

**AMENDED 12/3/12
AGENDA**

**WILSONVILLE CITY COUNCIL MEETING
DECEMBER 3, 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 [15 min.]**
A. Pursuant to ORS 192.660(2)(h) Litigation and
ORS 192.660(2)(g) Trade Negotiations
- 5:15 P.M. COUNCILORS' CONCERNS [5 min.]**
- 5:25 P.M. PRE-COUNCIL WORK SESSION**
A. Kinsman Transmission Main Segment 3B (Retherford) [15 min]
B. PDP-3 and PDP-4 East (Edmonds) [15 min]
- 6:50 P.M. ADJOURN**

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 3, 2012 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on November 20, 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. Upcoming Meetings

7:20 P.M. COMMUNICATIONS

- A. Allied Waste Fall Leaf Day Collection Report (Ray Phelps/Frank Lonegran)
- B. WWTP Update (staff – Mende)
- C. Community Services Information & Referral Services (Sadie Wallenberg)

7:30 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.

7:35 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

7:40 P.M. CONSENT AGENDA

- A. **Resolution No. 2384** *Item in packet is placeholder.*
A Resolution Adopting The Canvass Of Votes Of The November 6, 2012 General Election. (staff – King)
- B. **Resolution No. 2386**
A Resolution Of The City Of Wilsonville Authorizing Acquisition Of Property Interests Related To The Construction Of The Kinsman Transmission Main Segment 3B From Barber Street To Boeckman Road To Provide Water Service To The City Of Sherwood. (staff – Retherford)

7:45 P.M. NEW BUSINESS

- A. **Resolution No. 2387**
A Resolution Approving Development Agreement Between The City Of Wilsonville And REDUS OR LANDS, LLC. (staff – Kohlhoff)

7:55 P.M. PUBLIC HEARING

- A. **Ordinance No. 705** – hearing continued from 11/5/12 meeting
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** –hearing continued from 11/5/12 meeting
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** – First Reading *DRB Record and Applicant Submittals on CD*
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** – First Reading *DRB Record and Applicant Submittals on CD*
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)
- E. **Ordinance No. 711** First and Second Reading
An Ordinance Of The City Of Wilsonville Establishing A Permanent 20 Mph Speed Limit On Residential Streets Adjacent To Lowrie Primary School. (staff – Adams)

Combine hearing sep. votes

Taken in one hearing sep. votes

9:10 P.M. CONTINUING BUSINESS

- A. **Ordinance No.708** – second 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. (staff – Edmonds)
- B. **Resolution No. 2385** – *MOVE TO 12/17/12 MTG.*
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

Also needs URA mtg to approve.

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 – Kohlhoff)

9:20 P.M. CITY MANAGER'S BUSINESS

A. Meeting Recap

9:25 P.M. LEGAL BUSINESS

9:30 P.M. ADJOURN

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated. The Mayor will call for a majority vote of the Council before allotting more time than indicated for an agenda item.) Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if required at least 48 hours prior to the meeting. The city will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting:-Qualified sign language interpreters for persons with speech or hearing impairments. Qualified bilingual interpreters. To obtain services, please contact the City Recorder, (503)570-1506 or king@ci.wilsonville.or.us

CITY COUNCIL WORKSESSION INFORMATION ITEM

Resolution No. 2386

Acquisition of Permanent Waterline Easements - Project 1055 – Kinsman Transmission Main
Phase 3b (Barber to Boeckman)

Meeting Date: 12/03/12

Report Date: 11/20/12

Source of Item: Community Development

Contact: Kristin Retherford

Contact Telephone Number: 1539

Contact E-Mail: retherford@ci.wilsonville.or.us

THERE IS NO RECOMMENDATION, THIS IS AN INFORMATION ITEM.

BACKGROUND

The last Phase of the City's 48 inch diameter Water Transmission pipeline, known as Segment 3b, has received Agency permit approval and is currently in final design. This water transmission line is a joint project with the City of Sherwood and will provide water to the Wilsonville distribution system, as well as to the City of Sherwood per the terms of multiple Intergovernmental Agreements between the cities of Sherwood and Wilsonville.

Construction is planned for the summer of 2013. In order to construct these improvements staff needs to begin easement acquisition this winter. To begin easement negotiations, Council approval is needed. Staff is therefore seeking Council authorization (via a Resolution) on tonight's Council Agenda to acquire 15 separate easements, 6 of which are permanent waterline easements and 9 of which are temporary construction easements. To save some paper, the Resolution and easement exhibits are not attached to this Work Session Staff Report because they are attached to the City Council Staff Report.

The easements will cross four property ownership interests, one of which is a City-owned property (i.e. SMART Central). The remaining properties are owned by Inland Pacific Properties, Old Castle Precast, and Charles Breuer. City staff has been in contact with these property owners over the last several years during the process of alignment selection and preliminary engineering. Upon adoption of this resolution, staff will notify the property owners that we are prepared to begin the acquisition process and will hire an appraiser to determine fair market value and just compensation for the acquisitions.

ANALYSIS

To meet the project schedule, these acquisitions need to be separate from and occur prior to right of way acquisitions for the Kinsman Road Extension from Barber to Boeckman. Because the

Kinsman Road Extension project is receiving federal funding, right of way cannot be acquired until an Authorization to Proceed is issued from the Federal Highway Administration via the Oregon Department of Transportation. This Authorization to Proceed will not be given until after environmental permitting has been completed for the road project, which is on a different and slower timeline than the waterline project. Acquisitions for the road project are expected to occur no earlier than mid-2014, whereas construction of the waterline will occur in 2013.

Should staff not be able to negotiate acquisitions in the timeframe necessary to move forward with construction of this waterline extension, staff will return to council to receive authorization to proceed with condemnation efforts in order to meet the project schedule.

IMPACT ON CITY RESOURCES

This project is approved in the City's 2012/13 annual budget as Project 1055.

POLICY ISSUES

The easements (and project construction) are needed to fulfill our obligations to the City of Sherwood under various IGA's.

ATTACHMENTS

The Resolution and Easement Exhibits are in the Council Packet.

ECONorthwest

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November 28, 2012

TO: Wilsonville Economic Development Strategy Task Force
CC: Stephan Lashbrook, Kristin Retherford, and Mark Ottenad
FROM: Beth Goodman
SUBJECT: SUMMARY NOTES FROM TASK FORCE MEETING:
NOVEMBER 28, 2012

ATTENDANCE

Committee Members: Ron Adams, Vince Alexander, Lita Colligan, Catherine Comer, Brenner Daniels, Mike Duyck, Lonnie Gieber, Gale Lasko, Ray Lister, Susan Myers, Craig Olson, Ray Phelps, Fred Robinson (by phone), Dr. Bill Rhoades, Dick Spence, Alan Steiger, Sandra Suran, Doris Wehler, Boyd Westover and Carol White.

Consultants and City Staff: Bryan Cosgrove, Stephan Lashbrook, Kristin Retherford, Mark Ottenad, Mike Kohlhoff, Nancy Kraushaar, Dr. Abe Farkas, Terry Moore, and Beth Goodman.

SCHEDULE AND PROCESS

Bryan Cosgrove presided over the meeting in place of Councilor Scott Starr, who had scheduling conflict. Bryan indicated that:

- Staff intends to recommend that the City Council adopt a resolution to put the proposed TIF Zone on the ballot in March, but needs Task Force input on how to proceed.
- The broad subjects of business attributes and potential incentives need to be discussed, but time is of the essence in dealing with the immediate opportunity, if a measure is going to be put on the ballot for public consideration.
- Written comments and questions have been received from Vince, Doris and Danielle. All Task Force members will receive copies of the responses when they have been completed.

Rec'd 12/3/12 JKH

BUSINESS ATTRIBUTES AND INCENTIVES

Broad use of incentives

Abe described incentive programs used within the U.S. for traded-sector businesses engaged in manufacturing, which export products to other parts of the U.S or internationally.

- Portland area traded-sector industries include: active-ware, advanced manufacturing, clean tech and sustainability, software, and renewal industry. Different parts of the county have different traded-sector industry. In the Southeast US, traded-sector industries include petrochemicals, automotive, and lumber.
- Communities and states use incentives to attract traded-sector businesses across the US. Many states identify a bundle of incentive tools: (1) soft incentives (e.g., good schools) or (2) direct financial incentives to get investments in a company, with the expectation of a public-return on the investment. Examples of incentives include: tax increment financing, enterprise zones, industrial development bonds, and EB-5 (for foreign investment).
 - Louisiana has a lot of tax credits, with 20% to 35% credits for businesses like research and development, software, music, movies, theater, or “angel” investors.
 - Montana gives a 50% property tax abatement for up to 19 years for renewable energy firms and issues general obligation bonds for aerospace businesses.
 - Hawaii has a strategic development fund to invest public money in high tech and innovative firms.
 - Oregon’s portfolio is less diverse. The state has industrial development bonds for loans, enterprise zones for tax abatement, tax increment financing for investments in infrastructure & loans, and EB-5 for loans.
 - Many communities in the Portland area have enterprise zones, which allows for a 3- to 5-year tax abatement. Enterprise zones require higher salaries (150% of median wage), agreements for local jobs training, and sometimes a payment in lieu of taxes. But Wilsonville does not meet the State’s demographic (i.e., income) requirements for having an enterprise zone.
 - Wilsonville can develop a program similar to enterprise zones, by creating a project-based TIF zone, which, under Oregon law, requires the formation of an urban renewal area. The funding from the urban renewal area can be used for tax abatement, loans, and other incentives.

Questions and discussion

- Lonnie asked whether the soft incentives were sufficient to attract and retain businesses. He doesn't know of any businesses that the City has had to pay to get business growth in Wilsonville. Lonnie would like to have a conversation about the soft incentives.
- Al asked questions about whether TIF only covers manufacturing and whether that is a State requirement or a choice by Wilsonville. (He was told that that is a local decision.)
- Doris asked whether the urban renewal zone could be extended past 10 years.
 - Mike answered: The advisory vote may not be legally binding but any City Council is likely to listen closely to the results of an advisory vote.
 - Kristin answered: A substantial amendment to the urban renewal district would require agreement from the other taxing districts and staff would recommend another advisory vote.
 - Susan asked how successful other states are at achieving their goals.

TIF zone

Kristen explained the Tax Increment Financing (TIF) Zone, as proposed by staff:

- The TIF Zone proposal would be usable for up to six industrial buildings, primarily warehouses. Staff identified the characteristics of the buildings based on past several years' occupancy level and inquiries where manufacturing businesses are looking for incentives. These are buildings are generally 100,000 square feet or larger.
- The proposed minimum capital investment to qualify for the TIF Zone would be an investment of \$25 million. Also the City would have requirements about number, salary of jobs, and local hiring preferences.
- The City is considering whether they would have 5 or 6 separate zones or one zone with 5 satellite locations. They are still looking into the administrative advantages and disadvantages for the number of districts.
- Once the company makes the \$25 million investment, 75% of the new, increased (i.e., incremental) property taxes would be abated to them after they paid their taxes. The remaining 25% would be split with the other taxing districts.
- The duration of the abatement would be between 3 to 5 years per investment. Whether the duration is 3, 4, or 5 years will be decided later in the development of the program.

- The duration of the abatement could be as long as 10 years, if the company made multiple \$25 million investments. It would not be longer than 10 years from the first payment of property taxes.
- The clock on the duration of the urban renewal district would not start ticking until an investment of \$25 million or more. Each building would have a 10-year maximum duration.

Discussion about how the TIF Zone would work

- Doris asked about the soft costs of administration. Kristin answered that a portion of the increment (of the 25%) will come to the taxing districts. The City will use some of its portion of the tax increment to cover the costs of administration.
- Doris made the point that a number of spaces that were vacant a few years ago are now occupied. She questioned whether this program is necessary to get occupancy of vacant buildings.
- Carol asked whether new businesses that have recently gone into the previously vacant spaces were high-value companies, with higher paying jobs. Doris said some of them are high-value but that many are warehousing businesses.
- Gale asked what would happen if a business with this incentive was purchased. Bryan answered that the new company would inherit the contract.
- Ray P. asked about the outer limit of the time for the program. Kristin said that the life of the urban renewal district (as 1 district) could be longer than 10 years but each project (building) would not be longer than 10 years.
- Susan asked if the program could go on indefinitely, waiting for an investment. Kristin said that there could be a clause worked into the urban renewal plan, to close the district after a specific period of time if no investment was made.
- Is there anything in the program that would require a business to repay any incentive if they leave just after the program was completed. Mike answered that there could be a "claw-back" clause in the program, but it was also noted that since the proposal was only to rebate from taxes already paid, there should be minimal risk.
- Susan asked what would happen if a business shuttered their operation before the duration of the abatement was completed, losing all the jobs. Kristin answered that the development agreement would have multi-year requirements for jobs, etc.

- A question was asked about how much flexibility the City would have with this program. Mike answered: What we're trying to achieve is to have basic standards that apply to any company. There might be flexibility in the duration of the abatement (e.g., 3 years to 5 years), as well as in similar parts of the program. The development agreement would describe the exact terms of the incentive.
- Carol asked whether a \$25 million investment is reasonable to make in a 100,000 square foot building. Mike answered that most of the improvements would be in the equipment, with a smaller investment in the building and that the \$25 million figure is logical from the City's experience.
- Why is the program limited to underutilized properties and not to vacant land? Kristin said that part of the reason is responding to the types of inquiries that the City has received, which is for existing industrial sites that happen to also be underutilized properties. Also, the previous work on the Economic Development Strategy highlighted the importance of filling vacant and under-utilized buildings.
- Al asked what is the process to bring a vacant parcel into an urban renewal zone? Staff answered that there is not a process to do that under this program.
- Ray P. asked whether a new structure could be built and qualify for this program? Kristin answered that it would, if there was room on the tax lot for a new building or even if an existing building were removed and replaced by a new one.

Process for the discussion

- Lonnie reiterated his question: Does Wilsonville need to have direct financial incentives or are the City's soft incentives good enough to attract businesses? What should the City focus on? He would like to have the conversation about the soft incentives before having the discussion about the TIF zone.
- Ray P. expressed the concern that this accelerated process would eliminate discussion about existing businesses in Wilsonville. Existing businesses are his primary interest. Many businesses in Wilsonville grew here, showing that the City is successful in growing businesses. Many existing businesses do not need the type of incentives offered in the TIF zone. Bryan noted that the TIF Zone proposal is in response to a local business seeking expansion opportunity.
- Ray P. asked what the City is "buying" with the incentive?

- Al said that it is important not to overlook the business attributes that the community wants. The City is “buying” the beneficial attributes of the businesses.
- Doris is worried about the fairness (or lack thereof) in the TIF zone. She is concerned that these six buildings are the only ones to receive the incentives, when there are many other businesses in the City, not receiving an incentive.
- Susan said that years ago Wilsonville had high median incomes compared to the region. Now, Wilsonville’s median income is not as comparatively high. Higher-value development that brings higher income jobs may be a good idea for the whole community.

Are some “hard” incentives desirable?

- Vince thinks this “rush to TIF” violates the agreements in the economic development strategy by not treating companies equally. He thinks the TIF zone would benefit large businesses only, especially those not currently in Wilsonville.
- Carol made the point that businesses considering moving and growing in Wilsonville will make their locational decisions based on hard numbers about costs.
- Fred said that he appreciates the point about needing to be competitive within Oregon and outside Oregon. Being competitive is about more than tax policy.
- Fred made the point that most existing businesses will not qualify for the tax abatement because they are not in one of the proposed TIF zones. He is concerned that these businesses will feel left out.
- Al does not see TIF and tax abatement as a hard incentive because the City wouldn’t get the investment without the tax abatement?
- Ray P. wants to understand what the City would be getting from the incentive. He doesn’t want to disregard opportunities to grow the revenues of the City but wants to make sure the City gets things that are important in return.
- Ray L. said that businesses make the best decision they can make, in terms of where to locate. He said that attracting high paying jobs, of the type we are discussing, are worth attracting through the use of a TIF zone.
- Ron asked what Wilsonville needs, such as a specific number of new jobs. Can the City get what it needs by growing jobs at small companies, in small amounts? He is concerned about alienating existing businesses in

Wilsonville, who have helped Wilsonville build the quality of the community. What is the quality of the business relationships within the community, with the City.

- Mike said that businesses considering moving to a community want to understand what the incentives that are offered by cities, both hard and soft incentives. The fire district serves cities that have enterprise zones in the County and that many enterprise zones aren't attracting lots and lots of businesses.

He made the point that it is important that the community be well rounded, with residential development and large and small businesses. Large businesses can pay taxes that help support the

- Lonnie said that people in Wilsonville want the community to remain essentially Wilsonville. The people he talked to made the decision to move to Wilsonville because of the proximity to I-5 and the quality of the school district. Everything else is "gravy."

He is concerned about the equity issues with businesses. Many businesses have not been given incentives to be in the community.

- Susan made the point that the TIF zone would replace at most six warehouses with high paying jobs. This would result in more income in Wilsonville, some of which would be spent at other businesses in Wilsonville.

Not all six of the zones will develop. The TIF zone would only last 3 to 5 years. Then the full benefit of the increases in tax would benefit the taxing districts.


- Doris said she liked the fact that the TIF provisions would not have to be used in each of these buildings as a tool.
- Mike commented that Beaverton established an enterprise zone recently. It resulted in businesses taking a longer look at Beaverton, not necessarily resulting in a large amount of development but more businesses at least considering Beaverton.
- Vince wants the consideration of deliberate growth. He doesn't think that Wilsonville is in competition with the nation for jobs but for infrastructure capacity. Wilsonville will become more attractive over time and infrastructure capacity will be important.
- Carol asked if there should be more buildings or land in the TIF zone, such as in Coffee Creek. Maybe this proposal should be less restrictive and broader to include more businesses.

- Ray L said that jobs are important but the City can require employment of locals. The Task Force can make suggestions for what to include in the TIF zone for requirements. He wants to think about what the companies will bring to Wilsonville to make it a better community.

Terry posed a range of options to the survey the group and get their opinions. Opinions from the task force members ranged from:

Range of Support for Incentives

1 - No hard incentives	2	3 - Some incentives, with carefully defined limits and requirements	4 - TIF Zone (75% rebate)	5 - Yes: Competitive hard incentive program (E-zone, 100% rebate)
1 member	3 members	9 members	5 members	1 member



15 members

Terry said that these results indicated to him that a majority of the task force supports some level of incentives, with a definite preference towards more incentive rather than less.

TIF Zone

This discussion focused on the desired benefits (business attributes) of incentives and the TIF Zone.

- Carol suggested that we consider if there should be a sun-set provision and claw-back provisions.
 - Boyd agreed with the six buildings targeted.
 - Susan said that monitoring is important, to ensure that the business continues to meet the criteria to meet the rebate.
 - Lonnie suggested that the school district should be held harmless (not lose funding) from the TIF zone. The school district's revenue should not be decreased by the TIF zone.
- Mike K. responded that the City will work with the school district.
 - Part of having a healthy school district is ensuring that Wilsonville continues to have students. Are their opportunities that might support schools and the community, beyond tax income.

- Doris asked why 25% was chosen for amount of new increment to retain. Would one of the areas of flexibility be in the percentage of increment rebated/retained?
 - Mike K. said that in prior discussions with other taxing districts, the taxing districts were pleased that the City wouldn't rebate 100% and would retain some portion of the new increment for the taxing districts.
 - Mike K. said that the City is trying to keep things administratively simple. The percentage of rebate could be a point of flexibility. Another point of flexibility could be the duration of the rebate (3 to 5 years).
- Ray L. asked if it would be possible to send in a list of items that would be important to consider in the weighting for giving the incentives.

Craig asked what issues we are trying to solve. The incentives that the City would use should address the issue we are trying to address. The discussion revolved around this issue. Craig suggested that the following three are different things the City may be trying to solve.

- Responding to the immediate opportunity.
- Filling vacant buildings.
- Are we trying to fill those buildings or are we trying to attract more high-wage jobs?
 - Vince commented that filling the vacant buildings was an important goal identified in the economic development strategy.
 - Ray L. said that incentives should be tied to opportunities, not properties. Give more weight to the issues that are most important to address.
 - Ray agreed that filling underutilized buildings was important for the economic development strategy. He thinks it is very important to be aware of the existing businesses and not alienate them.

The community needs to make a major effort to understand what it wants to happen on vacant land.

- Al said that growing higher wage jobs is not as important as growing existing businesses. The TIF zone is a viable tool to grow existing businesses.
- Susan likes the idea of developing a weighted system, such as giving more weight for filling existing buildings or growth of existing businesses. She made the point that businesses can't wait for the City to deliberate about offering incentives in each case. There needs to be set system for

identifying when to provide incentives and guidance on what incentives to offer.

- Abe made the point that urban renewal is tied to eliminating blight, such as the six buildings identified in the TIF zone. Also, there are other programs available to provide incentives for a broader group of businesses.
- Mike K. reinforced the point that urban renewal must be used in specific areas. The City has tried to target areas identified as important in the economic development strategy (vacant buildings) to get important attributes (high paying jobs).
- Kristin clarified that an urban renewal district must be identified geographically and that the City is limited to the amount of land that can be in urban renewal zones.
- Ray L suggested to scale the weighting for the incentive based on what benefit would come to the City.
- Al made the point that businesses that bring threats to the environment or quality of life should have a negative weighting (less likely to be given incentives). Susan added that businesses that have high transportation demands that do not bring important attributes should have a negative weighting.
- Lita cautioned about being too prescriptive about the program. The City needs a guide but some flexibility in decision-making and applying the incentives. She suggested thinking on return on investment, rather than strictly about specific criteria and weighting.
- Ron said that it is important to take into account concerns about impacts on quality of life and transportation, as well as reuse of vacant buildings.
- Mark (staff) provided additional background information relevant to the discussion:
 - City staff had devised the list of soft incentives as a marketing tool to illustrate Wilsonville's business advantages; however, he noted that in discussions with companies that the soft incentives only carried so much weight — that financial considerations are also highly relevant in business-siting decisions.
 - He said that the Portland area is considered a region by companies. That while we all may agree that Wilsonville is a great place, that many businesses consider Wilsonville just a part of the greater Portland region, where businesses' employees and suppliers are located throughout.

- He noted that in surveying two years' of requests for information from businesses about Wilsonville industrial sites, a vast majority—90%— were from manufactures and only 10% from wholesale distribution. Mark thought that this indicated an economic trend — of companies working on a “just-in-time” model and not seeking to tie-up capital in inventory and of on-shoring manufacturing activities.
- Mark relayed that a number of companies indicated that the relatively high cost of TI —tenant improvements—to older warehouses to convert into manufacturing facilities was prohibitively expensive without subsidy.

Terry summarized the discussion.

- Fifteen of the Task Force members supported the use of TIF zone incentives with specific provisions and four of the fourteen members did not support the TIF zone type incentives. Catherine abstained from voting.
- We can address the bigger issues, including equity issues (especially with existing businesses) and expanding beyond the six buildings, through the broader discussion.
- The TIF zone program should address sunset, claw-back, and monitoring for compliance. The program should include a weighting system for business attribute criteria, which should provide guidance on the amount of incentive to offer.
- Business attributes are important to this group, in giving incentives. Weighting the attributes is important for the group, to ensure that the City is getting appropriate value for the incentives.

NEXT STEPS

- Terry articulated the next steps.
 - Staff will develop a ballot measure, which it will send to the Task Force and Council at about the same time.
 - Get the draft ballot measure together for comment by the Task Force by the December 13 meeting.
 - The Task Force's discussion will be discussed at the December 17th City Council meeting, along with the proposed ballot measure.



November 30, 2012

Tom Hughes, Honorable Council President
Metro Council
600 N.E. Grand Avenue
Portland, Oregon 97232

*12/3/12
disc by Mayor Knapp
Ack*

RE: Metro Natural Area Levy

Dear President Hughes:

Please accept this letter into the record for consideration on your proposed Metro Natural Area Levy scheduled for a Metro Council meeting in December.

The Regional Mayors' group met and discussed the Levy proposal at its meeting in November. Metro Council President Tom Hughes and COO, Martha Bennett were in attendance and discussed the proposed Levy. Significant concerns were raised by the Mayors at that time and the group is unanimously requesting a delay in the Levy decision until further impacts to cities are evaluated. The current compression analysis was conducted using last year's tax data and did not include the results of the tax measures passed in November.

As you are aware, some Metro area cities are more impacted by compression than others. As a result, the financial burden for the levy would not fall evenly on households and their communities across the region. Some cities would have their ability to raise revenue for vital police and fire protection services substantially limited as a result of having additional regional levies on the books.

In addition to concerns regarding compression, the plan for the remaining natural area's bond purchases and impacts on long term maintenance needs are still unclear to our group. Without further information and clarity regarding the plan for past voter-approved investments, it is hard for us to see the value in asking voters for additional resources.

We also feel that, preceding any discussions about future revenue for Metro, we would encourage the Metro elected officials to sit down early next year with local elected officials to review and discuss their respective governmental roles in the region; where are they aligned, and where is there conflict, potential or actual. We believe that Metro can be helpful in a

number of areas, but we remain concerned that those areas of assistance should be in partnership and coordination with local government.

Thank you for this opportunity to provide our input.

Sincerely,



Jerry W. Willey, Mayor
City of Hillsboro

Shane Bemis, Mayor
City of Gresham

Wade Byers, Mayor
City of Gladstone

Lori DeRemer, Mayor
City of Happy Valley

Craig Dirksen, Mayor
City of Tigard

Denny Doyle, Mayor
City of Beaverton

Jeremy Ferguson, Mayor
City of Milwaukie

Jack Hoffman, Mayor
City of Lake Oswego

Jim Kight, Mayor
City of Troutdale

Tim Knapp, Mayor
City of Wilsonville

Keith Mays, Mayor
City of Sherwood

Doug Neeley, Mayor
City of Oregon City

Lou Ogden, Mayor
City of Tualatin

Gery Schirado, Mayor
City of Durham

Ron Shay, Mayor
City of King City

Patricia Smith, Mayor
City of Wood Village

Steve Spinnett, Mayor
City of Damascus

Pete Truax, Mayor
City of Forest Grove

Mike Weatherby, Mayor
City of Fairview

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2012

DECEMBER

DATE	DAY	TIME	MEETING	LOCATION
12/3	MONDAY	7 P.M.	CITY COUNCIL	COUNCIL CHAMBERS
12/10	MONDAY	6:30 P.M.	DRB PANEL A	COUNCIL CHAMBERS
12/12	WEDNESDAY	6 P.M.	PLANNING COMMISSION	COUNCIL CHAMBERS
12/17	MONDAY	7 P.M.	CITY COUNCIL	COUNCIL CHAMBERS
12/24	MONDAY	6:30 P.M.	DRB PANEL B	COUNCIL CHAMBERS
12/15	TUESDAY	CHRISTMAS DAY – CITY OFFICES CLOSED		

COMMUNITY EVENTS

First Friday Film December 7, Library – 6 p.m.

Watch the latest releases, from blockbusters to independent films, for free on our big screen the first Friday of the month. The films have been especially chosen to be new, interesting, and difficult to get via Netflix. Snacks available for donation, or bring your own.

I-5 Connection presents “A Musical Christmas”

December 9, 3 p.m. United Methodist Church

TSP Online Open House

December 3-14, 2012

Provide your comments about the update to the Transportation Systems Plan online.

Economic Development Strategy Task Force Meetings

All meetings will be held in the Willamette River Room, City Hall

December 13, 2012 – 5 p.m.

January 10, 2013 – 6 p.m.

January 30, 2013 – 6 p.m.

Basalt Creek Advisory Group December 11, City Hall 6 p.m.

Policy Advisory Group meeting to make a final selection of the major transportation framework through the Basalt Creek planning area.

Holiday Fun Fest – Community Center

December 20, 4-6 p.m. \$5.00 per Gingerbread House



Holiday Light Drives

December 11, 12, 13 and 14

Board a SMART bus for a trip to Portland International Raceway to see "Winter Wonderland". The bus will leave the Community Center at 6:30 p.m. and return at approximately 8:30 p.m. Seating is limited and reservations required. Call 503-682-3727 to make your reservation. There is no charge for the trip; but we ask that each rider bring one new toothbrush to be donated to Wilsonville Community Sharing.





I-5 CONNECTION A Musical Group

Jocelyn Higgins
Director

Katie Turner
Accompanist



November 1, 2012

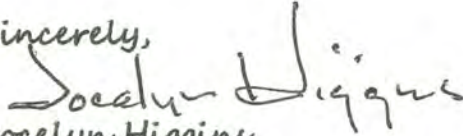
To: Social Director
From: THE I-5 CONNECTION SINGERS
Re: "A MUSICAL CHRISTMAS" Performance

This is an invitation for you to join us on Sunday afternoon December 9th, at 3:00 PM at the Wilsonville United Methodist Church at 7355 SW Wilsonville Road, Wilsonville OR, 97070 for our Christmas performance.

We will be performing many Christmas songs, some traditional, secular and spiritual for you to enjoy.

We hope that you will bring the residents and their families and join us for this inspirational program.

If you have any questions please call 503 482-5103.

Sincerely,

Jocelyn Higgins
Musical Director of I-5 Connection

Attachment

I-5 CONNECTION

PRESENTS

A Musical

Christmas



3:00 pm - Sunday Dec. 9

**Wilsonville United Methodist Church
7355 SW Wilsonville Road**



December 3, 2012

Honorable Tim Knapp, Mayor
Members of City Council
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070

RE: Leaf Day

Dear Mayor and Councilors:

Allied Waste Services of Wilsonville participated in the city's Leaf Day clean-up event at the request of City Manager, Bryan Cosgrove. Our company delivered and picked-up at no cost from the parking lot at City Hall three large drop boxes used for this event held Saturday, November 17th from 9:00 AM to 2:00 PM.

Mr. Cosgrove's purpose in staging this event was removal of leaves before the leaves caused problems for storm drain facilities and street sweeping operations. Leaves –

- Clog grates and pipes resulting in water back-up or worse, flooding;
- Accumulate in drainage facilities resulting in reduced water flow;
- Use-up oxygen in creeks and rivers affecting the viability of aquatic life; and
- Cause safety problems for motorists using city streets.

Floyd Peoples, Wilsonville's Public Works Operations Manager, and city staff coordinated this event and were on hand to assist community members with disposal of leaves. City staff worked under less than ideal circumstances – a wet and blustery day.

We are pleased to report this event resulted in removal of **6.8 TONS** of leaves. The leaves, however, were not disposed in a landfill. Instead, we transported the leaves to Allied Waste's transfer station on Ridder Road in Wilsonville and reloaded the leaves into one trailer for delivery to Allied Waste's local compost production facility, Pacific Region Compost (PRC). The leaves will be mixed with yard waste and food waste for production of nutrient-rich compost for a "closed loop composting" process.

A true "closed loop" system is a local system. As individuals we are encouraged to "buy local" produce and goods to help sustain a more vibrant local economy. Turning our waste stream into a resource – all at the local level – is the environmental equivalent of "buy local" and supports green jobs and a greener economy. PRC is the official compost supplier to the Oregon Garden and has supplied compost to several major projects, such as Salem Hospital and the newly constructed park in the City of Portland – Fields Park. We would like to supply the City with compost for use as a soil amendment for parks and other projects.

Compost typically has been used in agriculture. We now see a trend where compost is used to enhance urban areas. We believe this trend is partly a result of our community's increased focus on sustainability.

Allied Waste is the only company in Oregon with a large compost facility operating in a sparsely populated farming area whose process is completely local, start to finish. PRC is a major source of more than 200 family-wage jobs in the Portland metro area and 12 new "green" jobs at PRC.

Very truly,

A handwritten signature in black ink, appearing to read 'Carol Dion'.

Carol Dion, General Manager
Allied Waste Services of Wilsonville

*Rec'd 12/3/12
Act.*

City of



WILSONVILLE
in OREGON

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 03, 2012	Subject: Quarterly Report by Owner's Representative for Waste Water Treatment Plant Design-Build-Operate Improvements Project Staff Member: Eric Mende, Deputy City Engineer Department: Engineering
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 checked="" type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: n/a.

Staff Recommendation: n/a <i>THERE IS NO RECOMMENDATION, THIS IS AN INFORMATION ITEM.</i>
Recommended Language for Motion: n/a

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"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

SAIC, LLC (formerly R. W. Beck, Inc.) and Brown and Caldwell are currently providing Owner's Representative services to the City on the Design-Build-Operate (DBO) contract for the Wastewater Treatment Plant (WWTP) Improvements. One of the tasks under the Owner's Representative Agreement with SAIC is a Quarterly Report to City Council pertaining to the performance of the DBO Company – CH2M HILL. Tonight is the fourth of these quarterly reports.

Representatives from SAIC and Brown and Caldwell will provide a briefing to City Council for September, October, and November 2012, and answer any questions that arise.

EXECUTIVE SUMMARY:

SCHEDULE

CH2M HILL is generally on schedule for the contractually required March 2014 Acceptance Date. The Owner's Representative will continue to conduct detailed monthly reviews of the updated Design-Build Work schedule compared to the baseline schedule in order to alert the City to any schedule issues that may affect CH2M HILL's ability to meet the Acceptance Date.

BUDGET

As of November 16, 2012, CH2M HILL has been paid \$14,632,972.71, representing 40.8% of the current \$35,871,460.98 Design-Build contract value. A summary of the current and original Design Build price is shown below:

**Table 1
Summary of Design-Build Price**

Original Design-Build Price	\$35,707,414.00
Change Order Amount (total to date)	\$164,046.98 (0.46%)
Current Design-Build Price	\$35,871,460.98

CONTRACT ADMINISTRATION MEMORANDA (CAM), CHANGE ORDERS (CO), AND DBO AGREEMENT AMENDMENTS (DAA)

No Change Orders were executed during this quarter.

Three Contract Administration Memoranda (CAMs) were executed this quarter, two of which provided City approval of subcontractors who will provide Contract Services to CH2M HILL valued in excess of \$50,000. The third CAM provided temporary easements for CH2M HILL to access the project site from SW Fir Avenue and from SW Magnolia Avenue for specific construction activities.

There are two pending CAMs at the time this report was written. One CAM addresses CH2M HILL's plan to transport sludge during construction to the Salem Water Pollution Control Facility for processing to Class B standards. This plan will reduce onsite odors and provide additional space onsite for construction activities. There will be no cost to the City for this change. The second CAM allows CH2M HILL to delay installation of three WWTP effluent cooling towers while the Oregon Department of Environmental Quality (DEQ) resolves a current lawsuit and reconsiders the temperature limit for the Wilsonville WWTP. CH2M HILL maintains responsibility for meet the current temperature limit at no additional cost to the City.

DESIGN

CH2M HILL continues to refine the design through the process of procuring major equipment and systems.

PERMITTING

Six permits were issued by the City during the quarter. These included building, mechanical, and plumbing permits for the Dewatering and Drying Building, a plan revision to the Public Works permit, and a plumbing permit as well as a building permit revision for the Headworks. The Secondary Clarifier building permit was submitted this quarter.

CONSTRUCTION PROGRESS

Construction activities this quarter have included:

- Installation of the influent sewer and manholes
- Installation of electrical and mechanical equipment
- Demolition of the north Primary Clarifier/Digester
- Leak testing and startup of Aeration Basin #3
- Excavation and installation of concrete foundation slabs and walls for Headworks and Dewatering and Drying Buildings
- Grading
- Yard piping changes
- Electrical feed modifications
- Erosion and sediment control measures
- Completed stabilization basin structure slab and walls
- Procured major equipment, smaller subcontractors, and yard piping
- Responded to Requests for Information and processed submittals.

CH2M HILL, the City and the Owner's Representative continue to meet at the Monthly Construction Meetings to discuss CH2M HILL's progress and any outstanding issues. Weekly Construction Check-in Meetings with the City and CH2M HILL and the Owner's Representative are held as needed. The Owner's Representative maintains a full time on-site inspector and an independent testing service to monitor and track construction progress and compliance with the contract requirements. In general, CH2M HILL and their subcontractors are doing an excellent job.

ODOR ISSUE

Odors have been noticed on multiple occasions by Company staff, City staff, the Owner's Representative and the public during the months of September through November. CH2M HILL gave a brief report and answered questions at the City Council work session on September 17, 2012. City Council requested that CH2M HILL prepare a letter to the local residents explaining what is happening on the site related to odor causes and odor control and

what actions are being taken to mitigate the odor problems. This letter was distributed in early October.

CH2M HILL has stated that they will store additional odor scrubber media on site so that it can be readily replaced when the media in the temporary odor control system becomes ineffective. The media was replaced on September 26, and November 1, 2012. Typically the media is expected to remain effective for six to eight weeks. CH2M HILL plans to increase the frequency of the testing on the carbon to better predict when it will become ineffective.

Media replacement was successful in mitigating some of the odor problems, but other construction activities appear to have caused additional odors, such as demolition of the north digester. Per the DBO Agreement, CH2M HILL is obligated to provide notice to the neighborhood residents that these activities are taking place, which was not done in September. CH2M HILL stated that they will provide notice for future activities that may cause additional odors.

The Owner's Representative requested an updated Odor Control Plan section of CH2M HILL's Construction Plan in August, which was received in early October. CH2M HILL held a meeting in early November with their process experts to discuss construction sequencing and process changes to minimize odor breakthroughs. CH2M HILL has stated they will provide an updated Odor Control Plan following this meeting with the process experts. This meeting also follows several site visits by CH2M HILL's odor control expert; his observations and conclusions will be discussed with the process experts. In addition, as a result of CH2M HILL's odor control expert's visits to the site, CH2M HILL started addition of ferric chloride to the digester for odor control.

CH2M HILL has proposed a plan for processing sludge offsite (to meet Class "B" standards) in order to help reduce odors during construction. This plan may also allow certain construction activities to occur earlier than currently planned. The plan includes CH2M HILL transporting sludge to the Salem Water Pollution Control Facility. This requires an Intergovernmental Agreement (IGA) between the City of Wilsonville and the City of Salem. Assuming a timely approval of the IGA, it is anticipated that CH2M HILL will begin transporting sludge to Salem by December 5, 2012.

OPERATIONS

The City received a warning letter from DEQ on September 20, 2012 as a result of reported violations in August that resulted from construction-related issues and from operator error. No penalties were assessed or enforcement actions taken.

On October 2, 2012, construction activities by CH2M HILL's subcontractors caused an accidental disruption to the power supply to the UV system. As a result, the UV system was not operational for a few hours and CH2M HILL reports that they continued to have issues for a couple of days after the UV system was brought back online. During this time, the WWTP effluent exceeded the Effluent Guarantee Requirement for E coli bacteria (which is the same as the NPDES permit limit). CH2M HILL alerted DEQ immediately and submitted

a letter to DEQ on October 23, 2012, to document the exceedance. CH2M HILL is responsible for paying any fines that DEQ may impose as a result of this violation.

OTHER CURRENT ISSUES

The City is currently working with Department of Environmental Quality (DEQ) to develop a Mutual Agreement and Order (MAO) to temporarily modify the temperature Total Maximum Daily Load (TMDL) and give the City an opportunity to evaluate alternative means of achieving TMDL compliance.

ANTICIPATED ACTIVITIES FOR NEXT QUARTER

- HSSE Safety Training for anyone who plans to be on the WWTP site during construction
- Additional permitting activities
- Development of draft Acceptance Test Plan and Hydraulic Test Plan
- Development of additional COs and CAMs that arise
- Further refinements to CH2M HILL's construction schedule and sequencing including incorporation of changes resulting from the proposal to haul sludge to Salem (if approved by both City Councils)
- Updates to CH2M HILL's Construction Plan, including Odor Control Plan update
- Procure long lead time equipment and electrical gear and process submittals for equipment
- Negotiate and execute subcontracts
- Completion of structural demolition, new yard piping, and slope stabilization
- Concrete placements, equipment installation, electrical work and yard piping installation
- Completion of major earthwork by excavation for Secondary Clarifier #3
- Erosion control and slope stabilization maintenance
- Monthly Construction Meetings.

ONGOING PROJECT SUCCESS

- Design completed on schedule and budget
- Construction is on schedule
- Minimal change orders through design
- Strong partnering relationships among team members
- No lost time accidents or injuries

EXPECTED RESULTS:

N/A

TIMELINE:

The next quarterly report will be scheduled in March 2013.

CURRENT YEAR BUDGET IMPACTS:

N/A

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT:

Reviewed by: _____ Date: _____

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY

N/A

ALTERNATIVES:

N/A

CITY MANAGER COMMENT:

ATTACHMENTS

none

RESOLUTION NO. 2384

A RESOLUTION ADOPTING THE CANVASS OF VOTES OF THE NOVEMBER 6, 2012 GENERAL ELECTION.

WHEREAS, at the General Election held November 6, 2012, the electorate of the City of Wilsonville cast ballots for the office of Mayor and for two City Councilor positions; and

WHEREAS, the terms of Mayor and the City Council positions are four-year terms, and

WHEREAS, the General Election of the registered voters of Clackamas County was conducted by mail; and

WHEREAS, the County Clerk of Clackamas County, who by statute, is in charge of conducting all elections, has filed an abstract of the tally of votes cast at the election, which tally for Clackamas County was duly received by the City Recorder on November 27, 2012; and from Washington County was duly received by the City Recorder on November 27, 2012, copies of which are attached hereto and incorporated by reference.

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

1. That the City Council of the City of Wilsonville does hereby adopt the votes of the November 6, 2012, General Election as follows:

FOR THE POSITION OF MAYOR

Clackamas County:	Precinct 201	Precinct 202	Precinct 203	Totals
Tim Knapp	1,134	1,574	1,061	3,769
Richard Goddard	1,140	1,527	557	3,224
Stanley Wallulis	117	137	77	331
Write In	9	25	2	36
Over Votes	-0-	-0-	-0-	-0-
Under Votes	290	552	287	1,129

WASHINGTON COUNTY

Tim Knapp	150
Richard Goddard	27
Stanley Wallulis	8
Write In	-0-
Over Votes	-0-
Under Votes	52

TOTAL VOTES CAST IN BOTH COUNTIES

Tim Knapp	3,919
Richard Goddard	3,251
Stanley Wallulis	339
Write In	36
Over Votes	-0-
Under Votes	1,181

FOR THE POSITION OF CITY COUNCILOR

Clackamas County:	Precinct 201	Precinct 202	Precinct 203	Totals
Eric Postma	1,026	1,427	469	2,922
Monica Keenan	880	1,127	317	2,324
Julie Fitzgerald	991	1,284	974	3,249
Susie Stevens	899	1,098	1,238	3,235
Write In	22	24	3	49
Over Votes	2	-0-	-0-	2
Under Votes	1,558	2,670	967	5,195

Washington County:	
Eric Postma	48
Monica Keenan	35
Julie Fitzgerald	104
Susie Stevens	77
Write In	2
Over Votes	-0-
Under Votes	208

TOTAL VOTES CAST IN BOTH COUNTIES

Eric Postma	2,970
Monica Keenan	2,359
Julie Fitzgerald	3,353
Susie Stevens	3,312
Write In	41
Over Votes	2
Under Votes	5,403

1. Based upon the adopted canvass of votes, the City Council affirms that Tim Knapp has been elected to the office of Mayor for a four-year term beginning January 1, 2013, and Julie Fitzgerald and Susie Stevens and have each been elected to the position of City Councilor for a four-year term beginning January 1, 2013.

2. The City Recorder shall file the Certificates of Election in accordance with the above.

3. This resolution shall be effective upon its adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting this 3rd 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

Attachments:

Certificate of Election

Abstract of Vote – Clackamas and Washington counties

City of Wilsonville
Certificate of the November 6, 2012
General Election Results

State of Oregon)
)
Counties of Clackamas)
And Washington)
)
City of Wilsonville)

I Sandra C. King, MMC, do hereby certify that I am the City Recorder and the Election Official for the City of Wilsonville, Clackamas and Washington counties, Oregon, and I state:

1. A regular election was held November 6, 2012 for the electorate of the City of Wilsonville to cast ballots for the office of Mayor and for two City Councilor positions.
2. The November 6, 2012 General Election was conducted by mail by the Clackamas County Elections Division.
3. The County Clerk of Clackamas County, who by statute, is in charge of conducting all elections, has tallied the votes cast for this election and delivered to the City a final copy of the Abstract of Votes, a copy of which is attached as Exhibit A, and incorporated herein.

I hereby certify the results of the November 6, 2012 General Election voted upon by the qualified voters of the City of Wilsonville as follows:

- a. That **Tim Knapp** was elected to the office of Mayor for a four-year term commencing January 1, 2013.
- b. That **Julie Fitzgerald** was elected to the office of City Councilor, for a four-year term commencing January 1, 2013.
- c. That **Susie Stevens** was elected to the office of City Councilor, for a four-year term commencing January 1, 2013.

Dated this 27th day of November, 2012.

Sandra C. King, MMC, City Recorder



**CLACKAMAS
COUNTY**

Office of County Clerk

SHERRY HALL
CLERK

2051 KAEN ROAD, 2ND FLOOR
OREGON CITY, OR 97045
503.650.5686
FAX 503.650.5687

VIA USPS

City of Wilsonville
Attn: Sandra C. King, City Recorder
29799 SW Town Center Loop E
Wilsonville, OR 97071

Dear Ms. King:

Attached please find the elections abstract for the November, 2012 General Election – this includes the abstract for that part of Wilsonville which is in Washington County.

Dated: November 27, 2012

SHERRY HALL
COUNTY CLERK

By: Steve Kindred

Steve Kindred
Elections Manager

*Rec'd
11/27/12
SK*

Board Of Property Tax Appeals
2051 Kaen Road, 2ND Floor
Oregon City, OR 97045
503.655.8662
FAX 503.650.5687

Elections Division
1710 Red Soils Court, Suite 100
Oregon City, OR 97045
503.655.8510
FAX 503.655.8461

Recording Division
2051 Kaen Road, 2ND Floor
Oregon City, OR 97045
503.655.8551
FAX 503.650.5688

Records Management Division
270 Beaver Creek Road, Suite 200
Oregon City, OR 97045
503.655.8323
FAX 503.655.8195

**Canvass Report — Total Voters — Official
Clackamas County, Oregon — General Election — November 06, 2012**

Total Number of Voters: 191,126 of 229,236 = 83.38%

Precincts Reporting 118 of 118 = 100.00%

City of Wilsonville, Mayor

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Registered Voters	Percent Turnout	Stanley Wallulis	Tim Knapp	Richard Goddard	Write-ins	Totals
201	0	0	290	2,690	3,176	84.70%	117	1,134	1,140	9	2,400
202	1	0	552	3,815	4,534	84.14%	137	1,574	1,527	25	3,263
203	0	0	287	1,984	2,131	93.10%	77	1,061	557	2	1,697
Totals:	1	0	1,129	8,489	9,841		331	3,769	3,224	36	7,360

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK

BY:

Sherry Hall

Canvass Report — Total Voters — Official
Clackamas County, Oregon — General Election — November 06, 2012

Total Number of Voters: 191,126 of 229,236 = 83.38%

Precincts Reporting 118 of 118 = 100.00%

City of Wilsonville, Councilor

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Registered Voters	Percent Turnout	Susie Stevens	Monica Keenan	Eric Postma	Julie Fitzgerald	Write-Ins	Totals
201	0	2	1,558	2,690	3,176	84.70%	899	880	1,026	991	22	3,818
202	1	0	2,670	3,815	4,534	84.14%	1,098	1,127	1,427	1,284	24	4,960
203	0	0	967	1,984	2,131	93.10%	1,238	317	469	974	3	3,001
Totals:	1	2	5,195	8,489	9,841		3,235	2,324	2,922	3,249	49	11,779

CERTIFIED COPY OF THE ORIGINAL
 SHERRY HALL, COUNTY CLERK

BY Sherry Hall

NUMBERED KEY CANVASS

Washington County, Oregon
General Election
November 6, 2012

Official Final

RUN DATE:11/26/12 12:58 PM

REPORT-EL52 PAGE 0092

Mayor WILSONVILLE CITY

Vote for 1

01 = Stanley Wallulis
02 = Tim Knapp
03 = Richard Goddard

VOTES PERCENT

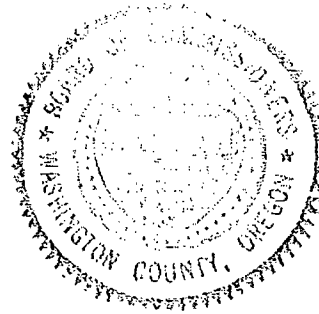
VOTES PERCENT

8 4.32 04 = WRITE-IN
150 81.08 05 = OVER VOTES
27 14.59 06 = UNDER VOTES

0
0
52

01	02	03	04	05	06
8	150	27	0	0	52

0432 432



NUMBERED KEY CANVASS

Washington County, Oregon
General Election
November 6, 2012

Official Final

RUN DATE:11/26/12 12:58 PM

REPORT-EL52 PAGE 0093

VOTES PERCENT

VOTES PERCENT

City Councilor WILSONVILLE CITY

Vote for 2

01 = Susie Stevens

02 = Monica Keenan

03 = Eric Postma

04 = Julie Fitzgerald

77 28.95

35 13.16

48 18.05

104 39.10

05 = WRITE-IN

06 = OVER VOTES

07 = UNDER VOTES

2 .75

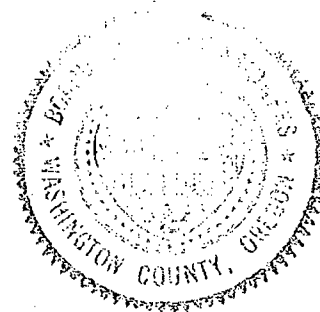
0

208

01 02 03 04 05 06 07

77 35 48 104 2 0 208

0432 432



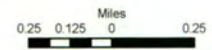
VOTER PRECINCT 201

State Senate District: 13
 State House District: 26
 U. S. Congressional District: 5

City Boundary
County Boundary
Voter Precinct

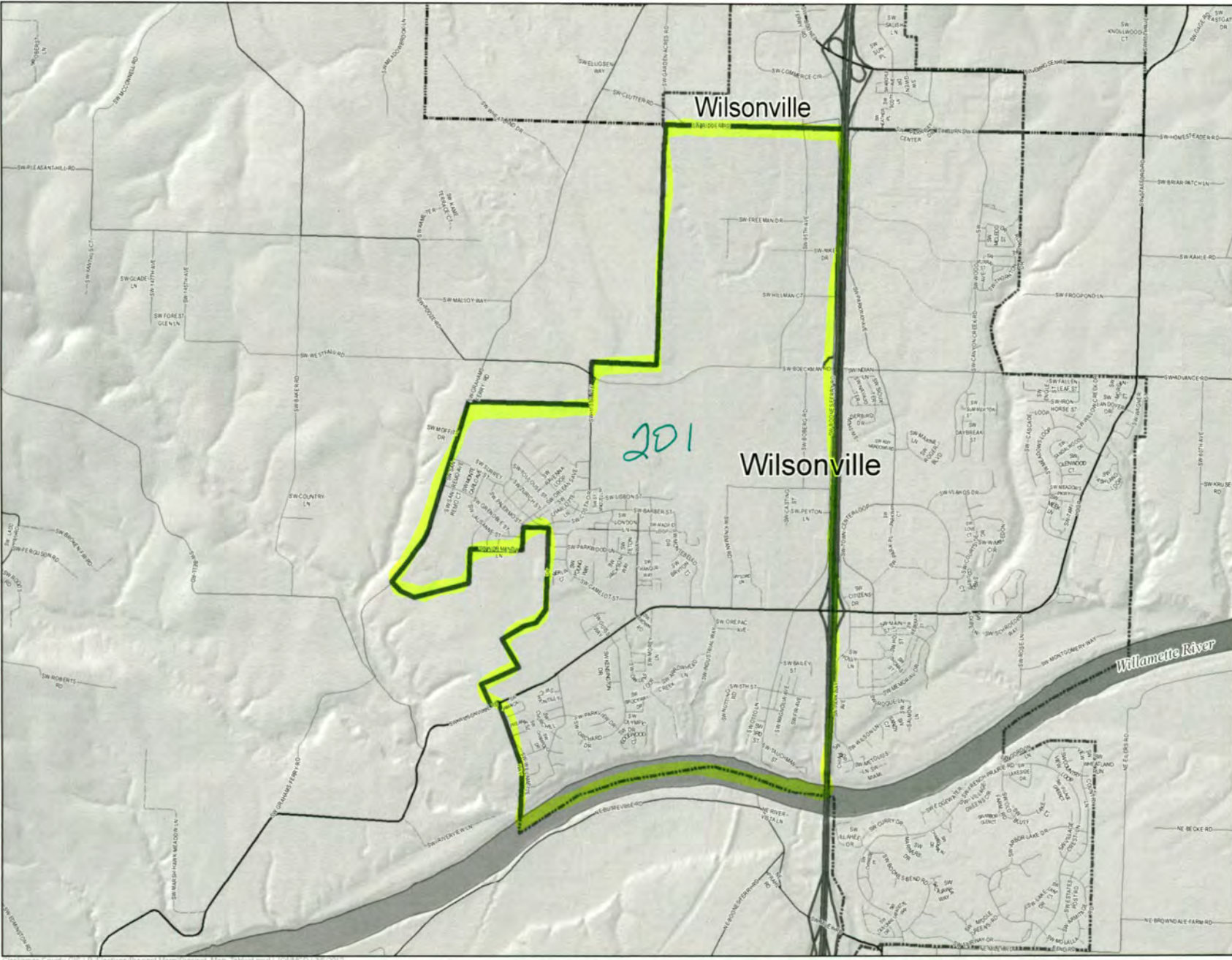
Streets

- Freeway
- Expressway / State Highway
- Major Arterial / State Highway
- Major Arterial
- Minor Arterial
- Collector
- Connector
- Local
- Private w/ Address
- Alley
- Private w/out Address
- Driveway, School Roads
- Railroad
- Unnamed park roads, school roads
- Trails, ferry crossings
- Forest Service Paved
- Forest Service Aggregate Road
- General dirt, unknown road or trail
- Freeway Ramp



CLACKAMAS COUNTY
 CLACKAMAS COUNTY
 CLACKAMAS COUNTY

The information on this map was derived from digital data provided by Clackamas County GIS. Clackamas County is not responsible for any errors, omissions, or inaccuracies in the information shown on this map. Clackamas County is not responsible for any errors, omissions, or inaccuracies in the information shown on this map. Clackamas County is not responsible for any errors, omissions, or inaccuracies in the information shown on this map.



VOTER PRECINCT 202

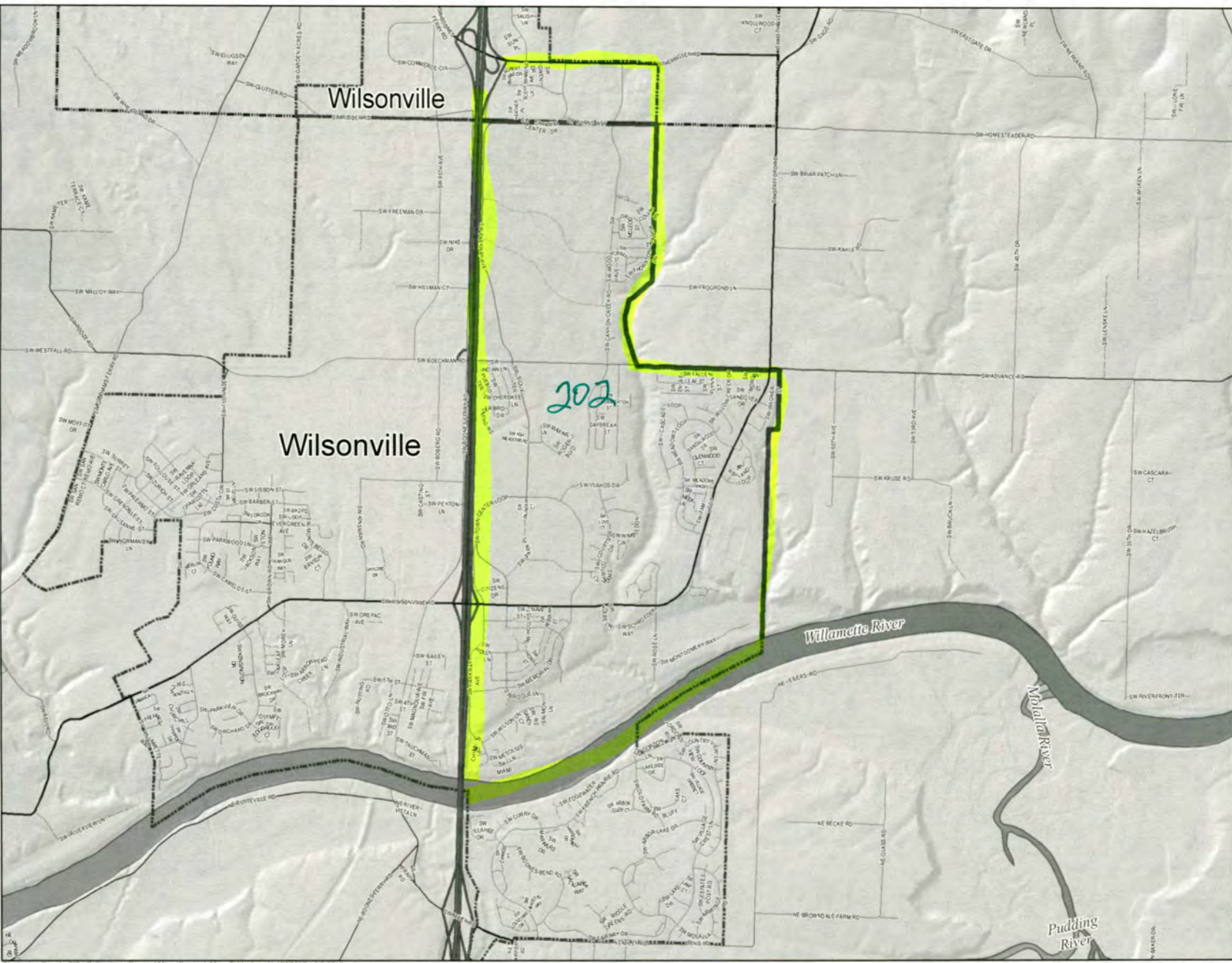
State Senate District: 13
 State House District: 26
 U. S. Congressional District: 5

- City Boundary
- County Boundary
- Voter Precinct
- Streets**
- Freeway
- Expressway / State Highway
- Major Arterial / State Highway
- Major Arterial
- Minor Arterial
- Collector
- Connector
- Local
- Private w/ Address
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- General dirt, unknown road or trail
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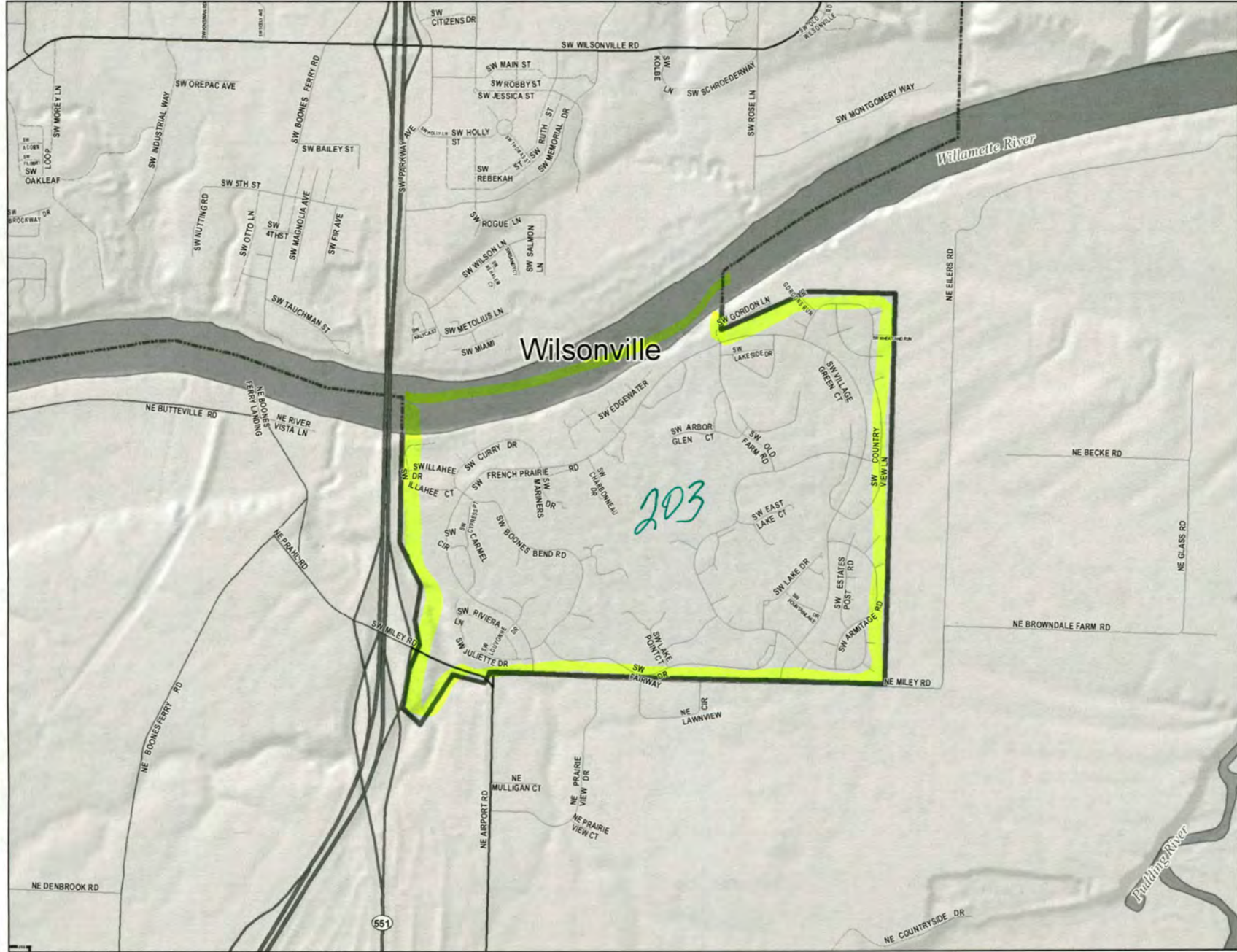
CLACKAMAS COUNTY
 GEOGRAPHIC INFORMATION SYSTEMS
 3111 SW 5TH COURT
 CLACKAMAS, OR 97015

This information is to be used only for the purposes for which it was provided. Clackamas County is not responsible for any errors, omissions, or other inaccuracies in this information. Clackamas County is not responsible for any damages or losses resulting from the use of this information. Clackamas County is not responsible for any damages or losses resulting from the use of this information. Clackamas County is not responsible for any damages or losses resulting from the use of this information.

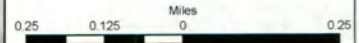


VOTER PRECINCT 203

State Senate District: 20
 State House District: 39
 U. S. Congressional District: 5



- City Boundary**
 County Boundary
 Voter Precinct
- Streets**
- Freeway
 - Expressway / State Highway
 - Major Arterial / State Highway
 - Major Arterial
 - Minor Arterial
 - Collector
 - Connector
 - Local
 - Private w/ Address
 - Alley
 - Private w/out Address
 - Driveway, School Roads
 - Railroad
 - Unnamed park roads, school roads
 - Trails, ferry crossings
 - Forest Service Paved
 - Forest Service Aggregate Road
 - General dirt, unknown road or trail
 - Freeway Ramp



CLACKAMAS COUNTY
 GEOGRAPHIC INFORMATION SYSTEMS

DATE: 05/11/2011 10:51:11 AM
 USER: GISADMIN
 PROJECT: GISADMIN

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**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: December 3, 2012</p>	<p>Subject: Resolution No. 2386 Acquisition of Permanent Waterline Easements - Project 1055 – Kinsman Transmission Main Phase 3b (Barber to Boeckman) Staff Member: Kristin Retherford Department: Community Development</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 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</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>

Staff Recommendation: Staff recommends Council adopt the accompanying resolution to authorize the acquisition of permanent waterline easements and temporary construction easements for the construction of Segment 3B of the Kinsman Transmission Main (Barber to Boeckman).

Recommended Language for Motion:
I move to approve Resolution No. 2386.

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

<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Water Master Plan and IGA with the City of Sherwood	<input type="checkbox"/> Not Applicable
---	--	---

ISSUE BEFORE COUNCIL:

Staff is seeking Council authorization to acquire the permanent waterline and temporary construction easements identified in the exhibits attached to this report (15 separate easements). These easements are necessary to construct Phase 3b of the 48" diameter Kinsman Transmission Main from Barber to Boeckman. The water transmission line will provide water to the Wilsonville distribution system and to the City of Sherwood per the terms of the Intergovernmental Agreement between the cities of Sherwood and Wilsonville. This project is approved in the City's 2012/13 annual budget as Project 1055.

EXECUTIVE SUMMARY:

In order to begin construction of these improvements the summer of 2013, staff needs to begin easement acquisition this winter. These improvements have been identified in the City's Water Master Plan and the City's 2012/13 Approved Budget. They are also specified in the Intergovernmental Agreement between the cities of Sherwood and Wilsonville. These easements will cross four property ownership interests, one of which is a City-owned property (i.e. SMART Central). The remaining properties are owned by Inland Pacific Properties, Old Castle Precast, and Charles Breuer.

City staff has been in contact with these property owners over the last several years during the process of alignment selection and preliminary engineering. Upon adoption of this resolution, staff will notify the property owners that we are prepared to begin the acquisition process and will hire an appraiser to determine fair market value and just compensation for the acquisitions.

To meet the project schedule, these acquisitions need to be separate from and occur prior to right of way acquisitions for the Kinsman Road Extension from Barber to Boeckman. Because the Kinsman Road Extension project is receiving federal funding, right of way cannot be acquired until an Authorization to Proceed is issued from the Federal Highway Administration via the Oregon Department of Transportation. This Authorization to Proceed will not be given until after environmental permitting has been completed for the road project, which is on a different and slower timeline than the waterline project. Acquisitions for the road project are expected to occur no earlier than mid-2014, whereas construction of the waterline will occur in 2013.

Should staff not be able to negotiate acquisitions in the timeframe necessary to move forward with construction of this waterline extension, staff will return to council to receive authorization to proceed with condemnation efforts in order to meet the project schedule.

Sherwood is sharing in the acquisition costs, including appraised costs.

EXPECTED RESULTS:

City staff expects to have appraisals completed in mid-January and have offers extended to affected property owners by February first. Staff expects to have acquisitions completed by April 15, or to return to Council by the second Council meeting in April with a request to authorize the use of condemnation.

TIMELINE:

Appraisal activities and outreach to property owners will begin in December, 2012. Offers will be made in late January after appraisals have been completed. Acquisitions are expected to be finalized by April of 2013 unless condemnation becomes necessary.

CURRENT YEAR BUDGET IMPACTS:

The 2012/13 annual budget provides budget approval for this project.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: JEO Date: 11-20-12

The acquisition of permanent waterline easements and temporary construction easements for the construction of Segment 3b of the Kinsman Transmission Main (Barber to Boeckman) are appropriated in the current budget.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 11/26/12

Approves as to form.

COMMUNITY INVOLVEMENT PROCESS: A significant community involvement process occurred during the Preliminary Engineering process for the consolidated "Barber-Kinsman" project in 2010 and 2011 (which selected the waterline alignment), but no specific community involvement process has occurred for just this project.

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

Construction of Segment 3B facilitates increased sale of water to the City of Sherwood, thereby increasing water revenues.

ALTERNATIVES: The Alternative is to forego water line easement acquisition (and delay construction of the water line) until Right of Way acquisition for the Kinsman Road project is completed. However, there is no budget at the current time for Kinsman Road ROW acquisition or construction.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. 15 separate legal descriptions (exhibits "A"), and easement maps (exhibits "B")

RESOLUTION NO. 2386

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY INTERESTS RELATED TO THE CONSTRUCTION OF THE KINSMAN TRANSMISSION MAIN SEGMENT 3B FROM BARBER STREET TO BOECKMAN ROAD

WHEREAS, the City of Wilsonville has entered into an Intergovernmental Agreement with the City of Sherwood dated January 23, 2012 regarding Segment 3B of the Kinsman Transmission Main from Barber Street to Boeckman Road in order to sell water to the City of Sherwood; and

WHEREAS, Segment 3B of the Kinsman Transmission Main will connect to the Wilsonville water distribution system and improve long term delivery of water to Wilsonville residents; and

WHEREAS, this project is identified in the City's Water Master Plan; and

WHEREAS, this project is identified as Project 1055 in the City's adopted 2012/13 Budget; and

WHEREAS, construction of this project is scheduled to begin the summer of 2013 and property interests in the form of permanent waterline easements and temporary construction easements need to be acquired prior to the onset of construction; and

WHEREAS, legal descriptions of the needed property interests are attached hereto as Exhibits 1 through 15; and

WHEREAS, the City acquires real property in accordance with guidelines set forth in its Urban Renewal Agency's adopted "*Appraisal and Acquisition Policies*"; and

WHEREAS, in comparing the cost amount for the aforementioned construction and the property interest along with the existing use of the subject property, the alternative presented herein reflects the least amount of property interest to ensure safe, efficient and adequate public improvements; and

WHEREAS, title to the acquired public property shall vest directly in the name of the City of Wilsonville to provide for necessary care, maintenance and public safety authority.

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

1. There is needed and required for the public purpose of providing needed public improvements the acquisition of real property interest as described on the attached Exhibits 1 through 15, incorporated herein by this reference.
2. The property interest is acquired as a result of the aforementioned public improvements, and the improvements have been planned and located in a manner most compatible with the greatest public good and the least private injury.
3. City staff and attorneys are authorized and directed to negotiate with the owners of the real property herein described as to the compensation to be paid for the acquisition of the property and, in the event agreement cannot be reached, return to City Council to recommend the acquisition for condemnation and then, upon authorization from City Council, to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the real property or property interest.
4. Upon trial of and action of condemnation, the attorneys for the City are authorized to make such stipulation, agreement or admission as in their judgment may be in the best interests of the City.
5. City staff anticipates it will acquire the above-described property in the spring of 2013, acquisition costs to be shared between the cities of Wilsonville and Sherwood.
6. Title to the acquired right of way shall vest directly in the name of the City of Wilsonville.
7. This resolution is effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 3rd day of December, 2012, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

SUMMARY OF VOTES:

Mayor Knapp

Council President Núñez

Councilor Starr

Councilor Fitzgerald

Councilor Goddard

Exhibits 1 through 15 Legal Descriptions

EXHIBIT "A"

LEGAL DESCRIPTION
PERMANENT WATER LINE EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

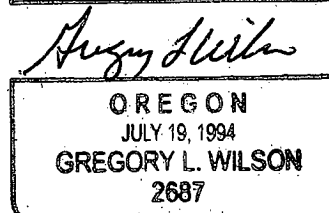
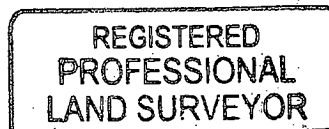
A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of Parcel 1, Partition Plat 2008-33, as platted and recorded in the Clackamas County Book of Partition Plats and recorded in Document No. 2008-17996, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the northwest corner of said Parcel 1, Partition Plat 2008-33; thence South 88°34'07" East 242.14 feet along the north line of said Parcel 1 to the TRUE POINT OF BEGINNING of this description; and running thence:
South 88°34'07" East 20.29 feet along said north line;
thence Southeasterly along the arc of a 910.00-foot radius curve to the right (whose radius point bears South 81°50'15" West and the long chord of which bears South 6°12'33" East 62.04 feet) 62.05 feet to a point on the east line of said Parcel 1;
thence South 1°26'40" West 176.54 feet along said east line of Parcel 1 to an angle point thereof;
thence South 88°33'27" East 4.50 feet along the north line of said Parcel 1;
thence South 1°26'40" West 308.76 feet to a point of curvature;
thence Southeasterly along the arc of a 786.00-foot radius curve to the left (the long chord of which bears South 4°21'26" East 158.91 feet) 159.18 feet;
thence on a non-tangent line South 3°47'54" East 155.91 feet to a point on the north line of a public right of way;
thence South 81°29'18" West 20.07 feet along said north line;
thence North 3°47'54" West 156.46 feet to the beginning of a non-tangent curve;
thence Northwesterly along the arc of a 806.00-foot radius curve to the right (whose radius point bears North 79°55'13" East and the long chord of which bears North 4°19'03" West 161.84 feet) 162.11 feet to a point of tangency;
thence North 1°26'40" East 394.91 feet to a point of curvature;
thence Northwesterly along the arc of a 890.00-foot radius curve to the left (the long chord of which bears North 3°28'08" West 152.46 feet) 152.64 feet to the TRUE POINT OF BEGINNING.

Containing 16629 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
City of Wilsonville
Map 3S 1W 14B Tax Lot 700



EXPIRES: 6-30-14

EXHIBIT "B"

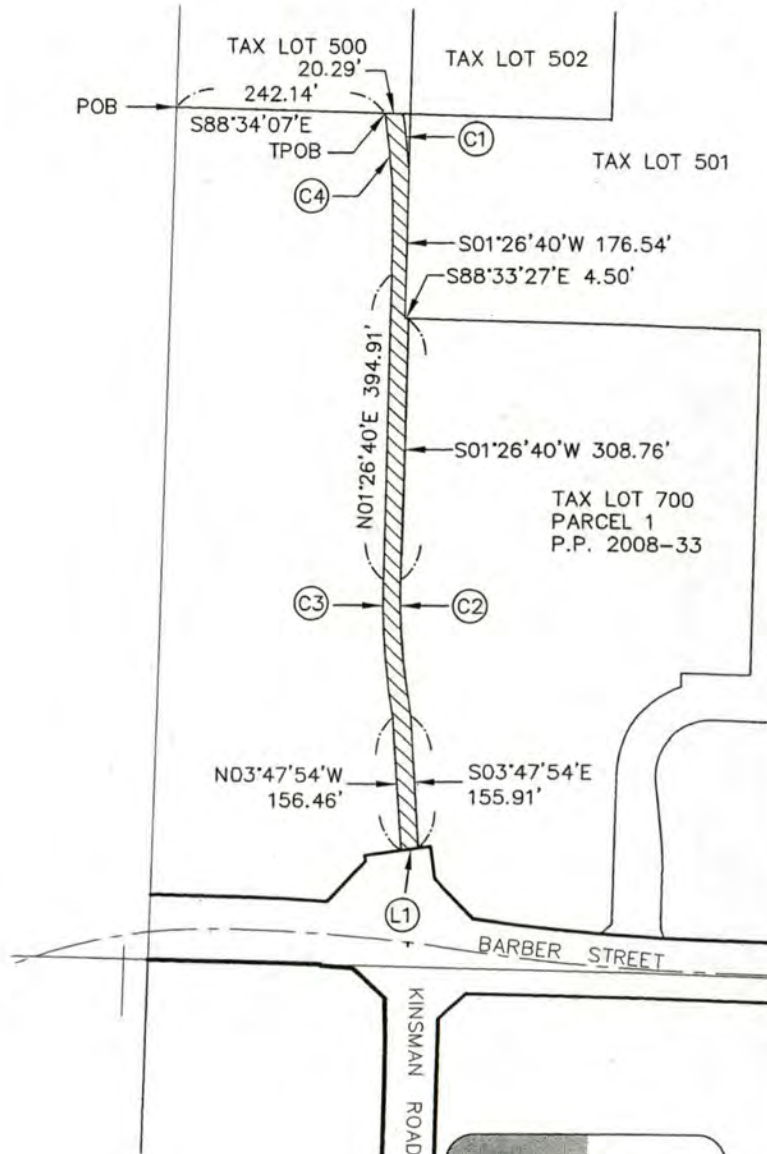
PERMANENT WATERLINE EASEMENT

LOCATED WITHIN THE NW 1/4 OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



10/29/2012

- (C1) LONG CHORD S06°12'33"E - 62.04'
910.00' RADIUS/62.05' ARC LENGTH
- (C2) LONG CHORD S04°21'26"E - 158.91'
786.00' RADIUS/159.18' ARC LENGTH
- (C3) LONG CHORD N04°19'03"W - 161.84'
806.00' RADIUS/162.11' ARC LENGTH
- (C4) LONG CHORD N03°28'08"W - 152.46'
890.00' RADIUS/152.64' ARC LENGTH
- (L1) S81°29'18"W - 20.07'



EASEMENT AREA = 16,629 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY



= PERMANENT WATERLINE EASEMENT

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014



BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM

EXHIBIT "A"

LEGAL DESCRIPTION
PERMANENT WATER LINE EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 95-44271, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 95-44271, Clackamas County Deed Records, said point recorded as being 1316.42 feet South 0°2' West and 824.75 feet South 89°49' West and 315.88 feet South 0°13' East and 500.00 feet South 89°45' West from the one-quarter corner between Sections 11 and 14, said township and range; thence South 88°33'43" East 242.15 feet along the south line of said parcel to the TRUE POINT OF BEGINNING of this description; and running thence:

Northwesterly along the arc of a 890.00-foot radius curve to the left (whose radius point bears South 81°37'11" West and the long chord of which bears North 19°10'49" West 333.54 feet) 335.52 feet to a point of reverse curvature;

thence Northwesterly along the arc of a 780.00-foot radius curve to the right (the long chord of which bears North 21°24'07" West 232.70 feet) 233.57 feet to a point on the north line of said parcel;

thence South 88°31'36" East 20.66 feet along said north line;

thence Southeasterly along the arc of a 760.00-foot radius curve to the left (whose radius point bears North 76°47'32" East and the long chord of which bears South 21°35'39" East 221.69 feet) 222.48 feet to a point of reverse curvature;

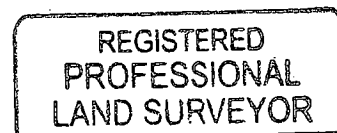
thence Southeasterly along the arc of a 910.00-foot radius curve to the right (the long chord of which bears South 19°04'17" East 344.43 feet) 346.52 feet to a point on the south line of said parcel;

thence North 88°33'43" West 20.29 feet along said south line to the TRUE POINT OF BEGINNING.

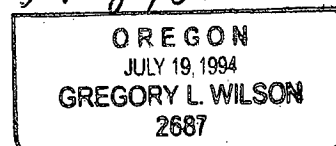
Containing 11381 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
Charles F. Breuer
Map 3S 1W 14B Tax Lot 500



Gregory L. Wilson



EXPIRES: 6-30-14

EXHIBIT "B"

PERMANENT WATERLINE EASEMENT

LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



10/29/2012

- (C1) LONG CHORD N19°10'49"W - 333.54'
890.00' RADIUS/335.52' ARC LENGTH
- (C2) LONG CHORD N21°24'07"W - 232.70'
780.00' RADIUS/233.57' ARC LENGTH
- (C3) LONG CHORD S21°35'39"E - 221.69'
760.00' RADIUS/222.48' ARC LENGTH
- (C4) LONG CHORD S19°04'17"E - 344.43'
910.00' RADIUS/346.52' ARC LENGTH

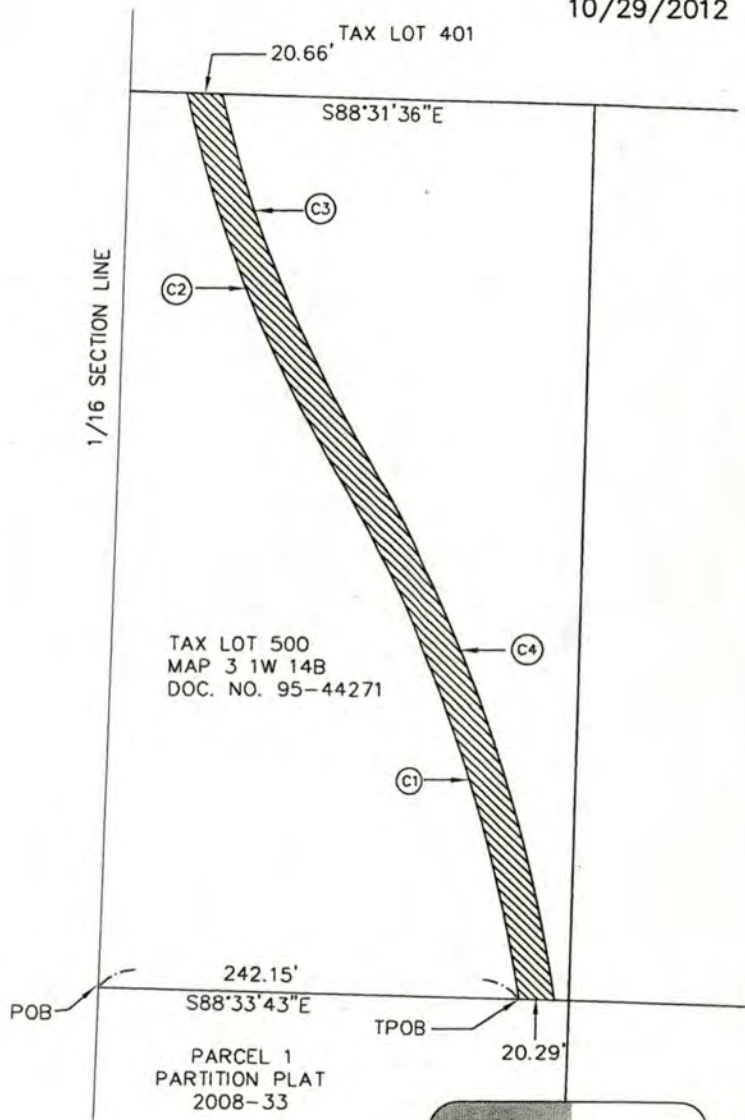
EASEMENT AREA = 11,381 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY



= PERMANENT WATERLINE EASEMENT



BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014



SCALE IN FEET

EXHIBIT "A"

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 95-44271, Clackamas County Deed Records, said parcel being described as follows:

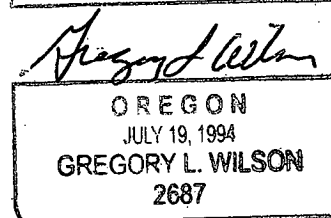
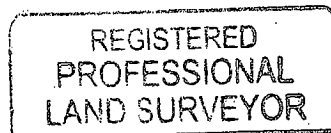
Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 95-44271, Clackamas County Deed Records, said point recorded as being 1316.42 feet South 0°2' West and 824.75 feet South 89°49' West and 315.88 feet South 0°13' East and 500.00 feet South 89°45' West from the one-quarter corner between Sections 11 and 14, said township and range; thence South 88°33'43" East 226.92 feet along the south line of said parcel to the TRUE POINT OF BEGINNING of this description; and running thence:

Northwesterly along the arc of a 875.00-foot radius curve to the left (whose radius point bears South 81°26'59" West and the long chord of which bears North 19°15'56" West 325.37 feet) 327.27 feet to a point of reverse curvature;
thence Northwesterly along the arc of a 795.00-foot radius curve to the right (the long chord of which bears North 21°15'51" West 240.95 feet) 241.88 feet to a point on the north line of said parcel;
thence South 88°31'36" East 15.47 feet along said north line;
thence Southeasterly along the arc of a 780.00-foot radius curve to the left (whose radius point bears North 77°10'36" East and the long chord of which bears South 21°24'07" East 232.70 feet) 233.57 feet to a point of reverse curvature;
thence Southeasterly along the arc of a 890.00-foot radius curve to the right (the long chord of which bears South 19°10'49" East 333.54 feet) 335.52 feet to a point on the south line of said parcel;
thence North 88°33'43" West 15.23 feet along said south line to the TRUE POINT OF BEGINNING.

