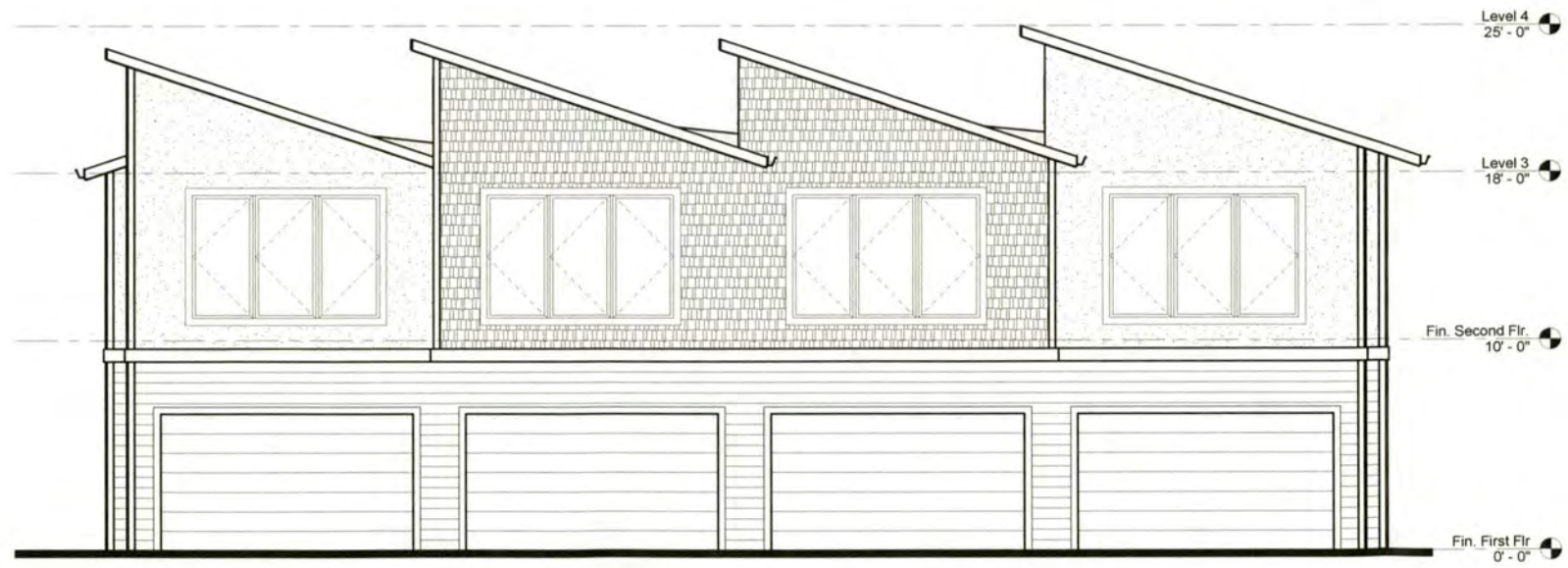
A3.1



1 North
 1/4" = 1'-0"



3 (3D)



2 South
 1/4" = 1'-0"

**IN
 PROGRESS**

Client:
Seema, LLC

Wilsonville, Oregon 97070

Project:
**Fox Center
 Townhouse
 Project**

Sheet Title:
**Preliminary
 Elevations**

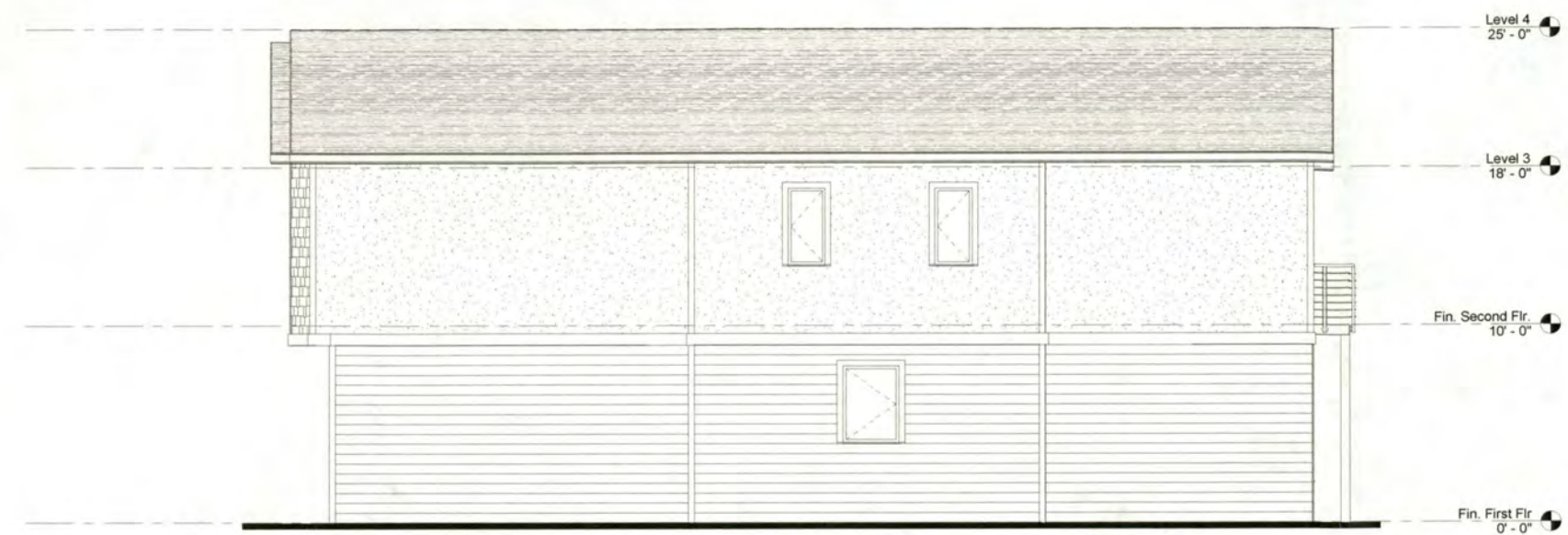
Revisions:



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Date: 08/26/11
 Drawn by: _____ Checked by: _____
 Author: _____ Checker: _____
 Job Number: 108146.03
 Sheet

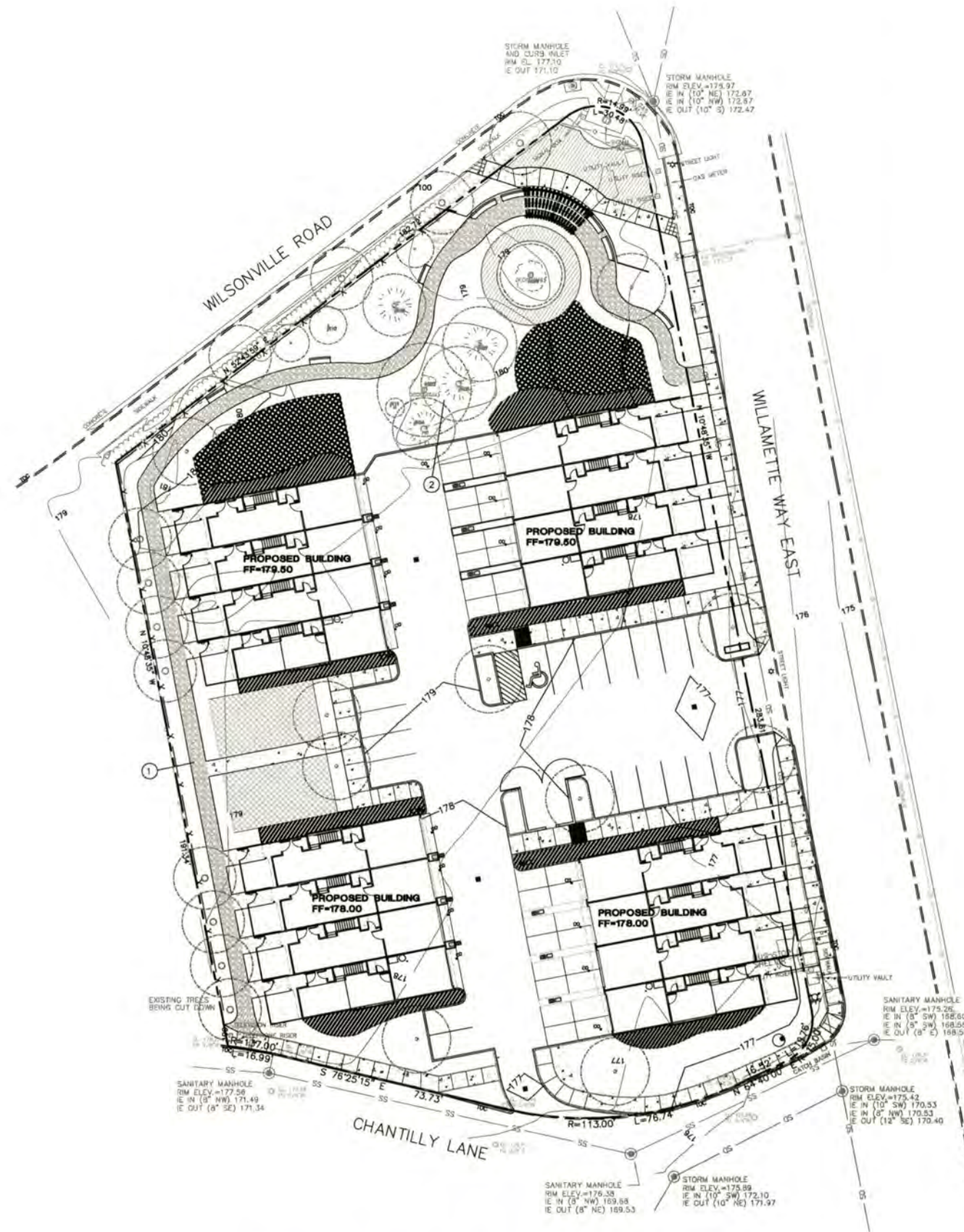
A3.2



① East
 1/4" = 1'-0"



② West
 1/4" = 1'-0"



LEGEND

EXISTING CONTOUR--1 TO 4 FOOT INTERVALS	---
EXISTING CONTOUR--5 FOOT INTERVALS	---
NEW CONTOUR--1 TO 4 FOOT INTERVALS	---
NEW CONTOUR--5 FOOT INTERVALS	---
SEDIMENT FENCE	---
CATCH BASIN RIM ELEVATION	CATCH BASIN RIM=100.00
SPOT ELEVATION	100.00
TOP FACE OF CURB ELEVATION	TC
ASPHALT ELEVATION	AC
GRADE	G
DOOR JAMB	DJ
EXISTING	(E)
CATCH BASIN	■

GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE JURISDICTION, THE GEOTECHNICAL INVESTIGATION FOR THIS PROJECT, AND THE PROJECT SPECIFICATIONS.
2. THE CONTRACTOR SHALL HAVE A FULL SET OF THE CURRENT APPROVED CONSTRUCTION DOCUMENTS INCLUDING ADDENDA ON THE PROJECT SITE AT ALL TIMES.
3. THE CONTRACTOR SHALL COMPLY WITH ORS 757.541 TO 757.571 REQUIRING NOTIFICATION OF INTENDED EXCAVATION TO UTILITY PROVIDERS.
4. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF PRIVATE UTILITIES SUCH AS GAS, TELEPHONE, POWER, CABLE TELEVISION, ETC. CONFIRM VAULT LOCATIONS WITH ENGINEER.
5. THE CONTRACTOR SHALL KEEP THE ENGINEER AND JURISDICTION INFORMED OF CONSTRUCTION PROGRESS TO FACILITATE SITE OBSERVATIONS AT REQUIRED INTERVALS. 24-HOUR NOTICE IS REQUIRED.
6. EXISTING CONDITIONS BASED ON TOPOGRAPHIC BOUNDARY AND UTILITY SURVEY PREPARED BY CENTERLINE CONCEPTS, INC. DATED JULY 7, 2012.
7. FINISH GRADES ARE TO BE BROUGHT TO WITHIN 0.08 FT IN 10 FT OF THE GRADES SHOWN AT SUBGRADE AND TO WITHIN 0.03 FT IN 10 FT AT FINISH GRADE. CONTRACTOR TO ALLOW FOR PLACEMENT OF REQUIRED TOPSOIL IN ROUGH GRADING.
8. GRADING ELEVATIONS AS SHOWN ON SITE AND LANDSCAPE PLANS ARE FINISHED GRADE WHICH INCLUDES SUBGRADE SOIL, TOPSOIL, SOIL AMENDMENTS, ROCKERY AND RUNOFF PROTECTION CONTRACTOR IS RESPONSIBLE TO COORDINATE GRADING WITH BOTH EXCAVATOR AND LANDSCAPE CONTRACTOR.

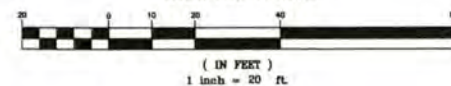
KEY NOTES

- 1 PROPOSED GRAVEL PATHWAY, TYP
- 2 PROPOSED FINISH FLOOR ELEVATIONS AND EXISTING SITE GRADES SHALL HAVE NO IMPACT ON EXISTING TREES TO BE RETAINED

PRELIMINARY GRADING PLAN

SCALE 1" = 20'

GRAPHIC SCALE



Owner:
Seema, LLC

334 NW 11th Avenue
Portland, Oregon 97209

Project:
**Fox Center
Townhouse
Project**

Wilsonville, Oregon 97070

Sheet Title:

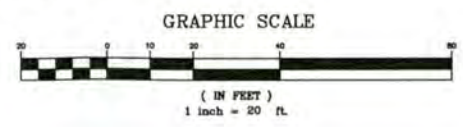
**PRELIMINARY
GRADING PLAN**

Revisions:

AAI ENGINEERING, 2011. ALL RIGHTS RESERVED.
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Date: 31 July 2012
Drawn by: JSR Checked by: CNH
Job Number: 108146.04
Sheet



NORTH
PRELIMINARY UTILITY PLAN
 SCALE 1" = 20'



LEGEND	PROPOSED	EXISTING
SANITARY SEWER LINE	—●—●—●—	—●—●—●—
STORM SEWER LINE	—■—■—■—	—■—■—■—
FIRE WATER LINE	—▲—▲—▲—	—▲—▲—▲—
DOMESTIC WATER LINE	—□—□—□—	—□—□—□—
TELEPHONE LINE	—T—T—T—	—T—T—T—
ELECTRIC LINE	—E—E—E—	—E—E—E—
NATURAL GAS LINE	—G—G—G—	—G—G—G—
CATCH BASIN RIM ELEVATION	CATCH BASIN RIM=100.00	
INVERT ELEVATION	IE=100.00	
EXISTING	(E)	
DOWN SPOUT	•DS	
CLEAN OUT	•CO	
FIRE HYDRANT	▲	
CATCH BASIN	■	
WATER METER	■	
BACK FLOW PREVENTER	■	
WATER VALVE	•	

GENERAL NOTES

- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT EDITION OF THE UNIFORM PLUMBING CODE, INTERNATIONAL BUILDING CODE, AND THE INTERNATIONAL FIRE CODE. WORK SHALL ALSO CONFORM TO THE STANDARDS OF THE JURISDICTION AND TO THE PROJECT SPECIFICATIONS.
- THE CONTRACTOR SHALL HAVE A FULL SET OF THE CURRENT APPROVED CONSTRUCTION DOCUMENTS INCLUDING ADDENDA ON THE PROJECT SITE AT ALL TIMES.
- THE CONTRACTOR SHALL COMPLY WITH ORS 757.541 TO 757.571 REQUIRING NOTIFICATION OF INTENDED EXCAVATION TO UTILITY PROVIDERS.
- THE CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF PRIVATE UTILITIES SUCH AS GAS, TELEPHONE, POWER, CABLE TELEVISION, ETC. CONFIRM VAULT LOCATIONS WITH ENGINEER.
- THE CONTRACTOR SHALL KEEP THE ENGINEER AND JURISDICTION INFORMED OF CONSTRUCTION PROGRESS TO FACILITATE SITE OBSERVATIONS AT REQUIRED INTERVALS. 24-HOUR NOTICE IS REQUIRED.
- THIS PLAN IS GENERALLY DIAGRAMMATIC. IT DOES NOT SHOW EVERY JOINT, BEND, FITTING, OR ACCESSORY REQUIRED FOR CONSTRUCTION.
- CLEAN OUTS SHALL BE INSTALLED IN CONFORMANCE WITH UPC CHAPTER SEVEN, SECTION 707 AND SECTION 719. NOT ALL REQUIRED CLEAN OUTS ARE SHOWN.
- EXISTING CONDITIONS BASED ON TOPOGRAPHIC BOUNDARY AND UTILITY SURVEY PREPARED BY CENTERLINE CONCEPTS, INC. DATED JULY 7, 2012.
- THE CONTRACTOR SHALL VERIFY AND CONFIRM EXISTING CONDITIONS. NOTIFY ENGINEER OF VARIATIONS IN CONDITIONS SHOWN ON THE PLANS. POINTS OF CONNECTION TO EXISTING UTILITIES AND LOCATIONS WHERE NEW UTILITIES WILL CROSS EXISTING UTILITIES SHALL BE VERIFIED BY POT-HOLLING PRIOR TO CONSTRUCTION OR ORDERING MATERIALS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO SCHEDULE POT-HOLLING SUCH THAT IF CONFLICTS ARE ENCOUNTERED, SUFFICIENT TIME EXISTS TO PREPARE MODIFIED DESIGNS AND HAVE THE MODIFICATIONS APPROVED BY THE JURISDICTION WITHOUT IMPACTING THE PROJECT SCHEDULE.
- STORM DRAIN FITTINGS ARE TO BE ECCENTRIC.
- SITE RUNOFF HAS BEEN QUANTIFIED USING RATIONAL METHOD ANALYSIS. PIPE SIZING IS BASED ON MANNING'S FORMULA WITH N=0.013. IF THE CONTRACTOR DESIRES TO SUBSTITUTE MATERIAL WITH A DIFFERENT N-VALUE, REVISION OF CALCULATIONS WILL BE NECESSARY. THE CONTRACTOR MAY CONTACT THE ENGINEER FOR THE REVISIONS.
- PROVIDE DRAINAGE FROM WATER METER AND CHECK VALVE VAULTS AS REQUIRED BY THE JURISDICTION.
- DOMESTIC WATER LINES AND ACCESSORIES BETWEEN THE WATER METER AND THE BUILDING SHALL BE INSTALLED BY A LICENSED PLUMBER EMPLOYED BY A LICENSED PLUMBING CONTRACTOR.
- UTILITIES WITHIN FIVE FEET OF A BUILDING SHALL BE CONSTRUCTED OF MATERIALS APPROVED FOR INTERIOR USE AS DESCRIBED IN THE CURRENT EDITION OF THE UPC.
- CHANGES IN DIRECTION OF DRAINAGE PIPING SHALL BE MADE BY THE APPROPRIATE USE OF APPROVED FITTINGS AND SHALL BE OF THE ANGLES PRESENTED BY ONE-SIXTEENTH BEND, ONE-EIGHTH BEND, ONE-SIXTH BEND OR OTHER APPROVED FITTINGS OF EQUIVALENT SWEEP.
- INLETS AND OUTLETS TO ON-SITE MANHOLES SHALL HAVE FLEXIBLE CONNECTION NO CLOSER THAN 12" AND NO FARTHER THAN 36" FROM THE MANHOLE.
- PROVIDE 4" PERFORATED FOUNDATION DRAIN WITH SILT PROTECTION SOCK. PROVIDE BACKFLOW DEVICES AT CONNECTION TO STORM SYSTEM.
- CONTRACTOR TO LOCATE AND CONNECT TO EXISTING SANITARY SEWER THAT SERVES EXISTING BUILDING.
- CONTRACTOR TO INSTALL A REDUCED PRESSURE BACKFLOW DEVICE ON ALL PROJECTS WHERE THE BUILDING USE IS FOR MEDICAL, FOOD SERVICE OR PRODUCES/HANDLES HAZARDOUS WASTES.

KEY NOTES

- PROPOSED CONTECH STORMFILTER 48" MH W/ 2 CARTRIDGES
- PROPOSED SANITARY SEWER 6" PVC @ 2.0% MIN. TYP
- PROPOSED 3/4" WATER SERVICE WITH METER AND BACKFLOW DEVICE, TYP
- PROPOSED STORM SEWER 12" PVC @ 0.5% MIN
- PROPOSED TRAPPED CATCH BASIN, TYP
- PROPOSED DOWNSPOUT CONNECTION, TYP
- PROPOSED SANITARY CONNECTION, TYP



Owner:
Seema, LLC

334 NW 11th Avenue
 Portland, Oregon 97209

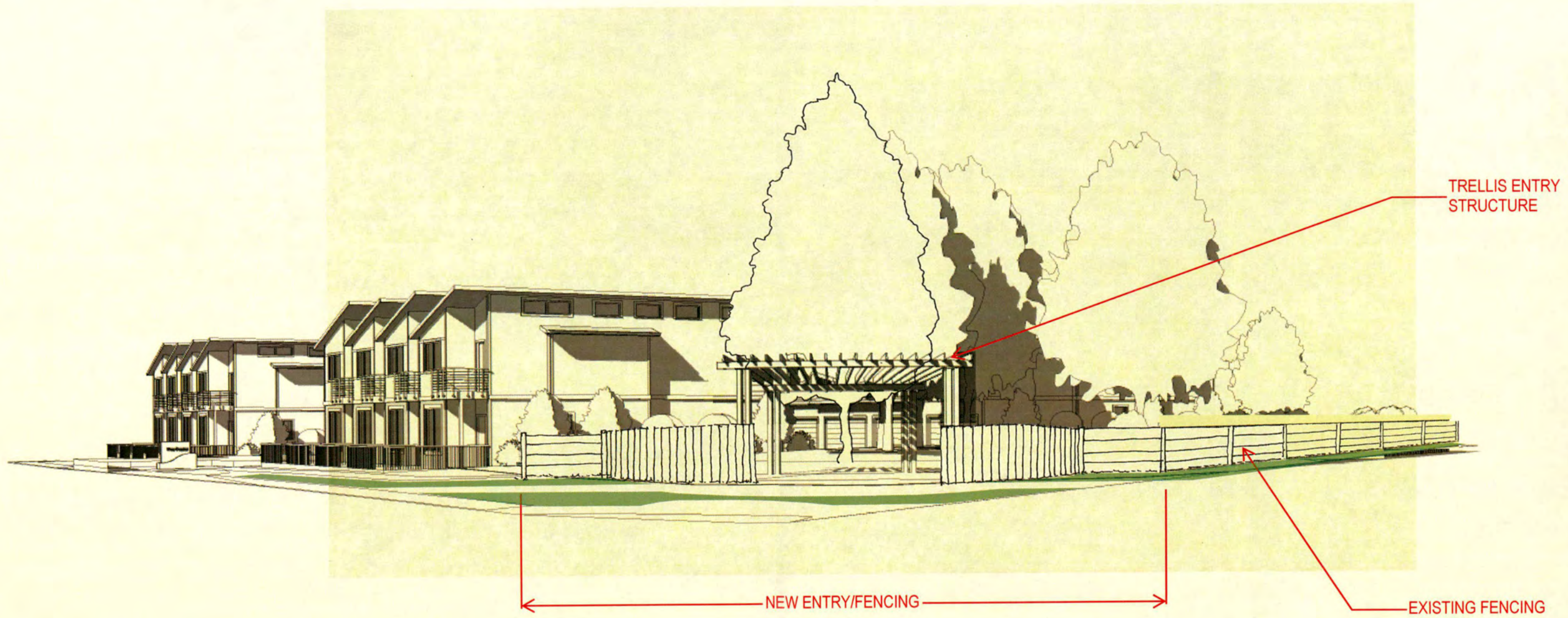
Project:
**Fox Center
 Townhouse
 Project**

Wilsonville, Oregon 97070

Sheet Title:
**PRELIMINARY
 UTILITY PLAN**

Revisions:

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 Date: 31 July 2012
 Drawn by: JSR Checked by: CNH
 Job Number: 108146.04
 Sheet



TRELLIS ENTRY
STRUCTURE

NEW ENTRY/FENCING

EXISTING FENCING

Exhibit D

DKS Report (Traffic Impact Analysis)

MEMORANDUM



TO: Steve Adams, City of Wilsonville

FROM: Scott Mansur, P.E., PTOE *Sm*
Brad Coy, P.E.
Derek Moore, E.I.T.

DATE: May 22, 2012

SUBJECT: Fox Center Transportation Analysis

P12023-002-000

This memorandum documents the transportation impacts for the proposed Fox Center zone change and residential development located on the southwest corner of the Wilsonville Road/Willamette Way East intersection in Wilsonville, Oregon. Figure 1 shows the proposed project site and the study intersection where project transportation impacts will be evaluated. This study intersection was selected in coordination with City of Wilsonville staff¹:

- Wilsonville Road/Willamette Way East

The sections of this memorandum document the proposed development, zone change impacts and Transportation Planning Rule (TRP) evaluation, existing traffic conditions, trip generation and distribution, project traffic impacts, and a site plan review.

Proposed Development

The project sponsor is proposing to build 16 townhouse units on the 1.14-acre project site. Access to the project site consists of two proposed site driveways, which include a full access onto Willamette Way East and a restricted entrance from Chantilly. A preliminary site plan is provided in the appendix.



Figure 1: Study Area

¹ Email from Steve Adams, City of Wilsonville, November 16, 2011.

Zone Change Impacts and Transportation Planning Rule (TRP) Evaluation

The applicant's development proposal would require a zone change from the existing Planned Development Commercial (PDC) zone to the proposed Planned Development Residential 5 (PDR 5) zone. Therefore, the potential for additional Transportation Planning Rule (TPR) Goal 12 analysis was considered. The purpose of the TPR analysis is to determine whether the zone change will cause additional adverse affects to the transportation system that were not previously addressed by the City's Transportation System Plan (TSP).

A trip generation comparison between the existing and proposed zones is the basis for determining whether the proposed zone change will result in additional impacts to the transportation system. Table 1 lists the trip generation comparison, which is based on the following reasonable worst case land use assumptions for the two zones:

- Planned Development Commercial (PDC):** The 1.14 acre site is currently vacant, but it is expected that the site could accommodate approximately 9,900 square feet of retail space based on a typical floor-area ratio of 0.2 for commercial development (i.e., the amount of development is approximately equal to 20% of the size of the lot). Using ITE's trip generation and pass-by trip rates for a shopping center (Land Use Code 820), the site would generate 89 net-new p.m. peak hour trips.²
- Planned Development Residential 5 (PDR5):** With the proposed rezoning, the Wilsonville Zoning Code would allow average lot sizes between 2,500 and 4,000 square feet, resulting in a minimum of 12 units and a maximum of 20 units for the project site. Assuming that 20 townhouse units were constructed, the site would generate 16 p.m. peak hour trips.

Because the proposed zone change is expected to result in significantly fewer trips being generated by the project site (i.e., 16 p.m. peak hour trips under the proposed zoning versus 89 p.m. peak hour trips under existing zoning), no additional TPR analysis is needed since there would be no impacts from the proposed zone change. The project trips from the proposed zone change would already be considered within the City's adopted Transportation System Plan.

Table 1: Transportation Planning Rule P.M. Peak Hour Trip Generation Comparison

Scenario	Zoning	Representative Land Use (ITE Code)	Size	Net-New P.M. Peak Hour Trips
Existing	Planned Development Commercial (PDC)	Shopping Center (LU 820)	9.9 KSF	89
Proposed	Planned Development Residential 5 (PDR 5)	Residential Condo/ Townhouse (LU 230)	20 units	16
Net Reduction				73

² Net-new trips are equal to the total trips minus the pass-by trips. Retail uses have pass-by trips, which affect intersection turning movements but not the total number of vehicles traveling through the study area. Residential uses do not have pass-by trips.

Existing Traffic Conditions

Existing traffic conditions were evaluated for the study area transportation network, including the study area roadway network, existing traffic volumes, existing intersection operations, and collision analysis.

Study Area Roadway Network

Key roadways in the study area are summarized in Table 2 along with their existing roadway characteristics. The functional classifications are provided in the City of Wilsonville Transportation System Plan (TSP).³ In the vicinity of this site, Wilsonville Road is a major arterial and Willamette Way East is a local street. The north leg of the Wilsonville Road/Willamette Way East intersection serves as the access to Boones Ferry Primary School.

Table 2: Study Area Roadway Characteristics

Roadway	Wilsonville Classification	Cross Section	Posted Speed	On-Street Parking	Sidewalks	Bike Lanes
Wilsonville Rd	Minor Arterial	3-5 Lanes	25-35 mph	No	Yes	Yes
Willamette Way East	Local	2 Lanes	25 mph	Yes	Yes	No

Existing Traffic Volumes

Turning movement counts were performed on April 18, 2012 at the intersection of Wilsonville Road and Willamette Way East for both the a.m. peak (7:00 a.m. to 9:00 a.m.) and p.m. peak (4:00 p.m. to 6:00 p.m.) periods. Figure 2, which is on the next page, shows the highest hourly a.m. and p.m. peak hour turn movement volumes used for the operations analysis. The a.m. peak hour counts were performed for safety purposes due to the adjacent school.

Existing Intersection Operations

The existing a.m. and p.m. peak hour study intersection operations were evaluated based on 2000 Highway Capacity Manual⁴ methodology and compared with the City of Wilsonville's minimum acceptable level of service (LOS) operating standard, which is LOS D.⁵ Table 3 list the study intersection's existing level of service (LOS) and volume to capacity (v/c) ratio. Because the intersection operates at LOS B, it meets the City's applicable operating standard. Additional level of service discussion and output sheets are provided in the appendix.

Table 3: Existing Peak Hour Study Intersection Operations

Intersection	Operating Standard	A.M. Peak Hour		P.M. Peak Hour	
		LOS	V/C	LOS	V/C
Wilsonville Road/Willamette Way East	LOS D	B	0.53	B	0.44

Delay = Average Stopped Delay per Vehicle (sec)
LOS = Level of Service of Intersection

V/C = Volume-to-Capacity Ratio of Intersection

³ City of Wilsonville Transportation Systems Plan, Figure 4.8, Adopted June 2, 2003.

⁴ 2000 Highway Capacity Manual, Transportation Research Board, Washington DC, 2000.

⁵ City of Wilsonville Code, City of Wilsonville Section 4.140, p.163.

One contributing factor to the intersection's operations is that the School District recently lengthened the southbound left-turn lane, which increases the traffic volume that can be serviced by the signal.

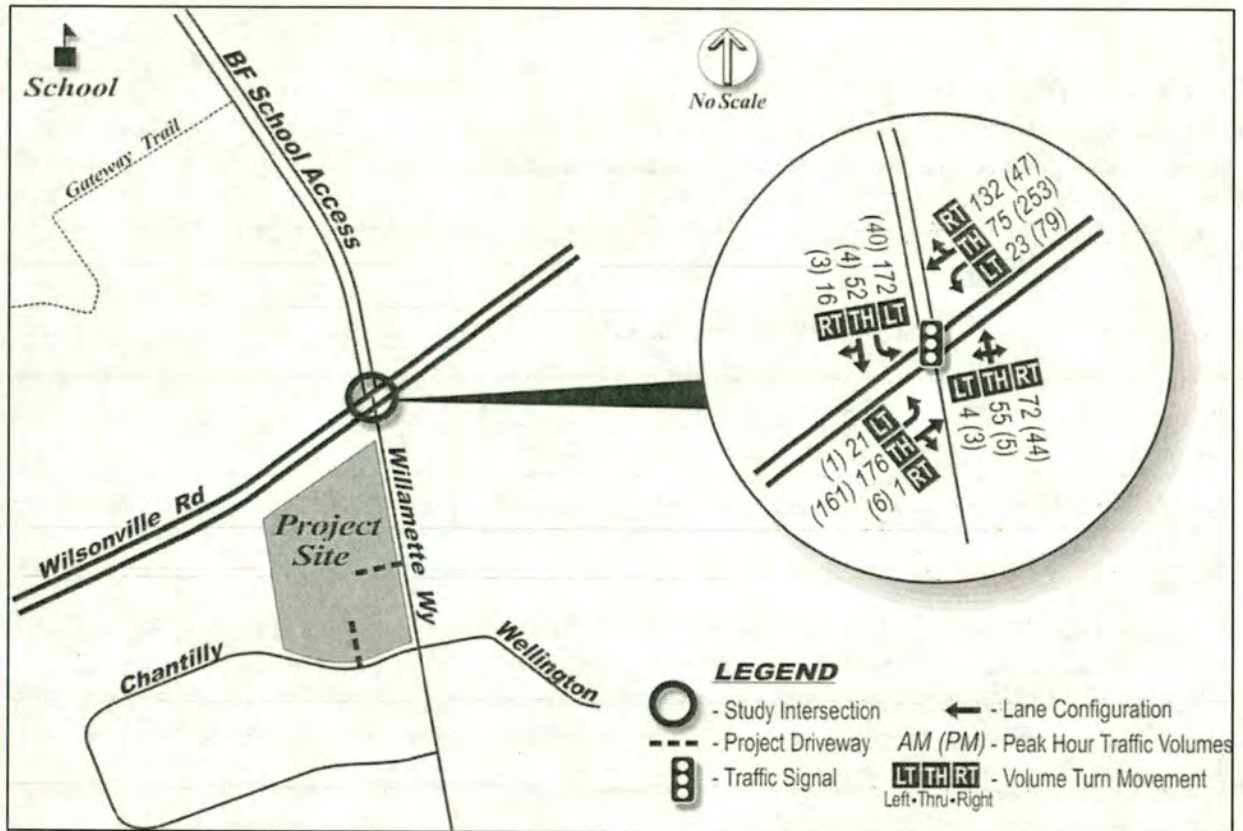


Figure 2: Existing A.M. and P.M. Peak Hour Traffic Volumes

Collision Analysis

Collision analysis was performed for the study intersection based on data provided by the Oregon Department of Transportation (ODOT) Crash Analysis and Reporting Unit. Table 4 summarizes the collision data for 2007 through 2010. Because the intersection's collision rate is significantly less than 1.0 collision per million entering vehicles (MEV), no additional collision analysis was performed.

Table 4: Study Intersection Collisions (2007-2010)

Intersection	Collisions (by Severity)				Collisions Per year	Collision Rate ^b
	Fatal	Injury	PDO ^a	Total		
Wilsonville Road/Willamette Way East	0	0	1	1	0.25	0.11

^a PDO = Property damage only.

^b Collision rate = average annual collisions per million entering vehicles (MEV); MEV estimates based on p.m. peak-hour traffic count and applicable factors.

Trip Generation and Distribution

Trip generation and distribution were performed for the proposed project site to analyze the impacts to the additional traffic to the transportation network. Trips levels through the City's two I-5 interchanges were also estimated.

Trip Generation

Trip generation was performed for the 16 townhouse units being proposed by the applicant to determine the expected number of trips to and from the project site during the typical weekday a.m. and p.m. peak hours. These trip generation estimates differ from the prior estimates shown in Table 1 because they only account for the proposed development. The prior estimates were for the 20 units that would be allowed for the site to account for worst-case impacts associated with the zone change.

The trip rates used to estimate the project trips were obtained from the Institute of Transportation Engineers (ITE).⁶ Table 5 lists the trip generation assumptions as well as the estimated number of additional trips. It is estimated that the project site would generate 11 (2 in, 9 out) a.m. peak hour trips and 13 (9 in, 4 out) p.m. peak trips.

Table 5: Fox Center Townhome Trip Generation

Land Use (ITE Code)	Peak Period	Trip Generation Rate ^a	Number of Units	Peak Hour Trips		
				In	Out	Total
Residential Condo/ Townhouse (230)	A.M.	0.69 trips/unit ^a	16	2	9	11
	P.M.	0.81 trips/unit ^a	16	9	4	13

^a The project trip generation estimates were based on ITE equations; however, a trip rate is provided for comparison purposes (though may change as number of units changes).

Trip Distribution

The trip distribution for the new project traffic was based on existing traffic patterns in the study area and the City of Wilsonville travel demand model developed in conjunction with exiting work on the Wilsonville Transportation System Plan. Figure 3 shows the trip distribution as well as the project trips for both the a.m. and p.m. peak hours at the study intersection. All of the project trips were assumed to travel east or west on Wilsonville Road; however, based on sensitivity testing, it was determined that intersection impacts would remain unchanged if some of the trips were assumed to travel to or from the Boones Ferry Primary school.

Project Trips through I-5 Interchanges

Based on the estimated project trip distribution, the proposed development of 16 townhomes would generate approximately 7 p.m. peak hour trips through the I-5/Wilsonville Road interchange area.

⁶ *Trip Generation, 8th Edition*, Institute of Transportation Engineers, 2008

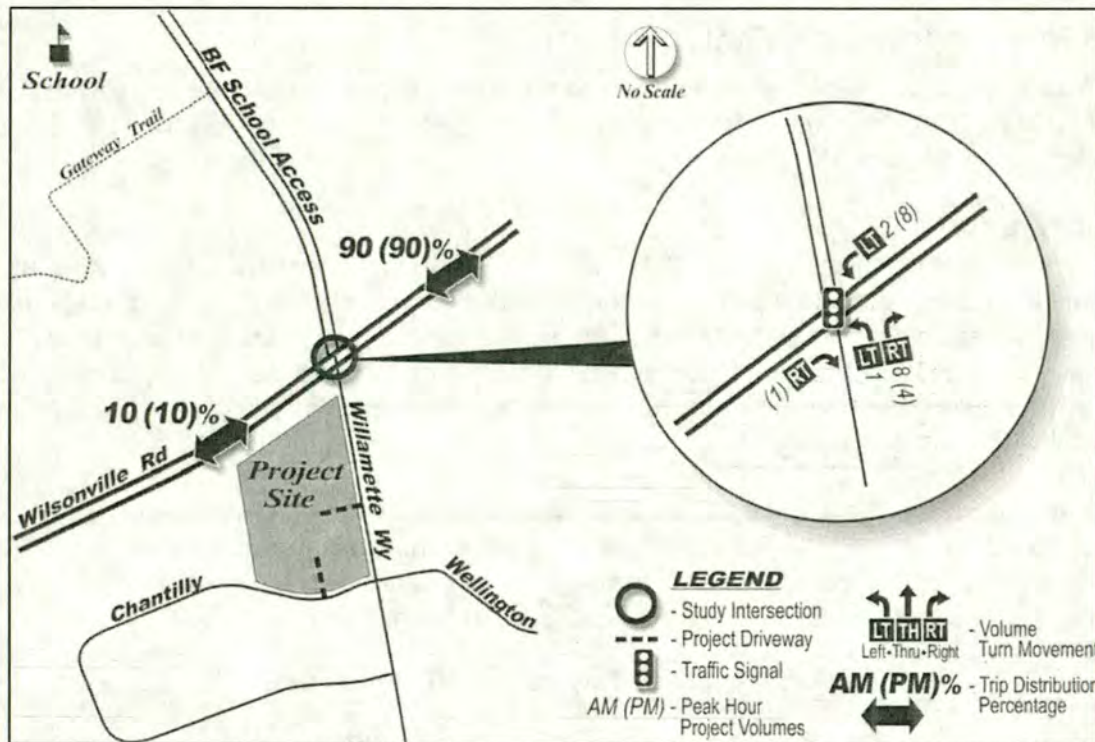


Figure 3: Trip Distribution and Project Volumes

Project Traffic Impacts

One of the primary purposes of this memorandum is to identify the project traffic impacts that the proposed townhouses would have on the study area transportation system. Although the development would generate traffic throughout the week, the weekday a.m. and p.m. peak hours were the periods analyzed since they are when the greatest impact are expected (the sum of project traffic and traffic on adjacent streets is generally greatest during these periods). The nearby Boones Ferry Elementary School is the primary contributor to the a.m. peak hour traffic volumes. The a.m. peak hour analysis was performed for safety purposes due to the adjacent school, and the p.m. peak hour was evaluated to assess operational impacts based on City Code requirements.

To determine the project traffic impacts, the future traffic volumes were estimated and future intersection operations were evaluated for the following two scenarios:

- Existing + Project + Boones Ferry Primary Revised Students (A.M. Peak Hour)
- Existing + Project + Stage II + Boones Ferry Primary Revised Students (P.M. Peak Hour)

Future Traffic Volumes

Future traffic volumes were estimated by adding traffic generated by the proposed project (for the a.m. and p.m. peak hours) and by Stage II approved uses (for the p.m. peak hour only) to existing traffic volumes. In addition, traffic volumes were decreased to account for the shift in student enrollment from the Boones Ferry Primary School to the new Lowrie Primary School

(i.e., which is being built in the Villebois Village Master Plan Area). These changes were made based on coordination with the West Linn-Wilsonville School District.⁷

The existing and project traffic volumes are documented previously in this memorandum. The traffic volumes associated with the Stage II Approved projects and the Boones Ferry Primary were estimated as follows:

- Stage II traffic is estimated based on the list of currently approved Stage II developments, which was provided by City staff.⁸ This list and the corresponding PM peak hour trip generation estimates for these developments are included in the appendix. Additional trips associated with approved Stage II projects were accounted for in only the p.m. peak hour, as a.m. trips are not tracked for these projects.
- The school district is estimating that student enrolment at Boones Ferry Primary will decrease from 830 to 550 (34%) when the new Lowrie Primary School (i.e., located in Villebois) opens. To account for the reduced future traffic demands change, a 34% reduction was applied to all movements in and out of the school driveway.

Figure 4 illustrates the anticipated future traffic volumes for the a.m. and p.m. peak hours at the intersection of Wilsonville Road and Willamette Way East.

Future Intersection Operations

For the two future scenarios, the a.m. and p.m. peak hour study intersection operations were evaluated based on the methodology found in the *2000 Highway Capacity Manual*. The future intersection operations are found in Table 6 list the results of the operations analysis. As shown, the study intersection operates at LOS B, which meets the City's applicable operating standard. Additional level of service discussion and output sheets are provided in the appendix.

Table 6: Future Peak Hour Study Intersection Operations

Intersection	Operating Standard	A.M. Peak Hour		P.M. Peak Hour	
		LOS	V/C	LOS	V/C
Wilsonville Road/Willamette Way East	LOS D	B	0.50	B	0.48

Delay = Average Stopped Delay per Vehicle (sec) V/C = Volume-to-Capacity Ratio of Intersection
LOS = Level of Service of Intersection

⁷ Conversation with Tim Woodley, West Linn-Wilsonville School District, May 3, 2012.

⁸ Email from Blaise Edmonds, City of Wilsonville, April 18, 2012 (see appendix for Stage II list).