Containing 8537 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
Charles F. Breuer
Map 3S 1W 14B Tax Lot 500



EXPIRES: 6-30-14

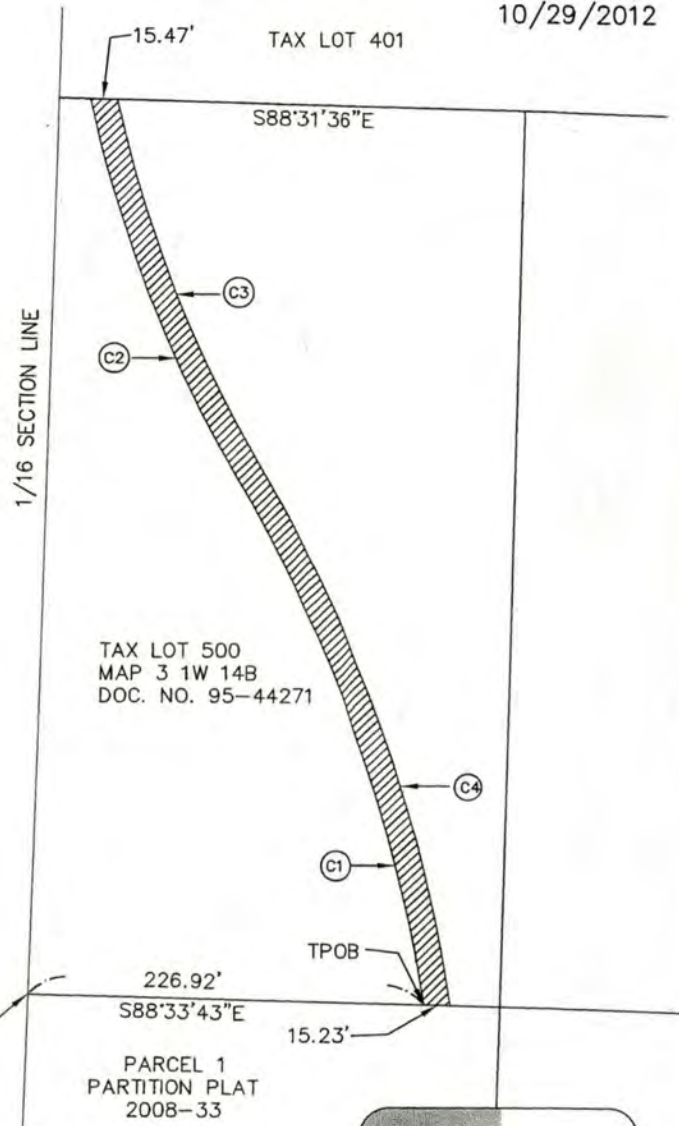
EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT
LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH, RANGE 1
WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



10/29/2012

- (C1) LONG CHORD N19°15'56"W - 325.37'
875.00' RADIUS/327.27' ARC LENGTH
- (C2) LONG CHORD N21°15'51"W - 240.95'
795.00' RADIUS/241.88' ARC LENGTH
- (C3) LONG CHORD S21°24'07"E - 232.70'
780.00' RADIUS/233.57' ARC LENGTH
- (C4) LONG CHORD S19°10'49"E - 333.54'
890.00' RADIUS/335.52' ARC LENGTH



EASEMENT AREA = 8537 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- = TEMPORARY CONSTRUCTION EASEMENT

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014



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EXHIBIT "A"

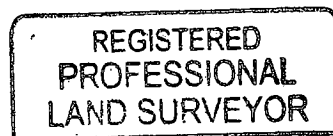
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

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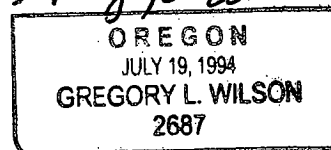
Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 95-44271, Clackamas County Deed Records, said point recorded as being 1316.42 feet South 0°2' West and 824.75 feet South 89°49' West and 315.88 feet South 0°13' East and 500.00 feet South 89°45' West from the one-quarter corner between Sections 11 and 14, said township and range; thence South 88°33'43" East 270.70 feet along the south line of said parcel to the TRUE POINT OF BEGINNING of this description; and running thence:
North 88°33'43" West 8.26 feet along said south line;
thence Northwesterly along the arc of a 910.00-foot radius curve to the left (whose radius point bears South 81°50'15" West and the long chord of which bears North 19°04'17" West 344.43 feet) 346.52 feet to a point of reverse curvature;
thence Northwesterly along the arc of a 760.00-foot radius curve to the right (the long chord of which bears North 21°35'39" West 221.69 feet) 222.48 feet to a point on the north line of said parcel;
thence South 88°31'36" East 15.52 feet along said north line;
thence Southeasterly along the arc of a 745.00-foot radius curve to the left (whose radius point bears North 76°29'23" East and the long chord of which bears South 21°44'43" East 213.42 feet) 214.16 feet to a point of reverse curvature;
thence Southeasterly along the arc of a 925.00-foot radius curve to the right (the long chord of which bears South 20°10'06" East 315.28 feet) 316.82 feet to a point on the west line of that parcel of land described in that instrument recorded in Document No. 95-44272;
thence South 1°22'06" West 37.30 feet along said west line to the TRUE POINT OF BEGINNING.
Containing 8400 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
Charles F. Breuer
Map 3S 1W 14B Tax Lot 500



Gregory L. Wilson



EXPIRES: 6-30-14

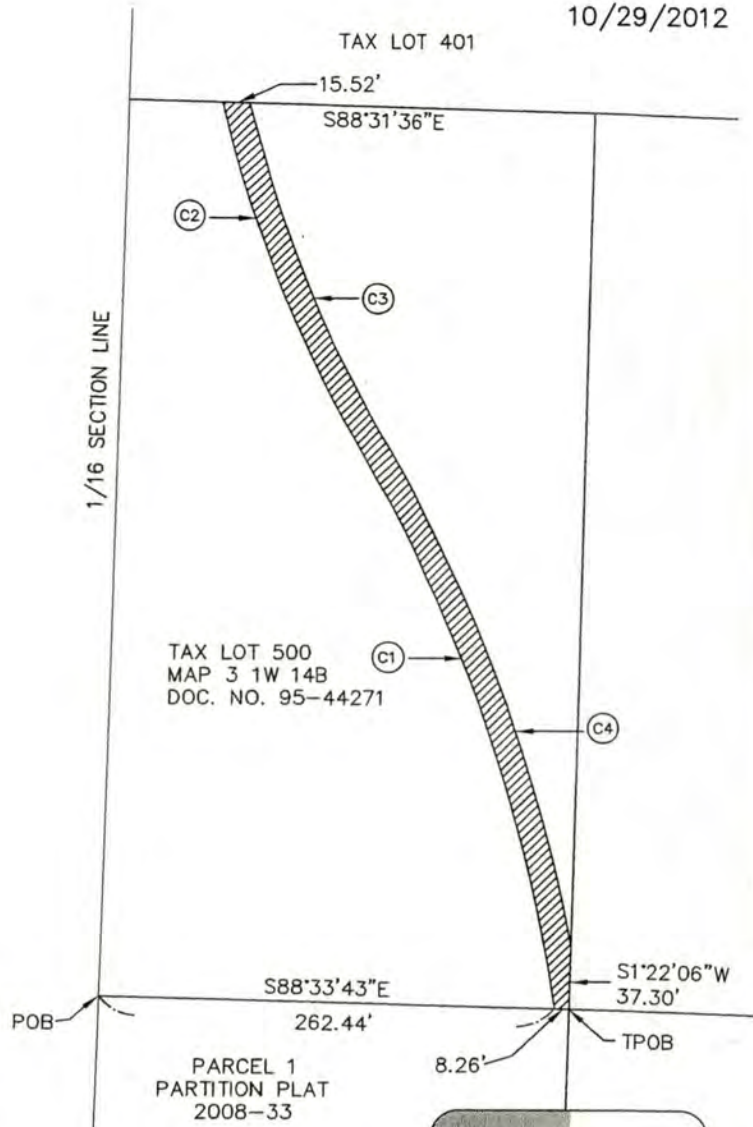
EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT
LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH, RANGE 1
WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON




10/29/2012

- (C1) LONG CHORD N19°04'17"W - 344.43'
910.00' RADIUS/346.52' ARC LENGTH
- (C2) LONG CHORD N21°35'39"W - 221.69'
760.00' RADIUS/222.48' ARC LENGTH
- (C3) LONG CHORD S21°44'43"E - 213.42'
745.00' RADIUS/214.16' ARC LENGTH
- (C4) LONG CHORD S20°10'06"E - 315.28'
925.00' RADIUS/316.82' ARC LENGTH



EASEMENT AREA = 8400 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
-  = TEMPORARY CONSTRUCTION EASEMENT



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REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014



EXHIBIT "A"

LEGAL DESCRIPTION
PERMANENT WATER LINE EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said point recorded as being 999.40 feet South 0°13' East along the North-South 1/16 line from the northwest corner of the northeast one-quarter of the northwest one-quarter of said Section 14; thence South 88°31'36" East 14.12 feet along the south line of said parcel to the TRUE POINT OF BEGINNING of this description; and running thence:

Northeasterly along the arc of a 780.00-foot radius curve to the right (whose radius point bears North 85°02'24" East and the long chord of which bears North 4°26'43" East 254.93 feet) 256.07 feet to a point of reverse curvature;

thence Northeasterly along the arc of a 841.28-foot radius curve to the left (the long chord of which bears North 1°12'52" East 368.07 feet) 371.07 feet to a point on the west line of said parcel;

thence North 1°32'07" East 82.21 feet along said west line;

thence Southeasterly along the arc of a 798.80-foot radius curve to the left (whose radius point bears North 79°05'48" East and the long chord of which bears South 12°25'14" East 42.30 feet) 42.31 feet to a point of reverse curvature;

thence Southerly along the arc of a 861.28-foot radius curve to the right (the long chord of which bears South 0°02'38" East 413.64 feet) 417.72 feet to a point of reverse curvature;

thence Southwesterly along the arc of a 760.00-foot radius curve to the left (the long chord of which bears South 4°21'37" West 250.61 feet) 251.76 feet to a point on the south line of said parcel;

thence North 88°31'36" West 20.13 feet along said south line to the TRUE POINT OF BEGINNING.

Containing 13383 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
INLAND PACIFIC PROPERTIES LLC
Map 3S 1W 14B Tax Lot 202

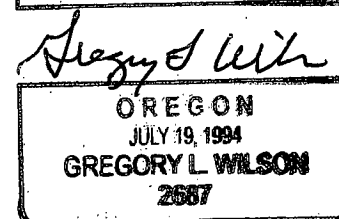
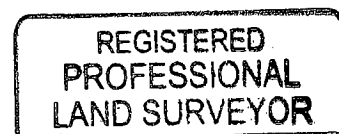


EXHIBIT "B"

PERMANENT WATERLINE EASEMENT

LOCATED WITHIN THE NW 1/4 OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 1
WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



10/29/2012

- (C1) LONG CHORD N4°26'43"E - 254.93'
780.00' RADIUS/256.07' ARC LENGTH
- (C2) LONG CHORD N1°12'52"E - 368.07'
841.28' RADIUS/371.07' ARC LENGTH
- (C3) LONG CHORD S12°25'14"E - 42.30'
798.80' RADIUS/42.31' ARC LENGTH
- (C4) LONG CHORD S0°02'38"E - 413.64'
861.28' RADIUS/417.72' ARC LENGTH
- (C5) LONG CHORD S4°21'37"W - 250.61'
760.00' RADIUS/251.76' ARC LENGTH

EASEMENT AREA = 13,383 SQ. FT.

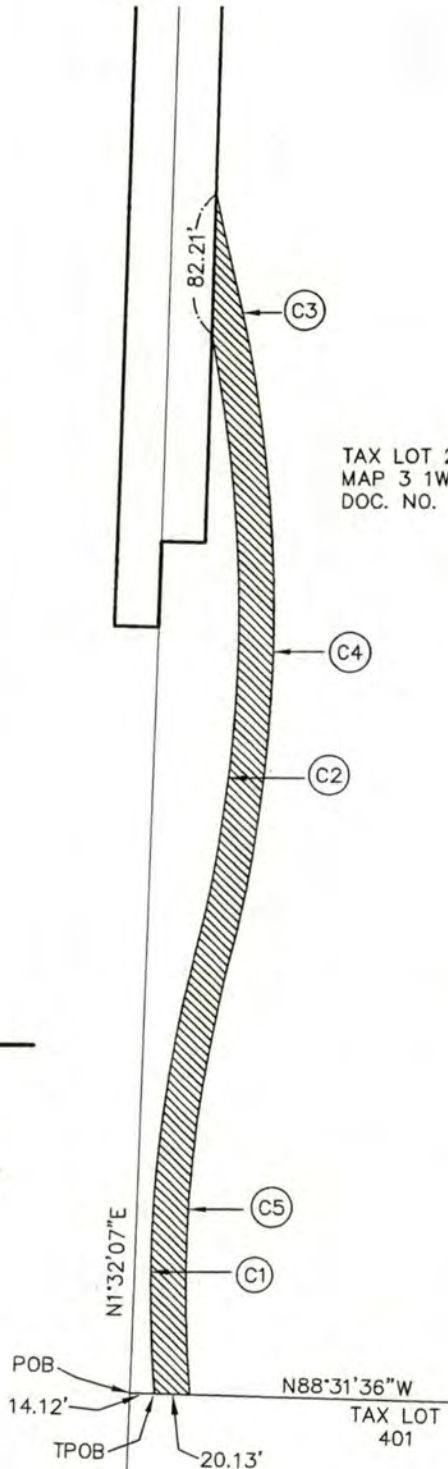
LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY



= PERMANENT WATERLINE EASEMENT

TAX LOT 202
MAP 3 1W 14B
DOC. NO. 2006-32934



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REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014



EXHIBIT "A"

LEGAL DESCRIPTION
PERMANENT WATER LINE EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the northwest corner of the northeast one-quarter of the northwest one-quarter of said Section 14; thence South $1^{\circ}32'07''$ West 120.93 feet along the North-South 1/16 line; thence South $88^{\circ}27'53''$ West 25.00 feet to a point on the west line of that parcel of land described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, and the TRUE POINT OF BEGINNING of this description; and running thence:

North $1^{\circ}32'07''$ East 45.77 feet along said west line to an angle point in the south right-of-way line of Boeckman Road;

thence North $46^{\circ}00'45''$ East 22.37 feet along said right-of-way line;

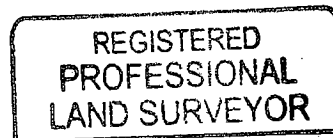
thence South $1^{\circ}32'07''$ West 61.73 feet;

thence North $88^{\circ}27'53''$ West 15.67 feet to the TRUE POINT OF BEGINNING.

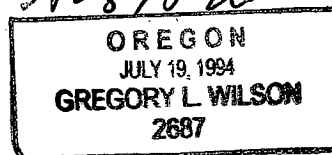
Containing 842 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
INLAND PACIFIC PROPERTIES LLC
Map 3S 1W 14B Tax Lot 202



Gregory L. Wilson



EXPIRES: 6-30-14

EXHIBIT "B"

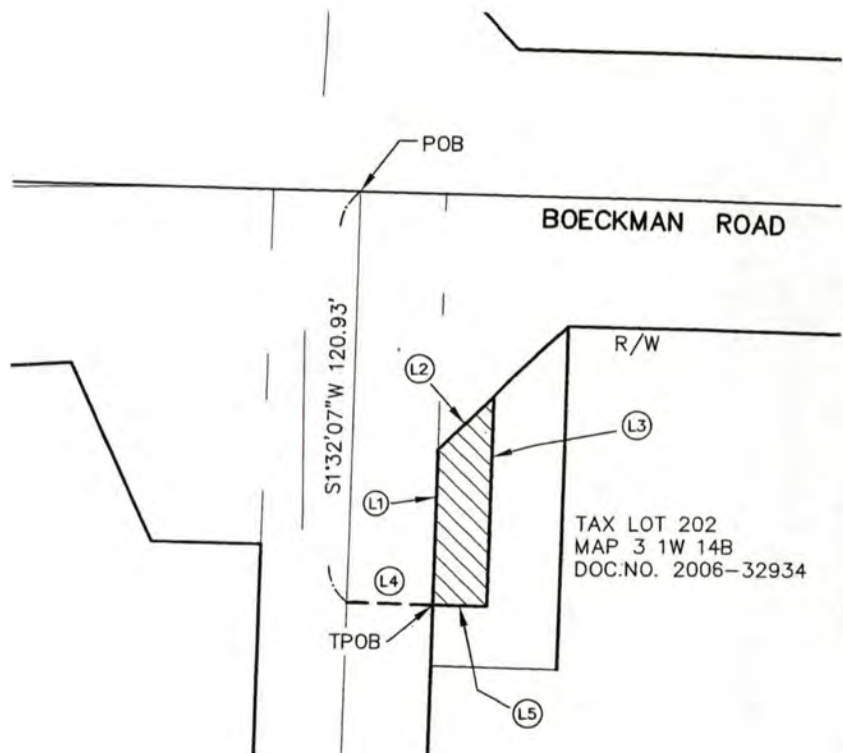
PERMANENT WATERLINE EASEMENT

LOCATED WITHIN THE NW 1/4 OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON




10/29/2012

- (L1) N1°32'07"E - 45.77'
- (L2) N46°00'45"E - 22.37'
- (L3) S1°32'07"W - 61.73'
- (L4) N88°27'53"E - 25.00'
- (L5) N88°27'53"E - 15.67'



EASEMENT AREA = 842 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
-  = PERMANENT WATERLINE EASEMENT

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014

BARKER
SURVEYING



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EXHIBIT "A"

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said parcel being described as follows:

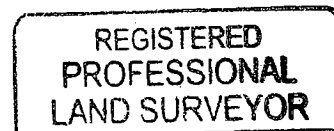
Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said point recorded as being 999.40 feet South 0°13' East along the North-South 1/16 line from the northwest corner of the northeast one-quarter of the northwest one-quarter of said Section 14; and running thence:

North 1°32'07" East 184.81 feet along the west line of said parcel;
thence Northeasterly along the arc of a 795.00-foot radius curve to the right (whose radius point bears South 81°29'17" East and the long chord of which bears North 11°10'52" East 74.04 feet) 74.07 feet to a point of reverse curvature;
thence Northeasterly along the arc of a 826.28-foot radius curve to the left (the long chord of which bears North 4°07'10" East 279.32 feet) 280.67 feet to a point on the west line of said parcel;
thence North 1°32'07" East 85.83 feet along said west line;
thence Southwesterly along the arc of a 841.28-foot radius curve to the right (whose radius point bears South 78°34'42" West and the long chord of which bears South 1°12'52" West 368.07 feet) 371.07 feet to a point of reverse curvature;
thence Southwesterly along the arc of a 780.00-foot radius curve to the left (the long chord of which bears South 4°26'43" West 254.93 feet) 256.07 feet to a point on the south line of said parcel;
thence North 88°31'36" West 14.12 feet along said south line to the Point of Beginning.

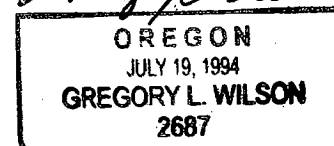
Containing 8059 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
INLAND PACIFIC PROPERTIES LLC
Map 3S 1W 14B Tax Lot 202



Gregory L. Wilson



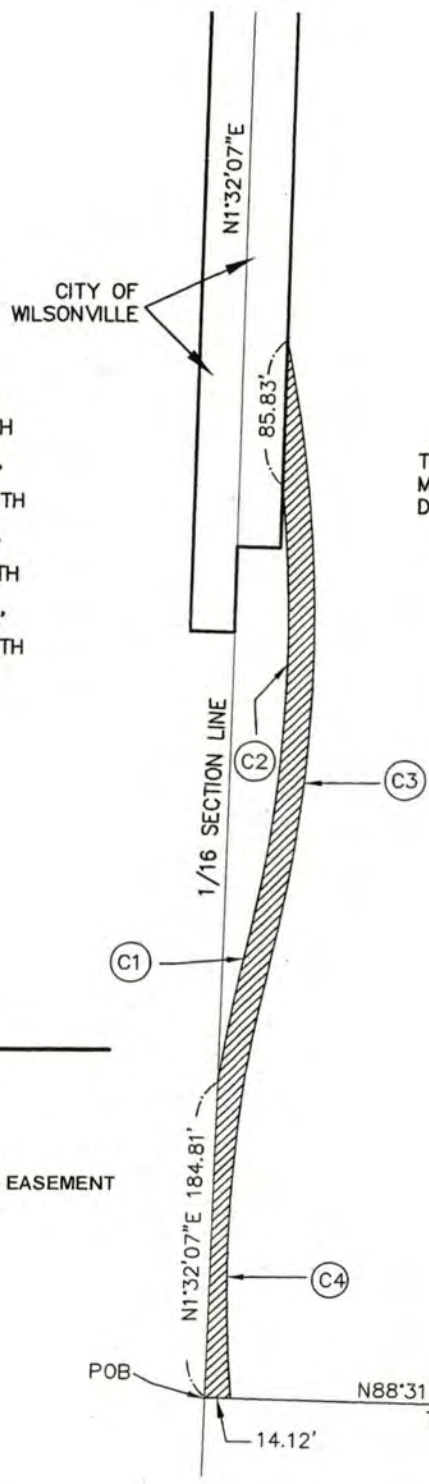
EXPIRES: 6-30-14

EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT
LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



10/29/2012



TAX LOT 202
MAP 3 1W 14B
DOC. NO. 2006-32934

- (C1) LONG CHORD N11°10'52"E - 74.04'
795.00' RADIUS/74.07' ARC LENGTH
- (C2) LONG CHORD N4°07'10"E - 279.32'
826.28' RADIUS/280.67' ARC LENGTH
- (C3) LONG CHORD S1°12'52"W - 368.07'
841.28' RADIUS/371.07' ARC LENGTH
- (C4) LONG CHORD S4°26'43"W - 254.93'
780.00' RADIUS/256.07' ARC LENGTH

EASEMENT AREA = 8059 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- = TEMPORARY CONSTRUCTION EASEMENT

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014



BARKER SURVEYING
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EMAIL: INFO@BARKERWILSON.COM

EXHIBIT "A"

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said point recorded as being 999.40 feet South 0°13' East along the North-South 1/16 line from the northwest corner of the northeast one-quarter of the northwest one-quarter of said Section 14; thence South 88°31'36" East 34.25 feet along the south line of said parcel to the TRUE POINT OF BEGINNING of this description; and running thence:

Northeasterly along the arc of a 760.00-foot radius curve to the right (whose radius point bears North 84°52'12" East and the long chord of which bears North 4°21'37" East 250.61 feet) 251.76 feet to a point of reverse curvature;
thence Northerly along the arc of a 861.28-foot radius curve to the left (the long chord of which bears North 0°02'38" West 413.64 feet) 417.72 feet to a point of reverse curvature;
thence Northwesterly along the arc of a 798.80-foot radius curve to the right (the long chord of which bears North 12°25'14" West 42.30 feet) 42.31 feet to a point on the west line of said parcel;
thence North 1°32'07" East 95.48 feet along said west line;
thence Southeasterly along the arc of a 783.80-foot radius curve to the left (whose radius point bears North 85°52'41" East and the long chord of which bears South 9°00'17" East 134.80 feet) 134.97 feet to a point of reverse curvature;
thence Southeasterly along the arc of a 876.28-foot radius curve to the right (the long chord of which bears South 0°02'38" East 420.84 feet) 424.99 feet to a point of reverse curvature;
thence Southwesterly along the arc of a 745.00-foot radius curve to the left (the long chord of which bears South 4°17'36" West 247.38 feet) 248.53 feet to a point on the south line of said parcel;
thence North 88°31'36" West 15.10 feet along said south line to the TRUE POINT OF BEGINNING.

Containing 11314 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
INLAND PACIFIC PROPERTIES LLC
Map 3S 1W 14B Tax Lot 202

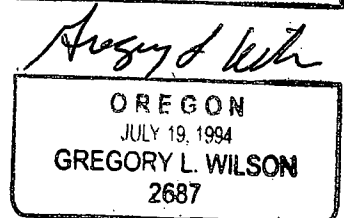
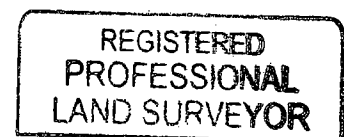


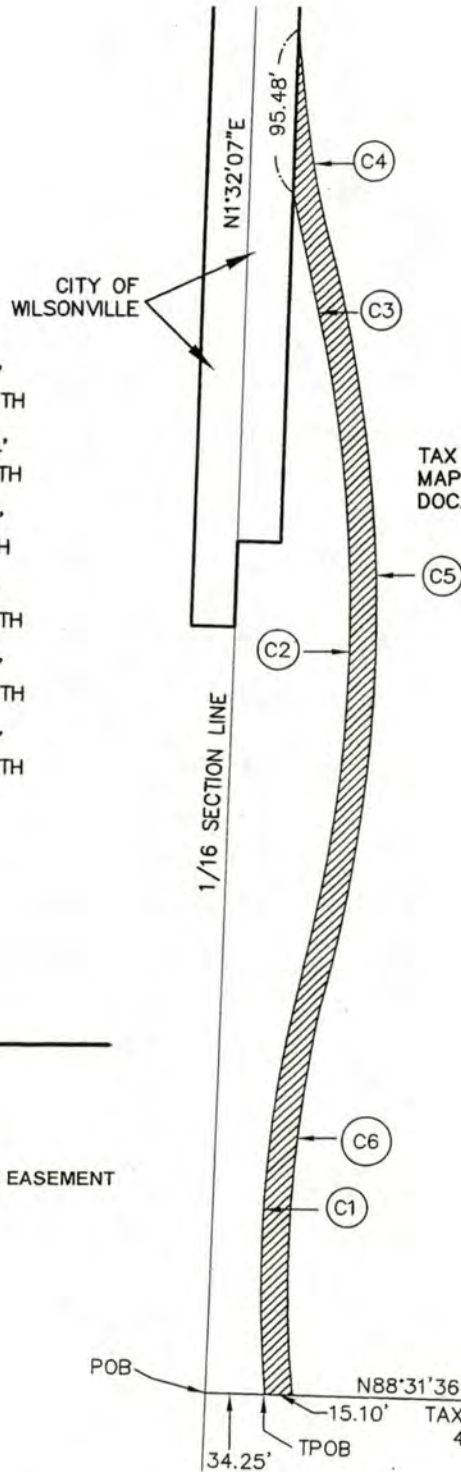
EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT

LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



10/29/2012



TAX LOT 202
MAP 3 1W 14B
DOC. NO. 2006-32934

- (C1) LONG CHORD N4°21'37"E - 250.61'
760.00' RADIUS/251.76' ARC LENGTH
- (C2) LONG CHORD N0°02'38"W - 413.64'
861.28' RADIUS/417.72' ARC LENGTH
- (C3) LONG CHORD N12°25'14"W - 42.30'
798.80' RADIUS/42.31' ARC LENGTH
- (C4) LONG CHORD S9°00'17"E - 134.80'
783.80' RADIUS/134.97' ARC LENGTH
- (C5) LONG CHORD S0°02'38"E - 420.84'
876.28' RADIUS/424.99' ARC LENGTH
- (C6) LONG CHORD S4°17'36"W - 247.38'
745.00' RADIUS/248.53' ARC LENGTH

EASEMENT AREA = 11314 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- = TEMPORARY CONSTRUCTION EASEMENT



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REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014



EXHIBIT "A"

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the northwest corner of the northeast one-quarter of the northwest one-quarter of said Section 14; thence South 1°32'07" West 120.93 feet along the North-South 1/16 line; thence South 88°27'53" East 25.00 feet to a point on the west line of that parcel of land described in that instrument recorded in Document No. 2006-32934, Clackamas County Deed Records, and the TRUE POINT OF BEGINNING of this description; and running thence:

South 88°27'53" East 15.67 feet;

thence North 1°32'07" East 61.73 feet to a point in the south right-of-way line of Boeckman Road;

thence North 46°00'45" East 29.97 feet along said right-of-way line;

thence South 1°32'07" West 101.12 feet;

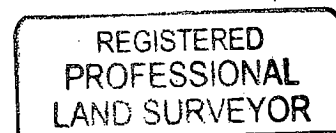
thence North 88°27'53" West 36.67 feet to a point on the aforementioned west line of said parcel;

thence North 1°32'07" East 18.00 feet along said west line to the TRUE POINT OF BEGINNING.

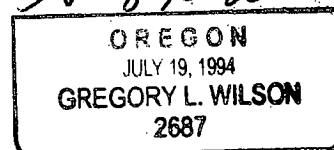
Containing 2181 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
INLAND PACIFIC PROPERTIES LLC
Map 3S 1W 14B Tax Lot 202



Gregory L. Wilson



EXPIRES: 6-30-14

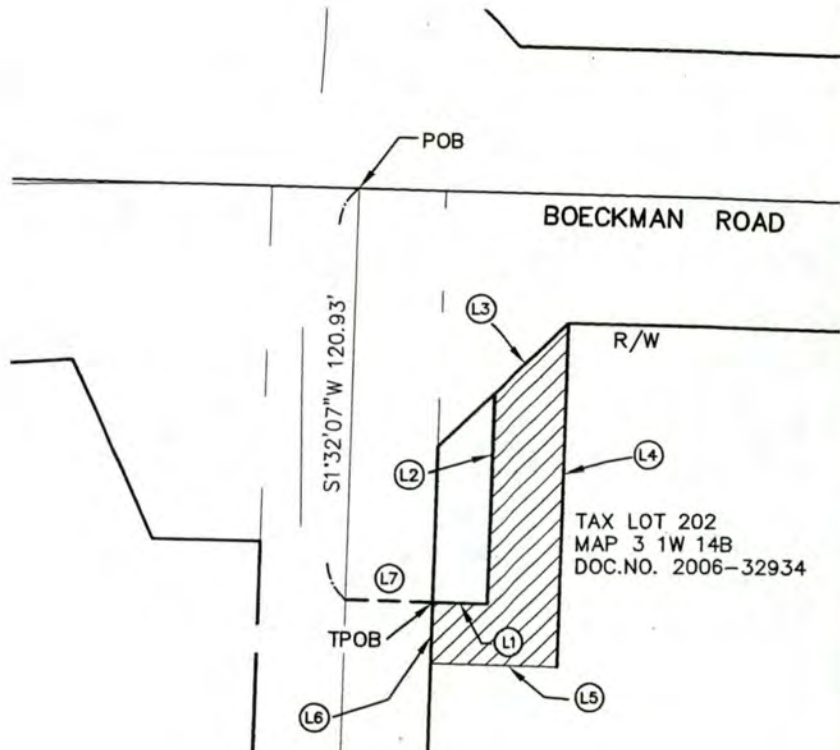
EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT
 LOCATED WITHIN THE NW 1/4 OF SECTION 14, TOWNSHIP 3 SOUTH, RANGE 1
 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON




10/29/2012

- (L1) S88°27'53"E - 15.67'
- (L2) N1°32'07"E - 61.73'
- (L3) N46°00'45"E - 29.97'
- (L4) S1°32'07"W - 101.12'
- (L5) N88°27'53"W - 36.67'
- (L6) N1°32'07"E - 18.00'
- (L7) S88°27'53"E - 25.00'



EASEMENT AREA = 2181 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
-  = TEMPORARY CONSTRUCTION EASEMENT

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Gregory L. Wilson

OREGON
 JULY 19, 1994
 GREGORY L. WILSON
 2687

EXPIRATION DATE: 6/30/2014

BARKER
SURVEYING



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EXHIBIT "A"

LEGAL DESCRIPTION
PERMANENT WATER LINE EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

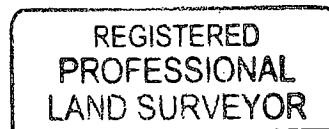
A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 96-86865, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 96-86865, Clackamas County Deed Records, said point recorded as being 1000.6 feet South 00°02'00" West and 1325.68 feet South 89°45'23" West and 105.22 feet South 00°13'00" East from the one-quarter corner between Sections 11 and 14, said township and range; thence South 88°31'36" East 33.48 feet along the south line of said parcel to the TRUE POINT OF BEGINNING of this description; and running thence: Northwesterly along the arc of a 780.00-foot radius curve to the right (whose radius point bears North 77°10'36" East and the long chord of which bears North 8°53'30" West 106.97 feet) 107.05 feet to a point on the north line of said parcel; thence South 88°31'36" East 20.13 feet along said north line; thence Southeasterly along the arc of a 760.00-foot radius curve to the left (whose radius point bears North 84°52'12" East and the long chord of which bears South 9°10'08" East 107.06 feet) 107.15 feet to a point on the south line of said parcel; thence North 88°31'36" West 20.66 feet along said south line to the TRUE POINT OF BEGINNING.

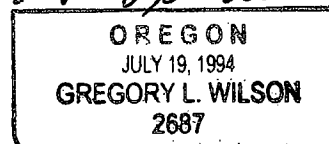
Containing 2142 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
OLDCASTLE PRECAST, INC.
Map 3S 1W 14B Tax Lot 401.



Gregory L. Wilson



EXPIRES: 6-30-14

EXHIBIT "B"

PERMANENT WATERLINE EASEMENT
LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH,
RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



10/29/2012

TAX LOT 202

S88°31'36"E

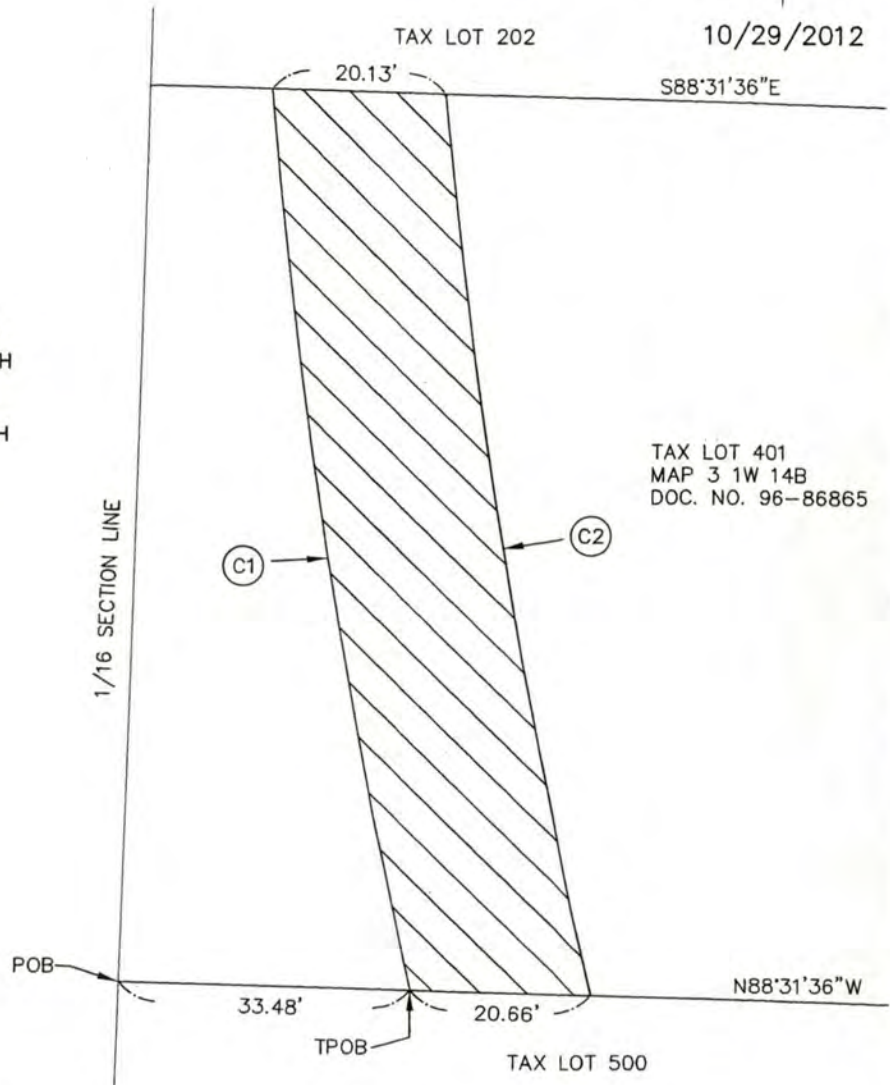
20.13'

1/16 SECTION LINE

TAX LOT 401
MAP 3 1W 14B
DOC. NO. 96-86865

(C1) LONG CHORD N8°53'30"W - 106.97'
780.00' RADIUS/107.05' ARC LENGTH


(C2) LONG CHORD S9°10'08"E - 107.06'
760.00' RADIUS/107.15' ARC LENGTH



EASEMENT AREA = 2142 SQ. FT.

LEGEND

TPOB = TRUE POINT OF BEGINNING
POB = POINT OF BEGINNING
R/W = RIGHT-OF-WAY

 = PERMANENT WATERLINE EASEMENT



SCALE IN FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson
OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014



BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: INFO@BARKERWILSON.COM

EXHIBIT "A"

LEGAL DESCRIPTION
 TEMPORARY CONSTRUCTION EASEMENT
 KINSMAN TRANSMISSION MAIN SEGMENT 3B
 FROM BARBER STREET TO BOECKMAN ROAD
 CITY OF WILSONVILLE

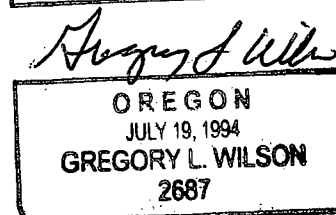
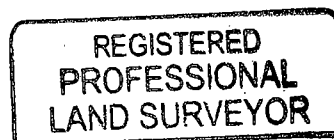
A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 96-86865, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 96-86865, Clackamas County Deed Records, said point recorded as being 1000.6 feet South 00°02'00" West and 1325.68 feet South 89°45'23" West and 105.22 feet South 00°13'00" East from the one-quarter corner between Sections 11 and 14, said township and range; thence South 88°31'36" East 18.01 feet along the south line of said parcel to the TRUE POINT OF BEGINNING of this description; and running thence: Northwestly along the arc of a 795.00-foot radius curve to the right (whose radius point bears North 77°27'07" East and the long chord of which bears North 8°59'41" West 98.54 feet) 98.60 feet to a point on the west line of said parcel; thence North 1°32'07" East 8.32 feet along the west line of said parcel to the northwest corner thereof; thence South 88°31'36" East 14.12 feet along the north line of said parcel; thence Southeasterly along the arc of a 780.00-foot radius curve to the left (whose radius point bears North 85°02'24" East and the long chord of which bears South 8°53'30" East 106.97 feet) 107.05 feet to a point on the south line of said parcel; thence North 88°31'36" West 15.47 feet along said south line to the TRUE POINT OF BEGINNING.

Containing 1601 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
 OLDCASTLE PRECAST, INC.
 Map 3S 1W 14B Tax Lot 401



EXPIRES: 6-30-14

EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT
 LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH,
 RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



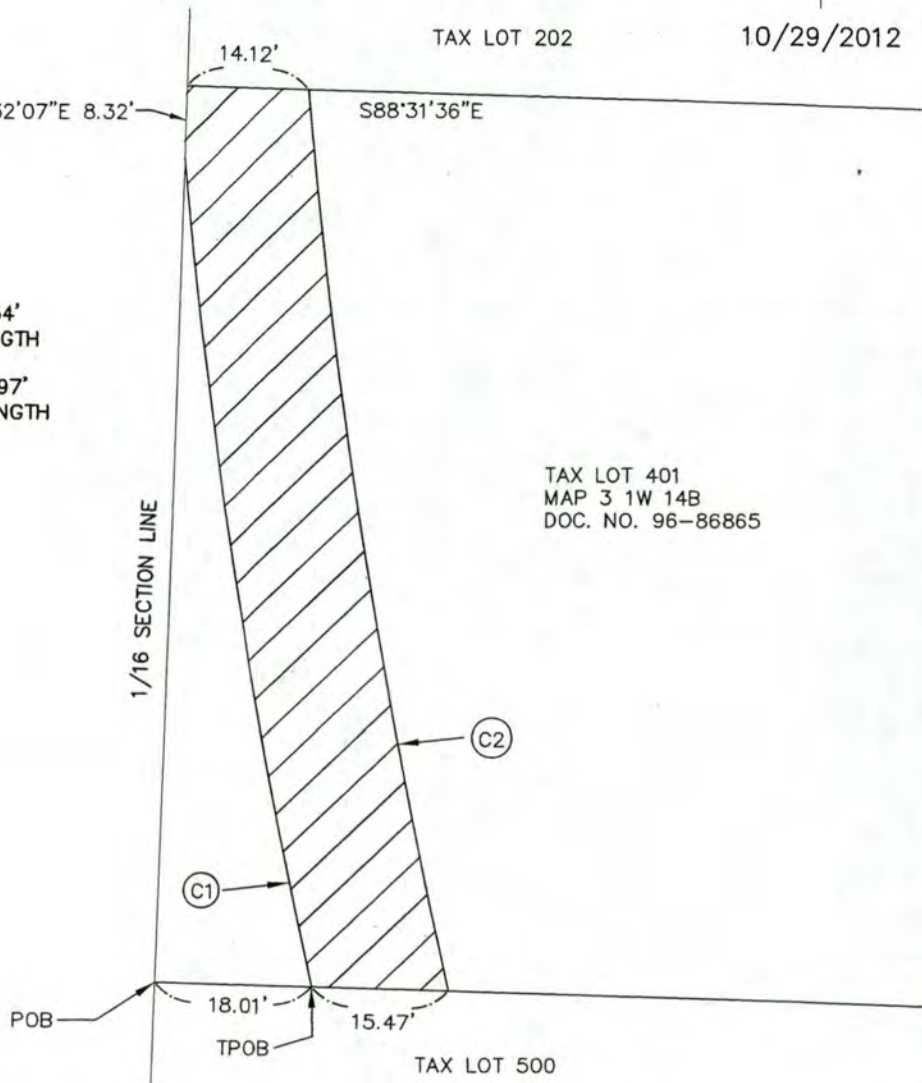
10/29/2012

TAX LOT 202

N1°32'07"E 8.32' 14.12' S88°31'36"E

- (C1) LONG CHORD N8°59'41"W - 98.54'
795.00' RADIUS/98.60' ARC LENGTH
- (C2) LONG CHORD S8°53'30"E - 106.97'
780.00' RADIUS/107.05' ARC LENGTH

TAX LOT 401
 MAP 3 1W 14B
 DOC. NO. 96-86865



EASEMENT AREA = 1601 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- = TEMPORARY CONSTRUCTION EASEMENT



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Gregory L. Wilson

OREGON
 JULY 19, 1994
 GREGORY L. WILSON
 2687

EXPIRATION DATE: 6/30/2014



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 EMAIL: INFO@BARKERWILSON.COM

EXHIBIT "A"

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

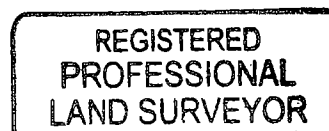
A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 96-86865, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the southwest corner of that parcel of land described in that instrument recorded in Document No. 96-86865, Clackamas County Deed Records, said point recorded as being 1000.6 feet South 00°02'00" West and 1325.68 feet South 89°45'23" West and 105.22 feet South 00°13'00" East from the one-quarter corner between Sections 11 and 14, said township and range; thence South 88°31'36" East 54.14 feet along the south line of said parcel to the TRUE POINT OF BEGINNING of this description; and running thence: Northwestery along the arc of a 760.00-foot radius curve to the right (whose radius point bears North 76°47'32" East and the long chord of which bears North 9°10'08" West 107.06 feet) 107.15 feet to a point on the north line of said parcel; thence South 88°31'36" East 15.10 feet along said north line; thence Southeasterly along the arc of a 745.00-foot radius curve to the left (whose radius point bears North 84°44'20" East and the long chord of which bears South 9°23'13" East 107.14 feet) 107.23 feet to a point on the south line of said parcel; thence North 88°31'36" West 15.52 feet along said south line to the TRUE POINT OF BEGINNING.

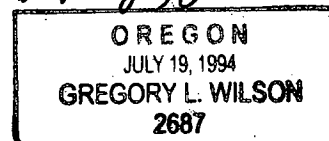
Containing 1608 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
OLDCASTLE PRECAST, INC.
Map 3S 1W 14B Tax Lot 401



Gregory L. Wilson



EXPIRES: 6-30-14

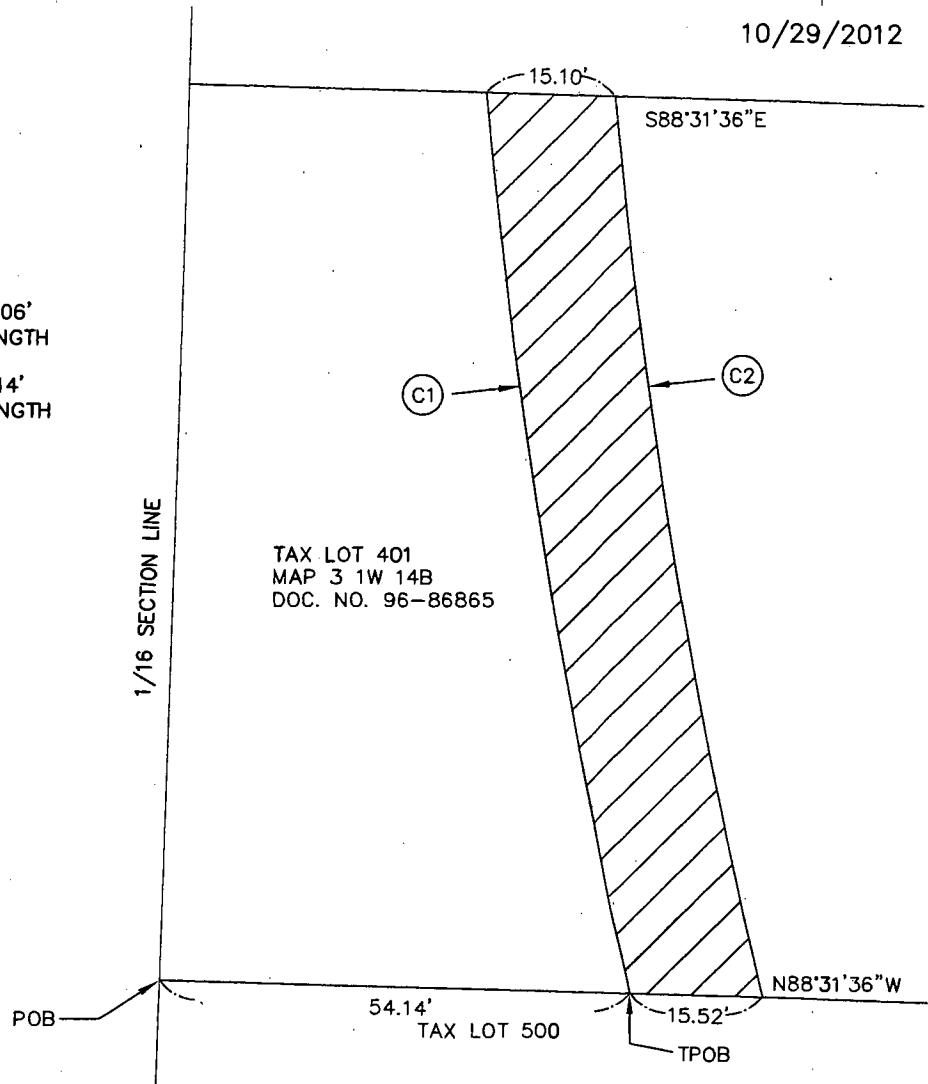
EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT
LOCATED WITHIN THE NW 1/4 OF SECTION 14, TOWNSHIP 3 SOUTH,
RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON




10/29/2012

- Ⓒ1 LONG CHORD N9°10'08"W - 107.06'
760.00' RADIUS/107.15' ARC LENGTH
- Ⓒ2 LONG CHORD S9°23'13"E - 107.14'
745.00' RADIUS/107.23' ARC LENGTH



EASEMENT AREA = 1608 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
-  = TEMPORARY CONSTRUCTION EASEMENT

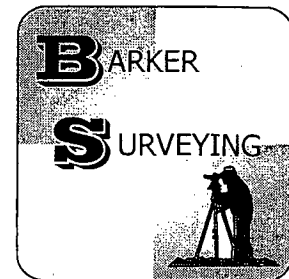


REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014



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PERMANENT WATER LINE EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

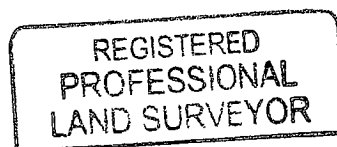
A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 2002-125651, Clackamas County Deed Records, said parcel being described as follows:

Beginning at an angle point in the north line of Parcel 1, Partition Plat 2008-33, as platted and recorded in the Clackamas County Book of Partition Plats and recorded in Document No. 2008-17996, Clackamas County Deed Records, said point being North 88°33'27" West 411.15 feet from the northeast corner of said Parcel 1, said point being the southwest corner of said parcel described in said Document No. 2002-125651; and running thence:
North 1°26'40" East 176.54 feet along the west line of said parcel;
thence Southerly along the arc of a 910.00-foot radius curve to the right (whose radius point bears South 85°44'39" West and the long chord of which bears South 1°24'20" East 90.50 feet) 90.54 feet to a point of tangency;
thence South 1°26'33" West 86.15 feet to a point on the south line of said parcel;
thence North 88°33'27" West 4.50 feet along said south line to the Point of Beginning.

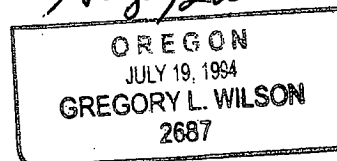
Containing 659 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
OLDCASTLE PRECAST, INC.
Map 3S 1W 14B Tax Lot 501



Gregory L. Wilson



EXPIRES: 6-30-14

EXHIBIT "B"

PERMANENT WATERLINE EASEMENT
LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH,
RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

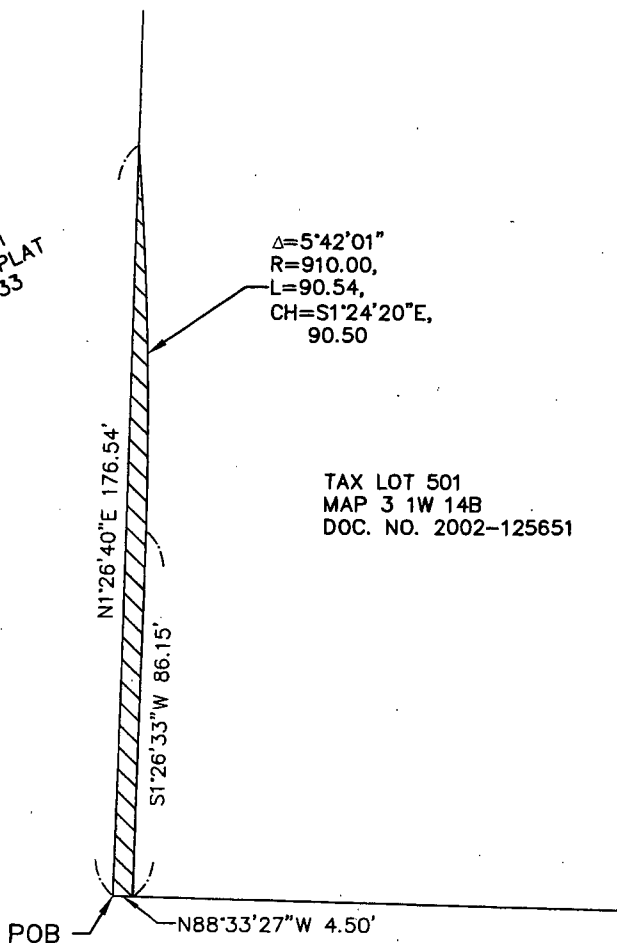


10/29/2012

PARCEL 1
PARTITION PLAT
2008-33

$\Delta=5^{\circ}42'01''$
 $R=910.00,$
 $L=90.54,$
 $CH=S1^{\circ}24'20''E,$
 90.50

TAX LOT 501
MAP 3 1W 14B
DOC. NO. 2002-125651



PARCEL 1
PARTITION PLAT
2008-33

EASEMENT AREA = 659 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY



= PERMANENT WATERLINE EASEMENT



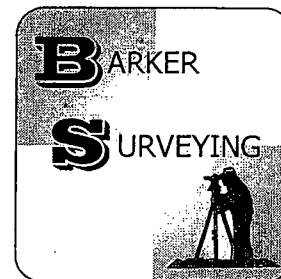
SCALE IN FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014



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EXHIBIT "A"

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 2002-125651, Clackamas County Deed Records, said parcel being described as follows:

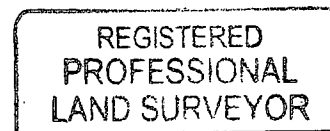
Beginning at an angle point in the north line of Parcel 1, Partition Plat 2008-33, as platted and recorded in the Clackamas County Book of Partition Plats and recorded in Document No. 2008-17996, Clackamas County Deed Records, said point being North 88°33'27" West 411.15 feet from the northeast corner of said Parcel 1, said point being the southwest corner of said parcel described in said Document No. 2002-125651; thence South 88°33'27" East 4.50 feet along said north line to the TRUE POINT OF BEGINNING of this description; and running thence:

North 1°26'40" East 86.15 feet to a point of curvature;
thence Northerly along the arc of a 910.00-foot radius curve to the left (the long chord of which bears North 1°24'20" West 90.50 feet) 90.54 feet to a point on the west line of said parcel;
thence North 1°26'40" East 61.48 feet along said west line of parcel to the northwest corner thereof;
thence South 88°33'43" East 6.95 feet along the north line of said parcel;
thence Southerly along the arc of a 925.00-foot radius curve to the right (whose radius point bears South 81°59'41" West and the long chord of which bears South 3°16'50" East 152.39 feet) 152.56 feet to a point of tangency;
thence South 1°26'40" West 86.15 feet to a point on the south line of said parcel;
thence North 88°33'27" West 15.00 feet along said south line to the TRUE POINT OF BEGINNING.

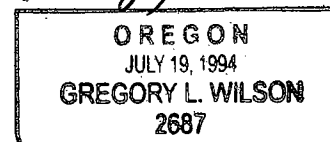
Containing 3349 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone

Property Vested in:
OLDCASTLE PRECAST, INC.
Map 3S 1W 14B Tax Lot 501



Gregory L. Wilson



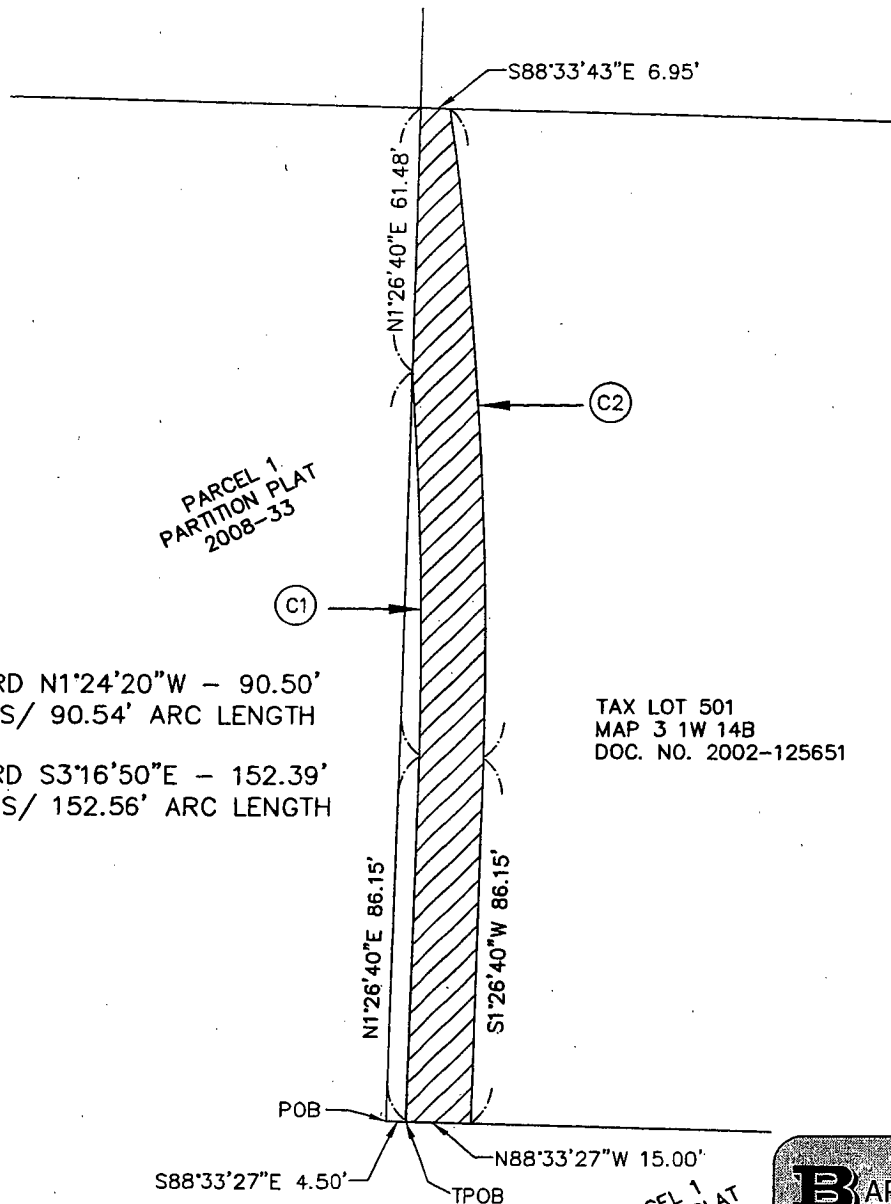
EXPIRES: 6-30-14

EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT
LOCATED WITHIN THE NW 1/4 OF SECTION 14. TOWNSHIP 3 SOUTH,
RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



10/29/2012



- Ⓒ1 LONG CHORD N1°24'20"W - 90.50'
910' RADIUS / 90.54' ARC LENGTH
- Ⓒ2 LONG CHORD S3°16'50"E - 152.39'
925' RADIUS / 152.56' ARC LENGTH

TAX LOT 501
MAP 3 1W 14B
DOC. NO. 2002-125651

EASEMENT AREA = 3349 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY



= TEMPORARY CONSTRUCTION EASEMENT



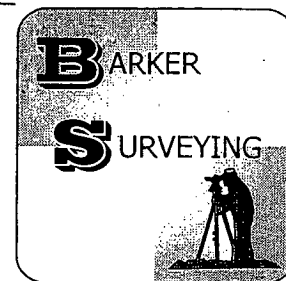
SCALE IN FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRATION DATE: 6/30/2014



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EXHIBIT "A"

LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT
KINSMAN TRANSMISSION MAIN SEGMENT 3B
FROM BARBER STREET TO BOECKMAN ROAD
CITY OF WILSONVILLE

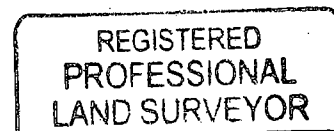
A parcel of land situated in Section 14, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property described in that instrument recorded in Document No. 95-44272, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the Westerly-most northeast corner of Parcel 1, Partition Plat 2008-33, as platted and recorded in the Clackamas County Book of Partition Plats and recorded in Document No. 2008-17996, Clackamas County Deed Records, said point being southwest corner of said parcel described in said Document No. 95-44272; and running thence:
North 1°22'06" East 37.30 feet along the west line of said parcel;
thence Southeasterly along the arc of a 925.00-foot radius curve to the right (whose radius point bears South 79°38'38" West and the long chord of which bears South 9°10'51" East 37.95 feet) 37.95 feet to a point on the south line of said parcel;
thence North 88°33'43" West 6.95 feet along said south line to the Point of Beginning.

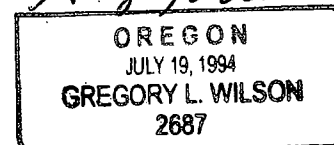
Containing 134 square feet of land, more or less.

Bearings used herein are based on the Oregon Coordinate System of 1983, North Zone.

Property Vested in:
OLDCASTLE PRECAST, INC.
Map 3S 1W 14B Tax Lot 502



Gregory L. Wilson



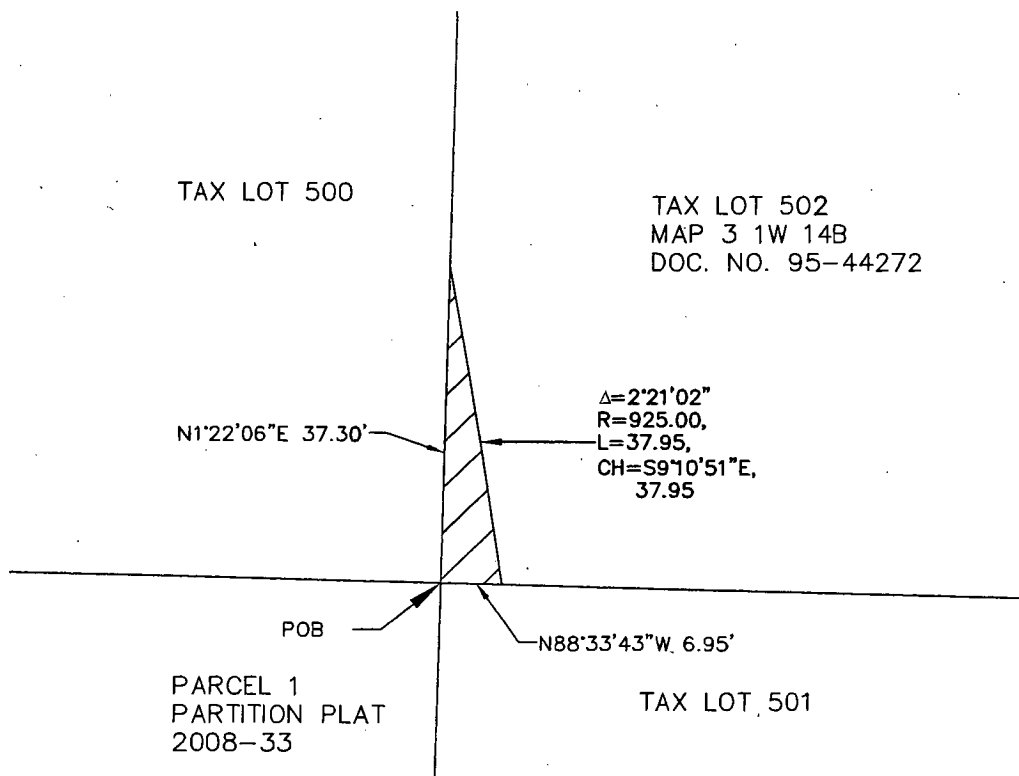
EXPIRES 6-30-14

EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT
 LOCATED WITHIN THE NW 1/4 OF SECTION 14, TOWNSHIP 3 SOUTH,
 RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON




10/29/2012



EASEMENT AREA = 134 SQ. FT.

LEGEND

- TPOB = TRUE POINT OF BEGINNING
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
-  = TEMPORARY CONSTRUCTION EASEMENT

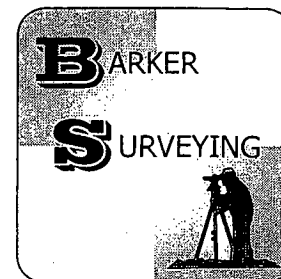


REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Gregory L. Wilson

OREGON
 JULY 19, 1994
 GREGORY L. WILSON
 2687

EXPIRATION DATE: 6/30/2014



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**CITY COUNCIL MEETING
STAFF REPORT**

PDP3-E

<p>Meeting Date:</p> <p>December 3, 2012</p>	<p>Subject: Ordinance No. 709</p> <p>Zone Map Amendment from EFU to V, "Tonquin Meadows", Phase 3 of SAP East, Villebois. Polygon Northwest Company. Staff Member: Blaise Edmonds, Manager of Current Planning Department: Planning Division</p>	
<p>Action Required</p> <p><input type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date:</p> <p><input checked="" type="checkbox"/> Ordinance 1st Reading Date: Dec. 3</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: Dec. 17</p> <p><input 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>Development Review Board 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>Comment: Following their review at the Nov. 15th meeting, the Development Review Board, Panel A recommends approval of the Zone Map Amendment.</p>	
<p>Staff Recommendation: Staff recommends that the City Council adopt Ordinance No. 709 approving a Zone Map Amendment from the Residential Agriculture – Holding Zone 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.</p>		
<p>Recommended Language for Motion: I move to adopt Ordinance No. 709 on the first reading.</p>		
<p>PROJECT / ISSUE RELATES TO: Comprehensive Plan, Zone Code and Villebois Master Plan.</p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input checked="" type="checkbox"/> Adopted Master Plan(s) Villebois Master Plan</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Approve or Deny Ordinance No. 709 for a Zone Map Amendment from the RA-H and PF zones Zone to Village zone on 30.84 - 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 30.84 acres comprising 163 single-family detached houses and 42 row houses. The proposed zone change will enable development of the houses together with 6.22 acres of parks and open space. No change to Villebois Village Master Plan densities is proposed.

EXPECTED RESULTS:

Adoption of Ordinance No. 709.

TIMELINE:

Construction of the subdivision would 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 of 6.22 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 DB12-0045

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 - Adopted Staff Report and DRB Recommendation (Exhibit A1), 15th and Application on compact disk.

Exhibit E – November 15th DRB Minutes

Exhibit F – 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 AND THE PUBLIC FACILITY (PF) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 30.84 - ACRES COMPRISING TAX LOTS 100, 180, 103, 192, 181, 102, 101, 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, APPLICANT.

RECITALS

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, with conditions, 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 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 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 and the Public Facility (PF) Zone to the 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 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, CMC, City Recorder

ENACTED by the City Council on the 3rd day of December, 2012, by the following votes: Yes:___ No:___

Sandra C. King, CMC, 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 DB12-0045.
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 F - 110th Roadway

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 Applicant,)
Polygon Northwest Company, for a) **ZONING ORDER DB12-0045**
Rezoning of Land and Amendment)
of the City of Wilsonville)
Zoning Map Incorporated in Section 4.102)
of the Wilsonville Code.)

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 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 30.84 acres comprising Tax Lots 100, 180, 103, 192, 181, 102, 101, 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.

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



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;

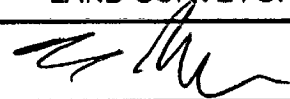
thence along the westerly line of said tract of land the following four courses:

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.

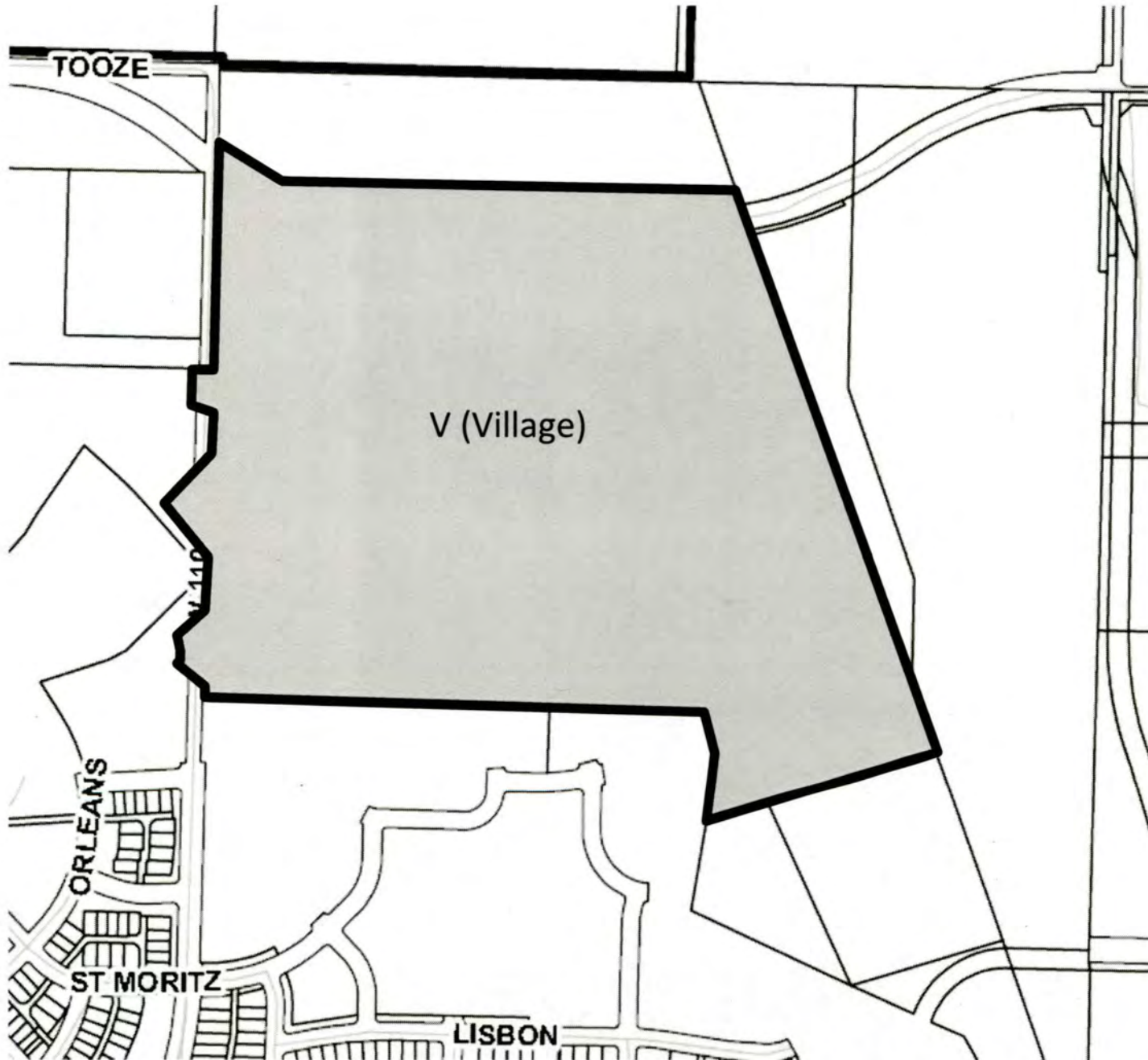
Basis of bearing per Survey No. 2004-318, Clackamas County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2013



City Council Exhibit A Attachment 2

N:\proj\395-007\09 Drawings\06 Survey\Exhibits\395007.Zone Change Legal.dwg - SHEET: PAGE 1 Nov. 20. 12 - 2:22 PM tcj

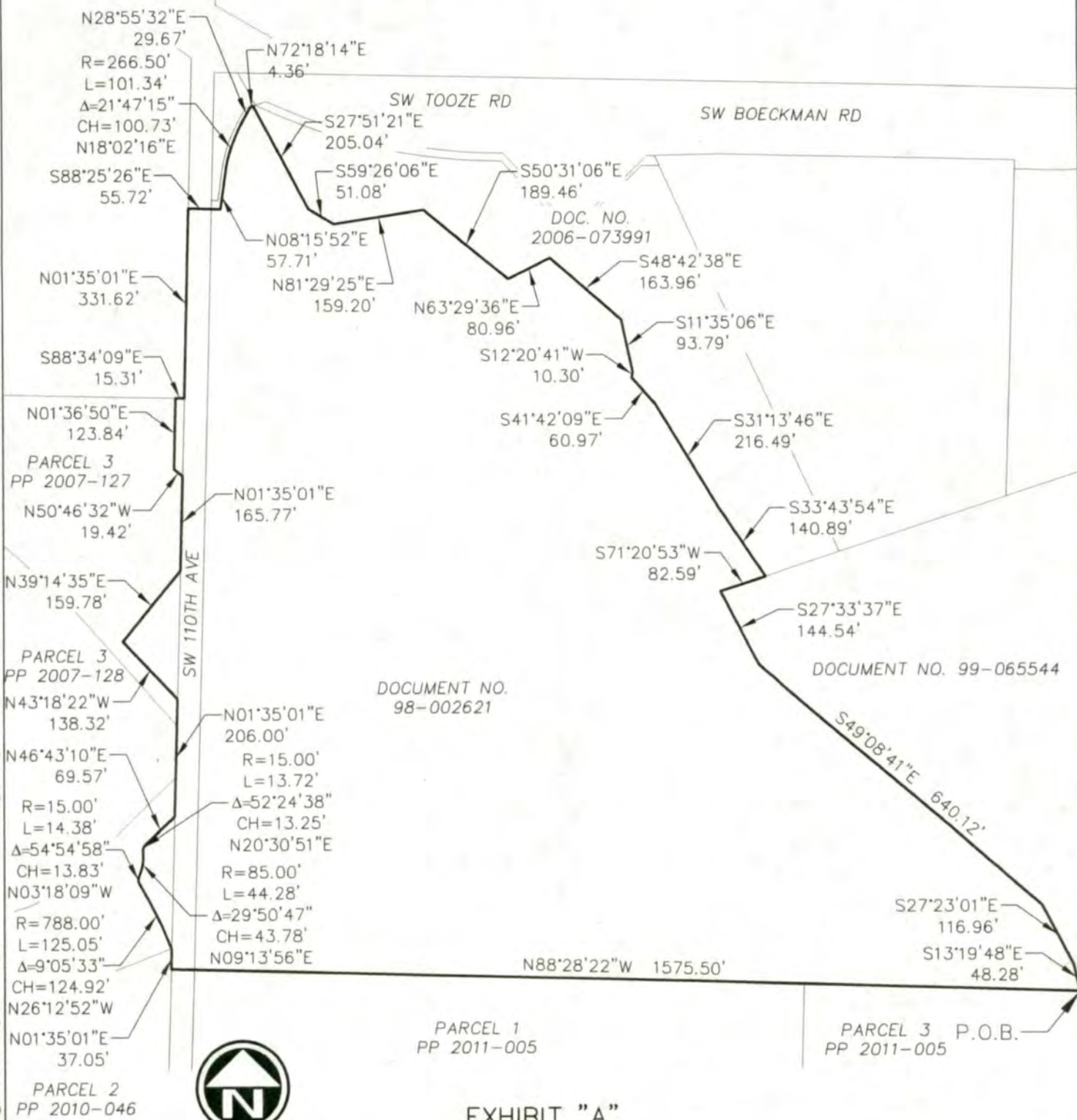


EXHIBIT "A"

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



[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"

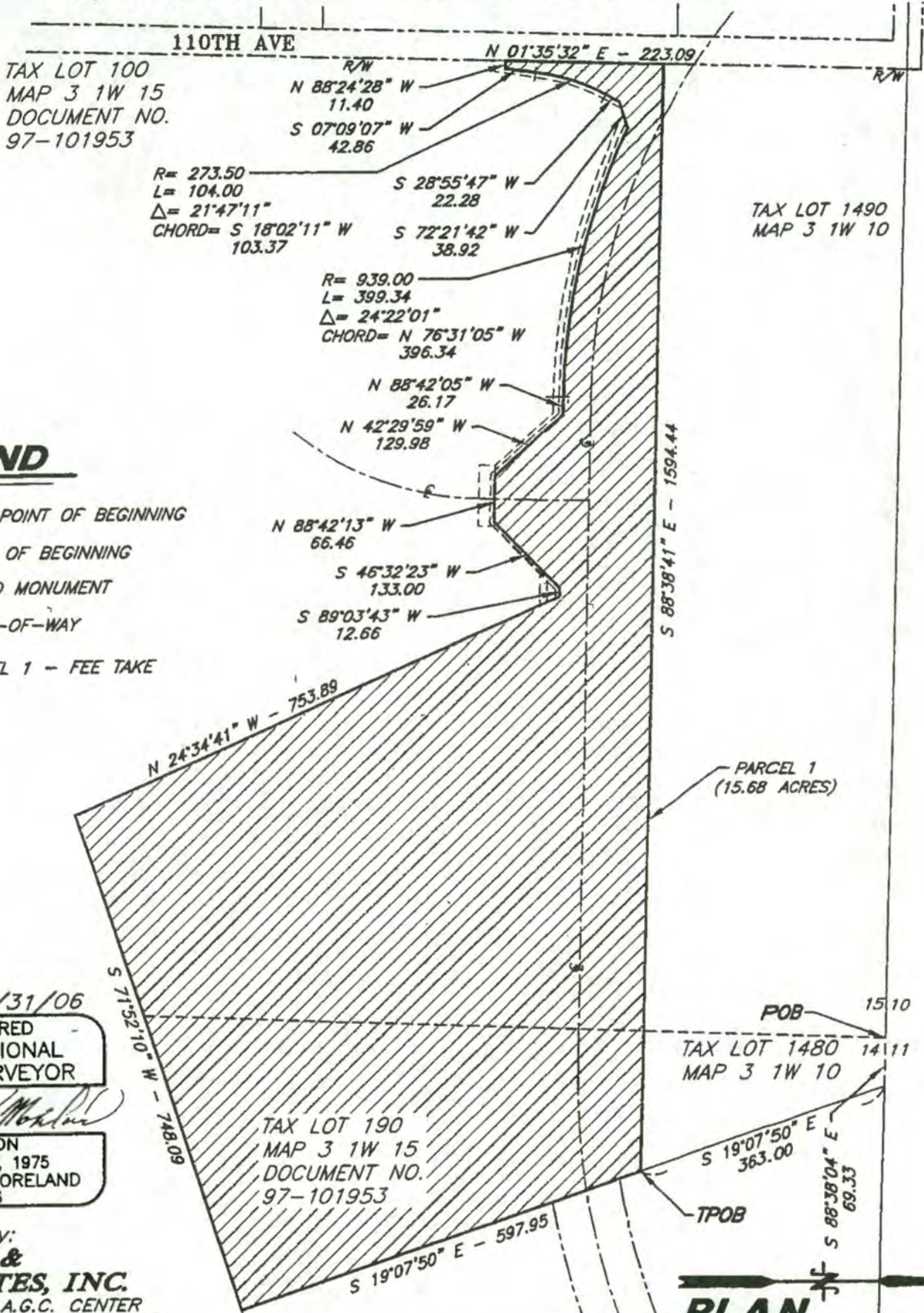
FEE TAKE

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

R= 939.00
L= 399.34
Δ= 24'22'01"
CHORD= N 76'31'05" W
396.34

N 88'42'13" W
66.46

S 46'32'23" W
133.00

S 89'03'43" W
12.66

LEGEND

- TPOB TRUE POINT OF BEGINNING
- POB POINT OF BEGINNING
- FOUND MONUMENT
- R/W RIGHT-OF-WAY
- ▨ PARCEL 1 - FEE TAKE

PARCEL 1
(15.68 ACRES)

POB 15 10
TAX LOT 1480 14 11
MAP 3 1W 10

TAX LOT 190
MAP 3 1W 15
DOCUMENT NO.
97-101953

PLAN

Expires 12/31/06

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Roger W. Moreland

OREGON
AUGUST 22, 1975
ROGER W. MORELAND
1033

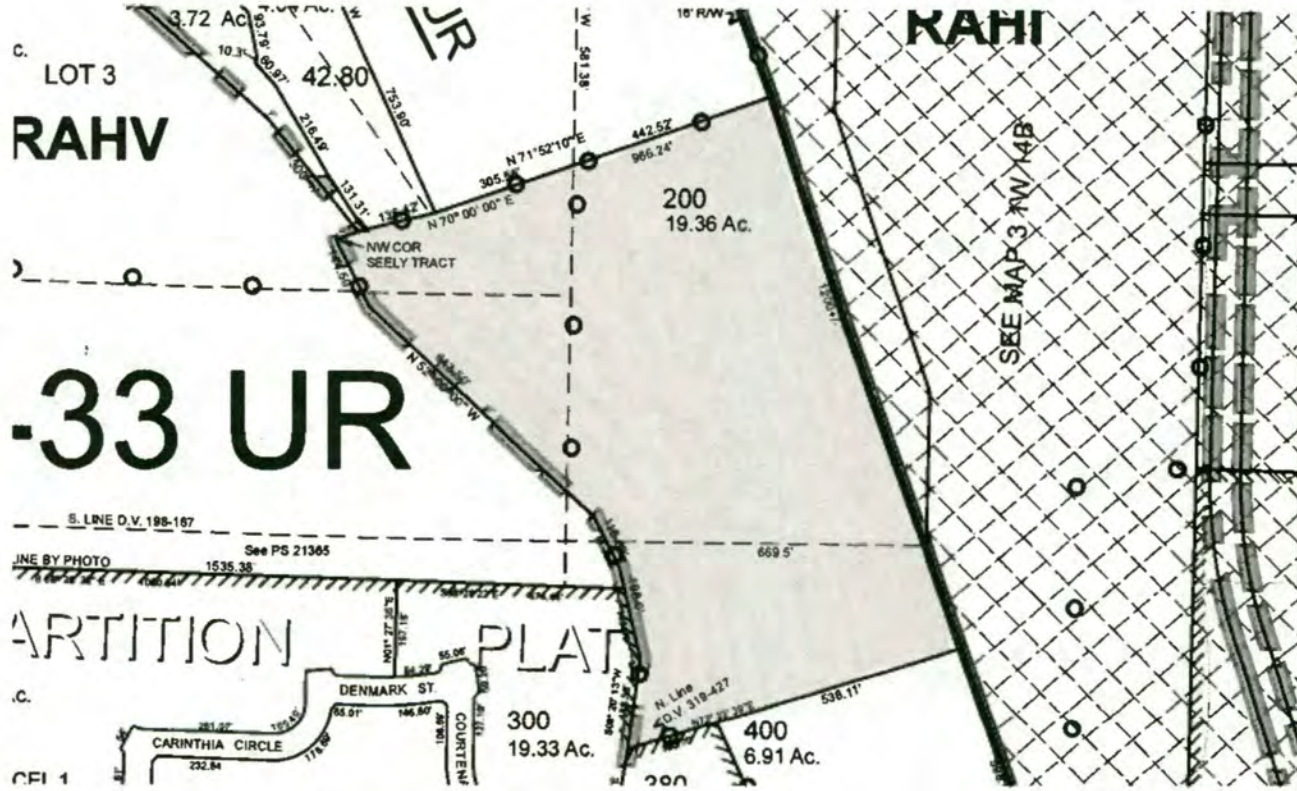
Prepared by:
**DEHAAS &
ASSOCIATES, INC.**

SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97099
PHONE: (503) 682-2450

Prepared for:
The CITY of WILSONVILLE

Scale: 1"=200'

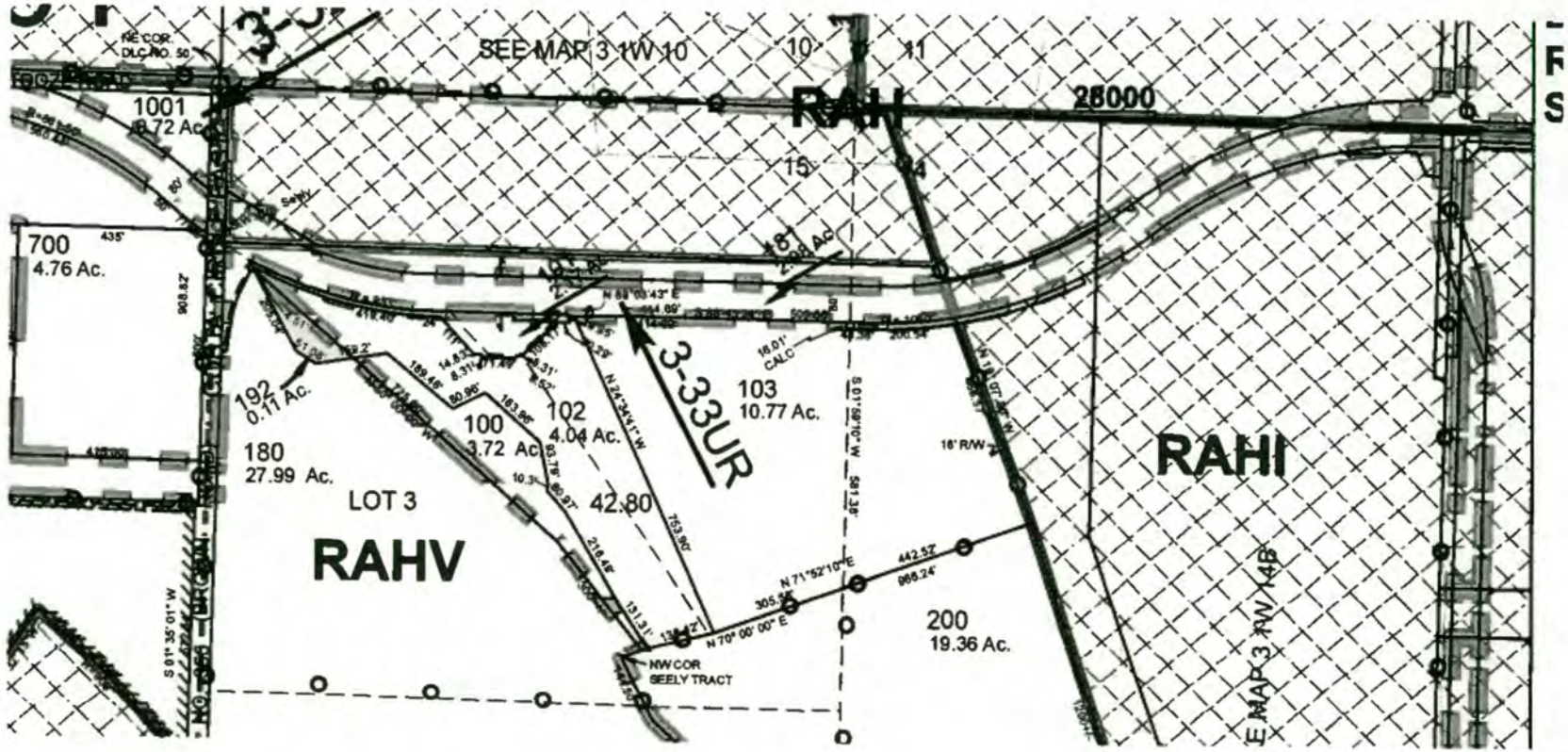
01/31/05
02.625.1119



- Parcel Boundary
- - - Private Road ROV
- - - Historical Boundar
- + + + Railroad Centerlin
- TaxCodeLines
- ▣ Map Index
- WaterLines
- Land Use Zoning
- ▨ Plats
- ▤ Water
- ⊙ Corner

Urban Renewal Agency
TL 192, Section 15

page
1 of 1





Ordinance No. 709

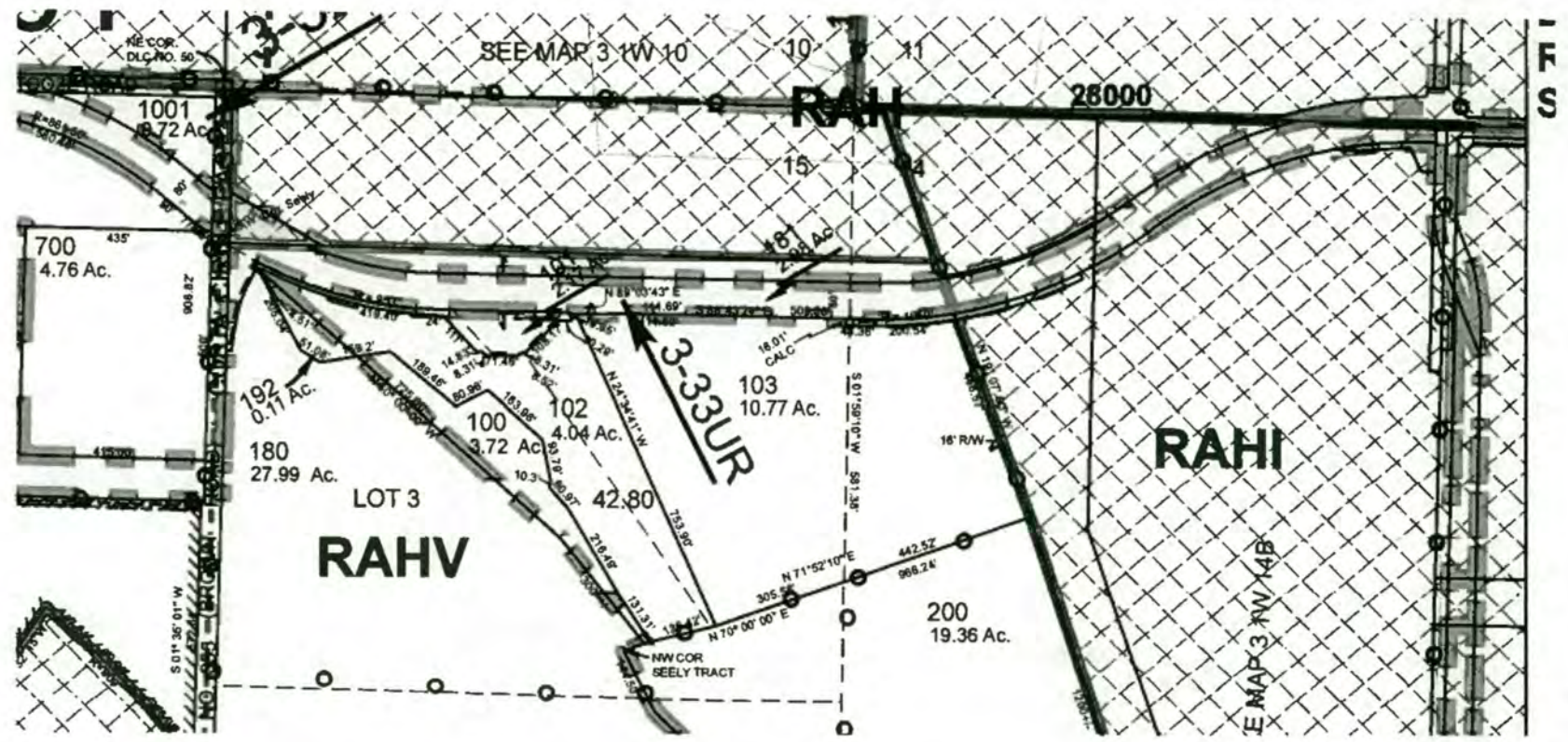


Exhibit B
STAFF REPORT
WILSONVILLE PLANNING DIVISION

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
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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 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

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 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, 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.