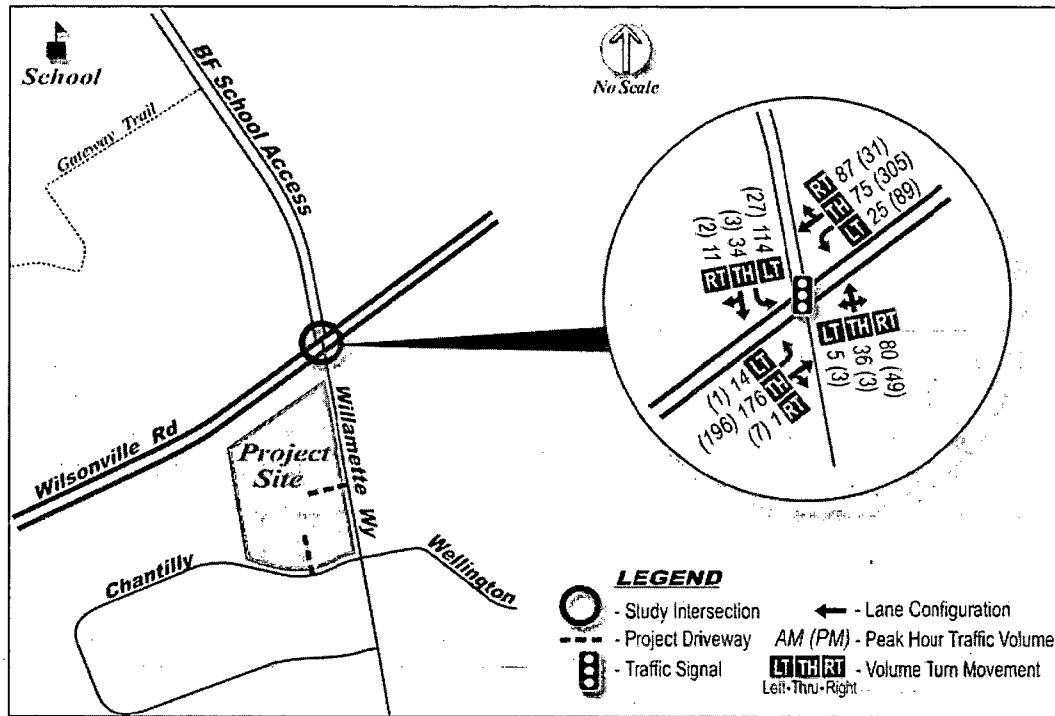


Figure 4: Future Traffic Volumes

Site Evaluation

The site plan provided by the project sponsor was reviewed to identify any traffic-related issues with the proposed development, including access and internal circulation, the bicycle and pedestrian network, and parking requirements.

Access and Internal Circulation

Under the provided site plan, there are three concerns relating to vehicular movements in/out and internal to the site:

- It is not clear on the site plan, but the driveway onto Willamette Way East should align directly across from the existing church driveway.
- The northernmost townhomes are expected to have difficulty entering and exiting the garages due to the lack of adjacent maneuvering areas. Turn templates should be used to evaluate ingress/egress movements associated with these garages to determine if site modifications are necessary at the north end of the driveway.
- The one-way inbound entrance on Chantilly is aligned such that vehicles may confuse it for a site exit. "No Exit" signs should be placed facing north on either side of the access point.
- Due to the potential for additional parking demand along Willamette Way East, "No Parking" signs should be placed to restrict parking within 150 feet of the intersection with Wilsonville Rd. This will ensure intersection operation and safety is not negatively impacted.

Pedestrian/Bicycle Network

Sidewalks already exist at this site bordering both Wilsonville Road and Willamette Way East. The internal pedestrian walkway shown on the site plan appears to provide adequate connectivity between the units, the landscaped area, and the adjacent sidewalks.

Parking Requirements

City code⁹ requires the proposed site to have a minimum of 24 parking spaces for the proposed 16 units (1.5 spaces per unit), and there are no maximum parking requirements. Parking generation rates from ITE¹⁰ report an average peak parking demand of 1.3 vehicles per dwelling unit, indicating that an average demand of 21 parking spaces would be expected for the 16 townhouses. Because the proposed site plan includes 29 spaces (including garages), it meets both city code requirements and the estimated parking demand.

Summary

The key transportation impact analysis findings for the proposed Fox Center Townhouse Project include the following:

Transportation Planning Rule (TRP)

- No additional TPR analysis is needed because the proposed zone change from PDC to PDR 5 zoning would result in significantly fewer peak hour trips.

Project Trip Generation

- It is estimated that the proposed project would generate 11 a.m. peak hour trips and 13 p.m. peak hour trips. Of the additional p.m. trips, a projected 7 trips would travel through the I-5/Wilsonville Road interchange.

Transportation Impacts

- The proposed project is not expected to impact safety or operations at the study intersection. The intersection currently operates at a LOS B, and future operations (both a.m. and p.m. peak hours) are also expected to be at LOS B. Based on this finding, no mitigations are recommended.

Site Plan

- The driveway onto Willamette Way East should align directly across from the existing church driveway.
- The northernmost townhomes are expected to have difficulty entering and exiting the garages due to the lack of adjacent maneuvering areas. Turn templates should be used to evaluate ingress/egress movements associated with these garages to determine if site modifications are necessary at the north end of the driveway.
- The one-way inbound entrance on Chantilly is aligned such that vehicles may confuse it for a site exit. "No Exit" signs should be placed facing north on either side of the access point.

⁹ Wilsonville Code, Planning and Land Development. Chapter 4, Updated January 2011

¹⁰ *Parking Generation, 3rd Edition*, Institute of Transportation Engineers, 2003

- Due to the potential for additional parking demand along Willamette Way, "No Parking" signs should be placed to restrict parking within 150 feet of the intersection with Wilsonville Rd. This will ensure intersection operation and safety is not negatively impacted.

Let us know if you have any questions or comments.

Appendix

Site Information

Wilsonville Stage II Project List

Weekday PM Peak Hour Traffic Counts

Level of Service Descriptions

HCM Analysis – Existing

HCM Analysis – Future

ODOT Collision Data

Site Information

CITY OF WILSONVILLE

Mail: 29799 S.W. Town Center Loop East
 Wilsonville, OR 97070
 Phone: 503.682.4960
 Fax: 503.682.7025
 Web: www.ci.wilsonville.or.us

Planning Division
Pre-Application Meeting Request

File No. _____

NOTE: Pre-application meeting will not be scheduled until the Planning Division staff receives the required fee and plans

TO BE COMPLETED BY APPLICANT

Property Owner's Name: Seema, LLC Authorized Representative: Lee Leighton
 Authorized Signature: [Signature] Westlake Consultants, Inc.
 Address: c/o 1501 SW Taylor, Suite 100 Address: 15115 SW Sequoia Parkway,
Portland, OR 97205 Suite 150; Tigard, OR 97224
 Phone: Greg Close 503-595-9685 Phone: 503-684-0652
 Fax: 503-227-2507 Fax: 503-624-0157
 E-mail: gclose@wyseinvestment.com E-mail: lleighton@westlakeconsultants.com
 Property Description: T3S-R1W Map 22AC Tax Lot(s) 100 County Clackamas/Washington
 Project address if available: On the west side of Willamette Way East, south of Wilsonville Road,
north of Chantilly

Project Type:

Residential Commercial Industrial Other (describe below)

Planning Permit Type:

Stage I Master Plan Stage II Final Plan Site Design Review Tree Removal
 Signs Traffic Study Transit Analysis Other

Project Description:

Comp plan map amendment and zone change from neighborhood commercial to residential; PD and site plan review for 16-unit residential plan (four buildings with four rowhouse units each); associated reviews/permits and fees.

FOR STAFF USE ONLY:

Rec'd: _____ Fee: _____ Check #: _____ Applicant Notified: _____ By: _____

Pre app meeting date & time: / / 9:00 am 10:30 am

Staff Routing: Adams Staten Bushman; Lacy; Edmonds; Rappold; Walters; Wheeler; DKS; Fire Marshall; Other: _____

Reverse side for pre-application meeting notes →

Date: October 27, 2011
To: Blaise Edmonds, City of Wilsonville Planning Department
From: Lee Leighton, AICP
Re: Pre-application conference questions for Fox Hill Townhomes project
CC: Seema LLC/Sia Vossoughi
Wyse Investment Company/Greg Close
Mildren Design Group/Dan Vasquez, AIA

We would like to discuss with staff the following questions at our pre-application conference meeting:

1. We assume that the following applications/approvals will be required - please confirm:
 - Comprehensive Plan Map Amendment - from commercial to residential
 - Zoning Map Amendment - from Neighborhood Commercial to a Residential zone suitable for 16 attached dwelling units within the 1.14-acre site (14 units per acre density) - which zone should be proposed?
 - Planned Development (Preliminary & Final Development Plans)
 - Site Design Review
 - Tree Preservation and Protection
 - Other, e.g., Variance?
2. The Comp Plan Amendment/Rezoning will require compliance with the Transportation Planning Rule. Is it acceptable to use a threshold approach (i.e., showing that 16 apartment dwelling units will generate less traffic than some of the commercial uses allowed under the current Neighborhood Commercial zoning, and that therefore further analysis is not required)?
3. The owner intends to build rental housing targeted at an independent, over-55 demographic. Are there any bonus residential density provisions in the Wilsonville Code for which the project could be eligible?
4. Can the required approvals be consolidated into one review process?
5. What application fees will be payable when land use requests are submitted?
6. What Systems Development Charges (Traffic, Water, Sewer, Storm, Parks, other?) will be incurred by a 16-unit multifamily project (rental units)?

FOX CENTER - TOWNHOUSE PROJECT

WILSONVILLE, OREGON

SITE

**MEETING LOCATION:
VALLEY CHRISTIAN CHURCH**

TUESDAY, SEPTEMBER 20, 2011
6:30-7:30 PM



LOT INFORMATION:

AREA: 49,676 SF 1.14 ACRES (< 2 ACRES)

ZONE: TBD

REQUIRED OPEN SPACE: 25% (12,419 SF)
EXCLUDING STREETS

REQUIRED OUTDOOR RECREATIONAL AREA -
10 OR FEWER UNITS: 1,000 SF
11 - 19 UNITS: 200 SF PER UNIT
20 OR MORE UNITS: 300 SF PER UNIT

SETBACKS -
FRONT YARD: 20 FEET MIN.
SIDE YARD: 10 FEET MIN.
REAR YARD: 20 FEET MIN.

PARKING - REQUIRED:
(PER 4.155, TABLE 5.a)

UP TO 9 UNITS 1 PER UNIT (MIN) - NO LIMIT (MAX)
OVER 9 UNITS 1 PER UNIT (LESS THAN 500 SF) - NO
LIMIT (MAX)
1.25 PER UNIT (1 BEDROOM UNIT)
1.5 PER UNIT (2 BEDROOM UNIT)
1.75 PER UNIT (3 BEDROOM UNIT)



Vicinity Map

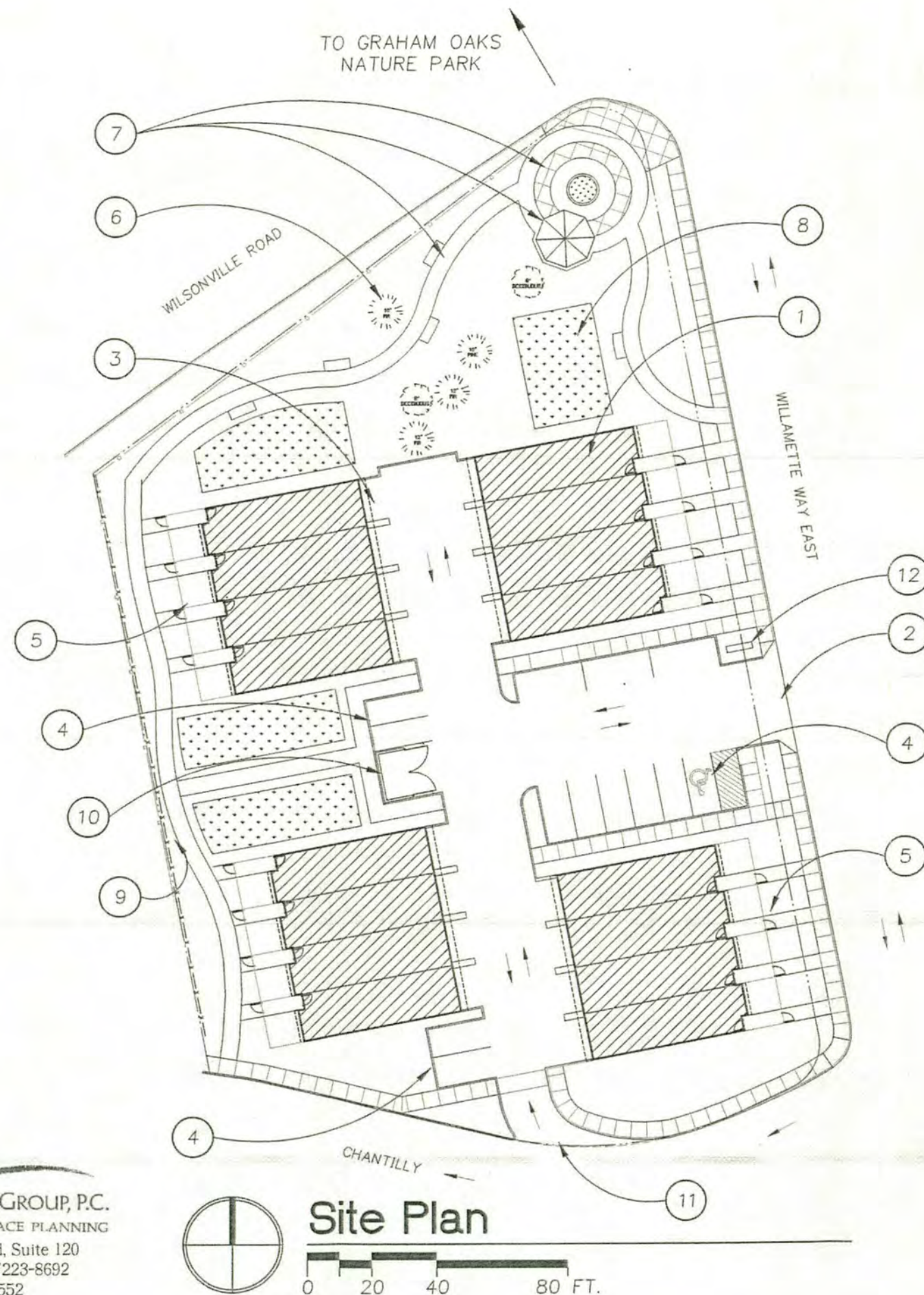
Not to scale



MILDREN DESIGN GROUP, P.C.
ARCHITECTURE • SPACE PLANNING

7650 S.W. Beveland, Suite 120
Tigard, Oregon 97223-8692
(503) 244-0552

FOX CENTER - TOWNHOUSE PROJECT
MDGPC 108146.03
9-1-11



INDEPENDENT LIVING COMMUNITY: TWO STORY TOWNHOUSE UNITS (2 BEDROOM UNITS, 16 TOTAL)

COVERAGE AREA -	
BUILDING A:	2,860 SF
BUILDING B:	2,860 SF
BUILDING C:	2,860 SF
BUILDING D:	2,860 SF (TOTAL: 11,440 SF)
	23% OF SITE

PARKING, DRIVEWAYS, ETC.:	10,980 SF
MISC. (TRASH ENCL., GAZEBO):	380 SF
<u>TOTAL:</u>	<u>22,800 SF</u>

OPEN SPACE: 26,876 SF (54.1%)

OUTDOOR RECREATIONAL MISC:
(COMMUNAL GARDENS, ONE 800 SF PER BUILDING): 3,200 SF REQUIRED
3,200+ SF PROVIDED

TWO STORY UNITS
SQUARE FOOTAGE PER UNIT: 1,200 SF (EXCL. GARAGE)

TOTAL NUMBER OF UNITS:
(ALL TWO BEDROOM UNITS) 16 UNITS

REQUIRED PARKING
(1.5 STALLS PER UNIT): 24 SPACES
PROVIDED: 29 SPACES (INCL. GARAGES)

Keynotes

1. TWO-STORY TOWNHOUSE UNIT, TYPICAL
2. WILLAMETTE WAY ACCESS - ACROSS FROM EXISTING ACCESS TO VALLEY CHRISTIAN CHURCH ON EAST SIDE OF STREET
3. DRIVEWAY ACCESS TO GARAGE, TYPICAL
4. ADDITIONAL PARKING
5. LANDSCAPED ENTRY AREA WITH FENCED FRONT YARD AND PEDESTRIAN PATHWAY TO EACH UNIT, TYPICAL
6. EXISTING TREES TO REMAIN, TYPICAL
7. PEDESTRIAN PATHWAY: CONCRETE WALKWAY, BENCH SEATING AND PLAZA FOCAL POINT/GAZEBO AT NORTHEAST CORNER OF SITE
8. OUTDOOR RECREATIONAL AREA - COMMUNITY GARDEN, TYPICAL OF FOUR
9. NEW FENCE (MATERIAL TBD)
10. TRASH AND RECYCLING ENCLOSURE (ACTUAL SIZE T.B.D.)
11. ONE WAY ACCESS "ENTRY ONLY" - COORDINATE DETAILS WITH CITY
12. MONUMENT SIGN



Site Plan

0 20 40 80 FT.

Wilsonville Stage II Project List

Stage II Approved										
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage			Net New (Primary) PM Peak Hour Trips		
					Internal	Pass-By	Diverted	In	Out	Total
Ash Meadows	MFDU		22 units					14	7	21
Rivergreen (Phase 3)	SFDU	2 plans were submitted leaving 2 lots left	4 units					4	2	6
Mercedes Benz (Phase 2)	Auto Dealership	Not built						20	26	46
I-5 Corporate Park (In Focus)	2 story Office bldg W-1	Built, not occupied	70.0 KSF					17	80	97
Town Center Ph III and its trip dedication to Miller Paint store <i>Uses marked with "*" have not been built and their PM peak hour trip sum exceeds remaining vested trip level by 2 trips. It has yet to be determined how to allocate trips between remaining buildings.</i>	Wilsonville Town Center Office (Pad 5)	Built, not occupied	44.0 KSF					18	86	104
	Fast Food Restaurant (Pad 2)	Not built	2.5 KSF					18	16	34
	High Turnover Restaurant (Pad 1)	Not built	7.5 KSF					24	17	41
	Miller Paint store	Not built	5.0 KSF					6	6	12
	Remaining Approved Total									
Cross Creek Subdivision	Residential	Lots for sale (6 of 13 lots built)	7 lots available					4 7	2 4	6 11
Hydro-Temp	Office/Flex-Space	Not built	60.8 KSF					44	46	90
Copper Creek <i>Previously analyzed for 26 units, which is sufficiently close to new unit count. Therefore, analyzed based on prior trip assumptions.</i>	Residential	Not built (going to DRB on 4/23/12)	21 units					15	8	23
Chad Ward building on Kinsman	Manuf., warehouse, office & 5,000 SF retail bldg.	Not built	25.4 KSF					11	41	52

Stage II Approved										
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage			Net New (Primary) PM Peak Hour Trips		
					Internal	Pass-By	Diverted	In	Out	Total
Joe Angel's retail (Wilsonville Retail) on Boones Ferry Rd	Retail (North Bldg)	Not built	11.2 KSF			26%	44%	66	65	131
	Bank (South Bldg)	Not built	3.2 KSF			26%	58%	53	58	111
	Total							119	123	242
Athey Creek Church	Convert existing Diatron Bldg to Church	5 year Temporary Use Permit (TUP)	39.6 KSF							
Abele-Renaissance Subdivision	Residential (single-family)	Not built	33 units					21	12	33
Fred Meyer – Old Town Square	Fred Meyer building (with attached space)	Built and occupied	155.1 KSF	770	8%	15%	42%	158	162	320
	Retail (multiple buildings, one w/ some allowed restaurant use)	Mostly occupied	43.1 KSF	362	17%	15%	42%	54	63	117
	Restaurant (portion of existing church)	Remodeled as a Brew Pub	6.5 KSF	54	26%	15%	42%	10	3	13
	Residential (apartments)	Under construction	52 units	43	40%			16	10	26
	Total				43 of 1,229	12.6%		0 of 442 (221, 221)	16 of 238	10 of 238
Wilsonville Road Business Park <i>Land use sizes are slightly lower than analyzed in TIS. Applicant is requesting Stage I and Stage II approval for both phases and Site Design Review for Phase 1 only.</i>	Phase 1: Industrial, office, service/retail (4 buildings on east parcel)	Built but not occupied	89.8 KSF					13	87	100
	Phase 2 - office (2-story building on west parcel)	Not built	21.7 KSF					15	71	86
	Total		111.5 KSF	186				28	158	186

Stage II Approved										
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage			Net New (Primary) PM Peak Hour Trips		
					Internal	Pass-By	Diverted	In	Out	Total
Brencley Estates Phase I, Parcels 1 and 2 <i>Unit quantities and types are slightly different than those analyzed in TIS, but they are sufficiently close that same trip generation is assumed for Stage II analysis. Assumes entire Phase I trip generation.</i>	Residential (apartments) Parcel 1	Under construction	324 units					156	84	240
	Residential (apartments) Parcel 2	Not built	32 houses							
	Clubhouse (residential use)	Under construction	5.4 KSF					N/A	N/A	N/A
	Total				240				156	84
TVFR station @ Elligsen Road <i>Current proposed use generates less p.m. peak hour trips than historical Community Development use (therefore, no Stage II trips added to analysis).</i>	Fire Station and Command Center	Under construction	19.5 KSF	5				0	0	0
The Boone Building	Dentist office, offices and retail.	Under construction	19.5 KSF	65				25	40	65
Mentor Graphics Data center	Data Center	Under Construction	19.7 KSF	0						
SMART	Fleet and operations building	Under construction	12,400	15						
Retherford Meadows SAP-2 East (Villebois)	Residential	Not built	88 lots	89						

Vested Projects with trips through Interchange Areas										
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage			Net New (Primary) PM Peak Hour Trips		
					Internal	Pass-By	Diverted	In	Out	Total
Villebois	Mixed Use	Building 1F built	N/A					266	144	309 WVIC
The Villebois approved projects as shown below are part of the 410 vested trips through the WV Road Interchange Area as shown above (309 trips based on occupied units in SAP-South Phases 1,2, and 3)										
Villebois SAP-South Phases 2 and 3	Residential	Mostly built, lots for sale	121 units					74	41	115
Villebois SAP-East Phase 1	Residential	Lots for sale (33 of 190 units built)	190 units							
Villebois SAP-Central Phase 1	Residential	Mostly built, lots for sale	394 units							
Villebois SAP-Central Phase 2	Residential and 5 KSF commercial	Charleston built	114-134 (mid 124)							
Villebois SAP-North	Residential	Not built								
Villebois SAP-South Phase 5	Residential	Approved, Not built	27 units							
Villebois SAP-South Phase 6	Residential	61 houses of 81 lots built								
Villebois SAP North Phase 1	Residential	Not built – 144 lots								
Lowrie Primary School	Elementary School	Under construction								

Projects Without Stage II Approval										
Project	Land Use	Status	Size	Total PM Peak Trips	Trip Allocation Percentage			Net New (Primary) PM Peak Hour Trips		
					Internal	Pass-By	Diverted	In	Out	Total
Brenchley Estates - North	Residential	Not built Needs City Council approval on May 7, 2012	359 apartment units 39 single-family houses	267						

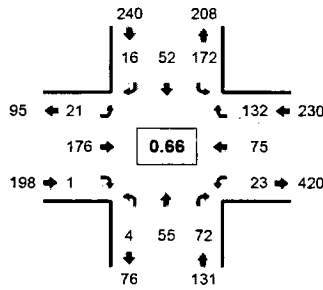
Weekday PM Peak Hour Traffic Counts

Type of peak hour being reported: Intersection Peak

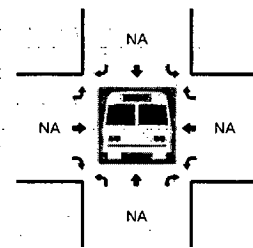
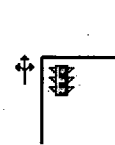
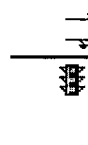
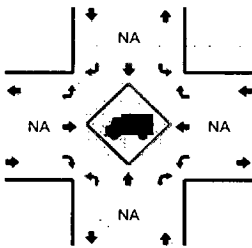
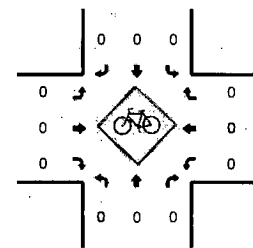
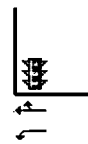
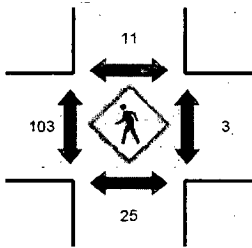
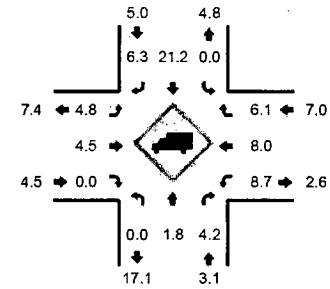
Method for determining peak hour: Total Entering Volume

LOCATION: Willamette Way E -- Wilsonville Rd
 CITY/STATE: Wilsonville, OR

QC JOB #: 10743701
 DATE: Wed, Apr 18 2012



Peak-Hour: 7:20 AM -- 8:20 AM
 Peak 15-Min: 7:35 AM -- 7:50 AM



5-Min Count Period Beginning At	Willamette Way E (Northbound)				Willamette Way E (Southbound)				Wilsonville Rd (Eastbound)				Wilsonville Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	1	1	7	0	0	0	0	0	0	14	0	0	0	3	6	0	32	
7:05 AM	0	1	4	0	2	0	0	0	0	17	1	0	0	3	5	0	33	
7:10 AM	0	1	7	0	0	0	0	0	0	13	0	0	0	5	2	0	30	
7:15 AM	0	0	9	0	1	0	0	0	1	12	0	0	1	6	6	0	36	
7:20 AM	0	0	4	0	2	0	0	0	1	18	0	0	0	5	3	0	33	
7:25 AM	0	4	6	0	2	0	0	0	2	20	0	0	2	4	13	0	53	
7:30 AM	1	7	5	0	17	3	0	0	3	12	1	0	0	7	21	0	77	
7:35 AM	0	16	3	0	13	3	1	0	5	18	0	0	2	8	20	0	89	
7:40 AM	0	13	3	0	30	17	3	0	4	12	0	0	2	7	22	0	113	
7:45 AM	1	5	9	0	23	16	3	0	4	17	0	0	2	9	13	0	102	
7:50 AM	1	4	8	0	37	7	5	0	2	13	0	0	0	2	8	0	87	
7:55 AM	1	1	6	0	23	2	3	0	0	15	0	0	0	8	12	0	71	756
8:00 AM	0	1	3	0	16	0	0	0	0	15	0	0	4	9	8	0	56	780
8:05 AM	0	3	13	0	3	3	0	0	0	5	0	0	3	7	5	0	42	789
8:10 AM	0	1	3	0	5	1	0	0	0	15	0	0	4	3	4	0	36	795
8:15 AM	0	0	9	0	1	0	1	0	0	16	0	0	4	6	3	0	40	799
8:20 AM	0	2	5	0	0	0	0	0	0	13	1	0	1	6	1	0	29	795
8:25 AM	0	0	4	0	1	1	0	0	1	11	1	0	6	12	0	0	37	779
8:30 AM	0	0	4	0	1	0	0	0	0	17	0	0	2	5	1	0	30	732
8:35 AM	0	0	4	0	2	1	0	0	0	12	0	0	5	7	1	0	32	675
8:40 AM	0	2	6	0	2	0	0	0	0	17	0	0	1	5	1	0	34	596
8:45 AM	0	2	7	0	1	1	0	0	1	20	0	0	2	10	3	0	47	541
8:50 AM	0	3	6	0	2	0	0	0	1	7	0	0	4	6	5	0	34	488
8:55 AM	0	5	2	0	7	3	3	0	2	7	0	0	5	7	7	0	48	465
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	4	136	60	0	264	144	28	0	52	188	0	0	24	96	220	0	1216	
Heavy Trucks	0	4	0	0	0	44	0	0	0	24	0	0	4	12	28	0	116	
Pedestrians		88				20				304				0			412	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

TRAFFIC LEVELS OF SERVICE

Analysis of traffic volumes is useful in understanding the general nature of traffic in an area, but by itself indicates neither the ability of the street network to carry additional traffic nor the quality of service afforded by the street facilities. For this, the concept of *level of service* has been developed to subjectively describe traffic performance. Level of service can be measured at intersections and along key roadway segments.

Level of service categories are similar to report card ratings for traffic performance. Intersections are typically the controlling bottlenecks of traffic flow and the ability of a roadway system to carry traffic efficiently is generally diminished in their vicinities. Levels of Service A, B and C indicate conditions where traffic moves without significant delays over periods of peak travel demand. Level of service D and E are progressively worse peak hour operating conditions and F conditions represent where demand exceeds the capacity of an intersection. Most urban communities set level of service D as the minimum acceptable level of service for peak hour operation and plan for level of service C or better for all other times of the day. The *Highway Capacity Manual* provides level of service calculation methodology for both intersections and arterials.¹ The following two sections provide interpretations of the analysis approaches.

¹ 2000 *Highway Capacity Manual*, Transportation Research Board, Washington D.C., 2000, Chapters 16 and 17.

UNSIGNALIZED INTERSECTIONS (Two-Way Stop Controlled)

Unsignalized intersection level of service is reported for the major street and minor street (generally, left turn movements). The method assesses available and critical gaps in the traffic stream which make it possible for side street traffic to enter the main street flow. The *2000 Highway Capacity Manual* describes the detailed methodology. It is not unusual for an intersection to experience level of service E or F conditions for the minor street left turn movement. It should be understood that, often, a poor level of service is experienced by only a few vehicles and the intersection as a whole operates acceptably.

Unsignalized intersection levels of service are described in the following table.

Level of Service	Expected Delay	(Sec/Veh)
A	Little or no delay	0-10.0
B	Short traffic delay	>10.1-15.0
C	Average traffic delays	>15.1-25.0
D	Long traffic delays	>25.1-35.0
E	Very long traffic delays	>35.1-50.0
F	Extreme delays potentially affecting other traffic movements in the intersection	> 50

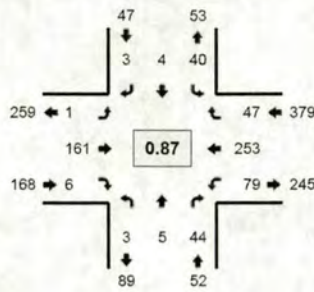
Source: 2000 *Highway Capacity Manual*, Transportation Research Board Washington, D.C.

Type of peak hour being reported: Intersection Peak

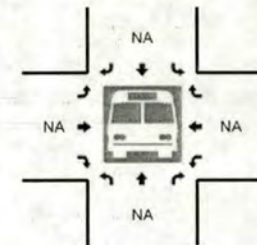
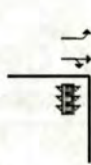
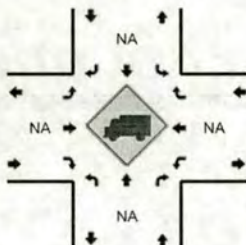
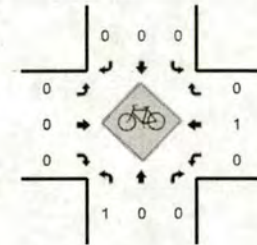
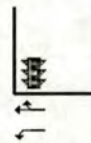
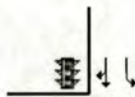
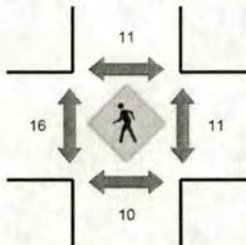
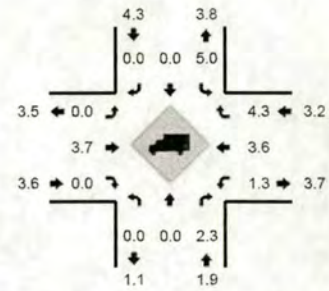
Method for determining peak hour: Total Entering Volume

LOCATION: Willamette Way E -- Wilsonville Rd
CITY/STATE: Wilsonville, OR

QC JOB #: 10743702
DATE: Wed, Apr 18 2012



Peak-Hour: 4:45 PM -- 5:45 PM
Peak 15-Min: 5:20 PM -- 5:35 PM



5-Min Count Period Beginning At	Willamette Way E (Northbound)				Willamette Way E (Southbound)				Wilsonville Rd (Eastbound)				Wilsonville Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	3	0	12	0	0	0	0	7	0	0	6	24	7	0	59	
4:05 PM	0	0	2	0	8	0	1	0	1	11	0	0	3	21	1	0	48	
4:10 PM	1	1	5	0	4	0	0	0	0	6	1	0	7	27	2	0	54	
4:15 PM	0	0	3	0	2	0	1	0	1	13	0	0	5	18	3	0	46	
4:20 PM	0	0	4	0	5	1	0	0	0	19	0	0	7	15	0	0	51	
4:25 PM	0	0	3	0	4	0	0	0	0	14	0	0	3	21	1	0	46	
4:30 PM	0	1	8	0	2	1	0	0	0	12	0	0	9	19	0	0	52	
4:35 PM	0	0	2	0	0	0	0	0	0	10	0	0	6	13	2	0	33	
4:40 PM	2	0	2	0	0	0	0	0	0	24	1	0	9	19	1	0	58	
4:45 PM	0	0	7	0	4	0	1	0	0	12	0	0	8	28	0	0	60	
4:50 PM	1	0	1	0	2	0	0	0	0	18	2	0	5	19	0	0	48	
4:55 PM	0	0	3	0	3	0	0	0	0	15	1	0	4	24	1	0	51	606
5:00 PM	0	0	4	0	0	0	0	0	0	13	1	0	4	18	1	0	41	588
5:05 PM	0	0	2	0	1	0	0	0	0	14	1	0	4	17	3	0	42	582
5:10 PM	0	0	5	0	0	0	0	0	0	10	0	0	10	25	3	0	53	581
5:15 PM	0	0	4	0	3	0	0	0	0	5	1	0	9	20	4	0	46	581
5:20 PM	0	3	1	0	5	1	0	0	0	16	0	0	4	21	10	0	61	591
5:25 PM	0	2	7	0	8	2	0	0	0	12	0	0	8	12	14	0	65	610
5:30 PM	0	0	3	0	9	1	0	0	1	12	0	0	6	22	6	0	60	618
5:35 PM	2	0	3	0	4	0	1	0	0	12	0	0	8	26	0	0	56	641
5:40 PM	0	0	4	0	1	0	1	0	0	22	0	0	9	21	5	0	63	646
5:45 PM	0	1	3	0	5	1	0	0	1	6	1	0	2	16	1	0	37	623
5:50 PM	0	0	6	0	1	1	0	0	1	16	1	0	8	13	1	0	48	623
5:55 PM	0	1	5	0	1	0	0	0	0	12	0	0	11	18	6	0	54	626
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	20	44	0	88	16	0	0	4	160	0	0	72	220	120	0	744	
Heavy Trucks	0	0	0	0	4	0	0	0	0	4	0	0	0	4	0	0	12	
Pedestrians		12				8				0				4			24	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
Railroad																		
Stopped Buses																		

Comments:

Level of Service Descriptions

SIGNALIZED INTERSECTIONS

For signalized intersections, level of service is evaluated based upon average vehicle delay experienced by vehicles entering an intersection. Control delay (or signal delay) includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. In previous versions of this chapter of the HCM (1994 and earlier), delay included only stopped delay. As delay increases, the level of service decreases. Calculations for signalized and unsignalized intersections are different due to the variation in traffic control. The *2000 Highway Capacity Manual* provides the basis for these calculations.

Level of Service	Delay (secs.)	Description
A	≤10.00	Free Flow/Insignificant Delays: No approach phase is fully utilized by traffic and no vehicle waits longer than one red indication. Most vehicles do not stop at all. Progression is extremely favorable and most vehicles arrive during the green phase.
B	10.1-20.0	Stable Operation/Minimal Delays: An occasional approach phase is fully utilized. Many drivers begin to feel somewhat restricted within platoons of vehicles. This level generally occurs with good progression, short cycle lengths, or both.
C	20.1-35.0	Stable Operation/Acceptable Delays: Major approach phases fully utilized. Most drivers feel somewhat restricted. Higher delays may result from fair progression, longer cycle lengths, or both. Individual cycle failures may begin to appear at this level, and the number of vehicles stopping is significant.
D	35.1-55.0	Approaching Unstable/Tolerable Delays: The influence of congestion becomes more noticeable. Drivers may have to wait through more than one red signal indication. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high v/c ratios. The proportion of vehicles not stopping declines, and individual cycle failures are noticeable.
E	55.1-80.0	Unstable Operation/Significant Delays: Volumes at or near capacity. Vehicles may wait through several signal cycles. Long queues form upstream from intersection. These high delay values generally indicate poor progression, long cycle lengths, and high v/c ratios. Individual cycle failures are a frequent occurrence.
F	≥80.0	Forced Flow/Excessive Delays: Represents jammed conditions. Queues may block upstream intersections. This level occurs when arrival flow rates exceed intersection capacity, and is considered to be unacceptable to most drivers. Poor progression, long cycle lengths, and v/c ratios approaching 1.0 may contribute to these high delay levels.

Source: *2000 Highway Capacity Manual*, Transportation Research Board, Washington D.C.

HCM Analysis – Existing

HCM Signalized Intersection Capacity Analysis
1: Wilsonville Road & BF School Access

Fox Center Transportation Analysis
2012 Existing AM

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔	↔	↔	↔	↔	↔	↔	↔	↔	↔	↔	↔
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0			4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Frbp, ped/bikes	1.00	1.00		1.00	0.98			0.91		1.00	0.99	
Flpb, ped/bikes	1.00	1.00		1.00	1.00			1.00		0.89	1.00	
Frt	1.00	1.00		1.00	0.90			0.93		1.00	0.97	
Flt Protected	0.95	1.00		0.95	1.00			1.00		0.95	1.00	
Satd. Flow (prot)	1719	1825		1656	1574			1553		1614	1552	
Flt Permitted	0.95	1.00		0.95	1.00			0.99		0.70	1.00	
Satd. Flow (perm)	1719	1825		1656	1574			1546		1182	1552	
Volume (vph)	21	176	1	23	75	132	4	55	72	172	52	16
Peak-hour factor, PHF	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66
Adj. Flow (vph)	32	267	2	35	114	200	6	83	109	261	79	24
RTOR Reduction (vph)	0	1	0	0	100	0	0	43	0	0	11	0
Lane Group Flow (vph)	32	268	0	35	214	0	0	155	0	261	92	0
Confl. Peds. (#/hr)	11		25	25		11	3		103	103		3
Heavy Vehicles (%)	5%	4%	0%	9%	8%	6%	0%	2%	4%	0%	21%	6%
Turn Type	Prot			Prot		Perm		Perm		Perm		
Protected Phases	7	4		3	8			2			6	
Permitted Phases						2		6				6
Actuated Green, G (s)	2.0	10.1		2.1	10.2			20.6		20.6	20.6	
Effective Green, g (s)	2.0	10.1		2.1	10.2			20.6		20.6	20.6	
Actuated g/C Ratio	0.04	0.23		0.05	0.23			0.46		0.46	0.46	
Clearance Time (s)	4.0	4.0		4.0	4.0			4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0			3.0		3.0	3.0	
Lane Grp Cap (vph)	77	411		78	358			711		544	714	
v/s Ratio Prot	0.02	c0.15		c0.02	0.14						0.06	
v/s Ratio Perm								0.10		c0.22		
v/c Ratio	0.42	0.65		0.45	0.60			0.22		0.48	0.13	
Uniform Delay, d1	20.8	15.8		20.8	15.5			7.3		8.4	6.9	
Progression Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Incremental Delay, d2	3.6	3.7		4.1	2.7			0.2		0.7	0.1	
Delay (s)	24.4	19.5		24.9	18.2			7.4		9.1	7.0	
Level of Service	C	B		C	B			A		A	A	
Approach Delay (s)		20.0			18.8			7.4			8.5	
Approach LOS		B			B			A			A	

Intersection Summary			
HCM Average Control Delay	14.1	HCM Level of Service	B
HCM Volume to Capacity ratio	0.53		
Actuated Cycle Length (s)	44.8	Sum of lost time (s)	12.0
Intersection Capacity Utilization	52.3%	ICU Level of Service	A
Analysis Period (min)	15		

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
1: Wilsonville Road & BF School Access

Fox Center Transportation Analysis
2012 Existing PM

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔	↔	↔	↔	↔	↔	↔	↔	↔	↔	↔	↔
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0			4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Frbp, ped/bikes	1.00	1.00		1.00	1.00			0.97		1.00	0.99	
Flpb, ped/bikes	1.00	1.00		1.00	1.00			1.00		0.99	1.00	
Frt	1.00	0.99		1.00	0.98			0.89		1.00	0.94	
Flt Protected	0.95	1.00		0.95	1.00			1.00		0.95	1.00	
Satd. Flow (prot)	1798	1818		1787	1777			1608		1704	1775	
Flt Permitted	0.95	1.00		0.95	1.00			1.00		1.00	1.00	
Satd. Flow (perm)	1798	1818		1787	1777			1612		1793	1775	
Volume (vph)	1	161	6	79	253	47	3	5	44	40	4	3
Peak-hour factor, PHF	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
Adj. Flow (vph)	1	185	7	91	291	54	3	6	51	46	5	3
RTOR Reduction (vph)	0	2	0	0	12	0	0	46	0	0	3	0
Lane Group Flow (vph)	1	190	0	91	333	0	0	14	0	46	5	0
Confl. Peds. (#/hr)	11		10	10		11	11		16	16		11
Heavy Vehicles (%)	0%	4%	0%	1%	4%	4%	0%	0%	2%	5%	0%	0%
Turn Type	Prot			Prot		Perm		Perm		Perm		
Protected Phases	7	4		3	8			2			6	
Permitted Phases						2		6				6
Actuated Green, G (s)	0.6	3.4		2.2	5.0			2.0		2.0	2.0	
Effective Green, g (s)	0.6	3.4		2.2	5.0			2.0		2.0	2.0	
Actuated g/C Ratio	0.03	0.17		0.11	0.26			0.10		0.10	0.10	
Clearance Time (s)	4.0	4.0		4.0	4.0			4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0			3.0		3.0	3.0	
Lane Grp Cap (vph)	55	315		201	453			164		183	181	
v/s Ratio Prot	0.00	0.10		c0.05	c0.19						0.00	
v/s Ratio Perm								0.01		c0.03		
v/c Ratio	0.02	0.60		0.45	0.74			0.09		0.25	0.03	
Uniform Delay, d1	9.2	7.5		8.1	6.7			8.0		8.1	7.9	
Progression Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Incremental Delay, d2	0.1	3.2		1.6	6.1			0.2		0.7	0.1	
Delay (s)	9.3	10.7		9.8	12.8			8.2		8.8	8.0	
Level of Service	A	B		A	B			A		A	A	
Approach Delay (s)		10.7			12.2			8.2			8.7	
Approach LOS		B			B			A			A	

Intersection Summary			
HCM Average Control Delay	11.2	HCM Level of Service	B
HCM Volume to Capacity ratio	0.44		
Actuated Cycle Length (s)	19.6	Sum of lost time (s)	8.0
Intersection Capacity Utilization	39.9%	ICU Level of Service	A
Analysis Period (min)	15		

c Critical Lane Group

HCM Analysis – Future

HCM Signalized Intersection Capacity Analysis
1: Wilsonville Road & BF School Access

Fox Center Transportation Analysis
Existing + Project + Revised Primary Students (AM)

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔		↔		↔		↕		↔		↔	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0			4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Frbp, ped/bikes	1.00	1.00		1.00	0.98			0.93		1.00	0.99	
Flpb, ped/bikes	0.99	1.00		1.00	1.00			1.00		0.93	1.00	
Frt	1.00	1.00		1.00	0.92			0.91		1.00	0.96	
Flt Protected	0.95	1.00		0.95	1.00			1.00		0.95	1.00	
Satd. Flow (prot)	1708	1825		1656	1608			1553		1680	1551	
Flt Permitted	0.95	1.00		0.95	1.00			0.99		0.84	1.00	
Satd. Flow (perm)	1708	1825		1656	1608			1553		1489	1551	
Volume (vph)	14	176		1	25	75	87	5	36	80	114	34
Peak-hour factor, PHF	0.66	0.66		0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66
Adj. Flow (vph)	21	267		2	38	114	132	8	55	121	173	52
RTOR Reduction (vph)	0	1		0	0	61	0	0	89	0	0	12
Lane Group Flow (vph)	21	268		0	38	185	0	0	95	0	173	57
Confl. Peds. (#/hr)	11			25	25		11	3		103	103	
Heavy Vehicles (%)	5%	4%		0%	9%	8%	6%	0%	2%	4%	0%	21%
Turn Type	Prot		Prot		Perm		Perm		Perm		Perm	
Protected Phases	7	4		3	8			2				6
Permitted Phases					2		6				6	
Actuated Green, G (s)	0.8	6.9		1.8	7.9			7.6		7.6	7.6	
Effective Green, g (s)	0.8	6.9		1.8	7.9			7.6		7.6	7.6	
Actuated g/C Ratio	0.03	0.24		0.06	0.28			0.27		0.27	0.27	
Clearance Time (s)	4.0	4.0		4.0	4.0			4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0			3.0		3.0	3.0	
Lane Grp Cap (vph)	48	445		105	449			412		400	417	
v/s Ratio Prot	0.01	c0.15		c0.02	0.11						0.04	
v/s Ratio Perm							0.06		c0.12			
v/c Ratio	0.44	0.60		0.36	0.41			0.23		0.43	0.14	
Uniform Delay, d1	13.5	9.5		12.7	8.3			8.1		8.6	7.9	
Progression Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Incremental Delay, d2	6.3	2.3		2.1	0.6			0.3		0.8	0.1	
Delay (s)	19.8	11.8		14.8	8.9			8.4		9.3	8.0	
Level of Service	B	B		B	A			A		A	A	
Approach Delay (s)	12.4				9.7		8.4				8.9	
Approach LOS	B				A		A				A	
Intersection Summary												
HCM Average Control Delay	10.0		HCM Level of Service		B							
HCM Volume to Capacity ratio	0.50											
Actuated Cycle Length (s)	28.3		Sum of lost time (s)		12.0							
Intersection Capacity Utilization	40.2%		ICU Level of Service		A							
Analysis Period (min)	15											
c Critical Lane Group												

HCM Signalized Intersection Capacity Analysis
1: Wilsonville Road & BF School Access

Fox Center Transportation Analysis
Ex. + Proj. + Stg. II + Revised Primary Students (PM)

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔		↔		↔		↕		↔		↔	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0			4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Frbp, ped/bikes	1.00	1.00		1.00	1.00			0.97		1.00	0.99	
Flpb, ped/bikes	1.00	1.00		1.00	1.00			1.00		0.99	1.00	
Frt	1.00	0.99		1.00	0.99			0.88		1.00	0.94	
Flt Protected	0.95	1.00		0.95	1.00			1.00		0.95	1.00	
Satd. Flow (prot)	1798	1818		1787	1797			1591		1704	1767	
Flt Permitted	0.95	1.00		0.95	1.00			1.00		1.00	1.00	
Satd. Flow (perm)	1798	1818		1787	1797			1594		1793	1767	
Volume (vph)	1	196	7	89	305	31	3	3	49	27	3	2
Peak-hour factor, PHF	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
Adj. Flow (vph)	1	225	8	102	351	36	3	3	56	31	3	2
RTOR Reduction (vph)	0	2	0	0	7	0	0	51	0	0	2	0
Lane Group Flow (vph)	1	231	0	102	380	0	0	11	0	31	3	0
Confl. Peds. (#/hr)	11			10	10		11	11		16	16	
Heavy Vehicles (%)	0%	4%	0%	1%	4%	4%	0%	0%	2%	5%	0%	0%
Turn Type	Prot		Prot		Perm		Perm		Perm		Perm	
Protected Phases	7	4		3	8			2				6
Permitted Phases					2		6				6	
Actuated Green, G (s)	0.6	3.6		2.2	5.2			1.8		1.8	1.8	
Effective Green, g (s)	0.6	3.6		2.2	5.2			1.8		1.8	1.8	
Actuated g/C Ratio	0.03	0.18		0.11	0.27			0.09		0.09	0.09	
Clearance Time (s)	4.0	4.0		4.0	4.0			4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0			3.0		3.0	3.0	
Lane Grp Cap (vph)	55	334		201	477			146		165	162	
v/s Ratio Prot	0.00	0.13		c0.06	c0.21						0.00	
v/s Ratio Perm							0.01		c0.02			
v/c Ratio	0.02	0.69		0.51	0.80			0.08		0.19	0.02	
Uniform Delay, d1	9.2	7.5		8.2	6.7			8.1		8.2	8.1	
Progression Factor	1.00	1.00		1.00	1.00			1.00		1.00	1.00	
Incremental Delay, d2	0.1	6.0		2.0	9.0			0.2		0.6	0.0	
Delay (s)	9.3	13.5		10.2	15.7			8.4		8.8	8.1	
Level of Service	A	B		B	B			A		A	A	
Approach Delay (s)	13.5				14.6		8.4				8.7	
Approach LOS	B				B		A				A	
Intersection Summary												
HCM Average Control Delay	13.5		HCM Level of Service		B							
HCM Volume to Capacity ratio	0.48											
Actuated Cycle Length (s)	19.6		Sum of lost time (s)		8.0							
Intersection Capacity Utilization	41.2%		ICU Level of Service		A							
Analysis Period (min)	15											
c Critical Lane Group												

ODOT Collision Data

Wilsonville Collision Data (2007-2010)


General Data			Street Names		From Intersection		Overall										Vehicle 1				Vehicle 2			
Crash ID	Serial #	Crash Date	1st Street	2nd Street	Dist.	Dir.	Road Char.	Crash Type	Collision Type	Crash Sev.	Weather	Road Surface	Light	Cause 1	Cause 2	Vehicle Type	Vehicle Mvmt	From To	Vehicle Action	Vehicle Type	Vehicle Mvmt	From To	Vehicle Action	
1343423	3756	10/2/2009	WILLAMETTE WAY E	WILSONVILLE RD	300	N	STRGHT	S-STRGHT	SS-O	PDO	CLEAR	DRY	DAYLIGHT	NO YIELD	IMPROPER LANE CHANGE	PSNGR CAR	STRGHT	N to S	NONE	PSNGR CAR	STRGHT	N to S	NONE	

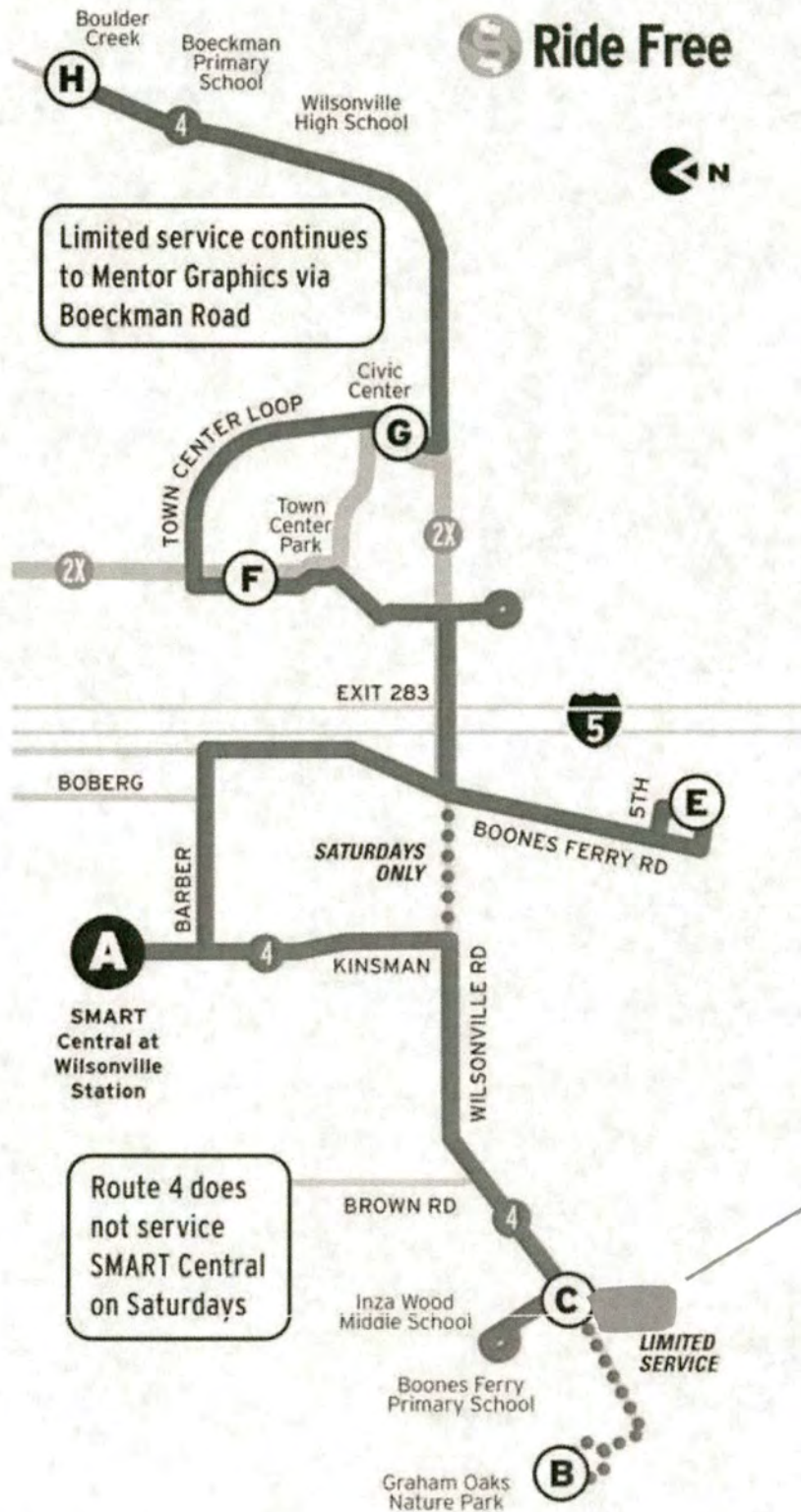
Exhibit E

**SMART Route 4 Map
with Annotation of Subject Property Location**

Service on
**Wilsonville Road to
SMART Central at Wilsonville Station**

4

 **Ride Free**



Limited service continues
to Mentor Graphics via
Boeckman Road

Route 4 does
not service
SMART Central
on Saturdays

Fox Center Townhomes
Subject Property
(not to scale)

LIMITED
SERVICE

Exhibit F

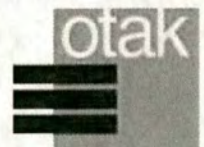
**Economic Opportunity Analysis (2008)
(Excerpted Pages)**

CITY OF WILSONVILLE

Economic Opportunity Analysis Report

for Statewide Goal 9 Compliance

COGAN
OWENS
COGAN



 FCS GROUP
Solutions-Oriented Consulting

January, 2008

Commercial Land Needs

The commercial land demand analysis indicates that the short-term (1 year) vacant commercial land demand in Wilsonville is expected to range from 3 acres in the efficient land demand scenario, to 5 acres under the medium scenario, and up to 7 acres under the high scenario. As indicated in **Table 16A**, in light of the fact that there are 11 acres of project-ready short term commercial tax lots within the existing city limits, the City has an adequate supply of commercial land for the short term.

In most instances the market will adjust to development pressure by subdividing larger parcels into smaller ones, but cannot always be counted on to aggregate tax lots to create large contiguous development opportunities. In Wilsonville's case there appears to be an abundance of small parcels that are controlled by Fred Meyer that would likely be combined into one large commercial site—but this would not likely occur until the I-5/South Wilsonville Interchange concurrency issues are resolved (this is likely to require 2-5 years).

The demand analysis based on Metro job growth forecasts which are summarized earlier in this EOA indicates that the long-term vacant commercial land demand in Wilsonville is expected to range from 67 acres in the efficient land demand scenario, 102 acres under the medium scenario, and up to 150 acres under the high scenario (please refer to **Table 16B**).

As a means to verify the commercial retail land needs conclusions, Otak conducted an analysis of retail land demand based on forecasted population growth, income levels, and retail sales inflow/outflow estimates for the Wilsonville UGB. The retail inflow/outflow analysis included in **Appendix G** assumes a year 2027 population forecast of 30,850 within the Wilsonville UGB. The resulting increases in real income levels, consumer expenditures, retail sales capture rates, and sales per square feet of retail floor area indicates there will be potential to add approximately 981,000 square feet of new retail floor area over the next 20 years within the Wilsonville UGB. This amount of additional retail space would likely require 56 acres of gross buildable land area—which is between the retail land demand forecast for the “efficient land demand scenario” and the “medium land demand scenario.” Hence, the efficient land demand scenario is an accurate indicator of the amount of commercial retail land needed to accommodate local population growth.

Wilsonville has an existing vacant commercial land supply of approximately 56 acres and a projected 20-year commercial land demand of 65 acres. Potential areas for the needed 11 acres are Area K in the City's Comprehensive Plan, a 42-acre area designated for mixed-use and river-oriented uses. As well as the Coffee Creek Industrial Area, particularly the area north of Day Road, if a mixed-employment planned urban development is allowed. This approach should be further considered as the Concept Plan for Coffee Creek Industrial Area north of Day Road is developed.

**Table 16A Reconciliation of Short-term Land Demand and Supply
Commercial (Office/Service and Retail) 1-Year Land Use Forecast (gross
buildable acres)**

Wilsonville UGB

Land Demand and Supply	Efficient Land Use Scenario	Medium Land Use Scenario	High Land Use Scenario
Demand for Vacant Commercial Land ^{1/}			
Demand by Retail Sector	2	4	5
Demand by Office/Service Sector	1	1	2
Demand for Commercial Land Total	3	5	7
Supply of Vacant Commercial Land	11	11	11
Land Surplus or (Deficit)	8	6	4
Preliminary Parcel Distribution, Efficient Land Need Forecast ^{2/}	Existing Supply (tax lots)	Forecast of Demand (tax lots)	Forecast of Net Land Demand (tax lots)
Less Than 1 acre	2	1	1
1 to 5 acres	3	1	2
5 to 10 acres	1	0	1
10 to 20 acres	0	0	0
20-30 acres	0	0	0
30+ acres	0	0	0
Total	6	2	4

1/ Tax lot demand forecast assumes more large medium commercial developments than is assumed by the Metro 2002-2022 Urban Growth Report: An Employment Land Need Analysis, Dec. 2002.

Source: Otak, Inc. based upon findings included in demand and supply analysis.

**Table 16B Reconciliation of Long-term Land Demand and Supply
Commercial (Office/Service and Retail) 20-Year Land Use Forecast
(gross buildable acres)**

Wilsonville UGB

	Efficient Land Use Scenario	Medium Land Use Scenario	High Land Use Scenario
Land Demand and Supply			
Demand for Vacant Commercial Land ^{1/}			
Demand by Retail Sector	48	73	108
Demand by Office/Service Sector	19	28	42
Demand for Commercial Land Total	67	102	150
Supply of Vacant Commercial Land	56	56	56
Land Surplus or (Deficit)	(11)	(46)	(94)
Preliminary Parcel Distribution, Efficient Land Need Forecast ^{2/}			
	Existing Supply (tax lots)	Forecast of Demand (tax lots)	Forecast of Net Land Demand (tax lots)
Less Than 1 acre	16	21	(5)
1 to 5 acres	14	9	5
5 to 10 acres	3	4	(1)
10 to 20 acres	0	0	0
20-30 acres	0	0	0
30+ acres	0	0	0
Total	33	34	(1)

1/ Assumes 30% of commercial land need is met on industrial zoned land.

2/ Tax lot demand forecast assumes more large lot commercial developments than is assumed by the Metro 2002-2022 Urban Growth Report: An Employment Land Need Analysis, Dec. 2002.

Source: Otak, Inc. based upon findings included in demand and supply analysis.

Exhibit G

Table 1 – Modification of Fox Chase Final Plat/ Planned Development Approval

Table 1

Item #	Citation (from Case # 83PC09)	Modification	Reason	Finding
1	<p>PC Resolution, Page 3 of 6:</p> <p>... “The Commission further finds that the original zoning of the property (71RZ15) was adopted by a simple motion of the Council rather than by Ordinance on March 13, 1972. Therefore, any changes in the original conditions adopted by the Planning Commission Resolution can be amended by subsequent Commission Resolution without referral to the Council for an Ordinance amendment.”</p>	<p>No modification proposed.</p>	<p>Included as a point of information for procedural handling of the application.</p>	<p>Absent a subsequent amendment of the City’s procedural requirements to the contrary, this provision might allow a change in the zoning of the Subject Property by the Planning Commission without requiring a Council Ordinance. However, Ordinance adoption by Council is still required for adoption of the proposed Comprehensive Plan Map amendment aspect of this proposal.</p>
2	<p>PC Resolution, Page 3 of 6:</p> <p>“6. The proposed modifications would create a total of <u>105</u> lots in Phase A consisting of approximately 28.4 acres. Therefore, the net density resulting from the Plan would be <u>3.7</u> dwelling units per acre.”</p>	<p>“6. The proposed modifications would create a total of <u>112</u> lots in Phase A consisting of approximately 28.4 acres. Therefore, the net density resulting from the Plan would be <u>3.9</u> dwelling units per acre.”</p>	<p>There is a discrepancy between the figure in this statement (“105 lots”) and the Findings summary figures prepared by staff, which appear at Page 7 of 14 and correctly reflect 96 “SF” lots and one commercial lot. Rezoning the commercial lot to allow 16 units brings the residential unit total to 112.</p> <p>In this statement, the “net density” calculation of 3.70 DU/Acre appears to be based on the cited (incorrect) number of lots (105) divided by the gross land area (28.4 acres). The equivalent calculation with 112 dwelling units produces a figure of 3.9 DU/Acre. For more concerning residential density, see also item #4 below.</p>	<p>The proposed change allows a mix of 96 single-family residences and 16 multifamily apartments, a total of 112 dwelling units. This allocation is consistent with mixed use development as intended by the Planned Development standards. When approved in 1983, the Fox Chase Planned Development’s calculated residential density of 3.33 DU/Acre was below the planned density range of 5-7 DU/Acre (see PC Resolution at p. 7). The proposed change brings the comparable calculation to 3.93 DU/Acre. Although this figure remains below the planned density range, it is closer to it and therefore should be approved.</p>
3	<p>PC Resolution, Page 5 of 6 (Conditions of Approval):</p> <p>“6. That any commercial development proposed on the area designated for commercial development be submitted to Planning Commission for Stage II review and to the Design Review Board for final Architectural and Site Development Plans prior to issuance of any Building permits.”</p>	<p>No modification is necessary (although no part of the Fox Chase Planned Development will be designated for commercial development in the future).</p>	<p>This condition of approval becomes moot in the absence of any commercially designated land within the Planned Development.</p>	<p>This condition of approval will apply to no land area in the absence of any commercially designated land within the Planned Development. Nevertheless, in lieu of deleting it, the City may wish it to remain in effect in case a future proposal comes forth seeking commercial re-designation of any part of the Planned Development.</p>
4	<p>PC Resolution, Page 7 of 14 (“II. Findings”)</p> <p>“A. Land and Building Improvements</p> <p>“15. Lot Size</p> <p>“C. Number of units – Total units 96 SF <u>0</u> MF</p> <p>“D. If subdivision, number of lots 97 (1-45,400 sq. ft. commercial lot)</p> <p>“E. Density [Code Standard]: 5-7 units/acre [Proposed]: <u>3.33</u> units/acre”</p>	<p>“A. Land and Building Improvements</p> <p>“15. Lot Size</p> <p>“C. Number of units – Total units 96 SF <u>16</u> MF</p> <p>“D. If subdivision, number of lots 97</p> <p>“E. Density [Code Standard]: 5-7 units/acre [Proposed]: <u>3.69</u> units/acre”</p>	<p>Certain figures and calculations reported on the Findings sheet prepared by staff are affected by the proposed conversion to allow a 16-unit multifamily development in lieu of commercial use of the Subject Property.</p>	<p>These revisions clarify the statistical profile of the Planned Development, but do not affect any issues related to its compliance because all figures remain within acceptable ranges.</p>

Table 1

Item #	Citation (from Case # 83PC09)	Modification	Reason	Finding
5	<p>PC Resolution, Page 14 of 14 (Conditions of Approval):</p> <p>“8. That any modifications to the timing limitations imposed on the commercial lot (Lot 1, Block 6) must be approved by the City Council. Further, any commercial development of this lot shall be subject to Stage II review by the Planning Commission and Design Review prior to issuance of Building Permits.” /1 /2</p>	<p>No modification is necessary (although no part of the Fox Chase Planned Development will be designated for commercial development in the future).</p>	<p>This condition of approval becomes moot in the absence of any commercially designated land within the Planned Development.</p>	<p>This condition of approval will apply to no land area in the absence of any commercially designated land within the Planned Development. Nevertheless, in lieu of deleting it, the City may wish it to remain in effect in case a future proposal comes forth seeking commercial re-designation of any part of the Planned Development.</p>
6	<p>Planning Commission Resolution – Willamette Village Final Approval (Stage III), Page 4 of 5 (Conditions of Approval):</p> <p>“13. That the issuance of building permits be limited to single family dwellings in accordance with all applicable conditions of this Resolution regulating the orderly growth and development of the Willamette Village Planned Development, and that no building permits be issued for any duplex, multi-family structure or commercial structure until such time as building elevations and site plans, together with landscaping plans, have been submitted to the Planning Commission and approved in compliance with Section 12.13, Ordinance #23. As a further condition all requirements of Ordinance #38 shall apply to all structures other than single family dwellings prior to the issuance of building permits.”</p>	<p>[This 1979 condition should be replaced by a new general statement (or approval condition) clarifying that any development of Lot 1, Block 1, Fox Chase will be subject to contemporary approval procedures and applicable design standards or guidelines, such as the Site Development Review process.]</p>	<p>Language in the 1979 condition specifies review by the Planning Commission pursuant to Code citations that have become obsolete. The review objective is currently met through today’s Development Review procedure and approval standards.</p>	<p>This revision eliminates references to a specific approval procedure and Code sections, which have since been replaced by the City’s established Development Review procedure. Replacing the outdated language will ensure that review of proposed development of the Subject Property can proceed on the City’s standard track for development approvals.</p>

Footnotes:

- /1 Approval Condition #2 of the Willamette Village Phase D Stage III Final Approval (03/21/79) required “[t]hat commercial development be allowed only after one third of the residential units have been occupied unless a need can be demonstrated to the satisfaction of the City Council prior to that time, that a need for commercial exists.” Approval Condition #10 required “[t]hat the commercial structure, as authorized for Lot 1 of Block 10, be approved by the Fire Marshal representing the Tualatin Rural Fire Protection District as coordinated through the City of Wilsonville Building Department.”
- /2 Evidently, the “commercial area” ultimately platted as Lot 1, Block 1 in the recorded Fox Chase final plat was identified as Lot 1, Block 10 in the 1979 Willamette Village approval, and as Lot 1, Block 6 in the 1983 Fox Chase approval (83PC09).

Unique Serial Number: (assigned by dbase) 2198

Department: Planning

Case No: 83PC09

File Creation Date: 2-17-83

Request: Modified Plat approval for Fox Chase (Phase A Willamette Village)

Action: Conditionally Approved

Project Expiration Date:

Property Description: Sec. 22AC

County: C

Location: Fox Chase

Street Address:

Project Name(s): Fox Chase (Willamette Village)

Applicant: First Interstate Bank of Oregon

Retention Schedule: Permanent

Location of Microfilm: City Hall Vault

Hard Copies of drawings/plans available? Yes

Physical copy of file retained? No

See also Case Files:

Other name(s) on file:

MAPL

sw 3-11-03 _____ Initial/Date

83PC09

PLANNING COMMISSION RESOLUTION
MODIFIED PLAT FOR FOX CHASE
(PHASE A WILLAMETTE VILLAGE)
FIRST INTERSTATE BANK, APPLICANT

WHEREAS, First Interstate Bank, represented by George Marshall and Roger McGarrigle, has presented planning exhibits for a modification of the existing Willamette Village Plat, Phase A, to be known as Fox Chase, and

WHEREAS, said exhibits were submitted in accordance with the procedures set forth in Chapter 4 of the Wilsonville Code, and

WHEREAS, said planning exhibits were considered by the Planning Commission at a regularly scheduled meeting conducted on March 14, 1983, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the Planning Commission finds the proposed modifications to be consistent with the Comprehensive Plan, Zoning and Subdivision Standards.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Planning Commission does hereby conditionally approve the modified plat as submitted, thereby authorizing submittal of construction plans for review and approval by the administrative staff for final platting.

FINDINGS

The following Findings are hereby adopted by the Planning Commission and entered into the public record in consideration of the application submitted in conformance with the City's Comprehensive Plan, Zoning and Subdivision Regulations.

1. The subject property is located on the south side of Wilsonville Road adjacent to the western City Limit boundaries. The property was previously platted as Phase A of the Willamette Village Planned Development with Final Plat approval occurring on March 21, 1979. The property is designated Residential, 5 to 7 dwelling units per acre and is currently zoned PDR.

The Commission further finds that while substantial site improvements, including sewer, water, storm drainage and streets, have been installed and the plat contains 95 lots, no residential development has occurred. In fact, as a result

of a foreclosure, the property is currently owned by First Interstate Bank.

2. In an effort to gain leverage in financing options and improve the marketability of the development, the applicant is requesting the modification of the existing plat which involves the creation of ten new lots and lot line adjustments on 30 of the existing 95 lots in an effort to eliminate common, open space area.

The Commission notes that the applicant indicates that common area ownership, i.e., homeowners' associations, eliminate certain financing options with specific reference to FHA, VA and Fannie Mae. The applicant hopes to market the development for moderate income families which necessitates these financing options.

In considering the modifications, the Planning Commission recognizes that the original Plat created recreational open spaces running through the central area of the development. At that point in time, it was the only proposed subdivision or major development on the west side of town. The provision of recreational area was considered essential. Subsequently, the West Linn School District has constructed the Inza R. Wood Middle School on the property immediately to the north of the subject site. The development of this school site has created a significant change in the availability of recreational facilities and open space area, thereby diminishing the necessity to provide such area within the proposed development.

In addition, the Commission finds that the modifications to the Plat, as proposed, create several larger lots within the development which would add to the usable on-site open space and recreational area within each lot.

Given a change in circumstances, the modifications appear to be a more reasonable and efficient use of the land than the current Plat.

3. The proposed Plan modifications also provide for a second through collector street from the east to the west side of the development immediately to the south of Phase A. The ten new lots would extend from this collector street via a 500-foot long cul-de-sac.

It is noted by the Commission that the applicant does not intend to provide the new street improvements as part of the first phase of development. It is further recognized by the Commission that the applicant may propose further modifications to Phases B and C located to the south of the existing Plat.

4. The City's Public Works Director has conducted a preliminary plan review for the proposed modifications which is attached hereto as Exhibit 3. The report indicates several corrective actions which must be taken regarding the installation and acceptance of the public facilities within the development.

5. The applicant's submittal documents address the original conditions of final platting of Phase A. The Commission recognizes that several of these conditions are outdated and, therefore, should be modified.

The Commission further finds that the original zoning of the property (71RZ15) was adopted by a simple motion of the Council rather than by Ordinance on March 13, 1972. Therefore, any changes in the original conditions adopted by the Planning Commission Resolution can be amended by subsequent Commission Resolution without referral to the Council for an Ordinance amendment.

6. The proposed modifications would create a total of 105 lots in Phase A consisting of approximately 28.4 acres. Therefore, the net density resulting from the Plan would be 3.7 dwelling units per acre.

The Commission further finds that the modified lotting pattern creates lots in excess of 8,000 square feet and further, that the applicant has not requested any specific waiver of the R zone setbacks.

Therefore, the development pattern or building envelopes would be regulated by Section 4.121 (7) WC which would limit the maximum lot coverage

to 25% for a dwelling and 30% for all buildings. With these standards in place, the Planned Development Standards for 25% of the area devoted to the outdoor living area can be maintained.

7. The applicant has indicated an intent to rename the subdivision from Willamette Village to Fox Chase. As an element of this change, they have not indicated whether street name changes will occur.

The Commission finds that if such name changes are intended, the selection of new street names must be coordinated with the City's Planning staff and Tualatin Fire District to insure that a duplication of names does not occur within the Fire District.

8. The Commission finds that the proposed modifications are consistent with the Comprehensive Plan, the Zoning and Subdivision Regulations.

9. That the Design Review Board has previously approved a Landscape Plan for Phase A which included extending extensive plantings along Wilsonville Road right-of-way plus interior plantings within the open space areas. Since the modification has eliminated a substantial portion of this landscape area, the Planning Commission finds it appropriate for the applicant to submit a modified Street Tree Planting Plan to the Design Review Board for approval.

CONDITIONS OF APPROVAL

The following Conditions of Approval are hereby adopted by the Planning Commission to assure completion of the project in compliance with the Comprehensive Plan, Zoning, Subdivision and Design Review Regulations. These Conditions shall supersede the original Conditions of Approval adopted by the Planning Commission on March 21, 1979.

1. That within two years of the date of the Planning Commission approval, the applicant will submit final construction plans, together with a Final Plat, to the City's Planning Director and Public Works Director for review and approval in accordance with the procedures set forth in Section 4.220 WC.

2. That all conditions and corrections as specified in the Public Works Director's

preliminary review dated March 8, 1983, and attached hereto as Exhibit 3, shall be satisfied in accordance with the Public Works Standards.

3. That the applicant submit a modified Street Tree Planting program to the Design Review Board for approval prior to issuance of Building Permits.

4. That the applicant waive right of remonstrance against the formation of any local improvement district which may be formed to provide public facilities to serve the subject site.

5. That the rate of development on the subject property shall be limited only by the availability of permits as allocated under the City's Growth Management Ordinance (Ordinance No. 211).

6. That any commercial development proposed on the area designated for commercial development be submitted to Planning Commission for Stage II review and to the Design Review Board for final Architectural and Site Development Plans prior to issuance of any Building Permits.

7. That the development of the individual lots shall be regulated by the standards set forth in Section 4.121(7) WC.

8. That all streets be posted for "No Parking" except within the designated parking areas, and further, that all street signs be coordinated through the Public Works Department and installed in accordance with the Public Works Standards.

EXHIBITS

The following exhibits are hereby entered into the public record by the Planning Commission as confirmation of its consideration of the application as submitted.

1. City of Wilsonville Comprehensive Plan and Chapter 4 of the Wilsonville Code.

2. Administrative record for previous approvals of Willamette Village, and specifically,

for Final Plat approval for Phase A, including
Planning Commission Resolution dated March 21,
1979.

3. Preliminary Plan Review prepared by
the Public Works Director dated March 8, 1983.

4. Applicant's submittal documents.

ACTION TAKEN AT PLANNING COMMISSION MEETING OF MARCH 14, 1983:

PLANNING COMMISSION

RESOLUTION NO. 83PC9

PDR MODIFIED PLAT FOR FOX CHASE
(PHASE A - WILLAMETTE VILLAGE)
BLOCKS 4-15, T3S-R1W, SECTION 22AC
FIRST INTERSTATE BANK, APPLICANT

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008(4) and 4.139(1), (2) and (3) of the Wilsonville Code, and

WHEREAS, the Planning Director has prepared a report on the above-captioned subject which is attached hereto as Exhibit "A", and

WHEREAS, said planning exhibits and staff report were duly considered by the Planning Commission at a regularly scheduled meeting conducted on April 11, 1983, at which time said exhibits, together with findings and public testimony, were entered into the public record, and

WHEREAS, the Commission has duly considered the subject and the recommendation(s) contained in the staff report, and

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

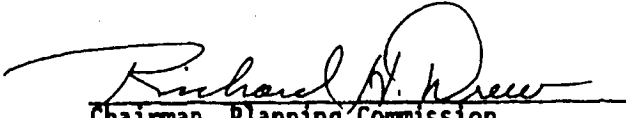
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the recommendation(s) and Conditions of Approval contained therein and further authorizes the Planning Director to issue a:

Site Development Permit

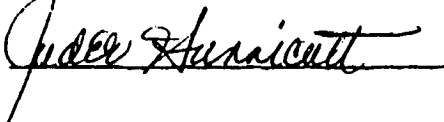
Subdivision Permit

consistent with said recommendation(s).

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 15th day of April, 1983, and filed with the Wilsonville City Recorder this same day.


Chairman, Planning Commission

Attest:



EXHIBITS

The following Exhibits are hereby entered into the public record by the Planning Commission as confirmation of its consideration of the application as submitted.

1. City of Wilsonville Comprehensive Plan.
2. Chapter 4 of the Wilsonville Code.
3. Applicant's submittal documents.
4. Others: Submittal Requirements Check-off list, PDR and Pre-Plat.
5. Preliminary Report from Public Works Director dated March 8, 1983.
6. Administrative record for previous approvals of Willamette Village.
7. Letter from Austin Hull dated March 10, 1983.

I FINDINGS

The following Findings are hereby adopted by the PLANNING COMMISSION and entered into the public record in consideration of the application as submitted in conformance with the City's Comprehensive Plan and Zoning and Subdivision Regulations.

General Subdivision Requirements (4.240 WC) - Findings

NA = Not Applicable

Code Compliance

Yes No, see Finding no.

A. The proposed subdivision conforms to the following:

- | | | | |
|--|-------------------------------------|-------------------------------------|------------|
| 1. Comprehensive Plan (Land Use) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| 2. Zoning (Density) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| 3. Special area or Neighborhood Plan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| 4. Public Facilities Master Plans | | | |
| A. Storm drainage | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| B. Sanitary sewer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| C. Water | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| D. Streets | | | |
| 1. Provides for continuation of existing or proposed principal streets. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| 2. Consistent with minimum street width standards. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>26</u> |
| 3. The Commission finds that topographic conditions make strict conformity or continuation of streets impractical. | <input type="checkbox"/> | <input type="checkbox"/> | <u>N/A</u> |
| 4. Conforms to street design standards set forth in Section 4.167 WC. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| 5. Street names are provided consistent with City and Fire District Standards. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>26</u> |
| 5. Sidewalk and Pathway Standards | | | |
| A. Sidewalks - both sides | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>27</u> |
| B. Pathways are provided consistent with Pathway Master Plan and Design Standards (4.168 WC). | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| 6. Easements | | | |
| A. Public utility easements are provided consistent with the Public Works Standards. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>27</u> |
| B. Access easements are provided consistent with Section 4.240(4), or a street is required. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |

Code Compliance

Yes No, see Finding no.

- | | | | |
|--|-------------------------------------|-------------------------------------|-------------|
| 7. Reserve strips required (4.240(6)) | | | |
| A. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly subdivision of land lying beyond the street; or | <input type="checkbox"/> | <input type="checkbox"/> | <u>N/A</u> |
| B. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the Comprehensive Plan; or | <input type="checkbox"/> | <input type="checkbox"/> | <u>N/A</u> |
| C. To prevent access to land abutting a street of the subdivision, but not within the tract or parcel of land being subdivided; or | <input type="checkbox"/> | <input type="checkbox"/> | <u>N/A</u> |
| D. To prevent access to land unsuitable for building improvement. | <input type="checkbox"/> | <input type="checkbox"/> | <u>N/A</u> |
| 8. Block sizes, length and width are consistent with Section 4.242 WC. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| 9. The lotting pattern is consistent with the criteria set forth in Section 4.244 WC. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>27</u> |
| A. Large lot pre-platting provided consistent with potential future densities as designated on the Comprehensive Plan. | <input type="checkbox"/> | <input type="checkbox"/> | <u>N/A</u> |
| B. Special setbacks (building envelopes) set forth on the preliminary plat. | <input type="checkbox"/> | <input type="checkbox"/> | <u>N/A</u> |
| 10. Public land dedication required | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u> </u> |
| 11. Street Tree Plan approved by Design Review | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>28</u> |

12. PUBLIC FACILITIES

A. <u>Public Streets</u>	<u>Right-of-Way Width</u>			<u>Pavement Width</u>		
	<u>Existing or New</u>	<u>CIP Std.</u>	<u>Proposed</u>	<u>Existing</u>	<u>CIP Std.</u>	<u>Proposed</u>
<u>Name</u>						
<u>Wilsonville Rd.</u>	<u>60'</u>	<u>60'</u>	<u>60'</u>	<u>24'</u>	<u>40'</u>	<u>24'</u>
<u>(Valleyway Drive)</u>	<u>50'</u>			<u>28'</u>		<u>28'</u>
<u>(Willamette Drive)</u>	<u>50'</u>			<u>26'</u>		<u>26'</u>
<u>Other</u>	<u>24'</u>			<u>24'</u>		<u>24'</u>

B. <u>Traffic impact analysis</u>	<u>Existing Capacity</u>	<u>Existing Volumes</u>	<u>Proj. Trip Generation</u>		<u>Adequate to Serve</u>		<u>see Finding no.</u>	
			<u>Phase One</u>	<u>Level of All Service Phases</u>	<u>Yes</u>	<u>No</u>		
<u>Name</u>								
<u>Wilsonville Rd.</u>	<u>10,000 ADT</u>	<u>2-3000</u>	<u>960 ADT</u>	<u>A</u>	<u>-</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	

C. For new street, see also Design Standards page _____

D. Public water line size 8" Distance from site 0 Yes No

E. Sanitary sewer line size 8"-10" Distance from site 0 Yes No

F. Storm drainage basin - Seely , Boeckman , Willamette

No. on-site catch basins _____ nearest culvert/ditch _____ ft. Yes No

size culvert/ditch _____ inches Yes No

On-site retention no yes, storage capacity _____ cu. ft. Yes No

13. Complies with CIP yes no - see Finding no. _____

14. Other Plan or Code Regulations:

II FINDINGS

The following Findings are hereby adopted by the PLANNING COMMISSION and entered into the public record in consideration of the application as submitted in conformance with the City's Comprehensive Plan and Zoning Regulations.

PDR - PLANNED RESIDENTIAL SITE DEVELOPMENT STANDARDS

	<u>Code Standard</u>	<u>Proposed</u>	<u>Code Compliance</u>	
	(NA - Not Applicable)		Yes	No, see Finding no.
<u>A. Land and Building Improvements</u>				
<u>15. Lot size</u>				
A. Total site area	— acres	<u>28.49</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Lot size	1. <u>5000</u> minimum	<u>6000 sq.ft.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. <u>6000</u> average	<u>18,500</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Number of units - Total units	<u>96</u> SF	<u>0</u> MF		
D. If subdivision, number of lots	<u>97</u>	<u>(1-45,400 sq.ft. commercial lot)</u>		
E. Density	<u>5-7</u> units/acre	<u>3.33</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>16. Building setbacks</u>	<u>15-25</u> ft. front	ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>(4.121 (1)4)</u>	<u>5-7</u> ft. R.side	ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>5-7</u> ft. L.side	ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>15-25</u> ft. Rear	ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>17. Building size</u>	A. minimum (SF)	<u>N/A</u> sq.ft.		
	B. average (SF)	<u>N/A</u> sq.ft.		
C. Minimum (MF)	<u>N/A</u> sq.ft. - Average (MF)	<u>N/A</u> sq.ft.		
d. Number of units - Phase I - 1 bedroom	<u>N/A</u> units			
	2 bedrooms	<u>N/A</u> units		
	3 bedrooms	<u>N/A</u> units		
	4 or more bedrooms	<u>N/A</u> units		
	TOTAL	<u>N/A</u> units		
e. Number of units-all phases 1 bedroom	_____ units			
	2 bedrooms	_____ units		
	3 bedrooms	_____ units		
	4 or more bedrooms	_____ units		
	TOTAL	<u>N/A</u> units		
f. Building height	<u>35</u> ft. <u>2.5</u> stories	ft. stories	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Consideration of sun exposure plane	<u>X</u> yes	no	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Bulk storage area provided	<u>N/A</u> yes	no		

	<u>Code Standard</u>	<u>Proposed</u>	<u>Code Compliance</u>	
	(NA = Not Applicable)		Yes	No, see Finding no.
18. A. No. Off-street parking				
Standard (9' x 18')	<u>2 per lot</u>	<u>-</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(30% over 10 allowed)				
Compact (8½' x 17')	<u>N/A</u>	<u>-</u>	<input type="checkbox"/>	<input type="checkbox"/>
(1 to 50 required)				
Handicapped (12' x 18')	<u>N/A</u>	<u>-</u>	<input type="checkbox"/>	<input type="checkbox"/>
B. Type of parking				
1. Uncovered	_____	spaces		
2. Carport	_____	spaces		
3. Garage	_____	spaces		
19. Lot coverage				
A. Dwellings	<u>25</u> %	_____ % _____ sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. All buildings	<u>30</u> %	_____ % _____ sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Parking/paved	_____ %	_____ sq. ft.		
D. Landscaping - total site	_____ %	_____ % _____ sq. ft.	<input type="checkbox"/>	<input type="checkbox"/>
1. Parking area	_____ %	_____ sq. ft.		
2. Outdoor living area	<u>25</u> %	<u>25</u> % _____ sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Screening/buffering	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Irrigation system	<input type="checkbox"/> Manual	<input type="checkbox"/> Auto (<u>NOT IDENTIFIED</u>)		
20. Safety/Crime Prevention				
A. Location of addressing	_____		<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>29</u>
B. Natural Surveillance	_____		<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Type exterior lighting	<u>already installed</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
21. Access/Egress				
A. No. curb cuts	<u>N/A</u>	_____	<input type="checkbox"/>	<input type="checkbox"/> <u>26</u>
B. Width of curb cuts	<u>N/A</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>
C. Distance fm. intersection	<u>500</u>	<u>1147 ft.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Vision Clearance	<u>20 ft.</u>	<u>20 ft.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. Clear travel lane width	<u>24 ft.</u>	<u>24 ft.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F. Pavement width	<u>24 ft.</u>	<u>24 ft.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G. Pedestrian pathways	<u>5 ft.</u>	<u>5 ft.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/> <u>27</u>

- | | Yes | No | See Finding
No. |
|--|-------------------------------------|--------------------------|--------------------|
| 22. Open Space/Slope Protection | | | |
| A. Existing vegetation protected | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| B. Slopes over 20% restricted to 30% impervious coverage | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| C. River and stream corridors protected | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| D. Adequate erosion control provided | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |

Previous approval actions and applicable Conditions of Approval:

- 23.** A. Zoning None File no. 78/PC/7; see Findings nos. _____
 B. Design Review None Preliminary Final; File no. 78DR 16
 see Findings nos. _____.
- 24.** Inter-Agency Review Comments: None See attached Exhibit Nos. _____
- 25.** Intra-Agency Review Comments, including City Engineer and other consultants:
 None See attached Reports - Exhibits nos. #5 and
 Findings nos. _____.