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:

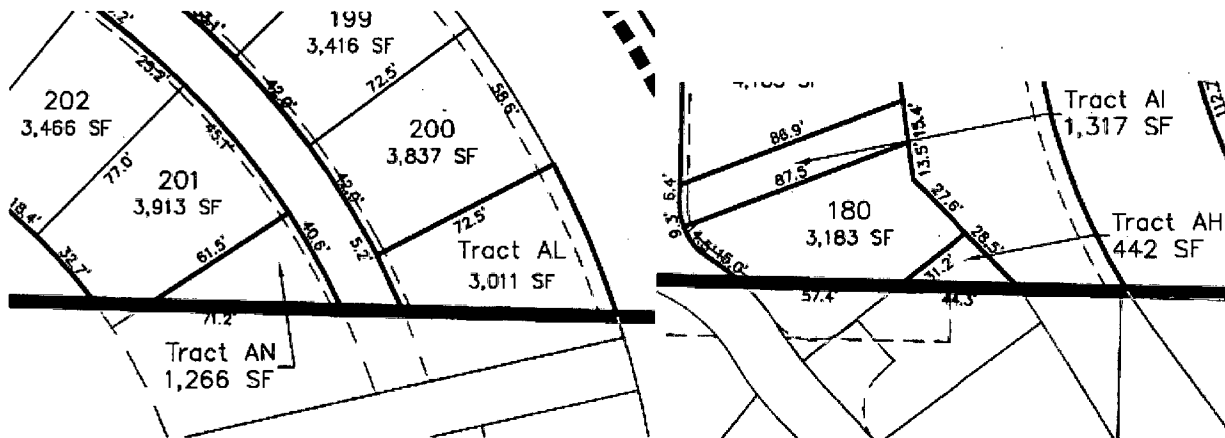
Parks Overlapping Current Ownership and SAP Boundaries.

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

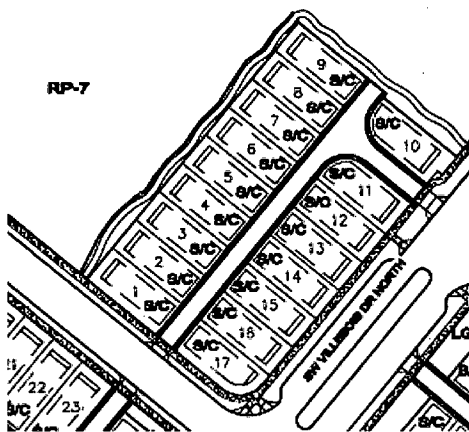
In this and previous applications PDP boundaries have been adjusted to reflect property ownership. In a number of cases this led to remnant areas between the PDP's developable with homes using land from multiple PDP's. The tentative subdivision plat for PDP 2E shows a "future development" tract adjacent 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.

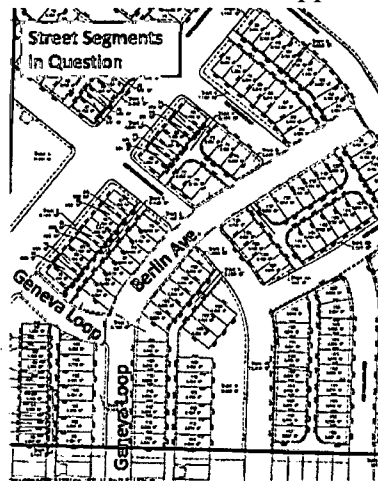
Conditions of Approval from both the Engineering Division and Natural Resources also relate to the final location and design of the storm water facilities.

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.												
<u>Engineering Division Conditions:</u>													
<u>Standard Comments:</u>													
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 data-bbox="346 1260 1205 1480"> <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>\$ 25,00010,000</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>\$1,000,000</u>	Fire Damage (any one fire)	\$ 50,000	Medical Expense (any one person)	\$ 25,000 10,000
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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: <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>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.</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).
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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 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
 - VIIIB) 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 ^{14,15} (%)	Max. Bldg. Height ² (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 ¹⁵	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8.17,18
Single-Family Dwellings	2,250	35	50	2	60 ¹⁵	35	12 ^{5,6}	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
 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 façade 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, wee 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 	<i>More isolated wetland retained expanding park area</i>
PP-11	Garden Park North	West of Stockholm Avenue	<ul style="list-style-type: none"> • “Space for recreation and informal play” 	<i>Increased in size</i>
LG 15		Along former 110 th ROW	<ul style="list-style-type: none"> • Pedestrian connection • Other misc. amenities 	<i>Includes area previously designated as PP-9</i>
LG-16		Along former 110 th ROW	<ul style="list-style-type: none"> • Pedestrian connection • Other misc. amenities 	<i>Area incorporated into NP-7 with retention of wetlands</i>
PP-9		Along former 110 th ROW	<ul style="list-style-type: none"> • Creative Play • Benches • Pathway 	<i>Incorporated into LG-15, amenities maintained</i>
New Linear Greens		Throughout PDP	<ul style="list-style-type: none"> • none 	<i>Pedestrian connection Other misc. amenities</i>
New Pocket Parks		Both sides of Serenity Way south of Coffee Lake Drive	<ul style="list-style-type: none"> • none 	<i>Rainwater Elements</i>

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 Criteria:** “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 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 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

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 that 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

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: 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.

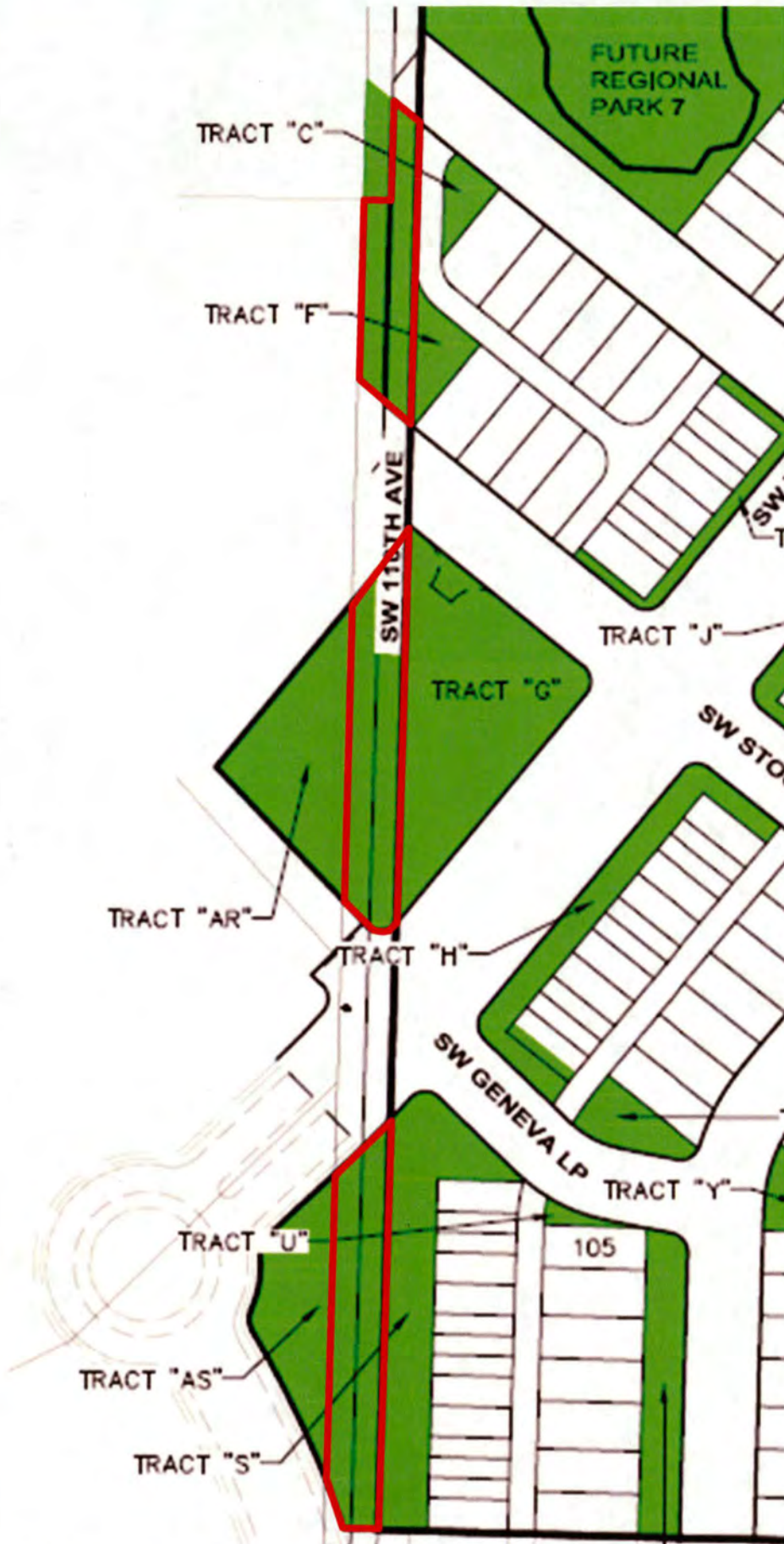
Details of Finding: The condition of approval will ensure landscaping is continually maintained in accordance with this subsection.

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.

PLANNING DIVISION MEMORANDUM

November 15, 2012

To: Development Review Board Panel A

From: Daniel Pauly AICP, Associate Planner

Re: Proposed Changes to Resolution No. 238 and Staff Report for DB12-0042 et. seq. (PDP 3E)

INCLUSION OF METRO OWNED TAX LOT 200 IN ZONE MAP AMENDMENT AND PDP

The Zone Map Amendment and PDP requests include City and Urban Renewal owned parcels to lay the foundation for a future Final Development Plan for Regional Parks 7 and 8, as well as clean up the Zoning Map in the area. The applicant and City staff has been working with Metro to also have a parcel they own, Tax Lot 200, included in the request for the same reasons. While the Metro parcel was included in the public hearing notice, Metro's signature had not been obtained prior to publishing the staff report for public review on November 8th, and the Metro parcel was not included in the staff report. Metro has since signed an application to include their parcel in the Zone Map Amendment and the Preliminary Development Plan. Staff recommends amending the resolution and staff report to reflect Metro's inclusion as well as add discussion topics addressing certain specific concerns about storm water and other future facilities on Metro property. The following is recommended text

Resolution

To the title

Add a comma after "Residential Agriculture-Holding", remove the word "and" before "Public Facility", and add ", and Exclusive Farm Use" following "Public Facility"

Add "200" to the list of Tax Lots affected by the Zone Map Amendment and PDP

Staff Report

Page 1

Add the following to the list of other Tax Lots involved in some of the requests:

- Tax Lot 200, Section 15 (Preliminary Development Plan, Zone Map Amendment)

Page 2

Add Metro (TL 200) to the list of property owners.

Add Metro to the list of applicants

Add EFU (Exclusive Farm Use) to the list of current Zone Map Classifications

Pages 4, 8, 76

Replace “the City and the Urban Renewal Agency” or “City and Urban Renewal” with “the City, Urban Renewal Agency, and Metro” or “City, Urban Renewal, and Metro” when referring to park and open space areas to the north and east of the Bischoff/Lund Property.

Page 8

Add language regarding the Metro parcel’s current zoning as follows after the language regarding the current zoning of the City and Urban Renewal parcels:

“The Metro property is split between RA-H and Clackamas County EFU Zoning.”

Page 11

Add the following discussion topic between “Ownership and Tract for Wetland” and “Proposed Regional Water Quality Dry Ponds and Bio Retention Swells in Regional Park 8.”

“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 Sub-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.”

Page 13

For Conditions of Approval PDA 1, add Exclusive Farm Use (EFU) to the list of current zoning designations being changed.

Page 28

Add “B13 Application Form Signed on Behalf of Metro” to the Exhibit list

Pages 30, 42

For the details of the finding for Section 4.009 and Finding A33 add “An application for the parcel owned by Metro has been signed by Kathleen Brennan-Hunter, Metro Natural Areas Program Director.”

Pages 32, 73

Add “200” to the list of properties in Section 15 affected by Request A (PDP) and Request D (Zone Map Amendment).

Page 44

For Finding A40 increase approximate Gross Acreage from 52.845 to 73.27, and Parks from 24.298 to

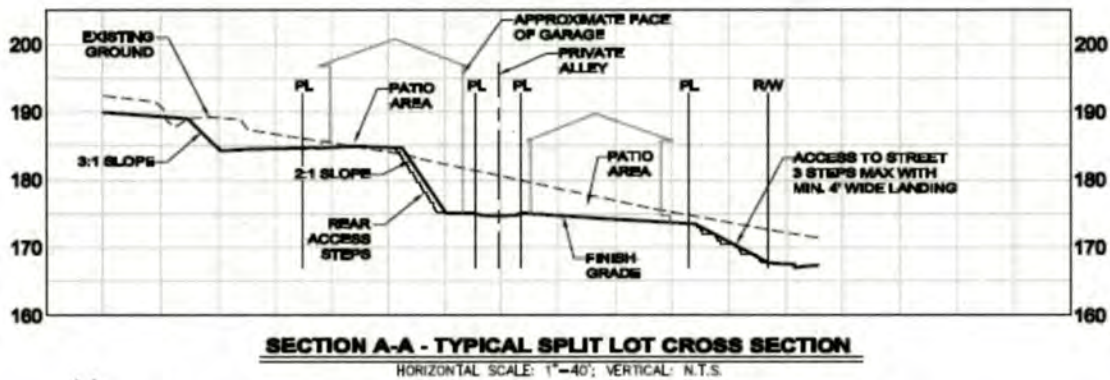
MISSING CONDITION OF APPROVAL AND REFERENCES

The discussion topic "Ownership and Tract for Wetlands" on page 11 refers to Conditions of Approval "PDE ?" and "PDG ?". The two question marks are placeholders intended to be updated with the appropriate Condition of Approval reference. The "PDE ?" reference should read "PDE 11" and the "PDG ?" reference should read "PDG 11."

In addition, staff intended, but neglected to, add a Final Development Plan condition of approval requiring demarcation of the property line between City and HOA ownership in the isolated wetland. Staff recommends the following language be added as Condition of Approval PDG 11.

"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."

ENHANCEMENTS FOR REAR ELEVATIONS VISIBLE DUE TO SLOPE



Typically the rear elevation of homes facing alleys are not within the public view shed. However, the slopes within PDP 3 and 4 East lead to a three story elevation across the alley from a 2 story elevation. Because of the grade difference the third story of the one elevation will likely be within the public view shed if not from the nearest street downslope, from further downslope such as from Lowrie Primary School and Neighborhood Park 5. Since the upper portion of these elevations will be within the public view shed, staff recommends they be required to be enhanced as required for other building elevations within the public view shed. Staff recommends Condition of Approval PDC 3 requiring language be added to the note of page B1 of the Pattern Book defining what is included in the public view shed to cover this specific grade difference scenario. The recommended language of PDC 3 is as follows:

"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."

HAND RAIL ALONG WETLAND RETAINING WALL

Finding G37 discusses hand rails, if they are required for stairs within parks and open space, will be required by Condition of Approval PDG 6 to be of a design similar to courtyard fences shown in the Architectural Pattern Book. A rail may also be required or placed on the top of the retaining wall along

the retained wetland, which staff also recommends meets these design requirements. Staff recommends language being added to Finding G37 acknowledging that Condition of Approval PDG 6 also pertains to rails at the top of retaining walls. Recommended language to be inserted as the second to last sentence in the details of finding for Finding G37 is “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.”

CORRECT LOT REFERENCE FOR CONDITION OF APPROVAL BD 1

Condition of Approval BD 1 requires a monument marker of equivalent be placed along Verdun listing the addresses of the home facing the retained wetland. The Condition of Approval was written based on an earlier plan where only 8 lots faced the wetland. References to “Lots 1-8” in this condition should be changed to “Lots 1-9”.

TREES (ALONG 110TH AVENUE INCLUDING THOSE IN NP-5 AND PP-12)

In a memo dated November 14, 2012 which will be included in the record as Exhibit B14, Arborist Morgan Holen examines the trees along the west side of 110th Avenue including those within Neighborhood Park 5 and Pocket Park 12. Of the thirteen trees examined only one was of a condition of save. This tree is within a planned street intersection and is necessary to remove for construction. Staff recommends the findings for Request F be updated to reflect the additional information provided by this memo as follows:

Page 8 replace “Eleven (11) trees exist on the site, all of which” with “Twenty-four (24) trees”

Page 25 PDF 7: Replace “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.” with “Tree 281x shown in Exhibit B14 shall be mitigated with a tree”, remove “on a 1 for 1 basis” and change other references to “trees” in the condition of approval to the “tree”.

Page 93, Finding F13: Replace “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” with “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.”

ADDITIONAL EXHIBITS

The following should be added to the Exhibit list in addition to Exhibit B13 mentioned above:

B14 Memo from Morgan Holen to Stacy Connery dated November 14, 2012 RE: Supplementary Tree Inventory and Arborist Recommendations

Exhibit A4 Staff’s Powerpoint Presentation November 15, 2012

Exhibit A5 Memo from Daniel Pauly to the Development Review Board dated November 15, 2012

REQUESTED CHANGES TO CONDITIONS OF APPROVAL FROM CITY ATTORNEY'S OFFICE

Page 13, Condition of Approval PDA 2. Add the following to the end of the condition prior to the reference to related findings: "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."

Page 14, Condition of Approval PFA 2 should be rewritten as follows: "Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

General Aggregate	\$2,000,000
Products-Completed Operations Aggregate	\$2,000,000
Each Occurrence	\$2,000,000
Auto Insurance	\$1,000,000
Fire Damage (any one fire)	\$ 50,000
Medical Expense (any one person)	\$ 10,000"

Page 18, Condition of Approval PFA 32 should be rewritten as follows: "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."

CHANGES TO THE RESOLUTION TO ADOPT AMENDED STAFF REPORT

Under the third "WHEREAS" clause following the word "considered" add "and amended"

Under the fourth "WHEREAS" clause following the words "staff report" add ", as amended"

Under the "NOW, THEREFORE BE IT RESOLVED" clause following the date of the staff report add ", as amended November 15, 2012"

These changes will ensure all amendments made to the staff report during the hearing are appropriately recognized in the resolution. A revised resolution will be available at the hearing.

Also, all applicants including the City and Metro have been listed in the title of the resolution.

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 submittal 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: _____

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Legal Property Owner's Name:

PNW Homebuilders LLC

Authorized Representative:

Address: 109 E 13th St. Ste 200
Vancouver WA 98660

Address: _____

Phone: _____

Phone: _____

Fax: _____

Fax: _____

E-mail: _____

E-mail: _____

Property Owner or
Authorized Signature: _____

Name
Printed Fred Gast

Date 11/8/12

Title: _____

Site Location and Description:

Project Address if Available: _____ Suite/Unit _____

Project Location: Along west side of 110th Ave btwn Barber St. & Boeckman Rd

Tax Map #(s): 15 Tax Lot #(s): 2916, 2919 (portions) County: Washington Clackamas

Request: Adjust SAP East boundary. Include portions of TL 2916 & 2919 planned for Neighborhood Park 5, Pocket Park 12, and Linear Green 15 in SAP East, PDP 3. Zone change map amendment, SAP Amendments, SAP Refinements, PDP, FOP, Tent. Plat, Type C Tree plan.

Project Type: Class I Class II Class III

Residential Commercial Industrial Other (describe below)

Application Type:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Appeal | <input type="checkbox"/> Comp Plan Map Amend | <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 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 type="checkbox"/> Site Design Review |
| <input type="checkbox"/> SROZ/SRIR Review | <input type="checkbox"/> Staff Interpretation | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Stage II Final Plan |
| <input type="checkbox"/> Type C Tree Removal Plan | <input checked="" type="checkbox"/> Tree Removal Permit (B or C) | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Variance |
| <input checked="" type="checkbox"/> Villebois SAP | <input checked="" type="checkbox"/> Villebois PDP | <input checked="" type="checkbox"/> Villebois FDP | <input 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) _____



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 submittal 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: _____

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Legal Property Owner's Name:

Metro

Authorized Representative: _____

Address: 600 NE Grand Ave

Portland OR 97232

Address: _____

Phone: 503 797 1948

Phone: _____

Fax: _____

Fax: _____

E-mail: kathleen.brennanhunter@oregonmetro.gov

E-mail: _____

Property Owner or

Authorized Signature: [Signature]

Name

Printed Kathleen Brennan Hunter Date 11/14/12

Title: Natural Areas Program Director

Site Location and Description:

Project Address if Available: _____

Suite/Unit _____

Project Location: Future RP-8

Tax Map #(s): 15

Tax Lot #(s): 200

County: Washington Clackamas

Request: Zone Map Amendment, Preliminary Development Plan

Project Type: Class I Class II Class III

Residential

Commercial

Industrial

Other (describe below)

Application Type:

Annexation

Appeal

Comp Plan Map Amend

Conditional Use

Final Plat

Major Partition

Minor Partition

Parks Plan Review

Plan Amendment

Planned Development

Preliminary Plat

Request to Modify Condition

Request for Special Meeting

Request for Time Extension

Signs

Site Design Review

SROZ/SRIR Review

Staff Interpretation

Stage I Master Plan

Stage II Final Plan

Type C Tree Removal Plan

Tree Removal Permit (B or C)

Temporary Use

Variance

Villebois SAP

Villebois PDP

Villebois FDP

Waiver

Zone Map Amendment

Other

FOR STAFF USE ONLY:

Application Rec'd: _____

Fee: _____

Check #: _____

Application Complete: _____

By: _____

File No (s): _____



MEMORANDUM

DATE: November 14, 2012

TO: Stacy Connery (Pacific Community Design)

FROM: Morgan E. Holen, ISA Certified Arborist (PN-6145A)

RE: Supplemental Tree Inventory and Arborist Recommendations
1237 Villebois PDP 3E – Tonquin Meadows

At the request of Pacific Community Design, I visited Villebois Phase 3E on November 8 and 13, 2012, in order to evaluate 13 additional trees located near the western boundary of the Tonquin Meadows project site in terms of general condition and possible impacts from planned construction. This memo is provided as supplemental information to the Tree Maintenance and Project Plan we prepared dated August 22, 2012. This memorandum describes the additional trees located on the project site, as well as recommendations for tree removal, retention, protection and mitigation pursuant to the City of Wilsonville Development Code, Section 4.610.40.

Site Description

All 13 additional trees are located immediately adjacent to the SW 110th Avenue (see the enclosed site plan mark-up). They are located west of the street and are situated slightly above the street grade; a shallow ditch runs along the asphalt between the street and the trees.

Four tree species were identified, including seven black cottonwoods (*Populus trichocarpa*), four Douglas-firs (*Pseudotsuga menziesii*), one English hawthorn (*Crataegus monogyna*) and one sweet cherry (*Prunus avium*). None of these trees appeared in good condition and two were already dead. Table 1 provides a summary of the count of trees by species and condition rating. A complete description of individual trees is included in the enclosed tree inventory. Photographs are also enclosed.

Table 1. Count of Trees by Species and Condition Rating – Villebois PDP 3E.

Common Name	Species Name	Moderate	Poor	Dead	Total
black cottonwood	<i>Populus trichocarpa</i>		6	1	7 (54%)
Douglas-fir	<i>Pseudotsuga menziesii</i>	1	2	1	4 (31%)
English hawthorn	<i>Crataegus monogyna</i>		1		1 (8%)
sweet cherry	<i>Prunus avium</i>		1		1 (8%)
Grand Total		1 (8%)	10 (77%)	2 (15%)	13 trees

No Oregon white oak, native yews, or any species listed by either the state or federal government as rare or endangered were found on the site.



Tree Plan Recommendations

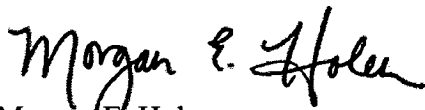
The existing SW 110th Avenue will be vacated and a park and new streets are proposed in the area where these trees are located. One tree is recommended for removal for construction and 12 trees are recommended for removal because of poor and hazardous condition, and inherent species limitations.

- One Douglas-fir (#281X.3) appeared in moderate condition with fair structure, moderate vigor and small, dense needles. This tree is biologically sustainable and attractive, relatively speaking. A minimum 15-foot protection radius would be needed to provide adequate protection for tree #281X.3. Based on the proposed site plan, this tree is located in the planned intersection of SW Villebois Drive North and SW Geneva Loop; therefore, tree #281X.3 must be removed for construction.
- One black cottonwood (#658) and one Douglas-fir (#281X.1) are already dead; these two snags have extensive decay, are hazardous to the existing street, and not safe for retention with development.
- One English hawthorn (#281X.2) and one sweet cherry (#660) are small trees with poor structure and these species are widely accepted as being invasive in our region.
- Six black cottonwoods (#615, #615.1, #656, #657, #659 and #661) appeared with moderate and severe defects including poor crown structure, broken tops, basal swelling and decay. Black cottonwoods are known to have inherent limitations because they are fast growing, short-lived trees with brittle wood; this species tends to become increasingly hazardous over time.
- Lastly, two Douglas-firs (#281X and 662), both with codominant stems at about 20-feet in height and included bark, have an increased probability of failure, are hazardous to the street, and not safe for retention with development.

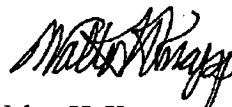
Mitigation Requirements

All 13 trees to be removed measured larger than 6-inches in diameter and require mitigation per Section 4.620.00; removed trees shall be replaced on a basis of one tree planted for each tree removed. Therefore, 13 trees measuring at least 2-inch in diameter will be planted as mitigation for tree removal.

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
Walter H. Knapp & Associates, LLC
Certified Forester, SAF 406
ISA Certified Arborist, PN-0497A

Enclosures: 1237 Tonquin Meadows – Site Plan Mark-Up 11-13-12
1237 Tonquin Meadows – Additional Tree Inventory 11-13-12
1237 Tonquin Meadows – Site Photographs 11-13-12



Villebois



POLYGON NW COMPANY
PACIFIC COMMUNITY DESIGN INC
LITTON LANDSCAPE ARCHITECTS INC
DESIGN INC

TONQUIN MEADOWS

Villebois 3 East
Preliminary
Development Plan

Tree Preservation Plan

DATE: 11/13/12

LEGEND:

- I IMPORTANT
- G GOOD
- M MODERATE
- P POOR
- ⊙ EXISTING TREES TO REMAIN
- ⊙ EXISTING TREES LIKELY TO BE REMOVED
- ⊗ EXISTING TREES TO BE REMOVED

SCALE

NOTES

ALL CONSTRUCTION AND GRADING WITHIN TREE PROTECTION ZONE IS TO BE COMPLETED UNDER DIRECT SUPERVISION OF PROJECT ARCHITECT. CONTACT: MORGAN HOLLEN PHONE: 503-656-6446

THE INTENT OF THE PLAN IS TO RETAIN AND INCORPORATE THE MAXIMUM QUANTITY OF TREES WITH IMPORTANT, GOOD, AND MODERATE CLASSIFICATIONS. THE FOLLOWING CLASSIFICATION SYSTEM WAS USED:

CLASSIFICATION METHOD:
TREES WERE RATED BASED ON THE FOLLOWING CONSIDERATIONS:

1. HEALTH
2. SPECIES (NATIVES WITH HABITAT AND ECOSYSTEM VALUE)
3. COMPATIBILITY WITH DEVELOPMENT
4. FORM / VISUAL INTEREST / MATURE SIZE

- TREES RANKED AS IMPORTANT WERE RATED HIGH IN ALL FOUR AREAS.
- TREES IN THE GOOD CATEGORY HAD GOOD HEALTH AND WERE A DESIRABLE SPECIES, BUT HAD IRREGULAR FORM OR LESS COMPATIBILITY WITH DEVELOPMENT.
- TREES IN THE MODERATE CATEGORY HAD GOOD TO MODERATE HEALTH AND FORM, BUT WERE A LESS DESIRABLE SPECIES OR MAY BE LESS COMPATIBLE WITH DEVELOPMENT.
- TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

NOTES:
1. THE INFORMATION PROVIDED IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST WALTER KNAPP AND WAS PROVIDED IN A TREE REPORT DATED JULY 25, 2012 INCLUDED WITH THE APPLICATION MATERIALS.



H:\proj\1237\00\Drawings\153\Plan\Site\1237\123700\123700.dwg - SHEET: TREE Nov. 5, 12 - 3:53 PM .pvt

No.	Common Name	Species Name	DBH*	Cond [#]	Comments	Treatment
281X	Douglas-fir	<i>Pseudotsuga menziesii</i>	50	P	codom stems at 20', included bark, basal swelling, one broken top	Remove - hazardous
281X.1	Douglas-fir	<i>Pseudotsuga menziesii</i>	46	Dead	already a snag, advanced decay	Remove - hazardous
281X.2	English hawthorn	<i>Crataegus monogyna</i>	8x3"	P	invasive species, poor structure and condition	Remove - condition, species
281X.3	Douglas-fir	<i>Pseudotsuga menziesii</i>	50	M	fair structure, moderate vigor, small/dense needles, 15' crown	Remove - construction
615	black cottonwood	<i>Populus trichocarpa</i>	8,6	P	codom stem, included bark, inherent species limitations	Remove - condition, species
615.1	black cottonwood	<i>Populus trichocarpa</i>	14,10	P	small, poor structure, inherent species limitations	Remove - condition, species
656	black cottonwood	<i>Populus trichocarpa</i>	24	P	poor structure, basal swelling	Remove - condition, species
657	black cottonwood	<i>Populus trichocarpa</i>	20	P	poor structure, broken top, inherent species limitations	Remove - condition, species
658	black cottonwood	<i>Populus trichocarpa</i>	50	Dead	already a snag, advanced decay	Remove - hazardous
659	black cottonwood	<i>Populus trichocarpa</i>	50	P	dead top, stem decay	Remove - hazardous
660	sweet cherry	<i>Prunus avium</i>	12	P	invasive species, poor structure	Remove - condition, species
661	black cottonwood	<i>Populus trichocarpa</i>	10,8	P	poor structure and condition	Remove - condition, species
662	Douglas-fir	<i>Pseudotsuga menziesii</i>	40	P	codom stems at 20', dead branches, one dead leader	Remove - hazardous

*DBH: Diameter at Breast Height (measured 4.5-feet above ground level in inches)

^C-Rad: Crown Radius, the distance from the center of the tree to the edge of the dripline (measured in feet)

#Condition Codes:

- I: Special Importance
- G: Good
- M: Moderate
- P: Poor



615.1

615

656

657

658 659



615

656

657



658

659



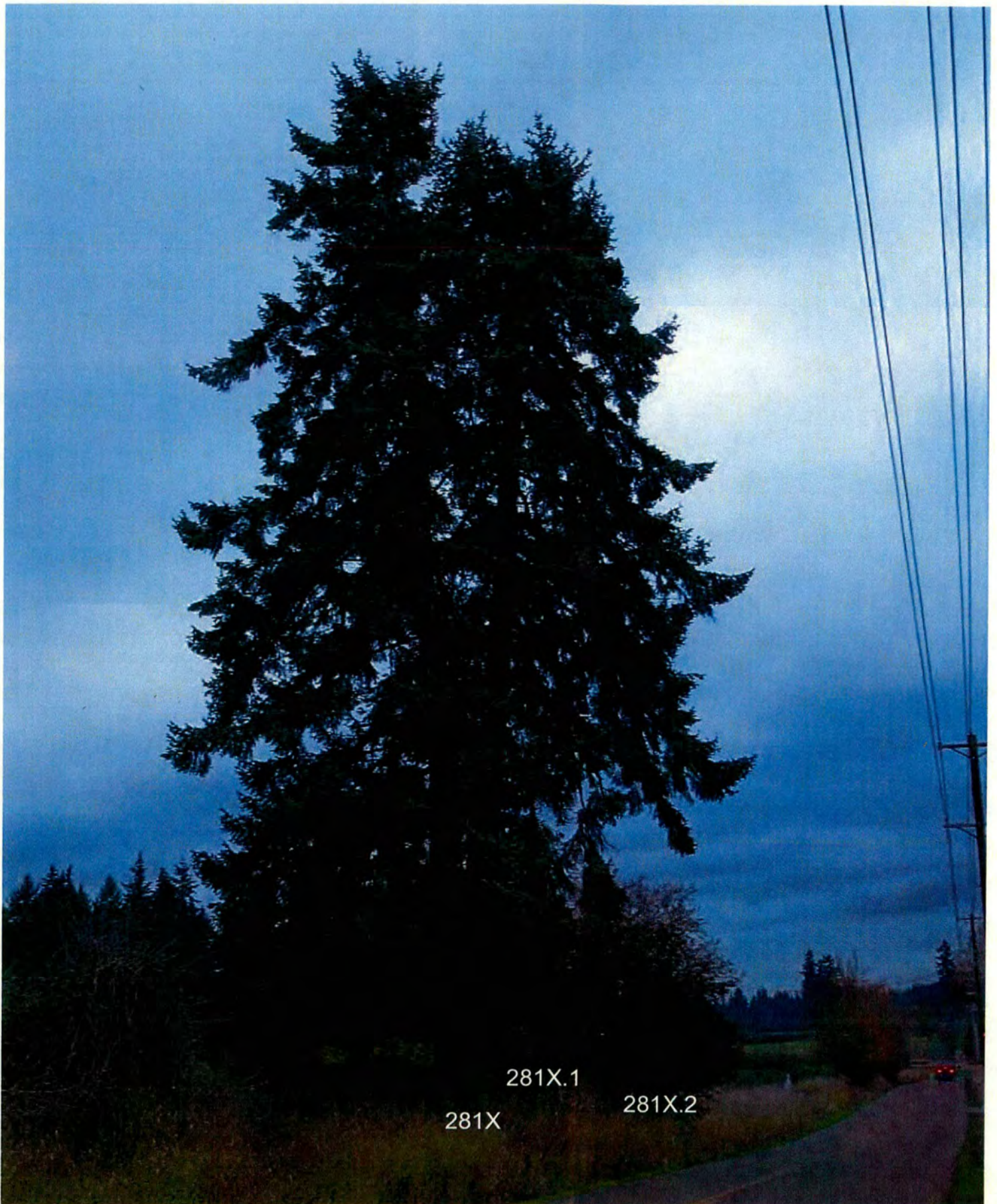
660

661

662



281X.3







Pauly, Daniel

From: Ward, Mike
Sent: Thursday, November 15, 2012 3:04 PM
To: Pauly, Daniel
Cc: Adams, Steve; Edmonds, Blaise
Subject: Villebois SAP East PDP 3 and 4 - PF Condition 31

Dan,

For PF Condition 31 on both the Villebois SAP East PDP 3 and PDP 4, please amend the condition to include the words “, and a digitally signed PDF” before the final period. Full text will read as below:

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, and a digitally signed PDF.

Thanks,

Mike Ward, PE

Civil Engineer

City of Wilsonville

29799 SW Town Center Loop East

Wilsonville, OR 97070

Direct: 503-570-1546

Fax: 503-682-7025

DISCLOSURE NOTICE: Messages to and from this E-mail address may be subject to the Oregon Public Records Law.

3-E

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

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 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)

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)

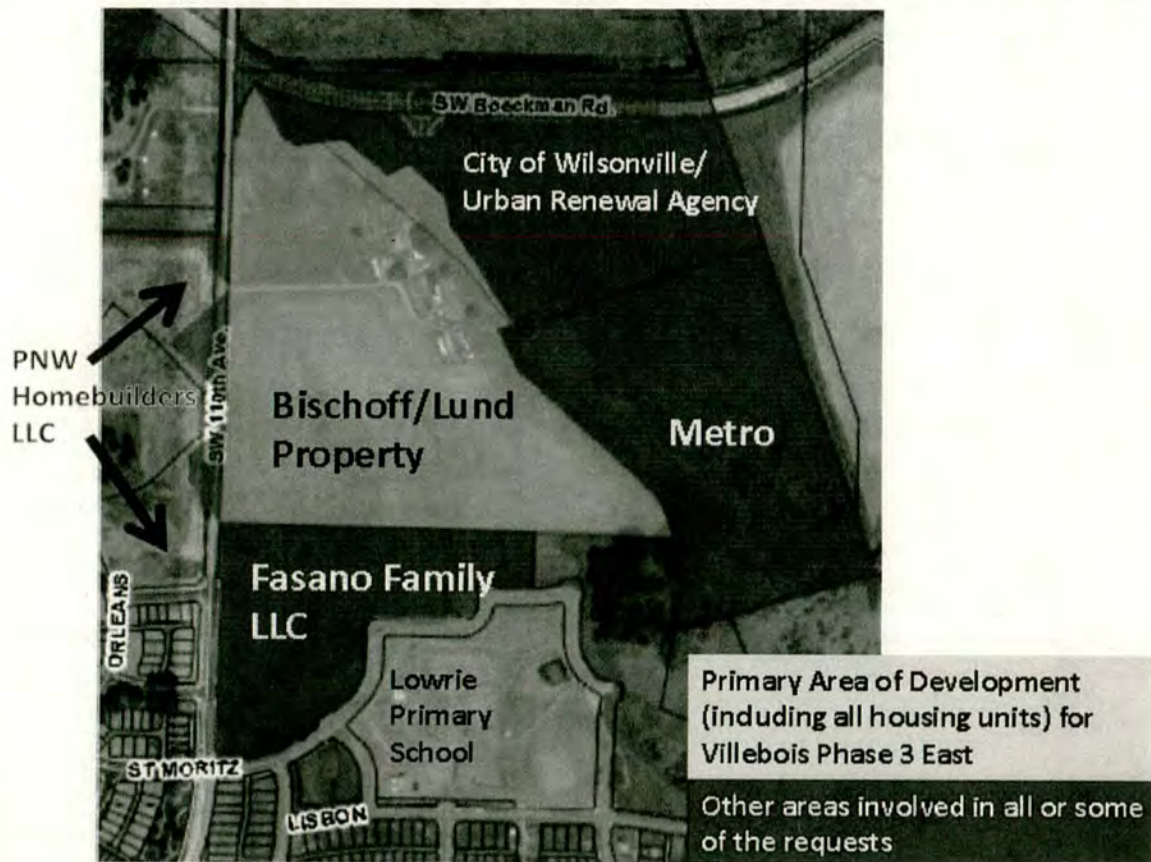
STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner
Steve Adams PE, Interim City Engineer
Kerry Rappold, Natural Resource Program Manager
Don Walters, Building Plans Examiner

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	

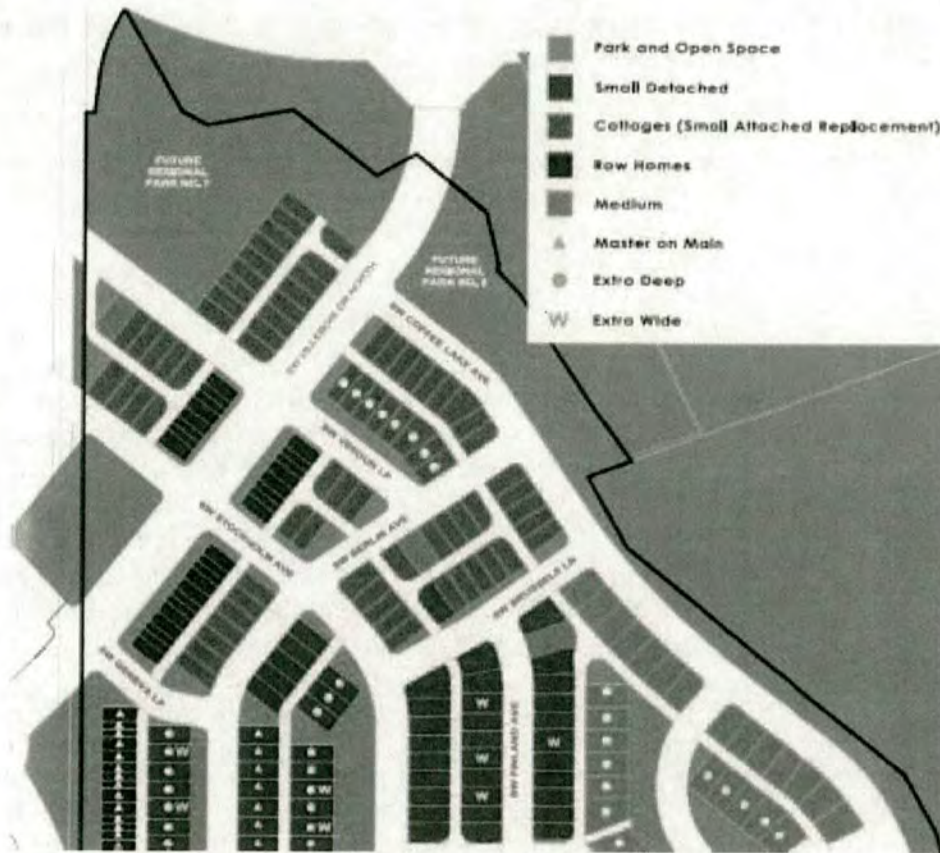
Vicinity Map



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. 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

Refinements to SAP East (DB12-0043)

When submitting a Preliminary Development Plan the Development Code allows applicants to request “refinements” to the previously approved Sub-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 (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 Sub-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 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.

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 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:

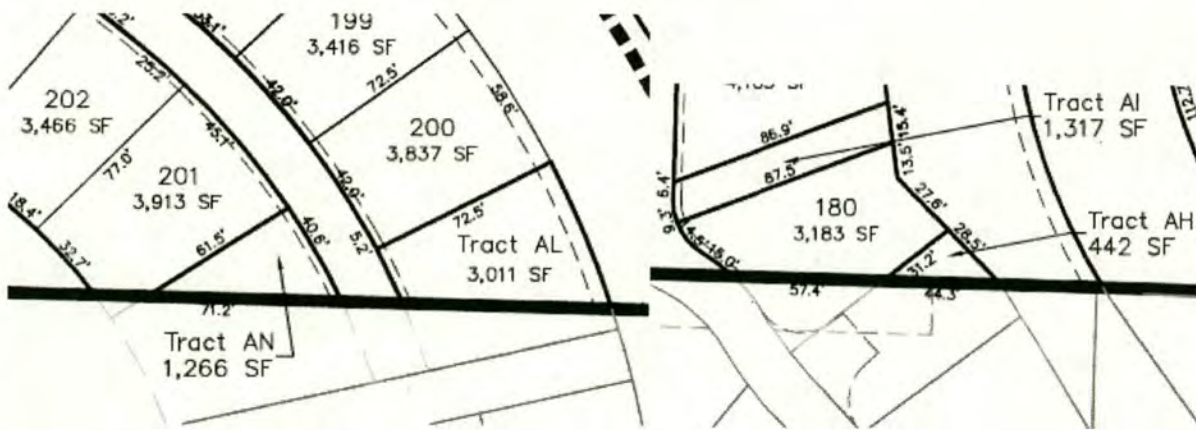
Parks Overlapping Current Ownership and SAP Boundaries.

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

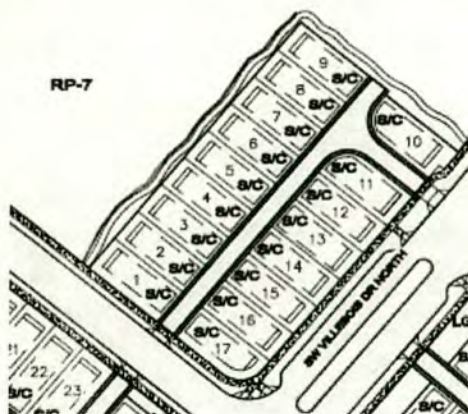
In this and previous applications PDP boundaries have been adjusted to reflect property ownership. In a number of cases this led to remnant areas between the PDP's developable with homes using land from multiple PDP's. The tentative subdivision plat for PDP 2E shows a "future development" tract adjacent 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? 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? 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.

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) 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." 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>Fire Damage (any one fire)</td> <td>\$ 50,000</td> </tr> <tr> <td>Medical Expense (any one person)</td> <td>\$ 25,000</td> </tr> </table>	General Aggregate	\$2,000,000	Products-Completed Operations Aggregate	\$2,000,000	Each Occurrence	\$2,000,000	Fire Damage (any one fire)	\$ 50,000	Medical Expense (any one person)	\$ 25,000
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Medical Expense (any one person)	\$ 25,000										
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: <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.
- 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.	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. 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.	<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.</p>									
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.									
PFA 33.	<p>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.</p> <p>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.</p> <p>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:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;"><u>SAP East</u></th> <th style="text-align: left;"><u>Dwelling Unit Count</u></th> <th style="text-align: left;"><u>Total PM Peak Hour Trips</u></th> </tr> </thead> <tbody> <tr> <td>Initial Approval</td> <td>353 single fam. / 288 condos</td> <td>507</td> </tr> <tr> <td>Current Proposal</td> <td>462 single fam. / 114 condos / school</td> <td>602</td> </tr> </tbody> </table>	<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
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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.	<p>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.</p> <p>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.</p>
PFA 35.	<p>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.</p>
PFA 36.	<p>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.</p>
PFA 37.	<p>All construction traffic shall ingress and egress the project site via the existing 110th Avenue/Tooze Road streets or proposed Villebois Drive/Boeckman Road. No construction traffic will be allowed on Brown Road.</p>
PFA 38.	<p>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.</p>
PFA 39.	<p>On Villebois Drive north of Coffee Lake Drive no on-street parking shall be allowed.</p>
PFA 40.	<p>The applicant shall provide a 'stamped' engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways. Secondarily, 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.</p>

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>

	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.
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).
Building Division Conditions:	
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 1-8, 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 1-8.
Natural Resources Division Conditions:	
Stormwater Management:	
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.	
Rainwater Management Components:	
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.
Significant Resource Overlay Zone	
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

Planning Division Conditions:

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

Planning Division Conditions:

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.

REQUEST D: DB12-0045 Zone Map Amendment

Planning Division Conditions: *No Conditions of Approval Proposed for This Request*

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 110th 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 of the same or similar variety in the same vicinity as the removal on a 1 for 1 basis. Such trees 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.

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

VIIIB) 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.

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.

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.

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, 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:

Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width ^{16, 17} (%)	Max. Bldg. Height (ft.)	Setbacks ^{10, 13, 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 ¹⁶	35	12 ^{5,6}	20 ⁸	5	5 ¹⁵	7	8,17,18
Single-Family Dwellings	2,250	35	50	2	60 ¹⁶	35	12 ^{5,6}	20 ⁸	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 an 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 façade 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 façades 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.

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				
	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, 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.

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 Acres
Parks	24.298 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

Development Review Board Panel 'A' Staff Report November 8, 2012
 Polygon Homes-Villebois Phase 3 East and SAP East Amendments

Exhibit A1

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 	<i>More isolated wetland retained expanding park area</i>
PP-11	Garden Park North	West of Stockholm Avenue	<ul style="list-style-type: none"> • “Space for recreation and informal play” 	<i>Increased in size</i>
LG 15		Along former 110 th ROW	<ul style="list-style-type: none"> • Pedestrian connection • Other misc. amenities 	<i>Includes area previously designated as PP-9</i>
LG-16		Along former 110 th ROW	<ul style="list-style-type: none"> • Pedestrian connection • Other misc. amenities 	<i>Area incorporated into NP-7 with retention of wetlands</i>
PP-9		Along former 110 th ROW	<ul style="list-style-type: none"> • Creative Play • Benches • Pathway 	<i>Incorporated into LG-15, amenities maintained</i>
New Linear Greens		Throughout PDP	<ul style="list-style-type: none"> • none 	<i>Pedestrian connection Other misc. amenities</i>
New Pocket Parks		Both sides of Serenity Way south of Coffee Lake Drive	<ul style="list-style-type: none"> • none 	<i>Rainwater Elements</i>

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 Criteria:** “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, 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 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

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 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 do 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 that 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.

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 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 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
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: 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. 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.

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RESOLUTION NO. 2377

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)

WHEREAS, in 2004, the City of Wilsonville ("City") and the Urban Renewal Agency of the City of Wilsonville ("URA") entered into a Development Agreement ("Matrix Development Agreement") with Matrix Development Corporation ("Developer") and several property owners for the residential development of certain real property in the community known as Villebois Village ("Villebois Property"), pursuant to the Villebois Master Plan; and

WHEREAS, the Matrix Development Agreement has been amended by Contract Addendum Nos. 1, 2, and 3; and

WHEREAS, Addendum No. 4 is the subject of this Resolution and is between the City, the URA and Polygon Northwest Company, L.L.C. ("Polygon"). All other parties to the Development Agreement are not parties to this Addendum 4.

WHEREAS, the purpose of Addendum No. 4 is to outline certain responsibilities to be undertaken by Polygon as the potential successor in ownership interest to Donald E. Bischof and Sharon L Lund property located within the Villebois Master Plan ("Bischof/Lund Property").

WHERE, if Polygon does not purchase the Bischof/Lund Property, as provided in Addendum No. 4, then Addendum No. 4 will automatically become null and void.

WHEREAS, to assist the public in understanding the complexities of the Matrix Development Agreement and other Villebois development as it relates to this Addendum No. 4, the following historical chronological summary of the Villebois Village Master Plan Project is provided:

SUMMARY

1. The Villebois Master Plan is a land use plan regulating the development of approximately 500 acres of a planned, mixed use community of internal commercial and a mix of an anticipated 2,600 residential uses, with trails, parks, and open spaces, supported by

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approximately \$140 million in infrastructure improvements. In approximately June 2004, for the purposes of developing home sites within the Villebois Master Plan area, Matrix Development Co. (Matrix) acquired certain land interests in approximately 150 acres of land east of 110th Street and entered into the 2004 Matrix Development Agreement. In this regard, Matrix purchased the Kirkendall property, succeeding to their interests in the Matrix Development Agreement; purchased some of the property owned by DeArmond/Fasano and optioned to purchase the balance; purchased some of the property owned by Bischof/Lund and optioned to purchase the balance; purchased a portion of the property owned by Arthur C. and Dee W. Piculell, and purchased development rights to mitigate wetlands on the balance not purchased.

2. In conjunction with the purposes of acquiring the aforementioned property and developing it, Matrix entered into certain loan agreements with Wachovia Bank (now Wells Fargo Bank), which included financing certain of the land purchases and development costs and providing Wachovia with security interests therein.
3. Matrix was authorized to enter into, and participate on behalf of the parties in, the adoption of the land use planning regulations for the properties to implement the Villebois Master Plan, including but not limited to a Revised Master Parks Plan, Special Area Plan East (SAP-E) for the properties east of 110th, and the platting of Preliminary Development Plan Phase 1 ("PDP-1"), which was the first phase of development of SAP-E.
4. The parks and open space classifications are pocket parks, linear greens, neighborhood parks, and regional parks. The general location of these parks and open spaces are depicted in Figures 5, 5A, and 5B to the Revised Villebois Village Parks Master Plan. A copy of Figures 5, 5A, and 5B are marked as **Exhibit 1**, attached hereto and incorporated by reference herein. Without provision for these parks, development cannot proceed.
5. In August of 2005, Matrix entered into a financing contract with the City and the URA in the form of Contract Addendum No. 1 to the Matrix Development Agreement. Addendum 1 replaced the local improvement district ("LID") funding mechanism to provide traffic trip capacity for the development's impacts at the I-5/Wilsonville Road Interchange with a prepayment by Matrix for trip impacts that would be generated by its

development. A certain amount of development, based on projected traffic trips were thereby vested in accordance with Addendum 1 and the prepayment provided funding for improvements to increase the interchange's trip capacity to allow for that development.

The prepayment was made and Matrix was vested in the trips set forth in Addendum 1.

6. In December of 2007, the financial provisions of the parks and open spaces to be developed by Matrix were memorialized by the City, the URA, and Matrix in Addendum No. 2 to the Matrix Development Agreement. The key features of Addendum 2 are as follows: the total costs of the parks and open spaces were estimated to be \$4,837,293; Matrix would construct these parks and open spaces; and Matrix would provide a proposed PDP-2 that, together with PDP-1, provided for 655 lots which would produce \$1,568,070 (655 lots x \$2,394) in park SDCs, against which Matrix would receive a \$1,113,210 credit against the City's park SDCs, leaving the balance of \$454,860 to be paid by PDP-1 (190 x \$2,394). Thus, accounting for the SDC credits, the remaining proposed 465 lots would not pay any park SDCs, given Matrix's responsibility to provide the parks and open spaces. Included in the total of Matrix's responsibility was the construction of a community center for the homeowner's association (to include an interpretive center), at an estimated cost of \$1,019,000.

7. Matrix and its construction entity, Legend Homes, Inc. ("Legend"), filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the District of Oregon, Case No. 08-32798-tmb 11. On May 11, 2010, the Bankruptcy Court adopted the Matrix Second Amended Reorganization Plan ("Reorganization Plan"), effective June 1, 2010. As part of the proceedings, Matrix abandoned its optioned property to the above referenced owners and, through the Reorganization Plan, certain of its other property was transferred to Wells Fargo, as successor in interest of Wachovia Bank, and subsequently assigned to its property development company, Redus OR Lands, LLC. ("Redus Property"). Under the Reorganization Plan, Matrix and Legend merged into a reorganized single entity, Legend, and Legend retained the land and development of PDP-1. Prior to the bankruptcy and the abandonment, Matrix had proposed a portion of the balance of the property to be developed as PDP-2, and a map depicting the proposed lot development is marked as **Exhibit 2**, attached hereto and incorporated by reference

- herein. A map depicting the respective interests after abandonments is marked as **Exhibit 3**, attached hereto and incorporated by reference herein. A list of the respective parks and open spaces in SAP-E, the property ownership upon which they occur, and their estimated costs is set forth on **Exhibit 4**, attached hereto and incorporated by reference herein.
8. As part of the Reorganization Plan, Legend was relieved of all parks costs, except for certain fixed park SDCs on a graduated scale for the 159 remaining residential lots of PDP-1 that had not been built upon, which Legend retained under the Reorganization Plan, and an approved, agreed upon sum toward the design and construction of Neighborhood Park 6 under the Reorganization Plan. These park SDCs and costs to Legend were negotiated and agreed upon between Legend, the City, the URA and Redus. With Legend being relieved of its other parks and open spaces participation, except as noted above, the remaining responsibility for the parks and open space requirements and related costs fell to the remaining land owners, to be imposed at the time of development. A separate amending agreement of the Matrix Development Agreement between the City, the URA and the Fasano/DeArmond, and a second separate amending agreement between the City, the URA and Redus were reached to address, in part, the parks and open space requirements and their respective funding. Included in these agreements, among other things, the City and the URA acquired land from each of the ownerships for the construction of a grade school by the West Linn Wilsonville School District ("District") within portions of then PDP-1 and PDP-2. Subsequently, Redus obtained City development approval, subject to conditions, of an 88-lot subdivision for land within PDP-2 that Redus now owns. This subdivision is now referenced as SAP East, PDP-2 (hereinafter "PDP-2"). Fasano/DeArmond has not yet applied for development approval.
9. The City, the URA and Polygon, who anticipates purchasing the Bischof/Lund Property (pursuant to an agreement with the current owners thereof), now desire to amend the Matrix Development Agreement to provide the framework for development of the Bischof/Lund Property. This land contains 192 lots, as originally proposed by Matrix for the Bischof/Lund Property, and will now be known as SAP East, PDP-3 (hereinafter "PDP-3").

10. As part of the Reorganization Plan, Legend retained the trip vesting benefits of contract Addendum 1 for its PDP-1 development and transferred the balance to Redus. Having provided the loan funds to Matrix for development, including that for paying for the vesting of trip capacity through the I-5 Interchange, and with the Bankruptcy Court's approval and Matrix' abandonment of certain portions of a proposed PDP-2 to Wachovia, the City and the URA reached agreement with Redus to retain the same vested trip benefits for its PDP-2 property. Without the application of the vesting of trip funds to the interchange improvements, which are scheduled to be completed July 2012 to allow capacity for Villebois development, development by Matrix or Legend or any of the landowners involved, or their successors, would not be able to proceed under the City's infrastructure concurrency policy. However, to the extent that the collected and expended vesting of trips funds would apply to other Villebois properties under the Development Agreement, Redus is entitled to recoup the applicable balance of the payment from those property owners at their property's development. This amounts to \$690 per lot under the original agreement with Matrix. The City, the URA and Redus reached an agreement for repayment upon development of these other properties. Polygon has agreed to the City's surcharge of \$690 per lot against each lot proposed for the Bischof/Lund Property at the time of building permit application to build on the lots which the City and URA will then reimburse the surcharged amount to Redus upon the collection. Polygon proposes 184 lots rather than 192 due to wetland conditions.

11. The Villebois Master Plan required that a 10-acre site be designated for a grade school and sports fields. The designated land was initially located west of 110th and adjacent to Tooze Road. The School District in anticipation of building at the Tooze Road site had passed a bond issue to build the school. Due to the recessionary economic conditions, the housing development needed to support the extension of infrastructure to the Tooze Road site was delayed and therefore funding for the improvements needed for Tooze Road improvements was not available. There was an immediate need for the school serve over crowded conditions and also to avoid bond arbitrage issues. Give the aforementioned lack of funds for extending infrastructure to the Tooze Road site, the Villebois Master Plan was amended to provide for a substituted school site with a lower infrastructure cost.

The URA and the City purchased the substitute site within the lands of Matrix, Redus, and DeArmond/Fasano. A reduced copy of page 1 of Partition Plat No. 2010, depicting the school site (parcel 2) and a plan layout of the school site, is marked as **Exhibit 5**, attached hereto and incorporated by reference herein.

12. The District entered into an Infrastructure Development Agreement with the City and the URA. Under the Infrastructure Development Agreement, the District will provide certain infrastructure to serve the school, such as local roads, storm drainage, and sewer lateral lines. Some of this infrastructure was oversized and provides extra capacity, which will benefit the neighboring properties. This entitles the District to reimbursement from the benefiting properties at time of development of the benefitting properties through a Road and Utility Reimbursement District. There was also a need for the school to be tied into the proposed Coffee Lake sewer trunk line, which was on land that Redus acquired in the reorganization. The construction of the trunk line was not funded and would normally be constructed by the developer of the land in conjunction with development and under an SDC methodology with credit for oversizing by the responsible developer. Redus was not a developer. Given the exigent circumstances, it was determined that there was a need to develop an alternative, but equitable funding mechanism.
13. Except for PDP-1, the parties recognized that in order for the remaining properties to develop there was need for a segment of the 15-inch sewer trunk line to be constructed within the right of way of the planned Coffee Lake Drive. Coffee Lake Drive traverses the eastern edge of SAP-E, commencing from Barber Street to the south to the planned Villebois Drive to the north. The sewer trunk line is located within the Coffee Lake Drive right of way; but only the segment from a little south of Barber to the Bischof/Lund southern property line was needed to be constructed for the school to open. This segment of the sewer line is located within the Redus Property and Redus agreed to provide the necessary easement to the City. As noted above, a different funding approach was needed than had been provided in the Matrix Development Agreement. Thus, the Infrastructure Agreement, Addendum No. 3 to the Matrix Development Agreement involving Redus and Legend, and the purchase agreement with Fasano/ deArmond, provided for formation of a Reimbursement District to reimburse a portion of the sewer line cost with the School

District contributing 24% to the cost. The sewer line was constructed and oversized to benefit certain properties yet to be developed, including the Bischof/Lund Property ("Benefited Properties") All Benefited Properties are subject to a pro rata reimbursement for this segment upon development. The District was to advance the funds for this segment of the 15-inch sewer trunk line, subject to reimbursement. Under the reimbursement provisions of its code, the City will be seeking reimbursement for the District from the Benefitted Property owners through a Coffee Lake Drive Sewer Reimbursement District and through a separate reimbursement district for that constructed segment of Coffee Lake Drive that the developers of PDP-2 were conditioned to provide. (Road and Utility Reimbursement District"). The Road and Utility Reimbursement District is a separate and further reimbursement district to which the Benefited Property owners will be subject.

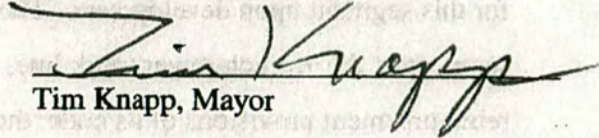
14. If Polygon purchases the Bischof Lund Property, Polygon desires to deliver community elements such as roads, utilities, and parks early in the development process and to streamline the development process in order for the parties to realize the resulting economic benefits, including some cost savings to Polygon and some relief to the City and the URA from advancing funds for some of these elements, as envisioned in the amended Matrix Development Agreement. Pursuant to Addendum No. 4, if Polygon purchases the Bischof Lund Property on or before December 15, 2015, Polygon will advance the capital required to construct the parks and infrastructure described in Addendum No. 4, subject to SDC credits, as provided in Addendum No. 4 and subject to reaching certain other agreements with third party developers or landowners in Villebois as provided in Addendum No. 4.

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

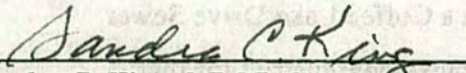
1. City Council hereby authorizes the City Manager to enter into Contract Addendum No. 4 to the Development Agreement, to benefit past and future development at Villebois Village, addressing construction roles, financing responsibilities, timing for improvements to be made, in substantially the form attached hereto as **Exhibit A**, as approved by the City Attorney.

2. This Resolution, incorporating the Summary, is effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 20th day of August, 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	Yes
Council President Núñez	Yes
Councilor Goddard	Yes
Councilor Starr	Yes

Attachments:

Exhibit 1 – Parks and Open Space Plan
Exhibit 2 – Proposed Site Plan PDP-2
Exhibit 3 – Map Depicting Respective Interests After Abandonment
Exhibit 4 – Parks/Open Spaces in SAP-E, Ownership and Estimated Costs
Exhibit 5 – Partition Plat No. 2010 and School Site
Exhibit A: Development Agreement Contract Addendum No. 4

**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)**

THIS ADDENDUM NO. 4 ("Addendum 4") to the above captioned Development Agreement (hereinafter referred to as the "Matrix Development Agreement") is entered into this ___ day of July, 2012, by and between the City of Wilsonville ("City"), a municipal corporation of the State of Oregon, the Urban Renewal Agency of the City of Wilsonville ("URA"), a municipal corporation of the State of Oregon, and Polygon Northwest Company, L.L.C., a Washington limited liability company ("Polygon"). This Addendum 4 only applies to the City, the URA, and Polygon, and does not apply to the other parties to the Matrix Development Agreement.

RECITALS:

1. The Villebois Master Plan is a land use plan regulating the development of approximately 500 acres of a planned, mixed use community of internal commercial and a mix of 2,600 residential uses, with trails, parks, and open spaces, supported by \$140 million in infrastructure. In approximately June 2004, for the purposes of developing home sites within the Villebois Master Plan area, Matrix Development Co. (Matrix) acquired certain land interests in approximately 150 acres of land east of 110th Street and entered into the 2004 Development Agreement set forth in the title above (known as the "Matrix Development Agreement").
2. Polygon has entered into an option agreement to purchase a portion of the property affected by and included in the Matrix Development Agreement, which is currently owned by Sharon L. Lund and Donald E. Bischof (the "Bischof/Lund Property"). The Bischof/Lund Property is described on the attached **Exhibit 1**. The City, the URA, and Polygon wish to clarify certain respective obligations under the Matrix Development Agreement that pertain to the Bischof/Lund Property if Polygon acquires the Bischof/Lund Property and Polygon receives its requested approvals for the development of SAP East, PDP-3 ("PDP-3E") as shown on the attached **Exhibit 2** (the "Site Plan"). The Site Plan contemplates 184 lots being developed on the Bischof/Lund Property.
3. Terms not specifically defined herein shall be as defined in the Development Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the City, the URA, and Polygon agree as follows:

TERMS AND CONDITIONS:

1. **Condition Precedent.** Polygon hopes to acquire the Bischof/Lund Property much earlier than December 31, 2015. However, as a condition precedent to the implementation of this Addendum 4, Polygon must purchase the Bischof/Lund Property (except for any such land dedicated to or purchased by the City from Bischof/Lund) on or before December 31, 2015. In the event Polygon does not purchase the Bischof/Lund Property by December 31, 2015, this Addendum No. 4 shall become null and void unless the parties otherwise mutually agree, in writing.

2. **Supplemental I-5/Wilsonville Street Fee.** Polygon, as the developer of PDP-3E, shall pay a supplemental I-5/Wilsonville Road street SDC of \$690 per Dwelling Unit ("DU") at issuance of the building permit for each lot within PDP-3E. This supplemental street SDC is separate and apart from the basic street SDC and is not intended by the parties hereto to be a part of any street SDC credit or street SDC credit calculation that is set forth in this Addendum 4. The estimated supplemental street SDC to be paid by Polygon for the currently proposed 184 lots at \$690/DU is \$126,960.

3. **Villebois Drive North Extension from Coffee Lake Drive to Boeckman.**

3.1. The Matrix Development Agreement for SAP East provides that the City will construct Villebois Drive North from the existing roundabout on Boeckman Drive to Coffee Lake Drive. Polygon, as the developer of PDP-3E, hereby agrees to construct Villebois Drive North from the existing roundabout on Boeckman Drive to Coffee Lake Drive, subject to a full credit of those expenses against street SDC fees for PDP-3E. The parties estimate the length of this segment to be 310 feet and that the estimated cost to construct, with utilities, is \$650 per linear foot, which is calculated to be \$201,500, together with soft costs estimated at 24% of the construction cost, or \$48,360, which totals \$249,860. The breakdown of soft costs is set forth in Section 12.1.

3.2. The City shall provide the necessary permits of entry and construction easements to allow Polygon to construct this segment of roadway and the City shall dedicate for public use such segment of the roadway which is located on City property.

4. **Villebois Drive North Extension from 110th to Coffee Lake Drive.** Polygon, as the developer of PDP-3E, shall construct Villebois Drive North from Coffee Lake Drive to the Bischof/Lund Property boundary. Polygon will receive credits for those expenses against street SDC fees for PDP-3E for 12 feet additional paving width and the additional base rock depth over the entire street width that is required to upgrade from a local street to a collector street (typically two additional inches of base rock). The extra paving width for bike lanes is calculated at 10,260 sq. ft., at a unit price of \$2.00 a sq. ft., for an estimated cost of \$20,520. Rock needed for the extra paving is calculated at 10,260 sq. ft., at \$1.33 a sq. ft., for an estimated cost of \$13,646. The extra base rock depth is calculated to be 42,750 sq. ft. at \$0.50 a sq. ft., for an estimated cost of \$21,375. The total estimated cost of all of the foregoing is \$55,541. The soft costs are

calculated at 24% of the costs for the extra paving width and rock, which is estimated at \$13,330. The total street SDC credits are estimated at \$68,871.

5. **Villebois Drive Central/Costa Circle Extension and Roundabout.**

5.1. Under a separate and different development agreement with Villebois Village LLC ("Villebois Village"), the developer of SAP Central, Villebois Village is required to construct Villebois Drive Central from 110th Avenue, the property line of PDP-3E, to Costa Circle Drive, the roundabout, and Costa Circle Drive from Villebois Drive Central to its current terminus, subject to the standard credits of those expenses against street SDC fees. Villebois Village, along with its successors and assigns, as the current owners of SAP Central (see paragraph 5.2 below) are not currently ready to proceed with this construction. However, because this is an important transportation linkage within the community, the parties to this Addendum 4 agree that residents of Villebois and others within the City of Wilsonville will benefit from having this road linkage in use, and both the City of Wilsonville and Villebois land holders will benefit from having this community investment in place and paid for.

5.2. Based on the foregoing, if the Villebois Drive Central/Costa Circle extension and roundabout have not been completed by the SAP Central developer by the time the Bischof/Lund Property is developed, and subject to the conditions below, Polygon, as the developer of PDP-3E, hereby agrees to construct Villebois Drive Central from 110th Avenue (property line of PDP-3E) to Costa Circle Drive, the roundabout, and Costa Circle Drive from Villebois Drive Central to its current terminus, subject to the following conditions: A separate agreement(s) is executed with all affected land owners of SAP Central, meeting the requirements of this Section 5.2. The current affected property owners of SAP Central are Costa Pacific Communities, Inc. or its affiliate, Villebois Village Center LLC ("Costa"), and Zions National Bank ("Zion"). Polygon has entered into preliminary negotiations with them to pursue this goal. Under such separate agreement(s), Costa and Zion must provide the road dedications and construction easements required to build these roads and roundabout; Costa must waive its right to collect its portion of the Master Planning Fee for all lots in PDP-3E; and Costa and Zion must agree to a supplemental street SDC equal in total to the actual street SDC credits provided by the City for Polygon for the streets and roundabout, which shall be paid to the City as future building permits are issued for the development in SAP Central. Polygon, as the developer of PDP-3E, shall receive a full credit of the expenses for constructing the Villebois Drive Central/Costa Circle extension and roundabout against street SDC fees for PDP-3E and against that portion of the Master Planning Fee owed by Polygon to the master developer (see Section 11). A map of these streets and the roundabout, with the designation of the proposed portion thereof that is the responsibility of Costa or Villebois Village Center LLC is set forth in **Exhibit 3**, attached hereto and incorporated by reference herein. A table of the estimated respective costs and SDC credits are set forth in **Exhibit 4**, attached hereto and incorporated by reference herein.

5.3 The City shall provide the necessary permits of entry and construction easements to allow Polygon to conduct the Villebois Drive Central/Costa Circle extension on 110th Street.

6. **Coffee Lake Drive Through Property.**

Polygon, as the developer of PDP-3E, shall construct Coffee Lake Drive, within the property boundary, and receive street SDC credits for the construction of paving wider than 20 feet and the easterly curb against street SDC fees for PDP-3E. The SDC credits are calculated as follows: extra paving width of 12,240 sq. ft. at \$2.00 a sq. ft. is estimated at \$24,480; rock for the extra paving of 12,240 sq. ft. at \$1.33 a sq. ft. is estimated at \$16,279; the easterly curb of 2,040 lineal ft. at \$15.00 per linear ft. is estimated at \$30,600, for a total estimate of \$71,359; soft costs, at 24% of the above sum, are estimated at \$17,126; and the total SDC credits are estimated at \$88,485.

7. **Regional Park 7 and North Portion of Regional Park 8.**

7.1. Subject to the cap on costs described in Section 7.2, Polygon, as the developer of PDP-3E, shall construct that portion of Regional Parks 7 and 8 within the Bischof/Lund Property boundary and the Metro Property area as shown on **Exhibit 5**, attached hereto and incorporated by reference herein.

7.2. Polygon believes it can significantly reduce the cost by providing the design/plans for and the management of construction of the park described in Section 7.1. Polygon's obligation to spend funds for the design and construction of that portion of Regional Parks 7 and 8, as described in Section 7.1, is capped as follows: Polygon shall not be obligated to spend more than the park SDCs, currently set at \$4,602 per lot, which may be adjusted annually, in accordance with the Seattle Engineering Record's published construction cost index, until the park work is completed (the "Capped Amount"). The City will agree to a redesign of that portion of Regional Parks 7 and 8 so that the costs will not exceed the Capped Amount. The City shall review and approve draft plans at 30%, 60%, and 90% of plan completion. The total park SDC credits are currently estimated at \$846,768 (\$4,602 x 184 lots, subject to annual adjustment) and shall be provided by the City as against the Capped Amount for Polygon to design and construct the northern part of Regional Parks 7 and 8. In the event the City receives timely final approval from Metro for park construction on that portion of the Metro Property shown on **Exhibit 5**, Polygon and the City further agree that Polygon will design and construct the trail facilities on Metro property as long as the cost of the design and construction of that segment of the trail facilities, when added to the cost to design and construct the portion of Regional Parks 7 and 8 located within the Bischof/Lund Property, as described in Section 7.1, will not exceed the Capped Amount. Polygon will provide an updated more reliable cost estimates for construction for both the northern part of Regional Park 8 on the Bischof/Lund Property and the Metro property when the 30% design is completed. The parties shall then determine whether it is feasible to proceed with further design and construction of Regional Park 8 on both properties or just within the Bischof/Lund Property without including the Metro Property. In the event the estimated costs exceed the Capped Amount at the 30% design phase, Polygon shall not be obligated to spend any more than the Capped Amount. In such case, the City reserves the option to elect, at its discretion, to contribute Park SDC funds or other funds to cover the amount that exceeds the Capped Amount. If the City does not elect to pay the amount

in excess of the Capped Amount, the parties will redesign to stay within the Capped Amount or elect to build some or all of the park improvements at a later date.

7.3. The City has received Metro's tentative approval for the conceptual park improvements on the Metro Property, as depicted in the above **Exhibit 5**. The City will facilitate obtaining Metro's final approval to construct the trail facilities on the Metro Property.

8. **Miscellaneous Parks: Linear Greens (LG) 15 & 16, Pocket Parks (PP) 9 & 12, and Neighborhood Park (NP) 5.** These parks were initially designed to be located on the Bischof/Lund Property and the adjacent parcels owned by private ownership to the west, which property is not included in the Matrix Development Agreement. 110th Avenue currently runs through the middle of these parks. These parks are located and described on the map attached hereto as **Exhibit 6**, and incorporated by reference herein. It is anticipated that in order to develop the parks as shown, Polygon must enter into an agreement with this private property owner to allow for development of a portion of the parks on that other property. The City will endeavor to contact this property owner, who is currently located overseas, to determine whether the property owner is agreeable to allowing a portion of its property to be included in the park or parks Polygon will design and build. Polygon acknowledges it has the responsibility to develop the park areas located within the Bischof/Lund Property in PDP-3E, but the City and Polygon would prefer that the full parks, as currently contemplated in the Master Plan, be developed, if appropriate agreement can be obtained from the property owner. The plan to remove 110th will need to provide for existing easements of Northwest Gas and Kinder Morgan Petroleum utilities. If the other property owner does not enter into an agreement with Polygon to allow for park construction on its land, Polygon will develop that portion of the parks located on the Bischof/Lund Property and require the homeowner's association to maintain them, once constructed.

9. **Coffee Lake Drive 15-Inch Sewer.**

9.1. A 15-inch sewer trunk line in Coffee Lake Drive will serve all of SAP East, portions of SAP Central and SAP North, and all of UPA3. The sewer line has been extended by the City from Barber Avenue to Denmark Street (property line of Bischof/Lund). This segment has been constructed and a Reimbursement District is being formed by the City to pay the cost thereof.

9.2. The parties agree that Polygon, as the developer of PDP-3E, shall construct the 15-inch sewer line in Coffee Lake Drive from Denmark Drive (Bischof/Lund Property line) to 110th Avenue at its cost and receive sewer SDC credits for all lots within PDP-3E for oversizing the line above an 8-inch line to provide extra capacity for the future benefitted properties within the service area. Polygon acknowledges and agrees to formation of the Reimbursement District and that PDP-3E will be subject to assessments for a reimbursement of proportionate costs under the Reimbursement District.

9.3. Oversizing of sewer line reimbursement estimates have been in the range of \$55 - \$60 a linear foot, to date, in Villebois. Thus, SDC credits are estimated at \$57.50 a

linear foot for 2,040 feet, for a total of \$117,300, plus soft costs estimated at \$28,152, for a total estimated cost of \$145,452.

10. **Villebois Drive 18-Inch Waterline.** Polygon, as the developer of PDP-3E, shall construct an 18-inch water line in Villebois Drive from Coffee Lake Drive to the westerly property line, at an estimated cost of \$106,020, inclusive of soft costs. Polygon shall receive water SDC credits for the construction of oversizing from a 12-inch line to an 18-inch line against water SDCs for the lots in PDP-3E, in the estimated total sum of \$31,806, inclusive of soft costs, as set forth on page 4 of **Exhibit 4**.

11. **Master Planning Fee.** The Matrix Development Agreement for SAP East provides that the developer will pay a Master Planning Fee of \$900 per lot, with \$690 of that fee being paid to the master planner, Costa Pacific Communities, and \$210 of that fee being paid to the City. In the event Costa Pacific Communities, as a land owner in SAP Central, waives its Master Planner Fee, as proposed in Section 5 above, Polygon, as the developer of PDP-3E, shall only be required to pay the City a Master Planning Fee of \$210 per lot at the time of building permit issuance for each lot within PDP-3E.

12. **SDC Credit Calculations.**

12.1. **Included Costs.** The standards for calculating the costs of constructing infrastructure, including both soft and hard construction costs, are standards known to the City and Polygon, and have been used for the calculations herein, against which SDC credits are calculated. Soft costs incurred in connection with the improvements described in this Addendum 4 are included in SDC credits. Polygon shall be treated equitably and consistently with the other developers receiving SDC credits in Villebois, and such soft costs for the purposes of SDC credits shall be calculated as a percentage of construction costs as follows: Design, Engineering, and Surveying, 10%; City Permit Fee, 7%; Geotechnical Inspection, 2%; and Construction Management, 5%, for a total of 24% of construction costs. The Matrix Development Agreement addresses the respective SDC and SDC credit calculations and is to be followed, except as may otherwise be specifically set forth in this Addendum 4. All SDC credits shall be credited to Polygon before Polygon must pay any system development charges for the Bischof/Lund Property lots. That is, upon completing an infrastructure project and becoming entitled to the applicable SDC credits as provided in this Addendum 4, Polygon may apply, in whole or in part, such applicable SDC credits against the SDC otherwise owed, until such credits may become exhausted, before Polygon is obligated to pay any remaining applicable SDC that may be owed.

12.2 **Excluded Costs.** The parties to this Addendum 4 agree that the various infrastructure costs and SDC credit calculations shall not include the cost of any property or any easement, right of entry, or license for any property necessary to be dedicated to or otherwise transferred by any of the respective parties to this Addendum 4 to the City for the infrastructure improvements, including parks, provided for in this Addendum 4 and which shall be provided to the City without cost to the City. Polygon will not be required to pay for any rights of entry, easements, or dedications.

12.3. **Final Estimates and True Up.** In order to secure a public works permit for the infrastructure provided for herein, plans for the construction of the infrastructure, including parks, must be provided to and approved by the City. In constructing the infrastructure, the approved plans must be followed and, to ensure the cost for providing the infrastructure is reasonable, and thus any credit entitlement is reasonable, Polygon shall provide the construction contract costs to the City as the final estimate for the City's review and approval, which approval shall not be unreasonably withheld. The final cost and SDC credits shall be based on actual costs true up from the construction contract costs; provided, however, that for any such true-up change cost, the parties must mutually agree they are reasonable.

12.4. **Insurance and Bonds.** Prior to commencement of construction of the infrastructure set forth in this Addendum 4, Polygon must provide to the City performance and payment bonds satisfactory to the City to provide for the respective infrastructure set forth in this Addendum 4. Polygon shall cause the City to be named as an additional insured on the applicable contractor's insurance policy for the construction of the respective infrastructure provided for in this Addendum, in amounts and coverage satisfactory to the City.

13. **GAP Parcel.** Bischof/Lund donated approximately 4.454 acres of land to the URA to be used for parks and open space. This land is referred to as the GAP parcel and it makes up a portion of those parks identified as Regional Parks 7 and 8 in the Revised Villebois Parks Master Plan. The GAP parcel is identified on **Exhibit 2**. Polygon and the URA agree that Polygon will include this area in the design and construction of Regional Parks 7 and 8, subject to the costs incurred by Polygon for all the work described in Section 7 not exceeding the Capped Amount.

14. **Recitals Incorporated.** The recitals set forth above, inclusive of exhibits, are incorporated by reference as general terms of this agreement to provide for the intent of the parties in developing and constructing the specific provisions of the Terms and Conditions of this Addendum No. 4 Agreement.

15. **Miscellaneous.** This Addendum 4 amends the Matrix Development Agreement as specifically set forth herein. Except as set forth in Addendum 4, the Matrix Development Agreement, as previously amended, remains in full force and effect as to the parties to the Matrix Development Agreement.

16. **Assignment.** Polygon shall have the right to assign, without release, this Addendum No. 4 to an affiliate of Polygon, including Polygon at Villebois, L.L.C. An affiliate of Polygon is defined as any entity that is managed or controlled by the same people who manage Polygon.

17. **SDC Adjustments.** All references to SDCs in this Addendum 4 are references to system development charges established for the 2011-2012 fiscal year. Those charges are subject to adjustment on an annual basis proportionate to the changes in the Seattle Engineering Record's published construction cost index.

18. **Notices.** All notices, demands, consents, approvals, and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States Mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail, or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machine, such notice shall be deemed given at the time and on the date of machine transmittal.

To City: Michael E. Kohlhoff
City Attorney
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville OR 97070

To Polygon: Polygon Northwest Company, L.L.C.
Attn: Fred Gast
109 E. 13th Street
Vancouver WA 98660

With a copy to: Radler White Parks & Alexander LLP
Attn: Barbara Radler
111 SW Columbia Street, Suite 1100
Portland, OR 97201

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first written above.

POLYGON NORTHWEST COMPANY, L.L.C.

CITY OF WILSONVILLE

By: Brentview, Inc., its Manager

By: _____
Print Name: _____
As Its: _____

By: _____
Bryan Cosgrove
As Its: City Manager

THE URBAN RENEWAL AGENCY OF THE
CITY OF WILSONVILLE

By: _____
Bryan Cosgrove
As Its: Executive Director

Approved as to form:

Michael E. Kohlhoff, OSB #690940
City Attorney

EXHIBIT 1

The land bounded by a line beginning South 24-1/2° East 14.96 chains from the Northeast corner of Section 15, in Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon, in the center of L.A. Seely's main ditch; thence South 70-1/2° West, 14.64 chains to the Northwest corner of R.I. Seely's land; thence South 35° East, 2 chains on the West side of said land; thence South 52° East, 8.97 chains on the West side of said land; thence South 10° East, 2 chains on the West line of said land; thence West, 22.50 chains to the East line of the Donation Land Claim of Samuel B. Franklin; thence North on said East line, 22.64 chains to the Southwest corner of George B. Seely's land; thence East, 24.37 chains to the center of said L.A. Seely's main ditch; thence South 20-1/2° East on the center line of said main ditch to the place of beginning.

ALSO a strip of land (hiatus) situated in the Northeast one-quarter of Section 15 and the Northwest one-quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon; said strip of land (hiatus) lies Northerly of that certain tract of land conveyed to John and Rose Boston as described in Book 205, Page 458 and Book 319, Page 427 and lies Southerly of that certain tract of land conveyed to H.V. Rand, et ux, described in Book 143, Page 49, Deed Records, Clackamas County, Oregon; the Northerly line of said Boston Tract being described as follows:

Beginning at the Northwest corner of said Boston Tract, which Northwest corner is in the Easterly line of the Samuel Franklin Donation Land Claim No. 50 and bears North 00°00'00" East, 1698.90 feet from the South east corner of the Samuel Franklin Donation Land Claim No. 50; thence leaving said Easterly line, North 89°56'00" East parallel with the Northerly boundary of the R.V. Short Donation Land Claim a distance of 20.00 feet to a 5/8 inch iron rod in the Easterly right-of-way line of Brown road (County Road No. 355); thence continuing along said Northerly boundary of the Boston Tract, North 89°56'00" East (P.S. 21365 Records of Surveys, Clackamas County), 1403.07 feet to a 5/8 inch iron rod in the Easterly line of said Section 15, Township 3 South, Range 1 West; thence continuing North 89°56'00" East along the Northerly boundary of the Boston Tract (P.S. 21365 Record of Surveys, Clackamas County) parallel with said Northerly line of the R.V. Short Donation Land Claim, 132.36 feet to a 5/8 inch iron rod at the Northeast corner of the herein described tract, which Northeast corner is in the Westerly boundary of the R.I. Seely Tract as described in Book 43, Page 54, Deed Records, Clackamas County, Oregon.