FINDINGS

26. As noted under Finding 12A, the streets within the subdivision are sub-standard in right-of-way and pavement width. These streets, however, were previously approved and constructed under the provisions of the Willamette Village final plat. The applicant is not proposing any changes to the existing street sections nor any additional street improvements.

Based on existing pavement widths and traffic volumes, the Commission concludes that additional street improvements are not warranted at this point in time.

The Commission further finds, however, that the applicant has proposed to change the name of the subdivision to Fox Chase. This creates a conflict with the existing street names which do not relate to the new plat name. Therefore, the street names must be changed to be consistent with the name Fox Chase. This can, however, be accomplished as part of the final plat review.

27. A. On March 14, 1983, the Commission reviewed the proposed plat modifications. At that time, the Commission noted concerns over the lack of a pedestrian circulation plan. Consequently, the applicant was directed to prepare such a plan giving particular attention to east-west flow and connection to the Wood School site, located just northeast of the site.

The applicant has submitted a revised plat that identifies the original (Willamette Village) lotting pattern with dotted lines within the new extended lots. The lot sizes and subsequent changes are also identified. The Commission specifically acknowledges that Tract X, which was originally designated as common open space, has been eliminated from this portion of the plat. This is consistent with the Commission's desire to preserve this tract as potential open space. Consideration of platting this tract is to be deferred until Phase III. The purpose of postponing this decision is to allow time for the development of the first phases and to provide an opportunity for the residents in the development to consider formation of a homeowners' association to maintain the open space.

- B. The Commission further finds that the applicant's submittal documents identify a pathway system. The system includes a meandering path along Wilsonville Road, outside of the standard 60 foot right-of-way. Pathway easements are also proposed as follows:

1. Along the east side of Valley Way Drive,
2. Along the west side of Willamette Way Drive,
3. Between Lot 6, Block 3 and Lot 10, Block 2 and between Lot 7, Block 8 and Lot 9, Block 6, thereby connecting access street A and C along the north edge of Tract X,

4. Between Lot 8, Block 3 and Lot 7, Block 5 from access street B to Tract X, and
5. Between Lot 8, Block 8 and Lot 8, Block 10, connecting access street D to Tract X and the pathway listed in number 3 above.
6. The Wilsonville Road pathway is also proposed to be extended 200 feet to the east of Willamette Way Drive, at which point a crosswalk is proposed to connect to the Wood School property.

The Commission notes the applicant indicates that if Tract X is developed into building lots that easements numbers 4 and 5 above would be eliminated. In this regard, the Commission finds that if Tract X is developed, east-west circulation for Blocks 4, 5, 9 and 10 would be eliminated. In addition, the only north-south circulation provided is along the north-south collector streets. Consequently, the overall adequacy of the pathway plan is dependent upon the development of future phases, which have been isolated from this proposal. The Commission is further concerned over the proposal to separate the school crossing 200 feet from the intersection of Willametteway Drive and Wilsonville Road. This is not a standard street design to place crosswalks between intersections and could create a safety problem.

- C. The Commission further finds the applicant is proposing to vacate the additional 25 feet of right-of-way (Tract E of original plat - shaded area) along Wilsonville Road. This area would then become part of the individual lots with an easement for the pathway. The area is to be landscaped with a four-foot high fence along the 25 foot setback. Maintenance of the fence and landscaping would then be assigned to the individual property owners.

The Commission finds this concept interesting, but envisions significant complications in enforcing proper maintenance of the fence and landscaping. Essentially, the fence would isolate 25 feet of each lot. This would force each lot owner to cross the fence to maintain the landscaping on the street side. Therefore, the Commission finds that there is not sufficient assurance that the fence and landscaping will be properly maintained. The Commission further concludes that unless the City were to assume maintenance responsibility for this area, it would appear that a homeowners' association is necessary.

- D. The proposed modified lotting pattern provides for a variety of lot sizes ranging from 6,000 square feet to 18,500 square feet. This is consistent with the City's housing policies. The Commission recognizes the applicant's desire to eliminate common open area and the requirement for a homeowners' association, in an effort to reduce development costs and expand mortgage

opportunities. However, the Commission notes that the creation of 10,000 to 18,500 square foot lots, while sacrificing common open area is not necessarily consistent with the applicant's intent to reduce housing costs. Obviously larger lots will cost more, particularly lots two to three times the size of the original lots, although it is assumed that prospective buyers of the larger lots would be able to afford the added costs.

In addition, the Commission finds that the following lots do not meet the minimum street frontage requirements of 35 feet:

- Lot 5, Block 5
- Lot 6, Block 6
- Lot 7, Block 8

However, these lot widths were approved in the original plat.

The Commission further notes that Lot 6, Block 5, is currently a paved parking lot intended for access to the open space (Tract X). The Commission finds, however, that even if Tract X remains open space that the existing parking lot is not logically nor conveniently located to best serve the site. Such a lot would be more appropriately located off of an east-west collector to the south of the open area. Therefore, the Commission concludes that the lot is more suitable as a building site.

28. The modified lotting pattern will necessitate a review of the approved Landscaping Plan for the development. The proposed fence will also require Design Review approval.
29.
 - A. Addressing will logically be handled on a lot-by-lot basis when Building Permits are issued.
 - B. Natural surveillance could be a concern if Tract X remains as open space. Both adequate emergency access and visibility of this area from the street are affected by the street pattern and topography. Careful consideration must be given to this concern during the review of subsequent phases to the south.
 - C. Street lighting has already been installed as part of the original subdivision improvements. However, some of the poles and lights have been damaged or removed. These will be required to be replaced as part of the Public Works final inspection check list.

30 CONCLUSIONARY FINDINGS

Yes No, see Finding no.

A. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.

B. That the location, design, size and uses are such that traffic generated by the development can be accommodated safely and without congestion in excess of level service D defined in the highway capacity manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.

C. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.

31 CONDITIONS OF APPROVAL

The following Conditions of Approval are hereby adopted to assure completion of the project in compliance with the Comprehensive Plan, Zoning and Site Development Regulations.

26 to 29

CONDITIONS OF APPROVAL

1. That within two years of the date of Commission approval the applicant shall submit final plat documents to the Planning and Public Works Directors for processing under the provisions of Section 4.220 WC. Prior to final platting, the question of landscape and fence maintenance must be resolved, by submittal of a homeowners' agreement approved by the Commission, or acceptance by the City Council for City maintenance.
2. That all conditions and corrections as specified in the Public Works Director's Preliminary Review dated March 8, 1983, and attached hereto as Exhibit 3, shall be satisfied in accordance with the Public Works Standards.
3. That the applicant submit a modified Street Tree Planting program to the Design Review Board for approval prior to issuance of Building Permits. However, Permits may be issued for a maximum of four (4) model units prior to Design Review Board approval, but Occupancy Permits shall be withheld pending said approval.
4. That the applicant waive right of remonstrance against the formation of any local improvement district which may be formed to provide public facilities to serve the subject site.
5. That the rate of development on the subject property shall be limited only by the availability of permits as allocated under the City's Growth Management Ordinance (Ordinance No. 211).
6. That the development of the individual lots shall be regulated by the standards set forth in Section 4.121(7) WC.
7. That all streets be posted for "No Parking" except within the designated parking areas, and further, that all street signs be coordinated through the Public Works Department and installed in accordance with the Public Works Standards.
8. That any modifications to the timing limitations imposed on the commercial lot (Lot 1, Block 6) must be approved by the City Council. Further, any commercial development of this lot shall be subject to Stage II review by the Planning Commission and Design Review prior to issuance of Building Permits.

PLANNING COMMISSION RESOLUTION

WILLAMETTE VILLAGE PHASE D

FINAL PLAT APPROVAL

WHEREAS, the Wilsonville City Council has approved Phase D final development plans of the Willamette Village Planned Development, and

WHEREAS, the developer, Glen Wilcox, has submitted the final plat for Phase D of the Willamette Village Planned Development pursuant to the provisions of Section 5, Paragraph C, Approval Of Final Plat:

1. Consideration Of Final Plat: The Planning Commission shall consider the final plat with the approved preliminary plat and report of the health department and city engineer at a regular Planning Commission meeting no more than sixty (60) full days after the final plat is submitted under Section 5 of this ordinance. The final plat shall be approved by a majority of a quorum of the Planning Commission if the Planning Commission determines that the final plat conforms in all respects with the platting laws of the state, and to the requirements of this ordinance and other city ordinances which may apply to this land.

WHEREAS, the City Engineer has advised the Planning Department that the documents as submitted conforms to all engineering requirements and to the original preliminary plat as approved by the City Council, now, therefore,

BE IT HEREBY RESOLVED that the Wilsonville Planning Commission does grant final approval of the plat as submitted thereby authorizing the Chairman of the Planning Commission to attach his signature to said document pursuant to the following conditions of approval.

CONDITIONS OF APPROVAL

The following conditions of approval are hereby adopted by the Wilsonville Planning Commission to assure continuity of existing planning policies in the administration of ordinances pertaining to the development of the PDR zone in question and the final plat as submitted. The Planning Commission may add to, delete and/or modify the condition as recommended by the Planning Department provided that said conditions not exceed the authority of existing ordinances and policies as adopted by the City of Wilsonville to accomplish the implementation of the Comprehensive General Plan Ordinance #58, Zoning Regulations Ordinance #23, and/or Subdivision Regulations Ordinance #16.

1. That the Chairman of the Planning Commission be authorized to sign the final plat document after the following street name changes have been completed and set forth on the platting document:

A. That Ella Avenue be changed to Ella Lane.

B. That Wilcox Avenue be changed to Wilcox Lane north and south and that the intersection of Ella Lane and Wilcox Lane be used as the point of reference to mark the north and south designations for Wilcox Lane.

2. That all conditions adopted by the City of Wilsonville and applying to the Willamette Village Planned Development be attached to the approval of Phase D as submitted.

3. That no building placement be authorized over the Southern Pacific 8" pipeline easement as identified on the final plat.

5. That the location, design, size and uses will result in the attractive, healthful, efficient, and stable environment for living, shopping and working, based on the intergraded system of single family and multi family residential uses, commercial shopping facilities, open space system, access to the Willamette River, the nearby proposed Wilsonville Elementary School as approved by the Wilsonville Planning Commission on August 8, 1977, and nearby commercial and public services available to the Willamette Village Planned Development located in the commercial core area (ref. Section 12.16 (5) Ordinance #23).

6. That the final development plans for Phase A conform in all major respects to the preliminary plan and subdivision documents as approved by the Wilsonville City Council (Ref. Section 12.13 Ordinance #23.)

In addition to the above listed findings, as required by Section 12.16 of Ordinance #23, the Wilsonville Planning Commission does hereby supplement its findings by attaching the Wilsonville City Council Order, and the findings as set forth therein pertaining to the Willamette Village Stage II application, together with the City Council minutes of September 7, 1977.

These documents are hereby entered into the public record to give notice that the Wilsonville Planning Commission has given due and proper consideration of the Phase III Final Development plans, based on a consistent and comprehensive public record.

CONDITIONS OF APPROVAL

The following conditions of approval are hereby adopted by the Wilsonville Planning Commission to insure an orderly and consistent schedule of development in compliance with the Comprehensive Master Plan for the Willamette Village, for Phase A as submitted by the applicant, Wilcox Development Company, and those conditions which were adopted by the Wilsonville City Council on September 7, 1977 (items 1 thru 7):

1. That the number of building permits for the total development in any one period not exceed 10% of those allocated by the City Council for that period on the basis of the then current Interim Growth Ordinance.

PURPOSE: This condition will act as a coordinating influence to assist in the implementation of a growth management policy towards which the City of Wilsonville and other neighboring communities appear to be heading.

2. That commercial development be allowed only after one third of the residential units have been occupied unless a need can be demonstrated to the satisfaction of the City Council prior to that time, that a need for commercial exists.

PURPOSE: This condition will prevent untimely commercial activity, thus preventing the possibility of commercial speculation at the expense of the residential uses. Reference - Planning Commission meeting of 1/27/77; Reference - City Council meeting of 3/13/72.

3. That the pedestrian walkways and bike paths be hard surfaced with asphaltic material, and that said improvements be installed with each phase at the time of street construction.

PURPOSE: As new subdivisions develop, there is a tendency on behalf of the homeowners to demand that interior access system for pedestrian and bikers be vacated and abandoned. This is usually done to insure privacy and to prevent intrusion into ones backyard by people using the facility. Blacktopping of the system would signal to prospective buyers that the lot of their choice was physically located adjacent to a major pedestrian right-of-way, thus preventing any misunderstanding between buyer, developer, and the City at a later date.

PLANNING COMMISSION RESOLUTION: WILLAMETTE VILLAGE FINAL APPROVAL (STAGE III)

4. That the development of recreational facilities, including river front bike and pedestrian paths, be improved in coordination with street and utility improvements.

PURPOSE: This condition assures the coordinated development of the project, and provides the residents of the project the full use of the development.

5. That set back, lot areas, coverage, and height in all structures, as indicated on the master development plan, be in conformance with the standards appropriate as set forth in the City's Zoning Ordinance.

PURPOSE: Assures proper open space between structure and proper coordination between existing zoning standards and proposed land uses.

6. That the City of Wilsonville shall not accept any street, pedestrian/bicycle paths or utility improvements until all such improvements have been fully completed in accordance with approved plans, design standards and specifications and the developer has deposited with the City Recorder, the sum of \$1,000.00 cash as an assurance fund that any defects occurring in any of such improvements within one (1) year thereafter will be repaired by the developer at its' expense, and if not, then by the City with money from said fund. After one (1) year from the City's acceptance of any such improvements, and upon certification by the City Superintendent of Public Works, that all such improvements are satisfactorily completed, the balance, if any, shall be returned to the developer without interest. The cash assurance fund shall be in addition to any other completion of performance bond, which may be required for such matters by any Ordinance of the City.

7. That a performance bond be filed with the City for the sum of one and one half times the estimate of the project cost as determined by the City's consulting engineers. The bond to be submitted to the City Recorder prior to recording of any plats as approved.

8. That all landscape plans for open space, recreation areas and commercial uses be approved by the Design Review Board for Phase A as submitted. That the applicant, Wilcox Development Company, submit to the Design Review Board, a proposed tree planting plan and schedule of development, to be approved by said body as part of the conditions of approval for the planned development.

9. That the placement of fire hydrants be approved by the Tualatin Rural Fire Protection District as coordinated through Wilsonville Department of Public Works.

10. That the commercial structure, as authorized for Lot 1 of Block 10, be approved by the Fire Marshal representing the Tualatin Rural Fire Protection District as coordinated through the City of Wilsonville Building Department.

11. That all road improvements, as required by Clackamas County for the improvements of Wilsonville Road, to provide for adequate access to Phase A, be assured prior to the signing of the platting document by the Chairman of the Planning Commission, and that a performance bond for the sum of \$20,000.00 (twenty thousand dollars), in addition to the dollar amounty as stipulated in Items 6 and 7, be required of the developer, Wilcox Development Company, in accordance with the requirements of Clackamas County Department of Public Works for improvements to Wilsonville Road (ref. letter by R. W. McGarrigle, P.E., dated June 6, 1978). It is further required that said bond be filed with Clackamas County prior to the recording of the plats as approved.

12. That all off site utility improvements for the service of the Willamette Village Planned Development, and particular Phase A of said project, be approved as to construction standards by the City of Wilsonville consulting engineer.

13. That the issuance of building permits be limited to single family dwellings in accordance with all applicable conditions of this Resolution regulating the orderly growth and development of the Willamette Village Planned Development, and that no building permits be issued for any duplex, multi-family structure or commercial structure until such time as building elevations and site plans, together with landscaping plans, have been submitted to the Planning Commission and approved in compliance with Section 12.13, Ordinance #23. As a further condition all requirements of Ordinance #38 shall apply to all structures other than single family dwellings prior to the issuance of building permits.

14. That parking be restricted on the streets; that streets be posted with signs, striping, yellow paint, etc. to signify no parking is allowed; that streets be public streets so that the enforcement of the no parking can be enforced by the Clackamas County Sheriff's Office (ref. Tualatin Rural Fire Protection District letter dated February 2, 1977).

15. That the installation of all street signs be coordinated through the Wilsonville Department of Public Works, and that the construction and installation of said signs be further coordinated with Clackamas County Department of Public Works. As a further condition, the developer, Wilcox Development Company shall be responsible for the payment of all expense incurred for the construction and installation of all street signing.

16. That all utilities, including without limitation water mains to and on the property and street lighting together with storm drainage improvements, be constructed to specifications required by the City's consulting engineer, Westech Engineering, at the developer's expense.

EXHIBITS

The following exhibits are hereby entered into the public record as part of the documentation for the approval of Stage III (Final Development Plans and Plat) for Willamette Village:

CITY OF WILSONVILLE

1. Comprehensive General Plan - Ord. #55
2. Zoning Ordinance #23
3. Subdivision Ordinance #16
4. City Council Order dated September 17, 1977

WILCOX DEVELOPMENT COMPANY

1. Phase A Willamette Village Planned Development Final Development Plan and Plat
2. Landscaping Plan Phase A
3. Application Form Phase A
4. Bylaws of Willamette Village Association

PLANNING COMMISSION RESOLUTION: WILLAMETTE VILLAGE FINAL APPROVAL (STAGE III)

CITY OF



Wilsonville

P.O. Box 220 / Wilsonville, Oregon 97070
503 / 682-1011

MEMORANDUM

TO: CITY COUNCIL
FROM: BEN ALTMAN
DATE: JUNE 15, 1983
RE: FOX CHASE PROPOSED RIGHT-OF-WAY LANDSCAPING FOR
WILSONVILLE ROAD

As indicated in the attached letter from First Interstate Bank, the Planning Commission has approved the modifications of the Willamette Village Plat now to be known as Fox Chase. The Planning Commission action included the elimination of common open area in an effort to eliminate the necessity for a homeowners' association. The reason for this action was to reduce the cost of the housing development. However, the Commission could not arrive at a final conclusion as to how to handle maintenance of the 25-foot additional right-of-way previously dedicated in the Willamette Village plat. Hence the discussion of vacating the 25 feet addressed in the First Interstate letter.

Subsequent to the Planning Commission's actions, I reviewed the issue with both Dan Potter and Larry Blanchard. It is our consensus that it would be in the City's best interest to retain the additional right-of-way rather than vacating it. This, however, does not resolve the issue of maintenance within the 25-foot area.

Normally, under City policy and standard street design sections, the landscaped area or utility strip between the curb and the sidewalk is public right-of-way, but maintained by adjacent private properties. In the case of Willamette Village, it was the desire on the part of the applicant and the Planning Commission to create a visual barrier between Wilsonville Road (an arterial street) and the backyards of the residential lots abutting the right-of-way. The screen was to be provided by a fence along the property line with plantings (trees and shrubs) on both sides of the fence. This design concept is attached and is scheduled for review by the Design Review Board on June 27.

However, prior to the Design Review Board's consideration of this design, it is necessary to get a confirmation from the City Council regarding the maintenance issue. Essentially, there appears to be two logical options:

1. Require a homeowners' association to assume the responsibility for maintenance of the 25-foot right-of-way outside of the fence line.
2. City assumes maintenance responsibility for the 25-foot right-of-way.

If maintenance responsibility is to be assigned to the subdivision, then functionally a homeowners' association would be required to assure equal participation and proper maintenance. This, however, flies in the face of the attempts of the Planning Commission to eliminate the homeowners' association as requested by the applicant in an effort to reduce the housing costs. It is, however, consistent with standard practices regarding maintenance of right-of-way.

If, however, the City assumes maintenance, then the necessity for a homeowners' association is eliminated provided that CC&Rs are attached to the properties requiring maintenance of the fence. The proposed landscaping is designed for minimum maintenance cost with the majority of the area being planted in lawn. Only a five-foot wide area along the fence would be planted with shrubs, ground cover and trees. An asphalt bike path would meander through the remaining 25-foot area of lawn and the shoulder of the road would be designed consistent with our interim design standards with a tapered turnpike shoulder which would be seeded for easy maintenance, primarily mowing.

While City maintenance would be a change in policy, it would satisfy the City's goals to minimize housing costs. It would also satisfy the desired design consideration providing a buffer area and visual barriers for the residential lots from the arterial street.

If the Council elects to assume the maintenance responsibility, you may wish to consider this as an individual isolated case, or, as a change in policy clarifying the City's intent regarding maintenance along arterial streets that abut residential areas, and in particular, Wilsonville Road. This would be consistent with the City's previous action of requiring 25 foot of dedication along Wilsonville Road, even though the street standard has been modified. It would preserve additional right-of-way if needed, at some point in the future and would provide a consistent buffer area for residential lands abutting the arterial street. While the City would incur the maintenance costs, at the same time the City would be preserving greater options for the future relative to arterial street improvements.

It is, therefore, recommended that the City accept the maintenance responsibility for the 25-foot right-of-way area and establish this as a policy for Wilsonville Road where it abuts residential properties.

bja:jeh

**First
Interstate
Bank**

First Interstate Bank
of Oregon, N.A.
Real Estate Loan Division
P. O. Box 3131
Portland, Oregon 97208
(503) 225-2409

Lloyd Bissell
Vice President

May 13, 1983

RECEIVED
MAY 17 1983
CITY OF WILSONVILLE

City Council
City of Wilsonville
Wilsonville, Oregon 97070

Dear Councilmembers:

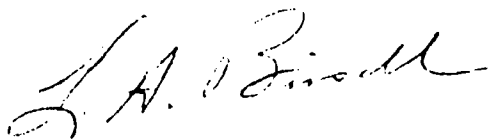
The First Interstate Bank of Oregon is the present owner of the subdivision known as Willamette Village at the West end of the Wilsonville city limits and on Wilsonville Road.

We recently went before the Wilsonville Planning Commission to request a modification to Phase I of the approved master plan. The Planning Commission unanimously approved our request including recommending that the City Council vacate the South 25 feet of Wilsonville Road along the Willamette Village development. The subject 25 feet was dedicated to the City at the request of the City during its original approval process. This was to accommodate a 5 lane road which was deemed desirable at that time. Since then, the City has re-studied this matter in detail and now has designated Wilsonville Road as an eventual 3 lane road with no plans to ever consider a need for the 5 lanes.

If the City does not choose to vacate the 25 feet, the problem arises as to how the City would plan to maintain the subject property. If the 25 foot strip is vacated, the vacated property would be added to the lots backing up to Wilsonville Road and would, therefore, be maintained by the eventual homeowners.

Your kind consideration of this matter will be appreciated and will help maintain Wilsonville in a manner that we all will be proud of.

Very truly yours,



Mayor ✓
City Administration ✓
Planning Dept. ✓
Building Dept. ✓
City Council ✓
City Recorder ✓
Public Works ✓
Engineering ✓

to Wilsonville Road would be a more dangerous situation. Altman noted that there has to be 24 feet of clearance including the setback depending on the canopy of the tree to preserve the roots of the tree. If the southeast corner of the building could be cut back it might be possible to bring the access through Kinsman.

There was a lengthy discussion regarding the access points. and Ben Altman suggested they drive in on Kinsman Road and travel to the west and a minimum of 10' and 12' of pavement would be preferable. Arland Andersen suggested they swing the landscaping down to in front of the access road and have continuous landscaping across the front from Kinsman to the NEC entrance.

John Edmonds stated he felt the building could be moved 10' closer to the road with all of the parking on the east side.

Chairman Drew opened the public hearing asking for proponents, opponents and/or questions. Hearing none, he continued the public hearing.

Rich Drew moved to take this issue until May 9, 1983, with the verbal recommendations made by Planning Commission and that this go on to Design Review Board for their review and further that the applicant be able to address all the items in Stage II. Helen Burns seconded the motion which passed 5-0.

E. FOX CHASE - PDR Modified Plat - Blocks 4-15, T3S, R1W, Section 22AC, First Interstate Bank, applicant

Ben Altman presented the staff report noting that the Planning Commission did review this last month and continued it for consideration of the pathway plan and the deletion of the question or the platting of, the open space. The revised plans do identify a pathway plan, a circulation plan which has a pathway along Wilsonville Road and one on the east and west side for north-south travel on the two collector streets with the provision to connect the two loop roads A and C, across the south lot just to the north of Tract X. There is also some easement shown between the access road or loop - B and D - into Tract X which could then extend up to the other easement for overall circulation. His major concern was related to Wilsonville Road pathway and landscaped area. When Willamette Village was initially platted, the Street Master Plan called for a 110' right-of-way on Wilsonville Road and consequently a dedication of 25 additional feet of right-of-way was requested and accomplished in the plat outside of the existing 60' right-of-way. There is 25 feet outside of what the City needs that is dedicated right-of-way along Wilsonville Road.

Altman expressed concern about maintaining the 25-foot area with the meandering pathway. The Plan shows that the area is within the public right-of-way which means the City will maintain it. He noted he felt the most practical thing to do is use a standard street design, move the curb and sidewalk design out and vacate the 25 feet and add it to the lot.

Another problem is Tract X - no access to it other than the two easements from the collector street which includes no police access to it other than by foot.

George Marshall, Charbonneau, noted he needs to know if Planning Commission feels they want to give up the 25 feet or maintain it. He noted he had talked with Mr. Tannenbaum, Principal of Wood Middle School, and he was agreeable to breaking the chain link fence at any point to get the children on the school ground.

Marian Wiedeman suggested the easement be cut down to 15 feet, a fence added and a sidewalk and a continuous strip with trees planted.

Ben Altman noted that the 8,000 square foot lots could allow for duplexes and should be addressed in the record at this time.

Rich Drew opened the public hearing, asking for proponents, opponents and/or questions. Hearing none, he closed the public hearing.

Rich Drew moved to approve the PDR Modified Plat for Fox Chase including the Conditions of Approval with the addition of Condition of Approval 9:

9. That the applicant build a 5-foot fence along the north edge of the property.

and the addition of Condition of Approval 10:

10. If the City Council accepts the Planning Commission recommendation for vacating a 25-foot strip on the north side of the property next to Wilsonville Road, and the applicant develops a plan to be approved by the Design Review Board for planting trees inside the fence.

and the addition of Condition of Approval 11:

11. Duplexes are not allowed on the lots.

and the addition of Condition of Approval 12:

12. That the applicant build standard cross-section sidewalks along Wilsonville Road to Public Works Standards from Valley Way Drive to Willamette-way Drive.

Arland Andersen seconded the motion which passed 5-0.

F. MEMORIAL PARK MASTER PLAN

Ben Altman noted the Resolution for the adoption of the Master Plan for the Park needed to be approved and sent on to Council. It was noted that Design Review Board did review and approve the Plan.

Marian Wiedemann moved to approve the Memorial Park Master Plan. Arland Andersen seconded the motion which passed 5-0.

CORRECTION

THIS DOCUMENT

HAS BEEN REPHOTOGRAPHED

TO ASSURE LEGIBILITY

CITY OF



Wilsonville

P.O. Box 220 / Wilsonville, Oregon 97070
503 / 682-1011

August 5, 1983

Vern Guthrie
310 S.W. 4th Avenue
Portland, OR 97204

RE: Fox Chase Subdivision

Dear Mr. Guthrie:

In response to your inquiry on the above mentioned project, the following items on the plats need to be attended to:

1. Street names need to be revised
2. Approval needs to be added for the City of Wilsonville.
Public Works Director
3. All easements are to be shown on the plat both off-site
and on-site easements

In conjunction with this, it needs to be verified that all utilities are within the described easements. The above mentioned items must be completed before the plat will be accepted by the City of Wilsonville.

In regards to the inspection and acceptance of sanitary, storm and water facilities, only the storm drainage system has been accepted, with some conditions attached. Water and sanitary system inspections are progressing, however as of this date have not been accepted by the City.

I hope this answers your concerns and if you have any further questions, feel free to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Mike Hale".

Mike Hale
Public Works Inspector

MH:ks

cc:
Bldg. Department
Fox Chase File

Planning Department
R.W. McGaringle

CITY OF



Wilsonville

P.O. Box 220 / Wilsonville, Oregon 97070
503 / 682-1011

PLANNING COMMISSION MINUTES

Willamette Valley Wesleyan Church
29775 Town Center Loop East
Wilsonville, Oregon
March 14, 1983

Members present: Helen Burns, Rich Drew, Marian Wiedemann, Stan
Maves and Bill Cooley
Members absent: Mike Williams and Arland Andersen
Staff present: Ben Altman and Judee Hunnicutt
Legal Counsel: Mike Kohlhoff

Chairman Drew called the meeting to order at 7:08 p.m.

CONSIDERATION OF MINUTES

Chairman Drew asked that the fourth paragraph on page 2 reflect that the public hearing had been closed.

Stan Maves moved that the Minutes of February 14, 1983, be approved as corrected. Helen Burns seconded the motion which passed 3-0-2 with Marian Wiedemann and Bill Cooley abstaining.

PUBLIC HEARINGS

A. FOX CHASE (WILLAMETTE VILLAGE) - Modified Plat Approval for Phase A

Ben Altman presented the staff report stating the project was originally approved in 1978. When they ran into financial difficulty, First Interstate Bank took over the property and are now proposing some modifications to the original plat. The primary modifications are relative to the elimination of common open space area which originally went through the middle of the subdivision. By modifying the plat, they will qualify for various financial options which they cannot obtain now. Altman noted that the original zoning in 1972 was adopted by a motion of the Council rather than by an Ordinance. The applicant asked that the limitation on commercial development not occurring before a third of the development was built up be removed. Altman recommended that this request be referred to Council for amend-

ment of the original Zoning Map, but noted the Planning Commission had full authority under the Code to make final action on all the properties in this subdivision.

George Marshall, 31950 French Prairie Road, Wilsonville, stated they were planning to extend the property lines to use up the common areas, making the lots larger and doing away with the homeowners' association. He noted they wanted to change the name to Fox Chase.

Austin Hull asked if the zoning on both sides of the entrance-way was commercial in the original application. Altman noted that the project ended up with 1.8 acres of commercial on the west side of the road.

George Marshall noted he did not have plans at this time to develop the commercial area.

Mr. Hull questioned landscaping on Wilsonville Road. Mr. Marshall replied that it will extend approximately 25 feet from the existing pavement.

Joann Hull questioned what would go in the commercial section. Mr. Marshall again replied that he had no plans for any commercial activity at this time. Altman explained it was zoned neighborhood commercial and was oriented to convenience activities.

Chairman Drew opened the public hearing asking for proponents, opponents and/or questions.

Chairman Drew suggested they leave the open space alone at this phase and make a decision regarding it at the next phase.

Mr. Hull noted the school children cannot get onto the school yard without walking down Wilsonville Road to the driveway entrance because of the three-foot fence.

Chairman Drew asked if there was a plan for pedestrian traffic in the plat. Roger McGarrigle replied that there were sidewalks on the main north-south roads in the plat. George Marshall stated they would be willing to put in a sidewalk as an easement on five feet of either side of the property line above the open space area.

Rich Drew moved to ask the applicant to return to the Planning Commission with a plan which addresses pedestrian traffic in more detail and similar to what the Commission asked for in Phase I and that they consider a plan which would show the central area which was under discussion tonight which are the new lots; that that area be held out until Phase III for development and that they show a dual potential use either as lots, or if the residents of Phase I and II join together for a successful homeowners' association or the City accepts it as a park which would be preserved as open area, otherwise it could be developed into lots.

Ben Altman explained the way to do so was to leave that area as a single lot. The administrative record would show a preliminary plat for the open space area. It would come back to the Planning Commission on that particular issue.

Rich Drew continued his motion by stating it would be shown to prospective buyers as a development which could be subdivided into lots, but under certain conditions it would remain as a single lot of open area if it could be supported by a homeowners' association or accepted by the City as a park.

Marian Wiedemann asked what this would do timewise to the applicant. George Marshall stated he did not want to see it delayed just because of the sidewalk issue.

Helen Burns asked that the school be contacted and asked to respond to the access problem regarding the fence.

Marian Wiedemann questioned the liability for the School District.

Helen Burns seconded the motion.

Chairman Drew noted he had been talked into not putting a pedestrianway of some sort between where people live and where they will be going and he regrets it now.

Altman noted that in discussions with the applicant he had suggested that in addition to adjusting the lot sizes, they also redesign the street even though there are curbs and stubouts already in place.

Helen Burns amended the motion by adding that the school be contacted regarding the safety of access to the school for the children.

Rich Drew modified his motion by adding that the Commission would like to see a new plan for the circulation accommodations for pedestrians of the original 95 lots, not to include the area suggested by the 11 new lots. Helen Burns seconded the motion. Stan Maves called for the question. The motion passed 5-0.

PACIFIC POWER & LIGHT - PDI Stage II Development Plan for Foseco Building, Tax Lot 1922, Section 14D

Ben Altman presented the staff report stating the applicant is seeking approval to pave the south side of the property and create an outside storage area. He noted there is a parking lot in the southeast corner of the lot which they are planning to eliminate. All parking will be on the north side of the building. They plan to fence the south side of the lot and storage racks placed in the central portion of the building. They will add a loading dock in the central portion of the building also. Design Review Board has already looked at the project because of a landscaping question on whether they should continue the landscaping on the south property line.

RECEIVED
MAR 11 1983
CITY OF WILSONVILLE



78G's NURSERY
RHODODENDRONS. AZALEAS. ORNAMENTAL SHRUBS

March 10, 1983

City of Wilsonville
Planning Commission
P. O. Box 220
Wilsonville, OR 97070

Re: Willamette Village/Fox Chase Planned Development

Gentlemen:

We are in receipt of the Notice of Public Hearing concerning Mr. George Marshall's request for modified plat approval of Phase D of the above-referenced project.

This letter is written to appraise you and Mr. Marshall of our deep concern and anxieties relative to this project, primarily as it applies to the commercially zoned property directly across Wilsonville Road from our front doorstep. We will be in attendance at the hearing on Monday, March 14th, for Mr. Marshall's presentation of proposal to "change the image of the development" and are prepared to question many of the Conditions of Approval.

We would appreciate any consideration, assistance and suggestions you might have in preserving the beauty and liveability of Wilsonville.

Sincerely,

Austin L. Hull

Joan B. Hull

11265 S. W. Wilsonville Road
P. O. Box 74
Wilsonville, OR 97070
682-0397

cc: Mr. George Marshall
George Marshall Co.
31960 Charbonneau Dr.
Wilsonville, OR 97070

HULL
P.O. Box 74
WILSONVILLE
OR 97070

HAND DELIVER

City of Wilsonville
Planning Commission
P. O. Box 220
Wilsonville, OR 97070

Re: Willamette Village/Fox Chase Planned Development

CITY OF WILSONVILLE
SUBMITTAL REQUIREMENTS CHECKLIST
PDR, PDC AND PDI

Stage I - Zone Change and Master Plan

- X 1. Completed permit application form (signed) with required fee, including identification of the project coordinator, or professional design team as provided in Section 4.135WC.
- X 2. An explanation of intent, stating the nature of the proposed development, reasons for the permit request, pertinent background information, information required by the development standards and other information specified by the Director as required by other sections of this Code because of the type of development proposal or the area involved or that may have a bearing in determining the action to be taken.
- X 3. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all individuals or partners in ownership of the affected property.
- X 4. Metes and bounds legal description of the property affected by the applicant.
- X 5. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size and impact of the development on the community, public facilities and adjacent properties; and except as otherwise specified in this Code, shall be accompanied by the following information:
 - X A. Thirteen (13) copies FOLDED to 9" x 12" or one set of full-sized scaled drawings and twelve 8½" x 11" reductions of larger drawings of the proposed Site Development Plan, and a site analysis showing:
 - X 1. Major existing landscaping features including trees to be saved; and existing and proposed contours.
 - 2. Topographic information sufficient to determine direction of slopes for drainage, and in environmentally sensitive areas, e.g., flood plain, steep slopes or adjacent to stream banks, the elevations of all points used to determine contours shall be indicated and said points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals are required:

- a. One (1) foot contours up to five percent (5%);
- b. Two (2) foot contours from six percent (6%) to twelve percent (12%);
- c. Five (5) foot contours from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
- d. Ten (10) foot contours for slopes exceeding twenty percent (20%).

- X B. Streets, driveways, sidewalks, pedestrian ways, off-street parking, loading areas, garbage storage areas, power lines and railroad tracks, and shall indicate the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles.
- ✓ C. The Site Plan shall indicate how utility service and drainage are to be provided. *provided in original plat*
- X D. Location and dimensions of structures, utilization of structures, including activities and the number of living units.
- N/A E. Relevant operational data, including hours of operation, number of employees, etc.
- N/A F. Drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets and open space.
- G. A tabulation of land area, in square feet, devoted to various uses such as building area (gross and net rentable), parking and paving coverage, landscaped area coverage and average residential density per acre.
 - N/A 1. Proposed building dimensions and heights.
 - (R Stds) 2. Proposed setbacks and building stories.
 - N/A 3. Preliminary building elevations or renderings.
 - 4. Detailed density calculations.
 - 5. Building type and mix.
 - 6. Percentage of outdoor living area (residential only).
- H. Location of proposed buildings and uses, and adjacent buildings and uses within 400' at a scale of 1"-100' with property lines, dimensions and tax lot numbers.

- X I. Vicinity map (furnished by City).
- X J. Proposed private lighting and area of illumination.
- K. Proposed signing program.
- NA L. Location of flood plain or drainage areas (information available from Planning Department).
- X M. Character and type of proposed improvements in landscape and open space areas.
- X N. Existing and proposed right-of-way, street center lines and street width dimensions and corner radii.
 - 1. Sight distance at street intersections and driveways.
 - 2. Existing traffic volumes, street capacity and proposed traffic volume and circulation patterns (information may be available from Planning Department).
- O. A stage development schedule demonstrating that the developer intends to commence construction within one (1) year after the approval of the Final Development Plan, and will proceed diligently to completion.
- X P. A commitment by the applicant to provide in the final approval (Stage II) a performance bond or other acceptable security for the capital improvements required by the project.
- Q. If it is proposed that the Final Development Plan will be executed in stages, a schedule thereof shall be provided.
- X R. Statement of anticipated waivers from any of the applicable Site Development Standards.

Application complete X yes no, if not complete, all items marked by a (RED) circle in the column, must be submitted prior to further processing of this application.

Ben J. Altman 4/1/83
 Planning Director Date

Submittal deadline for _____ meeting is _____.

CITY OF WILSONVILLE
SUBMITTAL REQUIREMENTS CHECKLIST
PRELIMINARY SUBDIVISION PLAT

The purpose of the Preliminary Plat is to present an early study of the proposed subdivision to the Planning Commission and to receive its approval or recommendations for revisions before preparation of a final plat. The design and layout of this Plan shall meet the guidelines and requirements set forth in Sections 4.240 to 4.244 of the Wilsonville Code. The Preliminary Plan shall be submitted to the Planning Department as follows:

Application Procedure:

1. Pre-application conference. Prior to submission of a preliminary plat, a person proposing to subdivide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.008(3).

The Planning staff shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Master Plan, existing and proposed streets, roads and public utilities. On reaching conclusions informally as recommended regarding the general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in the preliminary plat.

2. The preliminary plat shall be prepared by an Oregon licensed, professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal, which shall include:

- A. Application form completed and signed by the owner of the land or a letter of authorization signed by the owner.
- B. Preliminary subdivision fees.
- C. Ten (10) copies and one (1) ~~set~~ or suitable reproducible tracing of the preliminary plat shall be submitted with the application. Preferred paper size is 18" x 24".
- D. Name of the subdivision. This name must not duplicate or resemble the name of any other subdivision in Clackamas or Washington County. Name may be checked through the county offices.
- E. Names, address and telephone numbers of the owners or subdividers, and engineer or surveyor.

- X F. Date, northpoint and scale of drawing.
- X G. Location of the subdivision by section, township and range.
- X H. Legal road access to subdivision shall be indicated as City, County or Public Roads.
- X I. Vicinity map showing the relationship to the nearest major highway or street.
- X J. Lots: Approximate dimensions of all lots, minimum lot size, and proposed lot and block numbers.
- K. Gross acreage in proposed plat.
- X L. Proposed uses of the property, including sites, if any, for multi-family dwellings, shopping centers, churches, industries, parks and playgrounds or other public or semi-public uses.
- X M. Existing uses of the property, including location and use of all existing structures and their disposition.
- X N. Existing zoning of the property.
- X O. Water: State the source of the domestic water supply.
- X P. Method of sewage disposal proposed.
- X Q. Drainage statement: Water courses on and abutting the property. Approximate location of areas subject to inundation by storm water overflow, or all areas covered by water, and the appropriate location, width, and direction of flow of all water courses. Direction of drainage on proposed streets shall be indicated.
- R. Ground elevations as specified in 4.008(4)WC.
Provided on original Plat affected area, generally flat
- S. Streets: Location, name, width, surface conditions, alleys, gradient and corner curb radii shall be indicated on an abutting tract. *name changes to be submitted at Final Plat stage*
- X T. Improvements: Statement of the subdivision improvements to be made or installed including streets, sidewalks, lighting, tree planting, and times such improvements are to be made or completed.
- X U. Utilities such as electrical, gas, telephone, on and abutting the tract.
- X V. Easement: Approximate width, location and purpose of all existing easements on, and known easements abutting the tract.

- W. Deed Restrictions: Outline and proposed Deed restrictions, if any.
- X. Written Statement: Information which is not practical to be shown on the maps may be shown in separate statements accompanying the preliminary plat.
- Y. If the subdivision is to be a "Planned Development" a copy of the homeowners association by-laws must be submitted at the time of preliminary submission. The plat shall be considered as the Stage I Preliminary Plan.
- X. Z. Any plat bordering a stream or river shall indicate areas subject to flooding and shall comply with the provisions of Section 4.162.

3. Approval of Preliminary Plat:

- A. Consideration of Preliminary Plat. The Planning Commission shall consider the preliminary plat and the reports of the Health Department and the City Engineer at a regular Planning Commission meeting no more than sixty (60) days after preliminary plat application has been accepted by the City. The preliminary plat shall be approved by a majority of a quorum of the Planning Commission if the Planning Commission determines that the preliminary plat conforms in all respects to the requirements of Sections 4.200 to 4.280.
- B. The Commission shall, by Resolution, adopt its decision, together with findings and a list of all Conditions of Approval or required changes to be reflected on the Final Plat.
- C. Effect of Approval. After such approval of the preliminary plat, the subdivider may proceed with final surveying, subdivision construction and preparation of the final plat. Approval shall be effective for a period of two (2) years, and if the final plat is not submitted to the Commission within such time, the preliminary plat shall be submitted again and the entire procedure shall be repeated for consideration of any changed conditions which may exist.

4. Final platting shall be administratively reviewed in accordance with Section 4.220 WC.

Application Complete yes no, if not complete, all items marked by a (RED) circle in the column, must be submitted prior to further processing of this application.

Benj. Altman
Planning Director

4/1/83
Date

Submittal deadline for _____ meeting is _____.

CITY LIMITS

1/4 Sec.
map page
8a

1/4 Sec.
map page
8b

1/4 Sec.
map page
8c

SCHOOL 11059

10928

WILSONVILLE

WILSONVILLE BOULEVARD

ALMA MATER

LAKE SOUTH

COLUMBIA DR. SW.

COLUMBIA DR. SW.

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WILLAMETTE

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CITY OF WILSONVILLE
MEMO

March 8, 1983

DATE

TO: Planning Commission
Design Review Board
Ben Altman - Planning Director

FROM: Larry R. Blanchard L.B.
Public Works Director

SUBJECT: Willamette Village Replatting - Phase I

According to the City's records Willamette Village Phase A was completed and began the warranty period on April 15, 1980. Upon orderly development of the subdivision acceptance of the underground utilities could have occurred after April 15, 1981. The streets, again upon orderly development, could be accepted on April 15, 1983.

However this project has not developed orderly and therefore many situations have occurred which would not under ordinary circumstances. Therefore any future developers would be required to complete the following.

1. Complete inspection of the sanitary sewer system via t.v. cameras to determine the extent of deterioration of the sewer system. The inspection shall be done jointly by the City and Developer at the Developers cost. Any repair necessary shall be done as part of the Final Acceptance Inspection. All costs to be that of the Developer.
2. The water system shall be completely inspected, reflashed, leakage tested, and chlorinated. The inspection shall be done jointly between the City and the Developer at the Developers cost. All repairs as determined by the City Public Works Director shall be done prior to final acceptance of the water system.
3. The street and storm drainage system shall be completely inspected by the City and Developer jointly, and all necessary repairs recorded. To date many manhole tops and catchbasins covers are missing, even a large number of street lights were stolen. In any case each item shall be replaced at the owners cost prior to final acceptance by the City, and shall be part of the Final Acceptance Inspection.
4. The previous developer installed a Hydronix Sewage Pump Station which to my knowledge has been operated only one time for testing. Presently this system has been under water since the project was abandoned in June 1980. This pump station must be completely overhauled, and in operating condition prior to final approval by the Public Works Director, As you are aware this pump station will eventually be removed from its present

location to the south whenever Tract B develops in the future. The City shall not accept operational maintenance of this structure until such time it is moved to its final location, and has operated efficiently for the one (1) year warranty period.

5. Any additional lots to be developed as part of this replatting shall require a complete set of construction plans to be submitted for approval by the Public Works Director to indicate driveway approaches, sidewalks, water connections, storm connections, and sewer connections.
6. Also any street widening for Wilsonville Road according to the CIP can be required at this time, or at least non-remonstrance against any project to be assessed to this property or owners.

LRB:ks

George Marshall Company

RECEIVED
FEB 18 1983
CITY OF WILSONVILLE

February 17, 1983

Planning Commission
City of Wilsonville
Wilsonville, Oregon 97070

Re: Willamette Village

Gentlemen:

The First Interstate Bank is the present owner of Willamette Village, the 352 unit planned unit development located on Wilsonville Road at the extreme west end of the Wilsonville city limits. I, George J. Marshall, am representing the bank before the Planning Commission in order to modify the planned development in an effort to make the project marketable under the economic conditions which exist today.

Willamette Village Phase A received its Final Plat Approval on March 21, 1979. I am attaching a copy of said approval and I will make reference to that document in this writing.

The intention at this time is to change the image of the development and yet live with the improvements which have been installed. The first phase of development improved 95 single family lots and the majority of the off-site improvement work. The master plan contemplated the installation of play fields which have not been installed except for minor site grading. Several major problems exist which materially affect the marketing of the project today. We feel that the only market which exists today for Willamette Village is the relatively low priced home for the moderate income family. We would like to market to that segment of the market as all of the surveys done on Wilsonville suggest that that segment of the market is not able to be satisfied in Wilsonville.

In the market today, financing terms are almost as important as sales price. Savings and Loan Associations and many other lenders of the past are just not competitive with the Federal Housing Administration and Federal VA programs. The buyers of these types of loans are not interested in these kinds of loans if homeowners associations are a part of the transaction. Historically, homeowners associations have been less than successful and have generally been a problem for many lenders. There apparently aren't many Charbonneaus around and yet we still have not been able to get Federal National Mortgage Association (Fannie Mae) approval for Charbonneau. Our proposal is, therefore, to eliminate all common area and to eliminate the homeowners' Association provisions. In effect, our new proposed plan extends the existing platted lots to eat up the common areas which is



producing larger lots than previously proposed. We believe that this concept is justified at this time as since Willamette Village was conceived, the Inza R. Wood middle school has been built with a wide variety of outdoor playing areas available for people who reside in the west end of town. It appears wasteful to consider duplicate facilities literally across the street from each other.

In order to create an entire new and fresh image for the subject development, we wish to abandon the name Willamette Village and substitute the name of FOX CHASE as our new subdivision name. Red fox are known to be in the area and the english meaning of "chase" is "a private hunting preserve". The more common conotation is simply "to hunt". Wilsonville Road is known for its "horsy" character and we would like to help perpetuate that worthy image. We will attempt to capitalize on that image in our project identification, house styles and special features.

As per the Final Plat Conditions of Approval, we would request the following:

- Condition 1. Eliminate this condition as the City now has other methods of controlling growth.
- Condition 2. It appears to us that this condition is needless. Market conditions determine commercial timing, not an arbitrary percentage.
- Condition 3. Eliminate this condition in preference to new proposed plan.
- Condition 4. Eliminate this condition for the subject phase and leave open for consideration for future phases.
- Condition 5. Acceptable.
- Condition 6. Eliminate this condition as it is now inappropriate as the work is completed. Perhaps wording relative to a development punch list would be appropriate.
- Condition 7. Eliminate this condition as it is now after the fact.
- Condition 8. Eliminate except as this condition relates to the commercial parcel.
- Condition 9. Eliminate this condition as it is now after the fact.

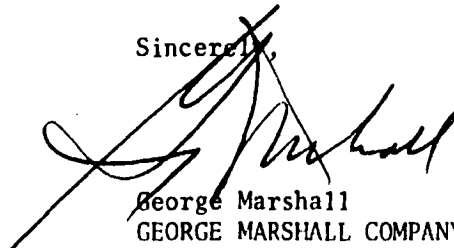
Planning Commission
Willamette Village

February 17, 1983
Page 3

- Condition 10. Acceptable.
- Condition 11. Eliminate this condition as it is now after the fact.
- Condition 12. Same as above.
- Condition 13. Acceptable.
- Condition 14. Acceptable.
- Condition 15. Acceptable.
- Condition 16. Eliminate this condition as it is now after the fact.

Thank you for your consideration of this matter and we look forward to working with the City of Wilsonville in making Fox Chase a successful development for all concerned.

Sincerely,



George Marshall
GEORGE MARSHALL COMPANY

GJM/lr

THIS CARBON WILL DETERIORATE IF EXPOSED TO EXCESSIVE HEAT OR SUNLIGHT

0107



FORM 11, 67E (Escrow)
Stevens, First Law Publishing Co
Portland, Oregon 97204

EARNEST MONEY RECEIPT

City: Portland State: Oregon January 21, 1983

RECEIVED FROM WILLAMETTE DEVELOPMENT CORP.

for the sum of TEN THOUSAND & NO/100 Dollars (\$ 10,000.00)

check as earnest money and in part payment for the purchase of the following described real estate situated in the City of Wilsonville
CASH CHECK DRAFT
County of Clackamas State of Oregon, to-wit, See Exhibit "A" for legal description. The

legal description was obtained from Safeco Title Insurance Company's Preliminary Title Report
dated February 16, 1982. This legal description (see attached Handy Pad) which we have this day sold to said purchaser

the sum of NINE HUNDRED FIFTY THOUSAND & NO/100 Dollars (\$ 950,000.00)

the following terms, to-wit: The sum, hereinabove received for, of - 0 - Dollars (\$ - 0 -)

in owner's acceptance, as additional earnest money, the sum of TEN THOUSAND & NO/100 Dollars (\$ 10,000.00)

in acceptance of title and delivery of deed, the sum of - 0 - Dollars (\$ - 0 -)

once of NINE HUNDRED FORTY THOUSAND & NO/100 Dollars (\$ 940,000.00)

able as follows: Cash on closing.

his offer is subject to the following:

Buyer's approval of an engineering analysis and report.

Buyer obtaining all governmental approval for their intended use and improvements.

Buyer's approval of the Preliminary Title Report.

Buyer's obtaining an appraisal of the properties fair market value at 90% of purchase

price or greater (continued on attached Handy Pad)**

If this transaction includes dwelling units, buyer and seller certify that a working smoke detector shall be installed in each such unit according to applicable law, prior to closing.

A title insurance policy from a reliable company insuring marketable title is to be furnished purchaser in due course of seller's expense, preliminary to closing, seller shall furnish a title

insurance company's preliminary title report showing its willingness to issue title insurance, which shall be conclusive evidence as to seller's record title

It is agreed that if seller does not approve this sale within the period allowed broker below in which to secure seller's acceptance, or if the title to the said premises is not insurable or

marketable, or cannot be made so within thirty days after notice containing a written statement of defects is delivered to seller, the said earnest money shall be refunded. But if said sale

approved by seller and title to the said premises is insurable or marketable and purchaser neglects or refuses to comply with any of said conditions within ten days after the said evidence

title is furnished and to make payments promptly, as hereinabove set forth, then the earnest money herein received for and additional earnest money, if any, shall be forfeited and

used of as stated in Section F below and this contract thereupon shall be of no further binding effect.

The property is to be conveyed by good and sufficient deed free and clear of all liens and encumbrances except zoning ordinances, building and use restrictions, reservations in Federal

lands and None. Transaction subject to buyer's approval of Preliminary Title Report.

All irrigation, plumbing, ventilating, cooling and heating fixtures and equipment (including stoker and oil tanks but excluding fireplace fixtures and equipment), water heaters, light

fixes, bulbs and lamps, bathroom fixtures, venetian blinds, drapery and curtain rods, window and door screens, storm doors and windows, attached floor coverings, attached television

and all shrubs and trees and all fixtures except None

left upon the premises as part of the property purchased. The following personal property is also included as a part of the property for said purchase price.

None

Seller and purchaser agree to pay the taxes which are due and payable for the current tax year. Rents, interest, premiums for existing insurance and other matters shall be pro-rated

on a calendar year basis. Pro rates are to be made as of the date of closing, date of possession. Date of closing is Mar. 31, 1983 Date of possession is closing

as soon thereafter as existing laws and regulations will permit removal of tenants, if any. Encumbrances to be discharged by seller may be paid at his option out of purchase money at date

closing. SELLER AND PURCHASER AGREE THAT SUBJECT SALE WILL BE CLOSED IN ESCROW. THE COST OF WHICH SHALL BE BORNE EQUALLY BETWEEN SELLER AND PURCHASER.

Time is the essence of this contract. This contract is binding upon the heirs, executors, administrators, successors and assigns of buyer and seller. However, the purchaser's rights herein are

assignable without written consent of seller. In any suit or action brought on this contract, the losing party therein agrees to pay the prevailing party therein (1) the prevailing party's

reasonable attorney's fees in such suit or action, to be fixed by the trial court, and (2) on appeal, if any, similar fees in the appellate court, to be fixed by the appellate court.

Phone 228-3303 Address 500 Wilcox Bldg., Portland, OR 97204

AGREEMENT TO PURCHASE

Buyer agrees to purchase and pay the price of \$ 950,000.00 to purchase the property herein described in its present condition, as set forth above and grant to said agent a

period of 5 business days hereafter to secure seller's acceptance hereof, during which period my offer shall not be subject to revocation. Said deed or contracts to be in the name of

WILLAMETTE DEVELOPMENT CORP. and/or ASSIGNS WILLAMETTE DEVELOPMENT CORP.

Address 920 S. W. 6th Ave., Portland, OR 97204 X Robert F. Jones - Vice President Purchaser

Attention: Mr. Robert Oberstone Purchaser

BUYER'S AND SELLER'S AGREEMENT RE DEPOSIT OF EARNEST MONEY

Earnest Money deposit in this transaction of \$ 10,000.00, the form stated above shall be deposited in the Client's Trust Account of the listing Broker, selling Broker

contingencies are satisfied. Safeco Title Insurance Company

Address 1800 SW 1st Ave., Portland, OR 97201

held pending closing of this transaction pursuant to the attached escrow instructions.

WILLAMETTE DEVELOPMENT CORP. Purchaser FOSECO MINSER, INC. Seller

Robert F. Jones - Vice President Purchaser X Anthony Murray Seller

AGREEMENT TO SELL

Buyer approve and accept the above sale for said price and on said terms and conditions and agree to consummate the same as stated.

Address 20200 SHELTON ROAD FOSECO MINSER (INC.) Seller

Cheveland Ohio 44126 Phone 416-826-4548 X Anthony Murray Seller

Deliver promptly to purchaser, either manually or by registered mail, a copy hereof showing seller's acceptance.

Buyer acknowledges receipt of the foregoing instrument bearing his signature and that of the seller

Copy hereof shall be returned to seller by registered mail to

Buyer's above address

(Return receipt requested) on

Return receipt card received

and attached to broker's copy

SELLER'S CLOSING INSTRUCTIONS AND AGREEMENT WITH BROKER RE EARNEST MONEY

Seller whose signature appears below, agree to pay to said broker a commission amounting to \$ 48,500.00 for services rendered in this transaction and hereby grant to said

broker a lien on the proceeds of the sale to secure payment of said commission. In the event that the buyer's deposit is forfeited pursuant to sub paragraph 3, above, said forfeited deposit

is to be dispersed in accordance with the terms and conditions set forth in the listing agreement, or in the event it is not so stated or there is no signed listing agreement, then in the following

order: 50 percent to seller, 5 percent to Coldwell Banker

and acknowledge receipt of a copy of this contract bearing signatures of seller and buyer named above.

January 26, 1983

THIS CARBON WILL DETERIORATE IF EXPOSED TO EXCESSIVE HEAT OR SUNLIGHT.

56702

WILLAMETTE DEVELOPMENT CORP.

- 2 -

January 21, 1983

(Continued from Page 1)

*does not appear to close and this offer is subject to this apparent defect being corrected.

**

5) Buyer's approval of a survey which is to be done at buyer's expense.

If buyer does not waive the above contingencies in writing by March 20, 1983, this transaction is null and void.

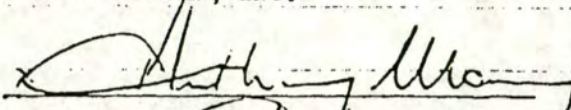
Seller to remove any hazardous waste or toxic materials or chemicals, if any, from the property at seller's expense prior to closing.

Buyer to have access to the property for planning purposes any time after acceptance of this offer.

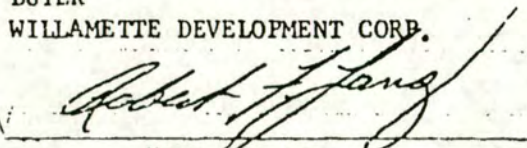
Closing of this transaction to be March 31, 1983.

In the event of Buyer's unreasonable refusal to waive the above contingencies, \$1,000.00 of the earnest money deposited hereunder shall be forfeited to Seller as total liquidated damages for such unreasonable refusal and the remaining \$9,000.00 of said earnest money shall be returned to Buyer.

APPROVED:
SELLER
FOSECO MINSBP, INC.


Date 1/21/83

APPROVED:
BUYER
WILLAMETTE DEVELOPMENT CORP.


Vice President

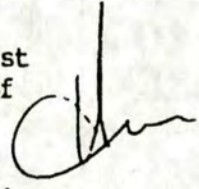
Date January 21, 1983

EXHIBIT "A"

DESCRIPTION:

A portion of Lots 1 and 2, WILSONVILLE INDUSTRIAL PARK, in Clackamas County, Oregon, described as follows:

Beginning at the Northwest corner of Lot 1; thence South 0° 04' 15" East along the West line of said lot, 310.19 feet to the Southwest corner of that tract described in Deed to Stanley A. Ziganti, et ux, recorded December 30, 1976, as Recorder's Fee No. 76-47079, Clackamas County Records and the true point of beginning; thence North 89° 44' 30" East, 391.95 feet to the Southeast corner of said Ziganti tract and a point of the West line of a 60.00 foot road, as described in Deed recorded February 25, 1977, as Recorder's Fee No. 77-7167, Clackamas County Records; thence South 0° 04' 15" East along the West line of said road, 444.5 feet; thence Westerly, parallel with the South line of said Lot 1, a distance of 391.5 feet to the West line of said Lot 2; thence North 0° 04' 15" West along the West line of said Lots 2 and 1, a distance of 444.5 feet to the true point of beginning.

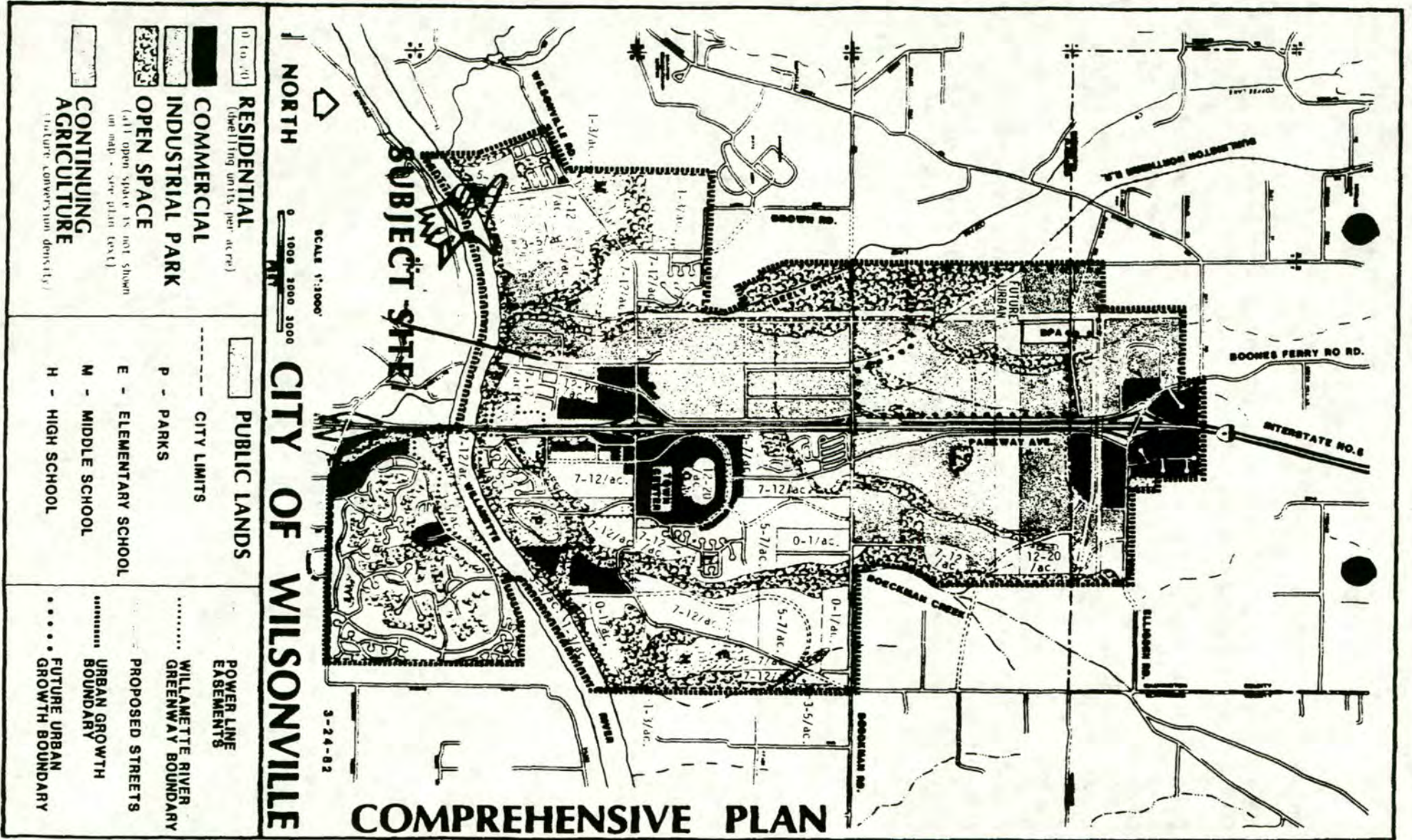


SAFECO

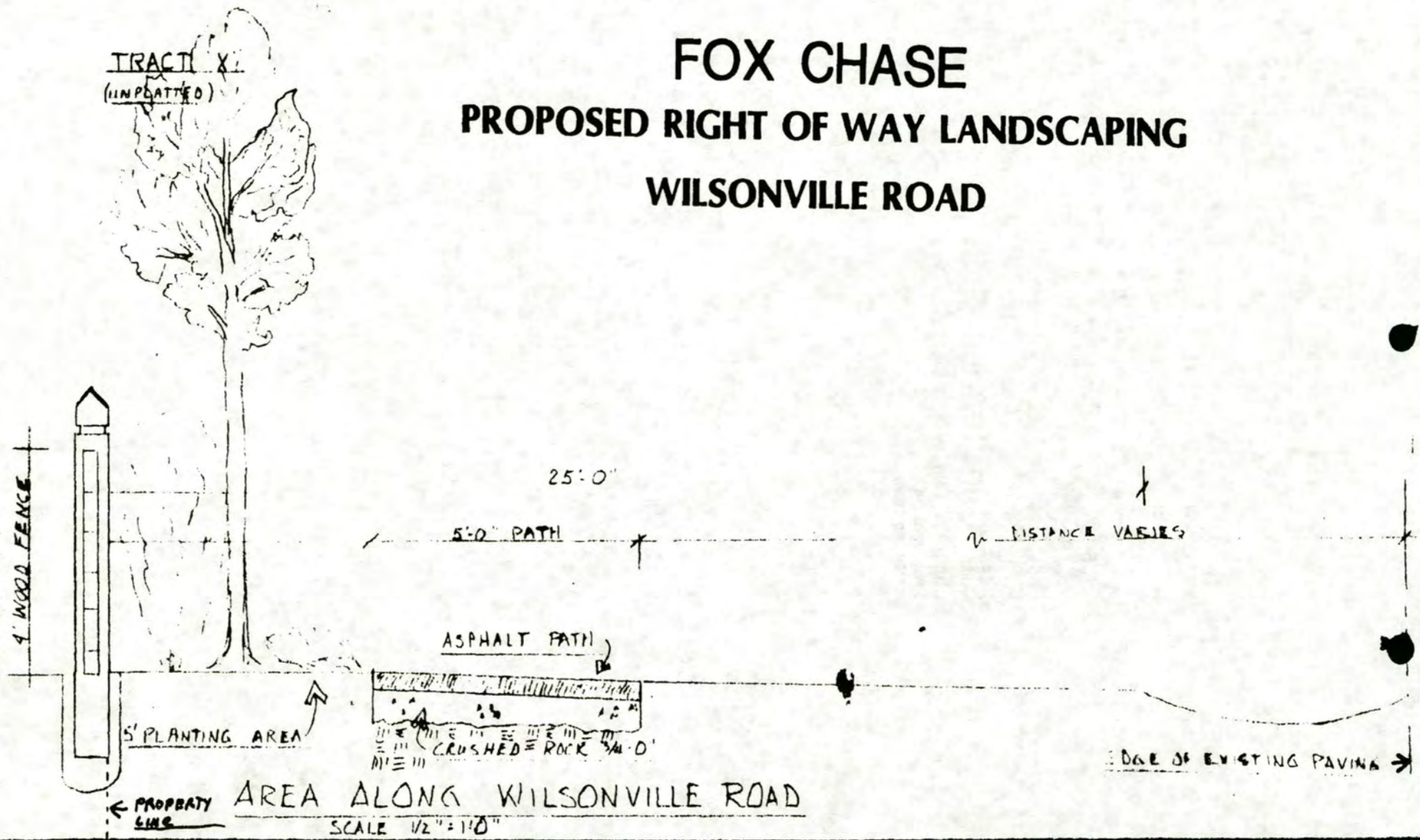
1
2
3
4
5
6
7
8
9
0
1

FOX CHASE (WILLAMETTE VILLAGE)

RE-PLAT



FOX CHASE PROPOSED RIGHT OF WAY LANDSCAPING WILSONVILLE ROAD





Fox Chase

allard industries

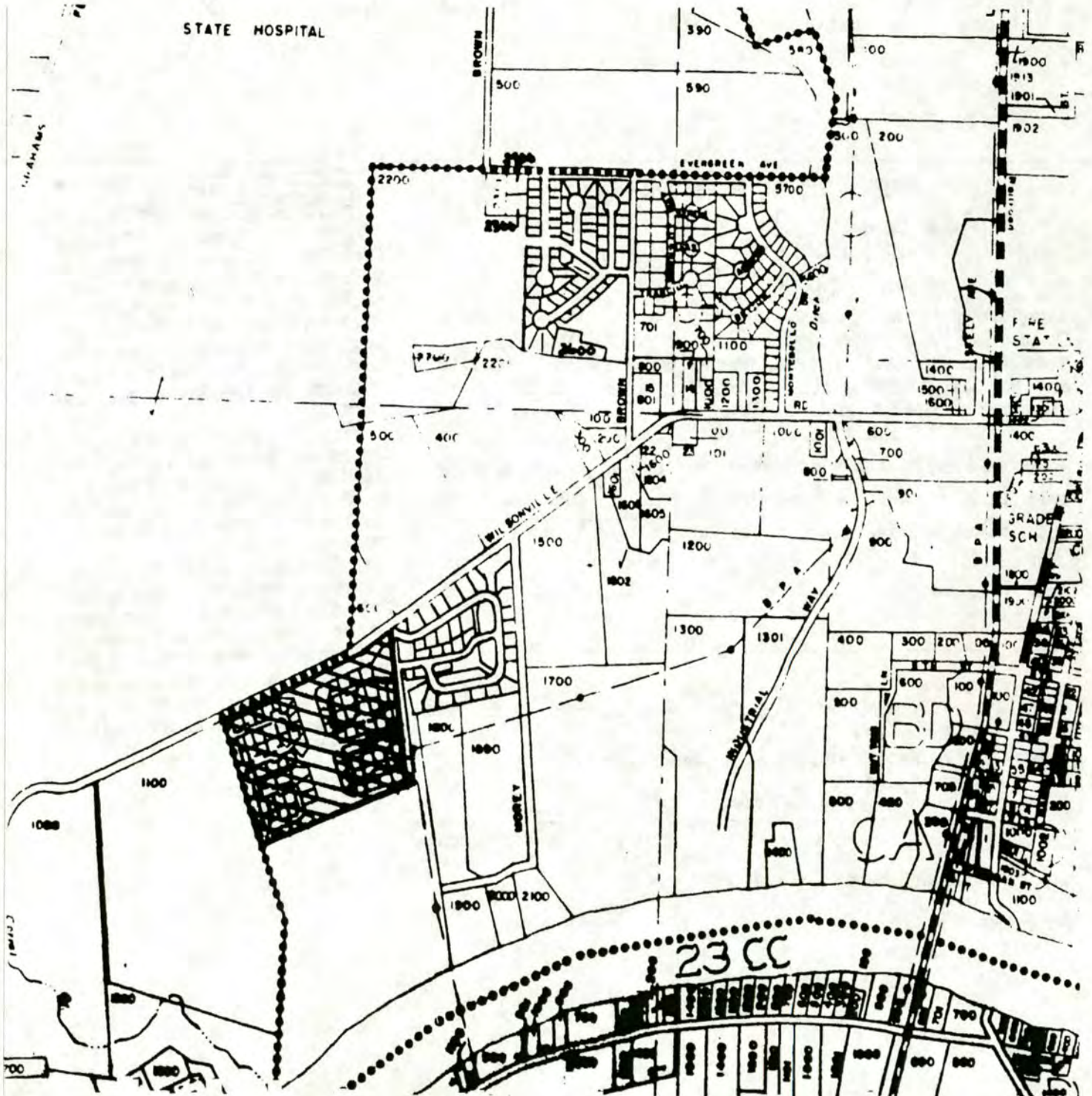
Charles A. Bentley (503) 648-7045
2689 N. E. GRANT ST.
HILLSBORO, OR 97123

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN whereas the Wilsonville Planning Commission will hold a continued public hearing on Monday, April 11, 1983, at 7:00 p.m. at Willamette Valley Wesleyan Church, 29775 Town Center Loop East, Wilsonville, Clackamas County, Oregon, or at such other place to which the Commission may adjourn.

The application, submitted by George Marshall, is for a request for Modified Plat approval for Phase A of the Willamette Village Subdivision located south of Wilsonville Road and west of Morey Lane.

Inquiries pertaining to the application may be made by contacting City Hall at 682-1011. Written statements may be submitted prior to the date of the hearing and will be entered into the public record. Public testimony in favor of or in opposition to the proposed application will be taken at the public hearing.



TIMES PUBLISHING COMPANY

P.O. BOX 370 PHONE (503) 884-1100
BEAVERTON, OREGON 97075

Legal Notice 7-6782

RECEIVED
APR 13 1983
CITY OF WILSONVILLE

Legal Notice Advertising

• City of Wilsonville
• P.O. Box 220
• Wilsonville, Oregon 97070

- Tearsheet Notice
- Duplicate Affidavit
-

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,)
COUNTY OF WASHINGTON,)ss.

I, Susan Pinkley
being first duly sworn, depose and say that I am the Advertising
Director, or his principal clerk, of the Tigard Times,
a newspaper of general circulation as defined in ORS 193.010
and 193.020; published at Tigard in the
aforesaid county and state; that the
Notice of Public Hearing

a printed copy of which is hereto annexed, was published in the
entire issue of said newspaper for 1 successive and
consecutive in the following issues:

April 7, 1983

Subscribed and sworn to before me this 11 APR 83

Susan Pinkley
Elizabeth A. Rose
Notary Public for Oregon

My Commission Expires: 3/16/87

AFFIDAVIT

NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN

whereas the Wilsonville Planning
Commission will hold a continued pub-
lic hearing on Monday, April 11, 1983,
at 7:00 p.m. at Willamette Valley
Wesleyan Church, 29775 Town Center
Loop East, Wilsonville, Clackamas
County, Oregon, or at such other place
to which the Commission may ad-
journ.

The application, submitted by
George Marshall, is for a request for
Modified Plan approval for Phase A of
the Willamette Village subdivision lo-
cated south of Wilsonville Road and
west of Morey Lane.

Inquiries pertaining to the applica-
tion may be made by contacting City
Hall at 682-1011. Written statements
may be submitted prior to the date of
the hearing and will be entered into
the public record. Public testimony in
favor of or in opposition to the pro-
posed application will be taken at the
public hearing.

AFFIDAVIT OF MAILING
NOTICES OF PUBLIC HEARING
ON FOX CHASE
BEFORE THE PLANNING COMMISSION
IN THE CITY OF WILSONVILLE, OREGON

I, Judee Hunnicutt, do hereby certify that the attached copy of Notice of Public Hearing is a true copy, that said Notice was sent to all property owners within 250 feet of the subject property under consideration in Phase D of Willamette Village Subdivision and that said Notice was posted in four conspicuous places: Wilsonville Post Office, Wilsonville City Hall, Lowrie's Market and the Kopper Kitchen. Said Notice was mailed and posted on March 3, 1983 and said Notices are to remain posted from the date of posting until the date of the public hearing mentioned herein.

WITNESS my hand this 3rd day of March, 1983.

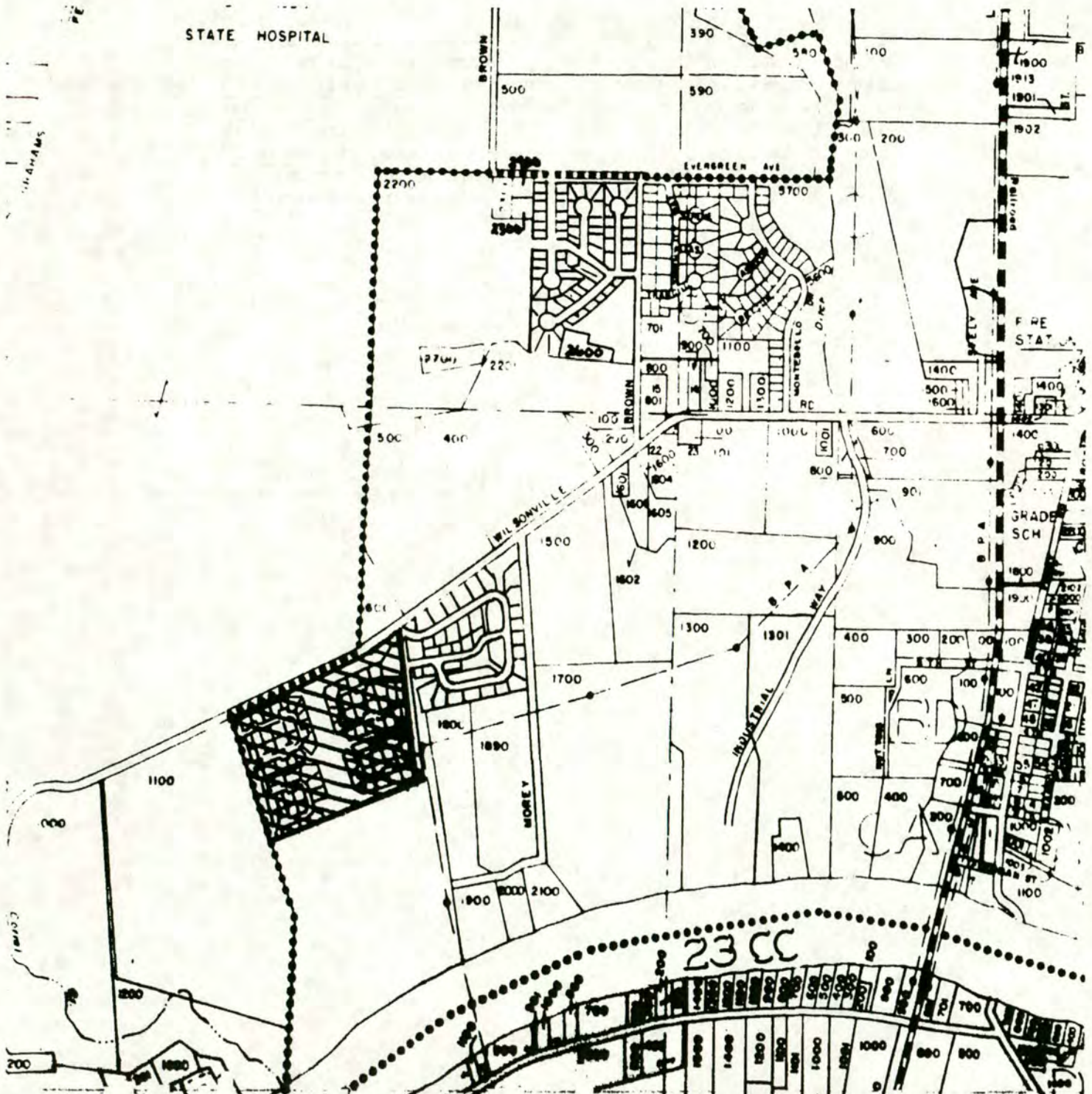
Judee Hunnicutt

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN whereas the Wilsonville Planning Commission will hold a public hearing on Monday, March 14, 1983, at 7:00 p.m. at Willamette Valley Wesleyan Church, 29775 Town Center Loop East, Wilsonville, Clackamas County, Oregon, or at such other place to which the Commission may adjourn.

The application, submitted by George Marshall, is for a request for Modified Plat approval for Phase D of the Willamette Village subdivision located south of Wilsonville Road and west of Morey Lane.

Inquiries pertaining to the application may be made by contacting City Hall at 682-1011. Written statements may be submitted prior to the date of the hearing and will be entered into the public record. Public testimony in favor of or in opposition to the proposed application will be taken at the public hearing.



**NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN**

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The application, submitted by George Marshall, is for a request for Modified Plat approval for Phase D of the Willamette Village subdivision located south of Wilsonville Road and west of Morey Lane.

Inquiries pertaining to the application may be made by contacting City Hall at 682-1011. Written statements may be submitted prior to the date of the hearing and will be entered into the public record. Public testimony in favor of or in opposition to the proposed application will be taken at the public hearing.

T6732 -- Publish March 10, 1983

792
31W22 00300
SERIAL 68210

03/31/82

WILSONVILLE 003-023
TIME RUN 01:25

00272-82 81-23248 49
1.23 39,600 73,970 113,570

MAILING LOCKWOOD STEPHEN M 101 152 64 05 81 45
& RITA F R V SHORT DLC TL 1-1-1
*ARLAUSKAS PAUL P&R M1/2
*KROSNIUONAS STASYS&I 1/2
ZSTASYS KROSNIUONAS
SAME AS SITUS ADDRESS
COMM-CRD #16694
MSD 1-1-79

EXMPT FU PGT. SWD TIMBER TRANS DIV. ORIG LOT
SITUS 10725 SW WILSONVILLE RD WILSONVILLE OR 97073
3/03/82

793
31W22 00400
SERIAL 68228

03/31/82

WILSONVILLE 003-023
TIME RUN 01:25

672-759
17.30 44,130 61,780 105,910
MAILING GUISS RUSSELL L 503 141 10 05 81 45 HQ PARTIAL
& NORMA M R V SHORT DLC TL 1
SAME AS SITUS ADDRESS
COMM-CRD #10694
MSD 1-1-79

NOTE-UNZONED FARM USE POTENTIAL ADDITIONAL TAX LIABILITY
EXMPT FU POT. SWD TIMBER TRANS DIV. ORIG LOT
SITUS 10925 SW WILSONVILLE RD WILSONVILLE OR 97073
HO-VALUE 1.00 36,750 48,550 85,300
3/03/82

794
31W22 00500
SERIAL 68236

EXEMPT

03/31/82

WILSONVILLE 003-023
TIME RUN 01:25

79-05357
19.24 194,000 SO 2,694,400 2,888,400
MAILING STETZEL ROBERT A 401 601 80 05 81 45
*WEST LINN SCH DIST #3 R V SHORT DLC TL 1-3
716 VINE MAPLE DRIVE 97068
WEST LINN OR
COMM-CRD #16694
1979 FARM USE REMOVED
MSD 1-1-79

EXMPT FU POT. SWD TIMBER TRANS DIV. ORIG LOT
SITUS 1979 3/03/82

795
31422 00600
SERIAL 68244

03/31/82

WILSONVILLE 003-023
TIME RUN 01:25

00961-78 77-38143 36,490 64,690 101,180
2-99

MAILING HULL AUSTIN L
& JOAN B
SAME AS SITUS ADDRESS

503 151 66 05 81 45 HC PARTIAL
R V SHORT DLC TL 1-3-1

COMM-ORD #16694
MSD 1-1-79

NOTE-UNZONED FARM USE POTENTIAL ADDITIONAL TAX LIABILITY

SITUS	EXMPT	FU	PCT.	SWD	TIMBER	TRANS	DIV.	ORIG	LOT
HO-VALJE	11265	1980	1.00	36,400	59,880	3/03/82	97070		95,280

796
31422 01300
SERIAL 68252

03/31/82

WILSONVILLE 003-023
TIME RUN 01:25

03811-81 80-48065 34,330 17,900 102,230
41.68

MAILING FIRST INTERSTATE BK
PO BOX 3131
PORTLAND OR 97208
COMM-ORD #16694
DIV 186511979 PT FARM USE REMVD
MSD 1-1-79

503 151 07 05 81 45
R V SHORT DLC TL 13

NOTE-UNZONED FARM USE POTENTIAL ADDITIONAL TAX LIABILITY

SITUS	EXMPT	FU	PCT.	SWD	TIMBER	TRANS	DIV.	ORIG	LOT
						1/25/82			

797
31422 01500
SERIAL 68278

03/31/82

WILSONVILLE 003-023
TIME RUN 01:25

546-551 43,560 37,800 81,360
16.28

MAILING DREWELW GEORGE
30640 SW MOREY LANE
WILSONVILLE OR 97070
COMM-ORD #16694
MSD 1-1-79

503 151 35 05 81 45 HO PARTIAL
R V SHORT DLC TL 21

NOTE-UNZONED FARM USE POTENTIAL ADDITIONAL TAX LIABILITY

SITUS	EXMPT	FU	PCT.	SWD	TIMBER	TRANS	DIV.	ORIG	LOT
HO-VALUE	30640	SW MOREY LN	1.00	36,750	31,710	3/03/82	97070		69,460



P.O. Box 220 / Wilsonville, Oregon 97070
503/682-1011

PLANNING COMMISSION APPLICATION FORM

RECEIVED
FEB 18 1983
CITY OF WILSONVILLE

CHECK TYPE OF APPLICATION:

- | | | |
|--|---|--|
| <input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT | <input type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> TEMPORARY USE |
| <input type="checkbox"/> ZONE CHANGE - STAGE I | <input type="checkbox"/> VARIANCE | <input type="checkbox"/> MINOR PARTITION |
| <input checked="" type="checkbox"/> ZONE CHANGE - STAGE II | <input type="checkbox"/> WILLAMETTE GREENWAY PERMIT | <input type="checkbox"/> MAJOR PARTITION |
| <input type="checkbox"/> CITY CENTER DISTRICT-STAGE II | <input type="checkbox"/> NON-CONFORMING USE EXPANSION | <input type="checkbox"/> PRELIMINARY PLAT |
| <input type="checkbox"/> WILSONVILLE SQUARE 76-STAGE II | <input type="checkbox"/> USE DEFINITION | <input checked="" type="checkbox"/> FINAL PLAT |

APPLICANT'S NAME FIRST INTERSTATE BANK OF OREGON
 ADDRESS 1300 S.W. FIFTH - 8TH FLOOR Business Phone 225-3949
 CITY PORTLAND STATE & ZIP OR. 97204 Home Phone _____

APPLICANT'S CONTACT PERSON (If not same as Applicant) VIRGIL BANKS
 ADDRESS 1300 S.W. FIFTH - 8TH FLOOR Business Phone 225-3949
 CITY PORTLAND, OR. STATE & ZIP 97204 Home Phone _____

PROPERTY OWNER FIRST INTERSTATE BANK OF OREGON
 ADDRESS _____ Business Phone _____
 CITY _____ STATE & ZIP _____ Home Phone _____

ALSO NOTIFY _____
 ADDRESS _____ Business Phone _____
 CITY _____ STATE & ZIP _____ Home Phone _____

TAX LOT ALL LOTS, ~~Blocks 4-15~~ TAX MAP WILLAMETTE VILLAGE
 LOT SIZE _____ ACRES 28.4 (+/-) ~~50.0~~
 Please attach legal description.

EXISTING USE SUB DIVISION - RESIDENTIAL

PROPOSED USE SUB DIVISION - RESIDENTIAL

PLANNING COMMISSION APPLICATION - PAGE 2

EXISTING ZONING PD-Res. PROPOSED ZONING PD-Res.

COMPREHENSIVE PLAN DESIGNATION _____

IF RESIDENTIAL, NUMBER AND TYPE OF UNITS 96 SF & 1 NEIGHBORHOOD
COMMERCIAL - PRESENTLY DEVELOPED

ANTICIPATED DEVELOPMENT DATE REVISE A.S.A.P.