EXCEPTING THEREFROM Those tracts deeded to The Urban Renewal Agency of the City of Wilsonville, by Deed recorded August 11, 2006, Fee No. 2006-073989, 2006-073990 and 2006-073991.

EXHIBIT 3

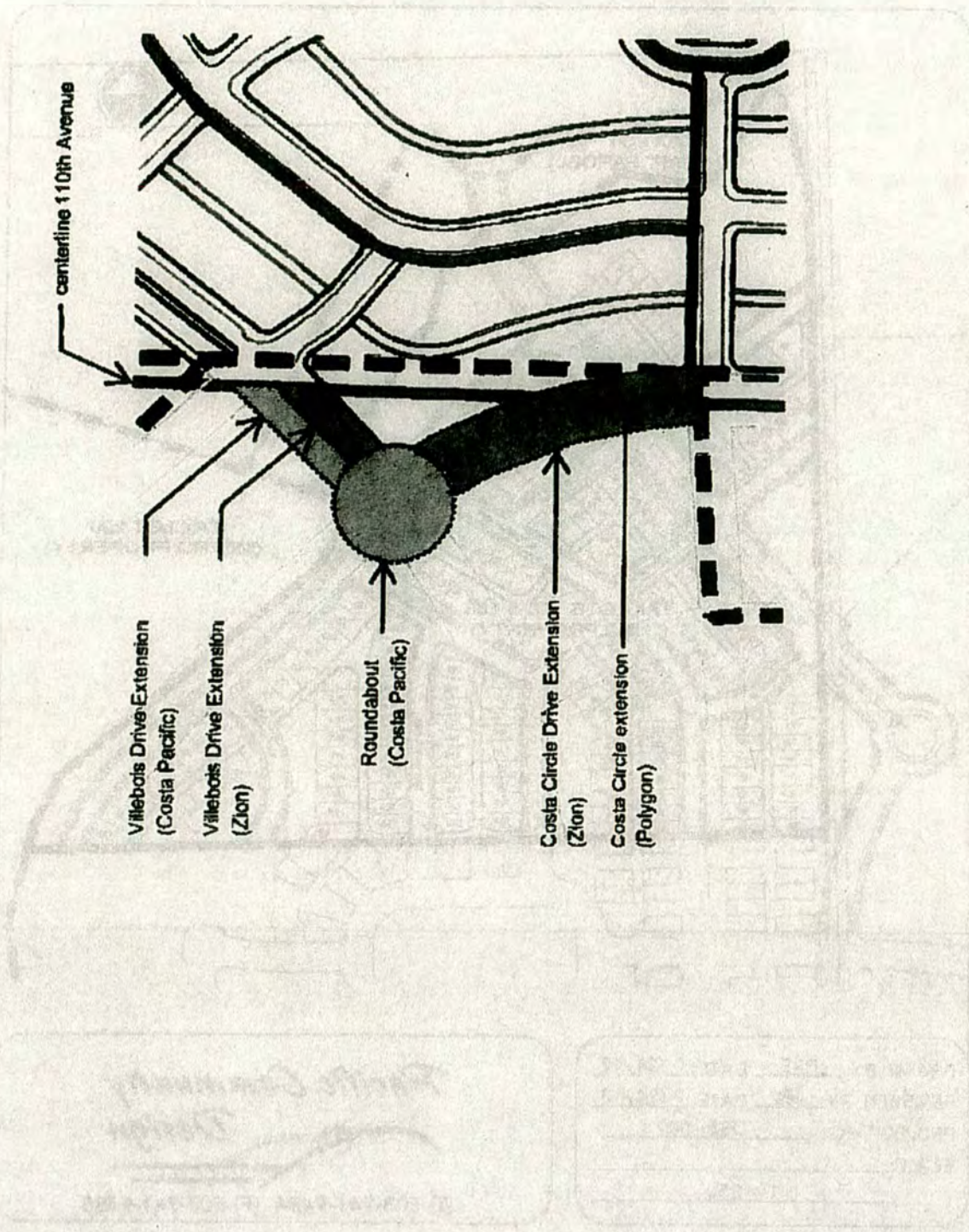


EXHIBIT 4

Supplemental I-5/Wilsonville Road Fee

pay supplemental fee for 184 lots at \$690/DU (\$127K).

Fee	Rate	Units	Cost
I-5/Wilsonville Rd	184	690	126,960
Total			126,960

Villebois Drive extension north of Coffee Lake Drive to Boeckman

Polygon to build from Coffee Lake Drive to existing roundabout on Boeckman (\$250K), receive road SDC credit for all costs (\$250K). City to dedicate required right of way and construction easements.

Road	Length	Cost per ft.	Cost
Villebois Drive	310	650	201,500
soft cost/cont		24%	48,360
Total	310		249,860

Villebois Drive extension from 110th Avenue to Coffee Lake Drive

Polygon to build from Coffee Lake Drive to 110th Ave., receive road SDC credit for 12 feet additional paving width and addition paving depth for remainder of paving (\$69K).

Item	Quantity (sf)	Unit price	Cost
Extra paving Width	10,260	2.00	20,520
Extra Paving depth	10,260	1.33	13,646
Extra Base Rock	42,750	0.50	21,375
soft cost/cont		24%	13,330
Total	10,260		68,871

Villebois Drive/Costa Circle extension and roundabout

Costa / Zion to dedicate required right-of-way and construction easements, Polygon to build (\$659K), Costa to waive Costa portion of MP Fee (\$127K), Polygon to receive road SDC credit for remaining offsite portion (\$474K), Costa / Zion reimburse City with supplemental fee at future building permits (\$181K Costa, \$293K Zion).

Road	Length	Cost per,ft	Cost
Villebois Drive	150	650	97,500
Roundabout		200,000	200,000
Costa Circle	360	650	234,000
Const. Total			581,500
Soft Cost/Cont		24%	127,560
Project Cost			699,060

Costa Pacific Items	Cost	%	Cost
Villebois Drive	97,500	50%	48,750
Roundabout	200,000	100%	200,000
Costa Circle	234,000	0%	0
Const. Total			248,750
Soft Cost/Cont		24%	59,700
Total Costa Cost			308,450
Less Master Plan Fee			-126,960
Costa Reimbursement			181,490

Zion Items	Cost	%	Cost
Villebois Drive	97,500	50%	48,750
Roundabout	200,000	0%	0
Costa Circle	234,000	80%	187,200
Const. Total			235,950
Soft Cost/Cont		24%	56,628
Total Zion Reimbursement			292,578

Polygon Items	Cost	%	Cost
Villebois Drive	97,500	0%	0
Roundabout	200,000	0%	0
Costa Circle	234,000	20%	46,800
Const. Total			46,800
Soft Cost/Cont		24%	11,232
Total Polygon Cost			58,032

Coffee Lake Drive thru property

Polygon to build within the property, receive Road SDC credits for Paving wider than 20 feet a the easterly curb (88K).

Item	Quantity (sf)	Unit price	Cost
Extra paving Width	12,240	2.00	24,480
Rock	12,240	1.33	16,279
easterly curb	2,040	15.00	30,600
soft cost/cont		24%	17,126
Total	12,240		88,485

Coffee Lake Drive 15-inch Sewer

Polygon to build thru property (\$685K), receive sewer SDC credit for oversizing from 8" to 15" (\$145K), and pay south portion late comer fee (50K).

Project cost:

Length	Cost	Cost per lf
South Portion		
1,779	597,143	335.66
North Portion		
2,040	684,750	335.66

North Portion SDC Credit

Item	Quantity (sf)	Unit price	Cost
Oversize from 8" to 15"	2,040.00	57.50	117,300
Soft Cost	117,300.00	24%	28,152
Total			145,452

South Late-comer Fee:

Area	Amount	Fee
Lund	50,203.72	50,204

Villebois Drive 18-inch Waterline

Polygon build from Coffee Lake Drive to 110th (\$106K), receive SDC credit for oversize from 12-in to 18-inch (\$32K).

Item	Quantity (lf)	Unit price	Cost
18-inch line	855	100.00	85,500
soft cost/cont			20,520
18-inch total			106,020
12 -inch line	855	70.00	59,850
soft cost/cont			14,364
12-inch total			74,214
Total Credit			31,806

Master Plan Fee

Pay City fee portion (\$39K), use Costa portion (\$127K) to pay for Village Drive/Costa Circle.

Fee	Units	Rate	Cost
MP Fee (Costa)	184	690	126,960
MP Fee (City)	184	210	38,640
Total	184	900	165,600

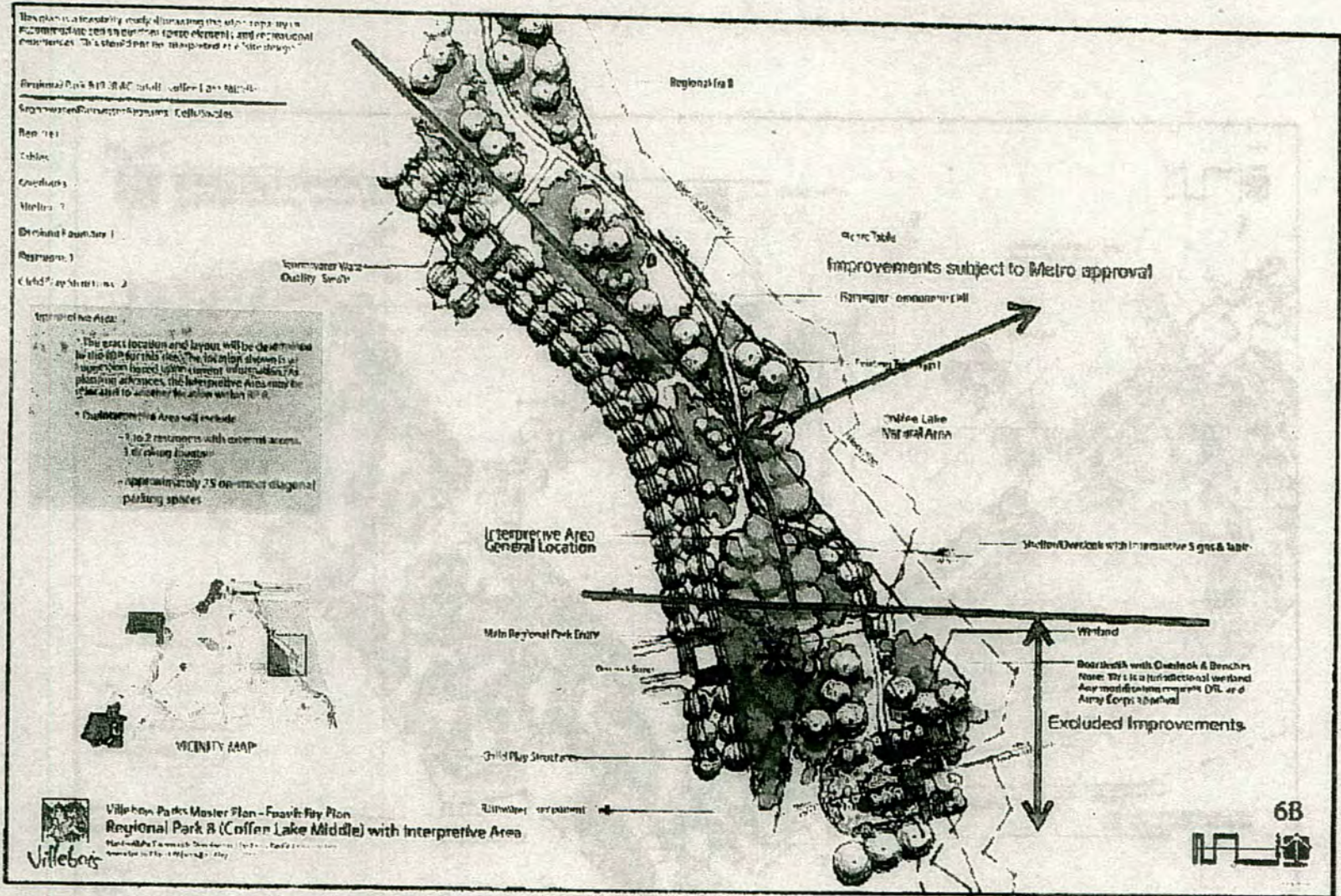
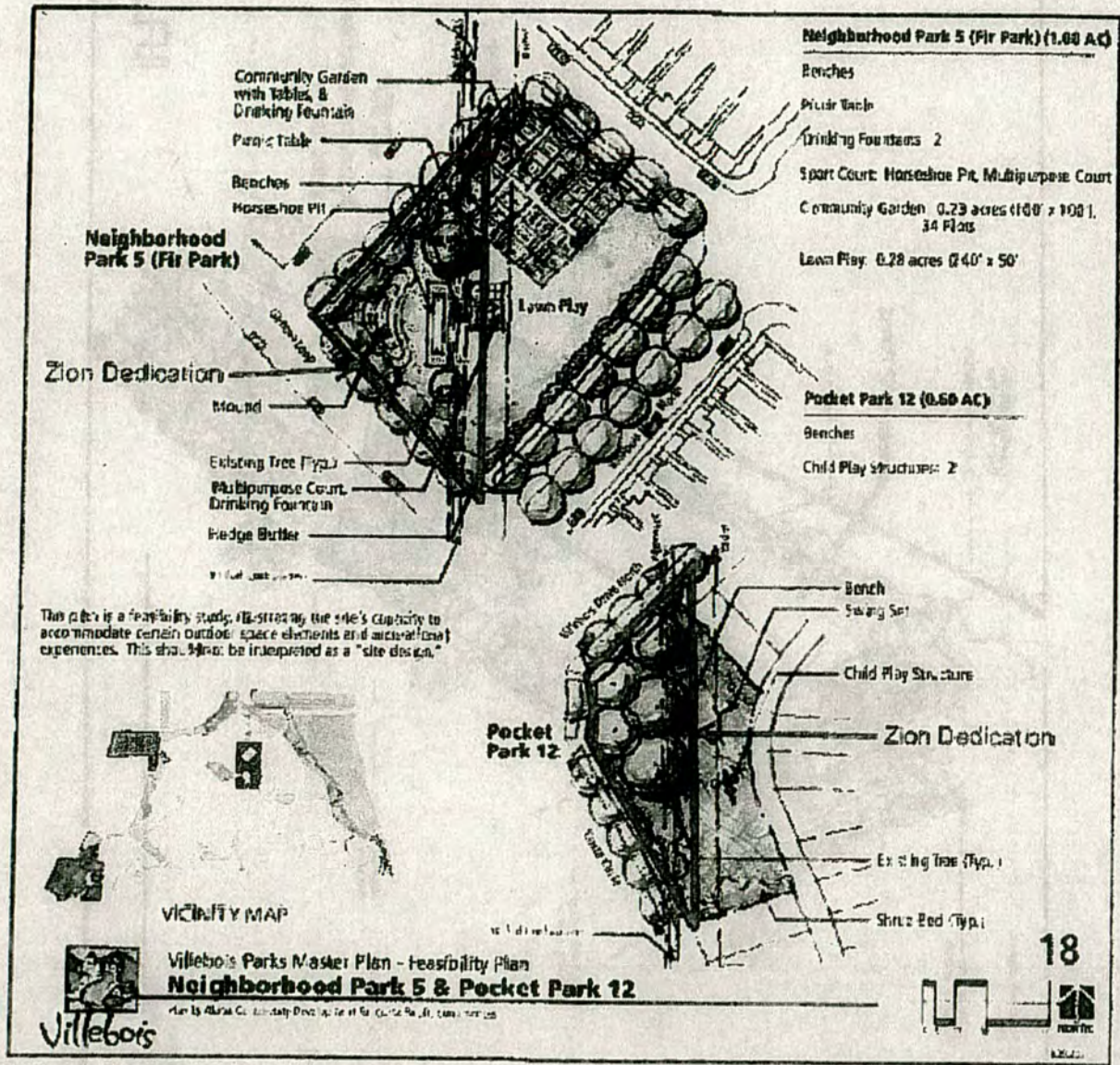
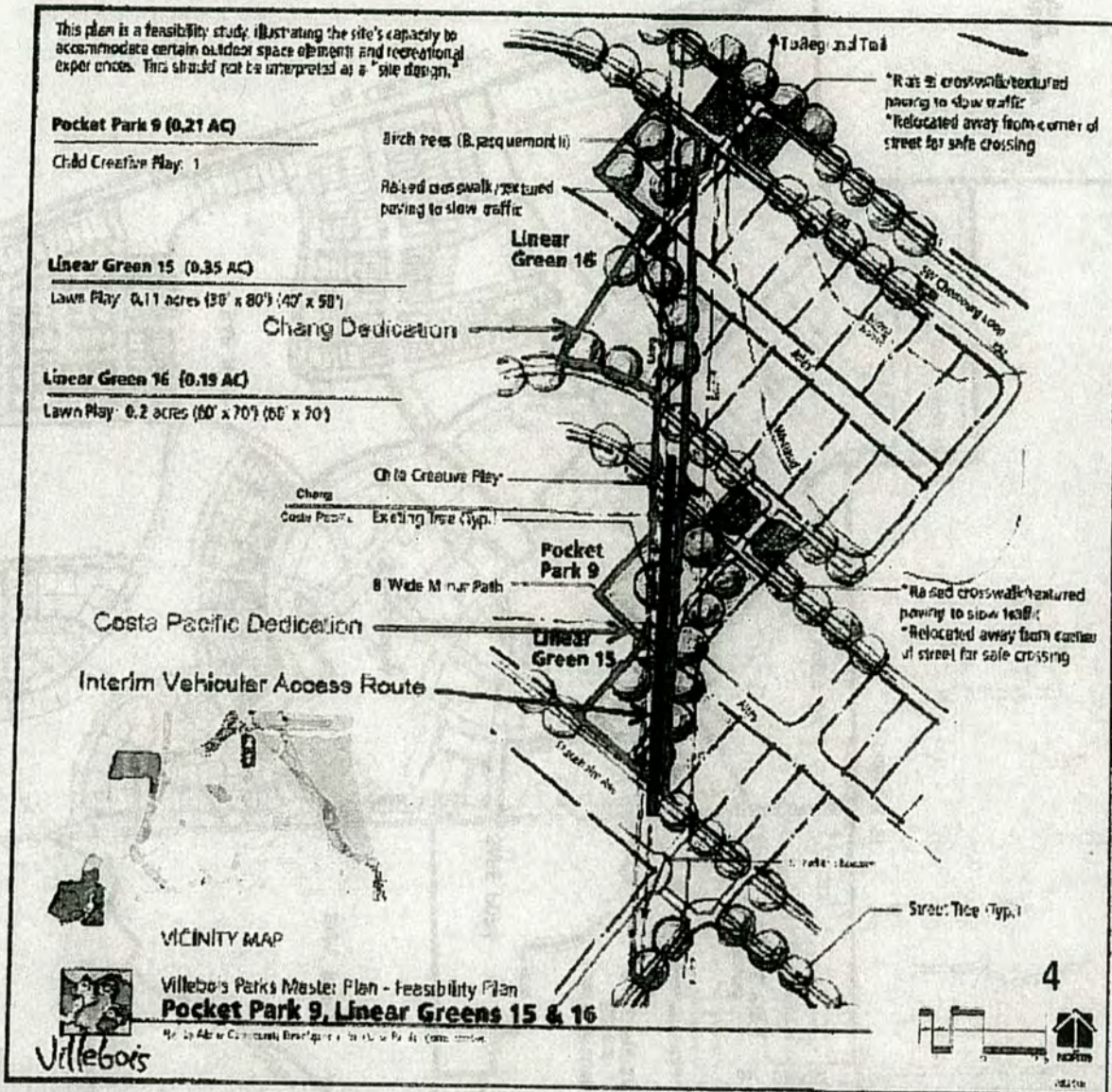


EXHIBIT 6





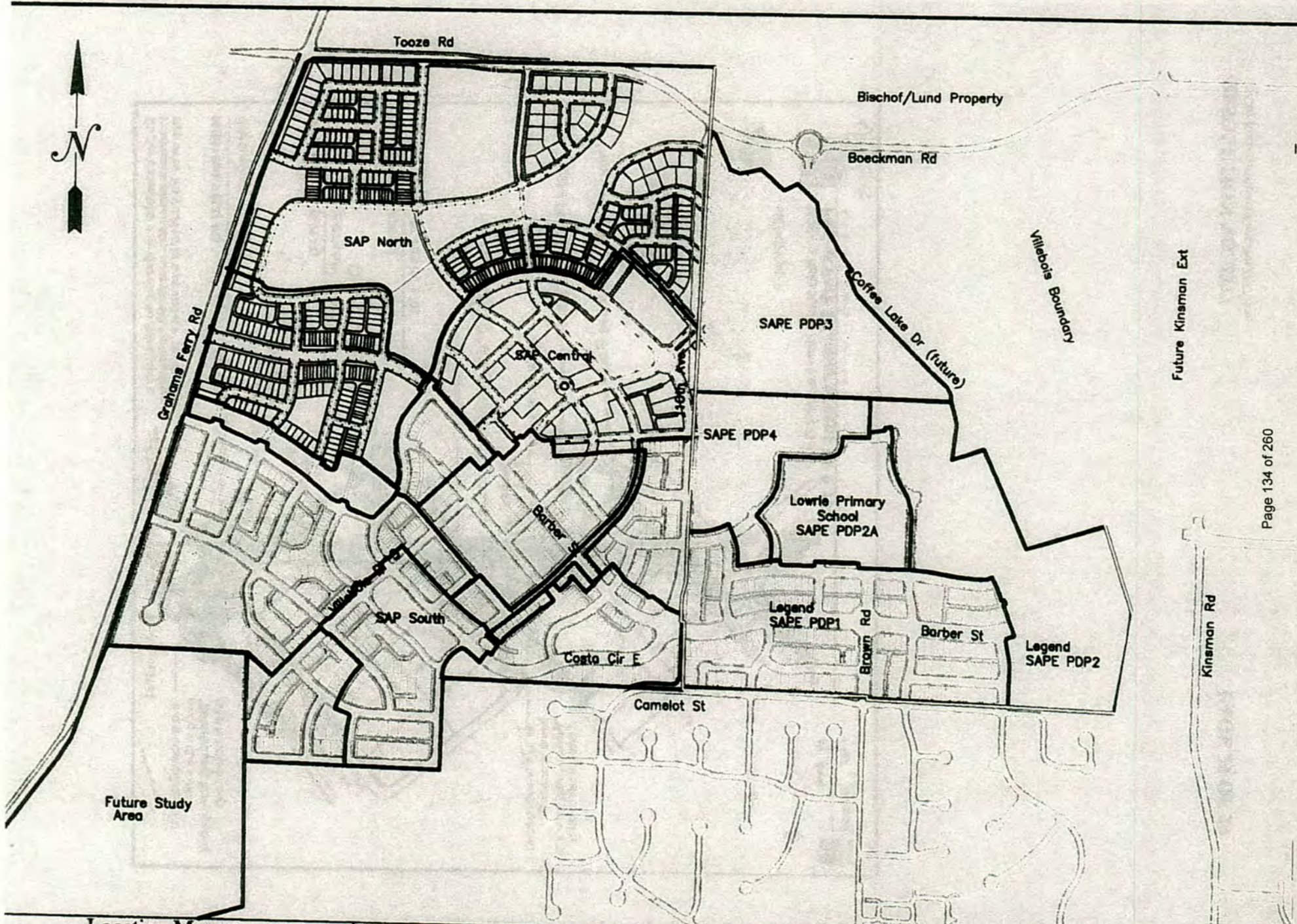
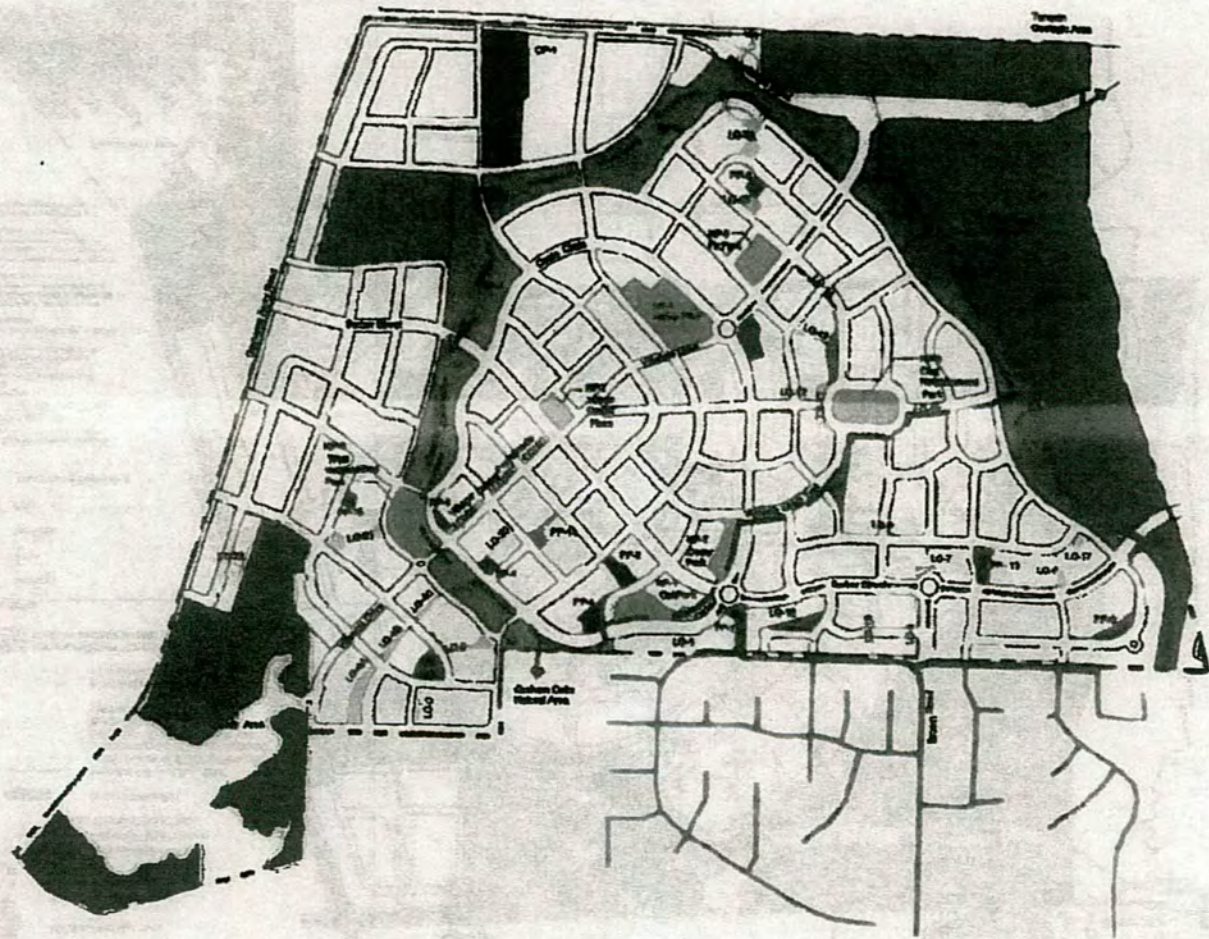


Figure 5B

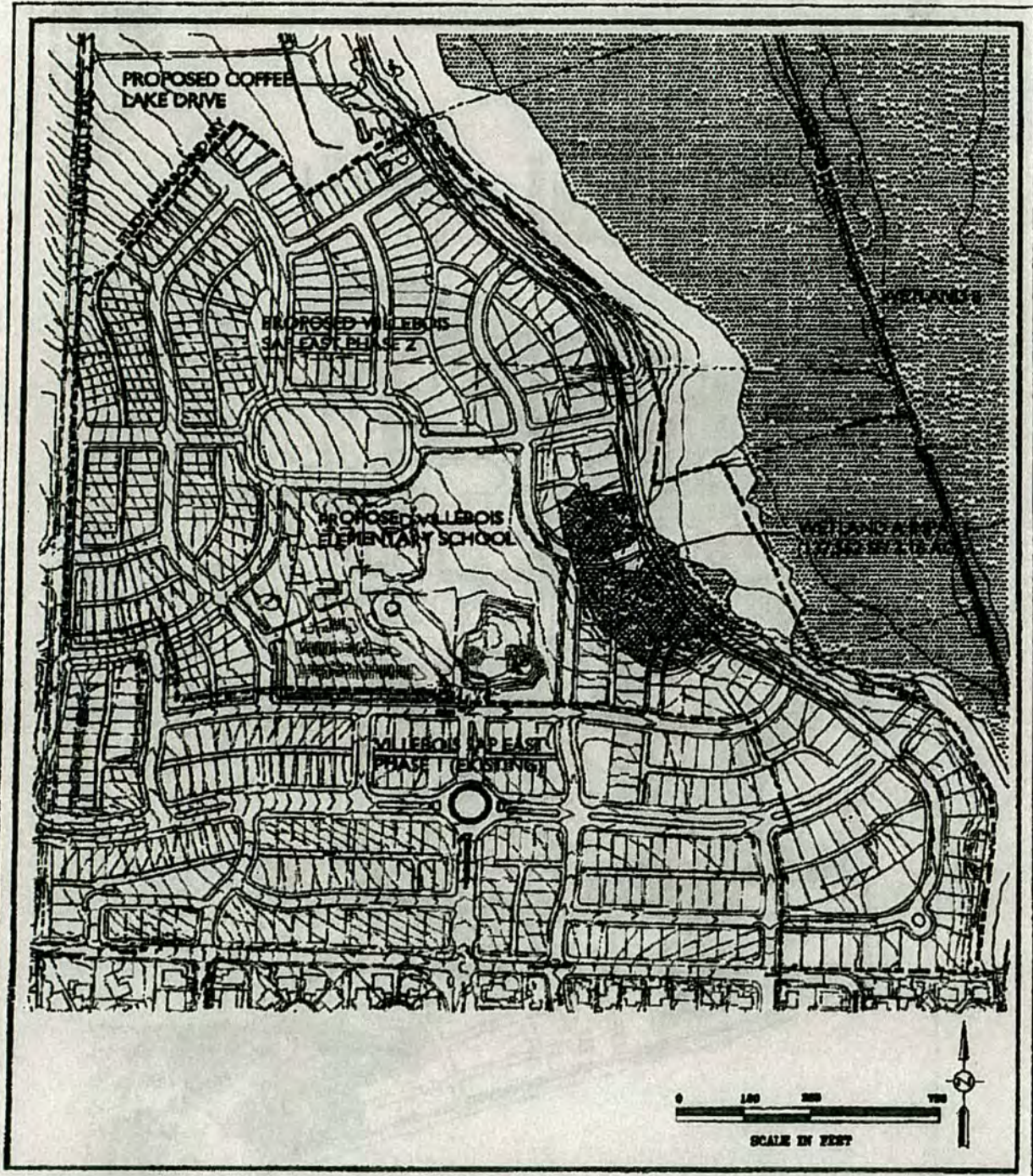


- LEGEND**
- NP Neighborhood Parks
 - PP Pocket Parks
 - LG Linear Green
 - RP Regional Parks
 - OG Open Space
 - CP Community Park
 - Major Trail
 - Significant Resource Overlay Zone (SROZ) with 25' Buffer



Parks & Open Space Categories
 MARCH 13, 2006

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3/19/10
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Proposed site plan and wetland impacts at Villebois SAP East Phase 2 planning area in Wilsonville, Oregon. Provided by City of Wilsonville, 2010.

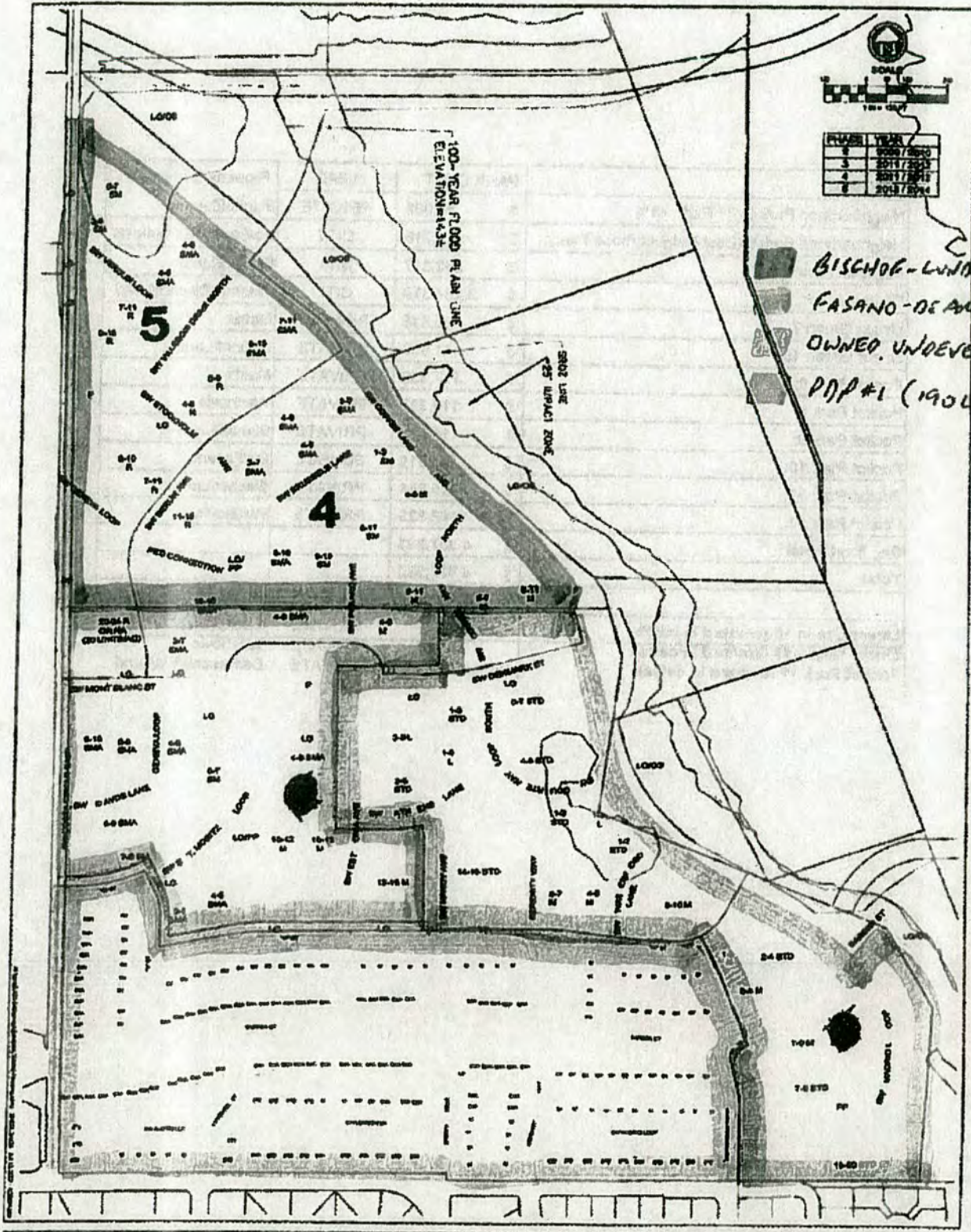
FIGURE
5



Pacific Habitat Services, Inc.

EXHIBIT 6

EXHIBIT 2



PHASENO PLAN
 100% COMPLETE
 100% COMPLETE
 100% COMPLETE

PHASENO
 PLAN

VILBOIS
 SAP EAST

PHASENO
 100% COMPLETE
 100% COMPLETE
 100% COMPLETE

alphic
 COMMUNITY
 DEVELOPMENT



SAP East	PARK COST	LEAD	Property Owner
Neighborhood Park 5 (Fir Park) 41%	\$ 84,085	PRIVATE	Bischoff/Lund
Neighborhood Park 6 (East Neighborhood Park):	\$ 481,715	CITY	De/Fasano&Wachovia
Regional Park 7:	\$ 252,317	CITY	Bischoff/Lund
Regional Park 8:	\$ 3,254,379	CITY	Wachov/Bischoff/Lund
Linear Green 7:	\$ 80,315	PRIVATE	Matrix
Linear Green 15:	\$ 1,959	PRIVATE	Bischoff/Lund
Pocket Park 8:	\$ 177,539	PRIVATE	Matrix
Pocket Park 8:	\$ 119,327	PRIVATE	Wachovia
Pocket Park 9:	\$ 14,423	PRIVATE	Bischoff/Lund
Pocket Park 10:	\$ 152,511	SCHOOL	De/Fasano
Pocket Park 12:	\$ 25,894	PRIVATE	Bischoff/Lund
Pocket Park 13:	\$ 192,829	PRIVATE	Wachovia
Sap East Total	\$ 4,837,293		
Total	\$ 4,837,293		
Linear Green 16 (omitted in calcs)		PRIVATE	Bischoff/Lund
Linear Green 17 (omitted in calcs)		PRIVATE	Wachovia
Pocket Park 11 (omitted in calcs)		PRIVATE	De/Fasano/Bis/Lund

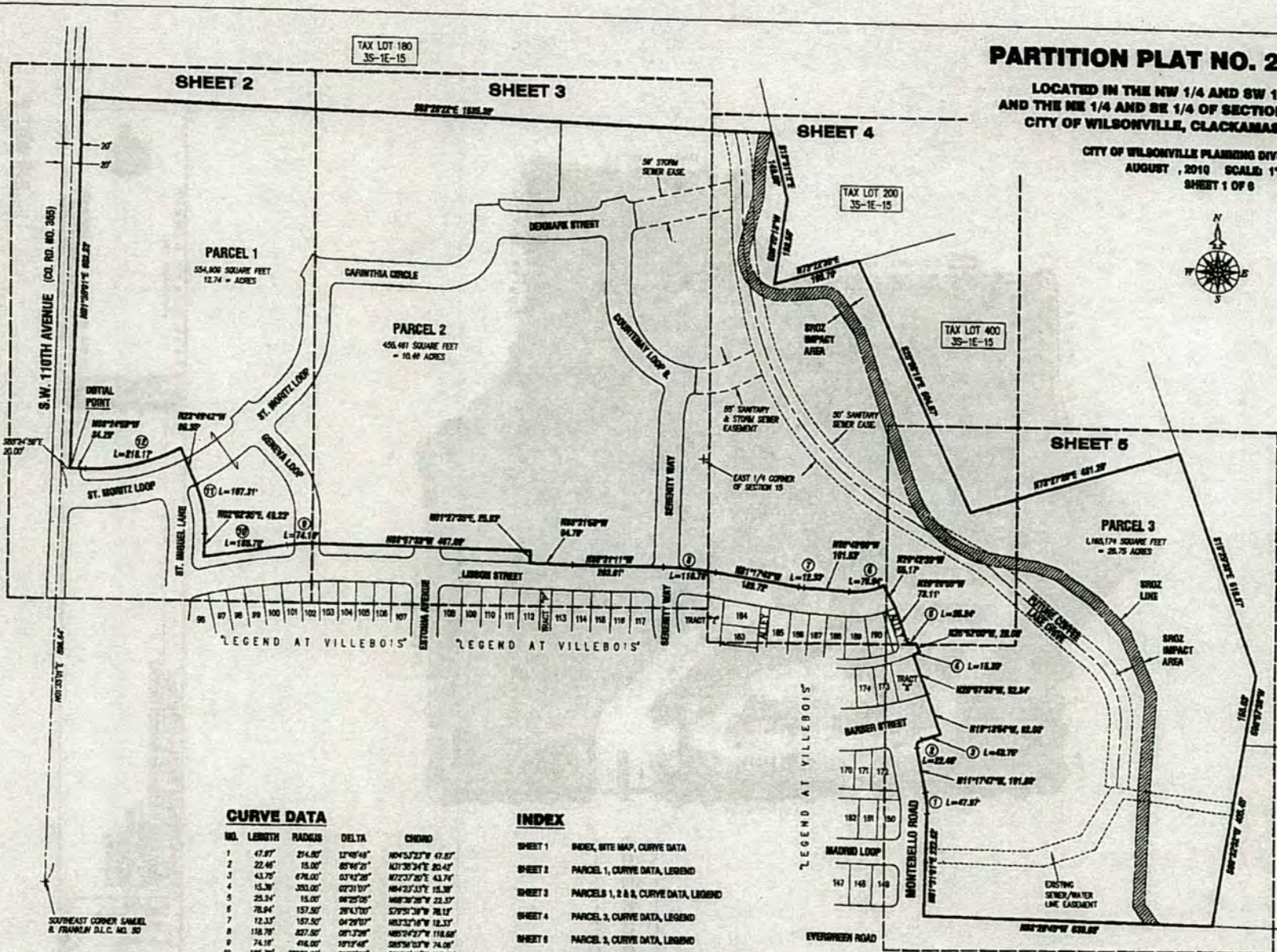
EXHIBIT 7

EXHIBIT 4

PARTITION PLAT NO. 2010 -

LOCATED IN THE NW 1/4 AND SW 1/4 OF SECTION 14,
AND THE NE 1/4 AND SE 1/4 OF SECTION 15, T.2S., R.1W., W.M.
CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

CITY OF WILSONVILLE PLANNING DIVISION FILE NO.
AUGUST, 2010 SCALE: 1" = 150'
SHEET 1 OF 6



CURVE DATA

NO.	LENGTH	RADIUS	DELTA	CHORD
1	47.87	214.80	127°48'48"	N04°57'23"W 47.87'
2	22.46	15.00	88°46'21"	N31°30'24"E 20.42'
3	43.75	676.00	03°42'28"	N72°27'20"E 43.74'
4	15.30	333.00	02°31'07"	N04°23'33"E 15.30'
5	25.24	15.00	98°25'05"	N68°30'28"W 23.37'
6	78.94	157.50	28°43'00"	S79°31'28"W 78.12'
7	12.33	157.50	04°29'07"	N83°32'18"W 12.33'
8	118.70	427.20	087°32'08"	N85°42'27"W 118.68'
9	74.18	416.00	107°54'48"	S25°36'10"W 74.09'
10	105.70	10280.83	01°02'02"	S81°26'40"W 105.70'
11	107.39	237.83	29°52'18"	N09°53'34"W 108.40'
12	218.17	435.50	28°42'17"	S71°58'18"W 218.30'

INDEX

- SHEET 1 INDEX, SITE MAP, CURVE DATA
- SHEET 2 PARCEL 1, CURVE DATA, LEGEND
- SHEET 3 PARCELS 1, 2 & 3, CURVE DATA, LEGEND
- SHEET 4 PARCEL 3, CURVE DATA, LEGEND
- SHEET 5 PARCEL 3, CURVE DATA, LEGEND
- SHEET 6 APPROVALS, SURVEYOR'S CERTIFICATE, NARRATIVE DECLARATION, ACKNOWLEDGMENTS, RESTRICTIONS

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael A. Rademacher

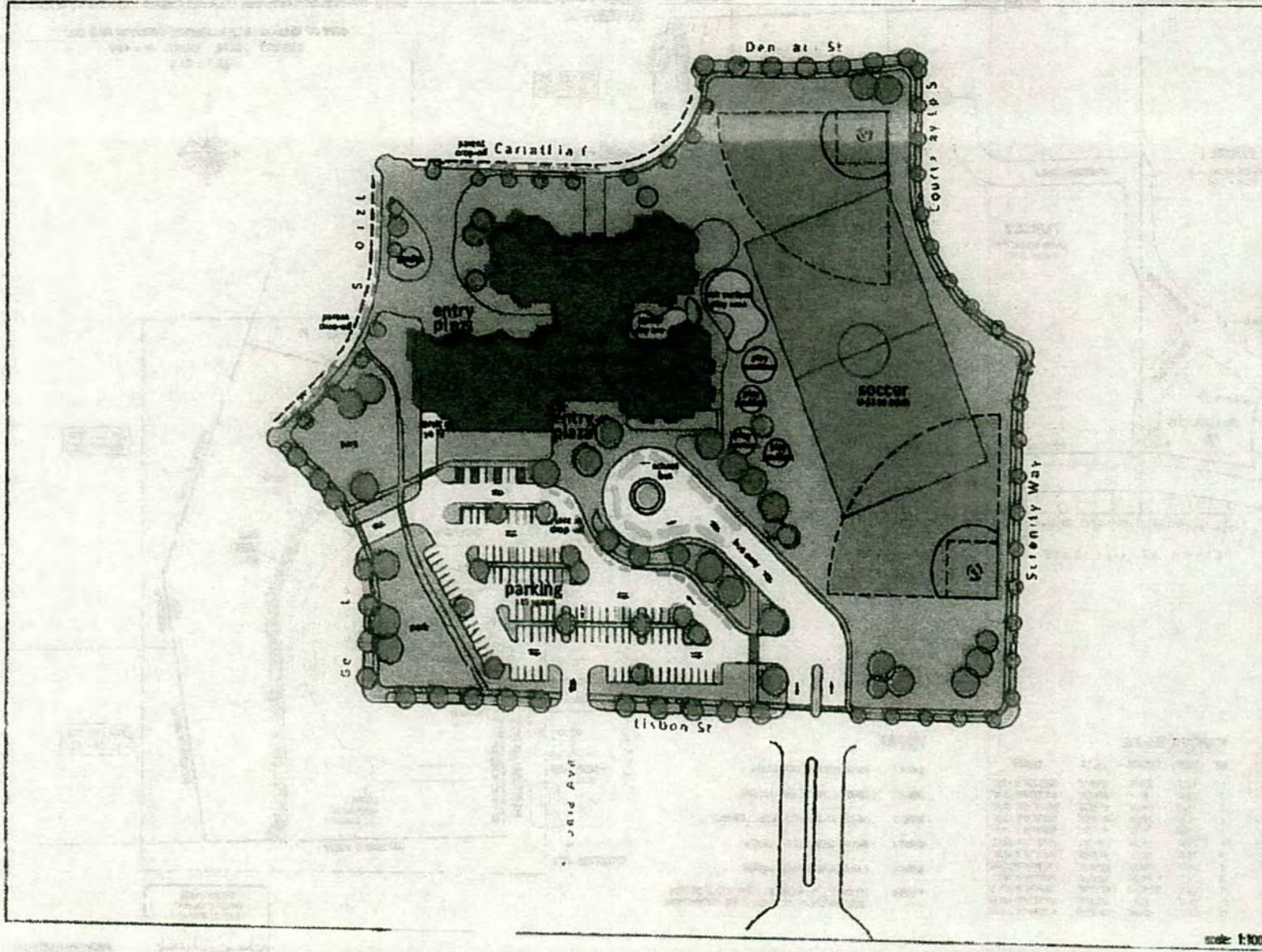
OREGON
JULY 16, 1987
MICHAEL A. RADEMACHER
2553


ENGINEER/SURVEYOR
COMPASS ENGINEERING
4188 INTERNATIONAL WAY, SUITE 601
MILWAUKEE, OREGON 97222
PHONE: 503-553-9053
6788 Paul Levy (RENEE)
JOB NO. 6788 (PARTITION)

DATE OF SURVEY: 9-9-10
EXPRES: 12/31/2010

Page 141 of 260

EXHIBIT 5 - Page 1



<p>New Vilebois Primary School West Lin. Wilsonville School District 2270 SW Jackson Road Tualuma, Oregon 97142 Tel: 503-673-2800 Fax: 503-673-1071</p>	<p>DILL GLOSS WEXLER architects inc.  2015 HANLINGTON PARKWAY, OREGON 97128 TEL: 503-255-7100 FAX: 503-255-7000</p>
--	---



CLACKAMAS COUNTY

Property Account Summary

As Of 10/25/2012 Status: Active

Account No.: 05020219 Alternate Property Number: 31W15 02916
 Account Type: Real Property
 TCA: 003-033
 Situs Address: NO SITUS
 ADDRESS OR
 Legal: Partition Plat 2007-127 PARCEL 3

Parties:

Role	Name & Address
Owner	PNW HOME BUILDERS LLC 109 E 13TH ST STE 200 VANCOUVER WA 98660
Taxpayer	PNW HOME BUILDERS LLC 109 E 13TH ST STE 200 VANCOUVER WA 98660

Property Values:

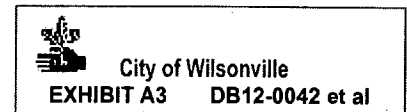
Value Name	2012	2011	2010
AVR Total	\$2,785,760	\$2,704,621	\$2,625,846
TVR Total	\$2,785,760	\$2,704,621	\$2,625,846
Real Mkt Land	\$2,928,536	\$2,950,069	\$3,316,135
Real Mkt Bldg	\$0	\$0	\$0
Real Mkt Total	\$2,928,536	\$2,950,069	\$3,316,135

Property Characteristics:

Tax Year	Characteristic	Value
2012	Neighborhood	15744: City of Wilsonville newer subdivs all other
	Land Class Category	400: Tract Land, Vacant
	Change property ratio	4XX

Exemptions:

(End of Report)





CLACKAMAS COUNTY

Property Account Summary
As Of 10/25/2012 Status: Active

Account No.: 05023168 Alternate Property Number: 31W15 02919
Account Type: Real Property
TCA: 003-033
Situs Address: NO SITUS ADDRESS OR
Legal: Partition Plat 2010-046 PARCEL 2

Parties:

Role	Name & Address
Owner	PNW HOME BUILDERS LLC 109 E 13TH ST STE 200 VANCOUVER WA 98660
Taxpayer	PNW HOME BUILDERS LLC 109 E 13TH ST STE 200 VANCOUVER WA 98660

Property Values:

Value Name	2012	2011	2010
AVR Total	\$500,864	\$486,276	
TVR Total	\$500,864	\$486,276	
Real Mkt Land	\$597,434	\$601,827	
Real Mkt Bldg	\$0	\$0	
Real Mkt Total	\$597,434	\$601,827	

Property Characteristics:

Tax Year	Characteristic	Value
2012	Neighborhood	15744: City of Wilsonville newer subdivs all other
	Land Class Category	400: Tract Land, Vacant
	Change property ratio	4XX

Exemptions:

(End of Report)



October 4, 2012

Blaise Edmonds & Dan Pauley
City of Wilsonville, Planning Dept.
29799 SW Town Center Loop East
Wilsonville, OR 97070

RECEIVED
OCT 05 2012

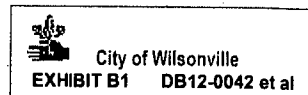
BY: *SEP*

RE: DB12-0042 through DB12-0048: Polygon Northwest Company
"Tonquin Meadows" (Phase 3 East, Villebois)

Dear Blaise & Dan:

This letter and the attached items are provided in response to your 9/19/12 Incomplete Notice Letter stating that the application was not complete. The following is a listing of our responses to the items listed in the 9/19/12 Incomplete Notice Letter.

1. The plans have been revised to show how public pedestrian access can be provided to the front of Lots 1-8 and the front of Lots 70-77. The plans have also been revised to include a public pedestrian accessway through the block bounded by Finland, Brussels, Coffee Lake, Serenity, and Carinthia. The location of the public pedestrian accessway is better than the location previously shown in the SAP plans for this block.
2. An exhibit has been added to the plans to show how SAP North may still meet the street network of the Master Plan with the retention of the existing wetland and removal of street connections (Verdun and Cherbourg). The subject area of SAP North is already required to be readdressed by future applicants due to the changes resulting from the school relocation and the nature of the original SAP North approval; the finalization of the SAP North street network will occur at that time. The subject exhibit is provided as an example of how the street network may occur.
3. Since agreements with the neighboring property owners have not been obtained, the portions of LG 15 & 16, PP-9 & 12, and NP-5 on the neighboring property cannot be included in the FDP. When agreements with neighboring property owners are obtained, Polygon will pursue an FDP revision for the subject parks. Until that time, Polygon can only develop the portion of the parks on the Bischoff/Lund property.
4. The plans have been revised to show playground equipment consistent with the SAP East Community Elements Book.
5. Information has been added to the plans to illustrate the following:
 - How split grading on Lots 70-77 and 94-100 will relate to the homes on these lots;
 - How Lots 126 and 157 comply with the Medium lot standard per Lot Diagram Note 2 of the SAP South Architectural Pattern Book; and



Mail: PMB #519, 13500 SW Pacific HWY, STE 58, Tigard, OR 97223
Website: www.pacific-community.com

Phone: (503) 941-9484
Fax: (503) 941-9485

- How access paths will be provided to lots adjacent to Tracts S, T and W. The paths in Tract W are the only location that will require steps within a tract. The steps within Tract W will have no more than 3 steps then a landing as shown in the detail added to the Preliminary Grading Plan. Rails are not required when 3 steps or less are provided. Steps will be provided on some private lots and a detail has been added to show how this will work. Rails will be provided on private lots with steps. A photo is attached to this letter to show the railing that will be used (railing already in use in Phase 6 South).
6. The Fee Calculation has been revised for the updated net acreage and unit count. The revised fee calculation shows that the required fee total is \$22,340.80. Polygon paid \$23,873.60, and, therefore, has overpaid by \$1,532.80 and should be refunded this amount.
 7. The plans have been revised to include information on temporary alley turnaround for Tract AI. This has not been added for Tracts U and Y as these tracts are adjacent to PDP 4E and Polygon plans to develop PDP 4E prior to or in conjunction with PDP 3E.
 8. The plans have been revised to show additional information regarding water and franchise utility service to Lots 1-8.
 9. The Traffic Report has been added to Section IID of the Notebook.
 10. This phase has been designed to meet the SAP South Architectural Pattern Book. The SAP Amendment requests the use of the SAP South Architectural Pattern Book for PDP 3E and PDP 4E. The Introductory Narrative and the Supporting Compliance Report for the SAP Amendment have both been updated (see Section IA and Section VIIA, respectively, of the Notebook) to specify the request to use the SAP South Architectural Pattern Book for both PDP 3E and PDP 4E. A copy of the SAP South Architectural Pattern Book with the proposed note added to the cover is included in Section VIIB of the Notebook.
 11. See Response #10, above.
 12. 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.

The following is a listing of our responses to the issues listed on Page 3 of the 9/19/12 letter.

- The attached plans have been revised to show park benches consistent with the SAP East Community Elements Book.
- The Tonquin Trail Alignment has been revised on the attached plans to be consistent with information provided by the City.

- The attached plans include revised street trees for Villebois Drive, consistent with the SAP East Community Elements Book.
- The plans have been revised to include information showing the relationship of lots and tracts along the southern property line to illustrate future development potential when combined with tracts in PDP 2E or PDP 4E.
- The plans have been revised to show the curb extension on the west side of Villebois Drive at Coffee Lake Drive, consistent with the SAP East Community Elements Book.
- Tract AF has been combined with Lot 144.

Ten (10) copies of the updated Notebook and plan sets, as well as 10 CD's including digital copies of the reports and plans, are provided. With this resubmittal, Polygon requests that the application be accepted as complete and processed. Polygon requests that PDP 3E and the concurrent application for PDP 4E both be scheduled for DRB hearing on October 22, 2012 or the first DRB hearing date in November.

If you have any questions regarding these materials please give me a call at (503) 828-5052. Thank you for your ongoing assistance during the review of this request.

Sincerely,
Pacific Community Design, Inc.


Stacy Connery, AICP

cc: Fred Gast, Polygon Northwest Company





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 submittal 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: _____

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Legal Property Owner's Name: <u>City of Wilsonville</u>	Authorized Representative: <u>Kristin Retherford</u>
Address: <u>29799 SW Town Center Lp E</u> <u>Wilsonville OR 97070</u>	Address: <u>same</u>
Phone: <u>503-682-4960</u>	Phone: <u>same</u>
Fax: <u>503-682-7025</u>	Fax: <u>same</u>
E-mail: <u>retherford@ci.wilsonville.or.us</u>	E-mail: <u>same</u>

Property Owner or Authorized Signature: <u>[Signature]</u>	Name Printed: <u>Kristin Retherford</u>	Date: <u>10-27-12</u>
Title: <u>UR Manager</u>		

Site Location and Description:

Project Address if Available: _____ Suite/Unit _____
Project Location: Coffee Creek Wetland, portion of Tazze Boeckman
Tax Map #(s): 15, 10 Tax Lot #(s): 103, 1401 County: Washington Clackamas

Request: Preliminary Development Plan, Zone Map Amendment, SAP Phasing Amendment, SAP Pattern Book Amendment

Project Type: Class I Class II Class III

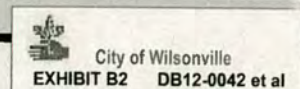
Residential Commercial Industrial Other (describe below)

Application Type:

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Appeal | <input type="checkbox"/> Comp Plan Map Amend | <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 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 type="checkbox"/> Site Design Review |
| <input type="checkbox"/> SROZ/SRIR Review | <input type="checkbox"/> Staff Interpretation | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Stage II Final Plan |
| <input 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 checked="" type="checkbox"/> Villebois SAP | <input checked="" type="checkbox"/> Villebois PDP | <input type="checkbox"/> Villebois FDP | <input 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) _____



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 submittal 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: _____

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Legal Property Owner's Name:

Urban Renewal Agency City of Wilsonville

Authorized Representative:

Kristin Retherford

Address: 29799 SW Town Center Ln E
Wilsonville OR 97070

Address: same

Phone: 503-682-4960

Phone: same

Fax: 503-682-7025

Fax: same

E-mail: retherford@ci.wilsonville.or.us

E-mail: same

Property Owner or

Authorized Signature:

Name

Printed

Kristin Retherford Date 10-24-12

Title: UR Manager

Site Location and Description:

Project Address if Available: _____

Suite/Unit _____

Project Location: Future RP-7, RP-8, Future Villebois Drive, area around Bueckman RA

Tax Map #(s): 15 Tax Lot #(s): 192, 181, 102, 101

County: Washington Clackamas

Request: Preliminary Development Plan, Zone Map Amendment, SAP
Phasing Amendment, SAP Pattern Book Amendment

Project Type: Class I Class II Class III

Residential

Commercial

Industrial

Other (describe below)

Application Type:

Annexation

Appeal

Comp Plan Map Amend

Conditional Use

Final Plat

Major Partition

Minor Partition

Parks Plan Review

Plan Amendment

Planned Development

Preliminary Plat

Request to Modify Condition

Request for Special Meeting

Request for Time Extension

Signs

Site Design Review

SROZ/SRIR Review

Staff Interpretation

Stage I Master Plan

Stage II Final Plan

Type C Tree Removal Plan

Tree Removal Permit (B or C)

Temporary Use

Variance

Villebois SAP

Villebois PDP

Villebois FDP

Waiver

Zone Map Amendment

Other

FOR STAFF USE ONLY:

Application Rec'd: _____ Fee: _____ Check #: _____ Application Complete: _____ By: _____

File No (s) _____



City of Wilsonville

EXHIBIT B3 DB12-0042 et al

**Exhibit B4 to be available
at hearing**



City of Wilsonville
EXHIBIT B4 DB12-0042 et al

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 submittal 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: _____

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Legal Property Owner's Name:
Fasano Family LLC / Polygon Northwest Company

Address: 109 E. 13th St., Vancouver, WA 98660

Phone: (503) 314-0807
Fax: (425) 455-0462
E-mail: fred.gast@polygonhomes.com

Authorized Representative:
Pacific Community Design, Inc. (Stacy Connery)

Address: PMB 519, 13500 SW Pacific Hwy, Ste 58, Tigard, OR 97223

Phone: (503) 941-9484
Fax: (503) 941-9485
E-mail: stacy@pacfic-community.com

Property Owner or Authorized Signature: *Louis J. Fasano*
Title: Managing member of Fasano Family LLC

Printed Name: Louis J. Fasano
Date: October 2, 2012

Site Location and Description:

Project Address if Available: 29092 SW 110th Avenue, Wilsonville, OR 97070 **Suite/Unit:** _____

Project Location: Phase 4 East, Villebois

Tax Map #(s): 31W15 **Tax Lot #(s):** 301 **County:** Clackamas

Request: Preliminary Development Plan (PDP 4E), SAP Amendment - Pattern Book, SAP Refinements, Zone Change to Village Zone, Tentative Plat and Final Development Plan (FDP) - excluding NP-6

Project Type: Class I Residential Class II Commercial Class III Industrial Other (describe below)

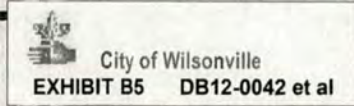
Application Type:

<input type="checkbox"/> Annexation	<input type="checkbox"/> Appeal	<input 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
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<input type="checkbox"/> Request for Special Meeting	<input type="checkbox"/> Request for Time Extension	<input type="checkbox"/> Signs	<input type="checkbox"/> Site Design Review
<input type="checkbox"/> SRO7/SRIR Review	<input type="checkbox"/> Staff Interpretation	<input type="checkbox"/> Stage I Master Plan	<input type="checkbox"/> Stage II Final Plan
<input 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 checked="" type="checkbox"/> Villebois PDP	<input checked="" type="checkbox"/> Villebois FDP	<input type="checkbox"/> Waiver
<input checked="" type="checkbox"/> Zone Map Amendment	<input checked="" type="checkbox"/> Other		

FOR STAFF USE ONLY:

Application Rec'd: _____ **Fee:** _____ **Check #:** _____ **Application Complete:** _____ **By:** _____

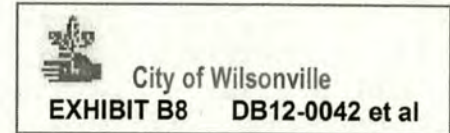
File No (s) _____





MEMORANDUM

DATE: October 24, 2012
TO: Dan Pauly, City of Wilsonville
FROM: Stacy Connery
RE: Housing Mix for PDP 3E & PDP 4E - Updated Plans



This Memo is provided with the updated plans for PDP 3E and PDP 4E to address how the housing mix complies with the applicable standards for refinements of mix of land uses and density of subsections 4.125(.18)J.1.iv and v. 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.

The proposed land use mix includes Row Houses along Villebois Drive as shown in the SAP, Mediums in the easternmost portion of these phases as shown in the SAP and both Small Detached and Cottages in the intervening blocks where Small Detached and Small Attached are shown in the SAP. The Cottages are a narrower Small detached house and are proposed in place of the Small Attached shown in the SAP. The Small Attached included a requirement that a percentage of this category be detached, while the remainder could be minimally attached at the garage. The Cottages are proposed to be detached and narrower in width than the 'Small Detached' category.

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.

The table below shows the number of units in each land use category currently within SAP East and the number of units in the SAP with the proposed refinements as well as the percent change in each aggregate land use category.

Table with 4 columns: Category, Current Unit Count in SAP E, Proposed Unit Count in SAP E, % Change. Rows include Medium/Standard/Large/Estate, Small Detached/Small Attached/Row Homes/Neighborhood Apt., and Total.

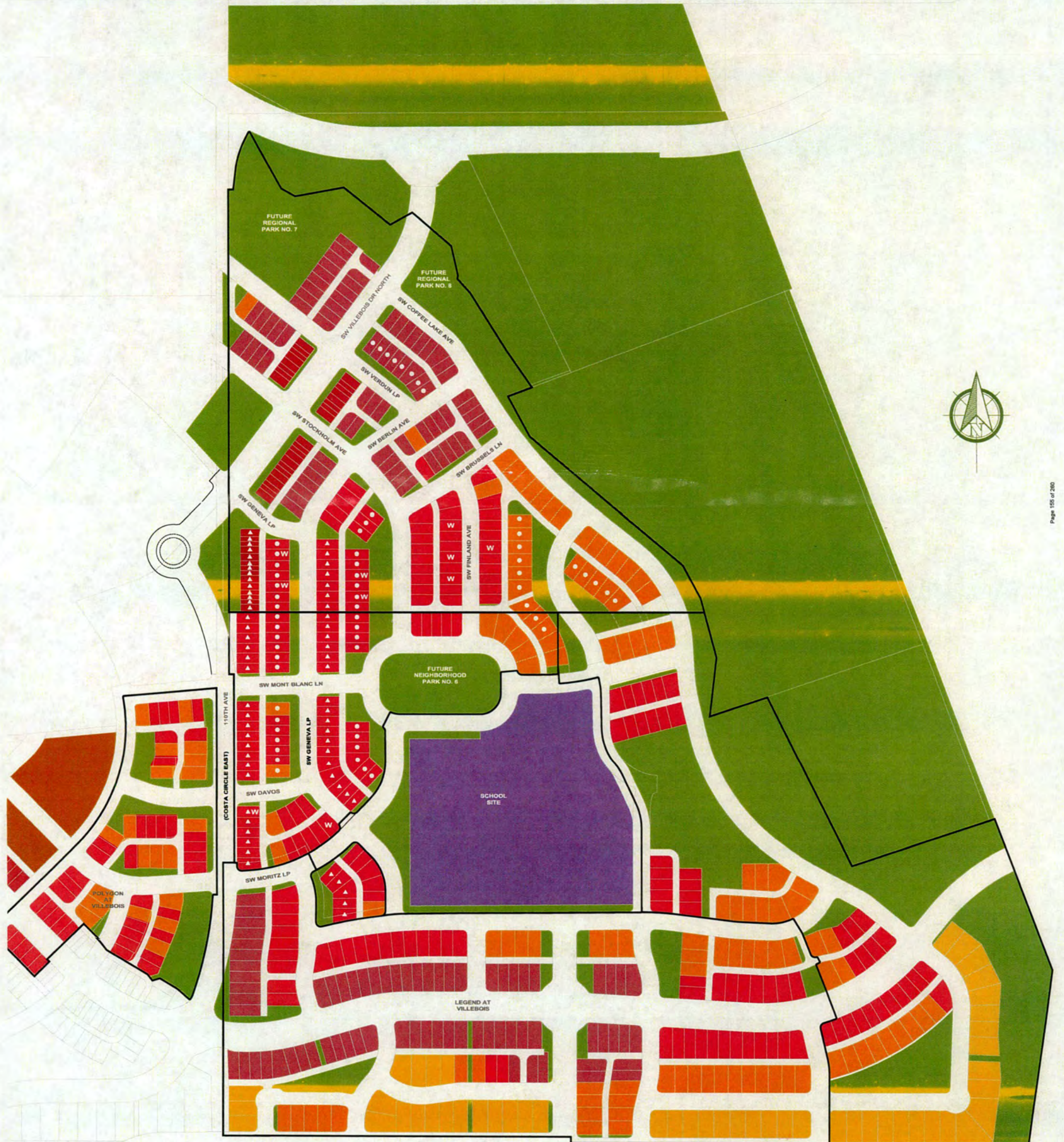
The proposed refinements do not exceed the 10% standard. This proposal results in a total of 2,538 units within Villebois. This is above the density of 2,300 units required to be obtained across Villebois, meeting the refinement criteria.

TONQUIN MEADOWS NO 1 & 2 | Site Map

**Proposed Tonquin Meadows No. 1 Development
(Lund Property)**
 Row Homes - 42
 Small Detached Lots - 59
 Cottages - 75
 Medium Lots - 29
 Total - 205

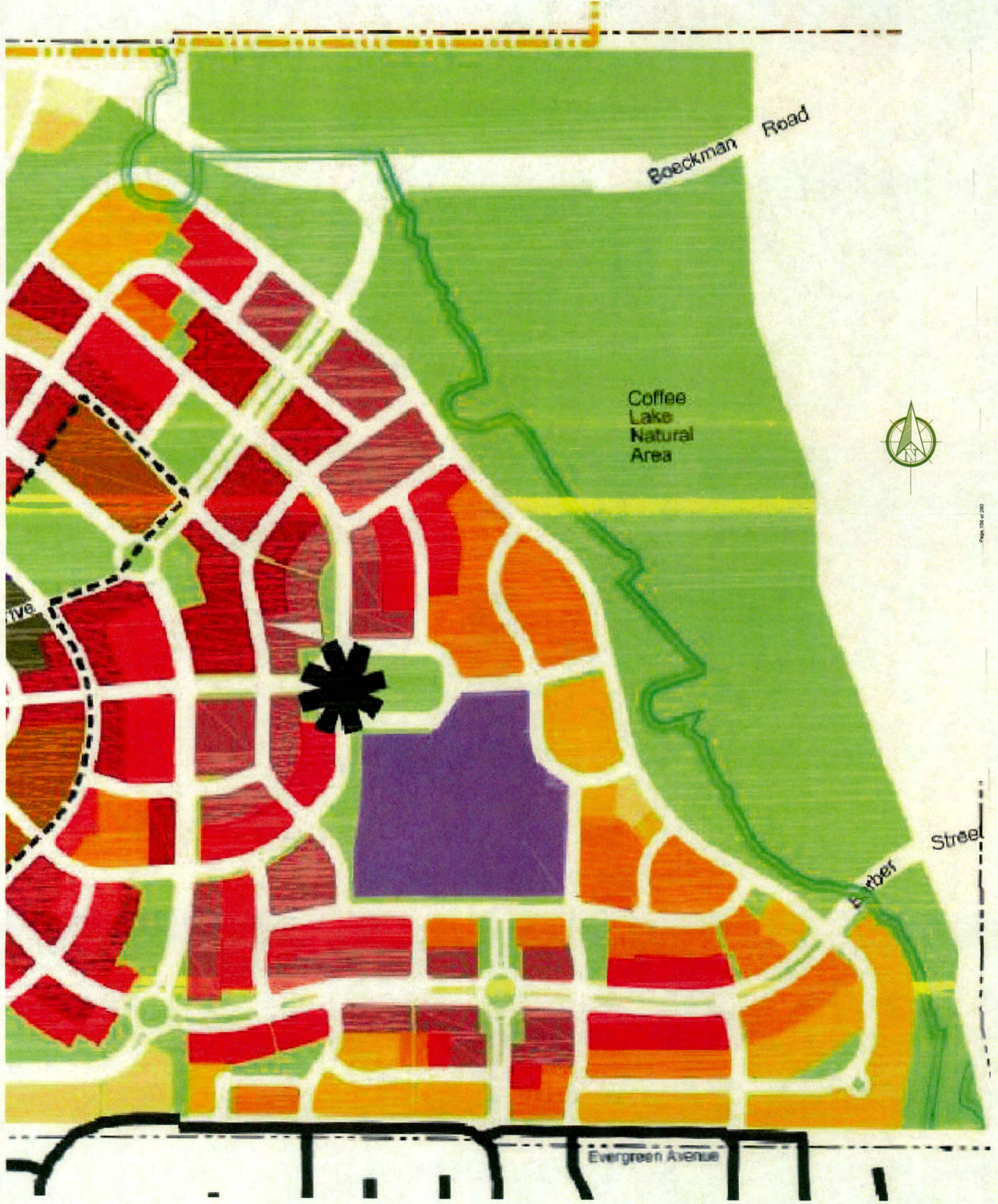
**Proposed Tonquin Meadows No. 2 Development
(Fasano Property)**
 Row Homes - 0
 Small Detached Lots - 81
 Cottages - 0
 Medium Lots - 12
 Total - 93

- Park and Open Space
- Small Detached
- Cottages (Small Attached Replacement)
- Row Homes
- Medium
- ▲ Master on Main
- Extra Deep
- W Extra Wide



Page 105 of 200

Polygon at Villebois Sales Center
 29027 SW Costa Circle East
 Wilsonville, OR 97070



Page 106 of 200



MEMORANDUM

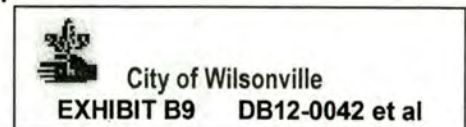
DATE: October 24, 2012
TO: Dan Pauly, City of Wilsonville
FROM: Stacy Connery
RE: Outline of Proposed Changes for SAP Amendment - Pattern Book

The purpose of this Memo is to provide an outline of the proposed changes for a Pattern Book for PDP 3E and PDP 4E. The baseline for the following list of changes is the SAP South Architectural Pattern Book.

- Cover Page - Revise to list 'SAP East, PDP 3 & 4' and to list appropriate Case File reference and approval date.
- Table of Contents (A1) - Update accordingly for the following changes.
'Introduction'
- Introduction (A4 & A5) - Update images to show PDP 3E & PDP 4E and labels to identify PDP 3E & PDP 4E.
'Land Use Patterns & Lot Diagrams'
- Lot Diagrams (B5) - Update width and depth dimensions for Row Houses and remove Neighborhood Apartments.
- Lot Diagrams (B6) - Add Lot Diagram page for Cottages.
- Lot Diagrams (B7) - Renumber the 'Building Placement at Typical Slope Condition' page from B6 to B7.
'Architectural Scale & Proportions'
- Scale & Proportions (D3) - Add Cottages to label.
- Scale & Proportions (D5) - Remove page for Neighborhood Apartments.
'Master Fencing Program'
- Community Fencing - Remove sheets E 3-12 showing SAP South and replace with updated sheets from SAP East specific to PDP 3E and PDP 4E (E 3-5).
- Fencing Lot Diagrams - Update Small Lots diagrams to include Cottages, remove sheet for Neighborhood Apartments, and renumber all pages accordingly (E 6-12).
- Constraints - Renumber page accordingly (E 13)
- Residential Fencing - Renumber pages accordingly (E 14-19)

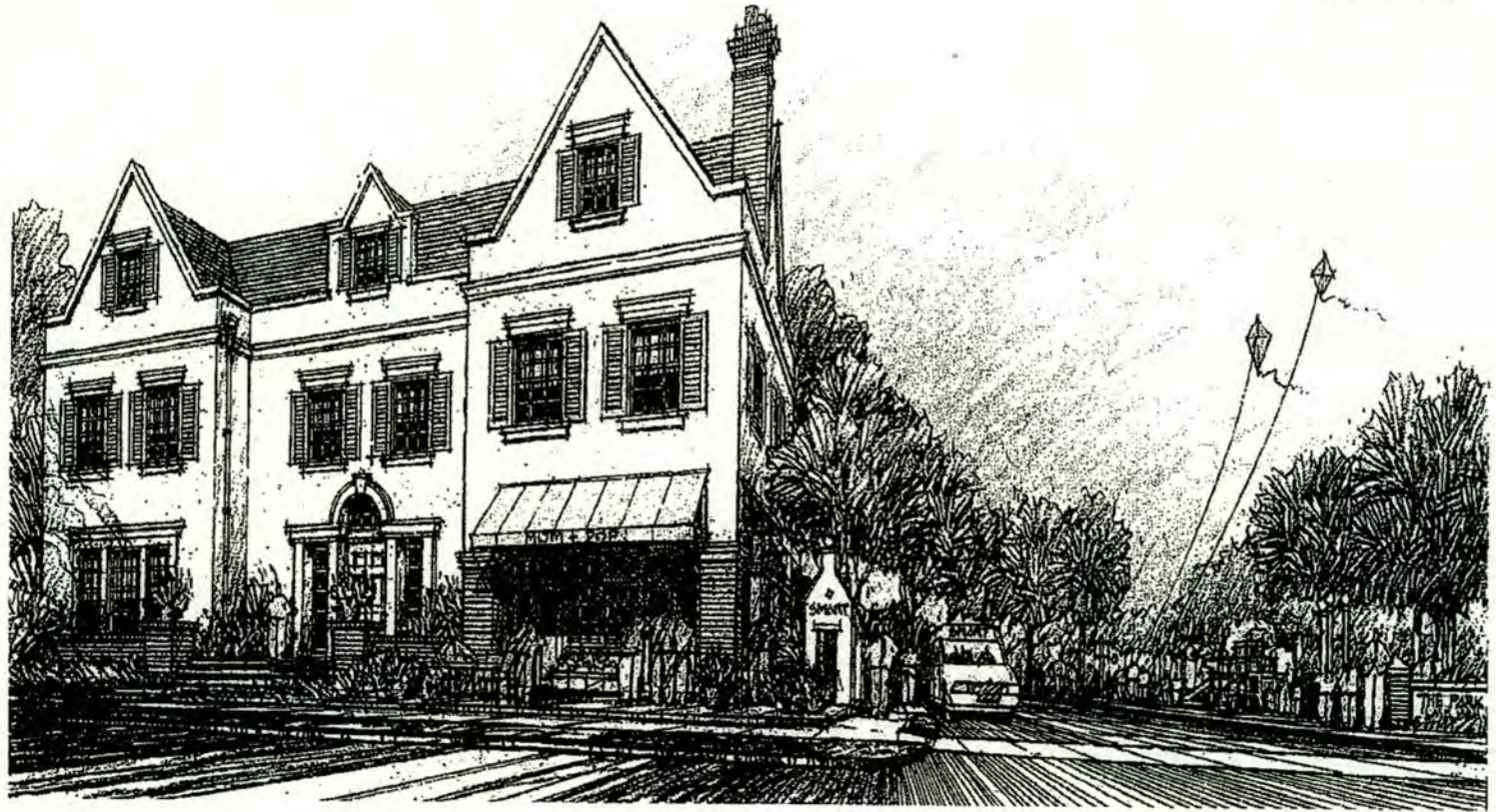
No changes are proposed to the following sections of the Pattern Book:

- 'Appropriate Architectural Styles'* (C 1-2)
- 'Basic Elements of Architectural Styles'* (C3-20) and
- 'Appendices'* (F1-2).



A 'Mock-Up' of the proposed Pattern Book is attached to this Memo to help illustrate the intended product.

1 Mock Up!
Proposed Pattern Book
for PDP 3E & PDP 4E
10/24/12



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V I L L E B O I S

ARCHITECTURAL PATTERN BOOK



EAST, PDP 3 & 4

SAP SOUTH - VOLUME III

~~APPROVED OCTOBER 12, 2005~~

~~CITY CASE FILE NO. DB-2005-08-00001(A)~~

UPDATE

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PATTERN BOOK ORGANIZATION

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INTRODUCTION

Introduction A1

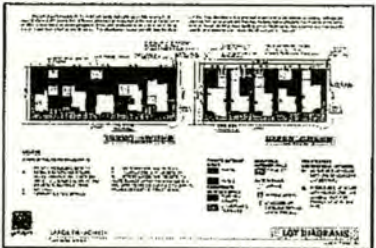
How to Use This Architectural Pattern Book



2



3



4

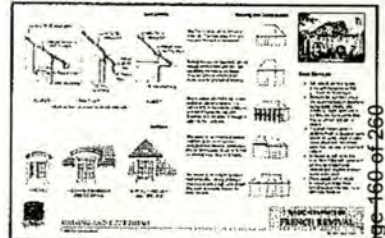


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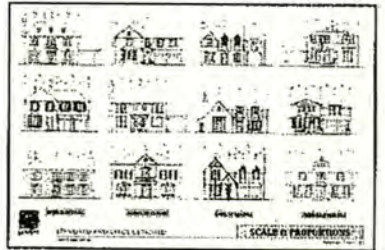
1. Review the Prologue on Page A3 which introduces the Villebois Village Master Plan, describes the purpose and various sections of the Architectural Pattern Book, and reiterates the Design Principles and Standards applying to the Village Zone.
2. Review the Introduction on Page A4 Guiding Principles of the Villebois Village Master Plan and Location of Specific Area Plan South. This is a synopsis of the three guiding principles of connectivity, diversity, and sustainability as they relate to buildings.
3. See Lot Types & Sustainability in the Specific Area Plan South on Page A5 to review the building sustainability issues and the Portland General Electric program Earth Advantage™ program. Verify the location and relationship of lot types on the Specific Area Plan South map.
4. Review Land Use Patterns & Lot Diagrams on Pages B1-B6 for descriptions of specific Land Use Types. The Lot Diagrams show ranges of the lot sizes for the specific Land Use Types in Villebois. They also establish the guidelines for placing the building on the lot and defining the neighborhood character. The Lot Diagrams show the relationship of indoor space to outdoor space, and private outdoor space to semi-private and public outdoor space. Review where setbacks are measured to and how garages may be accessed. Review elevation delineating placement of buildings on lots with significant slopes.
5. Review Pages C1-C2 with the Appropriate Architectural Styles for the architectural precedent and / or historic relevance of each style, and their responses to the regional and climatic conditions affecting the Willamette Valley.
6. Review Pages C3-C20 for the Basic Elements of Architectural Styles for each style: French Revival, American Classic, English Revival, and American Modern. The Basic Elements include the elements, massing, and façade composition for each style. Review the massing, composition, and roof forms; the doors, windows, entrances and outdoor spaces, porches, chimneys, materials, colors, light fixtures, downspouts and gutters, and accents for each Architectural Style.
7. Review Page D1 Scale and Proportions - Diversity and Rules of Adjacencies for Specific Land Use Types and the number of Architectural Styles that should be used to achieve the desired diversity. Review Pages D2-D5 for the examples of elevations for each of the four Architectural Styles for the Land Use Type(s) that you are building. The window and door spacing in each style is essential to the composition of the elevations. This is related to the shape and the width of the building. The Architectural Pattern Book addresses the appearance of the house and the yard from the street or from open space. It is important to compose the side walls so the buildings look well proportioned when the sides or rear are exposed to view from any public street, side street, or public open space. Select the Architectural Styles based on the Diversity and Rules of Adjacencies on Page D1.
8. Review the Compliance Checklist on Page F2 to verify adherence to the requirements of the Architectural Pattern Book.
9. Note: Architectural perspective renderings in Section C only illustrate examples of basic styles.



5



6



7

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INTRODUCTION

Introduction A2

Architectural Pattern Book The Architectural Pattern Book was developed to direct the development of neighborhoods and houses consistent with the original vision described in the Villebois Village Master Plan. The Architectural Pattern Book includes the regulations to help builders achieve the objectives of the Master Plan, and to adhere to the Design Principles and Design Standards in the V Zone. This Architectural Pattern Book applies to all buildings within the Specific Area Plan South (SAP South). The Architectural Pattern Book delineates the area and the land use types included in SAP South and their location on the Master Plan. (See Pages A4 and A5).

The Land Use Patterns section describes the various land use types and includes lot diagrams for each with lot sizes, definitions of setback requirements, placement of buildings on the lots, and all other applicable requirements.

The Architectural Styles section illustrates examples of a range of appropriate architectural styles and how they would be applied to specific land use types including the definition of the elements, massing, and facade composition for each style. The Architectural Pattern Book contains images of specific buildings, which were chosen as good examples of the various housing types suitable to achieve the required diversity for Villebois; these buildings were not all designed by the author, and the images may have been revised from the original examples to adhere to the Village Zone Design Standards.

By following the design regulations in the Architectural Pattern Book, builders are directed toward compliance with the Design Principles and Design Standards applying to the Village Zone. A Compliance Checklist has been included on page F2 to assist builders and city officials in the determination of a project's adherence to the requirements of the Architectural Pattern Book.

Conformance To verify compliance with the Design Standards of the Village Zone in addition to the Pattern Book, all single family and duplex dwellings and row houses within the Village Zone shall be reviewed by the Planning Director through an administrative review process; all multi-family dwellings shall be reviewed for compliance by the Development Review Board.

Compliance In the application of these Standards, all construction shall comply with the Oregon State Building Code and all other applicable governmental regulations. In the case of all materials and methods mentioned here, governmental regulations shall take precedence.

Design Principles Applying to the Village Zone



Villebois

A. 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.

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1. The design of landscape, streets, public places and buildings shall create a place of distinct character.
2. The landscape, streets, public places and buildings within individual development projects shall be considered related and connected components of the Villebois Village Master Plan.
3. The design of buildings shall functionally relate to adjacent open space, gateways, street orientation, and other features as shown in the Villebois Village Master Plan.
4. The design of buildings and landscape shall functionally relate to sunlight, climate, and topography in a way that acknowledges these conditions as particular to the Willamette Valley.
5. The design of buildings shall incorporate regional architectural character and regional building practices.
6. The design of buildings shall include architectural diversity and variety in its built form.
7. The design of buildings shall contribute to the vitality of the street environment through incorporation of storefronts, windows, and entrances facing the sidewalk.
8. The design of streets and public spaces shall provide for and promote pedestrian safety, connectivity and activity.
9. The design of buildings and landscape shall minimize the visual impact of, and screen views of off-street parking from streets.
10. The design of exterior lighting shall minimize off-site impacts, yet enable functionality.

Design Standards Applying to the Village Zone

A. The following Design Standards implement the Design Principles found in the section above, and enumerate the architectural details and design requirements applicable to buildings and other features within the Village 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:

1. General Provisions:
 - a. Flag lots are not permitted.
 - b. The minimum lot depth for a single-family dwelling with an accessory dwelling unit shall be 70 feet.
 - c. Village Center lots may have multiple front lot lines.
 - d. For Village Center lots facing two or more streets, two of the facades shall be subject to the minimum frontage width requirement. Where multiple buildings are located on one lot, the facades of all buildings shall be used to calculate the Minimum Building Frontage Width.
 - e. Neighborhood Centers shall only be located within a Neighborhood Commons.
 - f. Commercial Recreation facilities shall be compatible with surrounding residential uses.

- g. Convenience Stores within the Village Zone shall not exceed 4,999 square feet, and shall provide pedestrian access.
- h. Grocery Stores within the Village Zone shall not be less than 5,000 sq. ft., nor more than 19,999 sq. ft. in size.
- i. A Specialty Grocery Store shall not be less than 20,000 sq. ft. nor more than 40,000 sq. ft., and may stand alone or as a use within a mixed-use building. square feet in size.
2. Building and site design shall include:
 - a. Proportions and massing of architectural elements consistent with those established in an approved Architectural Pattern Book or Village Center Design.
 - b. 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 Design
 - c. Protective overhangs or recesses at windows and doors.
 - d. Raised stoops, terraces or porches at single-family dwellings.
 - e. Exposed gutters, scuppers, and downspouts or approved equivalent.
 - f. The protection of existing significant trees as identified in an approved Community Elements Book.
 - g. A landscape plan in compliance with Sections 4.125(.07) and (.11) of the Village Zone.
 - h. Building elevations of block complexes shall not repeat an elevation found on an adjacent block.
 - i. Building elevations of detached buildings shall not repeat an elevation found on buildings of adjacent lots.
 - j. A porch shall have no more than three walls.
 - k. A garage shall provide enclosure for the storage of no more than three motor vehicles, as described in the definition of parking space. (In the Village Zone Ordinance)
3. Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Design.
4. Building systems, as noted in Tables V-3 and V-4 "Permitted Materials and Configurations", shall comply with the materials, applications and configurations required therein. Design creativity is encouraged. The Portland General Electric Earth Advantage™ or the LEED Building Certification Program of the U.S. Green Building Council may be used as guides in this regard.

UPDATE IMAGE

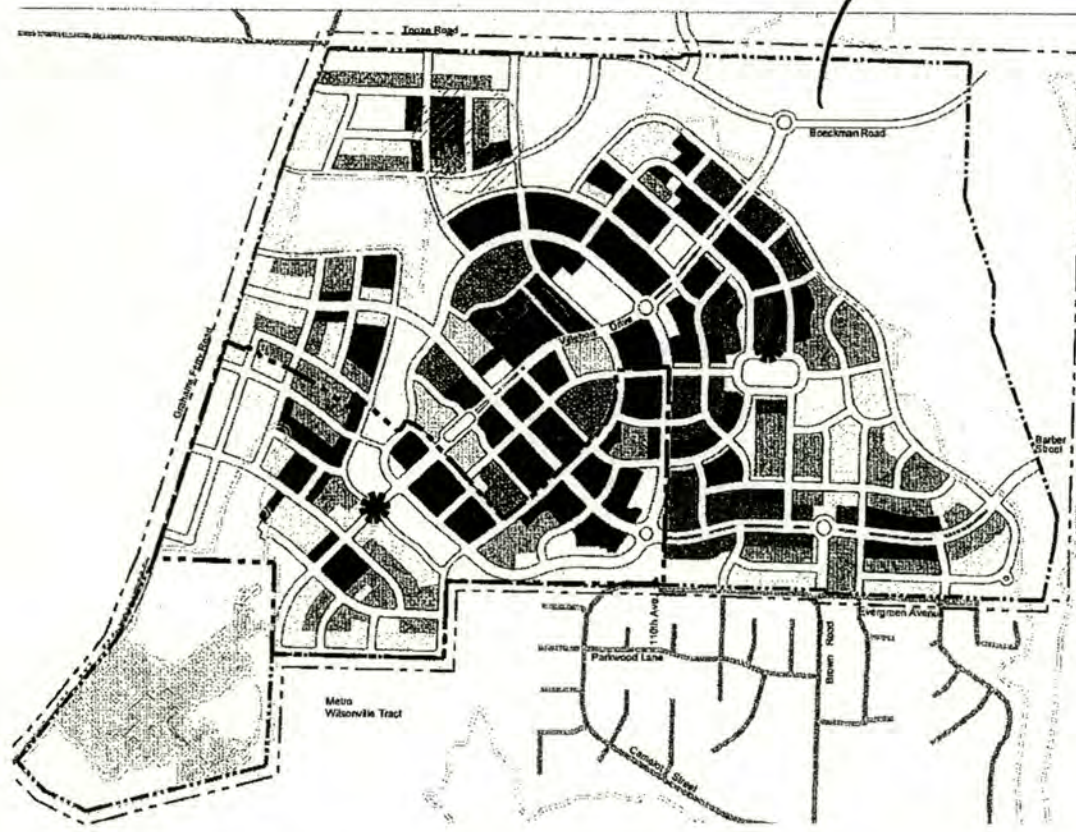


Figure 1

LAND USE	Average Village DENSITY (Net)
Specialty Center	50.0
Mixed Use Corridor	31.8
Urban Apartment	30.1
Office	25.6
Village Apartment	21.0
High-Rise Apartment	20.0
Row House	18.3
Small Lot Attached	13.8
Small Lot Single Family	10.3
Medium Lot Single Family	8.6
Street Lot Single Family	5.7
Large Lot Single Family	4.8
Extra Large Single Family	3.2

- Elementary School Site (includes 2 ac of Community Park)
- Park/Open Space
- Long Environmental Corridor
- Rigorosity
- Neighborhood Corridor
- Significant Resource Overlay Zone (SROZ) with 25' buffer
- Study Area Boundary
- Urban Growth Boundary
- Village Area Boundary

Note: Boundary lines have been adjusted for graphic clarity.



The Villebois Village Master Plan was developed by Costa Pacific Communities with a distinguished team of professionals:

Iverson Architects (Design Team Leader), Alpha Engineering (Technical Team Leader), Fletcher Farr Ayotte (Land Planning / Village Center Design), Walker Macy (Land Planning / Landscape Architecture), Western Planning Associates, (Land Planning), Pacific Habitat Services (Environmental Consulting), SGW Creative (Advertising and Public Relations), Market Perspectives (Market Research), Kittelson & Associates (Traffic Engineering), Ramis Crew Corrigan and Bachrach (Land Use Attorney)



GUIDING PRINCIPLES OF THE VILLAGE MASTER PLAN

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The Villebois Village Master Plan

The Villebois Village Master Plan lays the foundation for an innovative mixed-use community. The Plan is based on three fundamental, guiding principles:

- **Connectivity** is connections between neighbors, within the village itself, and into other parts of the region and the world. *Connectivity* is accomplished with architectural designs that always put people first and provide a pedestrian scaled environment. Automobile access will be located to the rear of most buildings, and will not disrupt the hierarchical emphasis given to the pedestrian. The facades of all buildings will emphasize the social character of the street and sidewalk.

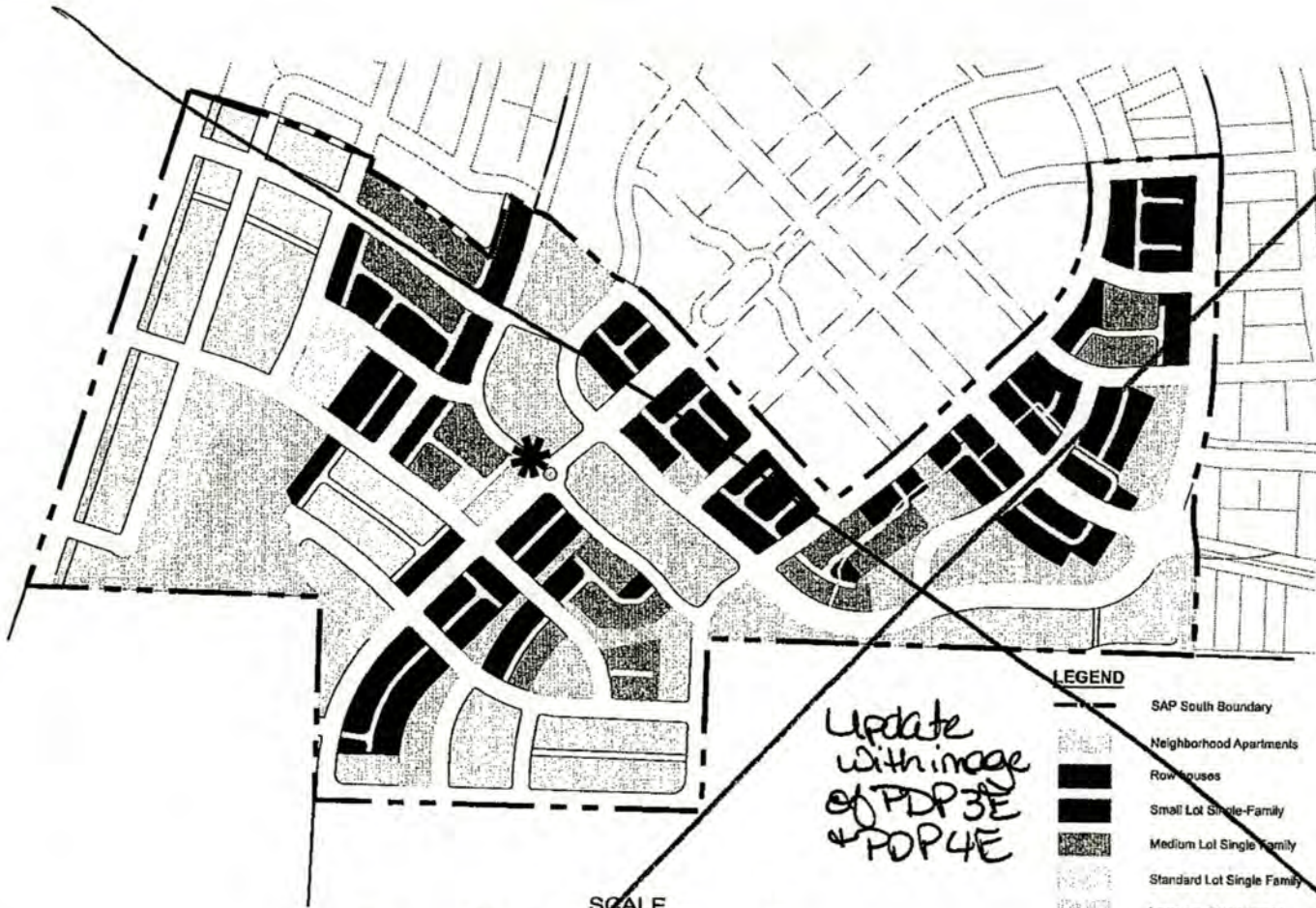
- **Diversity** means a vibrant choice of housing styles, types and levels of affordability, a healthy mixture of employment opportunities and offices, and a variety of available goods and services. *Diversity* is achieved by integrating a variety of housing, commercial options and architectural styles throughout the community. This assures that Villebois will be a vibrant, economically and socially diverse addition to the region.

- **Sustainability** refers to the thread of stewardship and viability - social, environmental, and economic - that is woven throughout every aspect of Villebois. It includes efficient design, the protection of natural resources and open space, rainwater management and energy conservation. *Sustainability* is addressed through the use of efficient land planning and energy and resource efficient building designs that shall respond to the environmental qualities of light, climate and topography.

Boundary of ~~City~~ ^{PDP3E4} ~~South~~ ^{PDP4E}

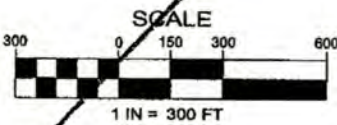
INTRODUCTION

Introduction A4



Update
with image
of PDP 3E
& PDP 4E

- LEGEND**
- SAP South Boundary
 - Neighborhood Apartments
 - Row Houses
 - Small Lot Single-Family
 - Medium Lot Single Family
 - Standard Lot Single Family
 - Large Lot Single Family
 - Parks / Open Space
 - Neighborhood Commons



Lot Types and Sustainability in The Specific Area Plan South

PDP 3E & PDP 4E

In order to comply with the sustainability goals of the Villebois Village Master Plan, buildings within the Specific Area Plan South must meet or exceed the design standards required for third-party certification by Earth Advantage™, a sustainable building program created and administered by Portland General Electric. Earth Advantage™ is a comprehensive program that offers education, guidance, and project certification to homebuilders. To be certified under the program, homes must satisfy requirements in each of four categories: energy efficiency, healthier indoor air, environmental responsibility, and resource efficiency. Earth Advantage™ homes are designed to protect the environment, use less energy, and improve indoor air quality through the use of more earth-friendly materials, mechanical systems, and construction techniques.

By the use of environmentally sound building practices the environmental impact can be minimized, and consumer demand for healthy homes can be met. For further information on the Portland General Electric Earth Advantage™ program, see References, page E1.

The Specific Area Plan South plans include advanced engineering and planning documents that will coordinate the development of grading, drainage, streets, utilities, and related infrastructure throughout the Village Master Plan area. Each Specific Area Plan provides the detailed design criteria for the development of the Villebois Village Master Plan.

Note: Plan includes PDP 1 approved plan as of 7-21-04, PDP 2 approved plan as of 10-15-04, and SAP South approved plan as of 9-19-03.

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LOT TYPES & SUSTAINABILITY IN THE SPECIFIC AREA PLAN SOUTH

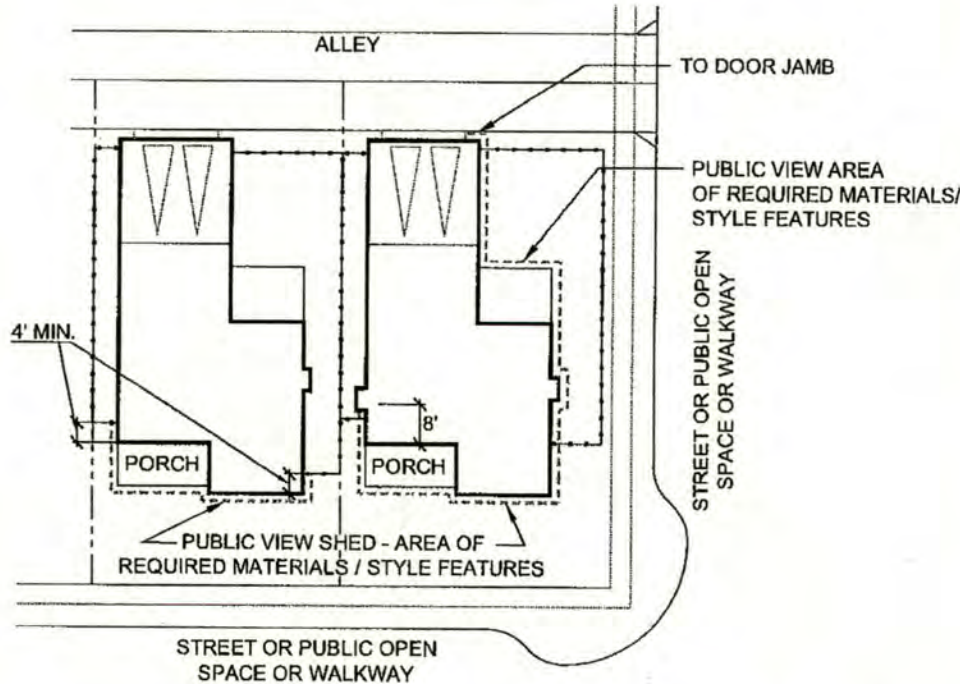
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PDP 3E & PDP 4E

INTRODUCTION

Introduction A5

VIEW SHED APPLICATION FOR PUBLIC VS. PRIVATE SPACE



NOTE: PUBLIC VIEW SHED TO INCLUDE ALL FRONT FACADES, ALL FACADES FACING SIDE STREETS AND THE CONTINUATION OF THIS SIDE FACADE AT THE REAR TO THE GARAGE DOOR JAMB AT AN ALLEY, ALL FACADES FACING PUBLIC OPEN SPACE AND PUBLIC WALKWAYS; AND THE DISTANCE ALONG AN INTERIOR YARD FACADE TO A SIGNIFICANT ARCHITECTURAL FEATURE OR A MINIMUM OF 4' IF THERE IS NO SIGNIFICANT ARCHITECTURAL FEATURE WITHIN THE FIRST 8' OF THE FACADE. WITHIN THE PUBLIC VIEWSHED, THE FACADE WILL INCLUDE STYLE AND MATERIALS FOR THE ARCHITECTURAL STYLE OF THE HOUSE.

LOT DIAGRAM NOTES

1. FOR BUILDING SETBACK AND FENCE REQUIREMENTS REFER TO WILSONVILLE VILLAGE ZONE AND THE VILLEBOIS MASTER FENCING PROGRAM.
2. LOTS WILL GENERALLY FOLLOW THESE DIAGRAMS, BUT DUE TO TOPOGRAPHY AND ROAD ALIGNMENTS, LOTS MAY VARY TO RESPOND TO BLOCK SHAPES. THE MINIMUM LOT SIZE MUST FIT WITHIN IRREGULAR SHAPED LOTS BUT THE OVERALL DIMENSIONS MAY BE LESS OR MORE THAN THAT SPECIFIED.
3. PIE-SHAPED LOTS OR LOTS WITH SIGNIFICANT TREES OR GRADE BANKS AT FRONTAGE HAVE NO MAXIMUM FRONT SETBACK.
4. THE LOT DIAGRAMS DO NOT REFLECT ANY REQUIRED MIX OF FLOORPLAN SHAPES OR ADJACENCIES, NOR ANY QUANTITY OF ATTACHED OR DETACHED GARAGES.
5. WHERE A LARGE, STANDARD, OR MEDIUM LOT OCCURS AS A DOUBLE-FRONTAGE LOT, GARAGE ACCESS SHALL BE TAKEN FROM A LOCAL RESIDENTIAL STREET. THE LOT DEPTH MAY EXCEED THAT INDICATED WITHIN THE SUBJECT DIAGRAM.
6. COMMUNITY HOUSING LOTS MAY BE EXEMPTED BY THE PLANNING DIRECTOR FROM ADHERENCE TO THE LOT SIZES AND DIMENSIONS SHOWN HEREIN, IN ORDER TO MEET APPLICABLE STATE AND SERVICE PROVIDER SPECIFICATIONS.
7. ON ALLEY-LOADED PRODUCT, ADJACENT HOUSES/ GARAGES MAY NOT HAVE PARKING APRONS
8. MINIMUM FUNCTIONAL PORCH DEPTH IS 6' WITH A MINIMUM OF 36 SQUARE FEET, WITH A MINIMUM OF 4' COVERED DEPTH
9. BUILDING AND FENCE SETBACKS MAY BE MODIFIED BY THE REQUIRED VISION CLEARANCE AT INTERSECTIONS AND DRIVEWAYS. REFER TO V ZONE.
10. ENTRANCES, ARCHITECTURAL FEATURES, AND OUTDOOR SPACES THAT HELP ESTABLISH A RELATIONSHIP WITH THE STREET AND PEDESTRIAN MAY EXTEND INTO THE FRONT SETBACK AND ARE ENCOURAGED.
11. ALLEY-LOADED ACCESSORY USES OVER GARAGES MAY ENCROACH 18" INTO THE MINIMUM 3' GARAGE REAR SETBACK.

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Villebois

LOT DIAGRAM NOTES

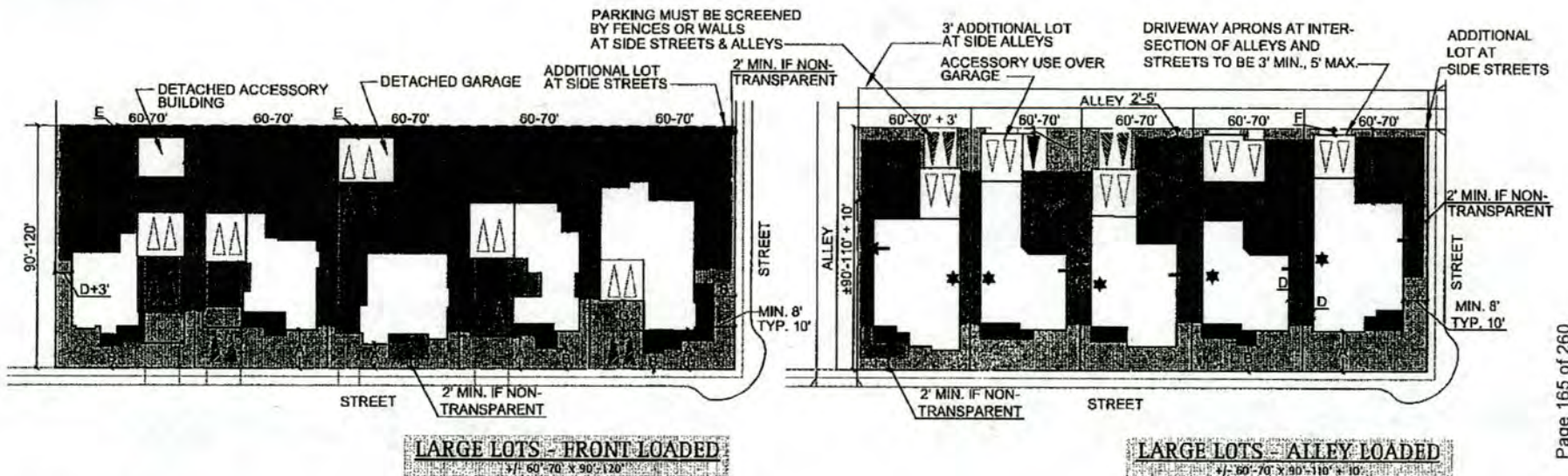
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LOT DIAGRAMS

Land Use Patterns B1

The *Large Lot* types provide for detached residential buildings on lots ranging from about 5,400 to 8,400 square feet. Off-street parking may be located at the rear of the lot, off of an alley, in attached or detached garages, or it may also be located at the side of the building and accessed from a front or side driveway. The alley-loaded houses typically face the street

but they may also face onto a greenbelt or park with public access. Accessory buildings are allowed, but not required, and they may be detached or attached; they must be of the same exterior design as the primary dwelling unit on the property. Use easements to maximize the usable yard space for each house are allowed but not required.



LEGEND

WHERE SETBACKS ARE MEASURED TO:

- A FRONT YARD BUILDING SETBACK
- B SETBACK TO PORCHES, STOOPS, DECKS, CANOPIES, BALCONIES, BAY WINDOWS, CHIMNEYS, AWNINGS, AND ARCHITECTURAL PROJECTIONS
- C NOT USED
- D SIDEYARD BUILDING SETBACK

- E REAR YARD BUILDING SETBACK
 - F ALLEY-LOADED GARAGE SETBACK
 - G STREET-LOADED GARAGE SETBACK*
- *NOTE: GARAGE OFFSET FROM FACADE IS 5' MIN., OFFSETS ARE ENCOURAGED TO VARY TO PROVIDE DIVERSITY IN STREET SCENE

PRIVATE OUTDOOR SPACE

YARDS

PATIOS

SEMI-PRIVATE OUTDOOR SPACE

- PORCHES, STOOPS
- COURTYARDS, TERRACES

SEMI-PUBLIC OUTDOOR SPACE

YARDS, ETC.

AUTO PARKING

- GARAGE
- PARKING APRON
- AT ACCESSORY DWELLING WITH NO APRON PARKING

PRIVATE SPACE USE EASEMENT - OPTIONAL

- ← ACTIVE SIDE OF HOUSE WITH USE OF ADJACENT LOT SIDEYARD
- ★ PASSIVE SIDE OF HOUSE WITH HIGH OR OBSCURE GLAZING ONLY, FOR PRIVACY OF ADJACENT YARD



Villebois

LARGE DETACHED

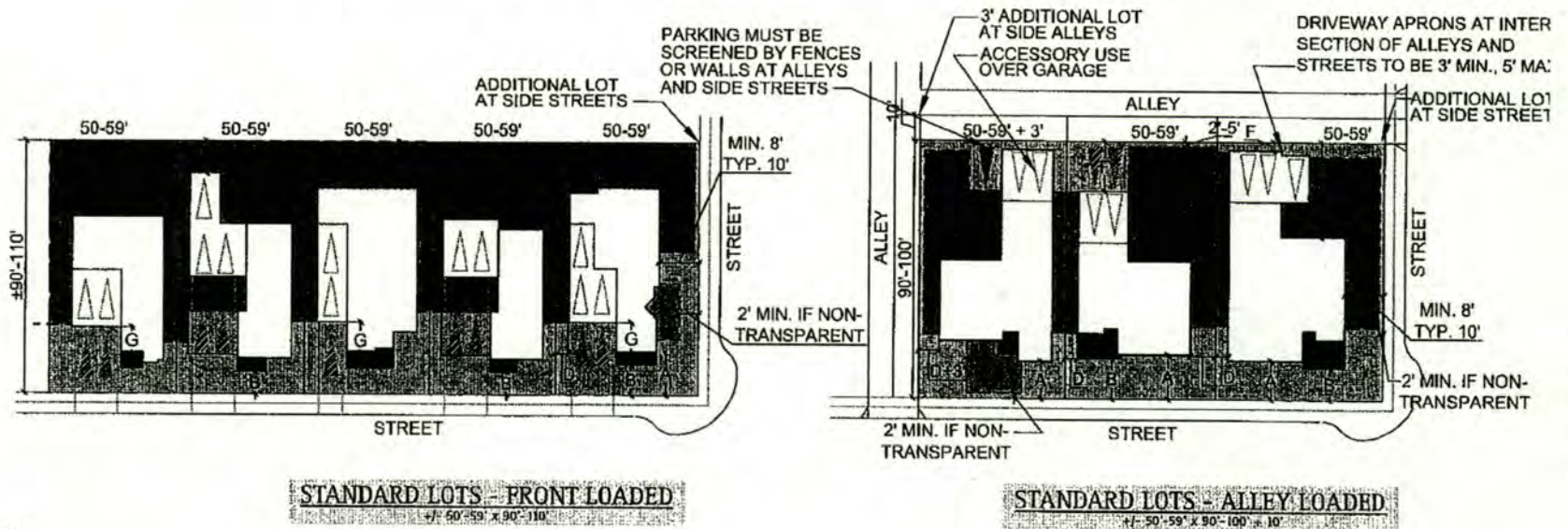
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LOT DIAGRAMS

Land Use Patterns B2

The *Standard Lot* types provide for detached residential buildings on lots ranging from about 4,500 to 6,500 square feet. Off-street parking may be located at the rear of the lot, off of an alley, in attached or detached garages, or it may also be located at the side of the building and accessed from a front or side driveway. The alley-loaded houses typically face the street

but they may also face onto a greenbelt or park with public access. Accessory buildings are allowed, but not required, and they may be detached or attached; they must be of the same exterior design as the primary dwelling unit on the property. Use easements to maximize the usable yard space for each house are allowed but not required.



LEGEND

WHERE SETBACKS ARE MEASURED TO:

- | | | | |
|---|---|--|-------------------------------|
| A | FRONT YARD BUILDING SETBACK | E | REAR YARD BUILDING SETBACK |
| B | SETBACK TO PORCHES, STOOPS, DECKS, CANOPIES, BALCONIES, BAY WINDOWS, CHIMNEYS, AWNINGS, AND ARCHITECTURAL PROJECTIONS | F | ALLEY-LOADED GARAGE SETBACK |
| C | NOT USED | G | STREET-LOADED GARAGE SETBACK* |
| D | SIDEYARD BUILDING SETBACK | *NOTE: GARAGE OFFSET FROM FACADE IS 5' MIN., OFFSETS ARE ENCOURAGED TO VARY TO PROVIDE DIVERSITY IN STREET SCENE | |

- | | | |
|-----------------------------------|---|---|
| PRIVATE OUTDOOR SPACE | SEMI-PUBLIC OUTDOOR SPACE | PRIVATE SPACE USE EASEMENT - OPTIONAL |
| ■ YARDS | ■ YARDS, ETC. | ← ACTIVE SIDE OF HOUSE WITH USE OF ADJACENT LOT SIDEYARD |
| ■ PATIOS | AUTO PARKING | ★ PASSIVE SIDE OF HOUSE WITH HIGH OR OBSCURE GLAZING ONLY, FOR PRIVACY OF ADJACENT YARD |
| SEMI-PRIVATE OUTDOOR SPACE | ∇ GARAGE | |
| ■ PORCHES, STOOPS | ∇∇ PARKING APRON | |
| ■ COURTYARDS, TERRACES | ∇ AT ACCESSORY DWELLING WITH NO APRON PARKING | |



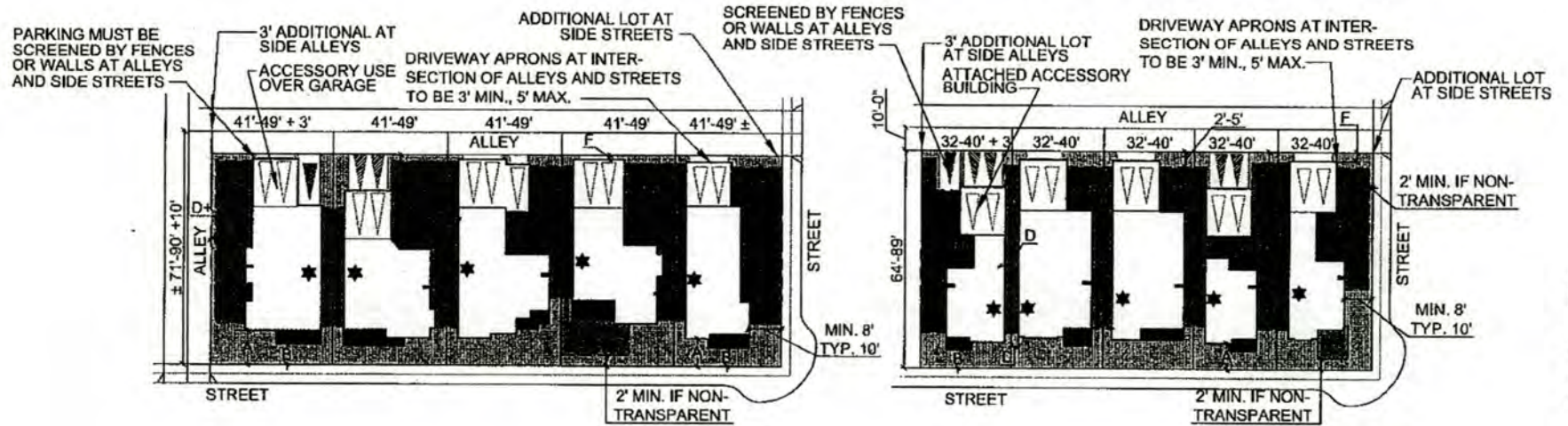
STANDARD DETACHED

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LOT DIAGRAMS

The *Medium Lot* types are designed for mid-block or corner locations. The residential buildings are detached, on lots ranging from 2,900 to 4,500 square feet. The houses typically face the street but may also face onto a greenbelt or park with public access. Off-street parking is located at the rear of the lot, off of an alley, in attached or detached garages. Accessory dwelling units are allowed but not required, and they may be attached or detached; they must be of the same exterior design as the primary dwelling unit on the property.

The *Small Lot* is the smallest of the single family detached Villebois neighborhood lot types. The residential buildings are on lots of approximately 2,000 to 3,600 square feet. The houses typically face the street but may also face onto a greenbelt or park with public access. Off-street parking is located at the rear of the lot, off of an alley, in attached or detached garages. Accessory dwelling units are allowed but not required, and they may be attached or detached; they must be of the same exterior design as the primary dwelling unit on the property. For both Medium and Small Lots, Use Easements to maximize the usable yard space for each house are allowed but not required.



LEGEND

WHERE SETBACKS ARE MEASURED TO:

- | | | | |
|---|---|---|-----------------------------|
| A | FRONT YARD BUILDING SETBACK | C | NOT USED |
| B | SETBACK TO PORCHES, STOOPS, DECKS, CANOPIES, BALCONIES, BAY WINDOWS, CHIMNEYS, AWNINGS, AND ARCHITECTURAL PROJECTIONS | D | SIDEYARD BUILDING SETBACK |
| | | E | REAR YARD BUILDING SETBACK |
| | | F | ALLEY-LOADED GARAGE SETBACK |

PRIVATE OUTDOOR SPACE

■ YARDS

SEMI-PRIVATE OUTDOOR SPACE

- PATIOS
- PORCHES, STOOPS
- COURTYARDS, TERRACES

SEMI-PUBLIC OUTDOOR SPACE

■ YARDS, ETC.

AUTO PARKING

- ▽ GARAGE
- ▽▽ PARKING APRON
- ▽ AT ACCESSORY DWELLING WITH NO APRON PARKING

PRIVATE SPACE USE EASEMENT - OPTIONAL

- ← ACTIVE SIDE OF HOUSE WITH USE OF ADJACENT LOT SIDEYARD
- ★ PASSIVE SIDE OF HOUSE WITH HIGH OR OBSCURE GLAZING ONLY, FOR PRIVACY OF ADJACENT YARD

MEDIUM LOTS
7'-41'-49" x 71'-90" ± 10'

SMALL LOTS
7'-32'-40" x 64'-89" ± 10'



MEDIUM & SMALL DETACHED

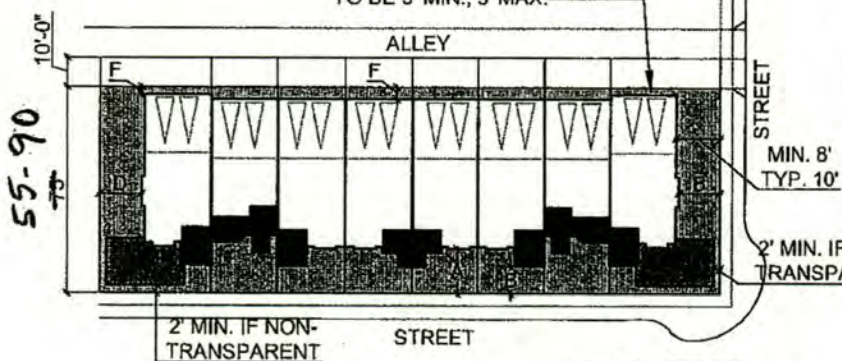
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LOT DIAGRAMS

The Row house Lot land use types are designed for attached residential buildings located as delineated on the Specific Area Plan South. No fewer than two, and no more than ten row houses shall be attached in one composite building. Off-street parking is located at the rear of the lot, off of an alley, in attached or detached garages. The houses typically face the street but they may also face onto a greenbelt or park with public access.

NOTE: ROW HOUSES ARE ALLOWED TO HAVE PARKING APRONS

DRIVEWAY APRONS AT INTERSECTION OF ALLEYS AND STREETS TO BE 3' MIN., 5' MAX.



ROW HOUSES

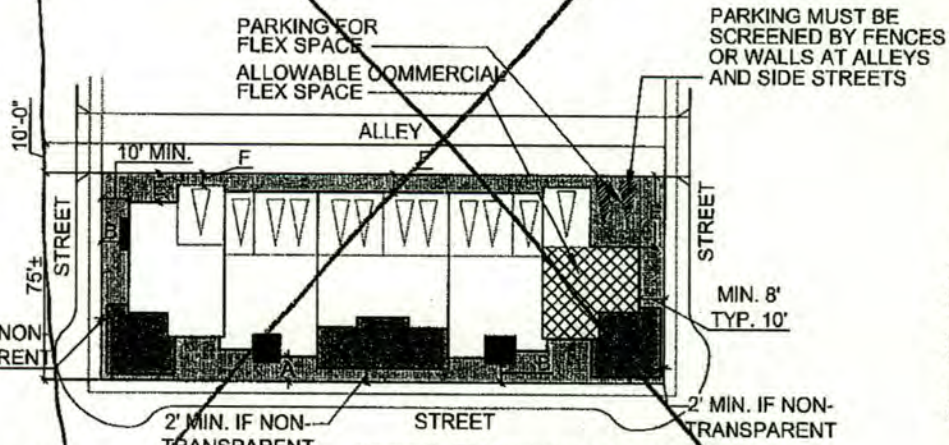
47'-10" 24' 6" 100' ± 10'

55-90

15'-30'

DELETE N.A.

The Neighborhood Apartment land use type is planned to provide residences for multi-family uses in buildings with the scale of large single-family detached houses located at key locations on the Specific Area Plan South. Off-street parking is located at the rear of the lot, off of an alley. A small-scale convenience retail or service commercial use may be located at the corner on the ground floor of the apartment building. Such flex space retail/commercial uses shall only occur at neighborhood commons areas adjacent to public open space and a transit stop.



NEIGHBORHOOD APARTMENTS

47'-10" 24' 6" 100' ± 10'

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LEGEND

WHERE SETBACKS ARE MEASURED TO:

- | | | | |
|---|---|---|-----------------------------|
| A | FRONT YARD BUILDING SETBACK | C | NOT USED |
| B | SETBACK TO PORCHES, STOOPS, DECKS, CANOPIES, BALCONIES, BAY WINDOWS, CHIMNEYS, AWNINGS, AND ARCHITECTURAL PROJECTIONS | D | SIDEYARD BUILDING SETBACK |
| | | E | REAR YARD BUILDING SETBACK |
| | | F | ALLEY-LOADED GARAGE SETBACK |

PRIVATE OUTDOOR SPACE

■ YARDS

■ PATIOS

SEMI-PRIVATE OUTDOOR SPACE

■ PORCHES, STOOPS

■ COURTYARDS, TERRACES

SEMI-PUBLIC OUTDOOR SPACE

■ YARDS, ETC.

AUTO PARKING

▽ GARAGE

▽ PARKING APRON

▽ AT ACCESSORY DWELLING WITH NO APRON PARKING



Villebois

ROW HOUSES AND NEIGHBORHOOD APARTMENTS

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LOT DIAGRAMS

Cottage Detached
smallest

detached

2848

1856

The ~~Small Lot Attached~~ is the ~~largest~~ of the single family ~~attached~~ Villebois neighborhood lot types. The residential buildings are on lots ranging from ~~2,400~~ to about ~~3,000~~ square feet. The houses may be attached in pairs just at the garages or along the entire side of the dwellings. (See note below) Off-street parking is located at the rear of the house, off of an alley, in attached or detached garages. The houses typically face the street but may also front onto a public park or greenbelt or be arranged in clusters. When located on a greenbelt, the sidewalk is placed in a public access easement. Use easements to maximize the usable yard space for each house are allowed but not required. Accessory buildings are allowed, and they may be detached or attached; they must be of the same exterior design as the primary dwelling unit on the property.

NOTE: IN THE SMALL ATTACHED LAND USE CATEGORY, A MINIMUM OF 40% OF A STREET FRONTAGE AND A MAXIMUM OF 80% OF A STREET FRONTAGE ALONG A BLOCK SHALL BE ATTACHED.

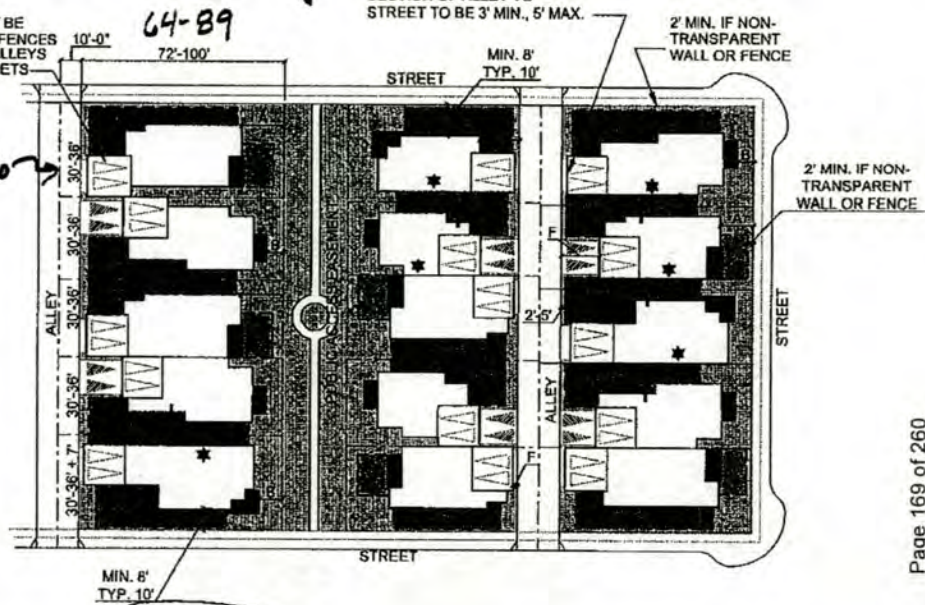
COTTAGE DETACHED

SMALL LOTS - ATTACHED

29-36 x 64-89

REPLACE
IMAGE w/
COTTAGES

PARKING MUST BE
SCREENED BY FENCES
OR WALLS AT ALLEYS
AND SIDE STREETS



LEGEND

WHERE SETBACKS ARE MEASURED TO:

- A FRONT YARD BUILDING SETBACK
- B SETBACK TO PORCHES, STOOPS, DECKS, CANOPIES, BALCONIES, BAY WINDOWS, CHIMNEYS, AWNINGS, AND ARCHITECTURAL PROJECTIONS

- C NOT USED
- D SIDEYARD BUILDING SETBACK
- E REAR YARD BUILDING SETBACK
- F ALLEY-LOADED GARAGE SETBACK

PRIVATE OUTDOOR SPACE

- YARDS
- PATIOS
- SEMI-PRIVATE OUTDOOR SPACE
- PORCHES, STOOPS
- COURTYARDS, TERRACES

SEMI-PUBLIC OUTDOOR SPACE

- YARDS, ETC.

AUTO PARKING

- GARAGE
- PARKING APRON
- AT ACCESSORY DWELLING WITH NO APRON PARKING

← ACTIVE SIDE OF HOUSE WITH USE OF ADJACENT LOT SIDEYARD

★ PASSIVE SIDE OF HOUSE WITH HIGH OR OBSCURE GLAZING ONLY, FOR PRIVACY OF ADJACENT YARD (USE MINIMUM SETBACK WHEN PASSIVE IS ADJACENT TO PASSIVE)



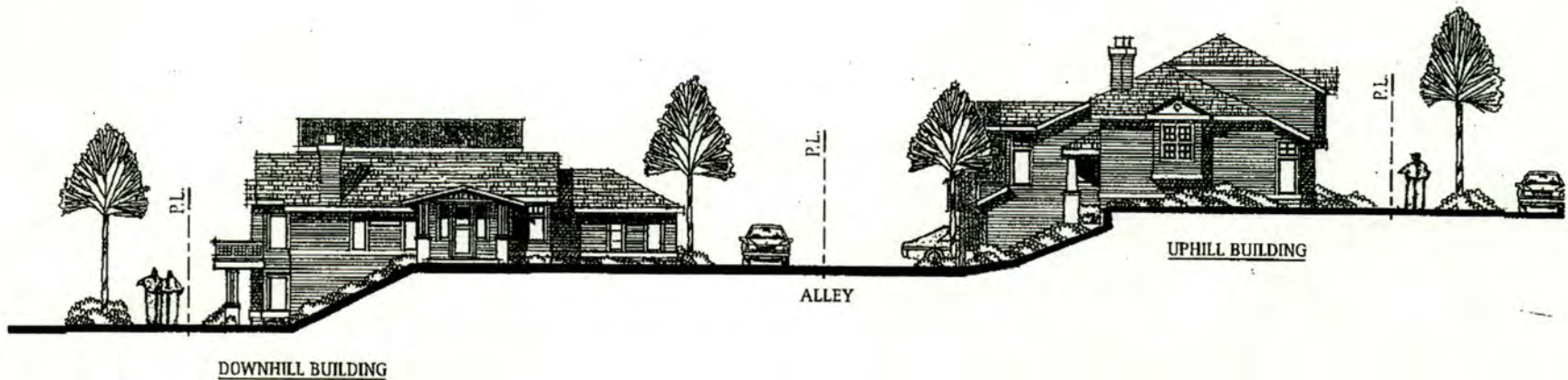
Villebois

Cottage Detached
SMALL ATTACHED

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LOT DIAGRAMS

Land Use Patterns



NOTE: BUILDINGS ON SLOPES MUST BE CONFIGURED TO CONFORM TO THE SLOPE. DESIGN CRITERIA FOR BUILDING PLACEMENT AT TYPICAL SLOPE CONDITIONS IS REQUIRED TO BE REFINED AND DETAILED FOR THE PDP SUBMITTAL.



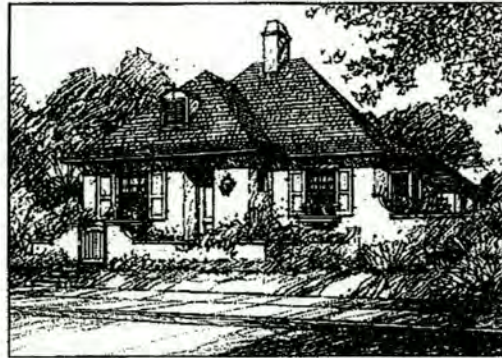
BUILDING PLACEMENT AT TYPICAL SLOPE CONDITION

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LOT DIAGRAMS

Land Use Patterns

B7



Small / Medium informal house with entry courtyard



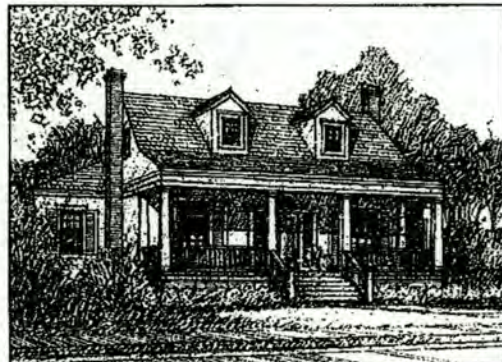
Standard / Large formal house with terrace



Neighborhood Apartment with terrace

FRENCH REVIVAL

The French Revival style is composed of elements from French Renaissance and French Country architecture. French Renaissance architecture was popular in the last half of the 1800's and there are many fine large homes in this style in the Portland metropolitan area. There were also a number of smaller houses in the region that were constructed in the French Country style.



Small / Medium house with full front porch



Standard / Large house with front porch



Neighborhood Apartment with corner store

AMERICAN CLASSIC

The American Classic style is represented by an impressive collection of houses in the Colonial Revival style in many historic neighborhoods in the Willamette Valley area. This style was popular from 1888 until the mid-1950's, and Oregon architects designed every adaptation of it from the inventive forms of Colonial Revival common in the early phases, to the more conservative styles of the later phase.

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The established architecture of many older northwest Oregon neighborhoods includes a wide variety of styles built in different time periods and with unique regional adaptations of styles as well as housing types. Historically towns and villages had a variety of styles and materials. In recent years this diversity has been lost and will be re-established in Villebois. The Willamette Valley area has a long history of significant residential architecture. Villebois will continue this practice by incorporating architectural styles with proportions, massing, and details that are correct and consistent with regional historical traditions and patterns.

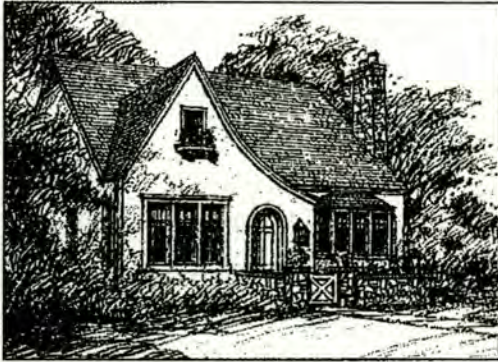


Villebois

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APPROPRIATE ARCHITECTURAL STYLES

Architectural Styles CI



Small / Medium house with entry courtyard



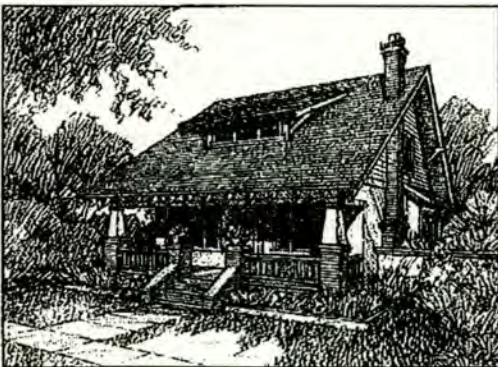
Standard / Large house with stoop & recessed entry



Row houses with stoops and recessed entries

ENGLISH REVIVAL

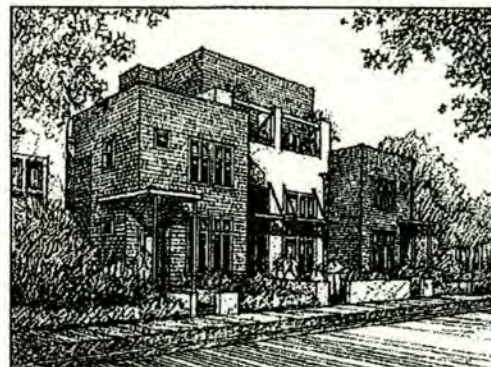
The English Revival style is loosely based on a variety of English prototypes, ranging from cottages to large manor houses. There was a wide interest in English architecture in the United States, and from 1900-1935 a distinctive group of houses were constructed in northwest Oregon in the many variations of this style. It enjoyed a resurgence of popularity during the Neoclectic movement of the 1970's and 80's.



Small / Medium Arts & Crafts house with full front porch



Standard / Large Arts & Crafts house with porch and balconies



Modernistic Row houses with entry courtyards and porches

AMERICAN MODERN

American Modern encompasses a category of architectural styles that were built in Oregon in the last century. It includes Arts and Crafts as well as Modernistic. These styles were not based on historical precedents of decoration and design, instead they often emphasized exposed structural members or expressive detailing. Many fine examples of houses in these styles can be found in older Northwest neighborhoods.

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The housing styles for Villebois will be varied but with an emphasis towards those historical examples to be found in older downtown neighborhoods in Oregon. Four appropriate styles have been identified. These include: French Revival, English Revival, American Classic, and American Modern. These architectural styles have a regional historic presence and are appropriate for Villebois because they can be adapted to respond to the environmental qualities of light, climate, and topography.

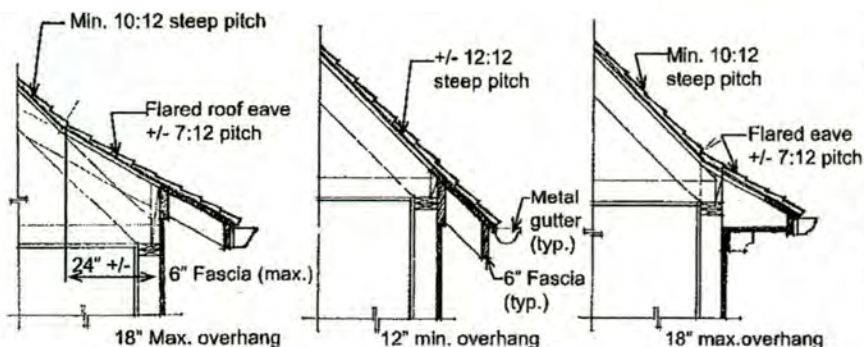


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APPROPRIATE ARCHITECTURAL STYLES

Architectural Styles C2

Eave Details



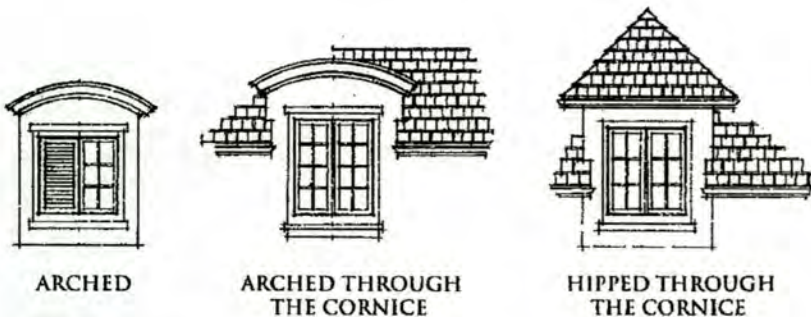
FLARED

STANDARD

FLARED

All eaves may have open or boxed rafter tails

Dormers



ARCHED

ARCHED THROUGH THE CORNICE

HIPPED THROUGH THE CORNICE

Massing and Composition

The French style can be formal or informal. The most basic form is a one story box with a hipped-roof.



Formal houses are two-story with tall, steeply pitched roofs with the ridge paralleling the front of the house. They are often symmetrical with centered entry and formal detailing.



This two-story informal shape works well when placed sideways on a narrow lot with the extensive balcony and porch facing the side yard. Entrance from the street is through a gate into the courtyard.



The two-story asymmetrical hipped-roof form is the most common subtype and is based on picturesque French farmhouses. It can be formal or informal depending on detailing.



The two-story asymmetrical hipped roof forms often have a prominent round tower with a high, conical roof. The tower commonly houses the entry doorway.



Basic Elements:

- Tall, steeply pitched hipped roofs, with flared eaves that overhang the front façade
- Dormers through the cornice are recommended on elevations facing public streets, side streets, or public open space, but they are not required; they may be arched, circular, or hipped
- The predominant exterior cladding must be stucco or stone veneer on public street or open space elevations, non-street sides may use stucco board with battens
- Windows are tall, vertical in proportion; full-length casement (or may be single-hung) windows with shutters (French doors) often used
- Doors usually set in simple recessed openings; more formal houses may have more elaborate detailing

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MASSING AND ROOF FORMS

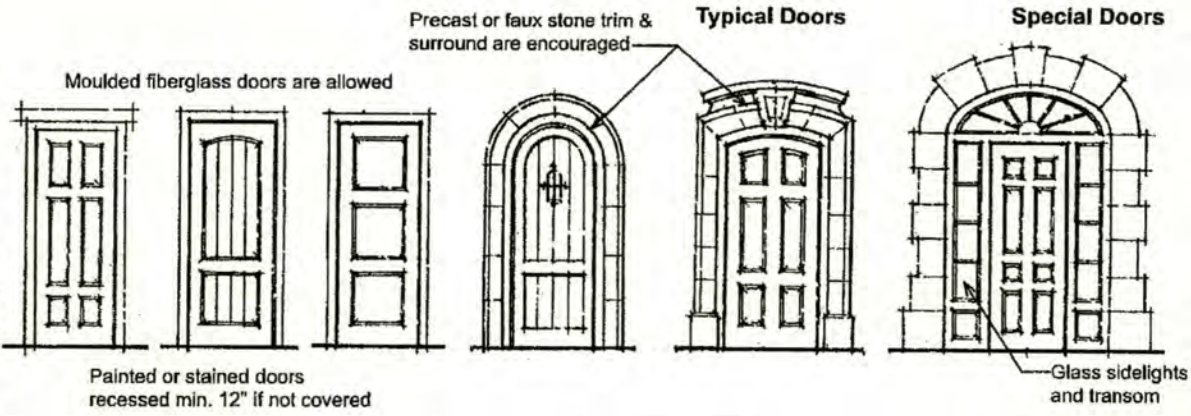
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BASIC ELEMENTS OF
FRENCH REVIVAL

Architectural Styles C3

Garage Doors

Garage door style must match the facade design. Garage doors proportions should be 9' wide by 8' high. If necessary, a 7' high opening may be designed to look like an 8' high opening. As an alternative, a custom 16' wide door delineated to look like two individual 8' wide by 7' high doors may be used. If the garage is set back from the facade, such as behind a portico or at the rear of the lot, then a 16' wide by 7' high door is acceptable. Windows are not allowed on French Revival. See examples, pg. D2.



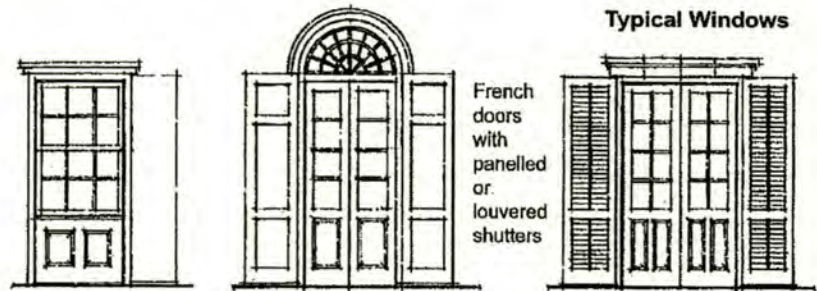
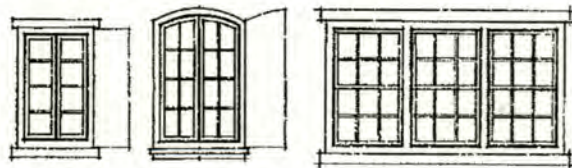
Windows to be vertical in proportion. On public facades, recess at least 2" from finish surface to window frame. Preferably stucco-wrap or stone finish with no trim.

On smaller French Revival houses, recess can be created by a 2" or more depth of stucco-wrapped trim for affordability. Make opening look like a punch window opening, not an applied opening. It is not required to maintain vertical alignment but must be proportional to the building elevation. All windows on public facades must have a divided-light appearance.

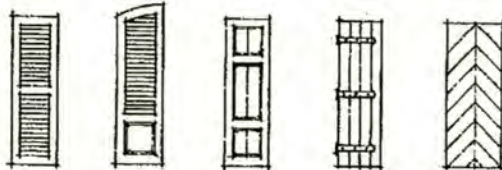
On non-public sides of the facade, it is not required for windows to maintain vertical alignment between stories or have a divided-light appearance; may use windows with width no more than 1-1/2 times height. If windows exceed 4' in width, they must use a vertical divider.

Window trim is required if window is not recessed. Shutter styles can either be paneled or louvered and must be sized to cover the opening.

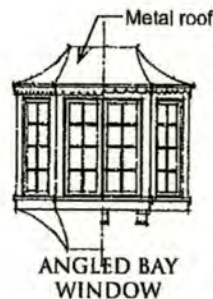
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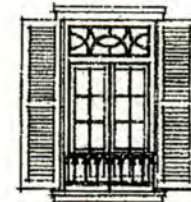
Window Enhancements



TYPICAL SHUTTERS

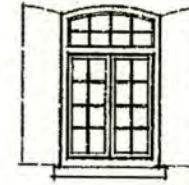


ANGLED BAY WINDOW



BALCONY FRENCH DOORS WITH TRANSOM

Special Windows



DOORS AND WINDOWS

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BASIC ELEMENTS OF FRENCH REVIVAL

Courtyard



Porch



In the informal examples of French Revival, entrance doors are often set in simple arched openings. Informal styles may have low-walled courtyards with decorative entry gates. The informal sideyard houses usually have extensive porches, often two-story.

Stoop & Terrace



Portico



Stoops and balustraded terraces are common elements that connect the house to the street and pedestrian. Porches, stoops, and terraces must be elevated a minimum of 10". Entrances are often in towers on asymmetrical houses.

Houses without a stoop, portico, or porch must have a terrace or courtyard.

For courtyard and fence details, refer to Section E - Master Fencing Program.

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Villebois

ENTRANCES AND OUTDOOR SPACES

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BASIC ELEMENTS OF FRENCH REVIVAL

Architectural Styles CS



Example of transition from stucco on public street or open space elevation to lap siding stucco board at non-public street or open space elevation

Cladding: Stucco, stone, or brick must be predominant on elevations facing a public street, side street, or public open space; stucco board with battens also may be used on private side elevations

Roofing: Slate or concrete tile, composition shingles or cedar shingles. If not architectural grade shingles, must boost shingles at overhangs, hips, and ridges

Windows: Energy efficient wood, metal, or vinyl-clad wood, vinyl or steel frames and sashes

Trim: Stucco, pre-cast concrete, or synthetic stone

Columns: Fiberglass, pre-cast concrete, synthetic stone, or wood

Railings: Curved iron decorative railings

Materials

Eaves, soffits and porch ceiling: Stucco, stucco board, fiber-cement board, t & g wood or plywood

Gutters: Metal with an ogee or half-round edge

Downspouts: Round metal

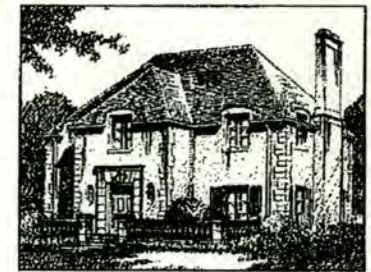
Shutters: Historic wood, polymer, or fiberglass reproductions sized to cover the opening (Required at public street or open space elevations only)

Chimneys: When included, they may be stucco, stone or brick in simple rectangular designs, with modest ornamental corbelling at top

Fences: Refer to Section E - Master Fencing Program

Lighting: Shielded or cut-off luminaires to direct light down

NOTE: REFER TO V ZONE ARCHITECTURAL DESIGN STANDARDS, TABLE V-3 FOR PERMITTED MATERIALS AND CONFIGURATIONS



Colors

Cladding: Whites, tans, taupe, light grey, slate greys, grey greens, khaki greens, brown greens, light yellow, muted mustard, caramel, tobacco, muted terra cotta/rust

Roof: Black, dark grey, and weathered wood blends
Note: all projections through the roof must be painted to match the roof

Windows: White, tan, with an option to add other neutral colors

Garage doors: Match predominant cladding color; trim may be another color but should not increase prominence of the doors

Trim: White or grey earthtones

Shutters: Grey-green, grey-blue, dark green, blue-green, burgundy, off-white

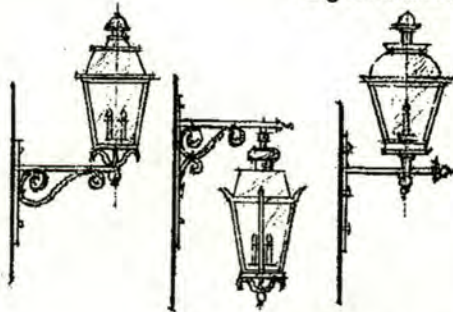
Gutters: Earth tones recommended, or match trim, or natural copper

Downspouts: Earth tones recommended, or match cladding, or natural copper

Railings: Dark bronze, copper verde green, or black

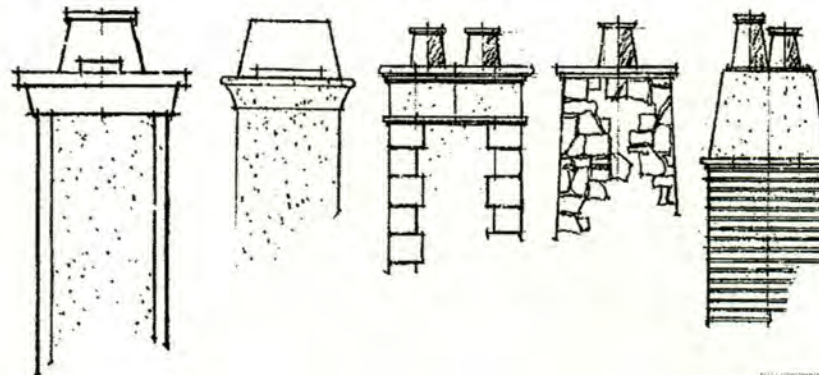
Fencing: Refer to Section E - Master Fencing Program

Light Fixtures



These are examples of light fixtures shown for character style; fixtures at porches and projections may also be a simplistic version or may be recessed

Chimneys

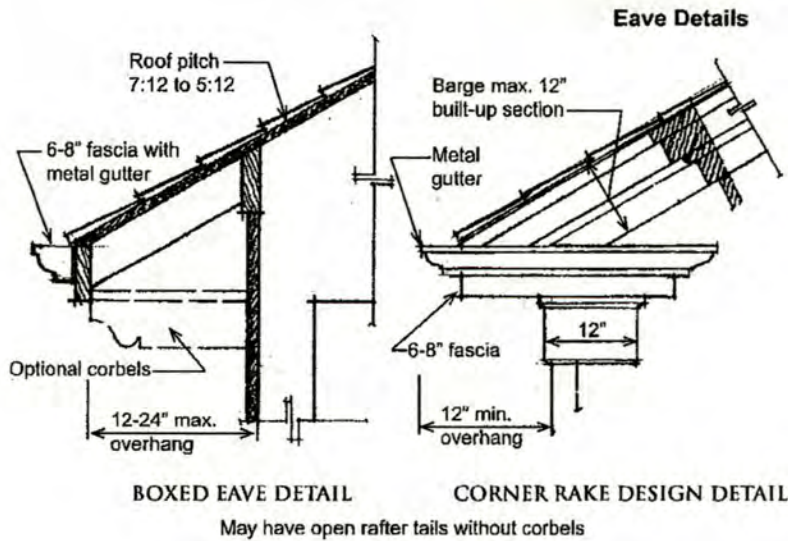


MATERIALS, COLORS, LIGHT FIXTURES, AND CHIMNEYS

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BASIC ELEMENTS OF FRENCH REVIVAL

Architectural Styles C6



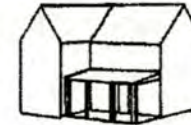
Dormers

Massing and Composition

American Classic houses typically have simple, straightforward volumes such as the one or one-and-a-half story basic side-gabled box with gabled or pedimented dormers.



The two-story gable L shape massing typically accommodates a continuous porch with shed roof located between the legs of the L.



American Classic houses often have gambrel roofs in an interpretation of Dutch Colonial style. The gambrel roof is parallel to the street, and it may have dormers.



A typical American Classic two-story side-gabled box with pedimented entrance portico and gabled dormers.



Many American Classic houses have a centered front gable added to a side-gabled roof, and may have two story entrance porticos.



Basic Elements:

- Side-gabled roofs with little or no overhang, often with dormers
- May use boxed-in eaves; cornice returns at gable ends are encouraged
- Exterior walls clad with stucco, beveled lap siding, brick, or shingles
- Symmetrically located double-hung windows with multiple panes; and may use massive chimneys, usually at gable ends
- Simple massing of one, one-and-a-half, or two stories
- Prominent pedimented entrance porticos or porches

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MASSING AND ROOF FORMS

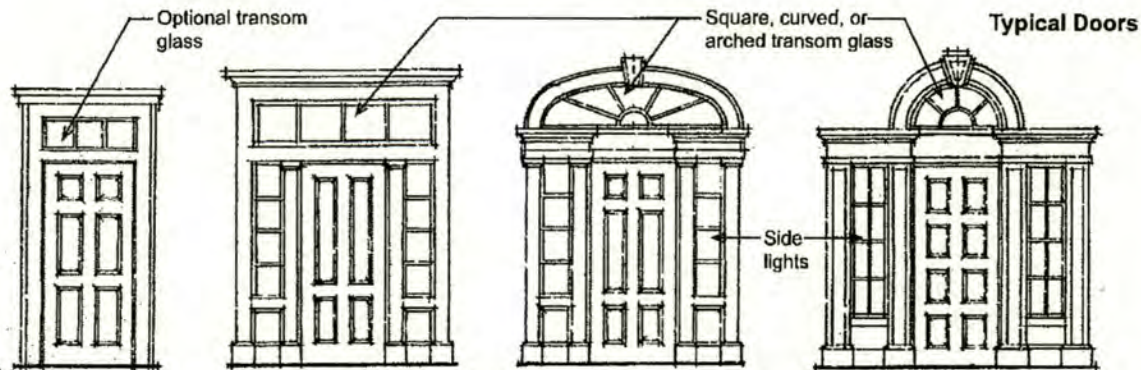
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BASIC ELEMENTS OF AMERICAN CLASSIC

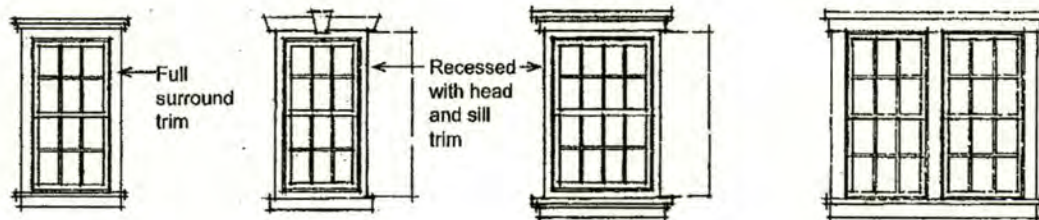
Architectural Styles C7

Garage Doors

Garage door style must match the facade design. Garage doors proportions should be 9' wide by 8' high. If necessary, a 7' high opening may be designed to look like an 8' high opening. As an alternative, a custom 16' wide door delineated to look like two individual 8' wide by 7' high doors may be used. If the garage is set back from the facade, such as behind a portico or at the rear of the lot, then a 16' wide by 7' high door is acceptable. Non-rectilinear window shapes are not allowed. See examples, pg. D2.

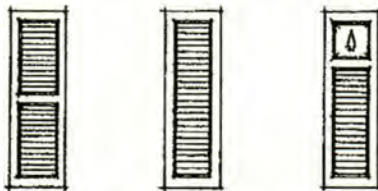


Paneled entry doors, with detailed surrounds, painted or stained
Moulded fiberglass doors are allowed

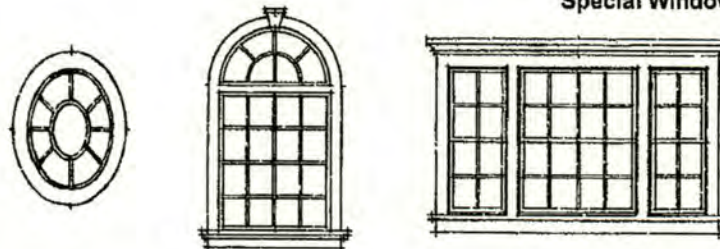


Typical Windows

Window Enhancements



TYPICAL SHUTTERS



Special Windows



Entrance doors should be located in the center of wide houses and the corner of narrow houses. Doors include four, six, and eight panel patterns. All but the smallest homes should have sidelights or, when there is not a porch, transom surrounds of clear glass which can be rectangular or a segmented arch form.

The façade composition of the American Classic is distinguished by a symmetrical placement of doors and windows; with vertical proportion of the door and window elements. On public facades, must use single or double-hung windows with full divided-light appearance. Standard windows usually occur as singles, but they can also be used in pairs. The window often has a decorative header.

On non-public sides of the facade, windows are not required to have a divided-light appearance or maintain vertical alignment between stories; may use windows with width no more than 1-1/2 times height. If windows exceed 4' in width, they must use a vertical divider.

Special Windows include oriel, round top, and triple windows. Triple windows usually have broad, center sashes. Various combinations of small square, rectangular, arched, and round top windows are often used over the entry door.



DOORS AND WINDOWS

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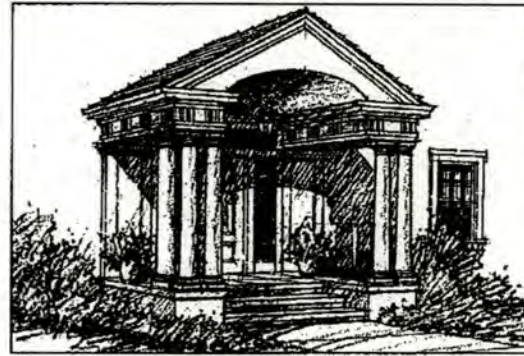
BASIC ELEMENTS OF AMERICAN CLASSIC

Architectural Styles C8

Stoop



Portico



American Classic houses must have prominent pedimented entrance porticos or porches, with freestanding columns or pilasters, usually detailed in simplified versions of Tuscan, Doric, or Ionic orders. Porches can be one or two-stories with either flat or shallow hipped roofs; they can be partial or full front porches; many entry porches are topped by open balconies. The Dutch Colonial types have Gambrel roofs with entry porticos or full-front porches. Porches, stoops, and terraces must be elevated a minimum of 10".

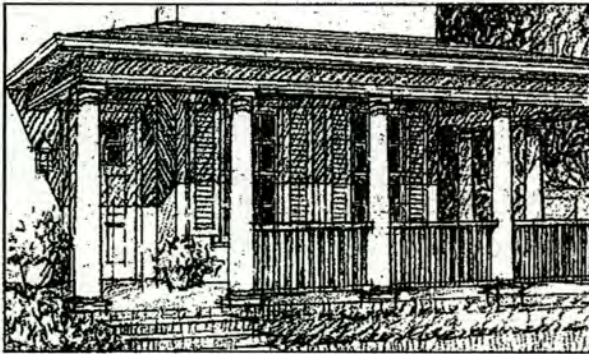
Column variations include 10- and 12-inch-diameter Doric and Ionic order columns. Other column types include special stucco round columns, and square panel box columns.

Houses without a stoop, portico, or porch must have a terrace or courtyard.

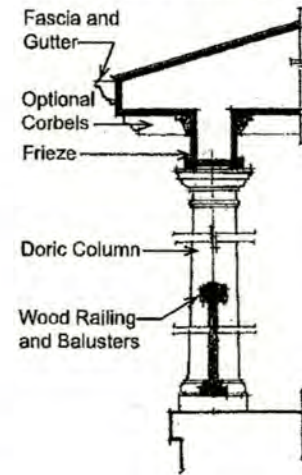
For courtyard and fence details, refer to the Section E - Master Fencing Program.

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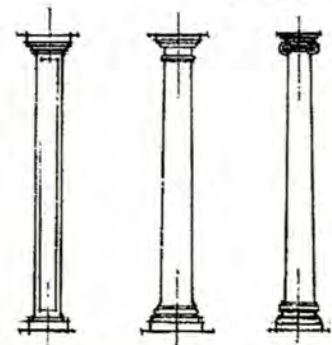
Porch



Porch/Baluster Detail



Columns



SQUARE PANEL

DORIC

IONIC



ENTRANCES AND OUTDOOR SPACES

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BASIC ELEMENTS OF AMERICAN CLASSIC

Architectural Styles C9

Materials

Cladding: Smooth stucco, stone, lap siding, shingles, or brick

Roofing: Composition, concrete, or cedar shingles. If not architectural grade shingles, must boost shingles at overhangs, hips, and ridges

Windows: Energy efficient wood, metal, or vinyl-clad wood, vinyl or steel frames and sashes with gridded windows on elevations facing public streets, side streets, or public open space

Trim: Wood, synthetic board, or polymer millwork

Columns: Fiberglass reproductions, polymer, or wood with classical emphasis and proportions

Railings: Straight or turned balusters with wood milled top and bottom rails

Eaves, soffits and porch ceiling: Stucco, smooth surface composition board, plaster, t & g wood, or polymer reproductions

Gutters: Metal with an ogee or half-round edge

Downspouts: Metal, round

Shutters: Fiberglass, wood, or polymer reproductions mounted as if operable and sized to cover the opening

Exposed Foundations: (Over 12" vertical exposure) Stucco, brick, or stone required on elevations facing public streets, side streets, or public open space

Chimneys: When included, stucco, brick, or stone

Fences: Refer to Section E - Master Fencing Program

Lighting: Shielded or cut-off luminaires to direct light down

NOTE: REFER TO V ZONE ARCHITECTURAL DESIGN STANDARDS, TABLE V-3 FOR PERMITTED MATERIALS AND CONFIGURATIONS



Colors

Cladding: White, grey, light yellows, tans, caramel, light grey, medium grey, blue/grey, slate/grey, light green, grey/green, sea green, brown/green, taupe, or muted barn red

Brick: Red tones

Windows: White, tan, with an option to add neutral colors

Doors and Shutters: Black, dark green, dark blue, or burgundy, or off-white

Garage Doors: Match predominant cladding color; trim may be another color but should not increase prominence of the doors

Columns, and Trim: White, earthtones

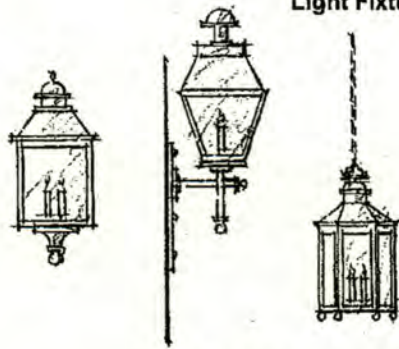
Roof Shingles: Weathered wood blend, and, black or dark gray
Note: all projections through the roof must be painted to match the roof

Gutters: Match trim color or natural copper color

Downspouts: Match siding color or natural copper color

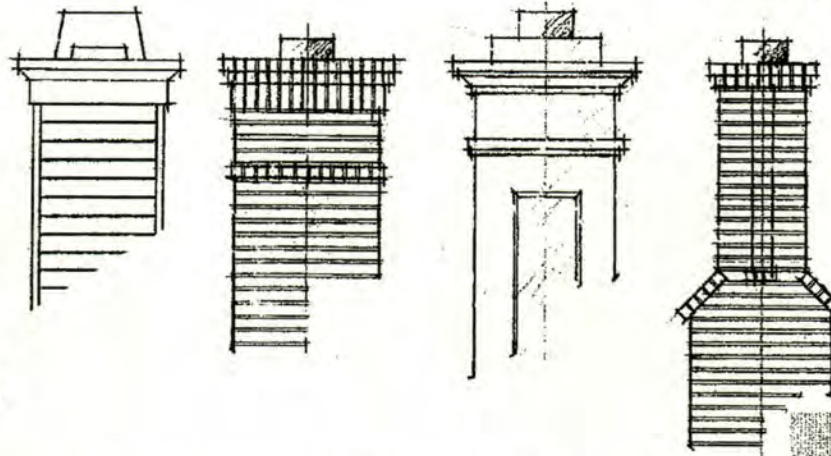
Fencing: Refer to Section E - Master Fencing Program

Light Fixtures



These are examples of light fixtures shown for character style; fixtures at porches and projections may also be a simplistic version or may be recessed

Chimneys



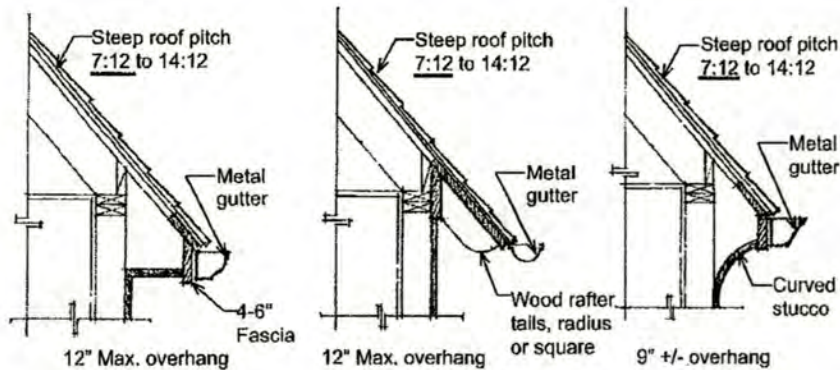
MATERIALS, COLORS, LIGHT FIXTURES, AND CHIMNEYS

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BASIC ELEMENTS OF AMERICAN CLASSIC

Architectural Styles C10

Eave Details



BOXED

OPEN

CURVED

Boxed or open rafters are allowed

Dormers



HIPPED

SHED

GABLE

Dormers through the cornice are recommended on elevations facing a public street, side street, or public open space, but are not required

Massing and Composition

The interpretations of English Revival include a simple side-gabled box with a steeply pitched roof, which can have decorative half-timbering in the gable ends. The roof typically has little or moderate eave extension.



Multi-gabled facades on a side-gabled roof are also common in English Revival. Gable ends generally have no eave/overhang, except at half-timbered areas, where they may overhang up to 18".



Overlapping gables with eave lines of varying heights are common. Telescoping gables, also known as catslides, are often found on this style. The rooflines often extend below windows on the second floor, and to the top of windows at first floor.



The character of the English Revival house is enhanced by the addition of wings and extensions, which through massing or detailing, appear to have been added.



The one-and-a-half or two-story gable L form is appropriate on wider lots. Chimneys typically act as primary forms for the massing of the house; they are usually very large and located on the front or side of the house.



Basic Elements

- Steeply pitched shingled roof, usually side-gabled; façade dominated by one or more prominent cross gables
- Roof lines extend below windows at second floor, and to top of window at first floor; little or moderate eave extension
- Exterior walls finished with stucco, stucco board and battens, brick, or stone, often with false half-timbering; use of a variety of these wall materials is common.
- Casement and single-hung windows with small panes; usually arranged in series, mostly groupings of three
- May have massive chimneys, commonly on front or side of the house and crowned with decorative chimney pots
- Entrance porticos with arched projection or shed roof; porches enclosed under extensions of main roof
- Dominant form is one of a solid mass with multiple small openings



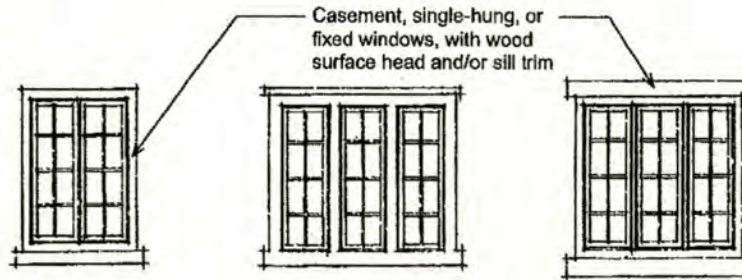
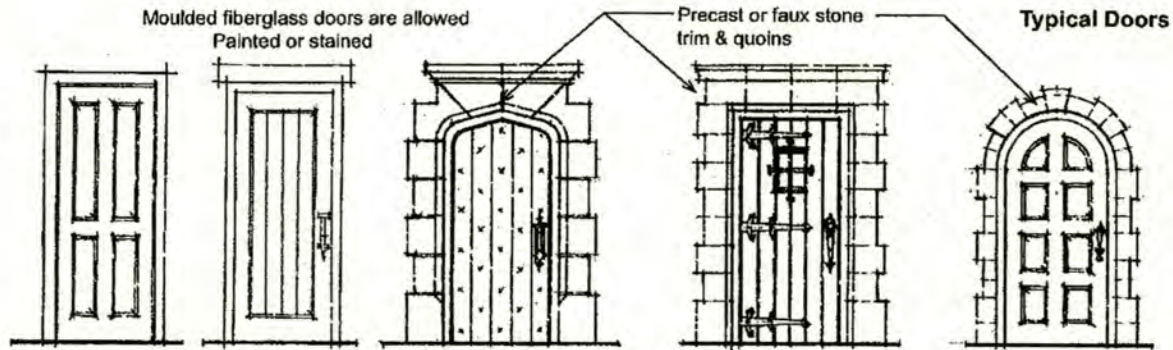
MASSING AND ROOF FORMS

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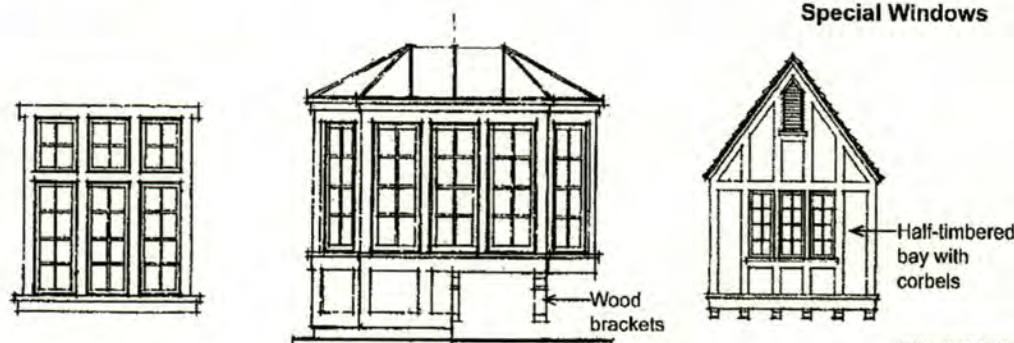
BASIC ELEMENTS OF ENGLISH REVIVAL

Garage Doors

Garage door style must match the facade design. Garage door proportions should be 9' wide by 8' high. If necessary, a 7' high opening may be designed to look like an 8' high opening. As an alternative, a custom 16' wide door delineated to look like two individual 8' wide by 7' high doors may be used. If the garage is set back from the facade, such as behind a portico or at the rear of the lot, then a 16' wide by 7' high door is acceptable. Garage door windows are not allowed on English Revival. See examples, pg. D2.



Typical Windows



BAY WINDOWS

Special Windows



In the English Revival style entrances are desirable places to add detailing. Typical entrance doors are plank/board or panel type single doors, often with a round or arched top and wrought iron accents, and commonly with little or no glass. Entry doors not covered shall be recessed 12-18".

Windows to be vertical in proportion. On public facades, recess windows at least 2", preferably with stucco board or stone return. On small English Revival houses, recess can be created by a 1-1/2" or more depth of trim for affordability. Lintels and sills are only required on non-stucco board elevations. Windows with divided-light appearance are required on public facades.

On non-public sides of the facade, it is not required to maintain vertical window alignment between stories or use windows with divided-light appearance; may use windows with width no more than 1-1/2 times height. If windows exceed 4' in width, they must have a vertical divider. Recessed windows are not required on non-public sides of the facade, window trim is required if windows are not recessed.



DOORS AND WINDOWS

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BASIC ELEMENTS OF
ENGLISH REVIVAL

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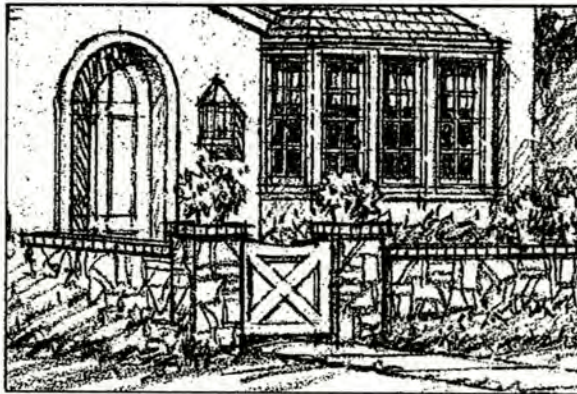
Stoop



Portico



Courtyard

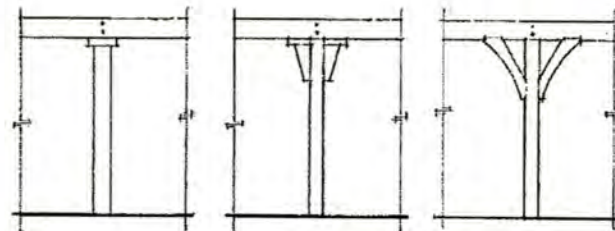


Raised stoops, porches and low-walled courtyards are important elements in the English Revival house's relationship to the pedestrian and the street. Porches are not dominant features of the typical English Revival style but are encouraged at Villebois. Porches must be focused at entrances and side wings and they should be understated. They feature post and beam construction, shed roofs, and arched braces between posts and beams.