I hereby submit the required filing fee, together with twelve (12) copies, folded to 9" x 12", 11 of which may be reduced to 8 1/2" x 11", if legible at that scale, of the planning documents as requested, identifying the proposal to be reviewed by the Planning Commission.

I understand the Applicant's responsibility to request a pre-application planning conference prior to the public hearing and that I, or my authorized agent, will be required to present the Application pursuant to the provisions as set forth in Ordinance No. 76.

First Interstate Bank of Oregon, N.A.

SIGNATURE OF APPLICANT By: *Walter Banks* A.V.P. DATE February 17, 1983

SIGNATURE OF PROPERTY OWNER _____ DATE _____

NOTE: If the Applicant is not the property owner, the property owner must also sign this Application giving the Applicant the authority to act as agent for this Application.

PRE-APPLICATION CONFERENCE BY:

COMPLETE APPLICATION ACCEPTED:

Bjo
Staff Signature
2/3/83
Date

Bonf. Altman
Staff Signature
2/17/83
Date

FEE AMOUNT PAID: \$100.00

NOTE: Pre-application conference required. All Applications must be complete prior to placement on Agenda.

Unique Serial Number: (assigned by user) 2193

Department: Planning

Case No. 83PC09 File Creation Date: 2-17-83

Request: Modified Plat approval for Fox Chase (Phase A Willamette Village)

Action: Conditionally Approved

Project Expiration Date:

Property Description: Sec. 22AC County: C

Location: Fox Chase

Street Address:

Project Name(s): Fox Chase (Willamette Village)

Applicant: First Interstate Bank of Oregon

Retention Schedule: Permanent

Location of Microfilm: City Hall Vault

Hard Copies of drawings/plans available? Yes

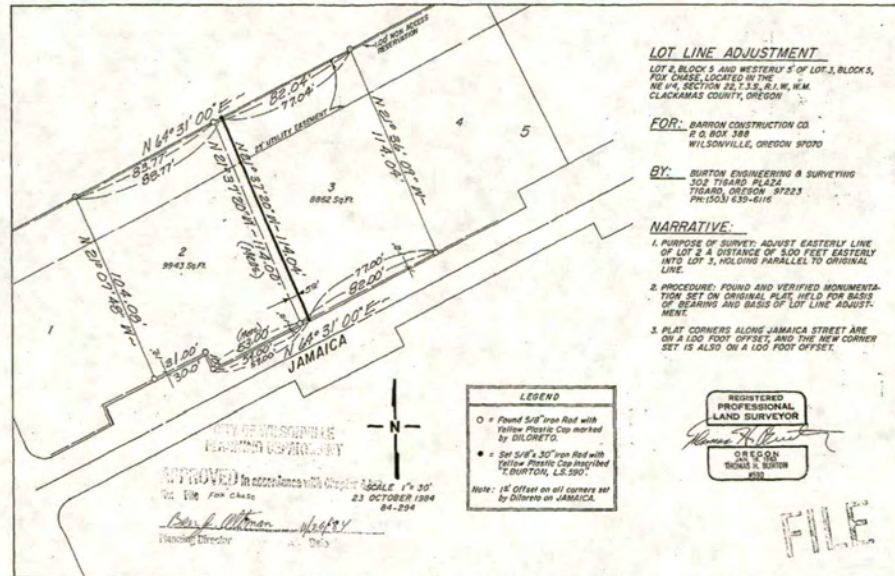
Physical copy of file retained? No

See also Case Files:

1

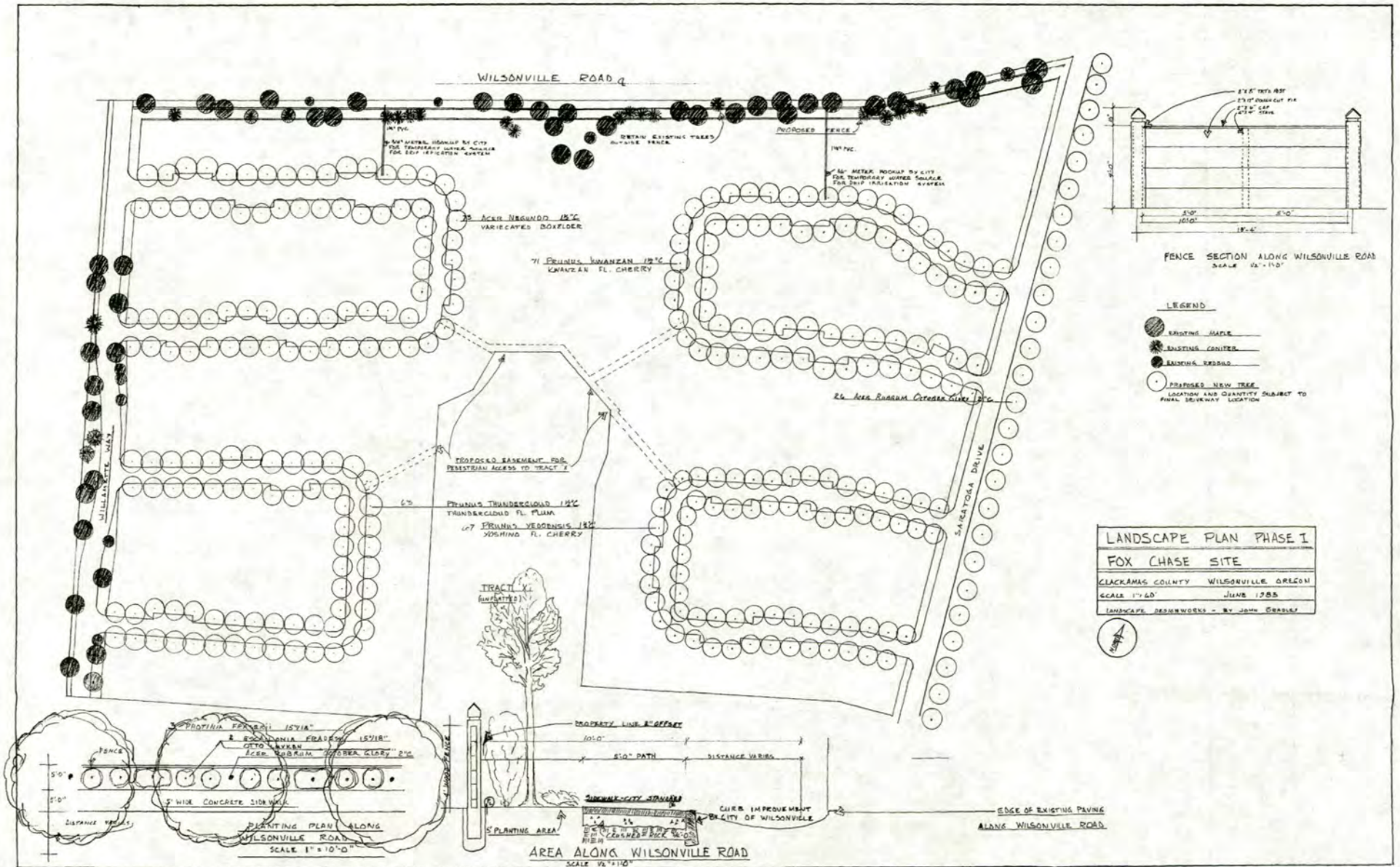
Other name(s) on file:

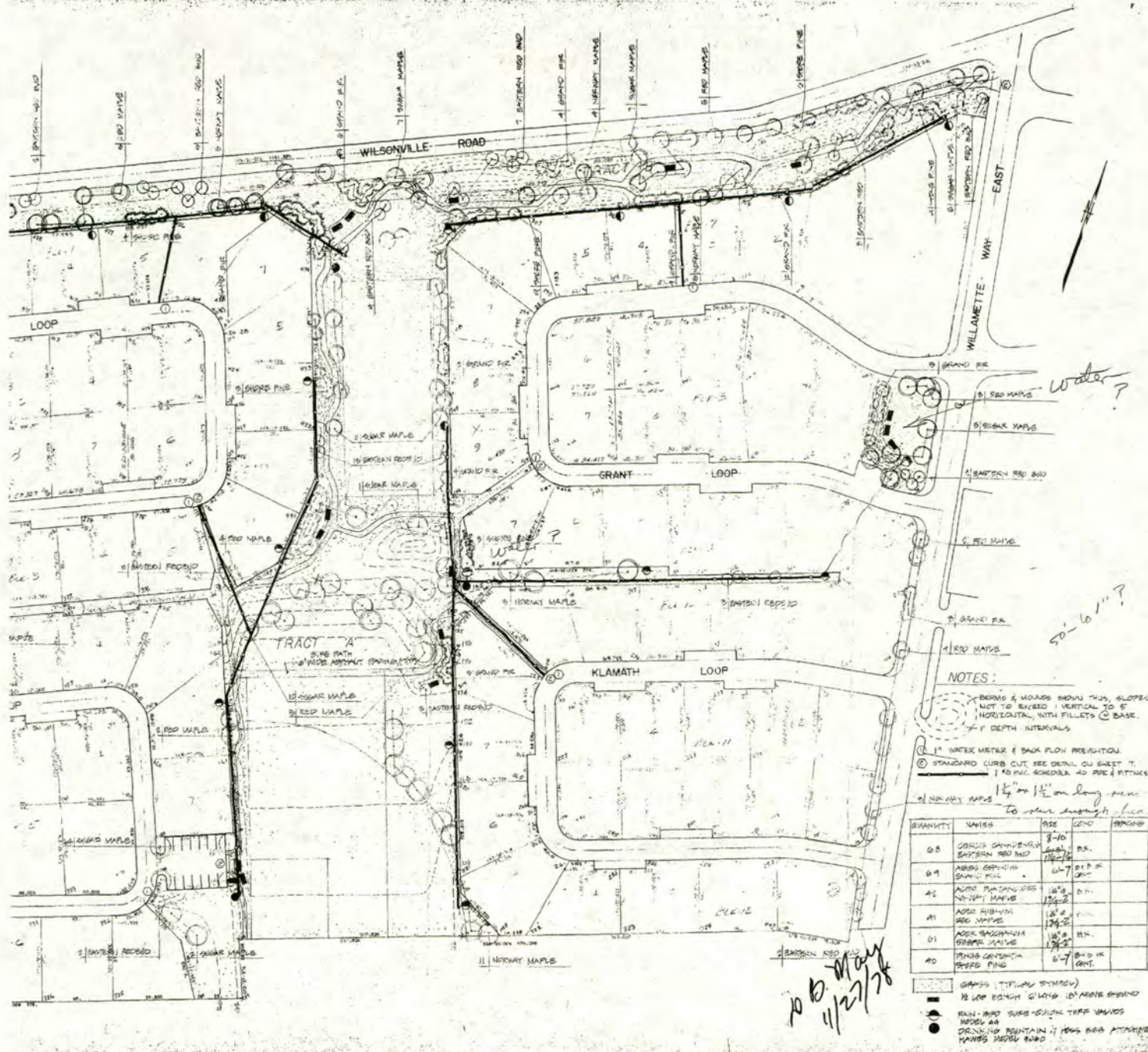
on 3-11-83 Initial Date



FILE







WILCOX DEVELOPMENT COMPANY
 1000 WILSONVILLE ROAD
 WILSONVILLE, OREGON 97150
 PHONE: 503/253-5544

REVISIONS:

PHASE 'A' LANDSCAPING

RECEIVED
 OCT 25 1978
 BY: [Signature]

WILLETTE VILLAGE



SHEET
 OF
 7811-A-L
 JUNE 9, 1978

- NOTES:
- BERMS & MOULDINGS SHOULD FOLLOW SLOPES NOT TO EXCEED 1 VERTICAL TO 5 HORIZONTAL, WITH FILLETS @ BASE. 2" DEPTH INTERVALS
 - 1" WATER WASTER & BACK FLOW PREVENTION
 - STANDARD CURB CUT, SEE DETAIL ON SHEET 7. 1" R.F.C. SCHEDULE 40 PIPE & FITTINGS
 - 1/2" NORTHERN MAPLE 1 1/2" on long run to run through loop
- | QUANTITY | VARIETY | SIZE | LAND | BRANCH |
|----------|------------------|------|--------|--------|
| 88 | SOUTHERN RED BUD | 3-10 | BR. | |
| 89 | ARBORE VITIS | 6-7 | BR. OR | |
| 90 | ARBORE VITIS | 6-7 | BR. OR | |
| 91 | ARBORE VITIS | 6-7 | BR. OR | |
| 92 | ARBORE VITIS | 6-7 | BR. OR | |
| 93 | ARBORE VITIS | 6-7 | BR. OR | |
| 94 | ARBORE VITIS | 6-7 | BR. OR | |
| 95 | ARBORE VITIS | 6-7 | BR. OR | |
| 96 | ARBORE VITIS | 6-7 | BR. OR | |
| 97 | ARBORE VITIS | 6-7 | BR. OR | |
| 98 | ARBORE VITIS | 6-7 | BR. OR | |
| 99 | ARBORE VITIS | 6-7 | BR. OR | |
| 100 | ARBORE VITIS | 6-7 | BR. OR | |
- GRASS (TYPICAL SYMBOL)
 - 1/2" LOW BUSH 6" WIDE 10" ABOVE GROUND
 - RAIN-BIRD CURB-CUT WITH TREE WASTES
 - 1" R.F.C. SCHEDULE 40 PIPE & FITTINGS
 - 1/2" NORTHERN MAPLE 1 1/2" on long run to run through loop

to B. W. 11/27/78

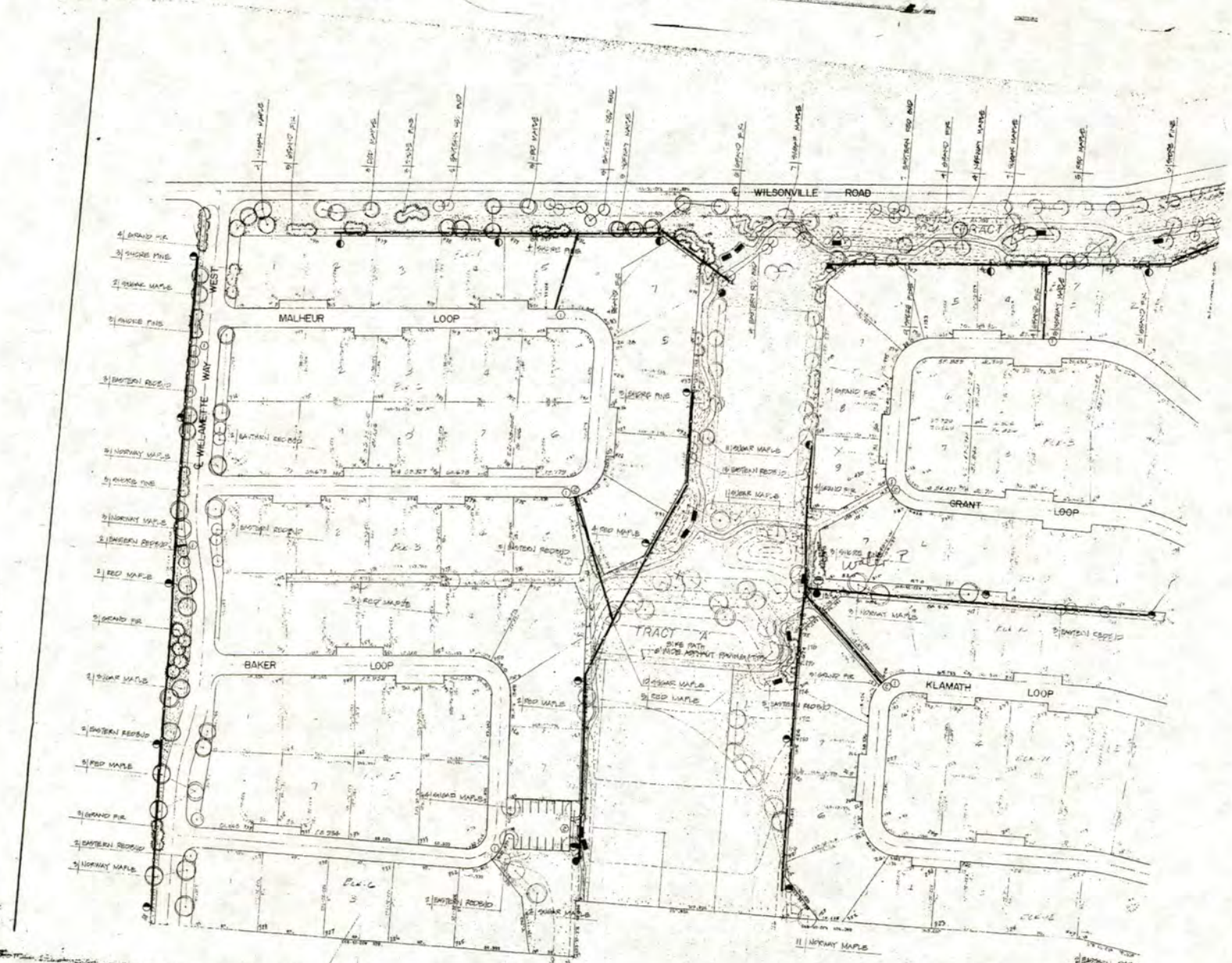


Exhibit H

Application Form

This electronic fill-in form cannot be submitted electronically. Please sign a printed copy and submit to the Wilsonville Planning Division. Please call 503-682-4960 if you have any questions.

CITY OF WILSONVILLE

29799 SW Town Center Loop East
 Wilsonville, OR 97070
 Phone: 503.682.4960
 Fax: 503 682 7025
 Web: www.ci.wilsonville.or.us

Planning Division Development Permit Application

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submital of an application. Please visit the City's website for submittal requirements


Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

Pre-Application meeting date: 11/10/2012

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly.

Legal Property Owner's Name: <u>Seema LLC</u>	Authorized Representative: <u>Lae Leighton</u> <u>Westlake Consultants, inc.</u>
Address: <u>c/o 1501 SW Taylor, Suite 100</u> <u>Portland, OR 97205</u>	Address: <u>15115 SW Sequoia Parkway,</u> <u>Suite 150, Tigard, OR 97224</u>
Phone: <u>Greg Close 503-595-9685</u>	Phone: <u>503-684-0652</u>
Fax: <u>503-227-2507</u>	Fax: <u>503-624-0157</u>
E-mail: <u>gclose@wyseinvestment.com</u>	E-mail: <u>lleighton@westlakeconsultants.com</u>

Property Owner or Authorized Signature: 	Printed Name: <u>Sivash Vossoughi</u>
Title: <u>LLC Manager</u>	Date: <u>6/13/12</u>

Site Location and Description:

Project Address if Available: _____ Suite/Unit _____

Project Location: On the west side of Willamette Way East, south of Wilsonville Road, north of Chantilly

Tax Map #(s): T3S-R1 W 22AC Tax Lot #(s): 100 County: Clatsop

Request: Comp plan map amendment and zone change from commercial to residential; PD modification for a 16-unit residential plan (four buildings with four townhouse units each); tree removal plan.

Project Type:

<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Other (describe below)
---	-------------------------------------	-------------------------------------	---

Application Type:

<input type="checkbox"/> Annexation	<input type="checkbox"/> Appeal	<input checked="" type="checkbox"/> Comp Plan Map Amendment	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Final Plat	<input type="checkbox"/> Major Partition	<input type="checkbox"/> Minor Partition	<input type="checkbox"/> Parks Plan Review
<input type="checkbox"/> Plan Amendment	<input checked="" type="checkbox"/> Planned Development	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Request to Modify Condition
<input type="checkbox"/> Request for Special Meeting	<input type="checkbox"/> Request for Time Extension	<input type="checkbox"/> Signs	<input checked="" type="checkbox"/> Site Design Review
<input type="checkbox"/> SROZ/SRIR Review	<input type="checkbox"/> Staff Interpretation	<input checked="" type="checkbox"/> Stage I Master Plan	<input checked="" type="checkbox"/> Stage II Final Plan
<input checked="" type="checkbox"/> Type C Tree Removal Plan	<input type="checkbox"/> Tree Removal Permit (B or C)	<input type="checkbox"/> Temporary Use	<input type="checkbox"/> Variance
<input type="checkbox"/> Villebois SAP	<input type="checkbox"/> Villebois PDP	<input type="checkbox"/> Villebois FDP	<input checked="" type="checkbox"/> Waiver
<input checked="" type="checkbox"/> Zone Map Amendment	<input type="checkbox"/> Other		

FOR STAFF USE ONLY:

Application Rec'd: _____ Fee: _____ Check # _____ Application Complete: _____ By: _____

File No (s) _____

Exhibit I

Arborist's Report and Tree Planting Plan

June 25, 2012
Revised: July 11, 2012

**FOX CENTER TOWNHOMES
TREE MAINTENANCE AND PROTECTION PLAN**

1231

Purpose

This Tree Maintenance and Protection Plan for the Fox Center Townhomes project in Wilsonville, Oregon, is provided pursuant to the City of Wilsonville Development Code, Section 4.610.40. It describes the trees located on the project site and provides recommendations for tree removal, retention, protection, and mitigation.

Site Description

The project is located south of the intersection of Wilsonville Road and Willamette Way East. Much of the site is open mowed field, with trees scattered in a cluster towards the northern property boundary. Site visits were conducted on June 20 and June 25, 2012 in order to evaluate the trees and collect tree data. Eleven trees measuring six inches in diameter and larger were inventoried, including four tree species. Table 1 provides a summary of the count of trees by species.

Table 1. Count of Trees by Species – Fox Center Townhomes.

Common Name	Species Name	Count	% of Total
Norway maple	<i>Acer platanoides</i>	3	27%
grand fir	<i>Abies grandis</i>	5	45%
lodgepole pine	<i>Pinus contorta</i>	2	18%
red maple	<i>Acer rubrum</i>	1	9%
Grand Total		11	100%

No Oregon white oaks, native yews, or any species listed by either the state or federal government as rare or endangered are present on the site. A complete description of all trees is included in the enclosed tree inventory. Trees are identified in the field with numbered aluminum tags and yellow plastic ribbon corresponding with the tree numbers in the inventory data and shown on site plan drawings.

Note that the grand firs on this site are infested with balsam woolly adelgid (*Adelges piceae*), an insect introduced from Europe. The adelgid causes long-term decline in grand fir, and no practical treatment options are available. Two of the firs are not currently sustainable, but the others should be able to persist for at least a decade. If the grand firs succumb to the insect, non-susceptible species can be planted to replace them.

Tree Plan Recommendations

Of the 11 inventoried trees, two are recommended for removal because of non-sustainable condition, three are planned for removal for construction, and six are recommended for retention.

Mitigation Requirements

All 11 inventoried trees are greater than 6-inches in diameter. Six of these trees are planned for retention. Removal of the remaining five trees requires mitigation as specified in Section 4.620.00, which requires that removed trees shall be replaced on a basis of one tree planted for each tree removed. If additional trees need to be removed, more mitigation will be needed on a one-to-one basis. Where it is not feasible to replace trees on site, trees may be planted at another City-approved location, or the permit holder shall pay into the City Tree Fund.

Table 2 is a summary of the proposed replacement tree plantings as provided by Westlake Consultants and shown on the landscape plans.

Table 2. Tree Planting Summary & Mitigation Balance Sheet

Category	No. of Trees
Total Trees to be Planted	12
Trees to be Removed	5
Surplus Tree Mitigation	7

Tree Protection Standards

Trees designated for retention will need special consideration to assure their protection during construction. We recommend an on-site preconstruction meeting with the owner, contractors, and project arborist to review tree protection measures and address questions or concerns. Tree protection measures include:

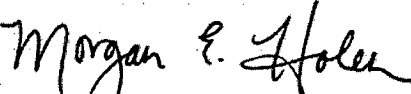
- **Fencing.** Trees to remain on site will be protected by installation of tree protection fencing to prevent injury to tree trunks or roots, or soil compaction within the root protection area, which generally coincides with the tree dripline. The project arborist should determine the type and location of tree protection fencing or other protection measures. Trees located more than 30-feet from construction activity will not require fencing. Fence installation will allow a gap wide enough to permit human passage to complete tasks such as surveying, measuring, and sampling. Without authorization from the Project Arborist, none of the following will occur within root protection zones:
 1. New buildings;
 2. Grade change or cut and fill;
 3. New impervious surfaces;
 4. Utility or drainage field placement;

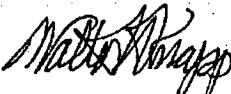
5. Staging or storage of materials and equipment during construction;
 6. Vehicle maneuvering during construction.
- **Storage of Equipment.** Construction equipment will be stored in suitable locations away from retained trees.
 - **Soil protection.** The stripping of topsoil around retained trees will be restricted, except under the guidance of the project arborist. No fill (including temporary storage of spoils) will be placed within the root protection area, except as directed by the project arborist.
 - **Excavation.** The project arborist will provide on-site consultation during all excavation activities within the tree root protection zone. Excavation immediately adjacent to roots larger than 2-inches in diameter within the root protection zone of retained trees will be by hand or other non-invasive techniques to ensure that roots are not damaged. Where feasible, major roots will be protected by tunneling or other means to avoid destruction or damage. Exceptions can be made if, in the opinion of the project arborist, unacceptable damage will not occur to the tree. Where soil grade changes affect the root protection area, the grade line should be meandered where feasible. This will require on-site coordination to ensure a reasonable balance between engineering, construction, and the need for tree protection.
 - **Quality Assurance.** The project arborist will supervise proper execution of this plan during construction activities that could encroach on retained trees. Tree protection site inspection monitoring reports will be provided to the Client and City on a regular basis throughout construction.

Summary

We recommend that five trees be removed for construction or condition, and six trees be retained and protected throughout construction. Removed trees will need to be replaced on a one-for-one basis.

Please contact us if you have questions or need any additional information.


Morgan E. Holen
Morgan Holen & Associates, LLC
ISA Certified Arborist, PN-6145A
ISA Certified Tree Risk Assessor, PN- 449


Walter H. Knapp
Certified Forester, SAF 406
ISA Certified Arborist, PN-0497A
ISA Certified Tree Risk Assessor, PN-450

Enclosure: Tree Inventory 6-25-12

**Fox Center Townhomes
Tree Inventory**

1231 Fox Center Townhomes - Tree Data 6-25-12
Walter H. Knapp & Associates, LLC

No.	Species	Botanical Name	DBH*	Ht#	C-Rad^	Rating	Condition	Recommendation
101	lodgepole pine	<i>Pinus contorta</i>	8, 14	40	12	fair	poor structure, codominant trunks	Remove - construction
102	grand fir	<i>Abies grandis</i>	24	50	10	good	susceptible to Balsam woolly adelgid	Remove - construction
103	grand fir	<i>Abies grandis</i>	22	55	10	good	susceptible to Balsam woolly adelgid	Remove - construction
104	grand fir	<i>Abies grandis</i>	24	40	10	poor	severe balsam woolly adelgid infestation, dead branches, broken top, low vigor, not sustainable	Remove - condition
105	Norway maple	<i>Acer platanoides</i>	4x10	40	15	fair	codominant stems, included bark	Retain and monitor
106	grand fir	<i>Abies grandis</i>	20	55	12	fair	balsam woolly adelgid infestation, dead branches	Retain, prune, monitor
107	lodgepole pine	<i>Pinus contorta</i>	10	35	12	good	few dead branches	Retain, prune, monitor
108	grand fir	<i>Abies grandis</i>	16	30	10	poor	severe balsam woolly adelgid infestation, broken top, dead branches, dieback, not sustainable	Remove - condition
109	Norway maple	<i>Acer platanoides</i>	4x10	25	14	fair	codominant stems	Retain and monitor
110	Norway maple	<i>Acer platanoides</i>	6	30	6	fair	no major defects	Retain and monitor
111	red maple	<i>Acer rubrum</i>	8	40	3	fair	no major defects	Retain and monitor

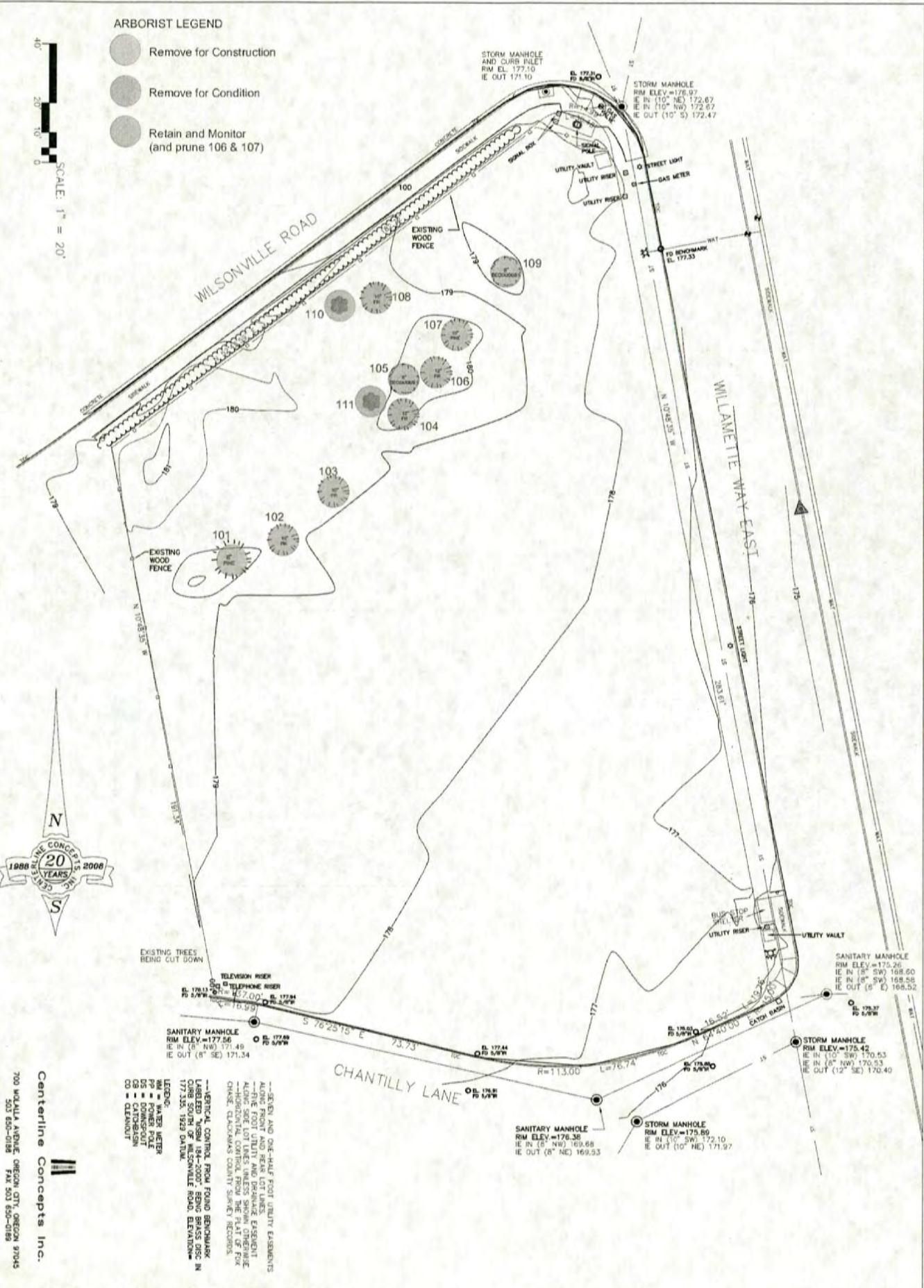
*DBH: Diameter at Breast Height (measured 4.5-feet above ground level in inches)

#Ht: Height, approximate tree height measured in feet

^C-Rad: Crown Radius, the distance from the center of the tree to the edge of the dripline (measured in feet)



- ARBORIST LEGEND**
- Remove for Construction
 - Remove for Condition
 - Retain and Monitor (and prune 106 & 107)



---SEVEN AND ONE-HALF FOOT UTILITY EASEMENTS ALONG FRONT AND REAR LOT LINES.
 ---FIVE FOOT UTILITY AND DRAINAGE EASEMENT ALONG SIDE LOT LINES UNLESS SHOWN OTHERWISE.
 CHASE: CLATSOP COUNTY SURVEY RECORDS.

---VERTICAL CONTROL FROM FOUND BENCHMARK LABELED "NWSM 184-2000" BEING BRASS DISC IN 177.255' 1929 DATUM.









---CHANGING CURB FROM WILSONVILLE ROAD ELEVATION 177.255' 1929 DATUM.

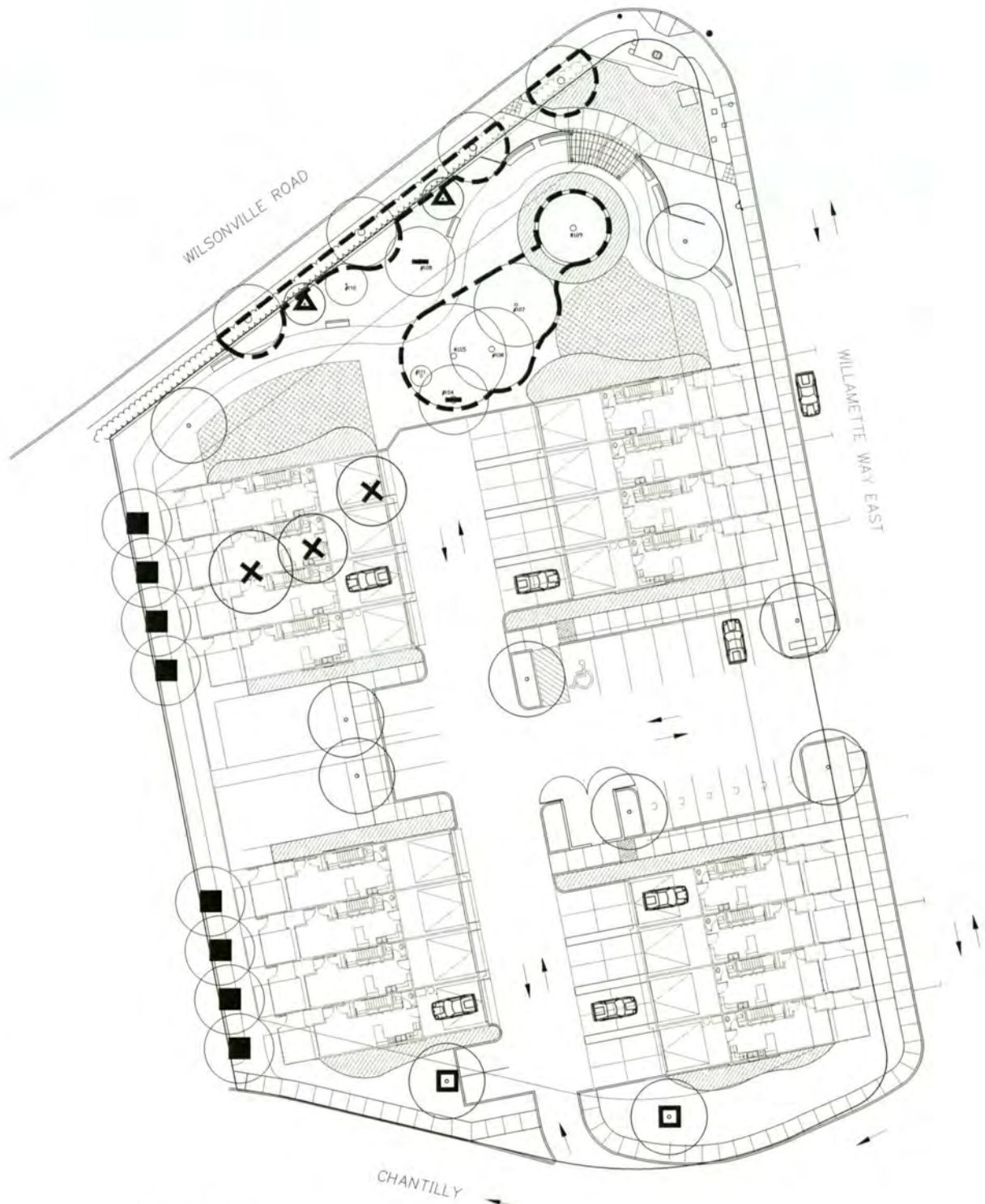
LEGEND:
 PW POWER WATER
 PM POWER METER
 DS DOWNSPOUT
 CS CATCHBASIN
 CO CLEANOUT

Centerline Concepts Inc.

700 WYALLA AVENUE OREGON CITY, OREGON 97045
 503 630-0188 FAX 503 630-0189
 DRAWN BY: WPC CHECKED BY: WZB ACCOUNT #150-5843
 E:\PROJECTS\148885-5941\1050

Arborist Legend

	REMOVE FOR CONSTRUCTION		KATSURA (CERCIDIPHYLLUM JAPONICUM)
	REMOVE FOR CONDITION		TRICOLOR BEECH (FRAGUS SYLVATICA ROSEOMARGINATA)
	RETAIN AND MONITOR (AND PRUNE 106, 107)		HOGAN CEDAR (THUJA PLICATA 'HOGAN')
	APPROXIMATE LOCATION OF PROTECTION FENCING		BOWHALL RED MAPLE (ACER RUBRUM)



M
MILDREN DESIGN GROUP, P.C.
ARCHITECTURE + SPACE PLANNING
7650 S.W. Beveland, Suite 120
Tigard, Oregon 97223-8692
(503) 244-0352



Owner:
Seema, LLC

334 NW 11th Avenue
Portland, Oregon 97209

Project:
Fox Center
Townhouse
Project

Wilsonville, Oregon 97070

Sheet Title:
Site Plan

Revisions:

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Date: 31 July 2012
Drawn by: JAK Checked by: DAV
Job Number: 108146.04
Sheet

Exhibit J

Correspondence with Allied Waste

From: "Lonergan, Frank" <FLonergan@republicservices.com>
To: Jason A.Karam <jason@mdgpc.com>
CC: "Maier, Thomas" <TMaier@republicservices.com>, "dan@mdgpc.com" <dan@mdgpc.com>
Date: Tue, 10 Jul 2012 12:00:33 -0400
Subject: RE: 108146.04: Wilsonville Trash Enclosures

Attachment: image001.jpg

Jason,

Thank you for the adjustments I believe this last design is the best as far as enclosure specs. Please let me know when it becomes final and I will put a letter together for the City.

Frank Lonergan
Operations Manager / Allied Waste Services
10295 SW Ridder Rd / Wilsonville OR 97070
Office 503-682-3900 / Cell 503-209-5754 / Fax 503-682-9480
FLonergan@republicservices.com

From: Jason A.Karam [mailto:jason@mdgpc.com]
Sent: Monday, July 09, 2012 3:48 PM
To: Lonergan, Frank
Cc: Maier, Thomas; dan@mdgpc.com
Subject: RE: 108146.04: Wilsonville Trash Enclosures

Frank,

Attached is our modifications per your recommendations. We have increased the depth of the enclosure and increased the drive width by roughly 30 inches. This will allow for a larger turn radius for your vehicles.
Please keep in mind that this is still subject for owner approval at this time.

Thanks,
Jason Karam
Mildren Design Group P.C.
7650 S.W. Beveland, Suite 120
Tigard, Oregon 97223-8692
503-244-0552, voice
503-244-0417, fax
775-846-4793, cell
jason@mdgpc.com

On Monday, July 09, 2012 10:37 AM, Lonergan, Frank wrote:

Dan this is still an incredibly small enclosure. It will be difficult for the tenants to load the back container with it being ½ blocked by the other container. Then it also will be difficult for us to remove both carts and probably the other container to pull the back container out of the enclosure to dump.

My recommendation is to make it 2 feet wider, then have both containers sideways along both side walls of the enclosure, then both carts along the back wall of the enclosure with the permanent opening of about 40 inches somewhere on the back side to allow access by the tenants and allow us to roll the carts out that way!

Thanks,

Frank Lonergan

Operations Manager / Allied Waste Services

10295 SW Ridder Rd / Wilsonville OR 97070

Office 503-682-3900 / Cell 503-209-5754 / Fax 503-682-9480

FLonergan@republicservices.com

size=3 width="100%" align=center tabindex=-1>

From: Dan Vasquez [<mailto:dan@mdgpc.com>]

Sent: Friday, July 06, 2012 6:59 PM

To: Lonergan, Frank

Cc: Jason A.Karam

Subject: 108146.04: Wilsonville Trash Enclosures

Hello Frank,

I spoke with you earlier this week regarding the trash enclosure for our townhouse project in Wilsonville . . .

Please see the attached sketch of the site with the new proposed configuration of the trash enclosure. As we discussed, this will be a roll-out process for pick up; your vehicle will enter the site from the south entry and front-load the rolled out receptacles (please note the 40 inch wide opening on the south end of the structure for the recycling bins). The inside dimensions of the structure are roughly 12 ft. 7 in. wide by 13 ft. 10 in. deep, and will be able to house two 4 ft. x 8 ft. and two 3 ft. x 3 ft. containers (shown dashed on the plan).

Please look over this information and let me know your thoughts.

I will try checking back in with you Monday or Tuesday of next week.

Talk with you then.

Thanks Frank.

- Dan



MILDREN DESIGN GROUP, P.C.

DAN VASQUEZ - ARCHITECT

503.244.0552 | F.503.244-0417

dan@mdgpc.com

On Friday, June 29, 2012 2:23 PM, Jason A. Karam wrote:

Date: Fri, 29 Jun 2012 14:23:46 -0700

From: Jason A. Karam

To: DAV

Subject: fw: RE: Wilsonville Trash Enclosures

The pdf has been saved under 108146.03 > data

-----Original Message-----

Date: Fri, 29 Jun 2012 16:51:02 -0400

From: "Lonergan, Frank" <FLonergan@republicservices.com>

To: "jason@mdgpc.com" <jason@mdgpc.com>

cc: "Maier, Thomas" <TMaier@republicservices.com>

Subject: RE: Wilsonville Trash Enclosures

Jason;

Attached are the specifications which we require for enclosures. Our containers are all 8 feet long X about 4 feet wide. The system is designed so the truck can drive straight in, stab it, dump it overhead and then replace it inside the enclosure. We need room for 2 containers: one for trash and one for recycling and room for 1 or 2 - 90 gallon carts for glass. Gates need to open 180 degrees with locking mechanisms in the open position, no center pole!

I'm not sure I like any of your plans, since I see direct truck access problems. My trucks are 12 feet wide from outside of mirror to mirror, and about 45 feet long. Can you relocate the enclosure anywhere that can be more accommodating for a straight in approach?

Thank you,

Frank Lonergan

Operations Manager / Allied Waste Services
10295 SW Ridder Rd / Wilsonville OR 97070
Office 503-682-3900 / Cell 503-209-5754 / Fax 503-682-9480
Flonergan@republicservices.com

<HRsize=3 width="100%" align=center tabindex=-1>

From: Maier, Thomas

Sent: Thursday, June 28, 2012 7:14 AM

To: Lonergan, Frank

Subject: FW: Wilsonville Trash Enclosures

Frank Here's the PDF's we talked about.