Porches, stoops, and terraces must be elevated a minimum of 10". Houses without a stoop, portico, or porch must have a terrace or courtyard.

For courtyard and fence details, refer to Section E - Master Fencing Program.

Post Braces



Post size minimum 6 x 6

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ENTRANCES AND OUTDOOR SPACES

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BASIC ELEMENTS OF ENGLISH REVIVAL

Architectural Styles C13

Cladding: Stucco with hand-made, plaster appearance, stucco board with battens, plaster, brick, or stone must be predominant on elevations facing a public street, side street, or public open space; skirl board, lap siding, shingles, or board and batten may be subdominant and may also be used on other elevations; stucco board may be used in half-timbering areas.

Half-Timbering: Decorative half-timbering in the gables is very common and can occur on the entire second story or in the upper gables. Where half-timbering is used at second stories, the plane should overhang the first floor 8 to 15 inches, supported by corbels below.

Roofing: Slate tile, flat concrete tile, composition shingles, or cedar shingles. If not architectural grade shingles, must boost shingles at overhangs, hips, and ridges

Windows: Energy efficient wood, metal, or vinyl-clad wood, vinyl or steel frames and sashes; with gridded windows on elevations facing a public street, side street, or public open space.

Columns: Wood posts

Trim: Ornamental cast stone or wood

Eaves, soffits, and porch ceiling: Plaster, stucco, boxed wood or stucco board, fiber-cement board, t & g wood or plywood; must use t & g wood or plywood with rafter tails

Gutters: Metal or wood with a half-round, ogee, or square profile

Downspouts: Round metal

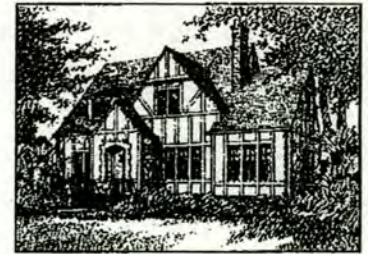
Chimneys: When included, stucco with hand-made / plaster appearance, or masonry

Fences: Refer to Section E - Master Fencing Program

Lighting: Shielded or cut-off luminaires to direct light down

NOTE: REFER TO V ZONE ARCHITECTURAL DESIGN STANDARDS, TABLE V-3 FOR PERMITTED MATERIALS AND CONFIGURATIONS

Materials



Colors

Cladding: White, ivory, creamy light tans, medium to dark tans, buff, khaki/green, brown/green, sage/green, grey/brown, tobacco

Half-timbering: Dark brown stain, brown or grey-brown paint

Roof: Dark brown, and weathered wood blends

Note: all projections through the roof must be painted to match the roof

Windows: Sashes and frames to be tan and an option to add neutral colors.

Garage Doors: Match cladding or trim color; trim may be another color but should not increase the prominence of the doors

Trim: Dark brown stain, brown or grey-brown paint

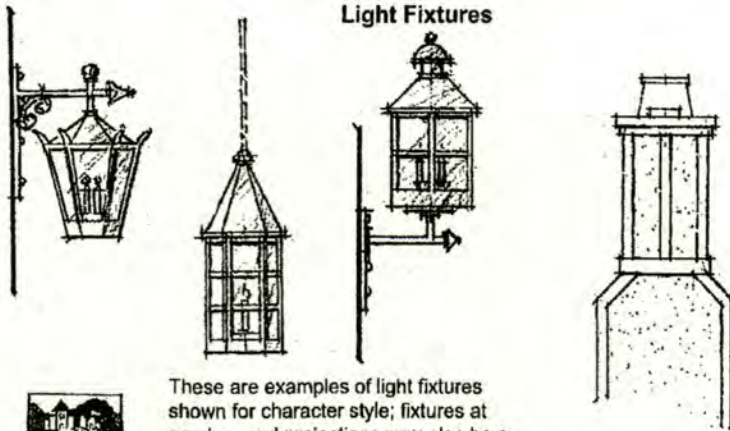
Gutters: Earth tones recommended

Downspouts: Earth tones recommended

Fencing: Refer to Section E - Master Fencing Program

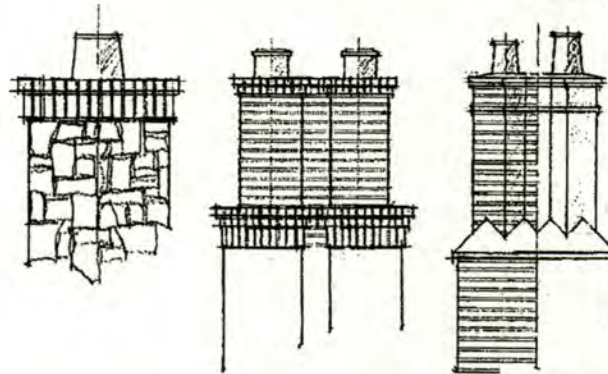
Page 184 of 260

Light Fixtures



These are examples of light fixtures shown for character style; fixtures at porches and projections may also be a simplistic version or may be recessed

Chimneys



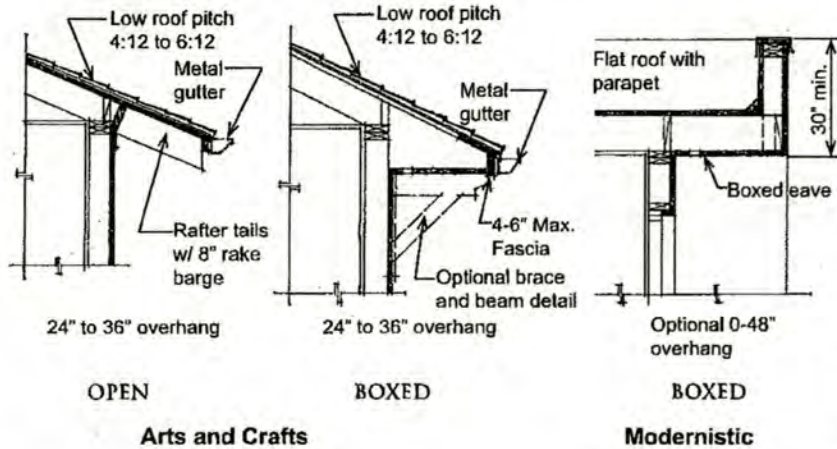
MATERIALS, COLORS, LIGHT FIXTURES, AND CHIMNEYS

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BASIC ELEMENTS OF ENGLISH REVIVAL

Architectural Styles C14

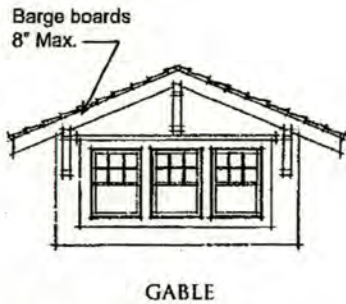
Eave Details



OPEN
Arts and Crafts

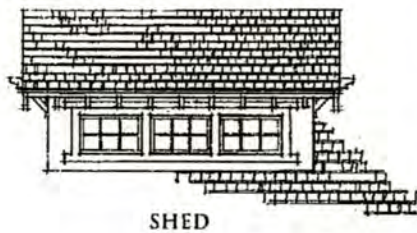
BOXED

BOXED
Modernistic



GABLE

Dormers - Arts & Crafts



SHED

Massing and Composition

Arts and Crafts

The basic Arts & Crafts house is a Craftsman style that typically has a simple straightforward volume, normally one to one-and-a-half stories. The roof is low-pitched, end or side-gabled, with widely extended unenclosed eaves, usually supported by beam extensions or brackets. This subtype characteristically has a prominent front porch open to the street.

Arts and Crafts houses are also commonly built in a Prairie Box or Foursquare shape which is two-story with a low pitched hipped roof and front roof dormers. The roof has widely extended boxed-in eaves, sometimes supported by brackets. The basic plan is often augmented with a porch or one-story room attachment.



Basic Elements:

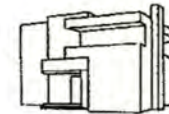
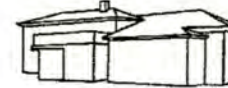
The American Modern style is composed of two subtypes - Arts and Crafts, including Prairie and Craftsman, which turned its back on historical precedent for decoration and design, and Modernistic, where the emphasis was on standardization of parts, absence of all non-functional decoration, and simple structural forms. It incorporates a number of progressive ideals of the early 1900's such as the straightforward use of materials, an informal way of living and accessibility to the outdoors.

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Modernistic

The Modernistic house subtype typically is composed of simple, asymmetrical shapes, which form a sculptural mass. Roofs are low sloped with extensive cantilevered eaves, often with multiple roof planes.

Modernistic houses also often have flat roofs that can have a parapet wall or wide boxed overhangs. One or more corners of the building may be curved, and cantilevered projections such as roofs, balconies, or second stories are common. Upper stories may also step back from lower ones creating balconies.



- Roofs vary from steeply gabled to flat with multiple planes
- Simple composition of one or one-and-a-half or two stories
- Smooth exterior wall surfaces with simple or no decorative detailing at doors and windows
- Embellishment limited to expressive functional/structural detailing or the addition of natural materials that are native to the region
- Generous use of windows



MASSING AND ROOF FORMS

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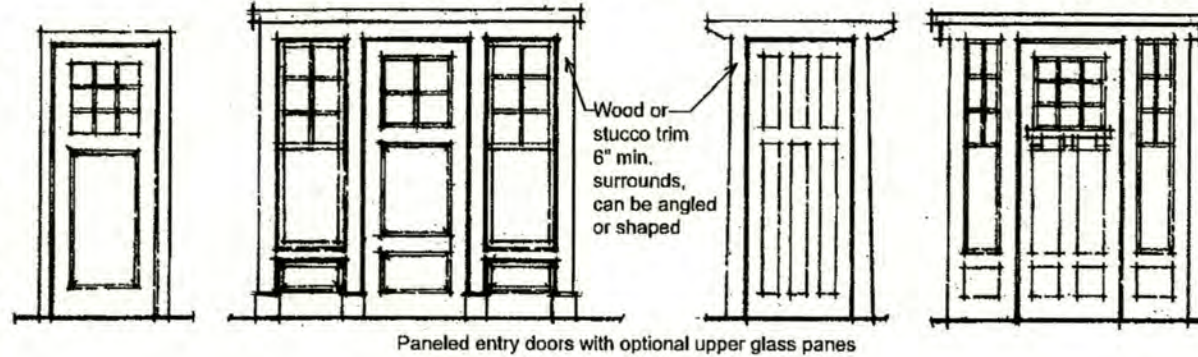
BASIC ELEMENTS OF AMERICAN MODERN

Architectural Styles C15

Garage Doors

Garage door style must match the facade design. Garage door proportions should be 9' wide by 8' high. If necessary, a 7' high opening may be designed to look like an 8' high opening. As an alternative, a custom 16' wide door delineated to look like two individual 8' wide by 7' high doors may be used. If the garage is set back from the facade, such as behind a portico or at the rear of the lot, then a 16' wide by 7' high door is acceptable. Windows on garage doors are encouraged for American Modern. Non-rectilinear window shapes are not allowed. See examples, pg. D2.

Moulded fiberglass doors are allowed, painted or stained



Paneled entry doors with optional upper glass panes

Typical Doors



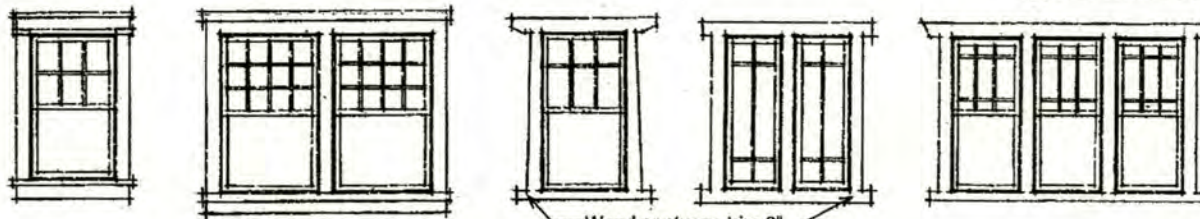
The doors on American Modern Arts and Crafts houses are simple in design; they are often a stained wood panel door or a wood plank design. They may have transoms, and/or decorative, stained glass sidelights.

American Modern houses have an abundance of windows, usually single-hung but occasionally casements, and ganged together in 3, 4, or 5 window combinations. All windows on elevation facing public streets, side streets, or public open space shall have a divided-light appearance.

On elevations facing non-public areas, it is not required to maintain vertical window alignment between stories or use windows with divided-light appearance; window width may be no more than 1-1/2 times window height. If windows exceed 4' in width, they must have a vertical divider.

Special Windows include angled or boxed bay windows, small square windows, vertical slot windows, picture windows, stained glass, or other accent windows.

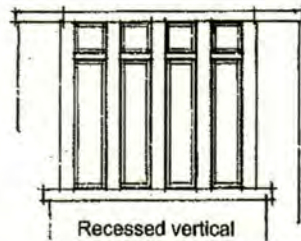
Trim may be either a tapered or straight moulding, the head should extend beyond the jamb trim. A more formal house might use a cap molding.



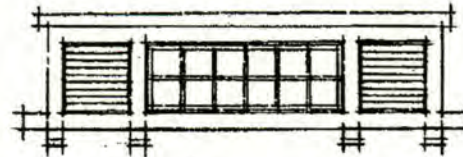
Wood or stucco trim 6" min. surrounds, can be angled or shaped

Typical Windows

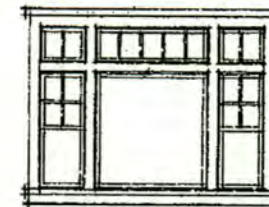
Special Windows



Recessed vertical slot windows



Porch cable window, vent, and trim



Picture window with clerestory above



Villebois

DOORS AND WINDOWS - ARTS AND CRAFTS

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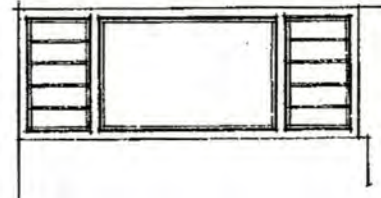
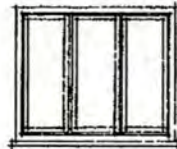
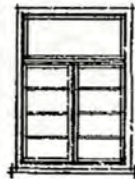
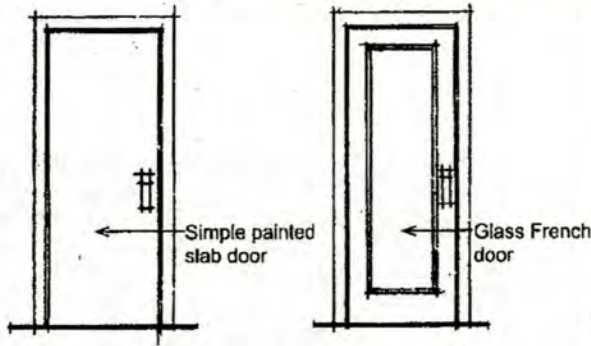
BASIC ELEMENTS OF AMERICAN MODERN

Architectural Styles C16

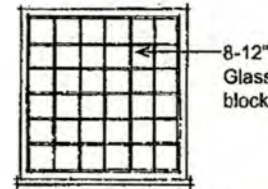
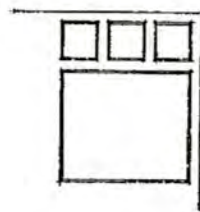
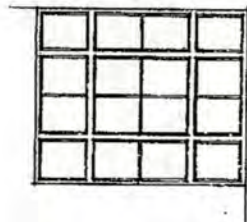
Garage Doors

Garage door style must match the facade design. Garage door proportions should be 9' wide by 8' high. If necessary, a 7' high opening may be designed to look like an 8' high opening. As an alternative, a custom 16' wide door delineated to look like two individual 8' wide by 7' high doors may be used. If the garage is set back from the facade, such as behind a portico or at the rear of the lot, then a 16' wide by 7' high door is acceptable. Windows on garage doors are encouraged for American Modern. Non-rectilinear window shapes are not allowed. See examples, pg. D2.

Moulded fiberglass doors are allowed; painted or stained

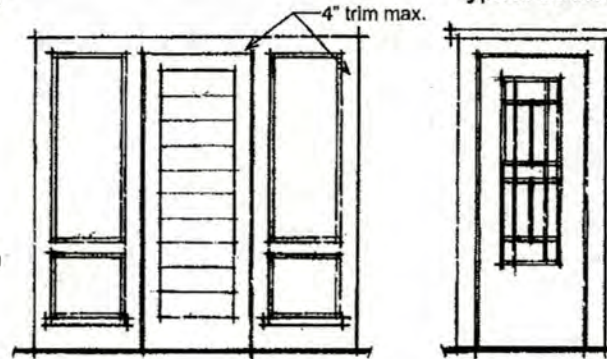


Sliding, casement, awning, or fixed windows, recessed or surface mounted, minimal or no trim



Special Windows

Typical Doors



Typical Windows



The doors on Modernistic houses are to be simple in design; flush wood with a stained or painted finish. They are located at corners or wings, or set into a row of ribbon windows.

Modernistic houses have an abundance of windows, arranged in long ribbons; continuous bands of glazing with evenly spaced, thin, vertical mullions. Windows are usually casements, sometimes wrapping around building corners. Floor to ceiling windows and large picture windows are also common.

Special Windows include picture windows, small square windows and glass block.

Trim is the simplest possible detail, or no trim on recessed doors and windows.

Windows on elevations facing public streets, side streets, or public open space must have divided-light appearance if front elevation uses them.

Elevations not facing onto public space are not required to maintain vertical alignment between stories or have divided-light appearance; may use windows with width no more than 1-1/2 times window height. If windows exceed 4' in width, they must have a vertical divider.

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DOORS AND WINDOWS - MODERNISTIC

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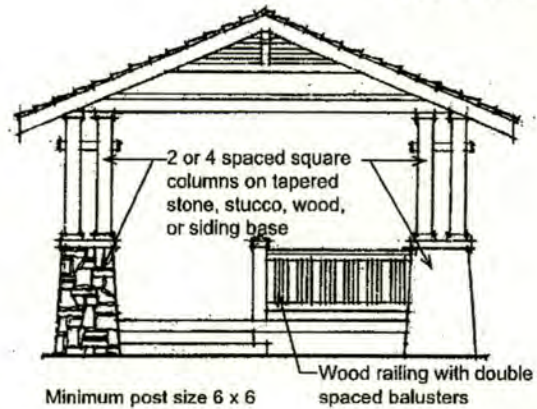
BASIC ELEMENTS OF AMERICAN MODERN

Architectural Styles C17

Porch



Porch Detail



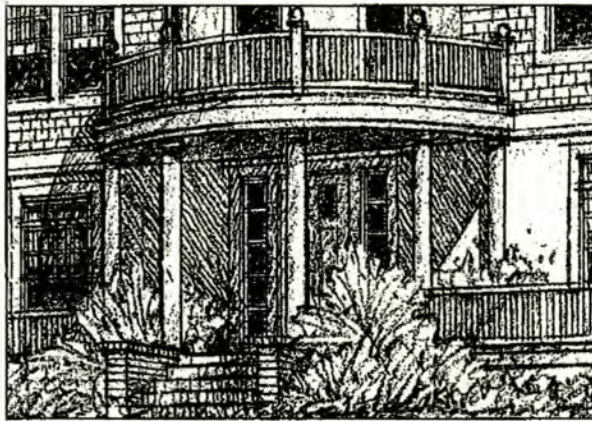
Arts & Crafts houses have entrance doors under porches, often Craftsman style full-front porches with a wide variety of column styles typically used. Arts & Crafts styles also feature porch / balcony combinations or simple covered stoops and courtyards which relate well to the street and pedestrians. Porches may be incorporated into the main body of the house or stand-alone. Porches, stoops, and terraces must be elevated a minimum of 10".

Houses without a stoop, portico, or porch must have a terrace or courtyard.

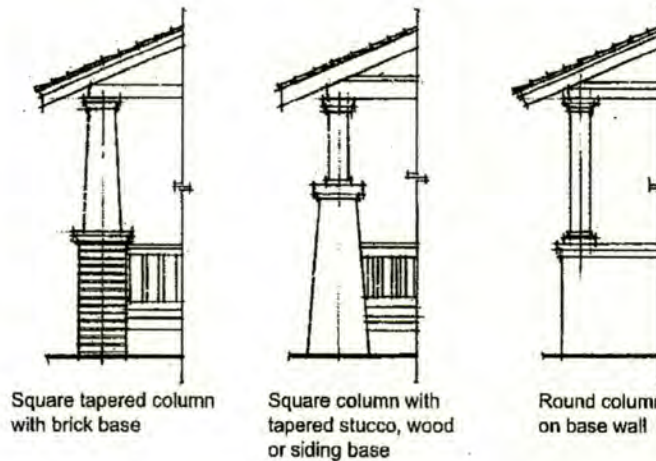
For courtyard and fence details, refer to Section E - Master Fencing Program.

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Portico & Balcony



Column Variations



ENTRANCES AND OUTDOOR SPACES - ARTS & CRAFTS

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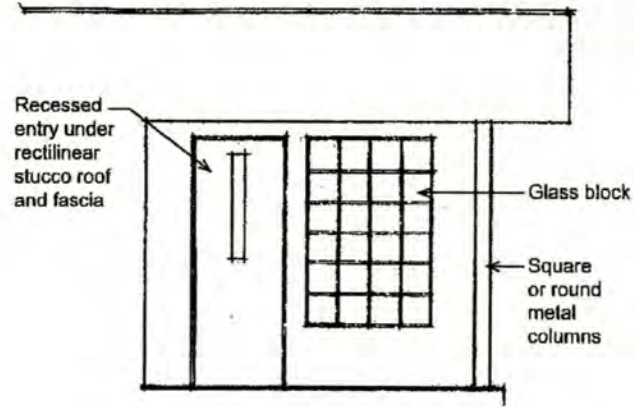
BASIC ELEMENTS OF AMERICAN MODERN

Architectural Styles C18

Courtyard



Entrance



Modernistic houses often have entrance doors located off center under balconies or cantilevered projections. They have outdoor spaces such as courtyards and balconies which relate well to the street and pedestrians.

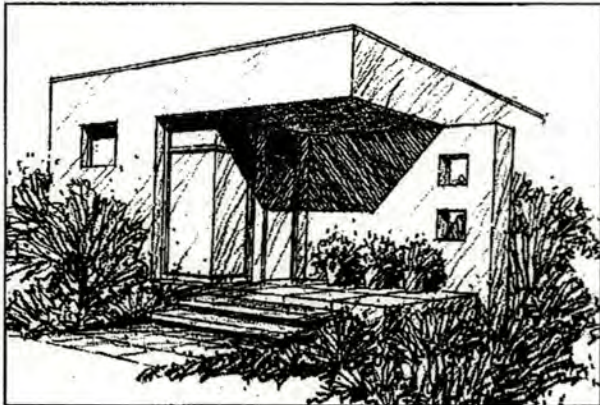
Porches may be incorporated into the main body of the house or stand-alone. Porches, stoops, and terraces must be elevated a minimum of 10".

Houses without a stoop, portico or porch must have a terrace or courtyard.

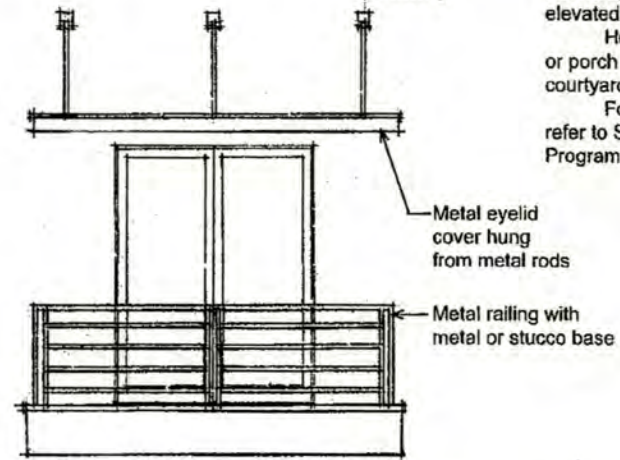
For courtyard and fence details, refer to Section E - Master Fencing Program.

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Covered Stoop



Balcony



ENTRANCES AND OUTDOOR SPACES - MODERNISTIC

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BASIC ELEMENTS OF
AMERICAN MODERN

Architectural Styles C19

Cladding: Stucco, wood or fiber-cement lap or shingle siding, masonry, board and batten, or cast-in-place concrete (on Modernistic only)

Roofing: Composition or cedar shingles, concrete tiles, slate, and standing seam metal or built-up flat roofs (on Modernistic only). If not architectural grade shingles, must boost shingles at overhangs, hips, and ridges

Windows: Energy efficient wood, metal, or vinyl-clad wood, vinyl or steel frames and sashes

Trim: Wood, stucco, or synthetic board

Columns: Wood, siding, fiberglass, synthetic stone, brick, stucco, or cast concrete (on Modernistic only)

Eaves, soffits and porch ceiling: Plaster, stucco, stucco board, fiber-cement board, 1 & g wood or plywood; boxed

soffits are smooth, exposed eaves must use t & g wood or plywood with rafter tails

Railings: Iron, welded steel, or wood

Gutters: Metal with an ogee, half-round edge, or boxed

Downspouts: Metal, round or box

Exposed Foundations: (Over 12" vertical exposure) Stucco, brick, or stone required on elevations facing public streets, side streets or public open space only

Chimneys: When included, stucco, brick, or stone

Fences: Refer to Section E - Master Fencing Program.

Lighting: Shielded or cut-off luminaires to direct light down

NOTE: REFER TO V ZONE ARCHITECTURAL DESIGN STANDARDS, TABLE V-3 FOR PERMITTED MATERIALS AND CONFIGURATIONS

Materials



Colors - Arts & Crafts

Cladding: Muted, light to medium tans, tan/rust, caramel, tobacco, muted terra cotta, light greens, blue/green, sage green, grey/greens, grey/brown, taupes and earth tones

Roof: Dark browns, and weathered wood blends

Windows: White, tan, option to add neutral colors

Garage Doors: Match cladding color, trim may be another color but should not increase the prominence of the doors

Trim: Dark to medium earthtones

Gutters: Match trim color, or natural copper

Downspouts: Match siding color, or natural copper

Colors - Modernistic

Cladding: Whites to very light muted grey earthtones

Roof: Dark browns, dark greys, and weathered wood blends

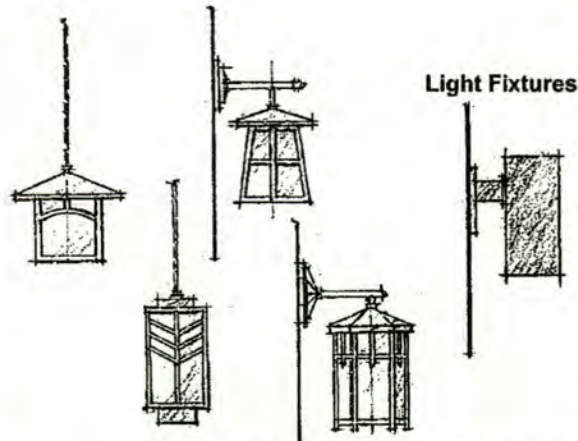
Windows and Doors: White or very dark colors-blue, green, terra cotta, earthtones, black

Garage Doors: Match cladding color, trim may be another color but should not increase the prominence of the doors

Trim, Gutters, Downspouts: Monochromatic with cladding

Fencing: Refer to Section E - Master Fencing Program

Note: projections through the roof must be painted to match the roof

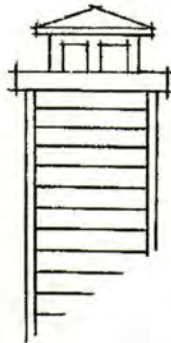


Light Fixtures

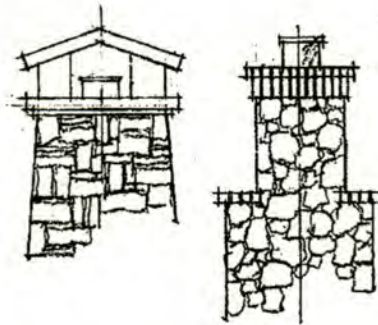
ARTS AND CRAFTS

MODERNISTIC

These are examples of light fixtures shown for character style; fixtures at porches and projections may also be a simplistic version or may be recessed



ARTS AND CRAFTS



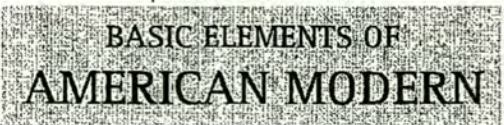
Chimneys

MODERNISTIC



MATERIALS, COLORS, LIGHT FIXTURES, AND CHIMNEYS

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Architectural Styles C20

Diversity and Rules of Adjacencies

Diversity Since diversity is one of the guiding principals for Villebois, rules for allowable adjacencies and diversity are required. Houses and buildings based on the Appropriate Architectural Styles from the Architectural Pattern Book shall be combined using the Rules of Adjacencies to achieve the variety of styles required by the Villebois Village Master Plan.

Rules of Adjacencies This section is included to provide direction and examples for the Scale and Proportions requirement and Repetition issues in the Villebois Village Design Standards. The drawings are arranged on the following pages according to the land use type and the width of the front façade of the building. For each of the lot or land use types, examples are provided for each of the four Architectural Styles.

Drawings The drawings are the guidelines for proportions, scale and massing, composition of doors and windows, and additional examples of an Architectural Style. Although only the front elevation is shown, the other elevations of the building within the public view shed shall continue the style, massing and general composition as denoted on Page B1. In response to natural light and climate and to maximize daylighting, elevations not within the public view shed can have more glazing at the first floor and on second floors, and may have less detailing than is otherwise required.

Options The Architectural Style drawings illustrate patterns intended to be used only as a guideline for design. There are many other possibilities that would meet the Design Standards if they follow these examples of massing, composition, scale, and proportions appropriate for the width of the lot or land use type and the architectural style.

Adjacency For all lot types, no single family detached dwellings with both the same floor plan and style shall be plotted adjacent to each other or directly across the street from each other. For row houses and neighborhood apartments, no buildings with both the same composite floor plan configuration

and style shall be plotted on adjacent blocks. Adjacent row house and neighborhood apartment buildings separated by a green space or facing directly across the street from each other may be of both the same floor plan configuration and Style.

Small Lots Small lots may use the same style for up to 6 lots in a group when arranged on a courtyard.

Small, Medium, Standard, & Large Lots Required house Style diversity for small, medium, standard, and large lots shall be as follows:

1. For five or less lots that are in-line along a street, or located directly across the same street, a minimum of one Appropriate Styles shall be utilized.
2. For six to twelve lots that are in-line along a street or located directly across the same street, a minimum of two Appropriate Styles shall be utilized.
3. For thirteen or more lots in-line on a street or located directly across the same street, a minimum of three Appropriate Styles shall be utilized.

Note: When more than one Style is required at least one shall be the European type.

Row Houses & Neighborhood Apartments Required diversity for row houses and neighborhood apartments shall be as follows:

1. For three or less buildings that are located in-line along a street or separated by a cross street, or four buildings plotted with two buildings directly across the street from two buildings, a minimum of one Appropriate Styles shall be utilized.
2. For four or more buildings that are located in-line along a street or separated by a cross street, or five or more buildings plotted directly across the street from each other, a minimum of two Appropriate Styles shall be utilized.



Required continuity for row houses and neighborhood apartments shall be as follows:

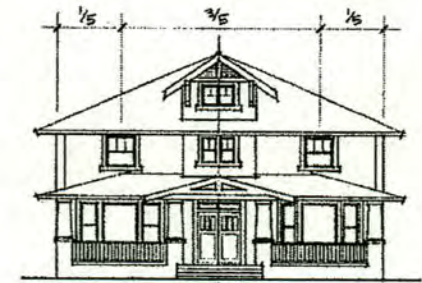
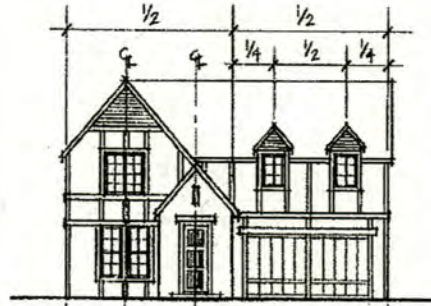
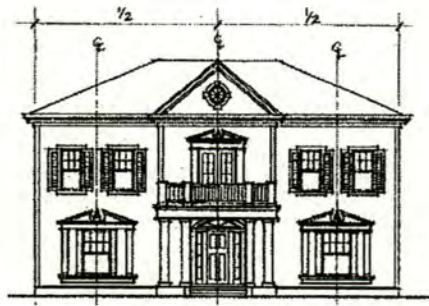
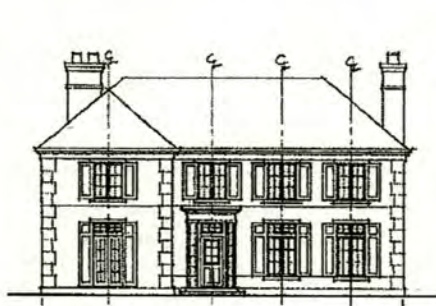
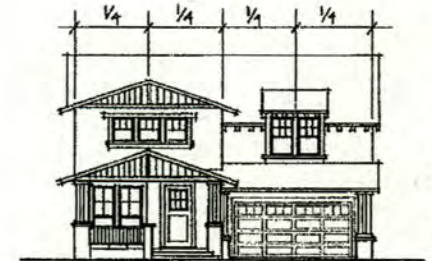
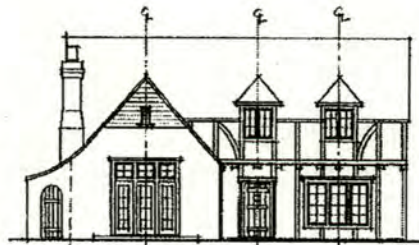
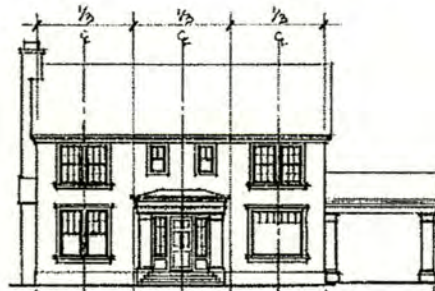
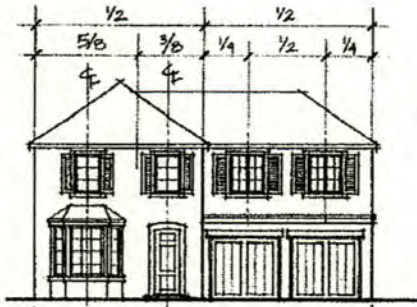
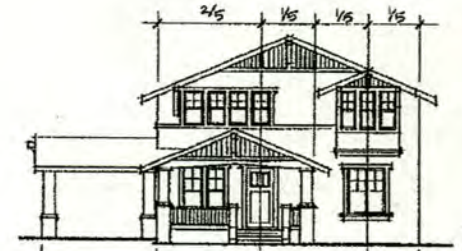
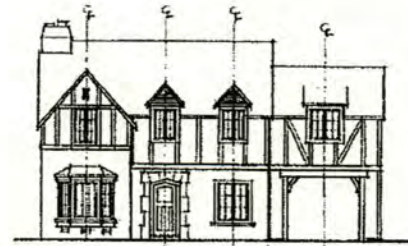
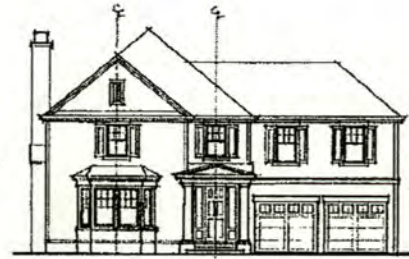
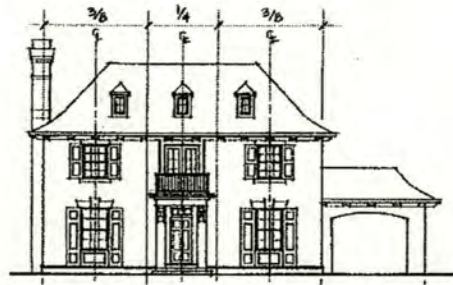
1. Buildings located directly across the same street shall be of the same Style.
2. Buildings located on the same block shall be of the same Style unless this would cause a conflict with rule number one, above.

Color For all lot types, no single family detached dwellings with the same color scheme shall be plotted adjacent to each other or directly across the street from each other. For row houses and neighborhood apartments, buildings with the same color scheme may be plotted on adjacent blocks.

Color palette for each Architectural Style shall be approved prior to building permit issuance and is subject to the Rules of Adjacencies.

Plot Plan Requirement Prior to building permit issuance, a plot plan is required showing all of the types of lots or uses, on which a builder plans to build, in the approved Specific Area Plan. The plot plan shall indicate the type of floor plan for single family detached dwellings and the floor plan composite configuration for row houses and neighborhood apartments for each lot or location. The plan shall also indicate the proposed Architectural Style for each lot or land use.





Villebois

FRENCH REVIVAL

AMERICAN CLASSIC

ENGLISH REVIVAL

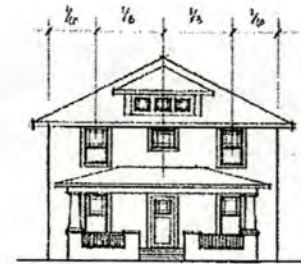
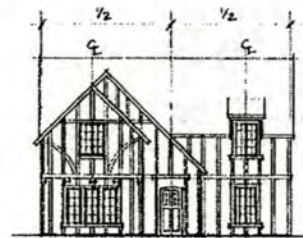
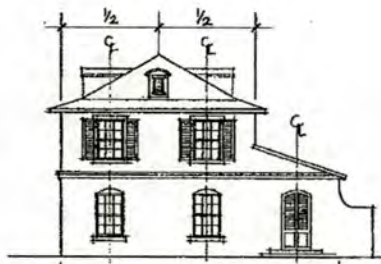
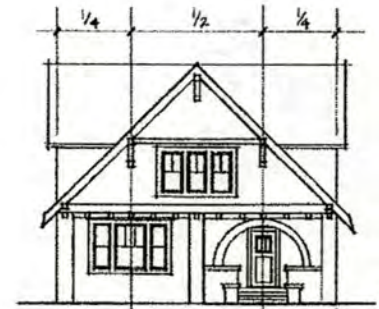
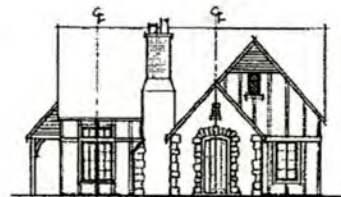
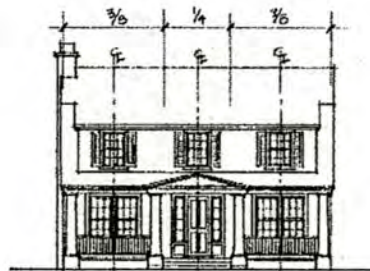
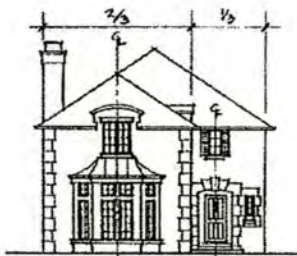
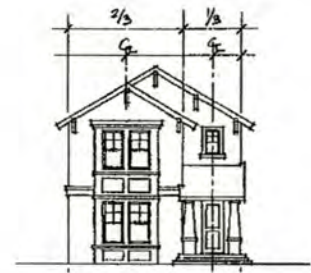
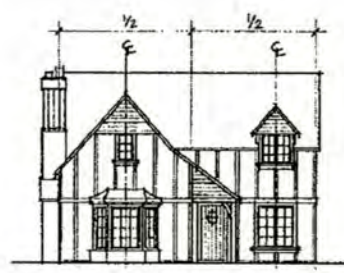
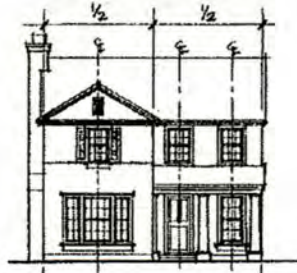
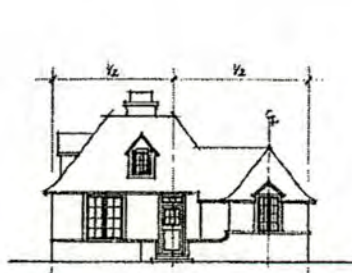
AMERICAN MODERN

STANDARD AND LARGE DETACHED

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SCALE & PROPORTIONS

Architectural Patterns D2



Villebois

FRENCH REVIVAL

AMERICAN CLASSIC

ENGLISH REVIVAL

AMERICAN MODERN

Cottage
SMALL AND MEDIUM DETACHED

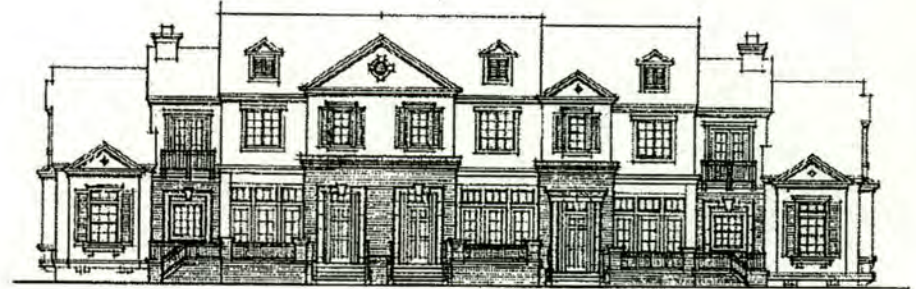
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SCALE & PROPORTIONS

Architectural Patterns D3



FRENCH REVIVAL



AMERICAN CLASSIC



ENGLISH REVIVAL



AMERICAN MODERN

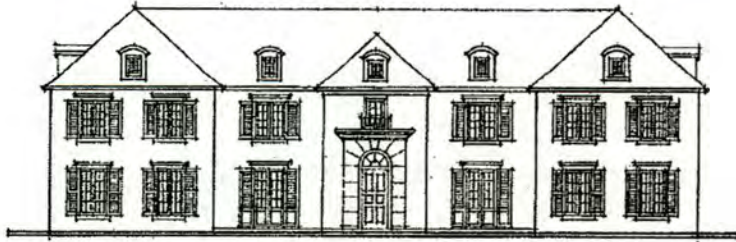


ROW HOUSES

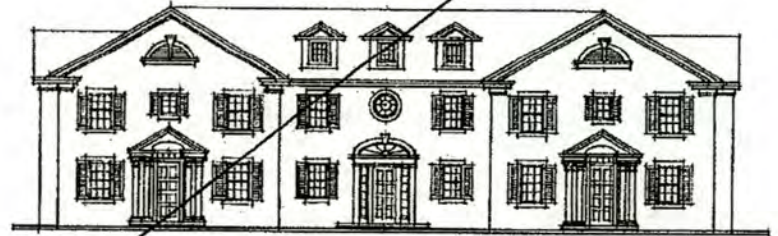
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SCALE & PROPORTIONS

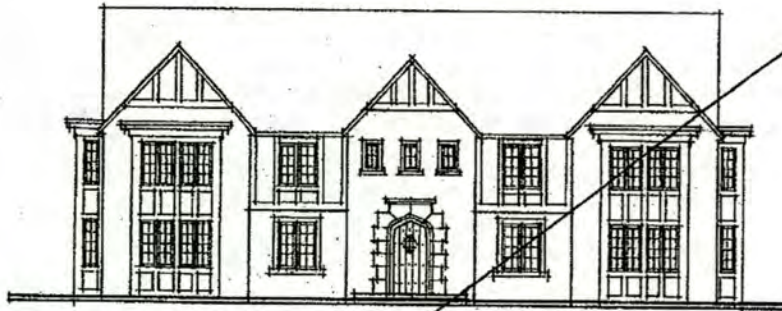
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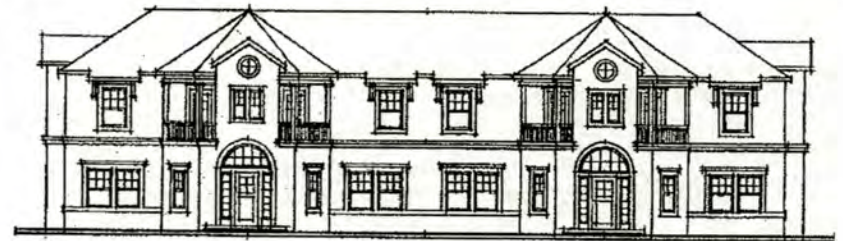
FRENCH REVIVAL



AMERICAN CLASSIC



ENGLISH REVIVAL



AMERICAN MODERN



Villebois

NEIGHBORHOOD APARTMENTS

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SCALE & PROPORTIONS

Architectural Patterns D5

NOTES: See Fence Lot Diagrams for Clarification

1. Fence or wall height shall be measured from nearest grade in the yard of the lot with the higher grade.
2. A transparent fence has at least 50% of vertical surface open.
3. Fences located within the 2' setback from front or side street property lines adjacent to sidewalks must be transparent. The transparent fence may have a solid base, maximum height of base is 12". Maximum height of fence is 3'-0", minimum height of transparent fences is 2'-0" high.
4. A solid (non-transparent) fence or wall may be constructed in the front yard to a height of 3'-0" with a minimum 2'-0" offset from the front and side street property lines; for front-loaded Single Family Detached lots it may be constructed on the interior shared side property line. Minimum height of solid fences is 1'-6".
5. Front-loaded Single Family Detached lots and Row house buildings may construct a solid fence or wall in the interior side yard on the shared side property line to a height of 6'-0", with a minimum 4'-0" offset behind the front building line of the dwelling, or behind a significant architectural feature if there is one within the first 8'-0".
6. A transparent or solid fence or wall may be constructed in the side street yard to a maximum height of 6'-0", with a minimum 2'-0" offset from the side street property line.
7. A solid or transparent fence may be constructed in the rear yard on the rear property line of street-loaded lots, maximum height is 6'-0".
8. A solid or transparent fence or wall may be constructed in the rear yard of alley-loaded lots a minimum of 2'-0" behind the rear building line, maximum height is 6'-0".
9. Houses on alley-loaded lots with the garage set back behind a covered porch may construct a solid or transparent fence or wall in the rear yard with a minimum 3'-0" of landscaping adjacent to alley R.O.W., maximum height is 6'-0". Because of this unique fence condition, alley trees are required.
10. Posts, pilasters, columns, or bollards may extend an additional 8" above the maximum height of the fence or wall unless otherwise noted.
11. Fences/walls may not change height at corners, they must transition in height along side or front fences/walls. See Height Transitions diagram page E21.
12. Fences and walls to have level top surfaces, they may transition in height at posts to maintain maximum height, as required by changes in grade elevation. See Height Transitions diagram page E21.
13. Enhanced view fences or privacy fences with landscaping are located on the project perimeter along rear or side property lines. They have 1'-6" square masonry columns on the perpendicular lot lines, and additionally at the mid-point between the lot lines if the distance between them is greater than 65'. See locations pages E3-E4 and drawings page E10-E11.
14. Lots with side or rear elevations facing onto SROZ open space will have full view fences with 6" square metal posts at perpendicular lot lines and additionally as needed for support. These full view fences are to be painted black. See locations pages E3-E4 and drawing page E12.
15. Lots with side or rear elevations facing onto non-SROZ open space must use the same fencing as street facing elevations.
16. All construction must be of good quality and sufficient durability with an approved paint, weathering stain, and/or sealant to minimize water staining. See page E2.
17. Houses without a stoop, portico, or porch must have a terrace or courtyard.
18. See examples of Community Fencing designs pages E5-E12; Residential Fencing designs pages E22-E27.
19. Except where specifically required in the Pattern Book, fences are optional. All diagrams illustrate the maximum allowable extent of fencing conditions, less fencing is allowed.
20. If a conflict exists between the Master Fencing Program and other sections of the Pattern Book, then the Master Fencing Program takes precedence.
21. The Fencing Program does not regulate the signage to be placed on the monument fencing elements. For specifications regarding the signage elements, see the Master Signage and Wayfinding Plan adopted for the SAP.

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NOTES ON FENCING

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MASTER FENCING PROGRAM

Fencing E1

ALLOWABLE MATERIALS




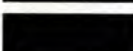


- Stucco
- Wood or wood polymer pickets
- Cedar or wood polymer boards
- Metal
- Masonry: concrete, brick, stone (quarried or manufactured)
- Precast concrete trim and veneer
- Concrete block - split faced
- Cast-in-place concrete with textured finish

COLORS Refer to Color Key below

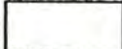



- | | | |
|--------------------|----------|------------------------------------|
| French Revival - | Metal: | 2, 3, 6 |
| | Wood: | A, D, or match body color |
| | Stucco: | Match body color of building |
| | Masonry: | Match building |
| American Classic - | Metal: | 1, 2, 4 |
| | Wood: | A, B, C, D, E, or match body color |
| | Stucco: | Match body color of building |
| | Masonry: | Match building |
| English Revival - | Metal: | 2, 3, 4 |
| | Wood: | A, C, D, E, or match body color |
| | Stucco: | Match body color of building |
| | Masonry: | Match building |
| American Modern - | Metal: | 2, 3, 4, 5 |
| | Wood: | A, C, D, E, or match body color |
| | Stucco: | Match body color of building |
| | Masonry: | Match building |

COLOR KEY

PAINTS: Benjamin Moore or equivalent - refer to actual color samples

- | | |
|---------------------------|---|
| 1) Brilliant White |  |
| 2) Black |  |
| 3) North Creek Brown 1001 |  |
| 4) Tarrytown Green HC-134 |  |
| 5) Newburg Green HC-158 |  |
| 6) Fort Pierce Green 712 |  |

STAINS: Olympic or equivalent - refer to actual color samples

- | | |
|---|---|
| A) Weathering Stain (naturally weathered, silver-gray finish) | |
| B) Solid Color Stain - White |  |
| C) Semi-transparent Stain: 909 Light Oak |  |
| D) Semi-transparent Stain: 916 Driftwood Gray |  |
| E) Semi-transparent Stain: 725 Dark Oak |  |

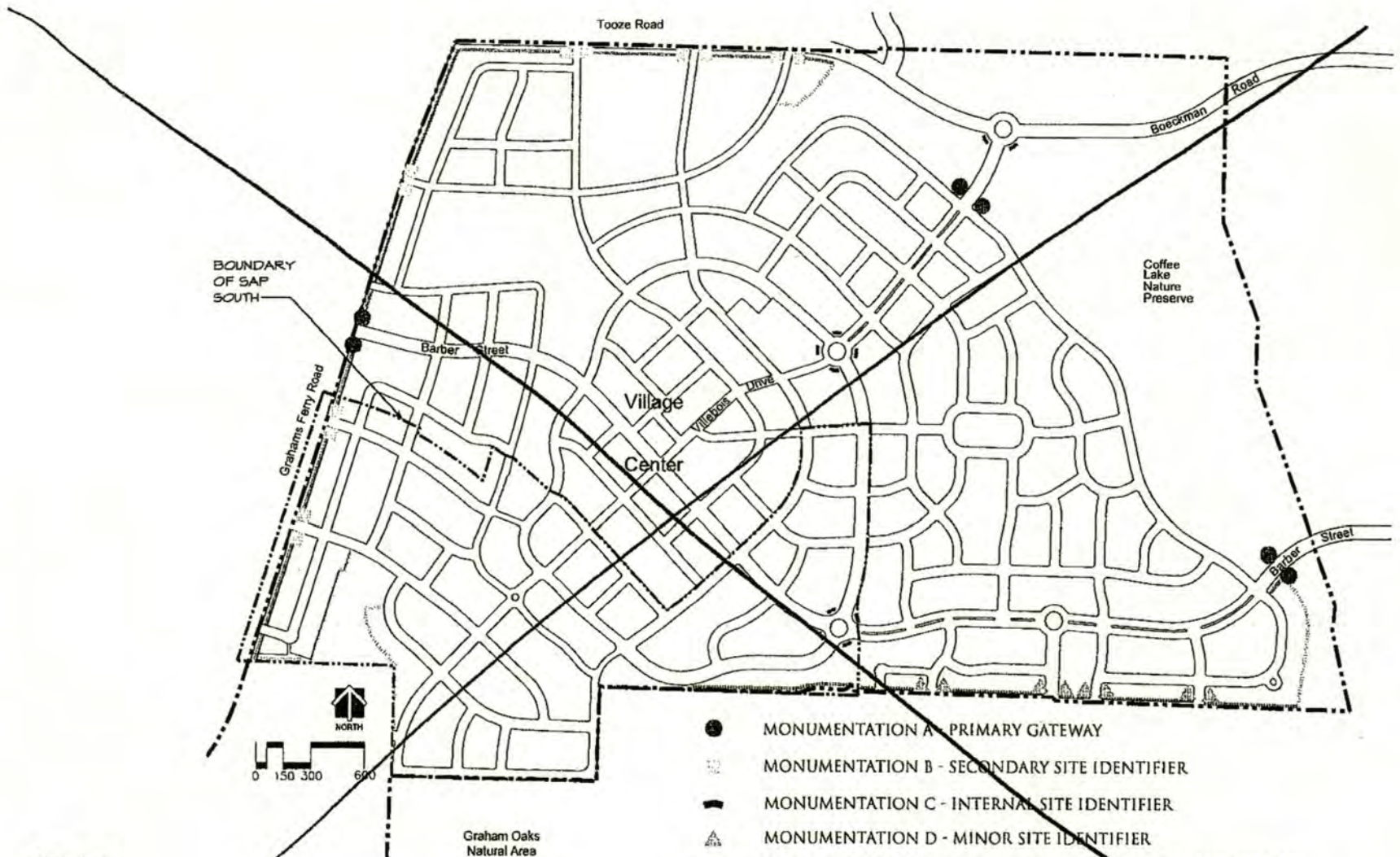


MATERIALS & COLORS FOR FENCING

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MASTER FENCING PROGRAM

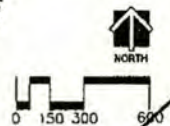
Fencing E2



BOUNDARY OF SAP SOUTH

Coffee Lake Nature Preserve

Village Center



Graham Oaks Natural Area

- MONUMENTATION A - PRIMARY GATEWAY
- MONUMENTATION B - SECONDARY SITE IDENTIFIER
- MONUMENTATION C - INTERNAL SITE IDENTIFIER
- ▲ MONUMENTATION D - MINOR SITE IDENTIFIER
- ENHANCED FULL VIEW OR PARTIAL VIEW FENCE W/ LANDSCAPING
- ENHANCED PRIVACY FENCE WITH LANDSCAPING
- SROZ - FULL VIEW FENCE

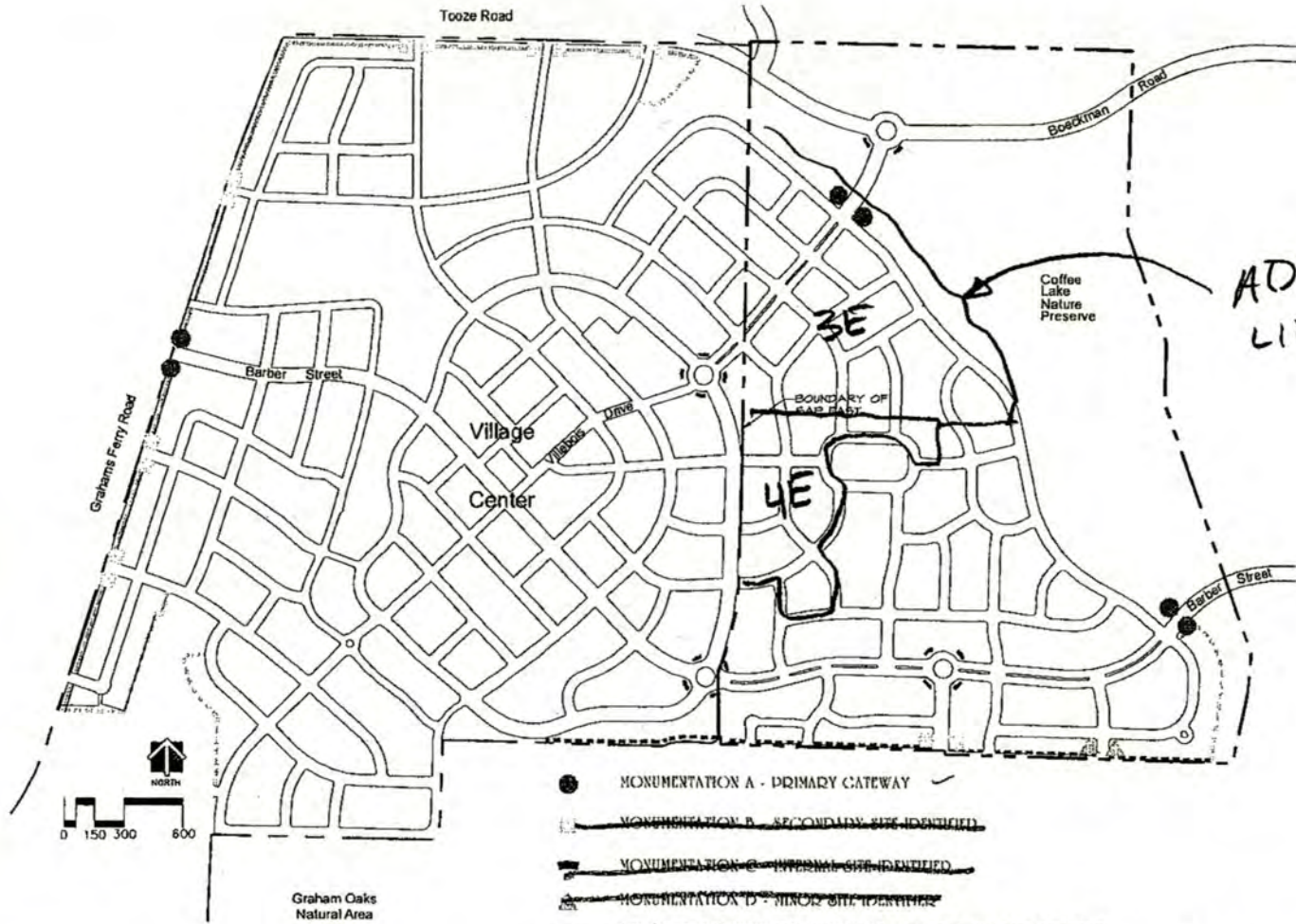


LOCATIONS
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COMMUNITY FENCING

Fencing E3

REPLACE W/ EAST PB SHEET



ADD PHASE LINES

- MONUMENTATION A - PRIMARY GATEWAY ✓
- ▬ MONUMENTATION B - SECONDARY SITE IDENTIFIER
- ▬ MONUMENTATION C - INTERNAL SITE IDENTIFIER
- ▬ MONUMENTATION D - NITROX SITE IDENTIFIER
- ▬ ENHANCED PERIMETER OR PARTIAL VIEW FENCE WITH LANDSCAPING
- ▬ ENHANCED PRIVACY FENCE WITH LANDSCAPING
- ▬ SHORT FULL-VIEW TRAIL

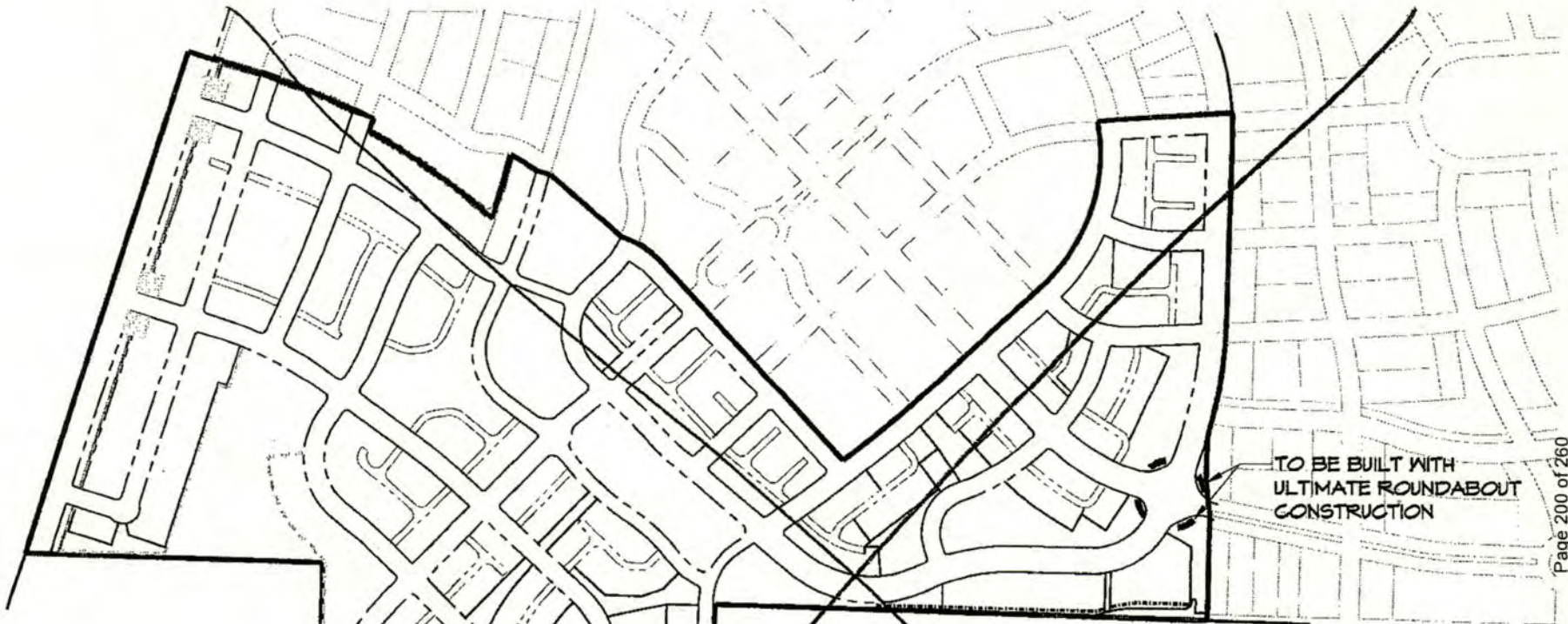
LOCATIONS



COMMUNITY FENCING
Fencing E3








EAST PB



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TO BE BUILT WITH
ULTIMATE ROUNDABOUT
CONSTRUCTION

-  MONUMENTATION B -
SECONDARY SITE IDENTIFIER
-  MONUMENTATION C -
INTERNAL SITE IDENTIFIER
-  ENHANCED FULL VIEW OR PARTIAL VIEW
FENCE W/ LANDSCAPING
-  ENHANCED PRIVACY FENCE
WITH LANDSCAPING
-  SROZ - FULL VIEW FENCE

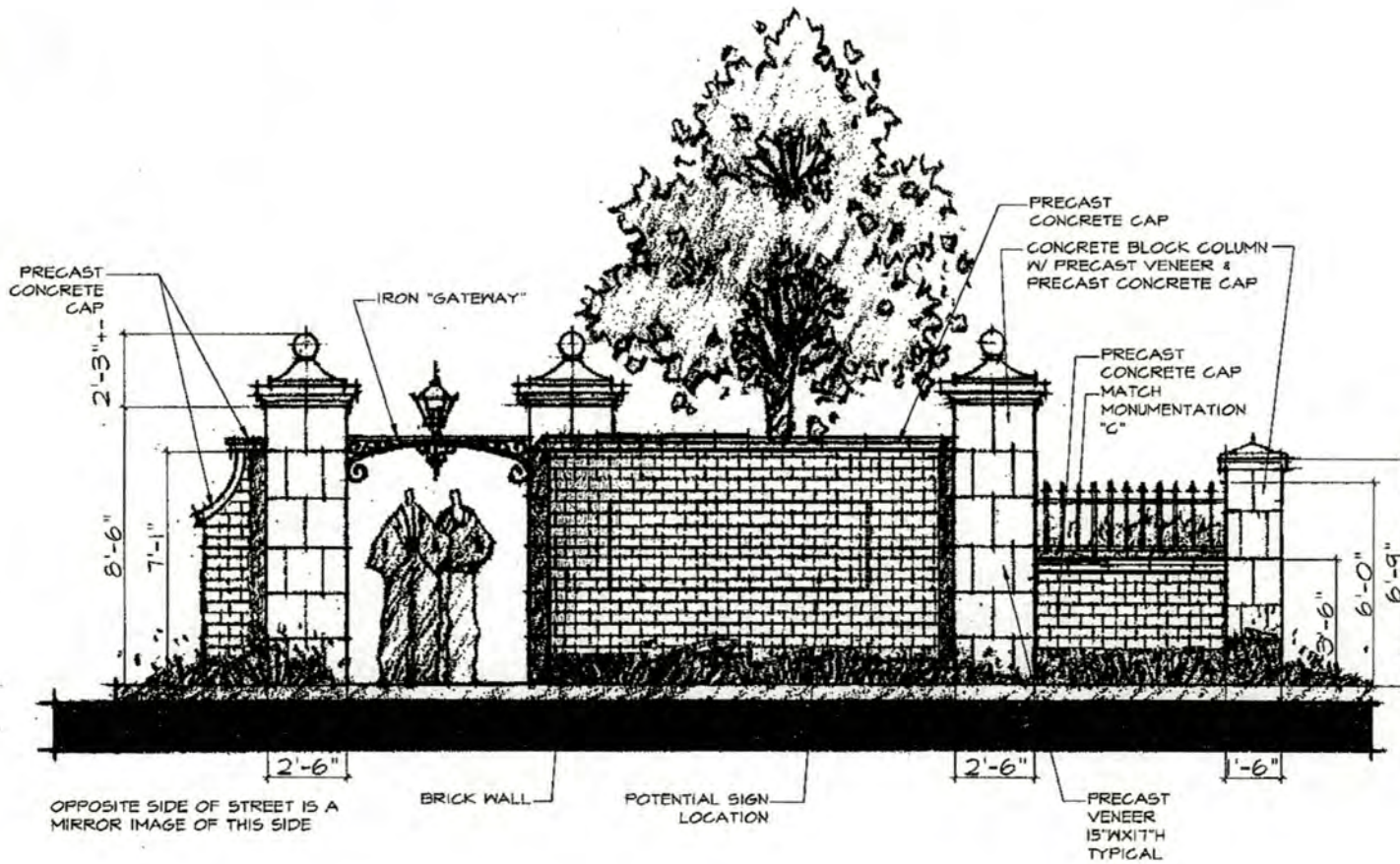


SAP SOUTH LOCATIONS
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COMMUNITY FENCING

Fencing E4

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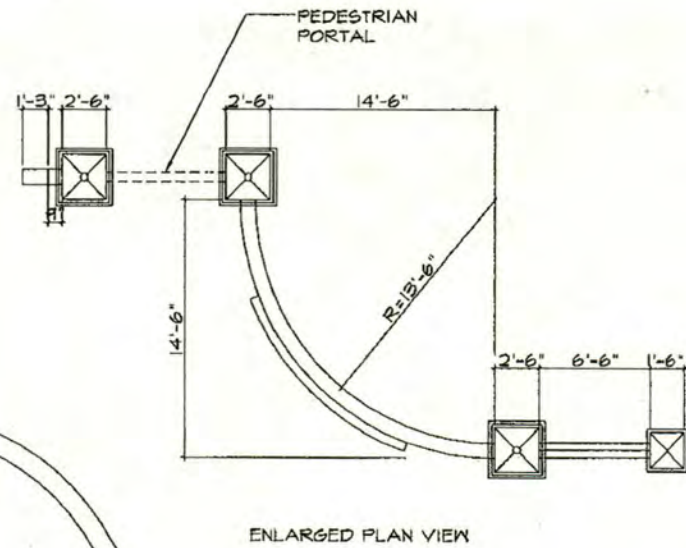
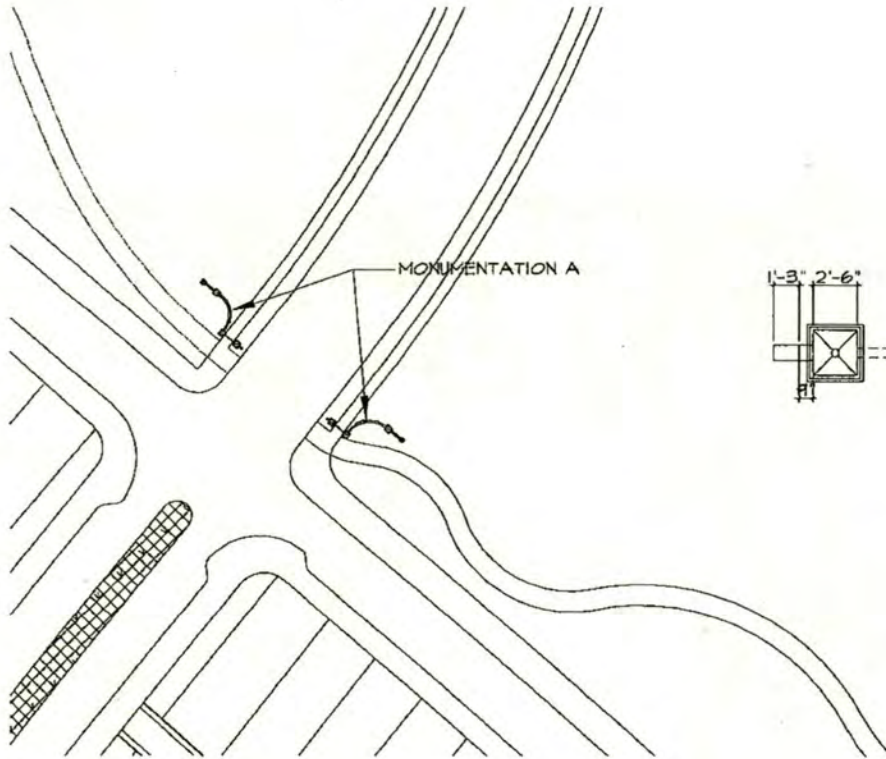
MONUMENTATION A
 PRIMARY GATEWAY



LEAST

COMMUNITY FENCING

Fencing E4



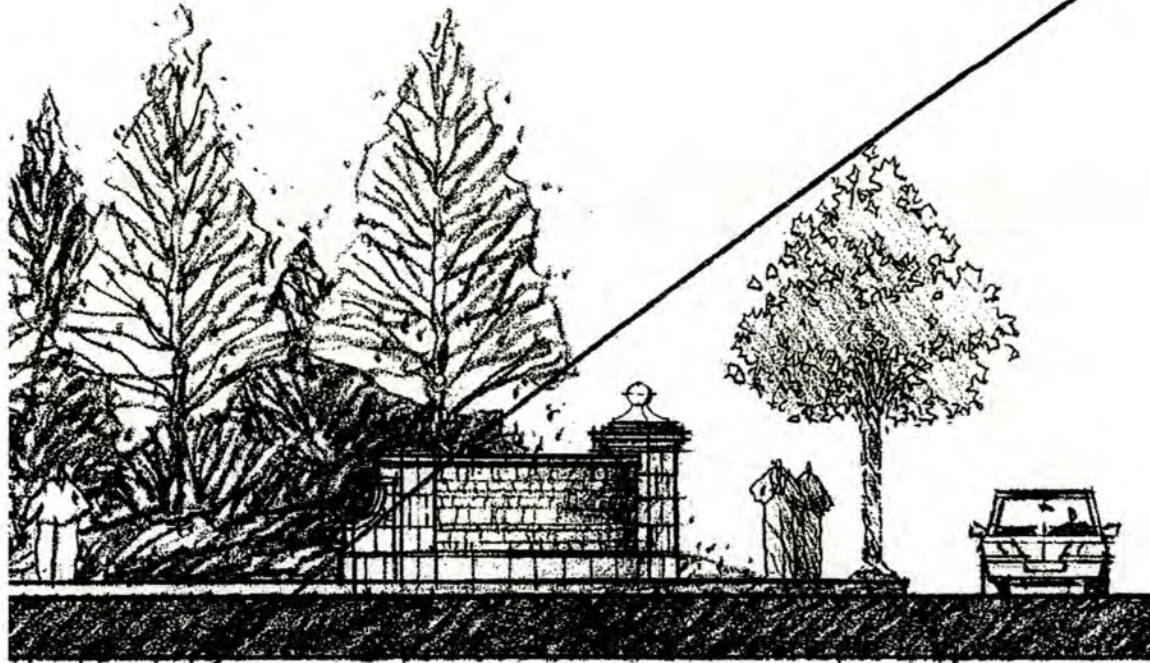
MONUMENTATION A
PRIMARY GATEWAY



EAST

COMMUNITY FENCING

Fencing E5



OPPOSITE SIDE OF STREET IS A
MIRROR IMAGE OF THIS SIDE

DELETE

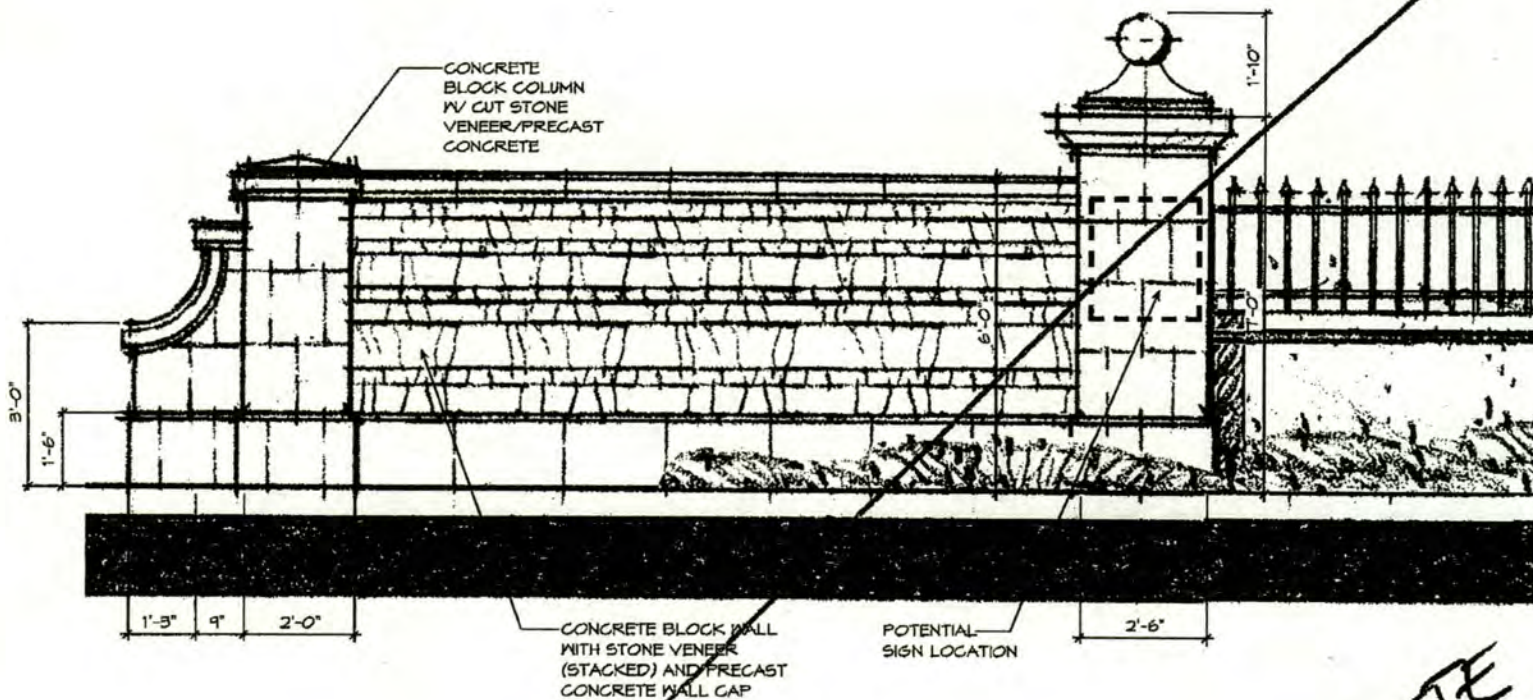


Villebois

MONUMENTATION B - SECONDARY SITE IDENTIFIER

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COMMUNITY FENCING



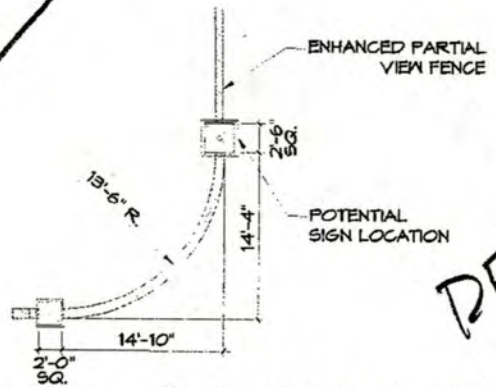
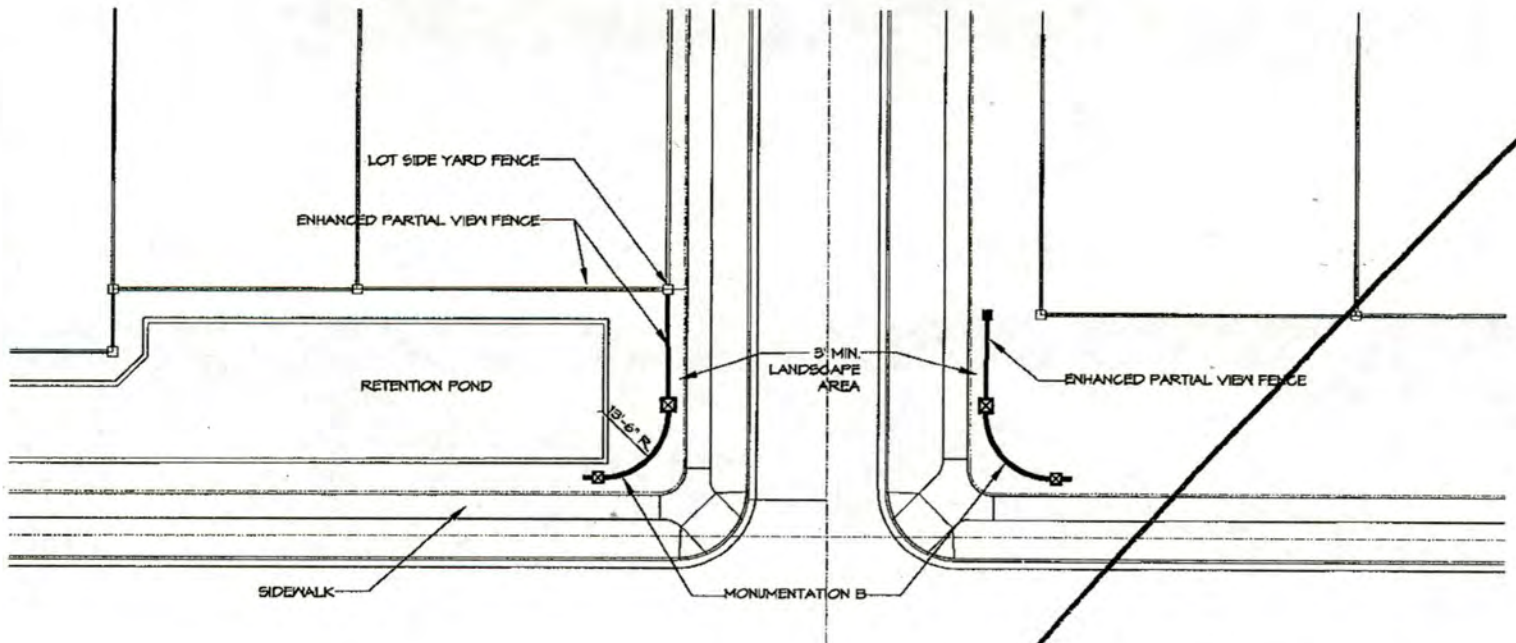
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MONUMENTATION B - SECONDARY SITE IDENTIFIER

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COMMUNITY FENCING



DELETE

ENLARGED PLAN VIEW



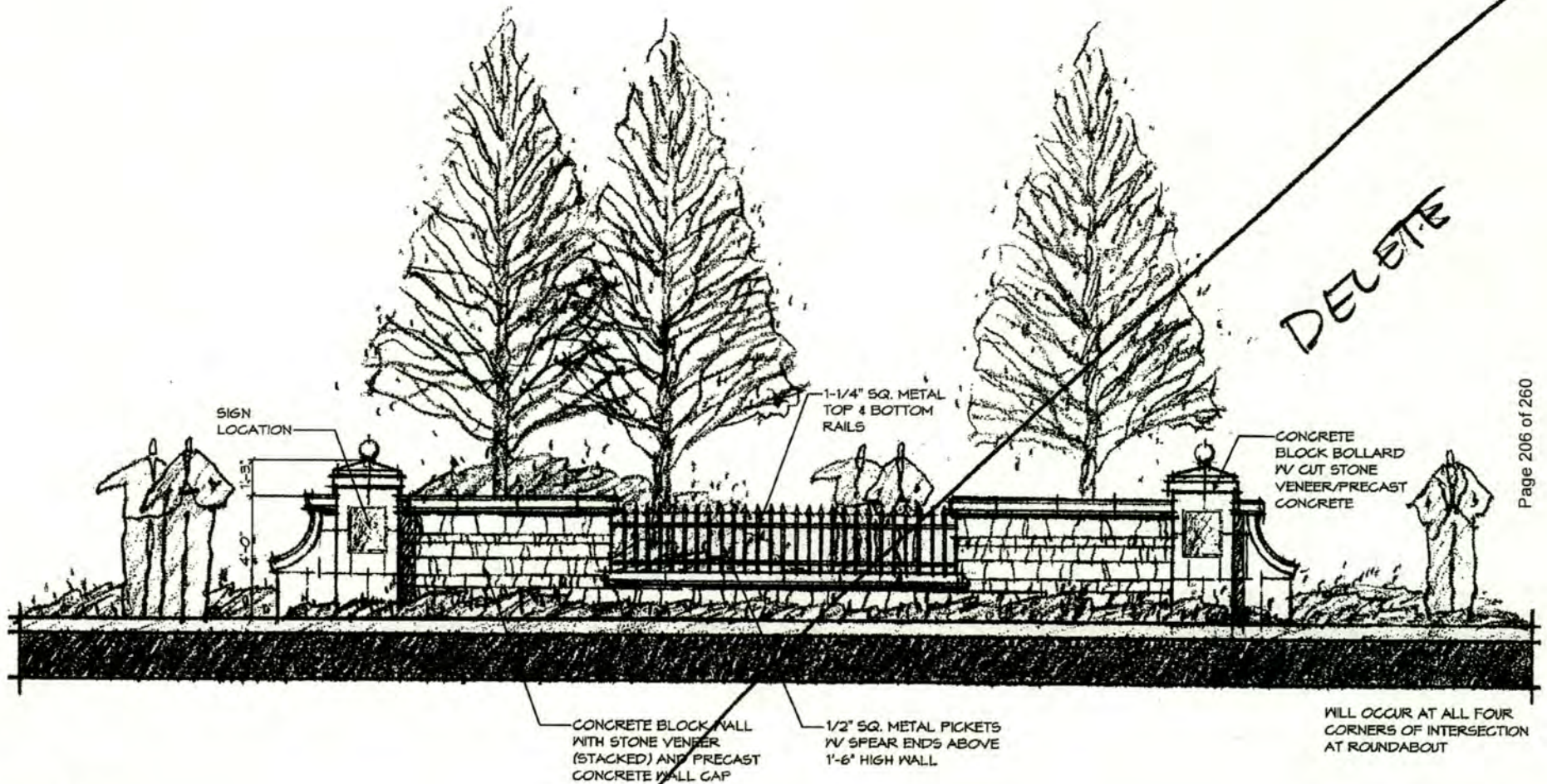
MONUMENTATION B - PLAN VIEW

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COMMUNITY FENCING

Fencing E7

DELETE



SIGN
LOCATION

1-1/4" SQ. METAL
TOP & BOTTOM
RAILS

CONCRETE
BLOCK BOLLARD
W/ CUT STONE
VENEER/PRECAST
CONCRETE

CONCRETE BLOCK WALL
WITH STONE VENEER
(STACKED) AND PRECAST
CONCRETE WALL CAP

1/2" SQ. METAL PICKETS
W/ SPEAR ENDS ABOVE
1'-6" HIGH WALL

WILL OCCUR AT ALL FOUR
CORNERS OF INTERSECTION
AT ROUNDABOUT

Page 206 of 260



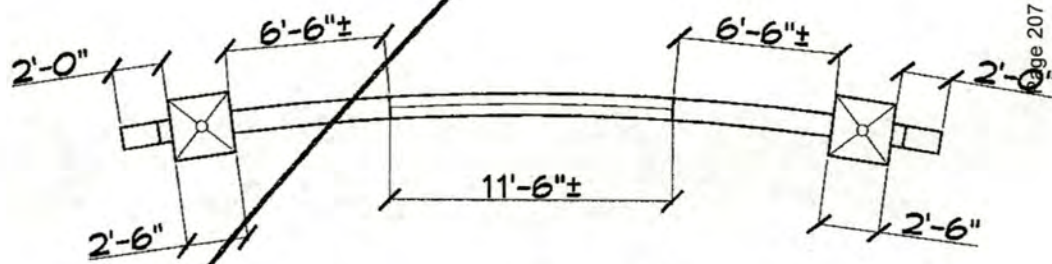
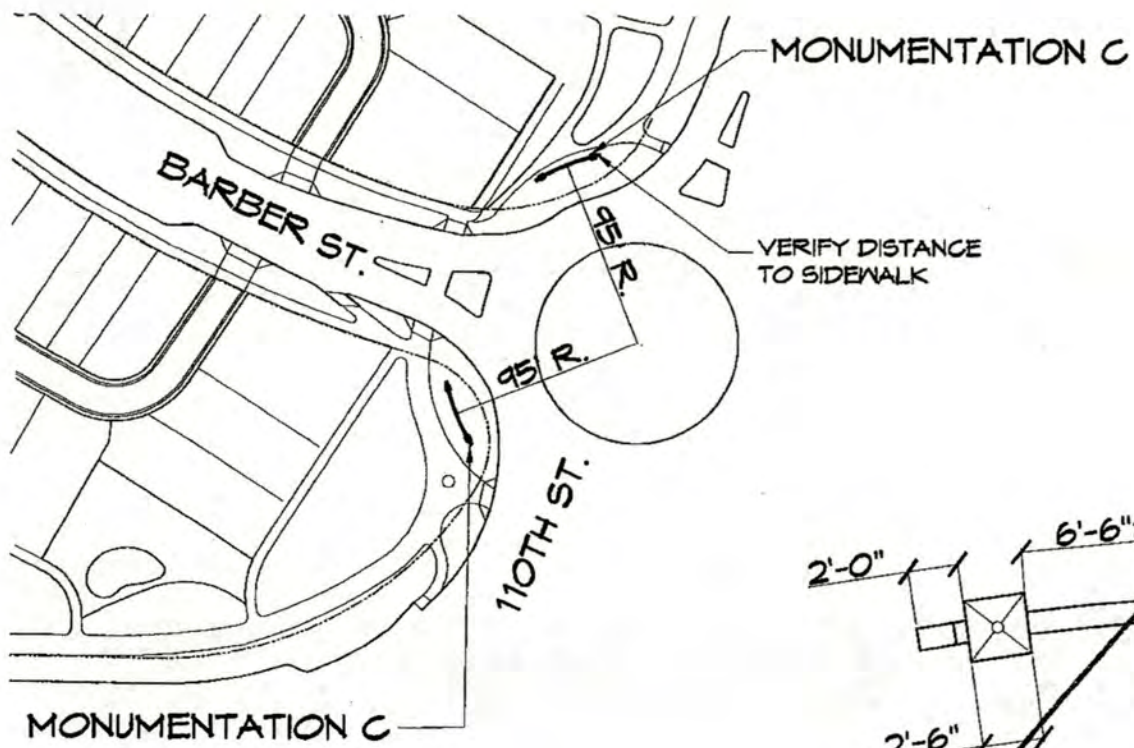
Villebois

MONUMENTATION C - INTERNAL SITE IDENTIFIER

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COMMUNITY FENCING

Fencing E8



DELETE

ENLARGED PLAN VIEW

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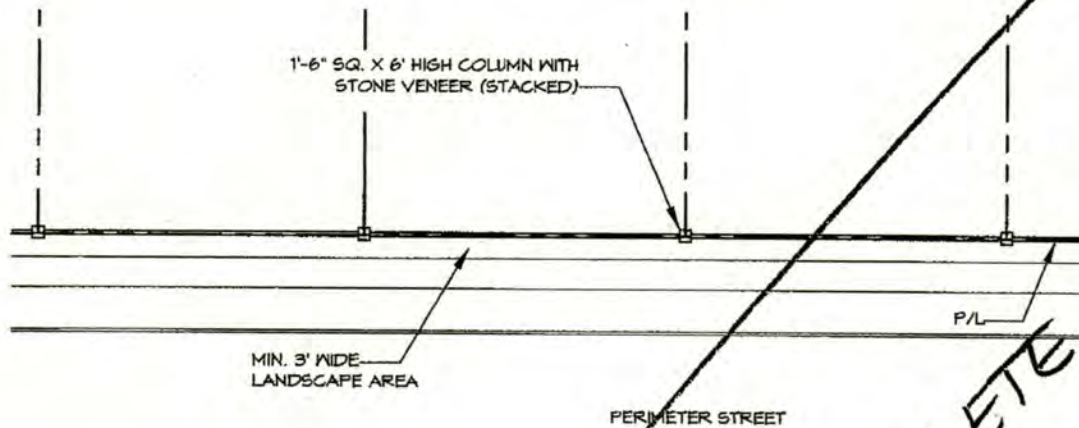
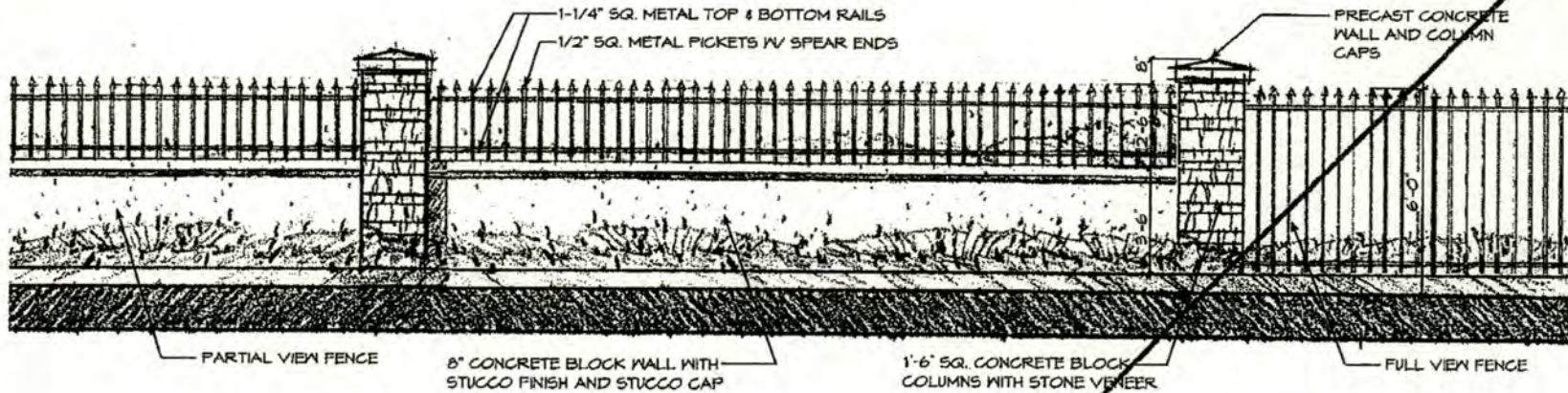


MONUMENTATION C PLAN VIEW

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COMMUNITY FENCING

Fencing E9



NOTES

ENHANCED FULL OR PARTIAL VIEW FENCES WITH LANDSCAPING ARE LOCATED ON THE PROJECT PERIMETER ALONG REAR OR SIDE PROPERTY LINES WHERE THERE ARE VIEW OPPORTUNITIES. THEY HAVE MASONRY COLUMNS 1'-6" SQ. CENTERED ON THE PERPENDICULAR LOT LINES, AND ADDITIONALLY AT THE MID-POINT BETWEEN THE LOT LINES IF THE DISTANCE BETWEEN THEM IS GREATER THAN 65'. THE FULL VIEW OR PARTIAL VIEW FENCE MAY BE CHOSEN DEPENDING ON PRIVACY REQUIREMENTS. ENHANCED FENCING MUST HAVE A MINIMUM 3' DEEP LANDSCAPE AREA ON THE STREET SIDE. SEE PAGE E3 AND E4 FOR LOCATIONS.