Tom Maier

Operations Supervisor

Allied Waste of Washington

and Clackamas County

10295 SW Ridder Rd

Wilsonville OR, 97070

Office (503)682 - 3900 Ext 234

Direct (503)404 - 2134

Fax (503)682 - 9004

From: Jason A.Karam [mailto:jason@mdgpc.com]

Sent: Wednesday, June 27, 2012 11:06 AM

To: Maier, Thomas

Cc: Dan Vasquez

Subject: Wilsonville Trash Enclosures

Thomas,

As per our phone discussion I have attached schemes of our site plan where we currently plan to place the trash enclosure. One thing to notice is that the entrance on Chantilly can only be a one way entrance and vehicles will not be

permitted to exit onto Chantilly. We appreciate your help, If there's anything else you need please let us know.

Jason Karam

Mildren Design Group P.C.

7650 S.W. Beveland, Suite 120

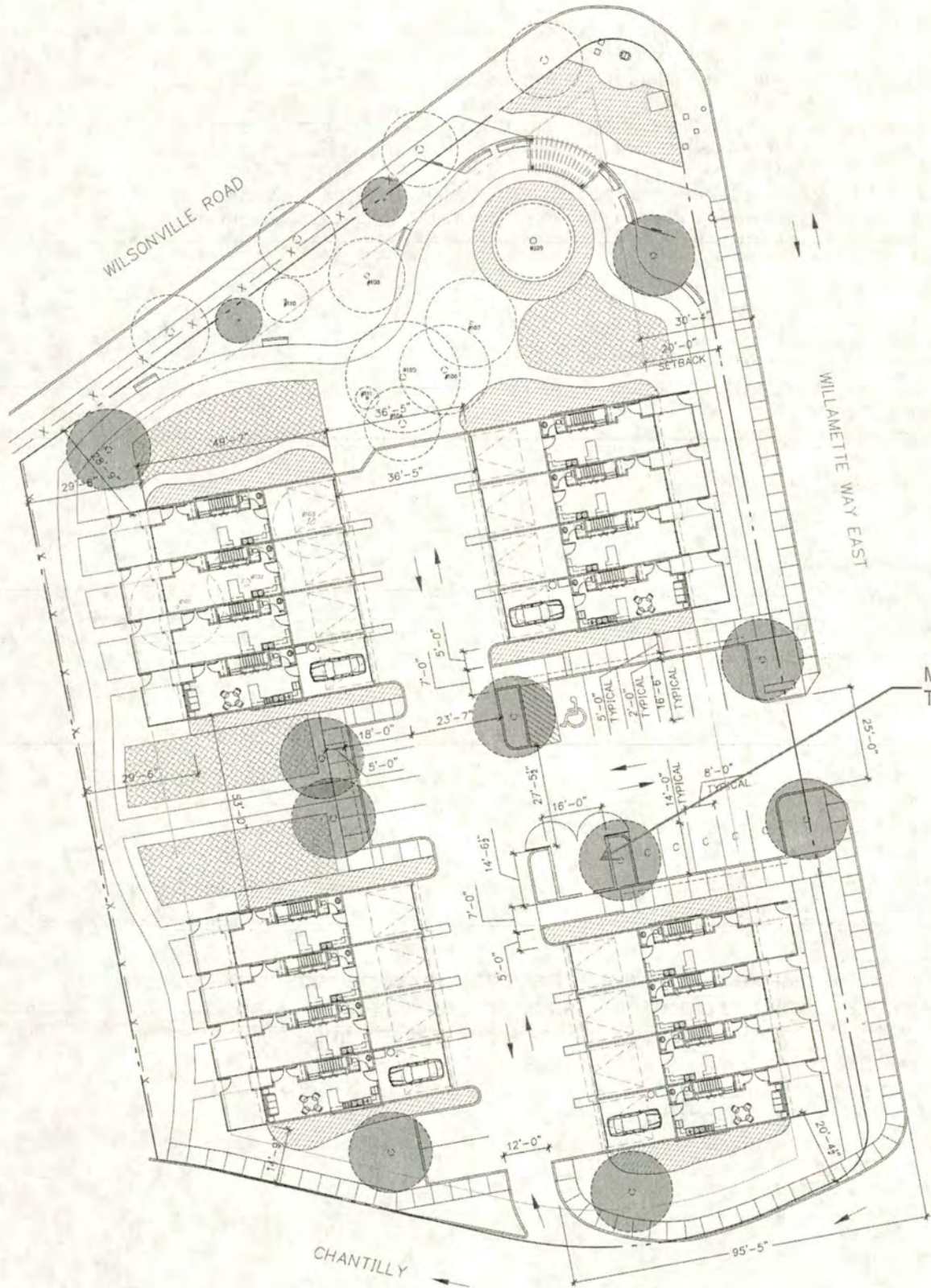
Tigard, Oregon 97223-8692


503-244-0552, voice

503-244-0417, fax

775-846-4793, cell

jason@mdgpc.com




Site Plan
 0 10 20 40 FT.

FOX CENTER TOWNHOMES
 MDGPC 108146.04
 7/10/12

Exhibit K

Legal Description, Metes and Bounds of Subject Property

EXHIBIT

Lot 1, Block 1, FOX CHASE (Volume 86, Page 6, Clackamas County Plats), in the City of Wilsonville, County of Clackamas and State of Oregon, more particularly described per Plat dimensions as follows:

Commencing at an angle point in the north line of said FOX CHASE being North $64^{\circ}31'00''$ East, 1147.50 feet from the northwest corner thereof;

thence, along the north line of said FOX CHASE North $52^{\circ}43'59''$ East, 76.04 feet to the point of beginning;

thence, continuing along said north line, North $52^{\circ}43'59''$ East, 182.72 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $116^{\circ}27'25''$, (chord bears South $69^{\circ}02'18''$ East, 25.50 feet) an arc distance of 30.49 feet;

thence, South $10^{\circ}48'35''$ East, 283.61 feet;

thence, along a tangent 15.00 foot radius curve to the right, through a central angle of $75^{\circ}28'35''$, (chord bears South $26^{\circ}55'43''$ West, 18.36 feet) an arc distance of 19.76 feet;

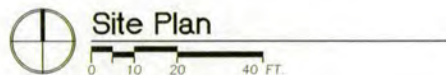
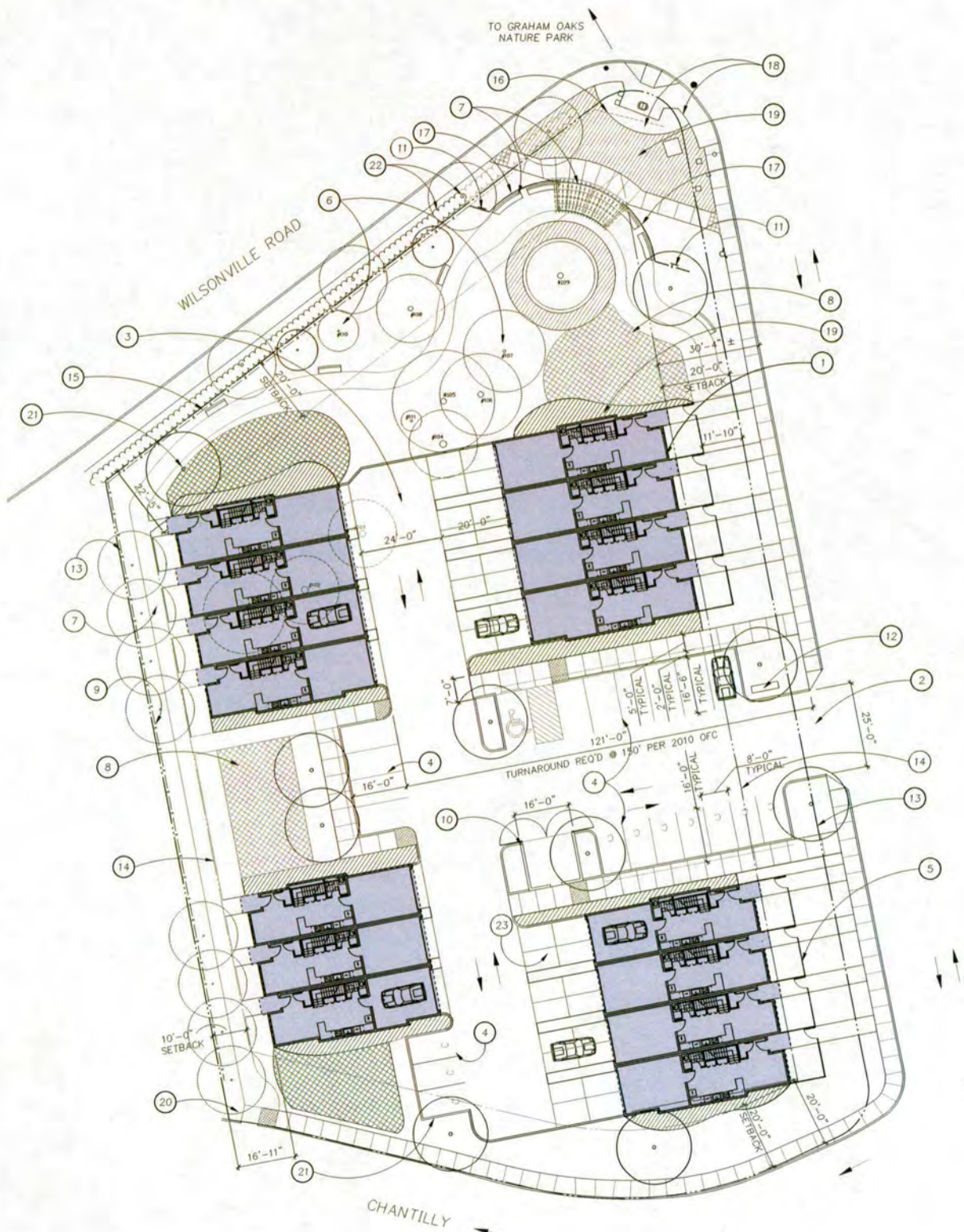
thence, South $64^{\circ}40'$ West, 16.52 feet;

thence, along a tangent 113.00 foot radius curve to the right, through a central angle of $38^{\circ}54'45''$, (chord bears South $84^{\circ}07'23''$ West, 75.28 feet) an arc distance of 76.74 feet;

thence, North $76^{\circ}25'15''$ West, 73.73 feet;

thence, along a tangent 137.00 foot radius curve to the left, through a central angle of $7^{\circ}06'21''$, (chord bears North $79^{\circ}58'25''$ West, 16.98 feet) an arc distance of 33.75 feet;

thence, North $10^{\circ}48'35''$ West, 191.34 feet to the point of beginning.



RECEIVED
 SEP 19 2012

BY: _____

Area of Site



Vicinity Map (Existing)
 Not to scale



Vicinity Map (Proposed Massing)
 Not to scale

LOT INFORMATION:		INDEPENDENT LIVING COMMUNITY: TWO STORY TOWNHOUSE UNITS (15 UNITS TOTAL)	
AREA:	49,676 SF	1.14 ACRES (< 2 ACRES)	
ZONE:	TBD		
REQUIRED OPEN SPACE:		COVERAGE AREA -	
	25% (12,419 SF) EXCLUDING STREETS	BUILDING A:	3,042 SF
REQUIRED OUTDOOR RECREATIONAL AREA - 10 OR FEWER UNITS:		BUILDING B:	3,042 SF
	1,000 SF	BUILDING C:	3,042 SF
11 - 19 UNITS:	200 SF PER UNIT	BUILDING D:	2,294 SF (TOTAL: 11,420 SF) 23% OF SITE
20 OR MORE UNITS:	300 SF PER UNIT	PARKING, DRIVEWAYS, ETC.:	
SETBACKS -		MISC. (ENTRY PLAZA)	692 SF
FRONT YARD:	20 FEET MIN.	TOTAL:	25,125 SF
SIDE YARD:	10 FEET MIN.	OPEN SPACE:	
REAR YARD:	20 FEET MIN.		24,551 SF (49%)
PARKING - REQUIRED:		OUTDOOR RECREATIONAL AREA:	
(PER 4.155, TABLE 5.o)		3,000 SF REQUIRED	
UP TO 9 UNITS	1 PER UNIT (MIN) - NO LIMIT (MAX)	(COMMUNAL GARDENS, ONE 800 SF PER BUILDING):	3,200 SF PROVIDED
OVER 9 UNITS	1 PER UNIT (LESS THAN 500 SF) - NO LIMIT	TWO STORY UNITS	
	1.25 PER UNIT (1 BEDROOM)	SQUARE FOOTAGE PER UNIT:	1,200 SF (EXCL. GARAGE)
	1.5 PER UNIT (2 BEDROOM)	TOTAL NUMBER OF UNITS:	15 UNITS
	1.75 PER UNIT (3 BEDROOM)	(ALL TWO BEDROOM UNITS)	
		REQUIRED PARKING (1.5 STALLS PER UNIT):	
			23 SPACES
		PROVIDED PARKING:	
		- STANDARD STALLS:	34 SPACES (15 GARAGE SPACES)
		- COMPACT STALLS:	10 PROVIDED (11 ALLOWED)
		TOTAL:	44 SPACES
		LANDSCAPE AREA CALCULATIONS:	
		TOTAL LANDSCAPING REQUIRED (15% OF OVERALL AREA):	24,551 SF (7,452 SF REQUIRED)
		PARKING LOT LANDSCAPING (10% OF PARKING AREA):	2,340 SF (1,301 SF REQUIRED)

- Keynotes**
- TWO-STORY TOWNHOUSE UNIT, TYPICAL
 - WILLAMETTE WAY ACCESS - ACROSS FROM EXISTING ACCESS TO VALLEY CHRISTIAN CHURCH ON EAST SIDE OF STREET
 - DRIVEWAY ACCESS TO GARAGE, TYPICAL
 - ADDITIONAL PARKING
 - LANDSCAPED ENTRY AREA WITH FENCED FRONT YARD AND PEDESTRIAN PATHWAY TO EACH UNIT, TYPICAL
 - EXISTING TREES TO REMAIN, TYPICAL (TREES TO BE REMOVED SHOWN DASHED)
 - PEDESTRIAN PATHWAY: HARDSCAPE WALKWAY, BENCH SEATING AND PLAZA ENTRY TRELLIS STRUCTURE AT NORTHEAST CORNER OF SITE
 - OUTDOOR RECREATIONAL AREA - COMMUNITY GARDEN/FLOWER BED, TYPICAL OF FOUR - ONE PER BUILDING (SHOWN CROSS-HATCHED)
 - NEW FENCE OR EXISTING FENCING TO REMAIN (TBD)
 - TRASH AND RECYCLING ENCLOSURE
 - "RELOCATED "FOX CHASE" AND "RIVERGREEN" SIGNAGE - EXACT LOCATION TO BE DETERMINED"
 - PROPOSED MONUMENT SIGN
 - PROPERTY LINE
 - BUILDING SETBACK LINE
 - EXISTING FENCING TO REMAIN
 - PORTION OF EXISTING FENCE TO BE REMOVED (SHOWN DASHED)
 - NEW FENCE TO TIE INTO EXISTING (SIMILAR FENCE MATERIALS)
 - EXTENT OF EXISTING CONCRETE, NEW CONCRETE AREA TO TIE INTO EXISTING (SHOWN HATCHED)
 - PROPOSED DESIGNATED LANDSCAPE AREAS (SHRUBS, FLOWERS, ETC. - SHOWN HATCHED)
 - TERMINATION OF PROPOSED SIDEWALK AT SW CORNER OF PROPERTY
 - PROPOSED TREE, TYPICAL - EXACT LOCATION AND SPECIES TO BE DETERMINED
 - EXISTING STREET TREES AND VEGETATION TO REMAIN (PORTION OF VEGETATION TO BE REMOVED SHOWN DASHED)
 - PROPOSED DRIVEWAY, TYPICAL OF 8

MILDREN DESIGN GROUP, P.C.
 ARCHITECTURE • SPACE PLANNING
 7650 S.W. Beveland, Suite 120
 Tigard, Oregon 97223-8692
 (503) 244-0552



Owner:
Seema, LLC

334 NW 11th Avenue
 Portland, Oregon 97209

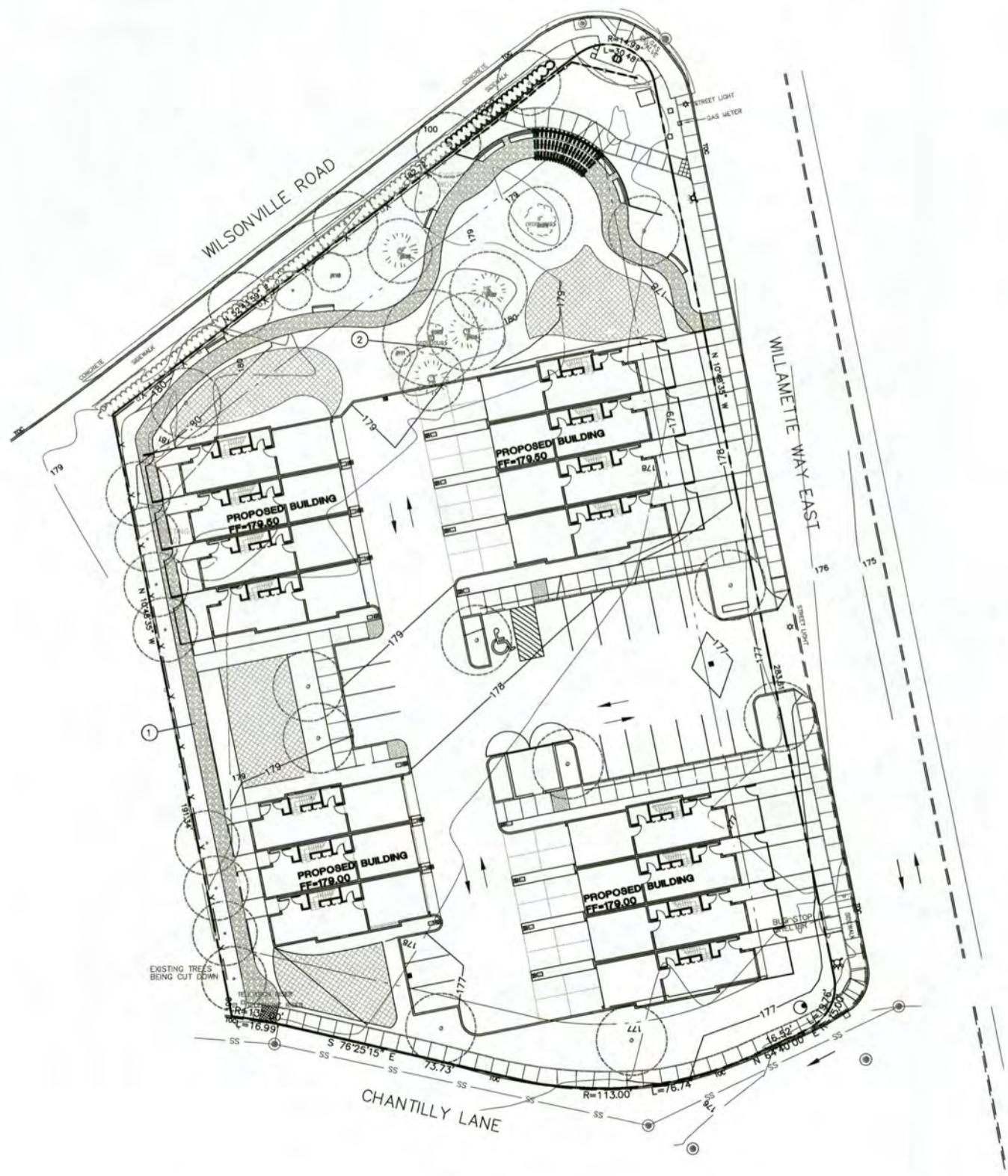
Project:
**Fox Center
 Townhouse
 Project**

Wilsonville, Oregon 97070

Sheet Title:
Site Plan

Revisions:

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 Date: **6 September 2012**
 Drawn by: **JAK** Checked by: **DAV**
 Job Number: **108146.04**
 Sheet



LEGEND

EXISTING CONTOUR--1 TO 4 FOOT INTERVALS	---
EXISTING CONTOUR--5 FOOT INTERVALS	---
NEW CONTOUR--1 TO 4 FOOT INTERVALS	---
NEW CONTOUR--5 FOOT INTERVALS	---
SEDIMENT FENCE	---
CATCH BASIN RIM ELEVATION	CATCH BASIN RIM=100.00
SPOT ELEVATION	100.00
TOP FACE OF CURB ELEVATION	TC
ASPHALT ELEVATION	AC
GRADE	G
DOOR JAMB	DJ
EXISTING	(E)
CATCH BASIN	■

GENERAL NOTES

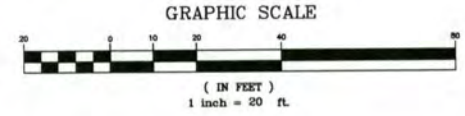
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- 2 PROPOSED FINISH FLOOR ELEVATIONS AND EXISTING SITE GRADES SHALL HAVE NO IMPACT ON EXISTING TREES TO BE RETAINED



PRELIMINARY GRADING PLAN
SCALE 1" = 20'



Owner:
Seema, LLC

334 NW 11th Avenue
Portland, Oregon 97209

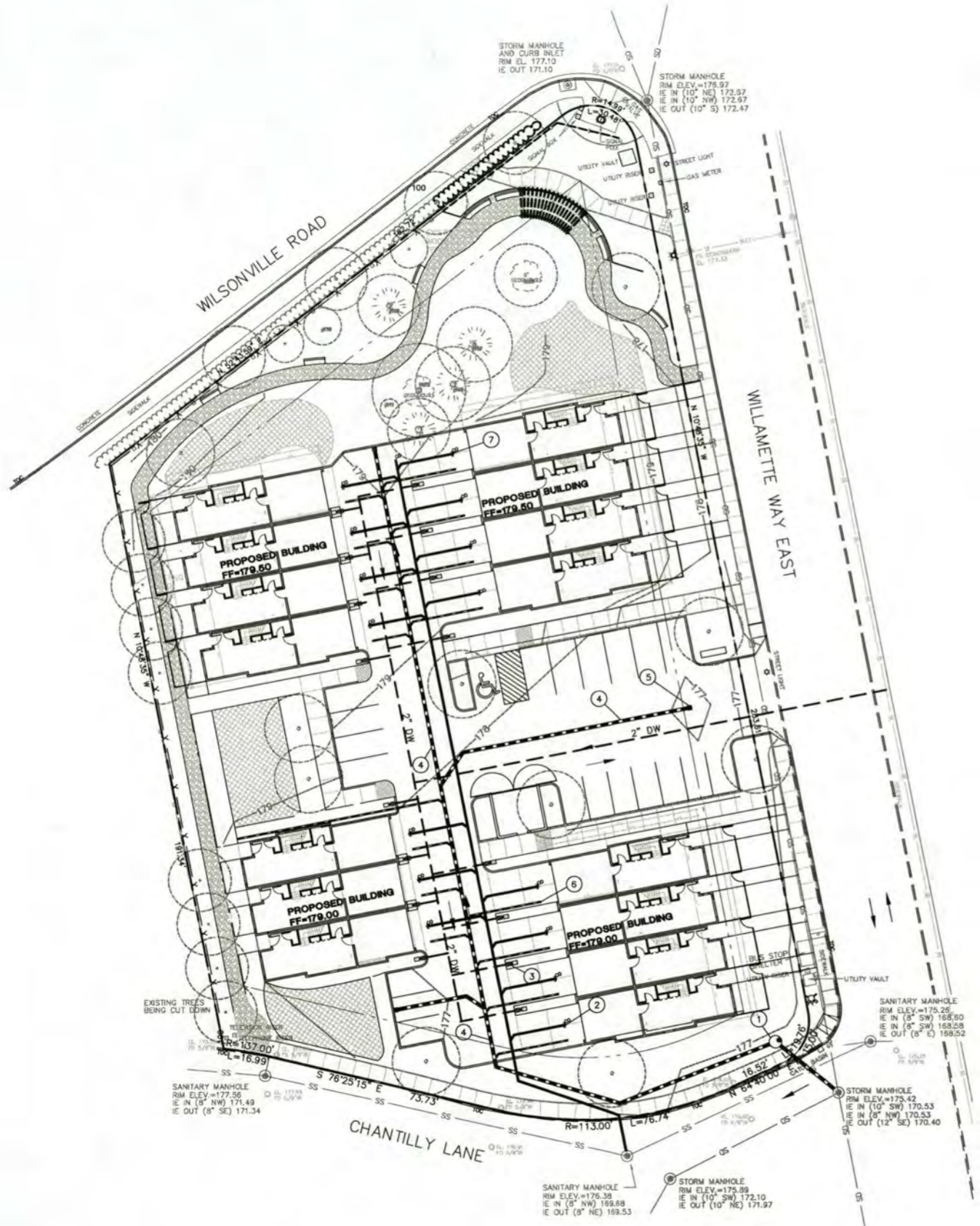
Project:
**Fox Center
Townhouse
Project**

Wilsonville, Oregon 97070

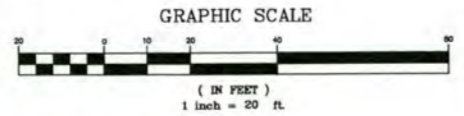
Sheet Title:
**PRELIMINARY
GRADING PLAN**

Revisions:

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Date: 06 September 2012
Drawn by: JSR Checked by: CNH
Job Number: 108146.04
Sheet



PRELIMINARY UTILITY PLAN
SCALE 1" = 20'



LEGEND	PROPOSED	EXISTING
SANITARY SEWER LINE	—●—	—SS—
STORM SEWER LINE	—■—	—SD—
FIRE WATER LINE	—T—	—FW—
DOMESTIC WATER LINE	—W—	—DW—
TELEPHONE LINE	—T—	—TEL—
ELECTRIC LINE	—E—	—E—
NATURAL GAS LINE	—G—	—G—
CATCH BASIN RIM ELEVATION	—CB—	RIM=100.00
INVERT ELEVATION	—IE—	IE=100.00
EXISTING	—(E)—	
DOWN SPOUT	—DS—	
CLEAN OUT	—CO—	
FIRE HYDRANT	—FH—	
CATCH BASIN	—CB—	
WATER METER	—WM—	
BACK FLOW PREVENTER	—BFP—	
WATER VALVE	—WV—	

GENERAL NOTES

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- PROVIDE DRAINAGE FROM WATER METER AND CHECK VALVE VAULTS AS REQUIRED BY THE JURISDICTION.
- DOMESTIC WATER LINES AND ACCESSORIES BETWEEN THE WATER METER AND THE BUILDING SHALL BE INSTALLED BY A LICENSED PLUMBER EMPLOYED BY A LICENSED PLUMBING CONTRACTOR.
- UTILITIES WITHIN FIVE FEET OF A BUILDING SHALL BE CONSTRUCTED OF MATERIALS APPROVED FOR INTERIOR USE AS DESCRIBED IN THE CURRENT EDITION OF THE UPC.
- CHANGES IN DIRECTION OF DRAINAGE PIPING SHALL BE MADE BY THE APPROPRIATE USE OF APPROVED FITTINGS AND SHALL BE OF THE ANGLES PRESENTED BY ONE-SIXTEENTH BEND, ONE-EIGHTH BEND, ONE-SIXTH BEND OR OTHER APPROVED FITTINGS OF EQUIVALENT SWEEP.
- INLETS AND OUTLETS TO ON-SITE MANHOLES SHALL HAVE FLEXIBLE CONNECTION NO CLOSER THAN 12" AND NO FARTHER THAN 36" FROM THE MANHOLE.

KEY NOTES

- PROPOSED CONTECH STORMFILTER 48" MH W/ 2 CARTRIDGES
- PROPOSED SANITARY SEWER 6" PVC @ 2.0% MIN, TYP
- PROPOSED 3/4" WATER SERVICE WITH METER AND BACKFLOW DEVICE, TYP
- PROPOSED STORM SEWER 12" PVC @ 0.5% MIN
- PROPOSED TRAPPED CATCH BASIN, TYP
- PROPOSED DOWNSPOUT CONNECTION, TYP
- PROPOSED SANITARY CONNECTION, TYP



Owner:
Seema, LLC

334 NW 11th Avenue
Portland, Oregon 97209

Project:
**Fox Center
Townhouse
Project**

Wilsonville, Oregon 97070

Sheet Title:
**PRELIMINARY
UTILITY PLAN**

Revisors:

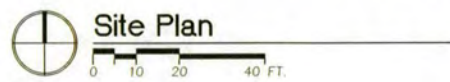
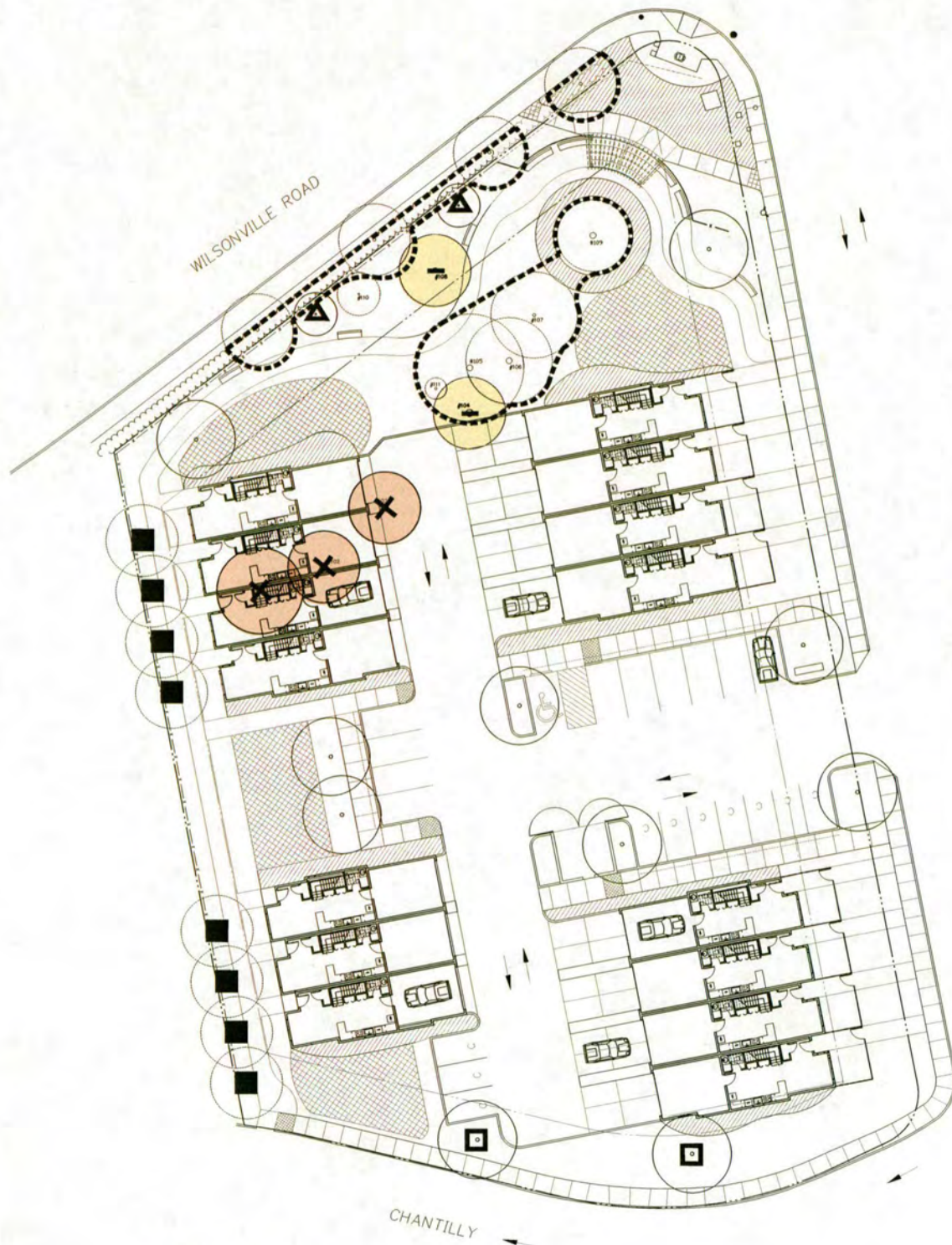
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Date: 06 September 2012
Drawn by: JSR
Checked by: CNH
Job Number: 108146.04
Sheet

City Submittal - September 06, 2012

C2.0



Arborist Legend

- | | | | |
|--|--|--|--|
| | REMOVE FOR CONSTRUCTION | | KATSURA (CERCIDIPHYLLUM JAPONICUM) |
| | REMOVE FOR CONDITION | | TRICOLOR BEECH (FRAGUS SYLVATICA ROSEOMARGRIATA) |
| | RETAIN AND MONITOR (AND PRUNE 106, 107) | | HOGAN CEDAR (THUJA PLICATA 'HOGAN') |
| | APPROXIMATE LOCATION OF PROTECTION FENCING | | BOWHALL RED MAPLE (ACER RUBRUM) |



Owner:
Seema, LLC

334 NW 11th Avenue
 Portland, Oregon 97209

Project:
**Fox Center
 Townhouse
 Project**

Wilsonville, Oregon 97070

Sheet Title:
Site Plan

Revisions:

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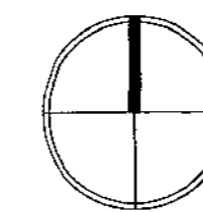
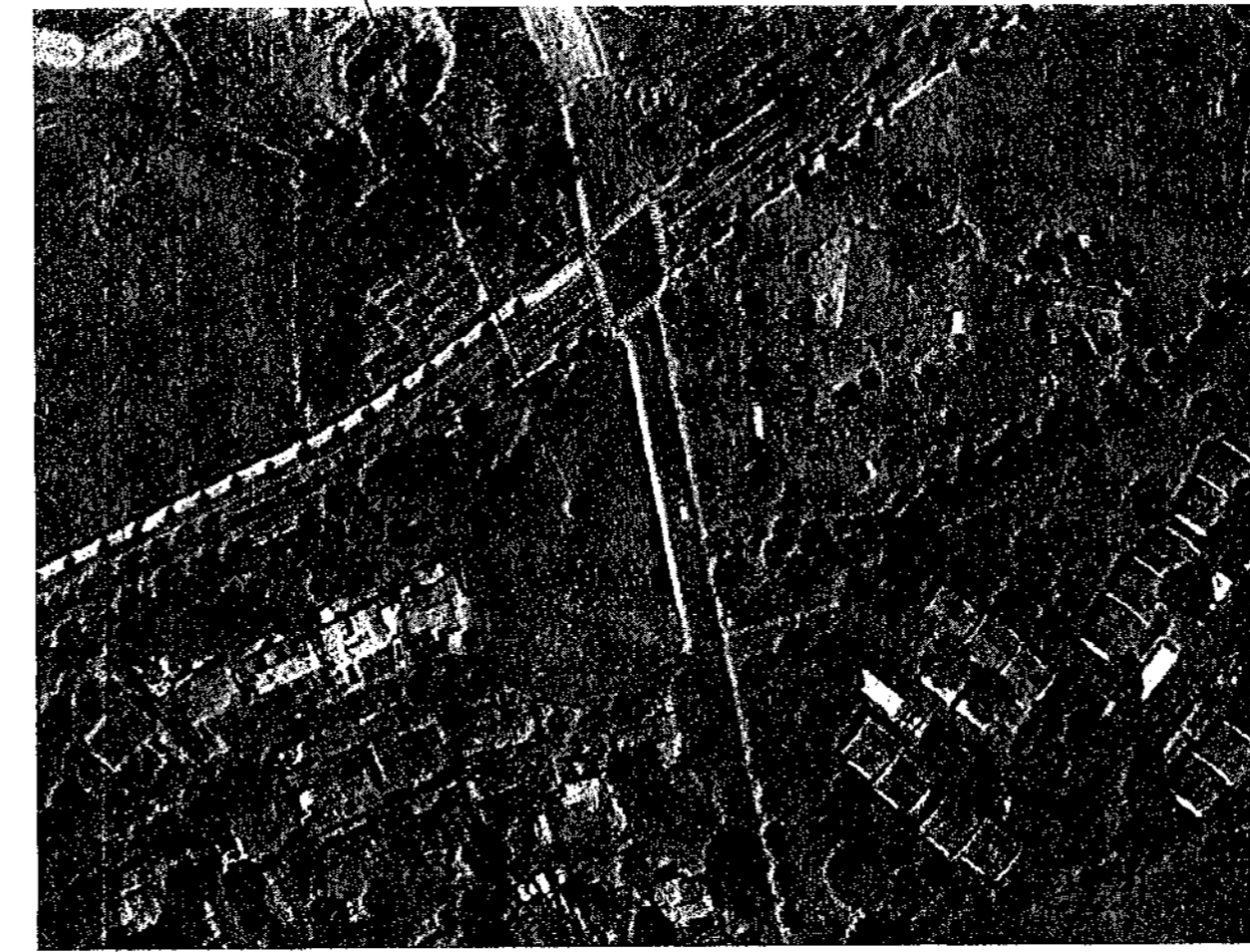
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Date: **6 September 2012**
 Drawn by: **JAK** Checked by: **DAV**
 Job Number: **108146.04**
 Sheet

Keynotes

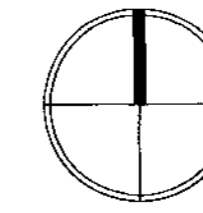
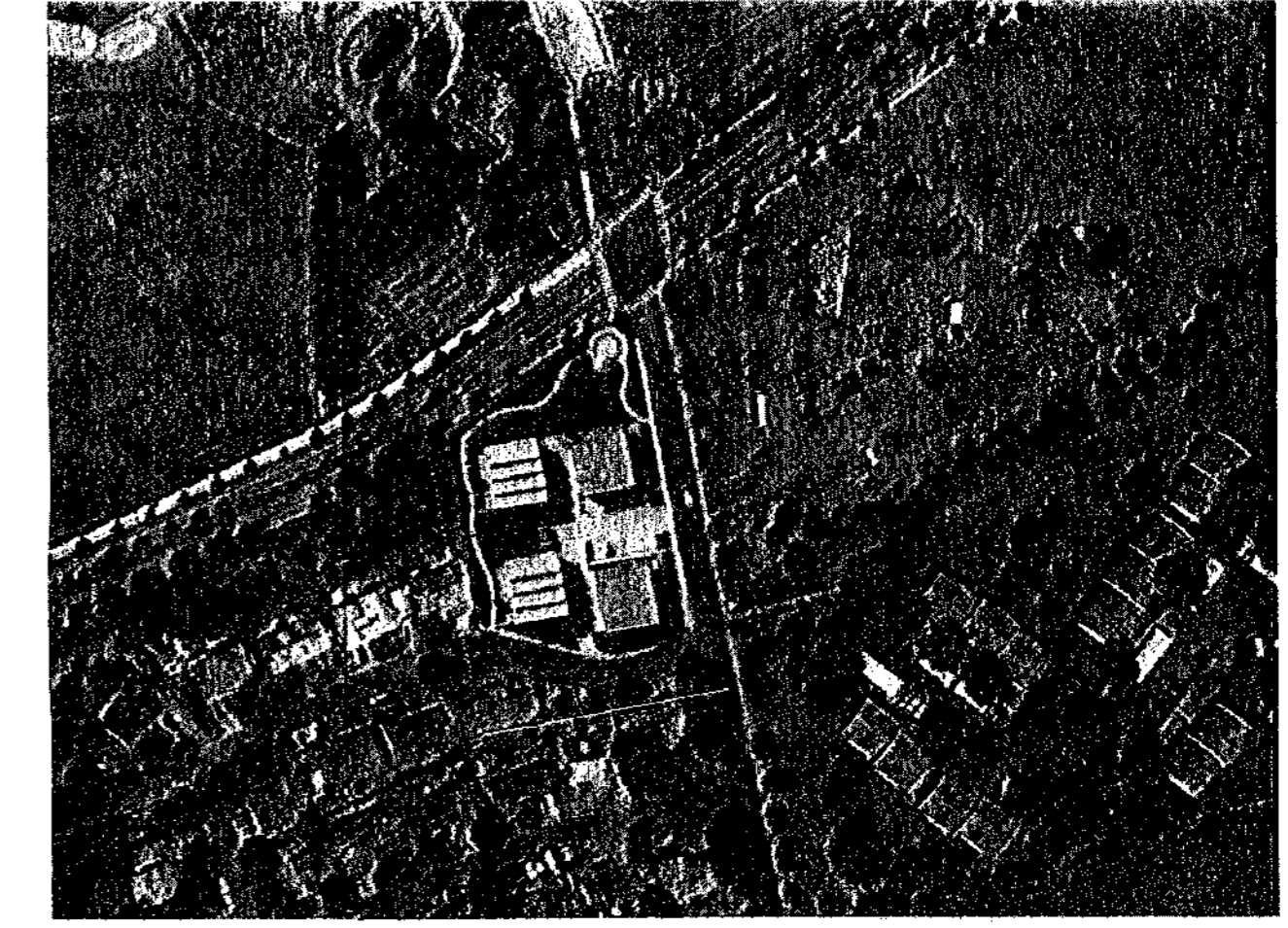
1. TWO-STORY TOWNHOUSE UNIT, TYPICAL OF 4
2. WILLAMETTE WAY ACCESS - ACROSS FROM EXISTING ACCESS TO VALLEY CHRISTIAN CHURCH ON EAST SIDE OF STREET
3. DRIVEWAY ACCESS TO GARAGE, TYPICAL
4. ADDITIONAL PARKING
5. LANDSCAPED ENTRY AREA WITH FENCED FRONT YARD AND PEDESTRIAN PATHWAY TO EACH UNIT, TYPICAL
6. EXISTING TREES TO REMAIN, TYPICAL (TREES TO BE REMOVED SHOWN DASHED)
7. PEDESTRIAN PATHWAY: HARDSCAPE WALKWAY, BENCH SEATING AND PLAZA ENTRY TRELLIS STRUCTURE AT NORTHEAST CORNER OF SITE
8. OUTDOOR RECREATIONAL AREA - COMMUNITY GARDEN/FLOWER BED, TYPICAL OF FOUR - ONE PER BUILDING (SHOWN CROSS-HATCHED)
9. NEW FENCE (MATERIAL TBD)
10. TRASH AND RECYCLING ENCLOSURE
11. ONE-WAY ACCESS "ENTRY ONLY" - DETAILS TO BE COORDINATED WITH CITY
12. PROPOSED MONUMENT SIGN
13. PROPERTY LINE
14. BUILDING SETBACK LINE
15. EXISTING FENCING TO REMAIN
16. PORTION OF EXISTING FENCE TO BE REMOVED (SHOWN DASHED)
17. NEW FENCE TO TIE INTO EXISTING (SIMILAR FENCE MATERIALS)
18. EXTENT OF EXISTING CONCRETE, NEW CONCRETE AREA TO TIE INTO EXISTING (SHOWN HATCHED)
19. PROPOSED DESIGNATED LANDSCAPE AREAS (SHRUBS, FLOWERS, ETC. - SHOWN HATCHED)
20. TERMINATION OF PROPOSED SIDEWALK AT SW CORNER OF PROPERTY
21. PROPOSED TREE, TYPICAL - EXACT LOCATION AND SPECIES TO BE DETERMINED
22. EXISTING STREET TREES AND VEGETATION TO REMAIN (PORTION OF VEGETATION TO BE REMOVED SHOWN DASHED)
23. PROPOSED DRIVEWAY, TYPICAL OF 8
24. PROPOSED STREET PARKING (5 SPACES TOTAL)

Area of Site



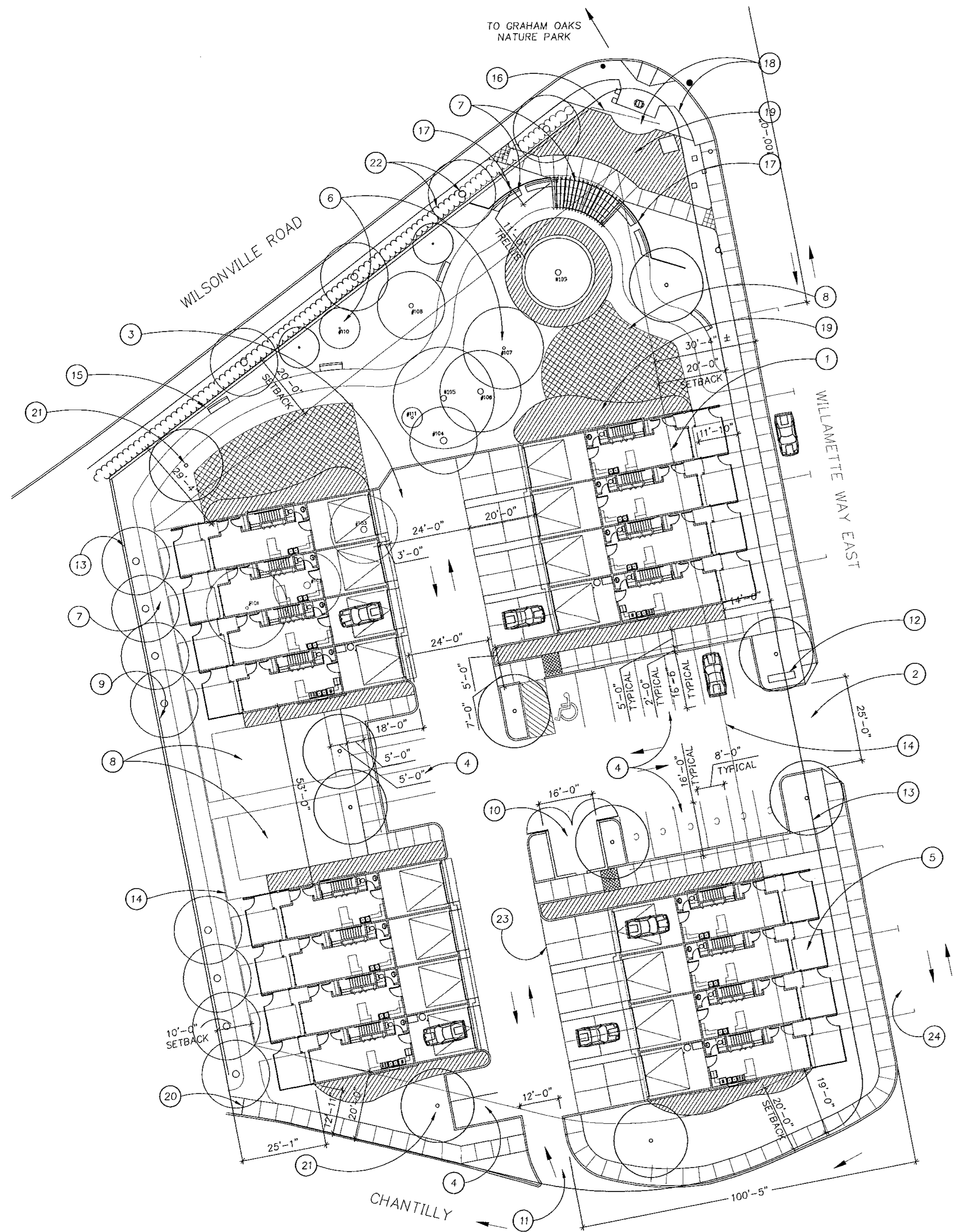
Vicinity Map (Existing)

Not to scale



Vicinity Map (Proposed Massing)

Not to scale



Site Plan

0 10 20 40 FT.