ENHANCED VIEW OR PARTIAL VIEW FENCE

COMMUNITY FENCING

Fencing E10

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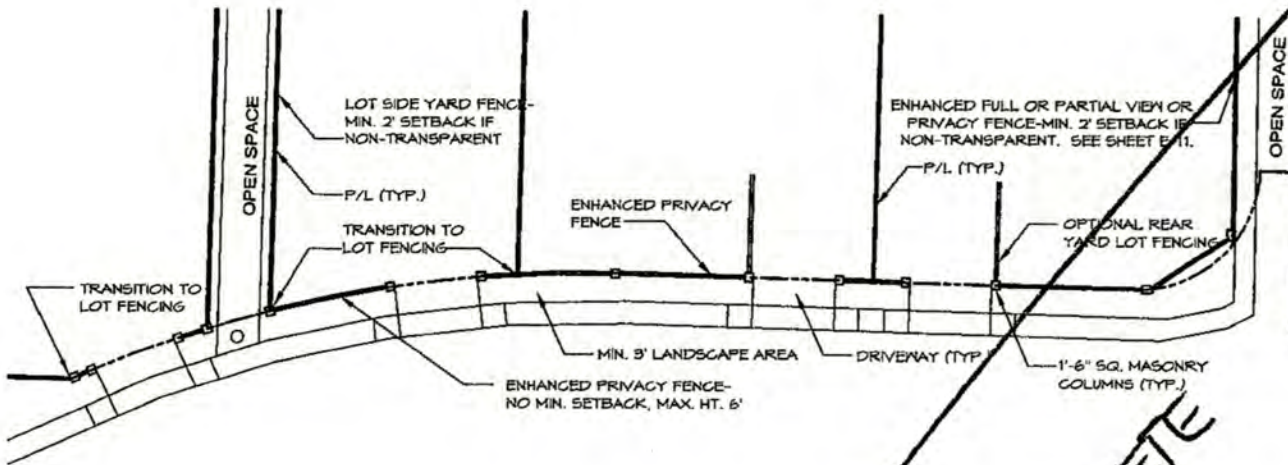
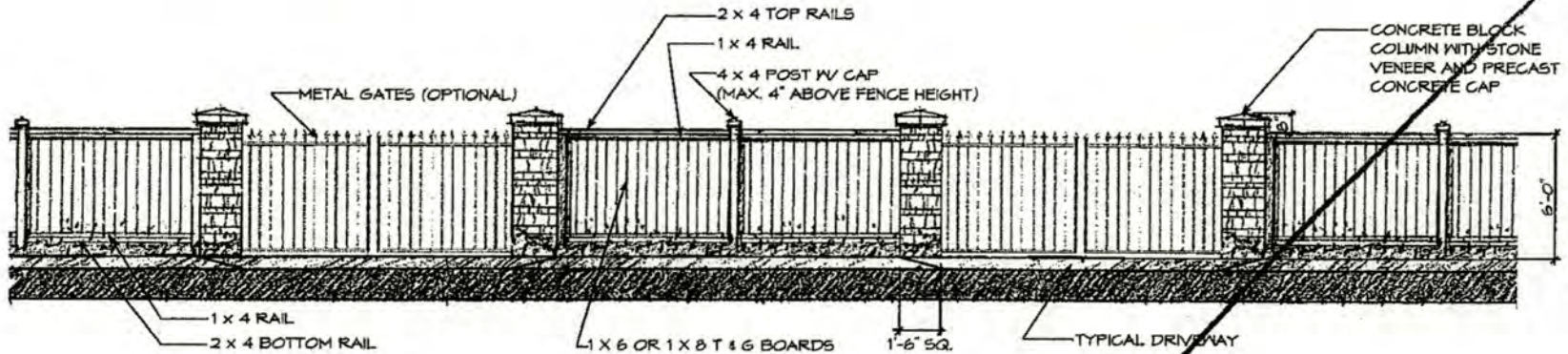
DELETE



Villebois

ENHANCED FENCING WITH LANDSCAPING

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NOTES

ENHANCED PRIVACY FENCES ARE LOCATED ON THE REAR LOT LINES OF REAR-LOADED LOTS TAKING GARAGE ACCESS FROM A PERIMETER STREET, AND MAY EXTEND TO ENCLOSE THE SIDE YARD IF IT IS ADJACENT TO PUBLIC OPEN SPACE. THEY HAVE 1'-6" SQ. MASONRY COLUMNS AT CORNER LOT LINES, DRIVEWAY OPENINGS AND AT THE MID-POINT OF THE RUN BETWEEN THE EDGE OF ONE DRIVEWAY AND THE NEXT. ENHANCED FENCING MUST HAVE A MINIMUM 3' DEEP LANDSCAPE AREA ON THE STREET SIDE. SEE PAGE E3-E4 FOR LOCATIONS.

ENHANCED PRIVACY FENCE W/ DRIVEWAY ACCESS

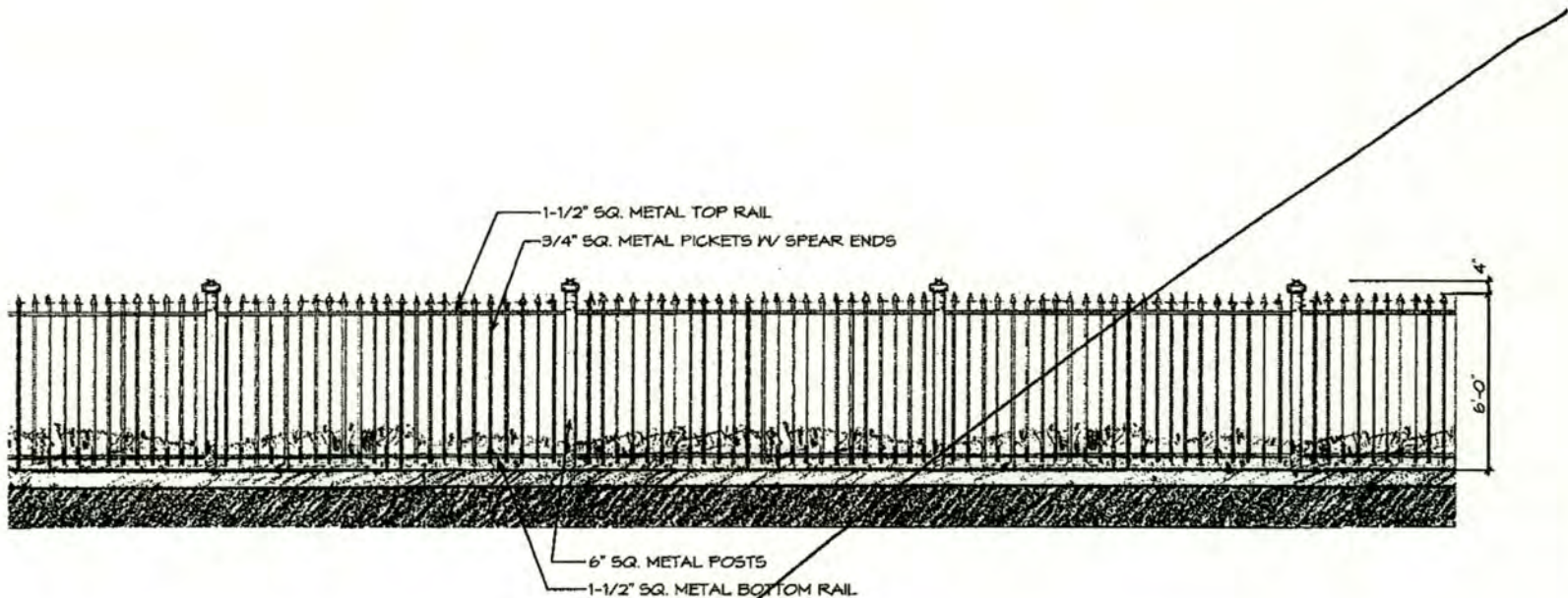
COMMUNITY FENCING

DELETE



ENHANCED FENCING WITH LANDSCAPING

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DELETE

NOTES

LOTS WITH SIDE OR REAR ELEVATIONS FACING ONTO SROZ OPEN SPACE WILL HAVE FULL VIEW FENCES WITH 6" SQUARE METAL POSTS AT PERPENDICULAR LOT LINES AND ADDITIONALLY AS NEEDED FOR SUPPORT. THESE FULL VIEW FENCES ARE TO BE PAINTED BLACK. SEE PAGE E3-E4 FOR LOCATIONS.

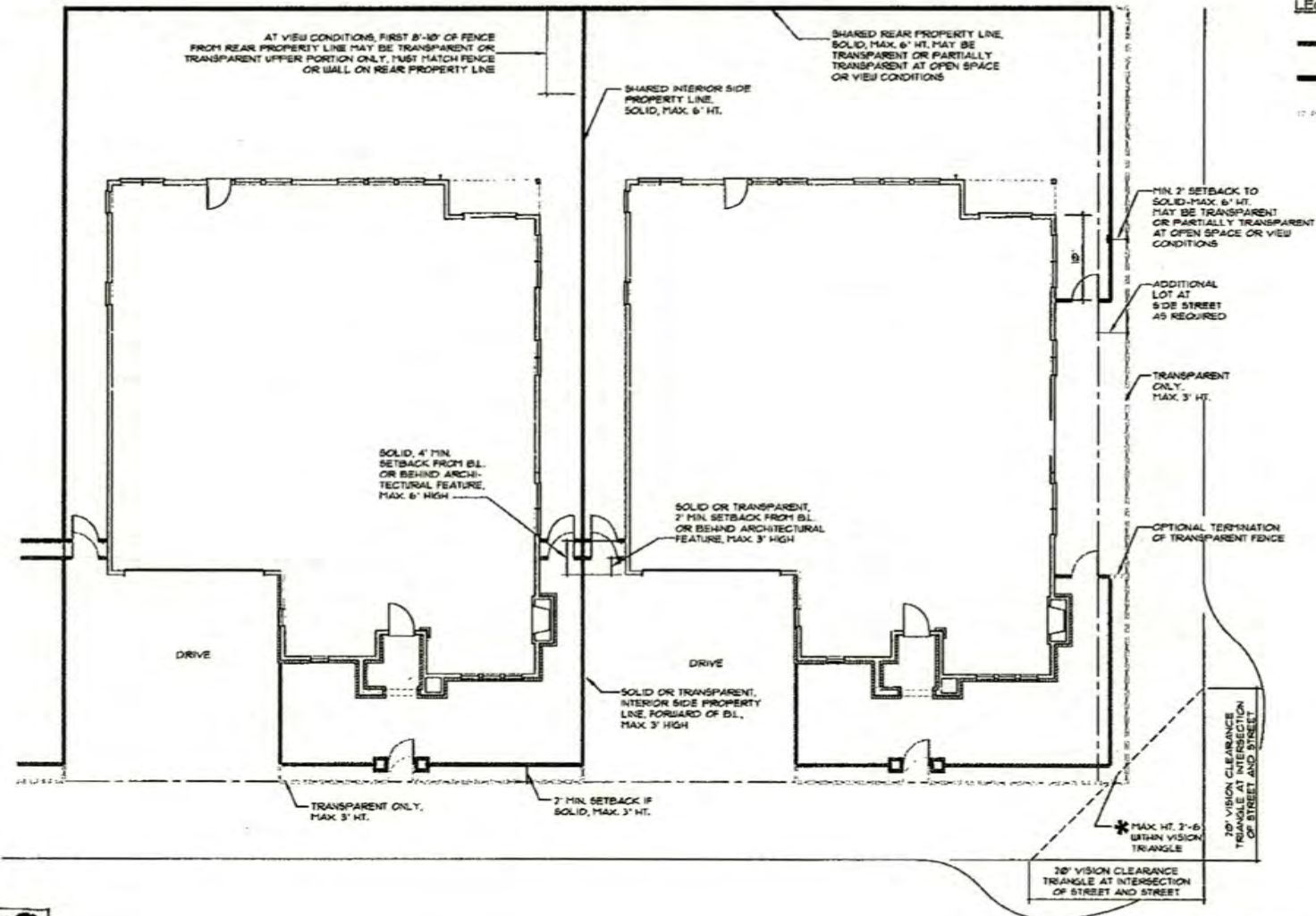
SROZ - FULL VIEW FENCE



ENHANCED FENCING

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COMMUNITY FENCING



LEGEND

- SOLID - MAX. HT. 3'-0"
- SOLID - MAX. HT. 6'-0"
- TRANSPARENT - MAX. HT. 3'-0"



LARGE & MEDIUM LOTS - FRONT LOADED

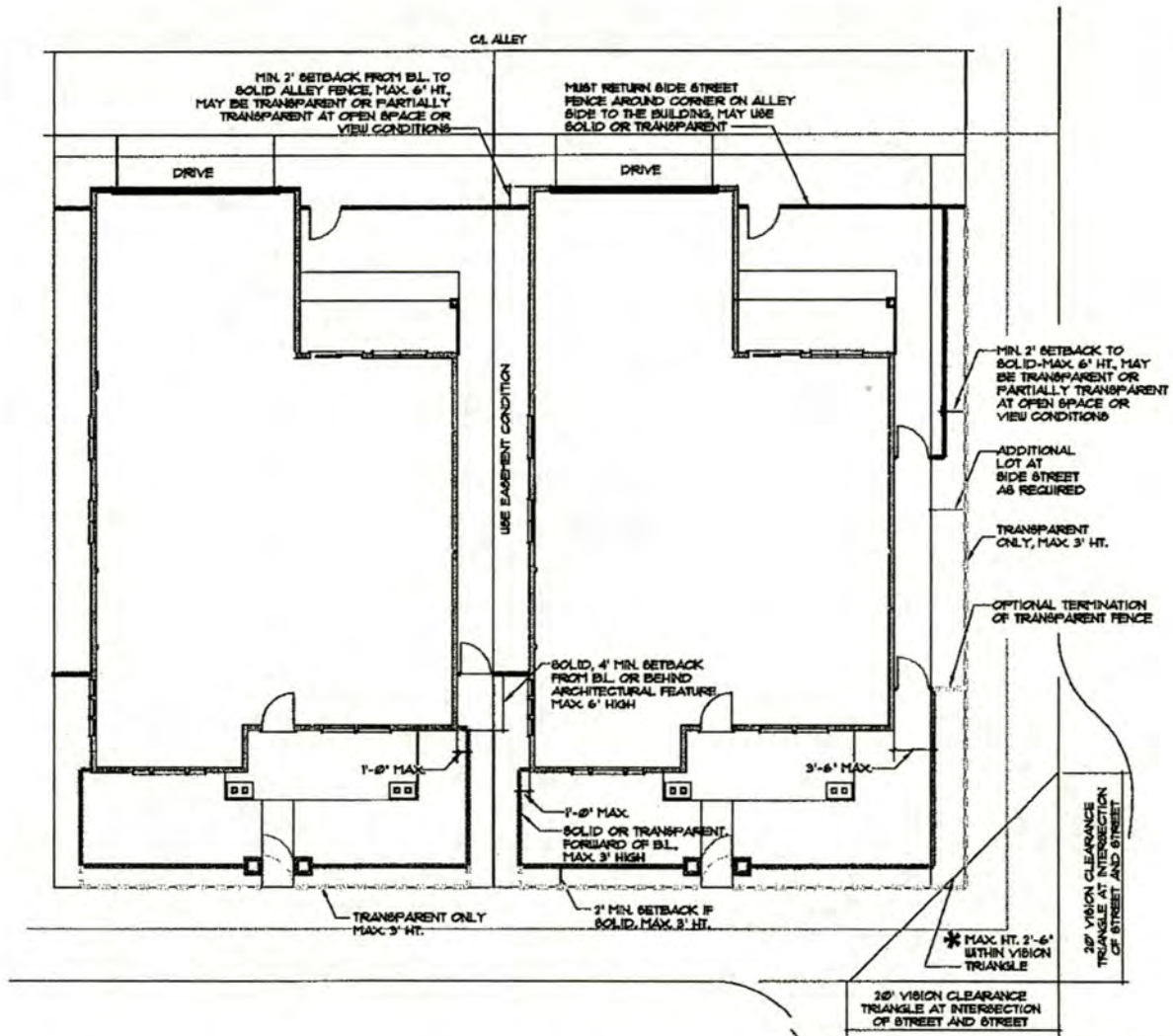
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BUILDING FOOTPRINTS ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE

FENCING LOT DIAGRAMS

Fencing E3

ELQ



- LEGEND**
- SOLID - MAX. HT. 3'-0"
 - SOLID - MAX. HT. 6'-0"
 - TRANSPARENT - MAX. HT. 3'-0"
 - ALLEY - SOLID OR TRANSPARENT - MAX. HT. 6'-0"



d Cottage
SMALL LOTS - (COURTYARD CLASSIC)
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BUILDING FOOTPRINTS ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE

FENCING LOT DIAGRAMS

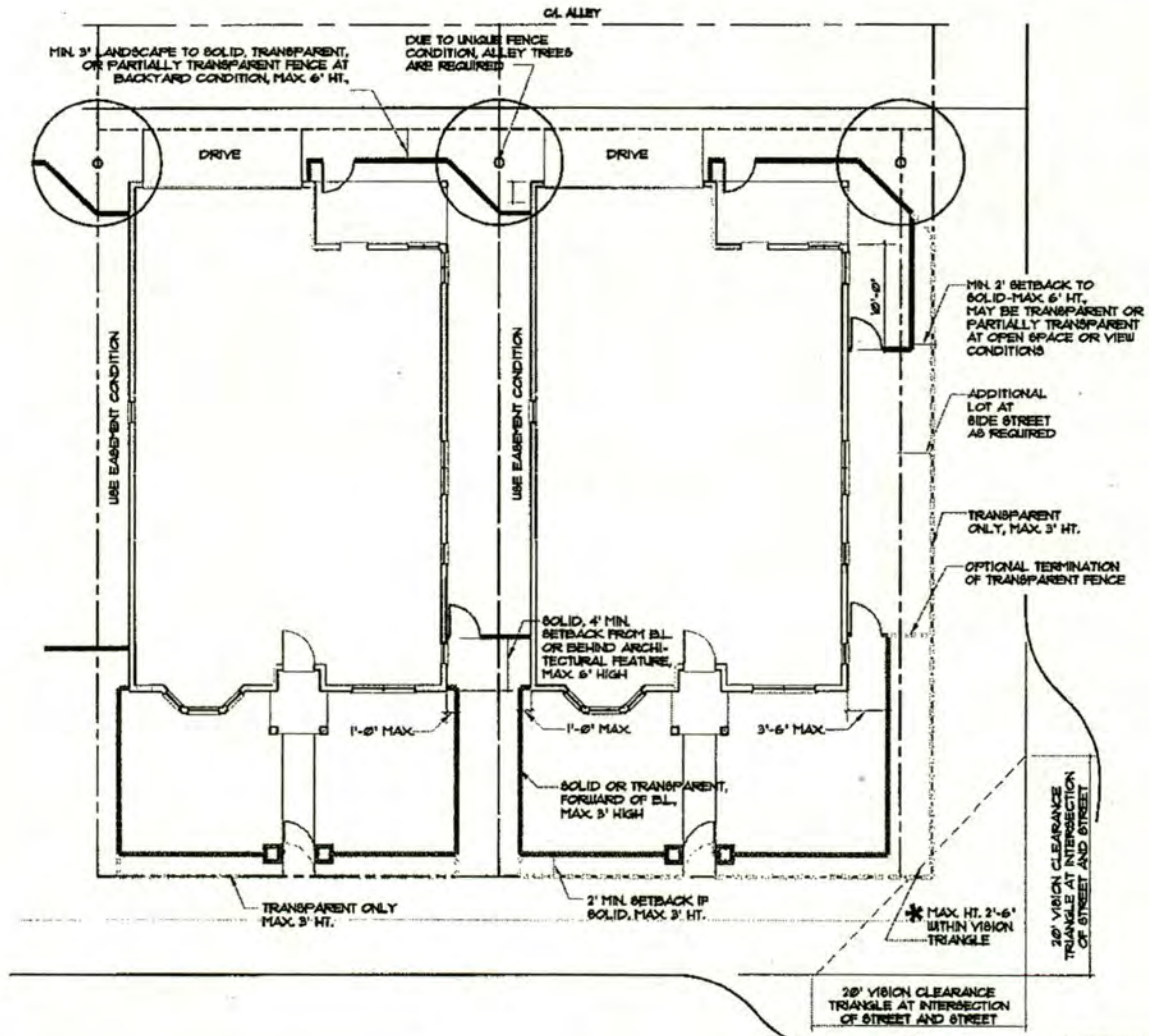
Fencing *EB*

LEGEND

— SOLID - MAX. HT. 3'-0"

— SOLID - MAX. HT. 6'-0"

— TRANSPARENT - MAX. HT. 3'-0"



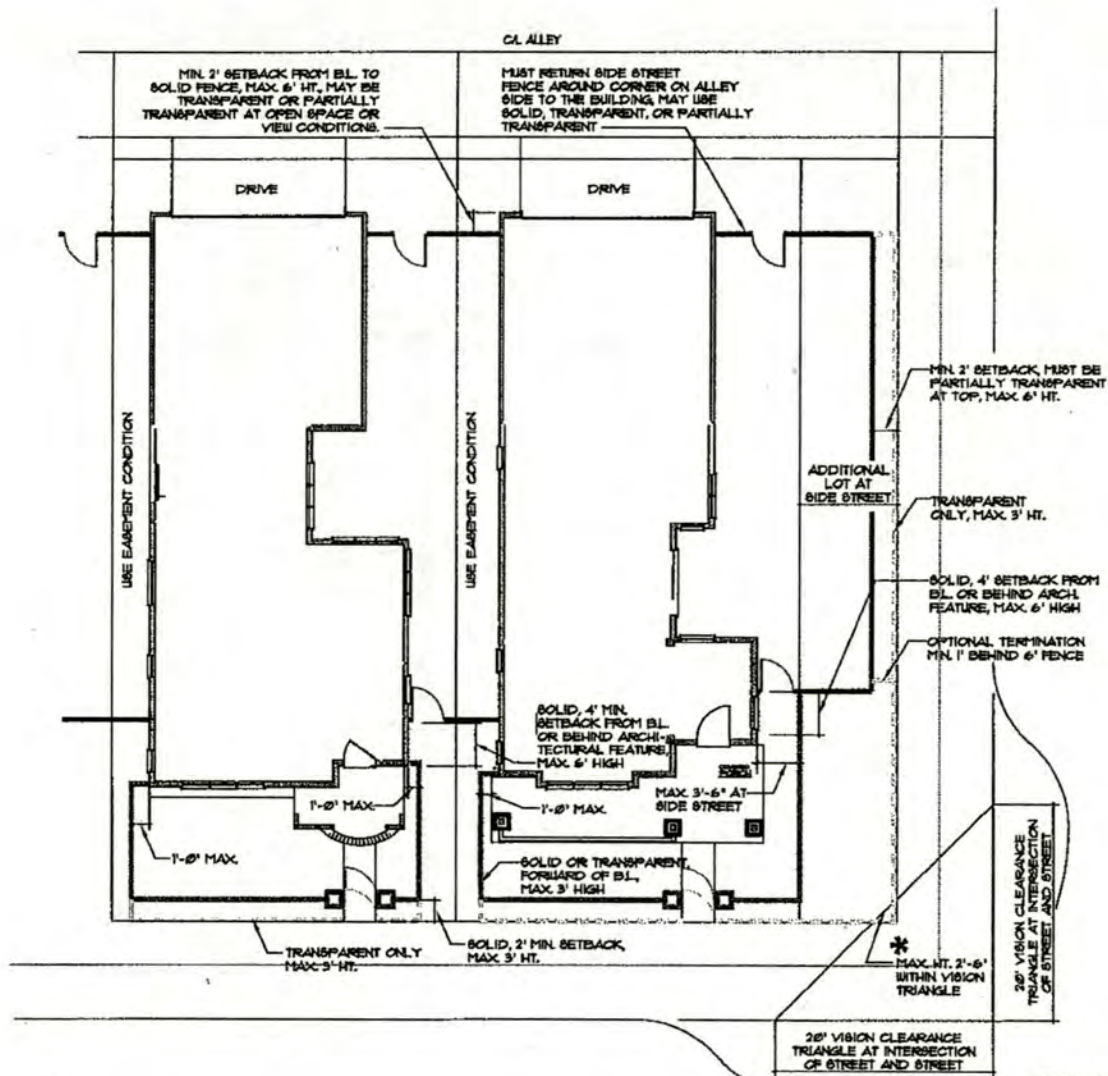
Cottage
SMALL LOTS - (COTTAGE)

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BUILDING FOOTPRINTS ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE

FENCING LOT DIAGRAMS

Fencing **EA**



LEGEND

- SOLID - MAX. HT. 3'-0"
- SOLID - MAX. HT. 6'-0"
- TRANSPARENT - MAX. HT. 3'-0"
- ALLEY - SOLID OR TRANSPARENT - MAX. HT. 6'-0"

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Cottage
SMALL LOTS - (TERRACE)

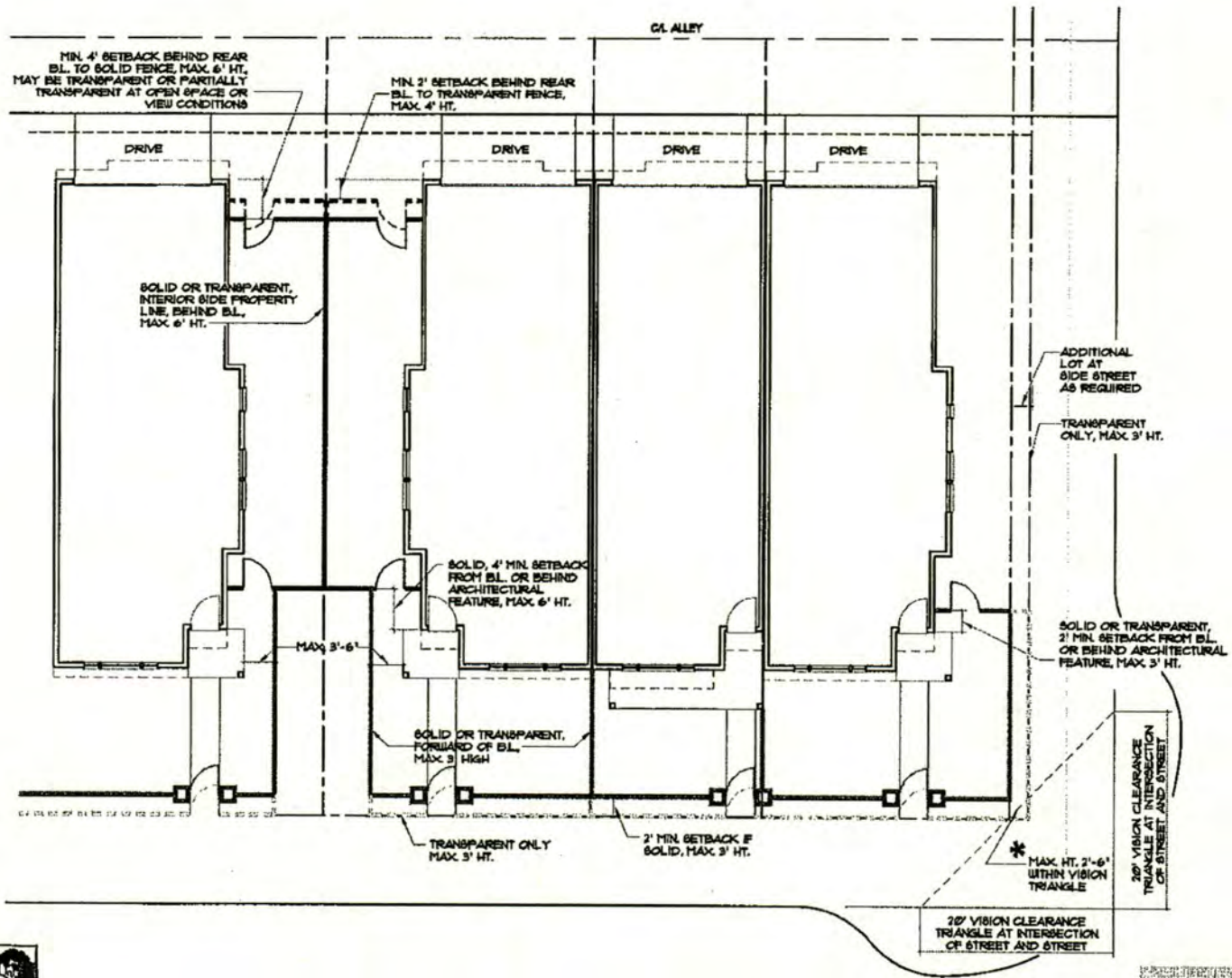
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BUILDING FOOTPRINTS ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE

FENCING LOT DIAGRAMS

Fencing By

EID



LEGEND

- SOLID - MAX. HT. 3'-0"
- SOLID - MAX. HT. 6'-0"
- TRANSPARENT - MAX. HT. 3'-0"
- ALLEY - SOLID OR TRANSPARENT - MAX. HT. 6'-0"

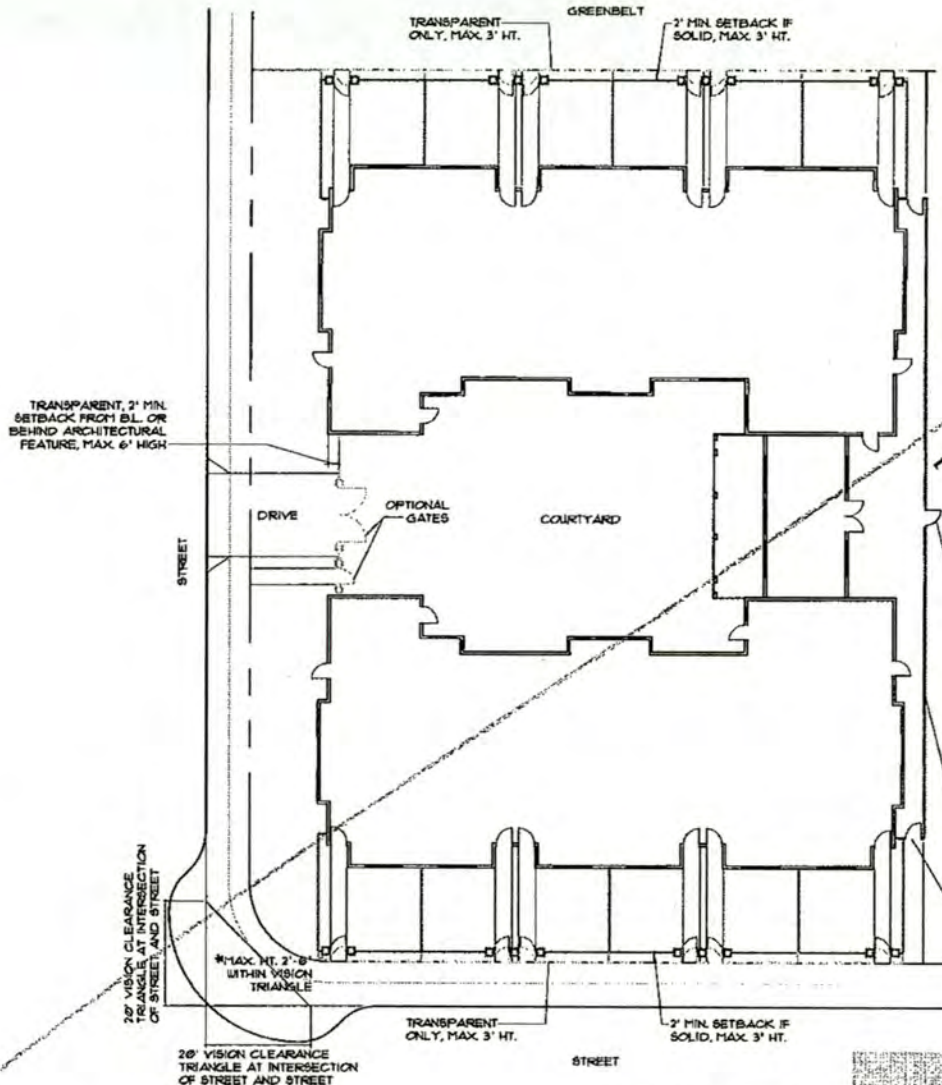


ROW HOUSES

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BUILDING FOOTPRINTS ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE

FENCING LOT DIAGRAMS



- LEGEND**
- SOLID - MAX. HT. 3'-0"
 - SOLID - MAX. HT. 6'-0"
 - TRANSPARENT - MAX. HT. 6'-0"

TRANSPARENT, 2' MIN. SETBACK FROM B.L. OR BEHIND ARCHITECTURAL FEATURE, MAX. 6' HIGH

TRANSPARENT ONLY, MAX. 3' HT.

GREENBELT

2' MIN. SETBACK IF SOLID, MAX. 3' HT.

STREET

DRIVE

OPTIONAL GATES

COURTYARD

DELETE

GATE QUANTITY AND LOCATIONS WILL VARY

SHARED SIDE OR REAR PROPERTY LINE, SOLID, MAX. 6' HT. MAY BE TRANSPARENT OR PARTIALLY TRANSPARENT AT OPEN SPACE OR VIEW CONDITIONS

SOLID OR TRANSPARENT, 2' MIN. SETBACK FROM B.L. OR BEHIND ARCHITECTURAL FEATURE, MAX. 6' HT.

20' VISION CLEARANCE TRIANGLE AT INTERSECTION OF STREET AND STREET

*MAX. HT. 2'-8" WITHIN VISION TRIANGLE

20' VISION CLEARANCE TRIANGLE AT INTERSECTION OF STREET AND STREET

TRANSPARENT ONLY, MAX. 3' HT.

2' MIN. SETBACK IF SOLID, MAX. 3' HT.

STREET

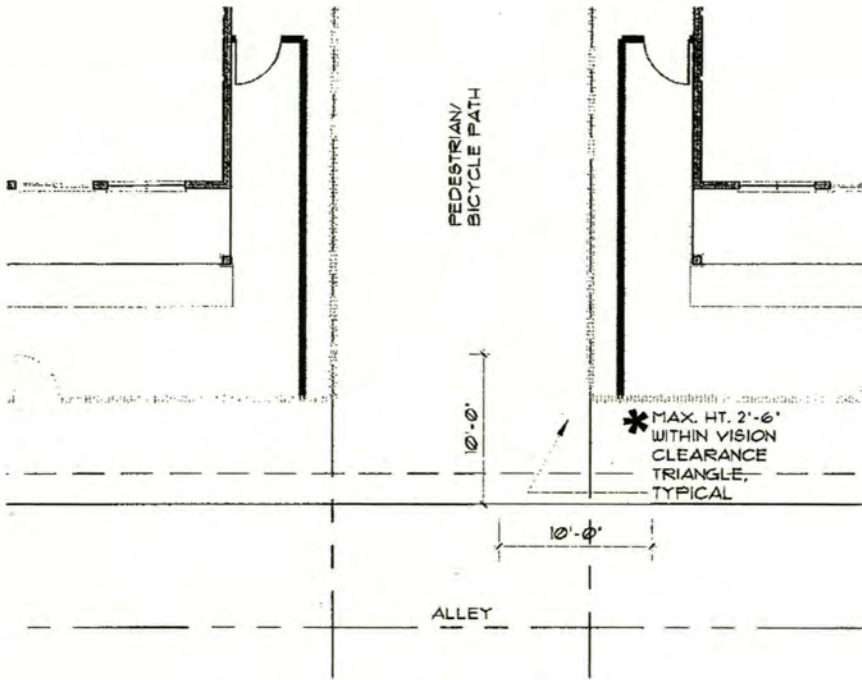
BUILDING FOOTPRINTS ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE

FENCING LOT DIAGRAMS

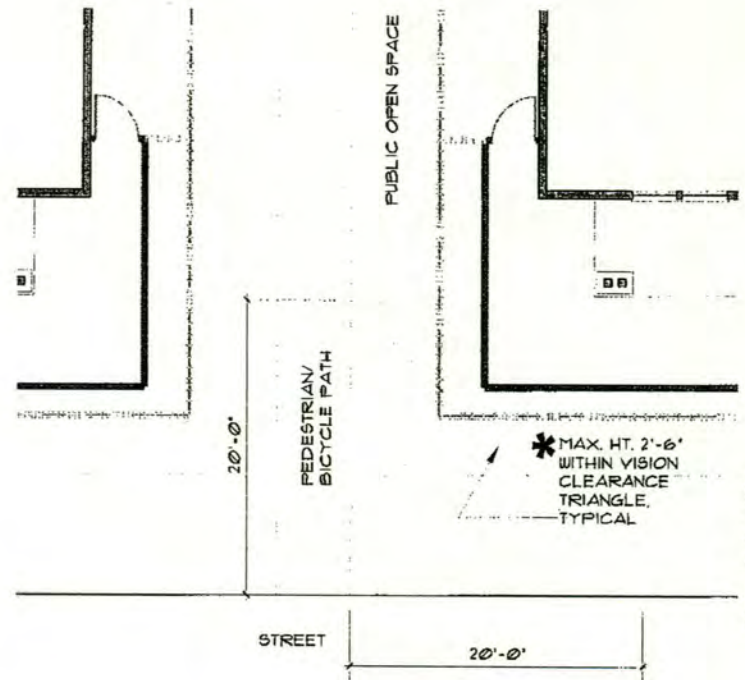


NEIGHBORHOOD APARTMENTS

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INTERSECTION WITH ALLEY



INTERSECTION WITH STREET

AT INTERSECTIONS OF PEDESTRIAN / BICYCLE PATHS WITH ALLEYS OR STREETS, THE VISION CLEARANCE TRIANGLE MUST BE MAINTAINED FROM THE EDGE OF THE PATH TO THE EDGE OF PAVING



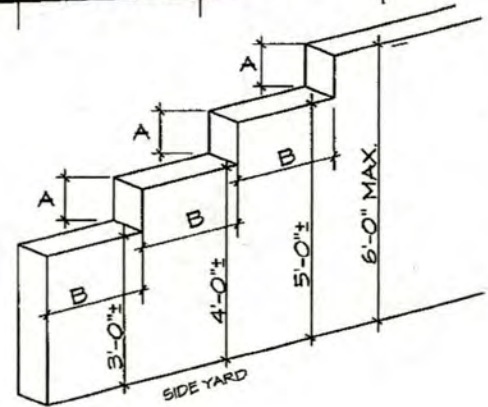
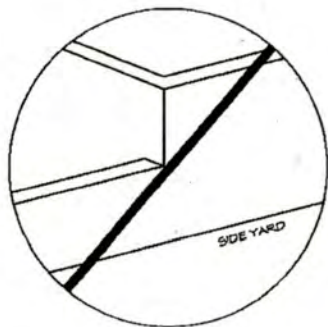
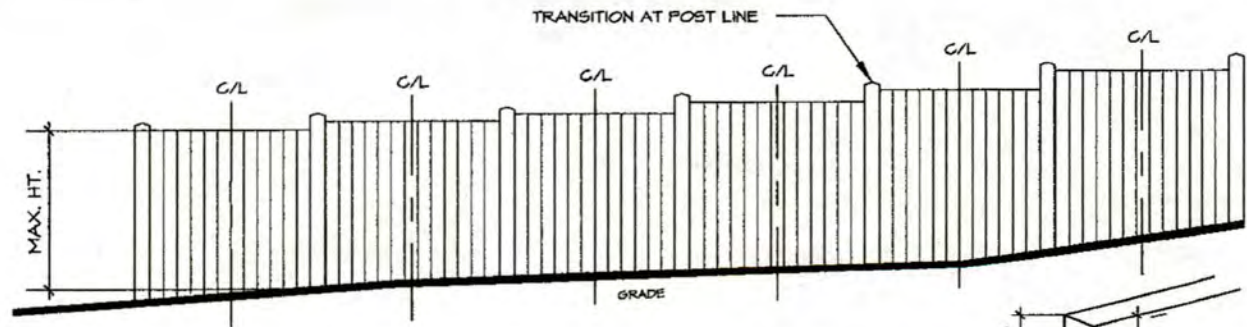
PEDESTRIAN & BICYCLE PATH

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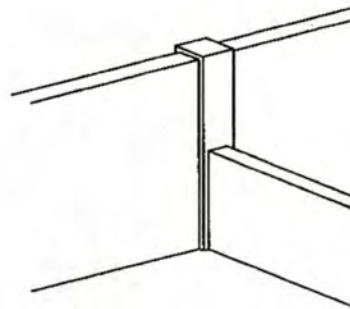
BUILDING FOOTPRINTS ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE



Fencing EIR



A = 12"-18"
B = 24" MIN.



NOTES:

1. FENCES AND WALLS MUST HAVE LEVEL TOP SURFACES, THEY MAY TRANSITION IN HEIGHT AT POSTS WHERE REQUIRED BY CHANGES IN GRADE TO MAINTAIN MAXIMUM HEIGHT. MAXIMUM HEIGHT AT THIS CONDITION TO BE MEASURED AT MIDPOINT BETWEEN POSTS ON THE SIDE WITH THE HIGHER GRADE.
2. FENCES AND WALLS MAY NOT TRANSITION IN HEIGHT AT CORNERS.
3. WHEN TRANSITIONING FROM TALLER BACK YARD FENCES/WALLS TO LOWER FRONT YARD FENCES/WALLS, HEIGHT TRANSITIONS MUST BE EQUAL. TRANSITIONS MUST OCCUR ALONG SIDE YARD FENCES/WALLS, NOT FRONT YARD FENCES/WALLS, EXCEPT FOR TRANSITIONS DUE TO CHANGES IN GRADE OR WHEN COMMUNITY MONUMENTATION TRANSITIONS TO A RESIDENTIAL FRONT YARD FENCE.
4. WHEN A 3' HIGH FRONT YARD FENCE ENDS PERPENDICULAR TO A 6' HIGH SIDE YARD FENCE, THE TRANSITION MUST OCCUR AT A POST OR COLUMN.



HEIGHT TRANSITIONS

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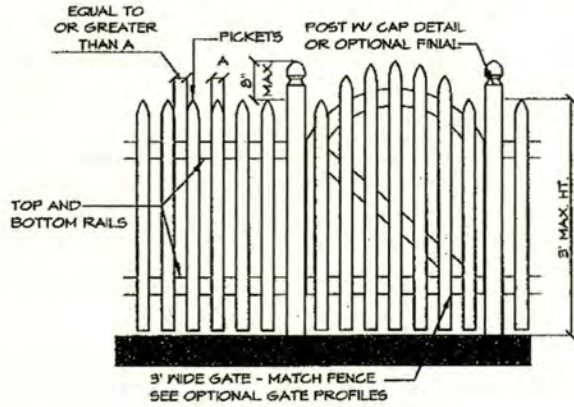
CONSTRAINTS

Fencing E1

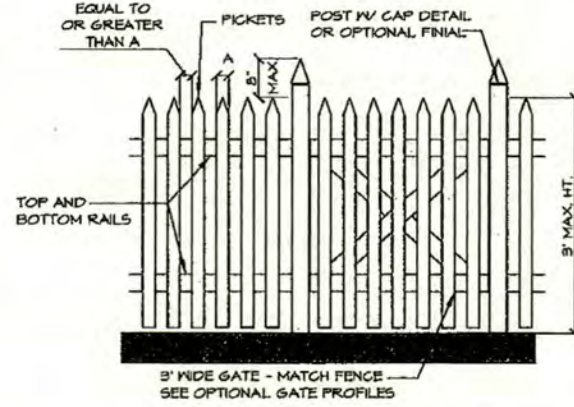
E13

**Transparent
Low**

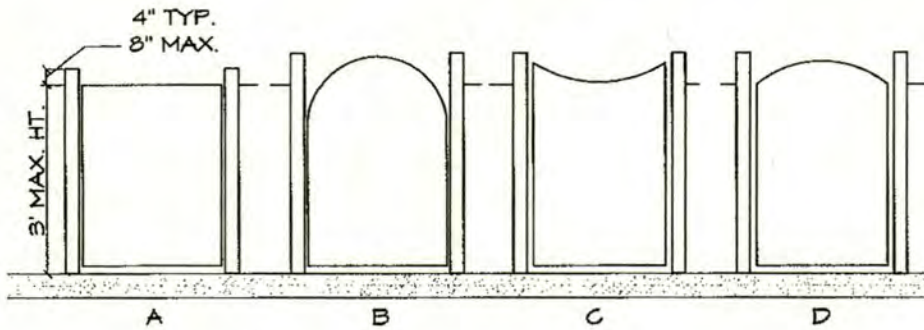
12 1/4 1/4 1/4



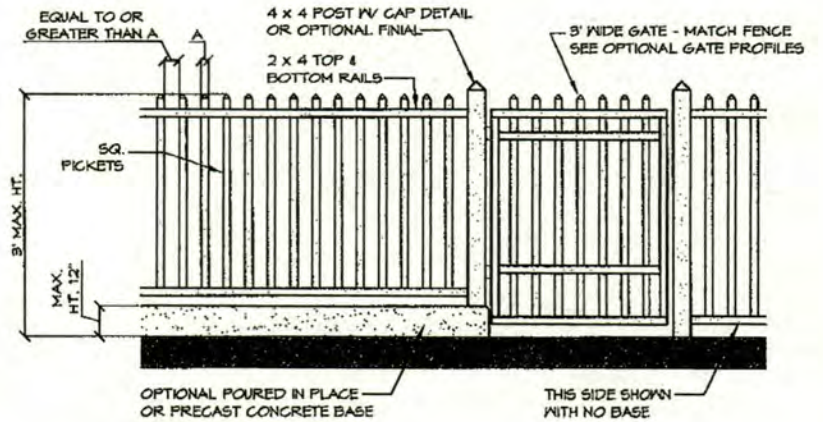
ENGLISH & FRENCH REVIVAL



AMERICAN CLASSIC & AMERICAN MODERN



PICKET GATE PROFILES



ALL STYLES

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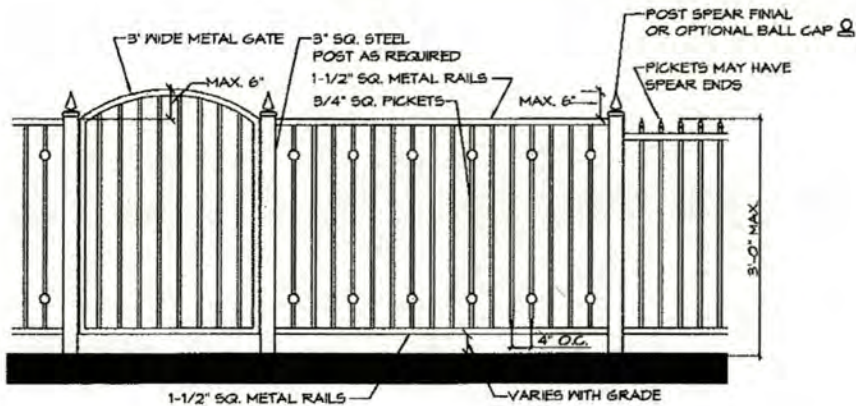
TRANSPARENT - MAXIMUM HEIGHT 3'-0"

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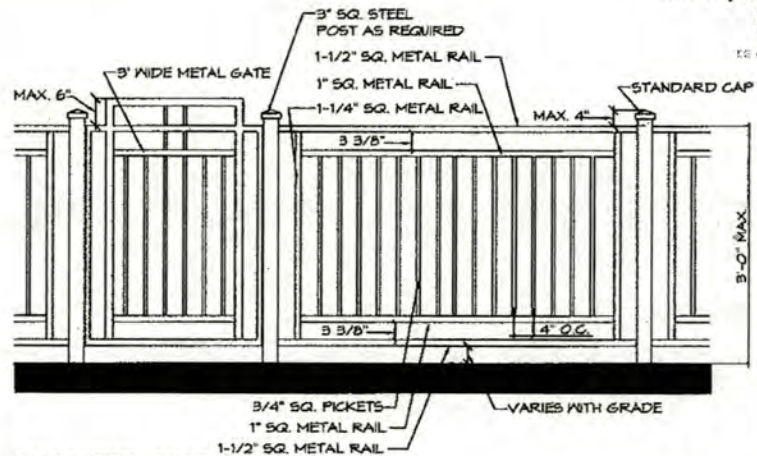
RESIDENTIAL FENCING

Fencing E14

E14



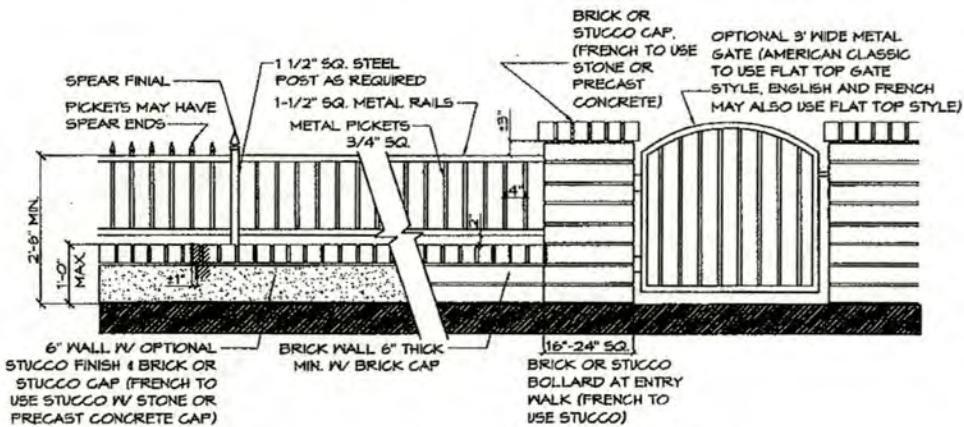
ENGLISH & FRENCH REVIVAL AMERICAN CLASSIC



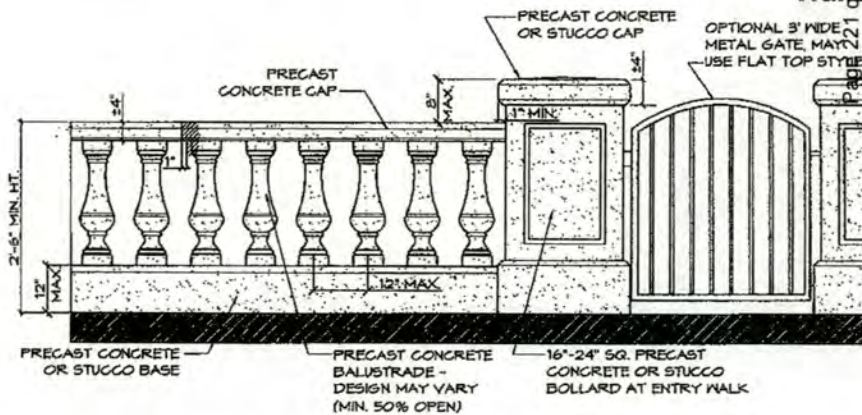
AMERICAN MODERN

Transparent Low

EG 07 (10-10)



ENGLISH & FRENCH REVIVAL AMERICAN CLASSIC



FRENCH REVIVAL

Courtyard Walls



Villemois

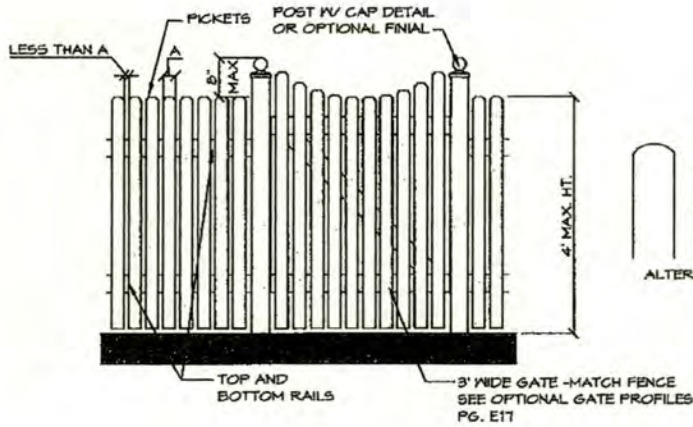
TRANSPARENT - MAXIMUM HEIGHT 3'-0"

© 2005 Iverson Architects

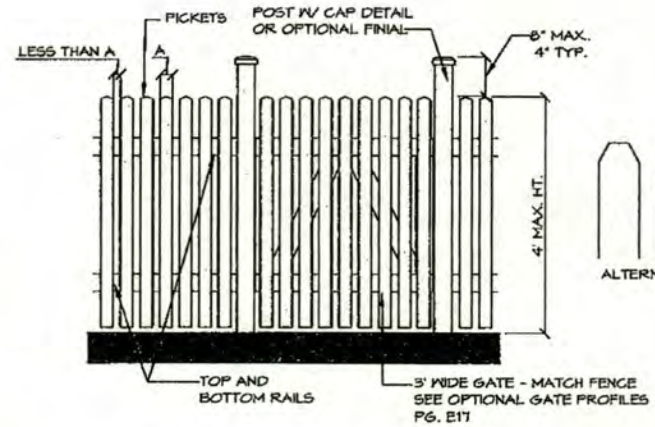
RESIDENTIAL FENCING

Fencing

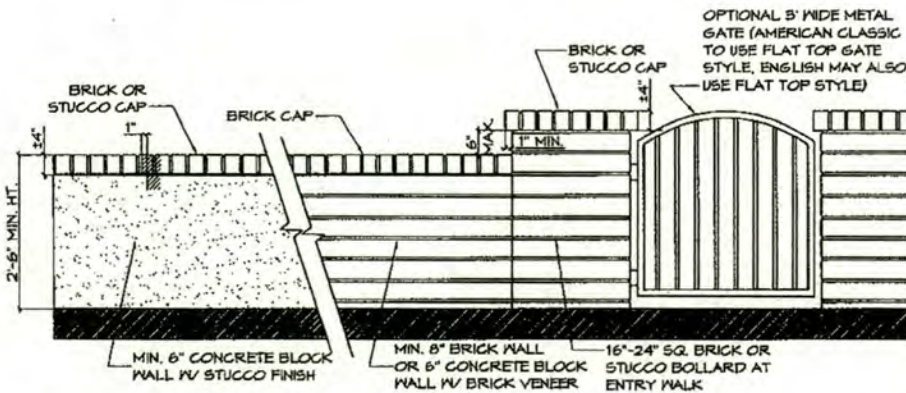
E15



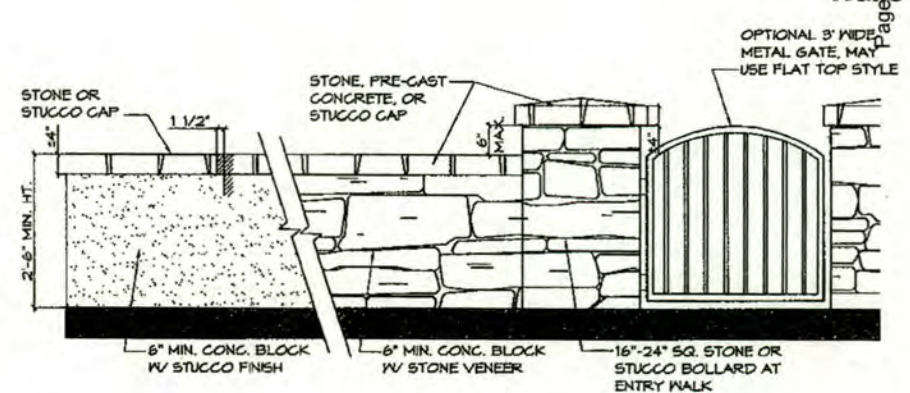
ENGLISH & FRENCH REVIVAL



AMERICAN CLASSIC & AMERICAN MODERN



ENGLISH REVIVAL & AMERICAN CLASSIC



FRENCH REVIVAL

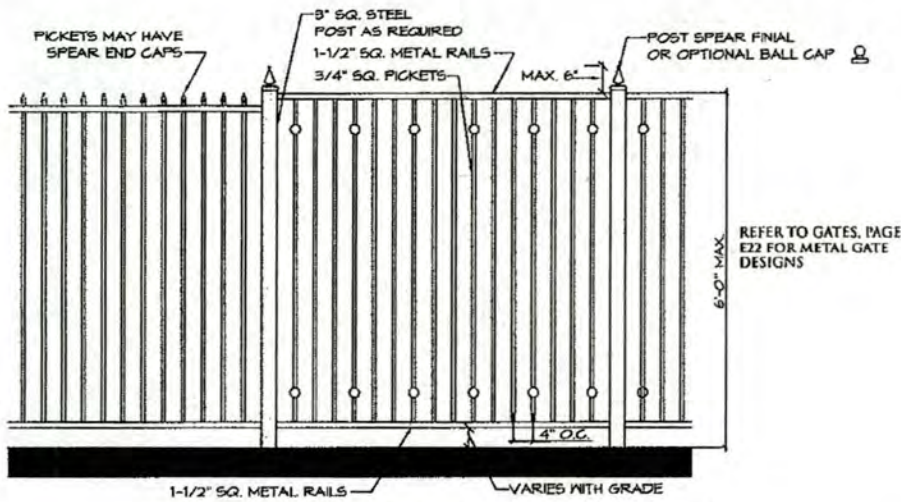
Courtyard Walls



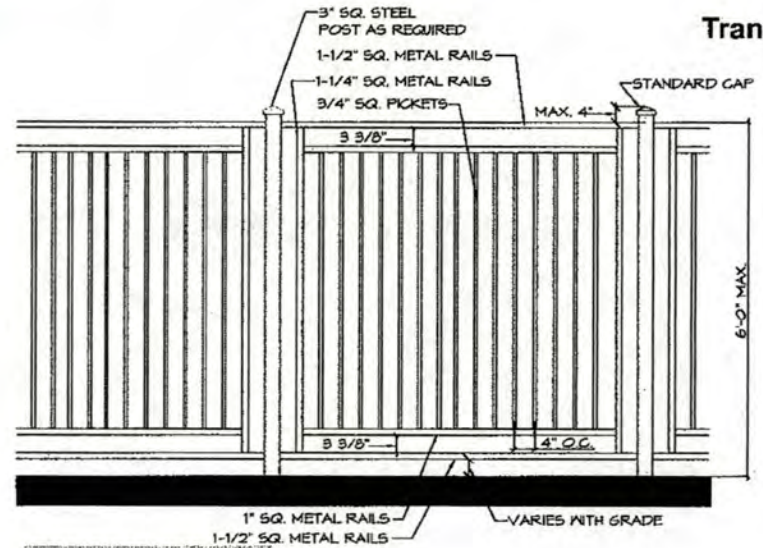
SOLID - MAXIMUM HEIGHT 3'-0"

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RESIDENTIAL FENCING



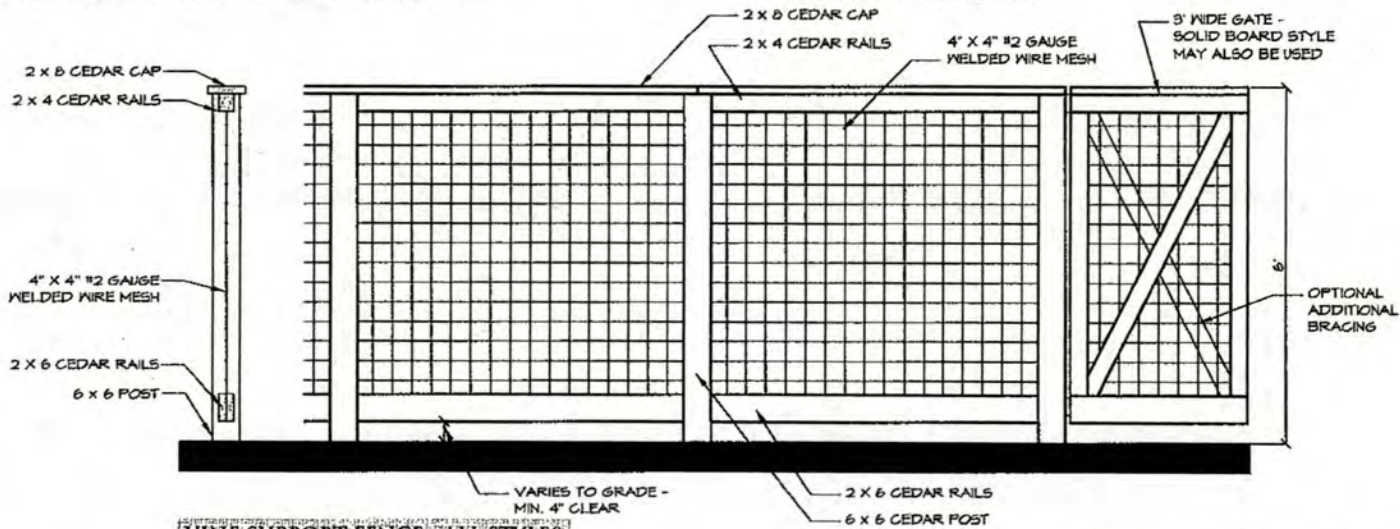
ENGLISH & FRENCH REVIVAL AMERICAN CLASSIC



AMERICAN MODERN

Transparent High

11.10.05.11



VINE SUPPORT FENCE - ALL STYLES

TRANSPARENT - MAXIMUM HEIGHT 6'-0"

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RESIDENTIAL FENCING

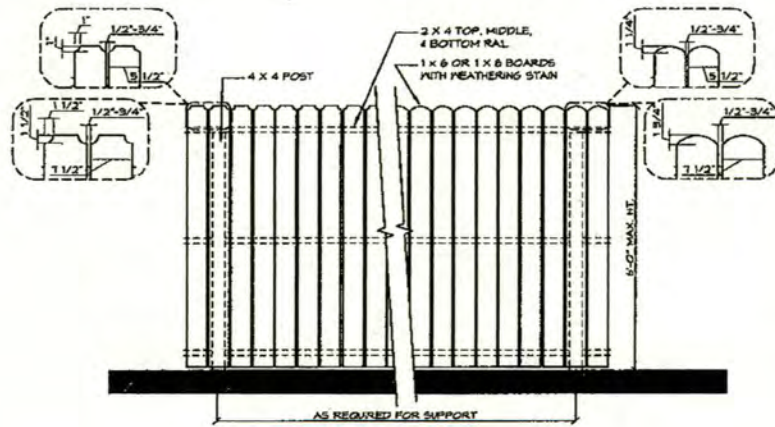
Fencing E26

E17

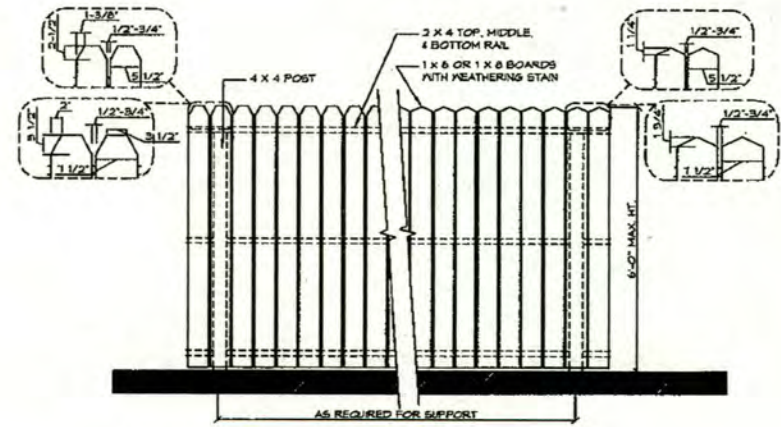
Page 23 of 260
Alley

ANY OTHER TRANSPARENT LOW FENCE DESIGN THAT MATCHES THE STYLE OF THE HOUSE MAY ALSO BE USED

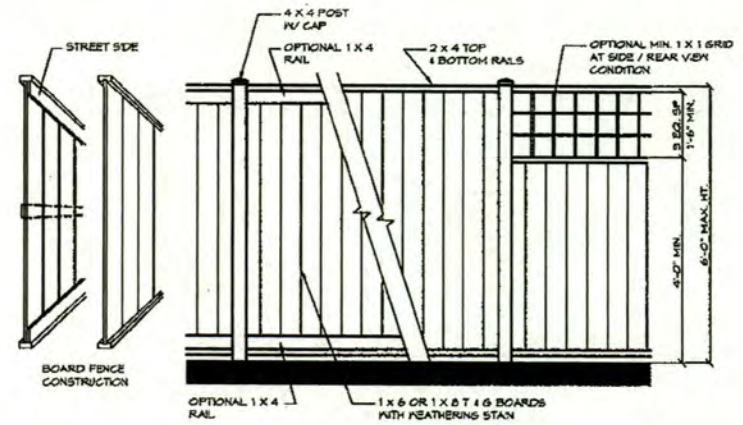




ENGLISH & FRENCH REVIVAL



AMERICAN CLASSIC & AMERICAN MODERN



ALL STYLES - SIDE OR REAR LOT LINES & ALLEYS



Villebois

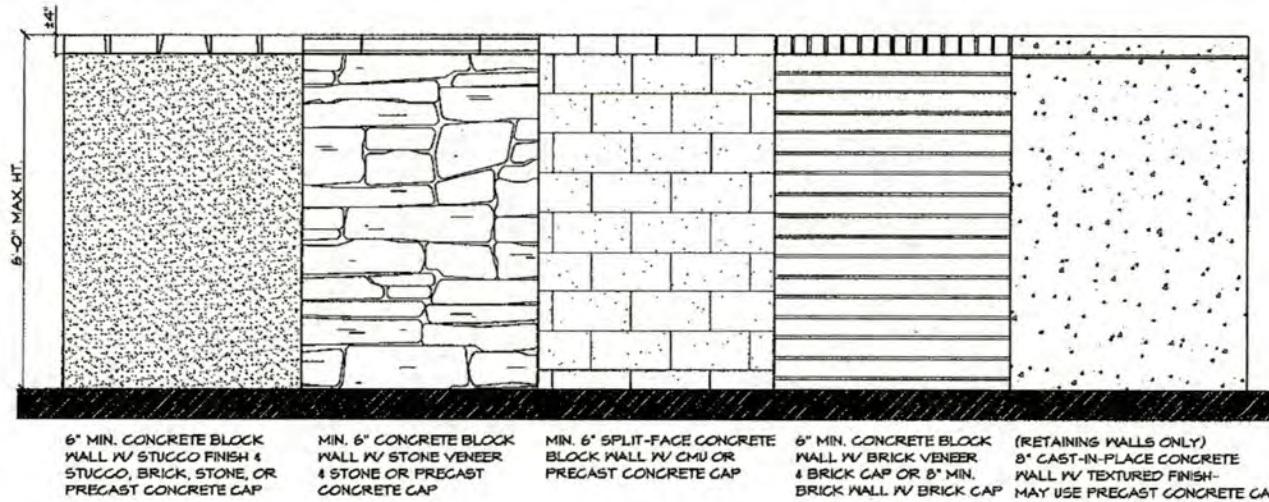
SOLID - MAXIMUM HEIGHT 6'-0"

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RESIDENTIAL FENCING

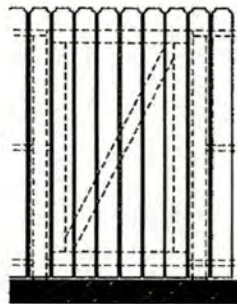
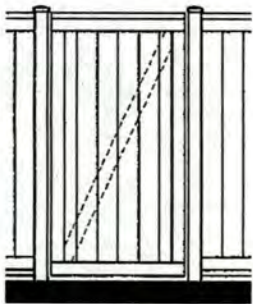
Fencing E2/E18

Solid High

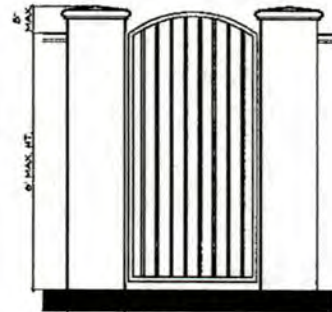


THESE DESIGNS ARE ALSO SUITABLE FOR LOW WALLS AND RETAINING WALLS

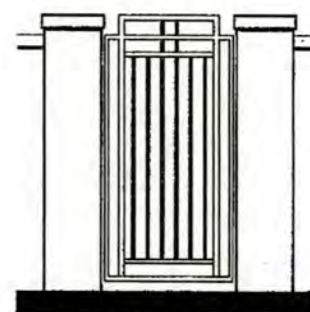
ALL STYLES - OPTIONS FOR SIDE OR REAR LOT LINES



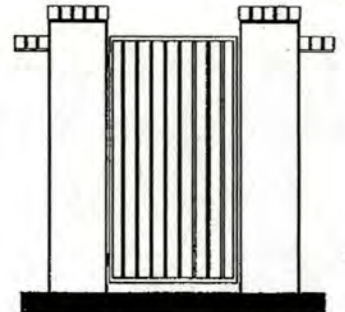
MATCH GATE STYLE TO FENCE STYLE



16'-24" 5'-9" TYP. EUROPEAN



AMERICAN MODERN



AMERICAN CLASSIC

ALL STYLES - WOOD GATES
SEE PG. E19 FOR OPTIONAL BOARDSHARES

METAL GATE OPTIONS
USE WITH METAL FENCE OR MASONRY, STUCCO, OR STONE WALLS



SOLID - MAXIMUM HEIGHT 6'-0"

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RESIDENTIAL FENCING

Fencing E19

E19

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Hawkins, William J. III & Willingham, William F., *Classic Houses of Portland, Oregon 1850-1950*, Timber Press, 1999, Portland OR

Heard, Malcolm, *French Quarter Manual-An Architectural Guide to New Orleans Vieux Carre*, University Press of Mississippi, 2000

Jones, Robert T. (edited by), *Authentic Small Houses of the Twenties*, Dover Publications, Mineola, N.Y., 1987

McAlester, Virginia & Lee, *Field Guide to American Houses*, Alfred A. Knopf, 1984, New York

McAlester, Virginia & Lee, *Field Guide to America's Historic Neighborhoods and Museum Houses-The Western States*, Alfred A. Knopf, 1998, New York

Portland General Electric, *Earth Advantage™*, (888) 327-8433, www.earthadvantage.com



Villebois

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Definitions

Accessory Building A subordinate building or use, the function of which is permitted

Accessory Dwelling Unit A dwelling unit of not more than 600 square feet located on the same lot as a single family dwelling, and being of substantially the same exterior design as the single family dwelling

Active Side When utilizing optional Private Space Use Easement, side yard of house with use of adjacent lot sideyard

Asymmetrical Lack of similarity of form or arrangement of parts on either side of a vertical dividing line or plane

Baluster One of a number of short vertical members, often circular in section, used to support a stair handrail or a coping

Balustrade An entire railing system, as along the edge of a balcony, including a top rail and its balusters, and sometimes a bottom rail

Cap Molding The trim at the topmost member of any vertical architectural element, often projecting, with a drip as protection from the weather

Coping A protective cap, top, or cover of a wall, parapet, pilaster, or chimney

Cornice The exterior trim of a structure at the meeting of the roof and wall or at a pediment and the wall or opening below

Eave That part of a roof that projects beyond the exterior wall; usually the lower edge of a sloped roof

EMF Electro-magnetic field produced by an electric current such as in the motors of refrigerators, heat pumps, etc. (There is a strong correlation between EMF's and health; low EMF design reduces potential for exposure to EMF's by locating EMF sources away from frequently used areas, especially sleeping areas)

Facade The exterior face of a building which is the architectural front, sometimes distinguished from the other faces by elaboration of architectural details

Fascia A board that is nailed vertically at the ends of roof rafters; sometimes supports a gutter; also called a fascia board

Flex Space Ground floor units of a multi-family or mixed-use building that can be converted to commercial or residential uses

Gable A vertical surface on a building usually adjoining a pitched roof, commonly at an end, whose shape depends on the type of roof and parapet, although most often it is triangular. If the gable is on the facade, rather than the end, the building is said to be front-gabled

Lintel A horizontal structural member such as a beam, over an opening which carries the weight of the wall above

Mullion A vertical member separating and often supporting windows, doors, or panels set in series

Muntin A secondary framing member to hold panes within a window, window wall, or glazed door

Passive Side When utilizing optional Private Space Use Easement, side yard of house with high or obscure glazing only, for privacy of adjacent active side yard

Pediment In Classical architecture, a triangular gable usually having a horizontal cornice, with raked cornices on each side, surmounting or crowning a portico or another major division of a facade or end wall

Pilaster An engaged pier or pillar, often with capital and base; decorative features that imitate engaged piers but are not supporting structures, often used as a simulated pillar at entrances and other door openings

Porch An open air room appended to the mass of a building, with floor and roof, but may also be partially enclosed, screened, or glass-enclosed. The minimum area of usable space must be 6' x 6', with a minimum of 4' covered depth.

Porte Cochere A covered automobile entryway leading to a courtyard

Portico A covered entrance, commonly placed at the front of a building

Private Outdoor Space A space outside the building not intended for or controlled by, and normally not visible to the public; typically refers to the enclosed rear yard

Private Space Use Easement A yard area adjacent to a house which may be used as part of the private outdoor space of the house next door

Public Open Space An area without buildings, reserved for public use, whether owned and maintained by a public or private organization, including but not limited to, plazas, parks, natural preserves, and trails

Public View Shed Those building elevations that face a public front or side street, or a public open space, and also extending a minimum of two feet (2') on rear elevations on corner alley-loaded lots; and the distance along an interior side elevation to a significant architectural feature or a minimum of four feet (4') if there is no significant architectural feature within the first eight feet (8') of the facade

Quoin In masonry, a hard stone or brick used, with similar ones, to reinforce an external corner or an edge of a wall or the like; often distinguished decoratively from adjacent masonry or stucco; may be imitated in non-load-bearing materials

Raking or Raked Cornice A cornice following the slope of a gable, pediment, or roof

Sash, Window Sash Any framework of a window, may be movable or fixed; may slide in a vertical plane (as in a double-hung window) or may be pivoted (as in a casement window)

Semi-Private Outdoor Space A space outside the building not intended for or controlled by, but visible to the public; refers to porches, stoops, courtyards, terraces

Semi-Public Outdoor Space A space outside the building not intended for or controlled by, but visible to the public; typically refers to the front yard

Setback The minimum distance between a reference line (usually a property line) and a building, or portion thereof, as required by ordinance or code

Significant Architectural Feature Features which block the line of sight from front yards and the public street along interior side yards. Such features include chimneys, porte cocheres and porches, fences, walls and other features that effectively block the line of sight.

Sill The horizontal bottom member of a window frame

Soffit The exposed undersurface of any overhead component of a building such as an outdoor ceiling, or an arch, balcony, beam, cornice, lintel, or vault

Stoop A platform or small porch, usually up several steps, at the entrance to a house, usually not covered

Symmetrical Similarity of form or arrangement of parts on either side of a dividing line or plane

Telescoping Gable, Catslide The long sloping roof at the front of an English Revival house usually on only one side of a gable

Terrace A raised space or platform adjoining a building, paved or planted, especially one used for leisure enjoyment

Transom A small window or shutter-like panel directly over a door or window, usually hinged to the lintel

VOC Volatile organic compounds often present in various common household products which emit potentially toxic gases

Wing A subsidiary part of a building extending out from the main portion

REFERENCES & DEFINITIONS

Compliance Checklist

The purpose of this checklist is to provide a means of measuring or evaluating an Architectural Design application to determine if it is in substantial compliance with the Approved Pattern Book for land uses located in the Villebois Specific Area Plan South.

In addition, the Architectural Design application shall comply with the Villebois Village Zone Design and Development Standards.

The areas of evaluation of the submittal shall include the following:

1. Concurrence with the appropriate Land Use Patterns and Lot Diagrams
2. Use of Appropriate Architectural Styles from the Pattern Book
3. Inclusions of the Basic Elements for the Architectural Style
4. Concurrence with the Scale and Proportion diagrams and Rules of Adjacencies
5. Earth Advantage certification

1. Concurrence with the appropriate Land Use Patterns and Lot Diagrams

- Building orientation, vehicular access and off-street parking match diagram for lot type
- Setbacks are located per diagram and comply with Development Standards
- Outdoor space is provided and located per appropriate lot diagram
- Fences are located per diagram and comply with the Villebois Master Fencing Program
- Accessory buildings or uses, if allowed, match appropriate lot diagram

2. Use of Appropriate Architectural Styles from the Pattern Book

- Proposed elevations are based on one of the Appropriate Architectural Styles

3. Inclusions of the Basic Elements of the Architectural Styles proposed

- Massing and Composition generally match illustrative diagrams
- Roof forms, eave details and dormers are per elements of style
- Doors match material, form, and trim as shown for basic elements
- Window type, proportion, trim, and glazing treatment are per elements of style

- Window enhancements and special windows per elements if part of the style
- Entrances and outdoor space, columns and baluster details per style shown
- Porches, stoops, and terraces are elevated a minimum of 10"
- Light fixtures and chimneys are of similar design to those shown for style
- Materials and colors are per those listed for the style
- Accessory buildings are of the same exterior design and architecture as the primary dwelling unit on the property

Note: It is not permitted to use elements from one style on another style.

4. Concurrence with the Scale and Proportion diagrams and Rules of Adjacencies

- Proportions of facades match diagrams for appropriate lot or land use width
- Windows and doors align vertically and, or, are centered in the wall plane on which they are located
- Proportion and placement of windows match the order on the diagram for the appropriate style
- Roof shape, slope, fascias and dormers agree with the diagram of the style
- A review of the required plot plan shows that the proposed floor plan or composite floor plan types, and their associated Architectural Styles comply with the Rules of Adjacencies and Diversity

5. Earth Advantage certification

- Floor plans reviewed by and meet certification standards of Earth Advantage™



Pauly, Daniel

From: Stacy Connery <stacy@pacific-community.com>
Sent: Monday, November 05, 2012 10:49 AM
To: Pauly, Daniel
Subject: RE: park additions

Hi Dan,

Following up to let you know we're switching gears on this. You are correct that Polygon does in fact own the Zion property now. We can agree to the addition of the portions of PP-12 and NP-5 on the former Zion property into PDP 3E, including addition to SAP East boundary, PDP 3E boundary, tentative plat and zone change inclusion as you've requested. We will get you the revised zone change legal description prior to City Council. Please let me know if you need anything other than this email for the DRB hearing.