LOT INFORMATION:
 AREA: 49,676 SF 1.14 ACRES (< 2 ACRES)
 ZONE: TBD

REQUIRED OPEN SPACE:
 25% (12,419 SF) EXCLUDING STREETS

REQUIRED OUTDOOR RECREATIONAL AREA -
 10 OR FEWER UNITS: 1,000 SF
 11 - 19 UNITS: 200 SF PER UNIT
 20 OR MORE UNITS: 300 SF PER UNIT

SETBACKS -
 FRONT YARD: 20 FEET MIN.
 SIDE YARD: 10 FEET MIN.
 REAR YARD: 20 FEET MIN.

PARKING - REQUIRED:
 (PER 4.155, TABLE 5.a)
 UP TO 9 UNITS: 1 PER UNIT (MIN) - NO LIMIT (MAX)
 1 PER UNIT (LESS THAN 500 SF) - NO LIMIT
 1.25 PER UNIT (1 BEDROOM)
 1.5 PER UNIT (2 BEDROOM)
 1.75 PER UNIT (3 BEDROOM)
 OVER 9 UNITS

INDEPENDENT LIVING COMMUNITY: TWO STORY TOWNHOUSE UNITS (16 UNITS TOTAL)

COVERAGE AREA -
 BUILDING A: 2,860 SF
 BUILDING B: 2,860 SF
 BUILDING C: 2,860 SF
 BUILDING D: 2,860 SF (TOTAL: 11,440 SF)
 23% OF SITE

PARKING, DRIVEWAYS, ETC.: 12,820 SF
 MISC. (ENTRY PLAZA): 720 SF
 TOTAL: 24,980 SF

OPEN SPACE: 24,696 SF (49.7%)

OUTDOOR RECREATIONAL AREA:
 (COMMUNAL GARDENS, ONE 800 SF PER BUILDING): 3,373 SF PROVIDED

TWO STORY UNITS SQUARE FOOTAGE PER UNIT: 1,200 SF (EXCL. GARAGE)

TOTAL NUMBER OF UNITS: 16 UNITS
 (ALL TWO BEDROOM UNITS)

REQUIRED PARKING (1.5 STALLS PER UNIT): 24 SPACES
PROVIDED: 48 SPACES (INCLUDING 8 AND 5 STREET PARKING)
GARAGES

COMPACT STALLS: 6 PROVIDED (13 ALLOWED)

LANDSCAPE AREA CALCULATIONS:

TOTAL LANDSCAPING REQUIRED (15% OF OVERALL AREA): 24,696 SF (7,452 SF REQ'D)

PARKING LOT LANDSCAPING (10% OF PARKING AREA): 1,531 SF (1,097 SF REQ'D)

**IN
 PROGRESS**

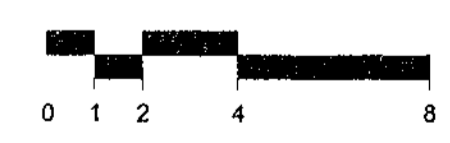
Client:
Seema, LLC

Wilsonville, Oregon 97070

Project:
**Fox Center
 Townhouse
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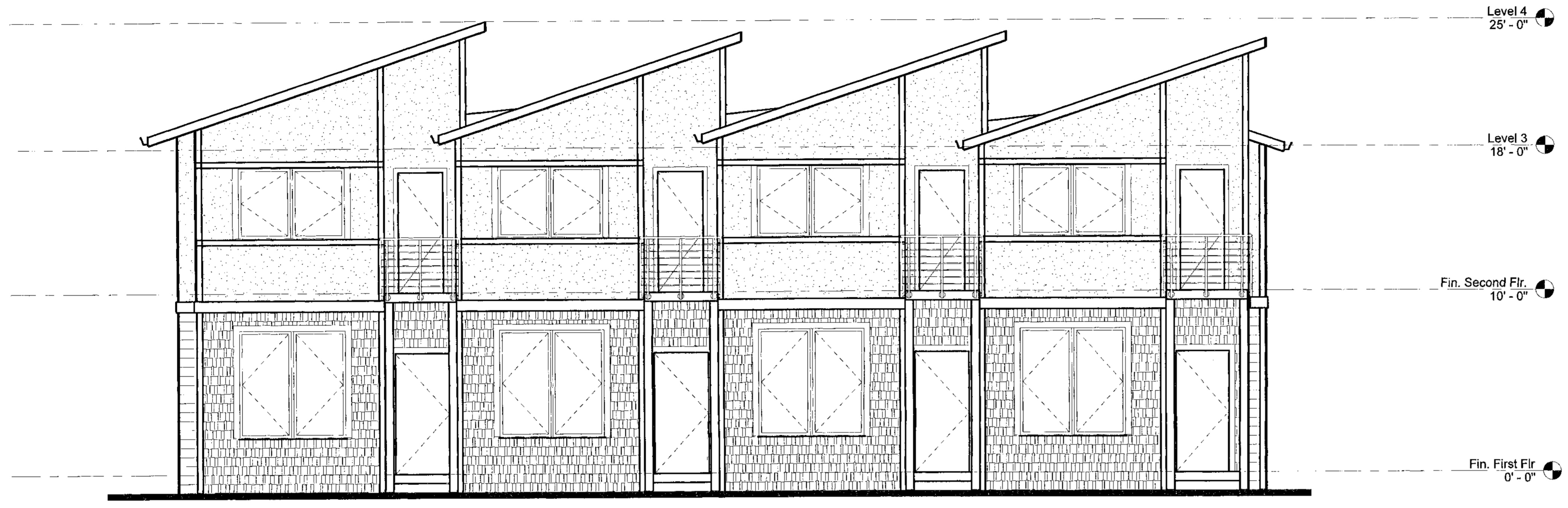
Sheet Title:
**Preliminary
 Elevations**

Revisions:

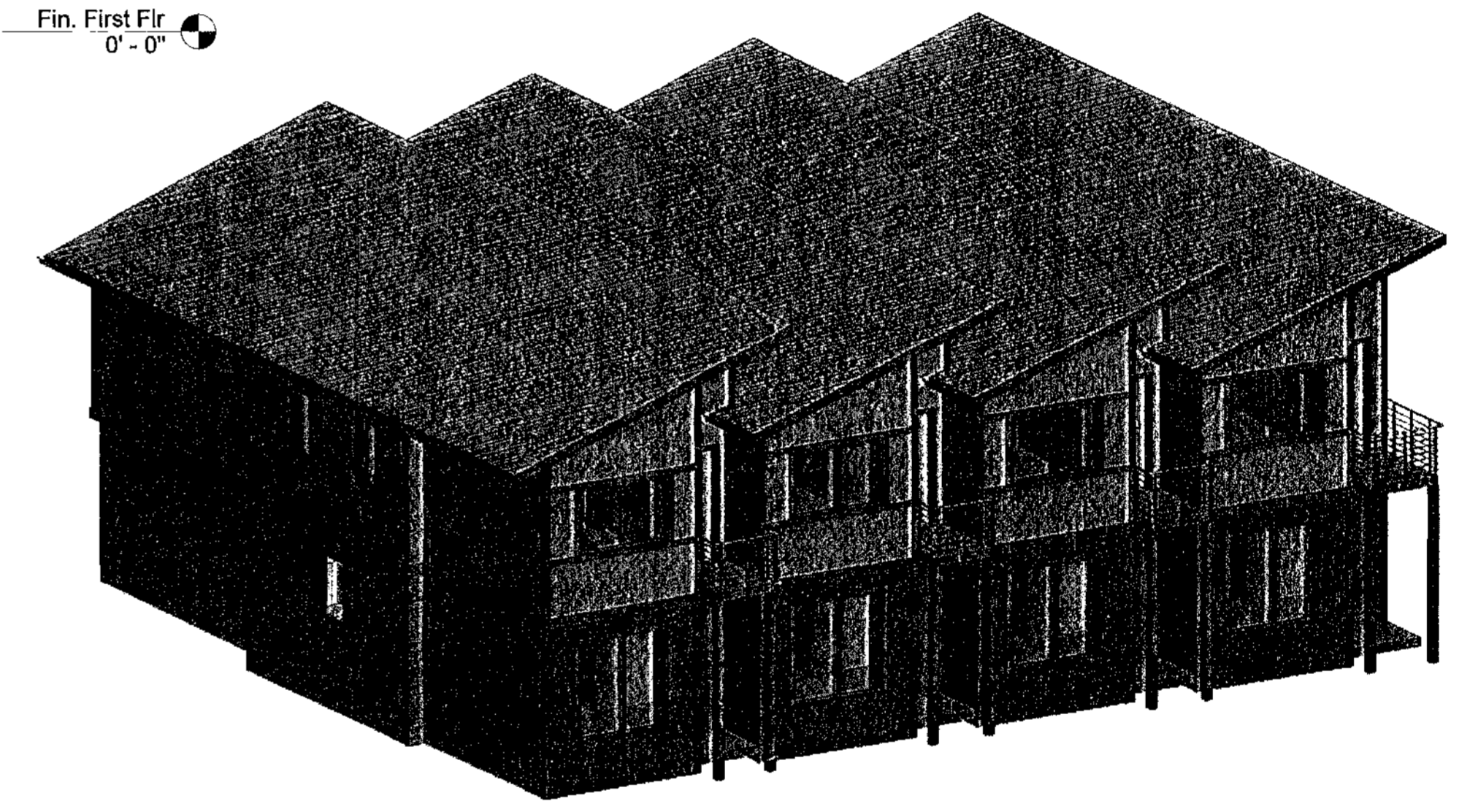


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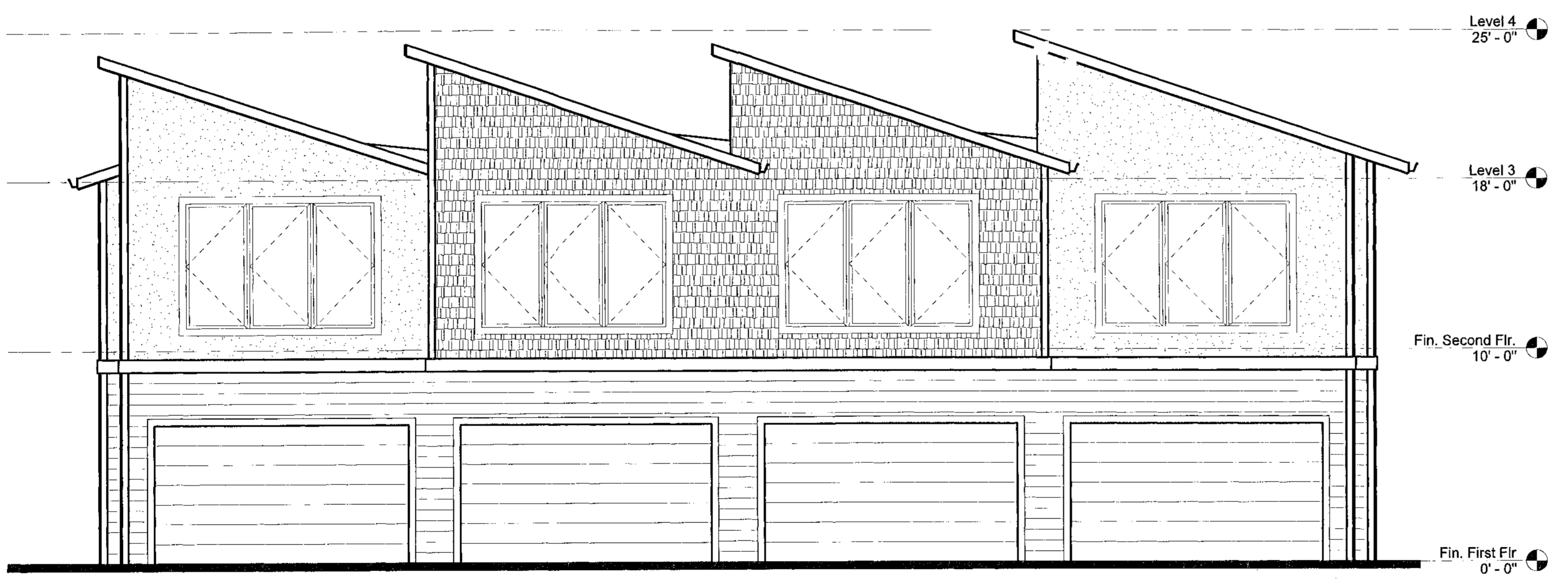
Date: 07/11/11
 Drawn by: JAK Checked by: JAK
 Job Number: 108146.03
 Sheet



① North
 1/4" = 1'-0"



③ (3D)



② South
 1/4" = 1'-0"

P:\108146.03\108146.03-Sheet A3.1.dwg

**IN
 PROGRESS**

Client:
Seema, LLC

Wilsonville, Oregon 97070

Project:
**Fox Center
 Townhouse
 Project**

Sheet Title:
**Preliminary
 Elevations**

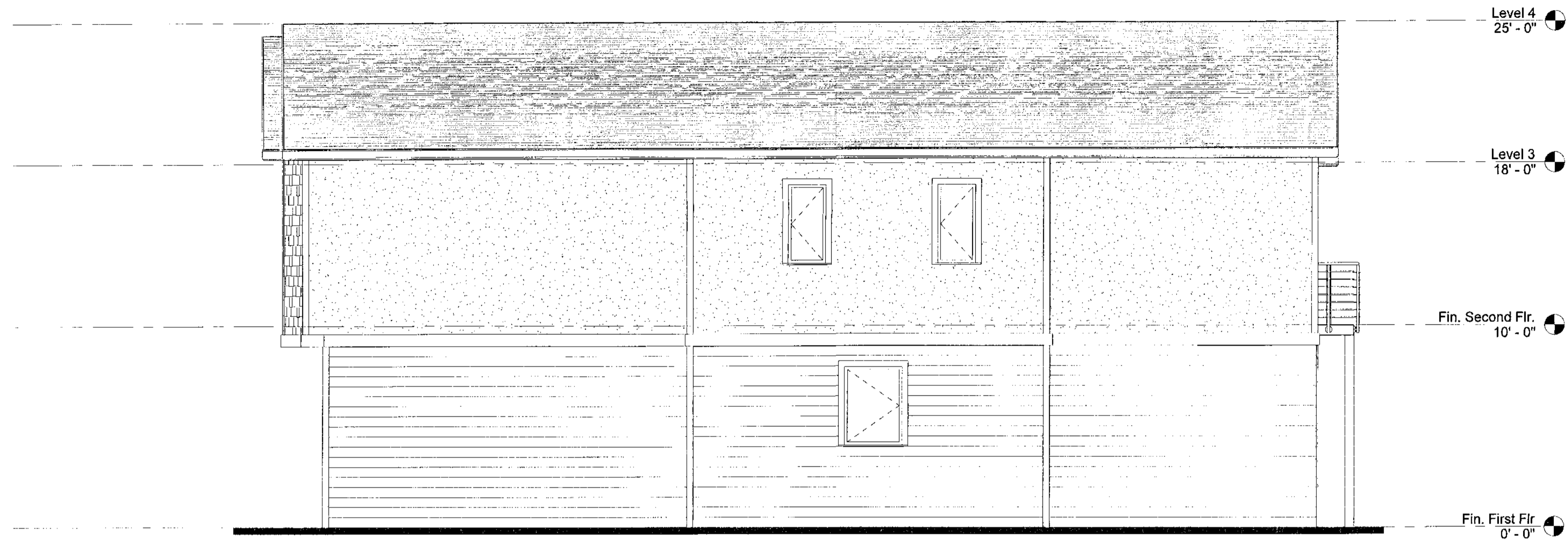
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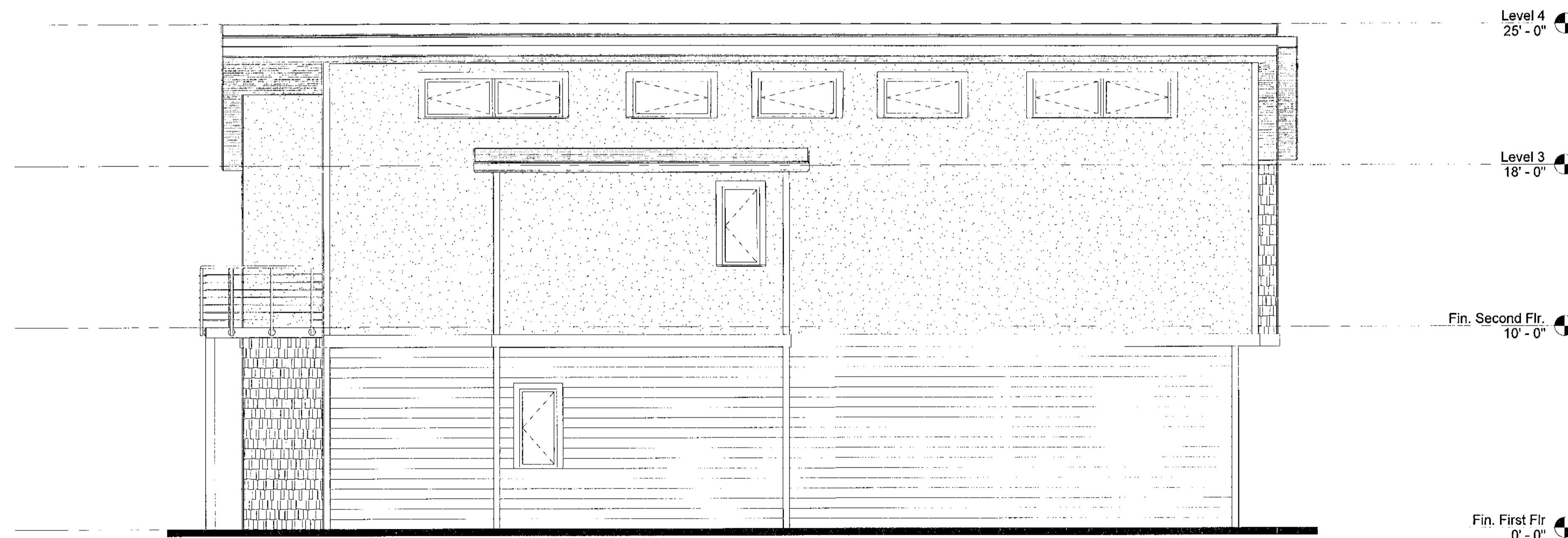
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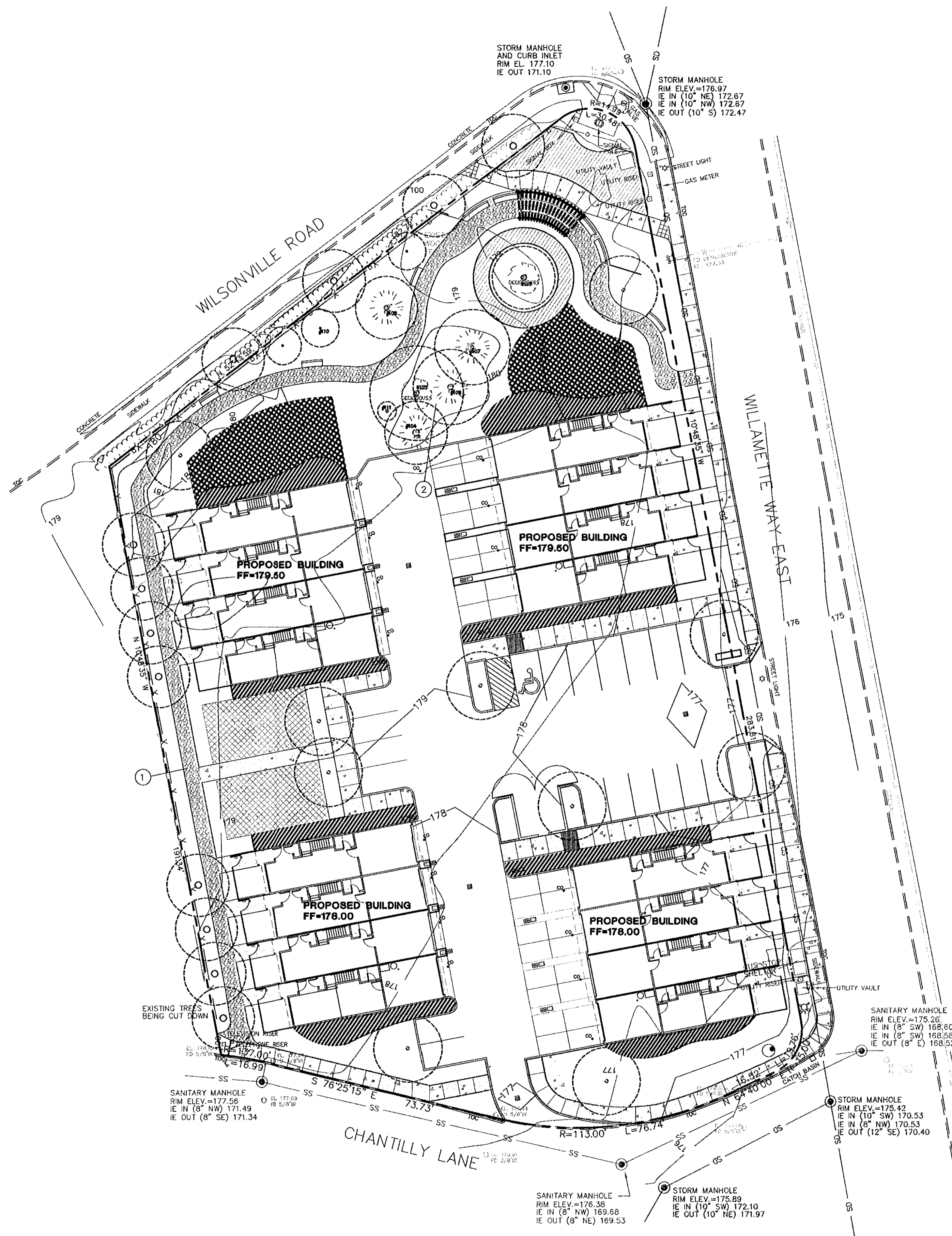
Date: 08/26/11
 Drawn by: _____ Checked by: _____
 Author: _____ Checker: _____
 Job Number: 108146.03
 Sheet



① East
 1/4" = 1'-0"



② West
 1/4" = 1'-0"



LEGEND

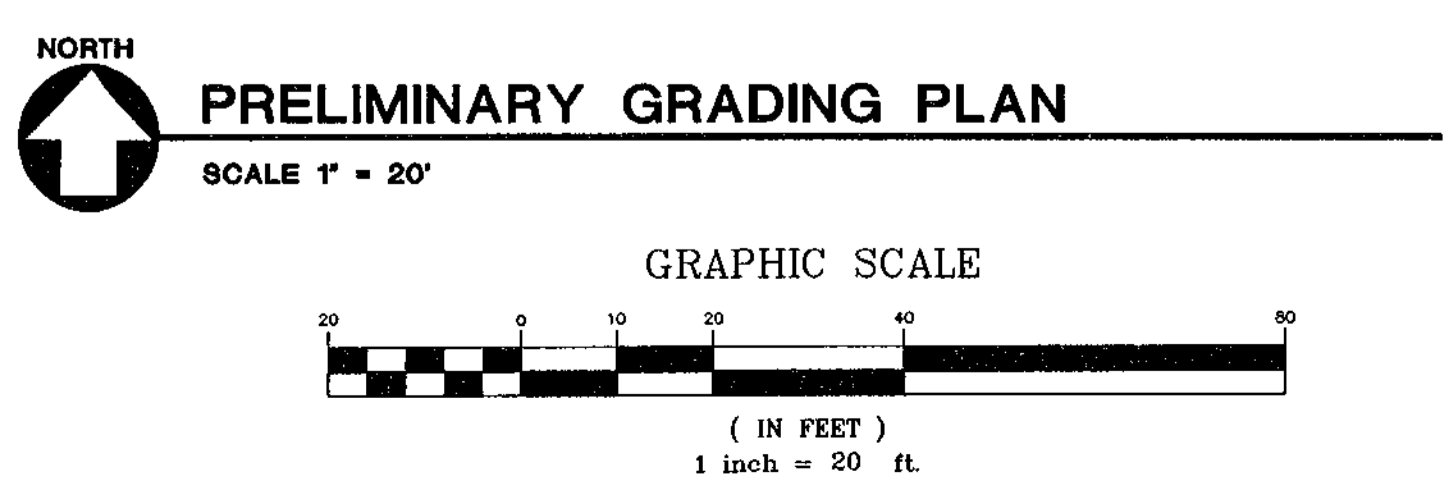
EXISTING CONTOUR--1 TO 4 FOOT INTERVALS	---
EXISTING CONTOUR--5 FOOT INTERVALS	---
NEW CONTOUR--1 TO 4 FOOT INTERVALS	---
NEW CONTOUR--5 FOOT INTERVALS	---
SEDIMENT FENCE	---
CATCH BASIN RIM ELEVATION	CATCH BASIN RIM=100.00
SPOT ELEVATION	100.00
TOP FACE OF CURB ELEVATION	TC
ASPHALT ELEVATION	AC
GRADE	G
DOOR JAMB	DJ
EXISTING	(E)
CATCH BASIN	■

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AAI alghan associates, inc.
ENGINEERING
 4875 SW Grubb Drive (Suite 200) Beaverton, OR 97005
 503.620.3030 FAX 503.620.5039 Fax | www.aaieng.com
 AAI Project No. A11178.11



Owner:
Seema, LLC

334 NW 11th Avenue
 Portland, Oregon 97209

Project:
**Fox Center
 Townhouse
 Project**

Wilsonville, Oregon 97070

Sheet Title:

**PRELIMINARY
 GRADING PLAN**

Revisions:

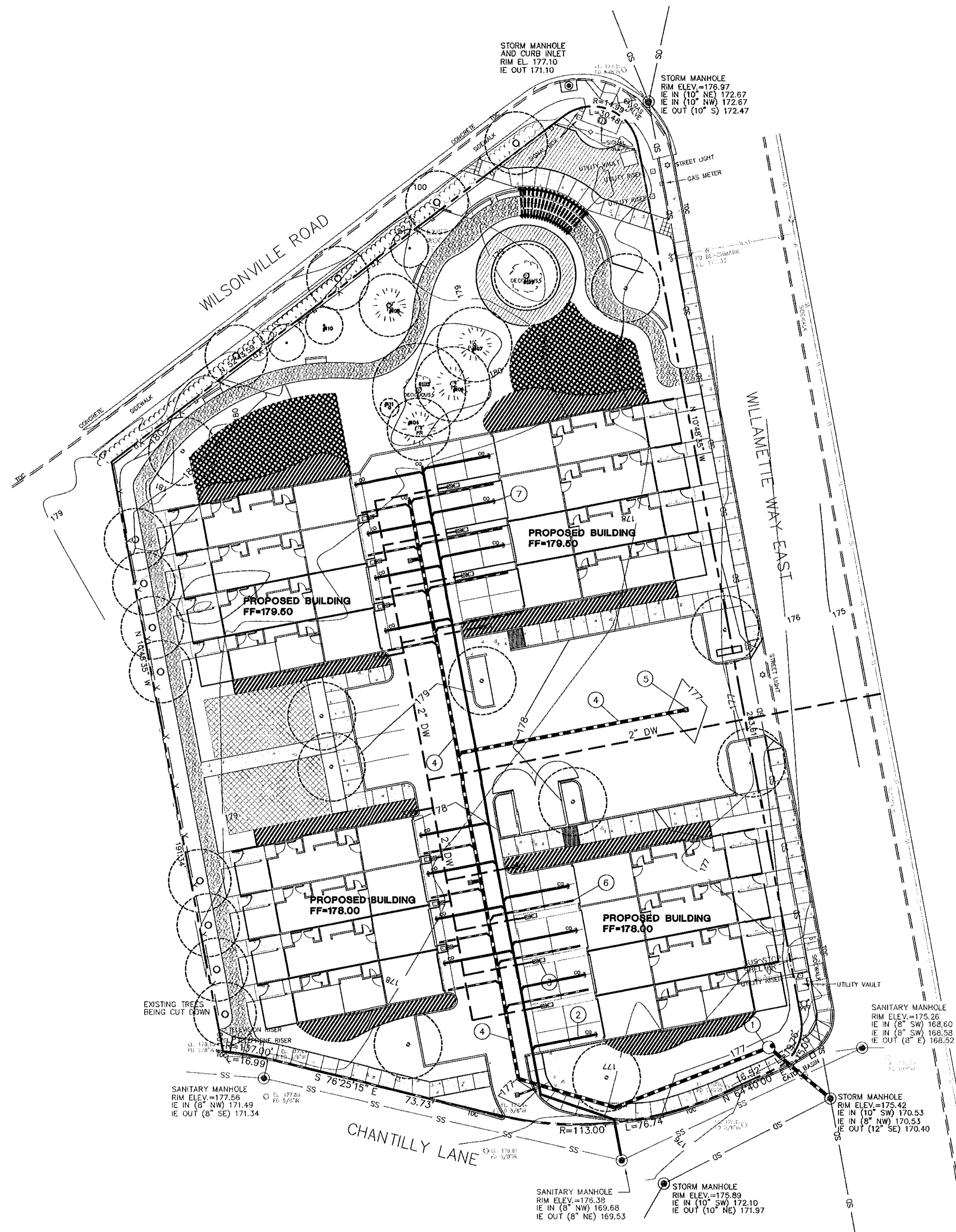
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Date: 31 July 2012
 Drawn by: JSR
 Checked by: CNH
 Job Number: 108146.04
 Sheet

City Submittal - July 31, 2012

C1.0



LEGEND		PROPOSED	EXISTING
SANITARY SEWER LINE	---	SS	SS
STORM SEWER LINE	---	SD	SD
FIRE WATER LINE	---	FW	FW
DOMESTIC WATER LINE	---	DW	DW
TELEPHONE LINE	---	T	T
ELECTRIC LINE	---	E	E
NATURAL GAS LINE	---	G	G
CATCH BASIN RIM ELEVATION		CATCH BASIN RIM=100.00	
INVERT ELEVATION		IE=100.00	
EXISTING		(E)	
DOWN SPOUT		•DS	
CLEAN OUT		•CO	
FIRE HYDRANT		•	
CATCH BASIN		■	
WATER METER		⊞	
BACK FLOW PREVENTER		⊞	
WATER VALVE		⊙	

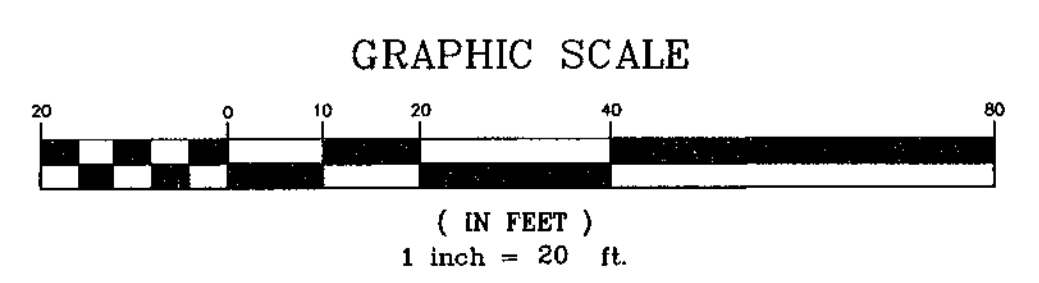
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- STORM DRAIN FITTINGS ARE TO BE ECCENTRIC.
- SITE RUNOFF HAS BEEN QUANTIFIED USING RATIONAL METHOD ANALYSIS. PIPE SIZING IS BASED ON MANNING'S FORMULA WITH N=0.013. IF THE CONTRACTOR DESIRES TO SUBSTITUTE MATERIAL WITH A DIFFERENT N-VALUE, REVISION OF CALCULATIONS WILL BE NECESSARY. THE CONTRACTOR MAY CONTACT THE ENGINEER FOR THE REVISIONS.
- PROVIDE DRAINAGE FROM WATER METER AND CHECK VALVE VAULTS AS REQUIRED BY THE JURISDICTION.
- DOMESTIC WATER LINES AND ACCESSORIES BETWEEN THE WATER METER AND THE BUILDING SHALL BE INSTALLED BY A LICENSED PLUMBER EMPLOYED BY A LICENSED PLUMBING CONTRACTOR.
- UTILITIES WITHIN FIVE FEET OF A BUILDING SHALL BE CONSTRUCTED OF MATERIALS APPROVED FOR INTERIOR USE AS DESCRIBED IN THE CURRENT EDITION OF THE UPC
- CHANGES IN DIRECTION OF DRAINAGE PIPING SHALL BE MADE BY THE APPROPRIATE USE OF APPROVED FITTINGS AND SHALL BE OF THE ANGLES PRESENTED BY ONE-SIXTEENTH BEND, ONE-EIGHTH BEND, ONE-SIXTH BEND OR OTHER APPROVED FITTINGS OF EQUIVALENT SWEEP.
- INLETS AND OUTLETS TO ON-SITE MANHOLES SHALL HAVE FLEXIBLE CONNECTION NO CLOSER THAN 12" AND NO FARTHER THAN 36" FROM THE MANHOLE.
- PROVIDE 4" PERFORATED FOUNDATION DRAIN WITH SILT PROTECTION SOCK. PROVIDE BACKFLOW DEVICES AT CONNECTION TO STORM SYSTEM
- CONTRACTOR TO LOCATE AND CONNECT TO EXISTING SANITARY SEWER THAT SERVES EXISTING BUILDING.
- CONTRACTOR TO INSTALL A REDUCED PRESSURE BACKFLOW DEVICE ON ALL PROJECTS WHERE THE BUILDING USE IS FOR MEDICAL, FOOD SERVICE OR PRODUCES/HANDLES HAZARDOUS WASTES.

KEY NOTES

- PROPOSED CONTECH STORMFILTER 48" MH W/ 2 CARTRIDGES
- PROPOSED SANITARY SEWER 6" PVC @ 2.0% MIN, TYP
- PROPOSED 3/4" WATER SERVICE WITH METER AND BACKFLOW DEVICE, TYP
- PROPOSED STORM SEWER 12" PVC @ 0.5% MIN
- PROPOSED TRAPPED CATCH BASIN, TYP
- PROPOSED DOWNSPOUT CONNECTION, TYP
- PROPOSED SANITARY CONNECTION, TYP

NORTH
PRELIMINARY UTILITY PLAN
 SCALE 1" = 20'



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 AAI Project No. A11178.11



Owner:
Seema, LLC

334 NW 11th Avenue
 Portland, Oregon 97209

Project:
**Fox Center
 Townhouse
 Project**

Wilsonville, Oregon 97070

Sheet Title:

PRELIMINARY UTILITY PLAN

Revisions:

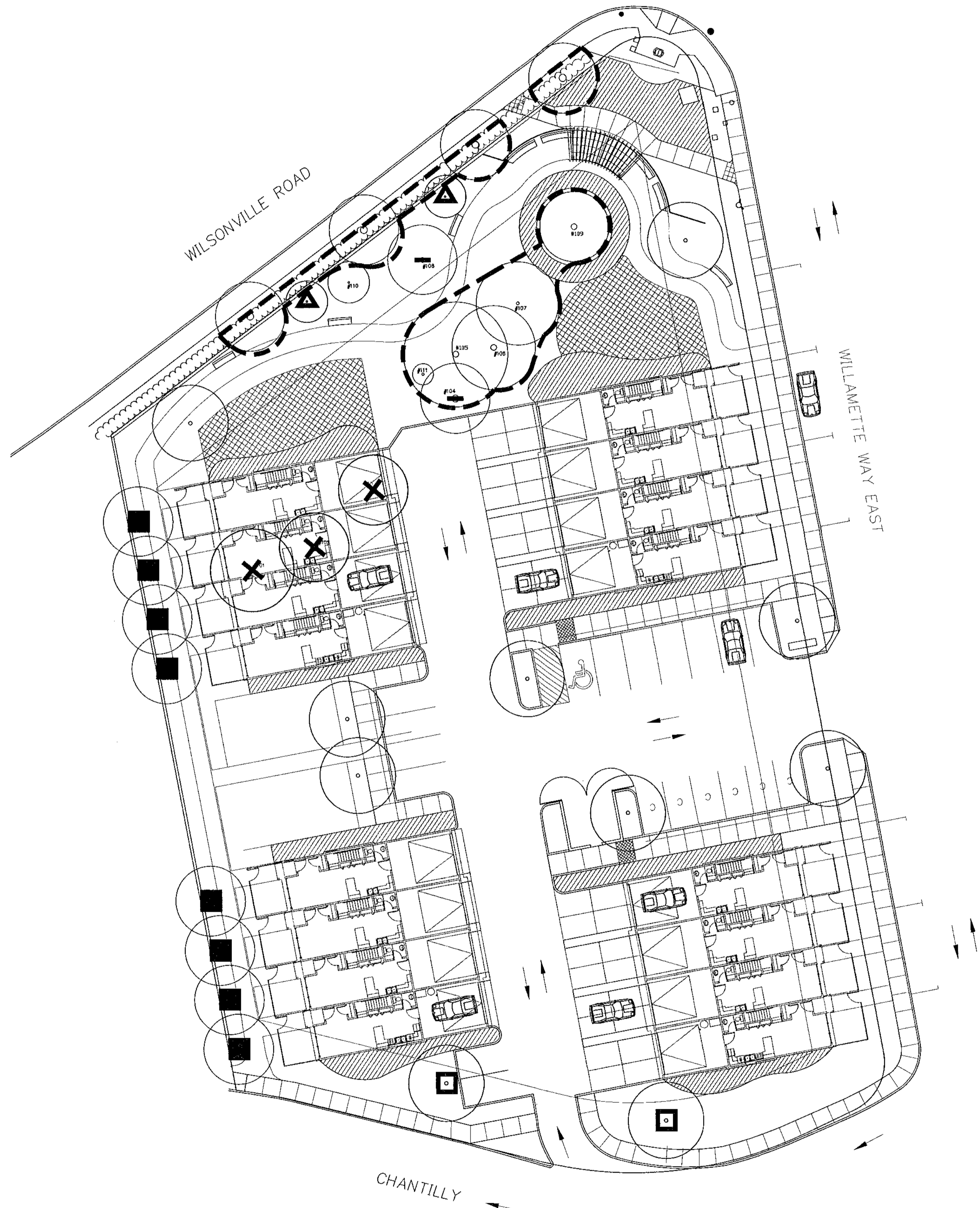
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Date: 31 July 2012
 Drawn by: JSR Checked by: CNH
 Job Number: 108146.04
 Sheet

City Submittal - July 31, 2012

C2.0



Arborist Legend

- | | | | |
|--|--|--|---|
| | REMOVE FOR CONSTRUCTION | | KATSURA (CERCIDIPHYLLUM JAPONICUM) |
| | REMOVE FOR CONDITION | | TRICOLOR BEECH (FRAGUS SYLVATICA ROSEOMARGINATA') |
| | RETAIN AND MONITOR (AND PRUNE 106, 107) | | HOGAN CEDAR (THUJA PLICATA 'HOGAN') |
| | APPROXIMATE LOCATION OF PROTECTION FENCING | | BOWHALL RED MAPLE (ACER RUBRUM) |

M
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 Site Plan

Revisions:

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