Thank you,
Stacy Connery, AICP
(503) 828-5052



Mailing Address:
PMB 519, 13500 SW Pacific Hwy, Ste. 58, Tigard, OR 97223

 Please consider the environment before printing this e-mail

From: Pauly, Daniel [mailto:pauly@ci.wilsonville.or.us]
Sent: Wednesday, October 31, 2012 1:57 PM
To: Stacy Connery
Subject: RE: park additions

Ok. Also, we will need an updated legal description for the zone change to include all of the park areas in Tax Lots 2916 and 2919 for which the SAP boundary is being adjusted. If this can't get done prior to DRB, it is actually only needed for City Council. Any questions let me know.

A handwritten signature in cursive script that reads "Dan".

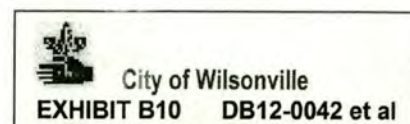
Daniel Pauly, AICP
Associate Planner

City of Wilsonville Planning Division
503-682-4960
pauly@ci.wilsonville.or.us

Disclosure: Messages to and from this E-mail address may be subject to Oregon Public Records Law.

From: Stacy Connery [mailto:stacy@pacific-community.com]
Sent: Wednesday, October 31, 2012 10:40 AM
To: Pauly, Daniel
Subject: park additions

Dan,





LEGEND:

- I IMPORTANT
- G GOOD
- M MODERATE
- P POOR
- EXISTING TREES TO REMAIN
- ⊙ EXISTING TREES LIKELY TO BE REMOVED
- ⊗ EXISTING TREES TO BE REMOVED

SCALE
0 30 60
1 INCH = 60 FEET

North Arrow

NOTES

ALL CONSTRUCTION AND GRASSING WITHIN TREE PROTECTION ZONE IS TO BE COMPLETED UNDER DIRECT SUPERVISION OF PROJECT ARBORIST. CONTACT: MORGAN HOLLEN, PHONE: 953-446-4342.

THE INTENT OF THE PLAN IS TO RETAIN AND INCORPORATE THE MAXIMUM QUANTITY OF TREES WITH IMPORTANT, GOOD, AND MODERATE CLASSIFICATIONS. THE FOLLOWING CLASSIFICATION SYSTEM WAS USED:

CLASSIFICATION METHOD:
TREES WERE RATED BASED ON THE FOLLOWING CONSIDERATIONS:

1. HEALTH
2. SPECIES (NATIVES WITH HABITAT AND ECOSYSTEM VALUE)
3. COMPATIBILITY WITH DEVELOPMENT
4. FORM / VISUAL INTEREST / MATURE SIZE

- TREES RANKED AS IMPORTANT WERE RATED HIGH IN ALL FOUR AREAS.
- TREES IN THE GOOD CATEGORY HAD GOOD HEALTH AND WERE A DESIRABLE SPECIES, BUT HAD REGULAR FORM OR LESS COMPATIBILITY WITH DEVELOPMENT.
- TREES IN THE MODERATE CATEGORY HAD GOOD TO MODERATE HEALTH AND FORM, BUT WERE A LESS DESIRABLE SPECIES OR MAY BE LESS COMPATIBLE WITH DEVELOPMENT.
- TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

NOTES:
1. THE INFORMATION PROVIDED IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST WALT KEMPER AND WAS PROVIDED IN A TREE REPORT DATED JULY 25, 2012 INCLUDED WITH THE APPLICATION MATERIALS.



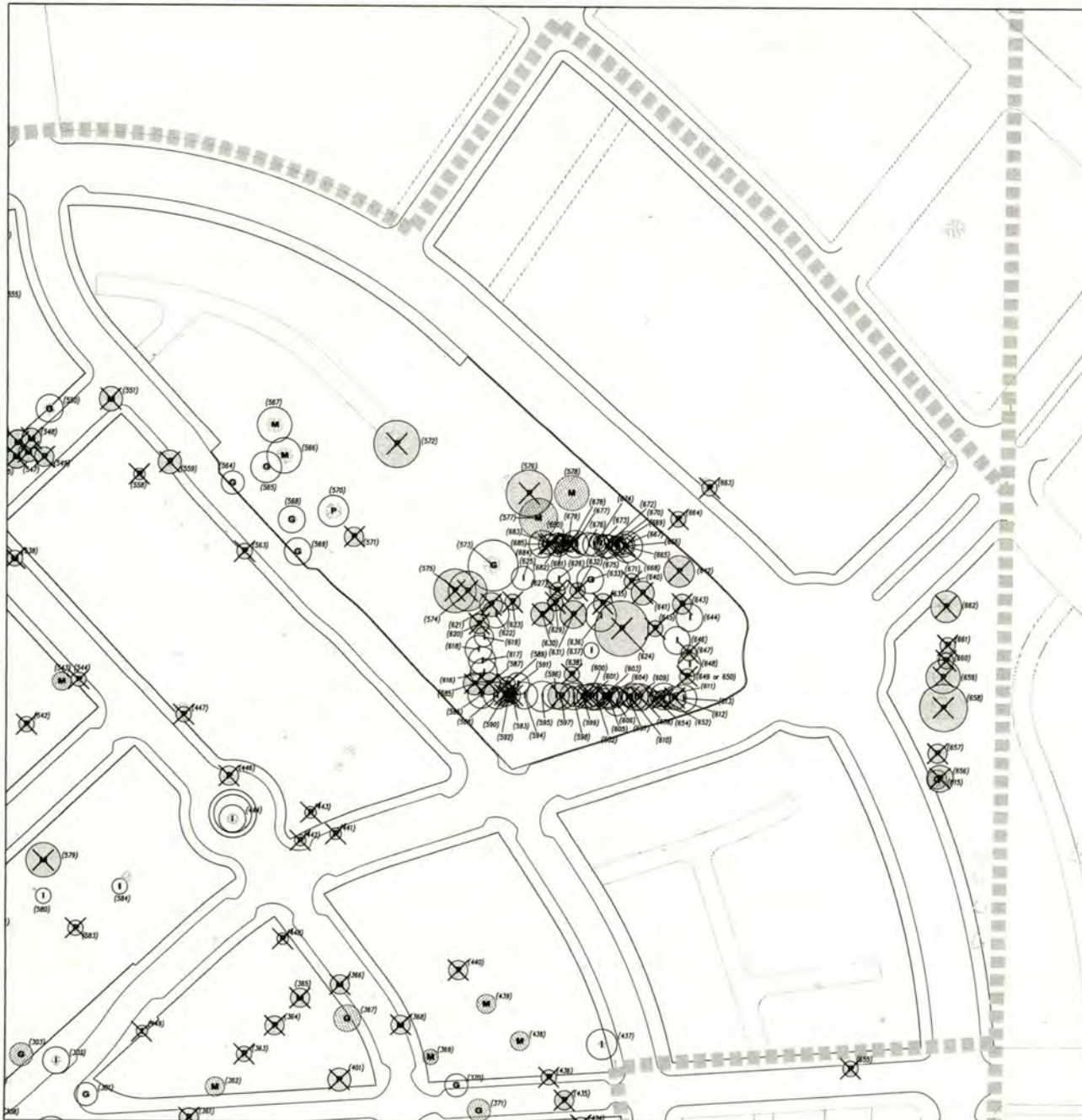
TONQUIN MEADOWS

Villebois 3 East Preliminary Development Plan

Tree Preservation Plan

DATE: 10/22/2013

City of Wilsonville
EXHIBIT B11 DB12-0042 et al



- LEGEND**
- I IMPORTANT
 - G GOOD
 - M MODERATE
 - P POOR
 - O TREES TO BE RETAINED
 - X TREES TO BE REMOVED
 - ⊙ TREES LIKELY TO BE REMOVED

NOTES

THE INTENT OF THE PLAN IS TO RETAIN AND INCORPORATE THE MAXIMUM QUANTITY OF TREES WITH IMPORTANT, GOOD, AND MODERATE CLASSIFICATIONS. AL SO A NUMBER OF POOR TREES HAVE ALSO BEEN RETAINED WHICH MAY BE IMPROVED GIVEN AN APPROPRIATE LEVEL OF CARE. THE FOLLOWING CLASSIFICATION SYSTEM WAS USED:

CLASSIFICATION METHOD:
TREES WERE RATED BASED ON THE FOLLOWING CONSIDERATIONS:

1. HEALTH
2. SPECIES (NATIVES WITH HABITAT AND ECOSYSTEM VALUE)
3. COMPATIBILITY WITH DEVELOPMENT
4. FORM / VISUAL INTEREST / MATURE SIZE

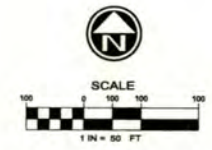
• TREES RANKED AS IMPORTANT WERE RATED HIGH IN ALL FOUR AREAS.

• TREES IN THE GOOD CATEGORY HAD GOOD HEALTH AND WERE A DESIRABLE SPECIES, BUT HAD IRREGULAR FORM OR LESS COMPATIBILITY WITH DEVELOPMENT.

• TREES IN THE MODERATE CATEGORY HAD GOOD TO MODERATE HEALTH AND FORM, BUT WERE A LESS DESIRABLE SPECIES OR MAY BE LESS COMPATIBLE WITH DEVELOPMENT.

• TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

NOTES:
1. THE INFORMATION PROVIDED IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST WALT KNAPP AND WAS PROVIDED IN A TREE REPORT DATED FEBRUARY 28, 2008 AND IS AVAILABLE UPON REQUEST.



VILLEBOIS

Specific Area Plan
Central

Tree Preservation Plan 3

DATE: 3/28/06
REVISION: 4/12/06

N:\wp\336-023\dwg\PLANNING\336023_TREE3.dwg -sheet: All 2/26/04 Nov 09, 2006 - 4:57pm pre

City of Wilsonville
EXHIBIT B12 DB12-0042 et al



Milbrandt Architects, Inc., P.S.
23 Central Way, Suite 210, Kirkland, Washington 98033 Phone: 425-454-7130 Fax: 425-658-1200 Website: <http://www.milbrandtarch.com>

Polygon at Villebois
Wilsonville, Oregon

Polygon Northwest Company

Townhomes (English Revival)
Front Elevation

Scale:	Drawn by:	Date:	Date Plotted:
NTS	APT	11-07-12	11-07-12

Sheet No.
1
Job No.
1119



Milbrandt Architects, Inc., P.S.
 75 Central Way, Suite 210, Kirkland, Washington 98033 Phone: 425-454-7120 Fax: 425-658-1206 Website: <http://www.milbrandtarch.com>

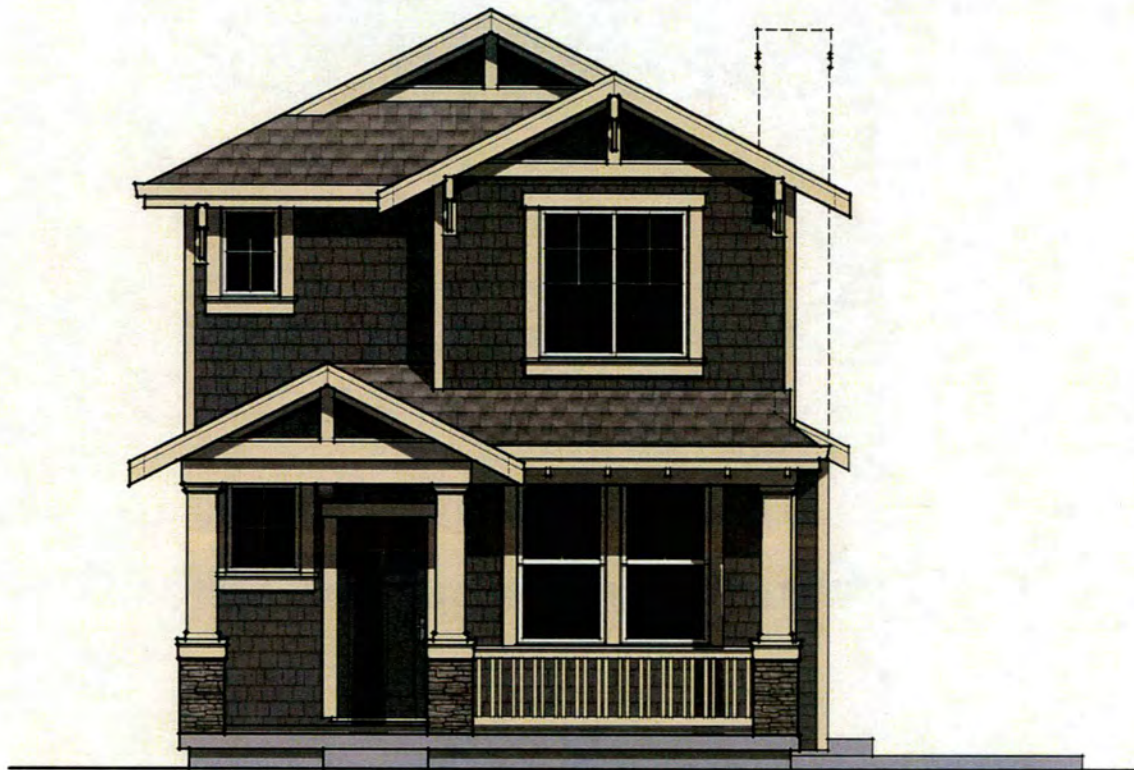
Polygon at Villebois
 Wilsonville, Oregon

Polygon Northwest Company

Townhomes (French Revival)
 Front Elevation

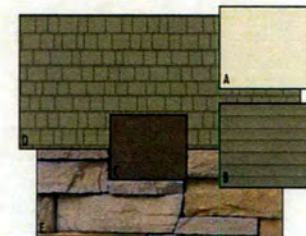
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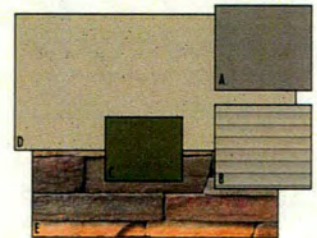
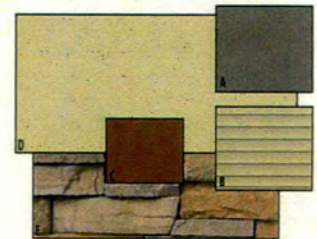
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WINDOW, TRIM & COLUMNS
- (B) ACCENT 2
5" LAP SIDING SIDING
- (C) ACCENT 3
DOOR & VENT
- (D) BODY
SHINGLE
- (E) BASE
STONE VENEER





Color Option Legend

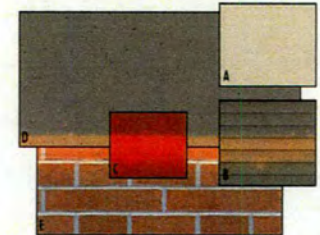
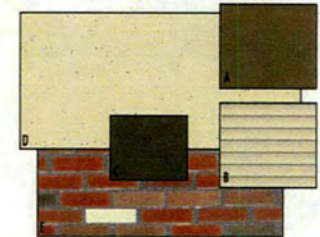
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- (B)** ACCENT 2
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- (C)** ACCENT 3
DOOR & SHUTTERS
- (D)** BODY
STUCCO SIDING
- (E)** BASE
STONE VENEER





Color Option Legend

- (A) ACCENT 1
WINDOW, TRIM & COLUMNS
- (B) ACCENT 2
5" LAP SIDING
- (C) ACCENT 3
DOOR
- (D) BODY
STUCCO SIDING
- (E) BASE
BRICK VENEER



Milbrandt Architects, Inc., P.S.
 25 Central Way, Suite 210, Kirkland, Washington 98033 Phone: 425-454-7130 Fax: 425-458-1708 Website: <http://www.milbrandtarch.com>

Polygon at Villebois
 Wilsonville, Oregon

Polygon Northwest Company

Cottage (English Revival)
 Front Elevation

Scale:
 1/4" = 1'-0"

Drawn by:
 RT/AF

Date:
 11-07-12

Date Plotted:
 11-07-12

Sheet No.

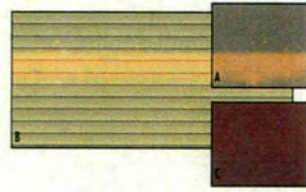
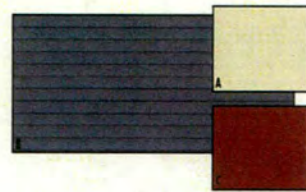
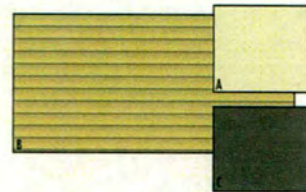
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Job No.:
 1119



Color Option Legend

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5" LAP SIDING SIDING
- Ⓒ **ACCENT 3**
DOOR & SHUTTERS





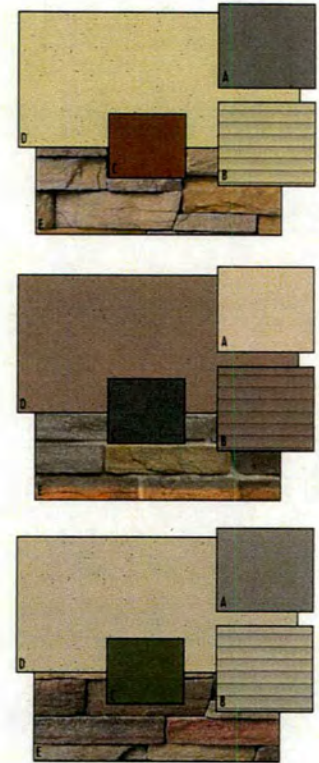
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WINDOW, TRIM & COLUMNS

(B) ACCENT 2
5" LAP SIDING SIDING

(C) ACCENT 3
DOOR & SHUTTERS
- (D) BODY**
STUCCO SIDING

(E) BASE
STONE VENEER





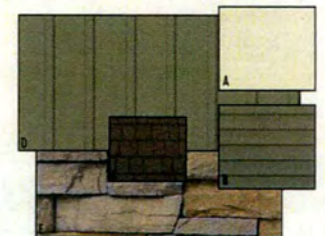
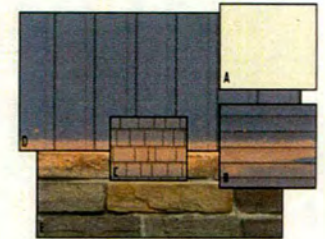
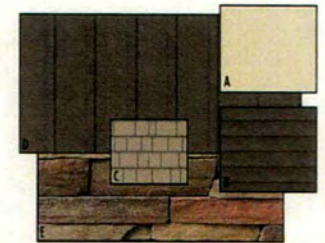
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(B) ACCENT 2
5" LAP SIDING

(C) ACCENT 3
DOOR & SHINGLE
- (D) BODY
BOARD & BATTEN

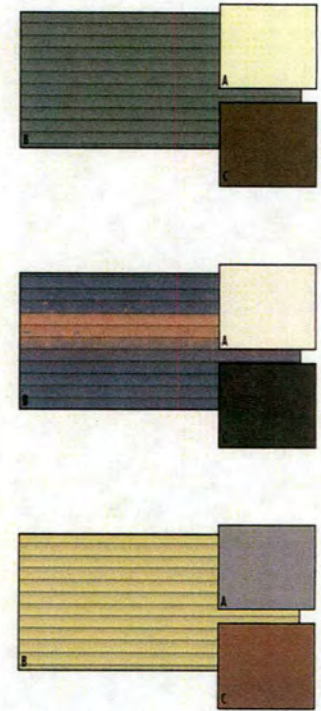
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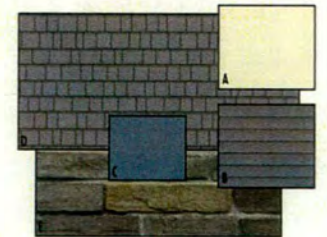
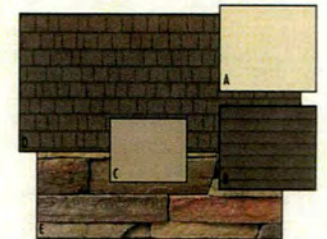
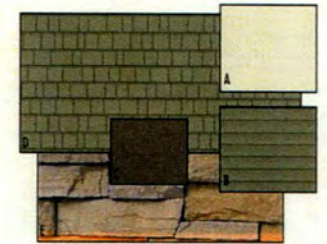
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- (B) BODY**
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- (C) ACCENT 2**
DOOR & SHUTTERS





Color Option Legend

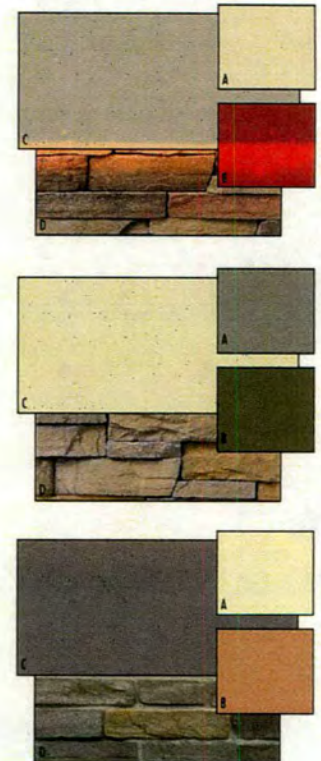
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WINDOW, TRIM & COLUMNS
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5" LAP SIDING SIDING
- (C) ACCENT 3
DOOR & VENT
- (D) BODY
SHINGLE
- (E) BASE
STONE VENEER





Color Option Legend

- A** ACCENT 1
WINDOW, TRIM & COLUMNS
- B** ACCENT 2
DOOR & SHUTTERS
- C** BODY
STUCCO SIDING
- D** BASE
STONE VENEER



Milbrandt Architects, Inc., P.S.
25 Central Way, Suite 210, Kirkland, Washington 98033 Phone: 425-454-7120 Fax: 425-456-1200 Website: <http://www.milbrandtarch.com>

Polygon at Villebois
 Wilsonville, Oregon

Polygon Northwest Company

Medium Detached (French Revival)
Front Elevation

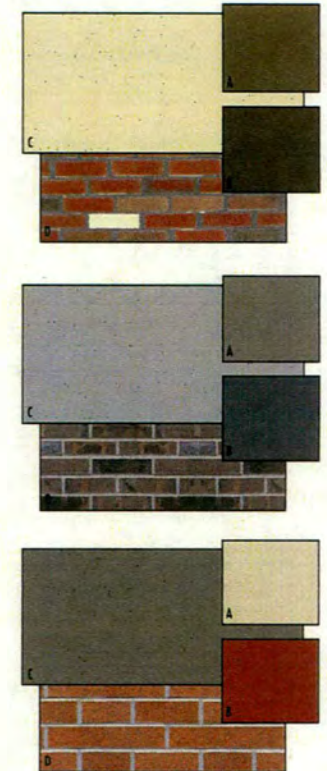
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Sheet No.:
11
 Job No.:
1119



Color Option Legend

- (A) ACCENT 1 WINDOW & TRIM
- (B) ACCENT 2 DOOR & VENT
- (C) BODY STUCCO SIDING
- (D) BASE BRICK VENEER



**EXHIBIT A
PLANNING DIVISION
STAFF REPORT**

VILLEBOIS VILLAGE SAP EAST PDP 3

**DEVELOPMENT REVIEW BOARD PANEL ' ___ '
QUASI JUDICIAL HEARING**

Public Hearing Date:

Date of Report:

Application Numbers:

**Request A: DB12-0042 SAP-East PDP-3E, Preliminary
Development Plan**

Request E: DB12-0046 Tentative Subdivision Plat

Request G: DB12-0048 FDP for Parks and Open Space

Property

Owners/Applicants:

PD = Planning Division conditions

BD = Building Division Conditions

PF = Engineering Conditions.

NR = Natural Resources Conditions

TR = SMART/Transit Conditions

FD = Tualatin Valley Fire and Rescue Conditions



City of Wilsonville

EXHIBIT C1 DB12-0042 et al

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 border="0" style="margin-left: 40px;"> <tr> <td>General Aggregate</td> <td style="text-align: right;">\$2,000,000</td> </tr> <tr> <td>Products-Completed Operations Aggregate</td> <td style="text-align: right;">\$2,000,000</td> </tr> <tr> <td>Each Occurrence</td> <td style="text-align: right;">\$2,000,000</td> </tr> <tr> <td>Fire Damage (any one fire)</td> <td style="text-align: right;">\$ 50,000</td> </tr> <tr> <td>Medical Expense (any one person)</td> <td style="text-align: right;">\$ 25,000</td> </tr> </table>	General Aggregate	\$2,000,000	Products-Completed Operations Aggregate	\$2,000,000	Each Occurrence	\$2,000,000	Fire Damage (any one fire)	\$ 50,000	Medical Expense (any one person)	\$ 25,000
General Aggregate	\$2,000,000										
Products-Completed Operations Aggregate	\$2,000,000										
Each Occurrence	\$2,000,000										
Fire Damage (any one fire)	\$ 50,000										
Medical Expense (any one person)	\$ 25,000										
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: <ol 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.	<p>Submit plans in the following format and order:</p> <ol style="list-style-type: none"> 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. 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.	<p>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>
PFA 8.	<p>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>
PFA 9.	<p>Applicant shall work with City's Natural Resources office before disturbing</p>

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 areasB) SCS Curve #94 for commercial areasC) 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.	<p>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.</p>
PFA 12.	<p>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.</p>
PFA 13.	<p>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.</p>
PFA 14.	<p>Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.</p>
PFA 15.	<p>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.</p>
PFA 16.	<p>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</p>

	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.	<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.</p>
Specific Comments:	
PFA 32.	Applicant shall enter into a development agreement with the City that describes construction responsibilities and SDC credits or reimbursements available for construction of Villebois Drive from Boeckman to the east side of Coffee Lake Drive and oversizing of water mains and sanitary sewer main line.
PFA 33.	Note that the City is currently forming a sanitary sewer reimbursement district that includes the tax lot where this proposed development is located.
PFA 34.	<p>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.</p> <p>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.</p> <p>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:</p>

<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
<p>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.</p> <p>This project is hereby limited to no more than the following impacts:</p>		
Net new P.M. peak hour trips		187
Trips through Wilsonville Road Interchange Area		60
PFA 35.	<p>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.</p> <p>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.</p>	
PFA 36.	<p>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.</p>	
PFA 37.	<p>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.</p>	
PFA 38.	<p>All construction traffic shall ingress and egress the project site via the existing 110th Avenue/Tooze Road streets or proposed Villebois Drive/Boeckman Road. No construction traffic will be allowed on Brown Road.</p>	
PFA 39.	<p>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</p>	

	from the development to Boeckman Road shall only be allowed from Villebois Drive via the roundabout.
PFA 40.	On Villebois Drive north of Coffee Lake Drive no on-street parking shall be allowed.
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.	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 44.	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 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.	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 47.	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 48.	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:

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.

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.

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.

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.

- | | |
|----------------|--|
| PFA 49. | 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 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, PDP 4, the Lowrie Primary School, Villebois SAP North PDP 1 Phase 1, and Villebois SAP Central PDP 1 and PDP 2. |
| PFA 51. | 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 52. | 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). |

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.

Engineering Division Conditions:

PFG 1.	The Villebois Village Master Plan has identified Regional Parks RP7 and RP8 as containing a major pathway. The applicant shall design and construct a major pathway as illustrated in the Villebois Master Plan and also provide the connecting major pathway to Boeckman Road. The major pathway shall be 12 feet in paved width within a 17-foot wide easement, and with 10-foot wide ADA ramps at the street crossings.
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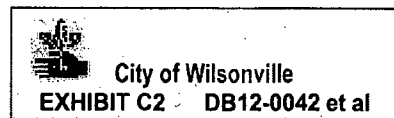
Development Review Template

DATE: 10/31/12
TO: DAN PAULY AICP, ASSOCIATE PLANNER
FROM: DON WALTERS
SUBJECT: DEVELOPMENT REVIEW # DB12-0042

WORK DESCRIPTION: TONQUIN MEADOWS VILLEBOIS PHASE 3 EAST

Building Division Conditions:

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 1-8, 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 1-8.



COMMUNITY DEVELOPMENT MEMORANDUM

To: Daniel Pauly, Associate Planner

From: Kerry Rappold, Natural Resources Program Manager

Date: October 31, 2012

RE: Villebois SAP E, PDP 3 – Tonquin Meadows (DB12-0042 and 0048)

This memorandum includes staff conditions of approval. The conditions are based on the Tonquin Meadows preliminary and final development plans. The conditions of approval apply to the applicant's submittal of construction plans (i.e. engineering drawings).

Stormwater Management

- NR1. 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.
- NR2. 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.
- NR3. 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.
- NR4. 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.

Rainwater Management Components

- NR5. 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.
- NR6. 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.

- NR7. 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.
- NR8. The rainwater management components shall comply with the requirements of the Oregon Department of Environmental Quality UIC (Underground Injection Control) Program.

Significant Resource Overlay Zone

- NR9. The Significant Resource Overlay Zone (SROZ) and its associated 25-foot Impact Area boundaries shall be depicted for the adjacent significant natural resources.

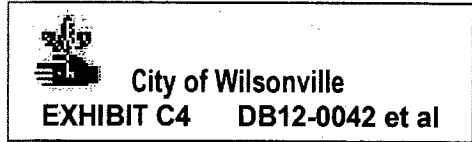
Other

- NR10. 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).
- NR11. 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.
- NR12. 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:
- 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.



October 28, 2012

Daniel Pauly, AICP, Associate Planner
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, Oregon
97070



Re: Villabois Phase 3 East, Case File DB12-0042 thru DB12-0048

Dear Mr. Pauly

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

- 1) **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1) *Waived at lots # 1 thru # 8 through the benefit of residential fire sprinklers.*
- 2) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (OFC 503.1.1) *Each new home to be afforded with an NFPA 13D fire sprinkler system. Please coordinate with the local water purveyor for appropriate water meter sizing.*
- 3) **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC D103.1)
- 4) **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6) *Post and restrict parking on both sides and throughout Tract B serving lots # 1 thru # 8.*
- 5) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1)
- 6) **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to IFC Appendix B. (OFC B105.2) *Prior to issuance of a building permit-vertical construction, provide evidence of a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 PSI residual pressure.*
- 7) **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in

an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1) **Provide a fire hydrant distribution plan for fire district review and approval. Composite Utility Plan (sheet 6) within the submittal does not reflect fire hydrant within the subdivision.**

- 8) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1.

Considerations for placing fire hydrants may be as follows:

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
- Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.

- 9) **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (OFC C102.1)

- 10) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)

- 11) **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6)

- 12) **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

- 13) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)

- 14) **PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1) **Provide a physical address visible from both directions of the approaching roadway. Due to limited site visibility and orientation to the access road, please provide a monument marker or similar addressing lots # 1 thru # 8. In addition, please provide a physical address above each garage door at lots # 1 thru # 8.**

- 15) **FIRE DEPARTMENT ACCESS TO EQUIPMENT:** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs. (OFC 509.1)

If you have questions or need further clarification, please feel free to contact me at 503-259-1404.

Sincerely,

Drew S. DeBois

Drew DeBois
Deputy Fire Marshal II/CFI

Copy:



**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 Dan Pauly, Associate Planner, AICP. 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 first 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 12.96 acres comprising the

eastern part of Villebois, which is south of Boeckman Road and between 110th Avenue and 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 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 would 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 - 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 12.96 - 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.

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 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 DB12-0050, 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 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 3rd 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
Exhibit F 110th roadway

**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) **ZONING ORDER DB12-0050**
Rezoning of Land and Amendment)
of the City of Wilsonville)
Zoning Map Incorporated in Section 4.102)
of the Wilsonville Code.)

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 12.96 acres comprising of Tax Lot 301 in Section 15 and Tax Lots 16400 and 16500 in Section 15DA, T3 s, 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 _____ day of December, 2012.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, MMC, City Recorder

Attachment 1: Legal Description

Attachment 2: Map depicting Zone Map Amendment

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°07'48", arc length of 105.40 feet, chord bearing of South 46°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°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°59'09", arc length of 30.61 feet, chord bearing of North 74°55'03" West, and chord distance of 30.33 feet;

thence continuing along said right-of-way line South 28°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°34'15" West, central angle of 62°53'20", arc length of 16.46 feet, chord bearing of South 29°59'05" East, and chord distance of 15.65 feet;

thence continuing along said right-of-way line, South 01°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°14'44", arc length of 131.67 feet, chord bearing of South 23°34'57" West, and chord distance of 128.42 feet;

thence continuing along said right-of-way line, South 45°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°57'44", arc length of 23.55 feet, chord bearing of North 89°18'49" West, and chord distance of 21.21 feet;

thence continuing along said right-of-way line, South 46°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°40'05" West, central angle of 92°24'52", arc length of 24.19 feet, chord bearing of South 01°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°58'38", arc length of 120.38 feet, chord bearing of South 55°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.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWES: 6/30/2013

N:\proj\395\Drawings\06 Survey\Exhibits\395011.Legal-Zone Change.dwg - SHEET: 1 Sep. 14, 12 - 1:10 PM tcj

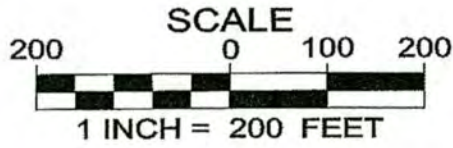
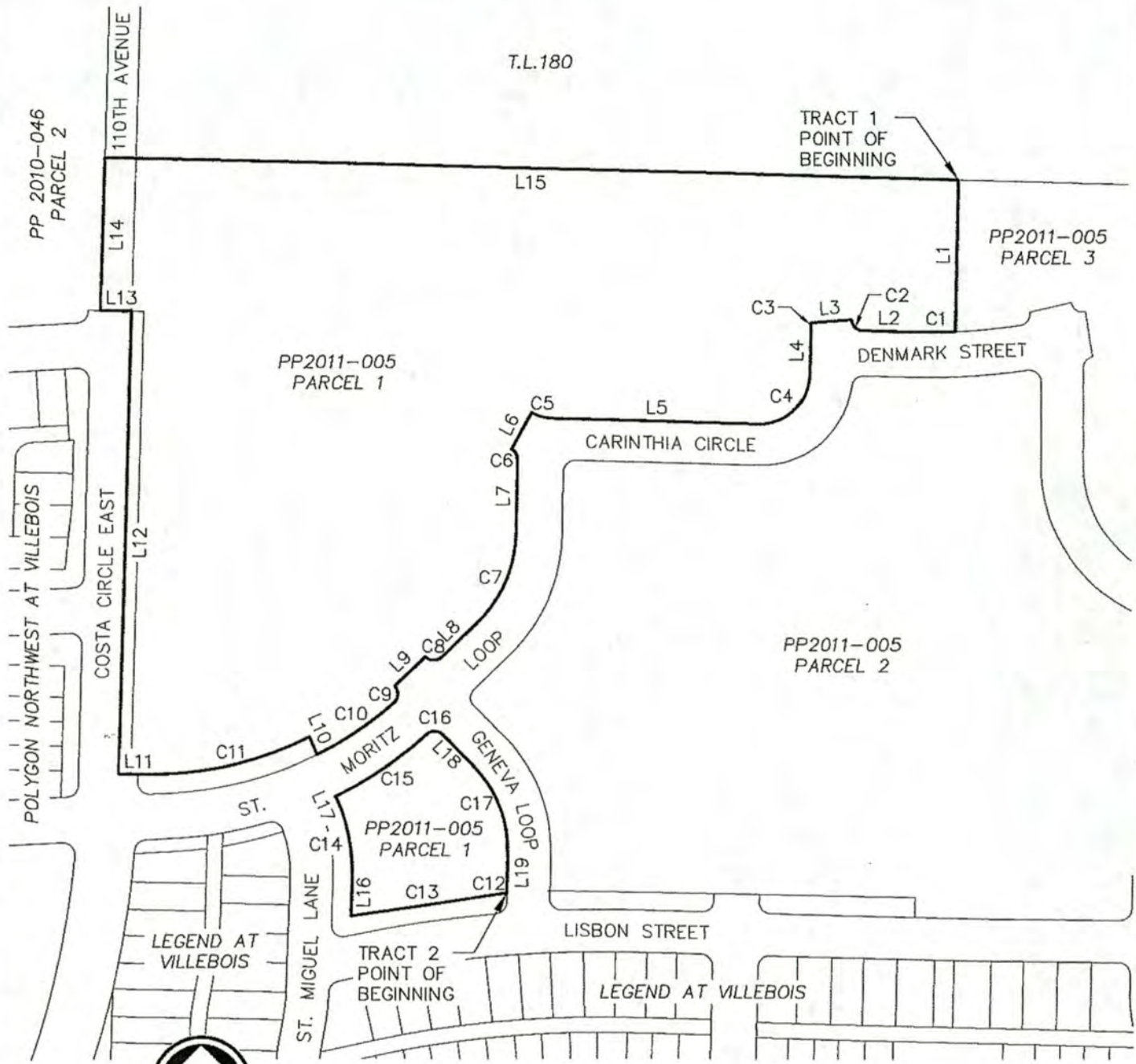


EXHIBIT "A"

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

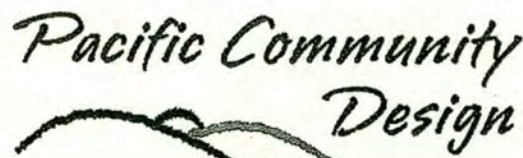
LINE TABLE		
LINE	BEARING	LENGTH
L1	S01°27'35"W	197.16'
L2	N88°24'37"W	64.94'
L3	S86°01'21"W	54.00'
L4	S01°27'35"W	61.00'
L5	N88°24'37"W	261.07'
L6	S28°34'33"W	54.00'
L7	S01°27'35"W	97.81'
L8	S45°42'19"W	61.79'
L9	S46°07'30"W	55.00'
L10	N23°49'42"W	25.04'
L11	N88°24'59"W	34.26'
L12	N01°35'01"E	603.88'
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: _____

 PAGE 6 OF 6

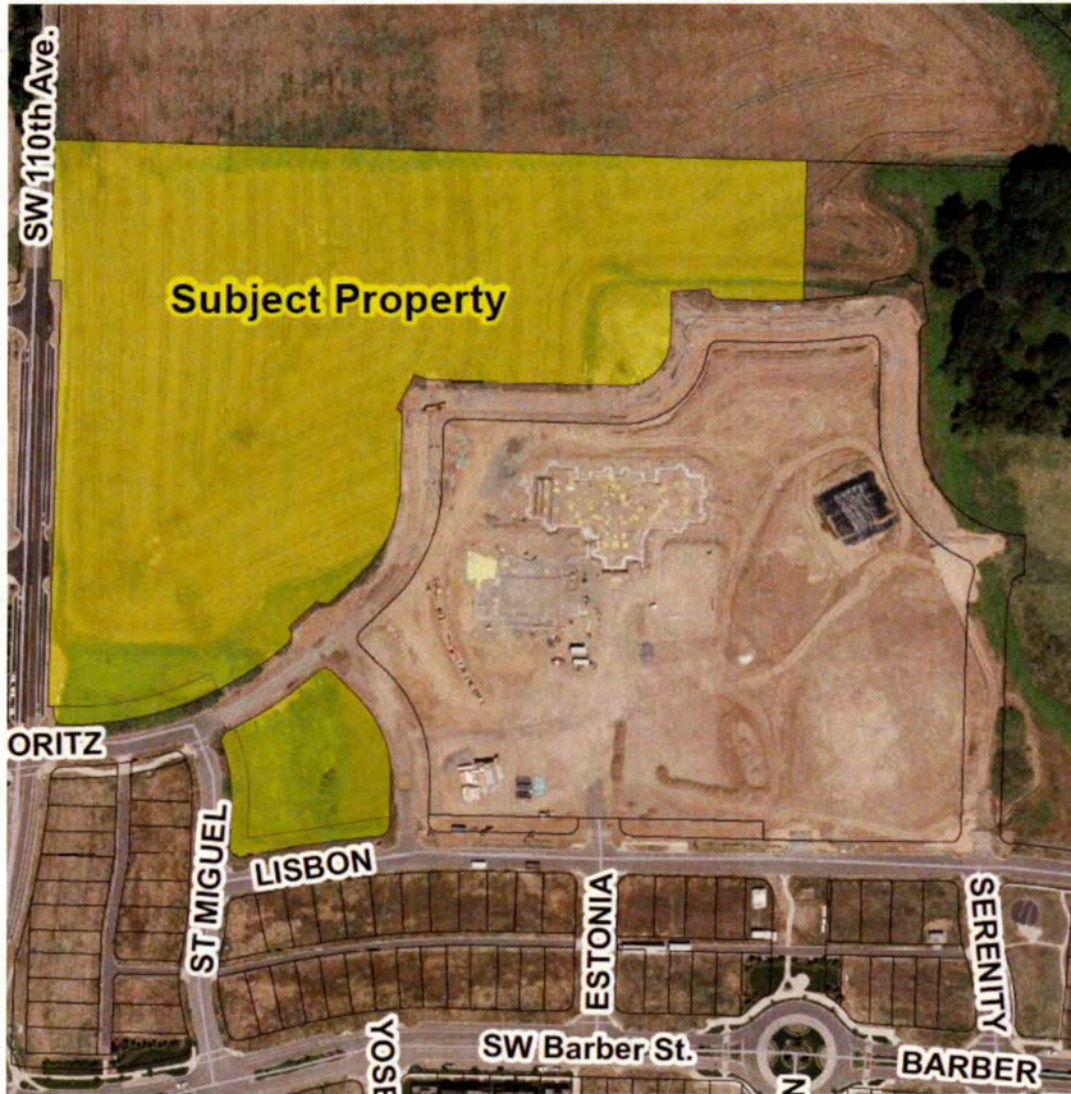


[T] 503-941-9484 [F] 503-941-9485

APPLICABLE REVIEW CRITERIA

<u>DEVELOPMENT CODE</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.033	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
<u>COMPREHENSIVE PLAN</u>	
Implementation Measure 4.1.6.a.	
Implementation Measure 4.1.6.b.	
Implementation Measure 4.1.6.c.	
Implementation Measure 4.1.6.d.	
<u>OTHER PLANNING DOCUMENTS</u>	
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.

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.

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)

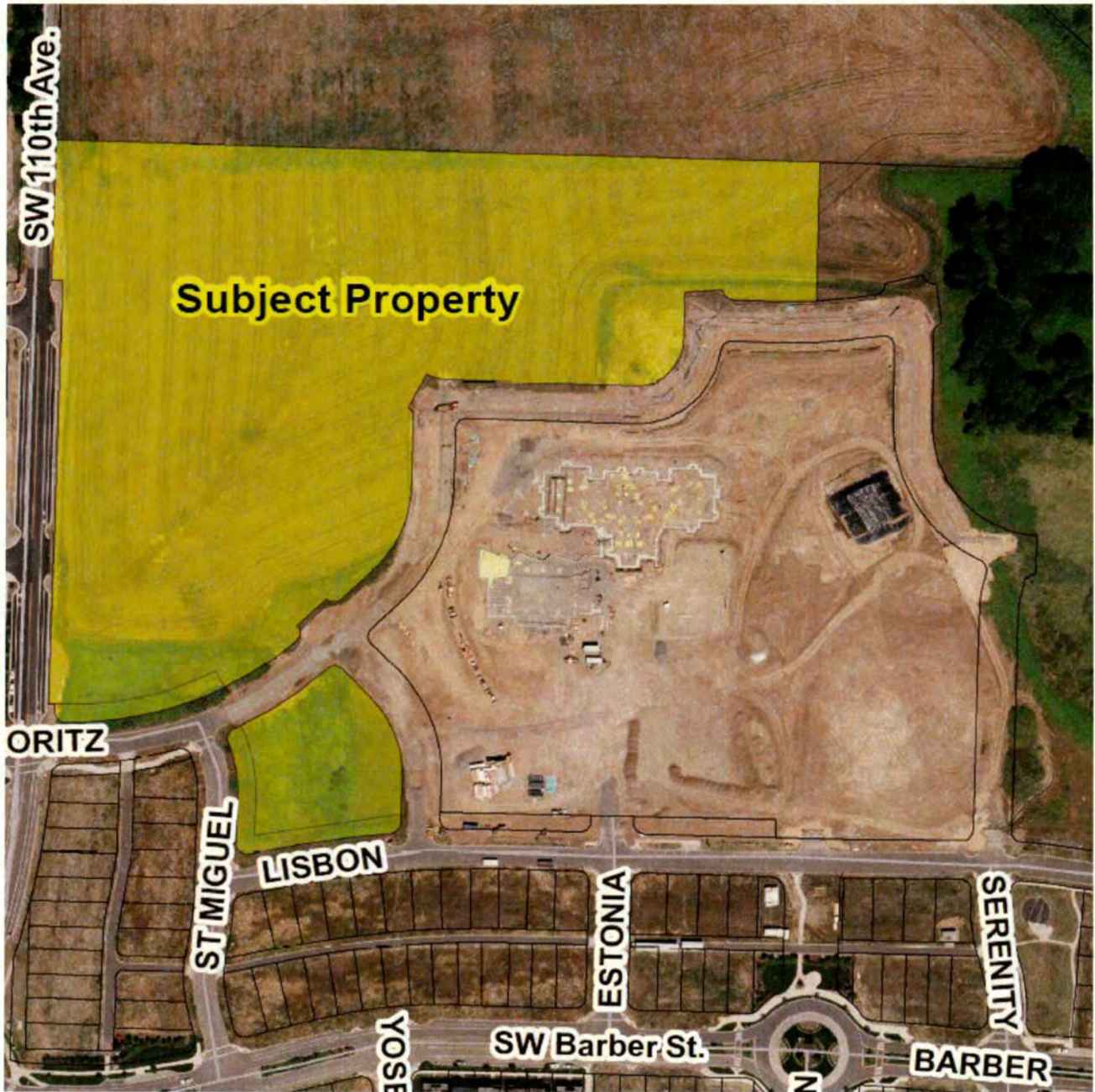
STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner
 Steve Adams PE, Interim City Engineer
 Kerry Rappold, Natural Resource Program Manager
 Don Walters, Building Plans Examiner

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

<u>DEVELOPMENT CODE</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.125	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
<u>COMPREHENSIVE PLAN</u>	
Implementation Measure 4.1.6.a.	
Implementation Measure 4.1.6.b.	
Implementation Measure 4.1.6.c.	
Implementation Measure 4.1.6.d.	
<u>OTHER PLANNING DOCUMENTS</u>	
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.

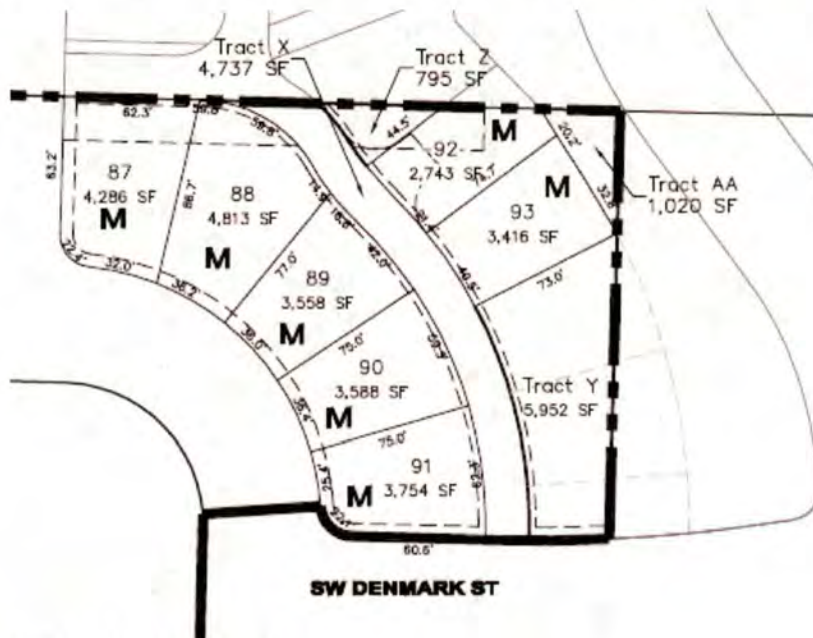
DISCUSSION TOPICS:

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

<u>Planning Division Conditions:</u>	
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. <u>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.</u> 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>\$ 25,000<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>\$2,000,000</u>	Fire Damage (any one fire)	\$ 50,000	Medical Expense (any one person)	\$ 25,000 <u>10,000</u>
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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 <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:

- 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.	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 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
 - VIIIB) 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 (%age) ^{10,18}	Max. Bldg. Height (ft.) ⁹	Front Min. (ft.)	Setbacks ^{10,13,20}			Alley-Loaded Garage (note)	Street-Loaded Garage (note)
								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 ³	15	NR	NR	NR	NA
Duplexes	4,000	45	70	2	60 ¹⁸	35	12 ^{3,8}	20 ⁸	5	5 ¹⁵	7	8,17,18
Single-Family Dwellings	2,250	35	50	2	60 ¹⁸	35	12 ^{3,8}	20 ⁸	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 façade 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.

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				
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) Assessor 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 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 29-41 Total (includes entire block to SW Month Blanc Ln.)	10 Small Detached 10 Total (plus lots in PDP 3E)
SW Carinthia Cir. SW Finland Ave. SAP Boundary	4-8 Small Attached 4-8 Total	5 Small Detached 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 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 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 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

- 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.

4-E

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

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)

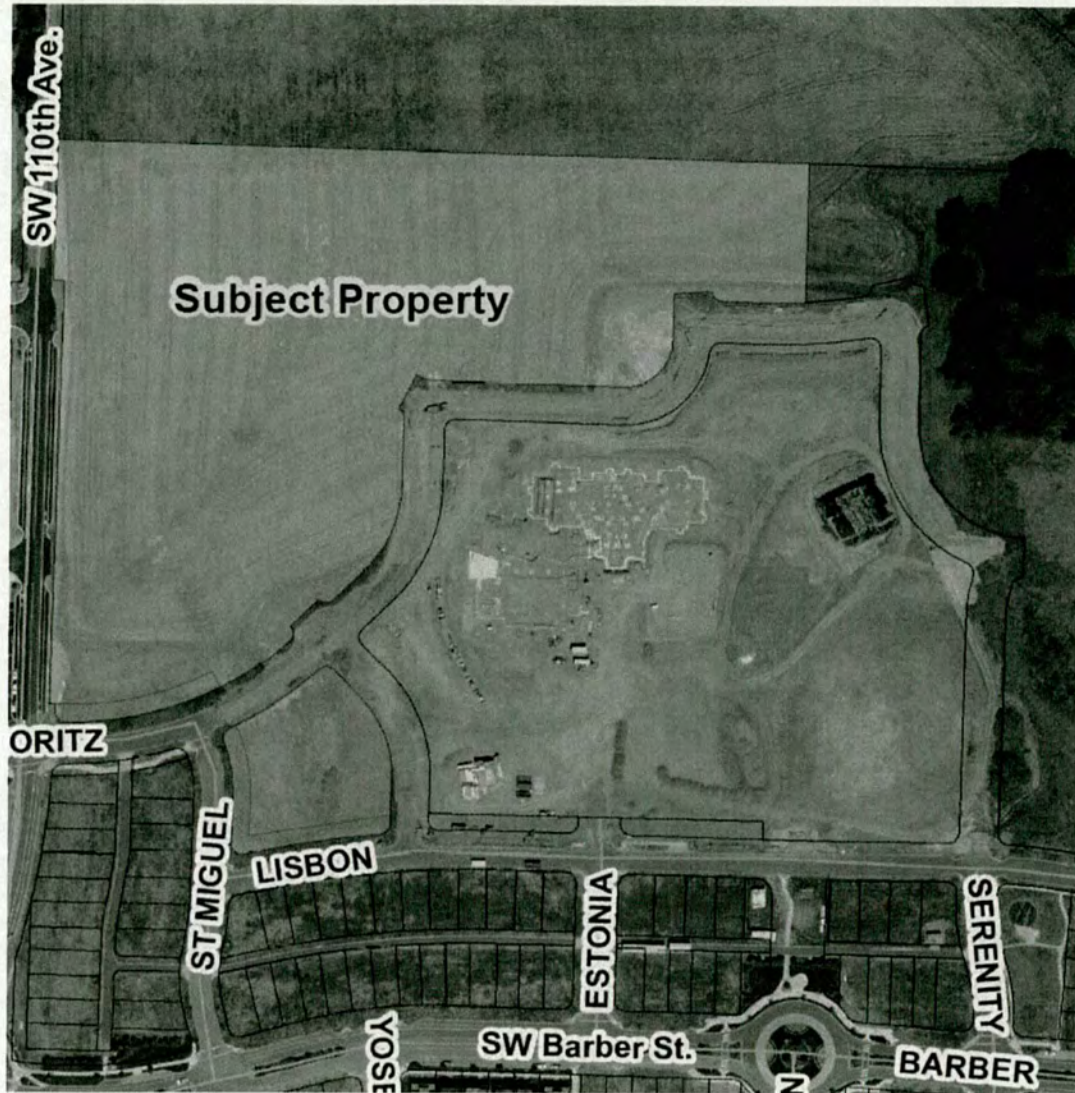
STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner
Steve Adams PE, Interim City Engineer
Kerry Rappold, Natural Resource Program Manager
Don Walters, Building Plans Examiner

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	

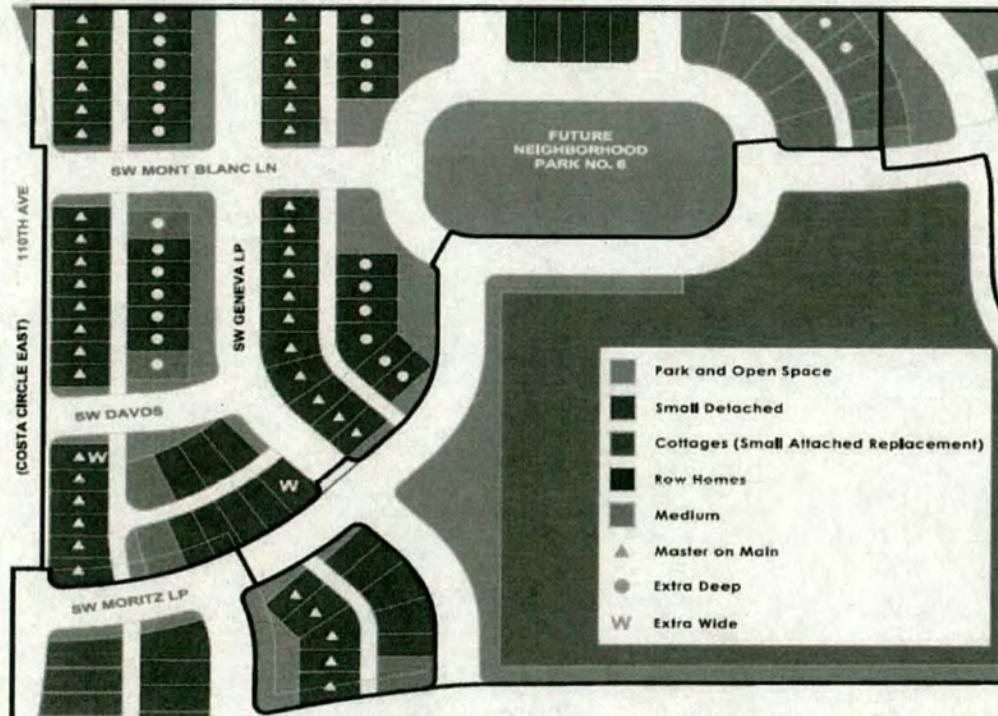
Vicinity Map



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 Sub-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.

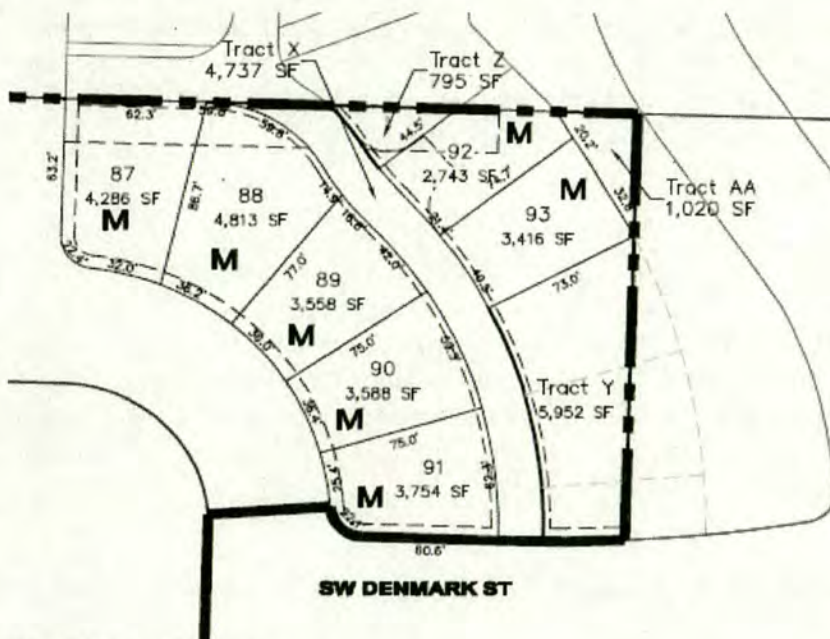
DISCUSSION TOPICS:

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

<u>Planning Division Conditions:</u>	
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.” 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>Fire Damage (any one fire)</td> <td>\$ 50,000</td> </tr> <tr> <td>Medical Expense (any one person)</td> <td>\$ 25,000</td> </tr> </table>	General Aggregate	\$2,000,000	Products-Completed Operations Aggregate	\$2,000,000	Each Occurrence	\$2,000,000	Fire Damage (any one fire)	\$ 50,000	Medical Expense (any one person)	\$ 25,000
General Aggregate	\$2,000,000										
Products-Completed Operations Aggregate	\$2,000,000										
Each Occurrence	\$2,000,000										
Fire Damage (any one fire)	\$ 50,000										
Medical Expense (any one person)	\$ 25,000										
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:										
	<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.
- 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

<p>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.</p> <ul style="list-style-type: none"> 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
<p>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.</p>
<p>PFA 12. Storm water quality facilities shall have approved landscape planted and/or some</p>

	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.	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.
	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 if located.
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
- 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

- IV A) Supporting Compliance Report
- IV B) Zone Change Map
- IV C) 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

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

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 ^{10,18} (%age)	Max. Bldg. Height ⁶ (ft.)	Setbacks ^{10,13,20}				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 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	17,18
Single-Family Dwellings	2,250	35	50	2	60 ¹⁶	35	12 ^{5,8}	20 ⁶	5	5 ¹⁵	7	17,18

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., (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.
 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 façade 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				
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.

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 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, 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-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 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 IIC 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 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 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 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

- 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 Criteria:** “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.

RESOLUTION NO. 2382

A RESOLUTION OF THE CITY OF WILSONVILLE 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

WHEREAS, Polygon Northwest Company, LLC (Polygon) is purchasing a certain parcel of land from the Fasano Family LLC and the DeArmond Family LLC (together referred to as Fasano/DeArmond); and

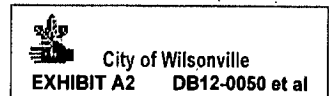
WHEREAS, this land was originally optioned by Matrix Development Corporation (Matrix) along with other land purchased and optioned by Matrix, all of which was subject to the Matrix Development Agreement for the development of all the property acquired and optioned. Due to a bankruptcy reorganization, the optioned land went back to the owners, including Fasano/DeArmond; and

WHEREAS, the City of Wilsonville (City), the Urban Renewal Agency of the City of Wilsonville (URA), and Polygon desire to enter into Addendum No. 5 to the Matrix Development Agreement to provide for the infrastructure for the proposed subdivision development by Polygon of the Fasano/DeArmond property into a 93 lot subdivision known as Special Area Plan East, Preliminary Development Plan 4 (SAP-E, PDP-4) of the amended Villebois Village Master Plan; and

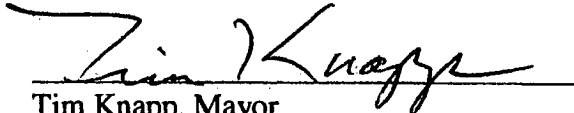
WHEREAS, Polygon has applied for subdivision development approval, in keeping with the amended Villebois Village Master Plan, and entry into this Addendum 5 will assist in developing the subdivision in an efficient and timely manner;

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

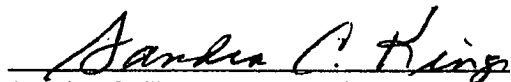
1. The recitals above are incorporated by reference as if fully set forth herein.
2. The City Manager is authorized to execute Addendum 5. to the Matrix Development Agreement on behalf of the City, a copy of which is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.
3. This resolution becomes effective upon the date of adoption.



ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof
this 5th day of November, 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	Yes
Council President Núñez	Yes
Councilor Goddard	Yes
Councilor Starr	Yes

Attachments:

Exhibit A – Addendum No. 5

**ADDENDUM NO. 5
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)**

THIS ADDENDUM NO. 5 ("Addendum 5") to the above captioned Development Agreement (hereinafter referred to as the "Matrix Development Agreement") is entered into this 5th day of November, 2012, by and between the City of Wilsonville ("City"), a municipal corporation of the State of Oregon, the Urban Renewal Agency of the City of Wilsonville ("URA"), a municipal corporation of the State of Oregon, Polygon Northwest Company, L.L.C. ("Polygon"), a Washington limited liability company. This Addendum 5 only applies to the City, the URA, and Polygon, and does not apply to the other parties to the Matrix Development Agreement. This Addendum 5 pertains to property referenced on the attached **Exhibit 1**, which is part of Special Area Plan East, Preliminary Development Plan 4 (hereinafter referred to as "SAP-E, PDP-4") and is currently owned by Fasano Family LLC, as successors to Louis J. and Margaret P. Fasano, and DeArmond Family LLC (together referred to herein as "Fasano/DeArmond").

RECITALS:

1. The Villebois Master Plan is a land use plan regulating the development of approximately 500 acres of a planned, mixed use community of internal commercial and a mix of 2,600 residential uses, with trails, parks, and open spaces, supported by \$140 million in infrastructure. In approximately June 2004, for the purposes of developing 655 home sites within the Villebois Master Plan area, Matrix Development Co. ("Matrix") acquired certain land interests in approximately 150 acres of land east of 110th Street, known under the Villebois Master Plan as SAP-E, and entered into the 2004 Development Agreement set forth in the title above (known as the "Matrix Development Agreement"). However, due to a bankruptcy reorganization, Matrix now only retains a portion of the property known as SAP-E, PDP-1. Matrix has transferred its interest in the remainder of the SAP-E property to the respective owners, namely: to Wachovia Financial ("Wachovia") and Redus OR Lands, Inc. ("Redus"), that portion of the property which is known as SAP-E, PDP-2; to Donald E. Bischof and Sharon L. Lund ("Bischof/Lund"), that portion of the property which Polygon has an option agreement to purchase and subsequently intends to develop, known as SAP-E, PDP-3; and to Fasano/DeArmond, that portion of the property known as SAP-E, PDP-4.

2. Redus is an entity formed to hold Oregon lands which Wachovia had financed, had security interests in to secure the repayment of its financing, and had received the land either by foreclosure or in lieu of foreclosure. Subsequently, Wachovia and its interests have been acquired by Wells Fargo, a national banking institution.

3. Polygon has entered into a purchase and sale agreement to purchase a portion of the property affected by and included in the Matrix Development Agreement, which is currently owned by Fasano Family LLC and DeArmond Family LLC and is known as SAP-E, PDP-4 (the "Fasano/DeArmond Property"). The Fasano/DeArmond property is described on the attached **Exhibit 1**. The City, the URA, and Polygon wish to clarify certain respective obligations under the Matrix Development Agreement that pertain to the Fasano/DeArmond property if Polygon acquires the Fasano/DeArmond property and Polygon receives its requested approvals for the development of SAP-E, PDP-4, as generally shown on the attached **Exhibit 2** (the "Site Plan"). The Site Plan contemplates 93 lots being developed on the Fasano/DeArmond property by Polygon.

4. Terms not specifically defined herein shall be as defined in the Development Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the City, the URA, and Polygon agree as follows:

TERMS AND CONDITIONS:

1. **Condition Precedent.** Polygon hopes to acquire the Fasano/DeArmond Property much earlier than December 31, 2014. However, as a condition precedent to the implementation of this Addendum 5, Polygon must purchase the Fasano/DeArmond Property on or before December 31, 2014. In the event Polygon does not purchase the Fasano/DeArmond Property by December 31, 2014, this Addendum 5 shall become null and void unless the parties otherwise mutually agree, in writing.

2. **Supplemental I-5/Wilsonville Street Fee.** Polygon, as the developer of PDP-4, shall pay a supplemental I-5/Wilsonville Road street SDC of \$690 per DU at issuance of the building permit for each lot within PDP-4E. This supplemental street SDC is separate and apart from the basic street SDC and is not intended by the parties hereto to be a part of any street SDC credit or street SDC credit calculation that is set forth in this Agreement. The total supplemental street SDC to be paid by Polygon for the proposed 93 lots at \$690/DU is \$64,170.

3. **South Portion of Regional Park 8 and Neighborhood Park 6.** Polygon desires to have Neighborhood Park 6 constructed in its initial development phase of the Fasano/DeArmond property, and Polygon is willing to design and construct Neighborhood Park 6 for an estimated \$427,986 (the current basic rate of \$4,602 times 93 lots). Therefore, for designing and constructing Neighborhood Park 6, Polygon shall receive a credit against the basic fee in the amount of final actual costs, which shall be capped at \$427,986 in total. If the final actual amount is less \$427,986, then the remaining park fee amount shall be paid to the City. If the amount is greater than \$427,986, it shall be at Polygon's expense. Additionally, Polygon shall pay a \$1,071 per lot park fee as and for contribution to design and construction of the remainder of Regional Park 8 on the Redus property. The maintenance of Neighborhood Park 6 shall be the responsibility of Polygon or such successor Homeowners Association as Polygon shall provide. In the event Polygon should acquire the Redus property for development and

design and construct the remainder of Regional Park 8, then the City would be willing to renegotiate the \$1,071 per lot park SDC charge.

4. **Miscellaneous Parks: Linear Greens (LG) 11 & 12, and Pocket Park (PP) 11.** These green spaces and park are on the Fasano/DeArmond property. The new greens and the park are located and described on the Revised Villebois Master Parks Plan, which Polygon has a copy of. Polygon will design and construct Linear Greens (LG) 11 & 12 and Pocket Park (PP 11) at its sole expense.

5. **Reimbursement District for the Coffee Lake Drive Sewer Line.** In constructing the grade school and associated fields, the City constructed a 15-inch sewer trunk line within the future right of way of Coffee Lake Drive between slightly south of Barber Street north to the Bischof/Lund southern property line. While this sewer line segment is needed to serve the school site, it is being sized for additional future residential development and with the understanding that a Coffee Lake Sewer Utility Reimbursement District would be formed and that benefited parties will be subject to reimbursement of proportionate costs upon development. The estimate of costs subject to reimbursement is \$22,199.67, together with such interest as may be established with the adoption of the Reimbursement District, and is also identified in **Exhibit 3** to this Agreement, which cost Polygon shall pay on or before the issuance of any public works or building permit.

6. **Reimbursement District for Local Roads, Waterline, Storm Lines, and Sewer Line Laterals To Be Constructed as a Part of the School Site Development.** The school site development included the construction of local roads, water lines, storm lines and sewer line laterals, some of which were oversized and benefit future development on the remaining Fasano/DeArmond property. This project is just completing and the School District will be applying to form a Reimbursement District. The City entered into a Development Agreement with the West Linn-Wilsonville School District to apportion these costs, based initially on estimates that were described in Exhibit E to the Purchase and Sale Agreement between the Urban Renewal Agency and Fasano/DeArmond, subject to a true-up with final, actual costs. To fairly apportion the final costs, the Development Agreement provides for the formation of a Road and Utility Reimbursement District wherein each benefited property pays its proportionate cost of the development. The proportionate costs to the Fasano/DeArmond property shall equal \$291,657.25, together with such interest as may be established with the adoption of the Reimbursement District. The Reimbursement District will be adopted at a public hearing and Polygon, by executing this Addendum 5 and, if Polygon purchases the Fasano/DeArmond Property from Fasano/DeArmond, is agreeing to be responsible for paying such final amount and the interest thereon on a per-lot basis at time of building permit issuance.

7. **Master Planning Fee.** The Matrix Development Agreement for SAP-E provides that the developer will pay a master planning fee of \$900 per lot, \$690 to the master planner, Costa Pacific Communities, and \$210 to the City, subject to an annual increase made per the Seattle Construction Cost Index. Polygon is subject to paying the master planning fee, which is currently, for fiscal year 2012-13, a total of \$1,027, with \$787 to Costa and \$240 to the City. The total current estimate for the 93 lots is \$95,511.

8. **SDC Credit Calculations.**

8.1. **Included Costs.** The standards for calculating the costs of constructing infrastructure, including both soft and hard construction costs, are standards known to the City and Polygon, and have been used for the calculations herein and against which SDC credits are calculated. The Matrix Development Agreement addresses the respective SDC and SDC credit calculations and is to be followed, except as may otherwise be specifically set forth in this Addendum 5. A series of tables of SDCs, as currently calculated but subject to future annual adjustment, are provided in **Exhibit 3**.

8.2. **Excluded Costs.** The parties to this Addendum 5 agree that the various infrastructure costs and SDC credit calculations shall not include the cost of any property or any easement, right of entry, or license for any property necessary to be dedicated to or otherwise transferred by any of the respective parties to this Addendum 5 to the City for the infrastructure improvements, including parks, provided for in this Addendum 5 and which shall be provided to the City without cost to the City.

8.3. **Final Estimates and True Up.** In order to secure a public works permit for the infrastructure provided for herein, plans for the construction of the infrastructure, including parks, must be provided to and approved by the City. In constructing the infrastructure, the approved plans must be followed and, to ensure the cost for providing the infrastructure is reasonable, and thus any credit entitlement is reasonable, Polygon shall provide the construction contract costs to the City as the final estimate for the City's review and approval, which approval shall not be unreasonably withheld. The final cost and SDC credits shall be based on actual costs true-up from the construction contract costs; provided, however, that for any such true-up change cost, the parties must mutually agree they are reasonable.

8.4. **Insurance and Bonds.** As a precedent to receiving SDC credits and prior to commencement of construction of the infrastructure set forth in this Addendum 5, Polygon shall provide to the City performance and payment bonds satisfactory to the City to provide for the respective infrastructure set forth in this Addendum. Polygon shall cause the City to be an additional endorsee on the applicable contractor's insurance policy for the construction of the respective infrastructure provided for in this Addendum in amounts and coverage satisfactory to the City.

9. **Recitals Incorporated.** The recitals set forth above, inclusive of exhibits, are incorporated by reference as general terms of this agreement to provide for the intent of the parties in developing and constructing the specific provisions of the Terms and Conditions of this Addendum No. 4 Agreement.

10. **Miscellaneous.** This Addendum 5 amends the Matrix Development Agreement as specifically set forth herein in Addendum 5. Except as set forth in Addendum 5, the Matrix Development Agreement remains in full force and effect as to the parties to this Addendum 5.

11. **Assignment.** Polygon shall have the right to assign, without release, this Addendum 5 to an affiliate of Polygon including Polygon at Villebois, L.L.C. An affiliate of

Polygon is defined as any entity that is managed or controlled by the same people who manage Polygon.

12. **Notices.** All notices, demands, consents, approvals, and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States Mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail, or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machine, such notice shall be deemed given at the time and on the date of machine transmittal.

To City: Michael E. Kohlhoff, City Attorney
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville OR 97070

To Polygon: Fred Gast, President
Polygon Northwest Company
109 E. 13th Street
Vancouver WA 98660

With a copy to: Radler White Parks & Alexander LLP
Attn: Barbara Radler
111 SW Columbia Street, Suite 1100
Portland, OR 97201

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first written above.

CITY OF WILSONVILLE

POLYGON NORTHWEST COMPANY, L.L.C.

By: 
Bryan Cosgrove
As Its: City Manager

By: _____

THE URBAN RENEWAL AGENCY
OF THE CITY OF WILSONVILLE

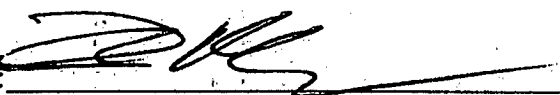
By: 
Bryan Cosgrove
As Its: Executive Director

EXHIBIT 1

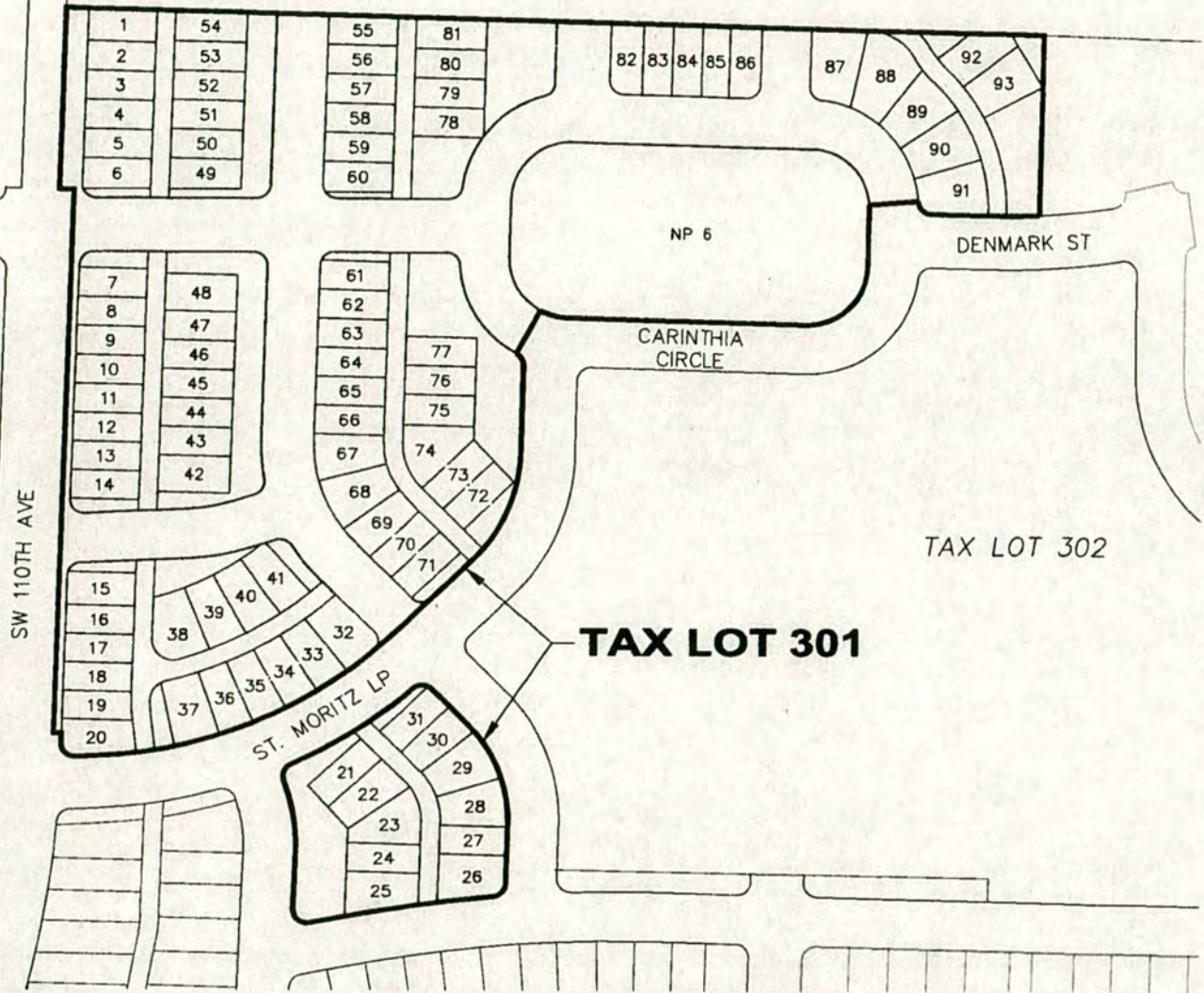
LEGAL DESCRIPTION OF FASANO/DeARMOND PROPERTY

Parcel 1, PARTITION PLAT NO. 2011-005, recorded February 1, 2011 at Fee No. 2011-007578, in the City of Wilsonville, County of Clackamas and State of Oregon.

and

Tract "DD" and Tract "EE" LEGEND AT VILLEBOIS, recorded January 19, 2007 as Plat No. 4101, City of Wilsonville, County of Clackamas, and State of Oregon.

TAX LOT 180



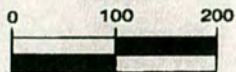
TAX LOT 302

TAX LOT 301

EXHIBIT 2 - SITE PLAN



SCALE



1 INCH = 200 FEET

DRAWN BY: PRE DATE: 10/26/12

REVIEWED BY: JBL DATE: 10/26/12

PROJECT NO.: 395-011

SCALE: 1" = 200'



[T] 503-941-9484
[F] 503-941-9485

N:\proj\395-011\Drawings\03 Planning\Exhibits\395011.Boundary Exhibit.dwg - SHEET: EXHIBIT 2 Oct. 26, 12 - 10:57 AM

Supplemental I-5/Wilsonville Road Fee

pay supplemental fee for 93 lots at \$690/DU (\$64K).

Fee	Rate	Units	Cost
I-5/Wilsonville Rd	93	690	64,170
Total			64,170

Coffee Lake Drive Sewer Improvement - 2077

Polygon to pay reimbursement district fee (22K).

	Project Cost	Percent	Cost
Total Reimb.	597,143	3.718%	22,199.67

Master Plan Fee

Pay fee amount (\$96K)

Fee	Units	Rate	Cost
MP Fee (Costa)	93	787.00	73,191
MP Fee (City)	93	240.00	22,320
Total	93	1,029	95,511

South Portion Regional Park 8 and Neighborhood Park 6

Polygon to build park(\$428K max), pay supplemental park fee (\$99K), take credit of construction cost (\$428K max) against standard park fees (\$428K)

Item	Area (ac)	price per ac	Cost
NP 6	1.64	260,967	427,986
Total			427,986

\$481,715 per parks master plan

School Reimbursement District

Polygon to pay its portion of reimbursement district (\$237K)

Item	Cost	quant.	Cost
por. Reimb. District	291,657.25	1	291,657.25
Total			291,657

Misc. Linear Greens (LG-11 & 12) and Pocket Parks (PP-11)

Polygon to build those portions with the project limits, no SDC credits

Storm Quality SDC Fee

Polygon to build onsite/offsite facilities, pay no storm Quality SDC Fee

Storm Quantity SDC Fee

Polygon to pay fee (\$72k)

SDC Fees

Fee	Amount	Fasano		comments
		Units	Cost	
Sewer	4,153	93	386,229.00	
Coffee Lake Sewer Reimbursement	22,199.67	1	22,199.67	
School Reimbursement District	291,657.25	1	291,657.25	
Water	4,736	93	440,448.00	
Storm Quality	0	93	0.00	
Storm Quantity	780	93	72,540.00	
Roads	6,340	93	589,620.00	
I-5/Wilsonville road	690	93	64,170.00	
Parks	4,602	93	427,986.00	
Supplemental Park Fee	1,071	93	99,603.00	
Master Plan	1,027	93	95,511.00	
Total	337,256	93	2,489,963.92	

not including:

school construction Excise tax

Metro Excise tax

all fees expected to raise annually in July. These are current as of 7/1/12



October 9, 2012

RECEIVED
OCT 10 2012
BY: *[Signature]*

Blaise Edmonds & Dan Pauley
City of Wilsonville, Planning Dept.
29799 SW Town Center Loop East
Wilsonville, OR 97070

RE: DB12-0050 through DB12-0055: Polygon Northwest Company
"Tonquin Meadows No. 2" (Phase 4 East, Villebois)

Dear Blaise & Dan:

This letter and the attached items are provided in response to your 10/01/12 Incomplete Notice Letter stating that the application was not complete. The following is a listing of our responses to the items listed in the 10/01/12 Incomplete Notice Letter.

1. The property owner has signed the application form (original attached to this letter), a copy of which has been added to Section IB of the Notebook.
2. The plans have been revised to include information regarding curb extensions, street trees, sidewalks, streets, and lots/lot lines within 50 feet of the proposed PDP perimeter.
3. Given the topography of the site and the surrounding conditions of improvements built with Lowrie Primary School, Phase 1 East and Phase 6 South, the proposed development does not have alternatives to the provision of street grades greater than 8%. Preliminary approval of the City Engineer has been requested for this, a copy of which will be provided to Staff during the review process. The City Engineer's formal approval will occur later with construction plan review and approval. The Applicant anticipates a condition of approval to this effect.
4. Information has been added to the plans to illustrate the following, with the exception of 4.d):
 - a) How split grading on Lots 1-20, 39-41, 21-25 & 55-71 will relate to the homes on these lots;
 - b) Lots 23 & 74 have been reclassified as Smalls; and
 - c) How functional garage aprons and driveways can be built to serve homes with vehicle access from Tracts A, F and P;
 - d) Page B 8 of the Pattern Book is labeled 'Building Placement at Typical Slope Conditions.' This page shows that homes on split grade lots, whether uphill or downhill, are expected to continue the same exterior siding on the walls extending below the main floor. This page shows that there will not be exposed concrete or

retaining walls in these areas. Homes on split grade lots within PDP 4E will comply the uphill building portion of the 'Building Placement at Typical Slope Conditions' on Page B 8 of the Pattern Book.

- e) Steps will be provided on some private lots and a detail has been added to show how this will work. Rails will be provided on private lots with steps. A photo is attached to this letter to show the railing that will be used (railing already in use in Phase 6 South).
 - f) How access paths will be provided to lots adjacent to linear green tracts. Steps within linear green tracts will have no more than 3 steps then a landing as shown in the detail added to the Preliminary Grading Plan.
5. The number of lots stated in the Narrative (93) is correct. The fee calculation has been revised to list the correct number (NOTE: Formula was previously copied from another application without correcting for lot number - 189 lots). Additionally, the SAP Amendment has been removed (see Response #8, below). Fee calculation now shows the total amount due as \$13,347.20. Polygon paid \$17,526.40, thus, they should be refunded \$4,179.20.
 6. Temporary alley turnaround have not been added for Tracts A, P and X as these tracts are adjacent to PDP 3E which Polygon plans to develop in conjunction with PDP 4E. Temporary alley turnarounds are not anticipated to be needed for Tracts A, P and X.
 7. The Traffic Report has been added to Section IID of the Notebook.
 8. This phase has been designed to meet the SAP South Architectural Pattern Book. An SAP Amendment is included with PDP 3E that requests the use of the SAP South Architectural Pattern Book for PDP 3E and PDP 4E. Since the applications associated with PDP 3E now include an SAP Amendment addressing Pattern Book usage for both PDP 3E and PDP 4E, the separate SAP Amendment request with PDP 4E is now being withdrawn.
 9. See Response #10, above.
 10. The current FDP does not include Neighborhood Park 6 and cannot include its design at this time. The Development Agreement for this phase is still under preparation and is expected to result in clarification of the intended nature of this park. Design of this park may require involvement of the Parks Board and the community to resolve the programming of this park. Polygon will submit an FDP modification when sufficient clarity exists on the nature and programming of NP-6 to complete design for an FDP.

The following is a listing of our responses to the issues listed on Page 3 of the 10/01/12 letter.

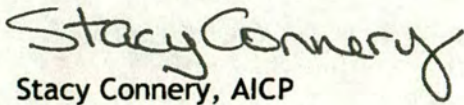
- The plans have been revised to comply with minimum lot widths and areas.
- The plans and narrative have been corrected to accurately label and tally Small and Medium lots.

- When sidewalks are provided within tracts, a public access easement will be granted over the entirety of the tract. This has typically occurred with the final plat for each phase.
- The plans have been revised to include information showing the relationship of lots and tracts along the northern and eastern property lines to illustrate future development potential when combined with tracts in PDP 2E or PDP 3E.

Ten (10) copies of the updated Notebook and plan sets, as well as 10 CD's including digital copies of the reports and plans, are provided. With this resubmittal, Polygon requests that the application be accepted as complete and processed. Polygon requests that PDP 3E and PDP 4E both be scheduled for first DRB hearing date in November.

If you have any questions regarding these materials please give me a call at (503) 828-5052. Thank you for your ongoing assistance during the review of this request.

Sincerely,
Pacific Community Design, Inc.


Stacy Connery, AICP

cc: Fred Gast, Polygon Northwest Company





Page 10



MEMORANDUM

DATE: October 24, 2012
TO: Dan Pauly, City of Wilsonville
FROM: Stacy Connery
RE: Housing Mix for PDP 3E & PDP 4E - Updated Plans

This Memo is provided with the updated plans for PDP 3E and PDP 4E to address how the housing mix complies with the applicable standards for refinements of mix of land uses and density of subsections 4.125(.18)J.1.iv and v. 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.

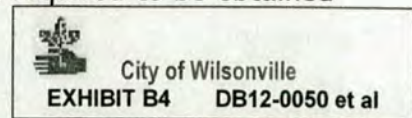
The proposed land use mix includes Row Houses along Villebois Drive as shown in the SAP, Mediums in the easternmost portion of these phases as shown in the SAP and both Small Detached and Cottages in the intervening blocks where Small Detached and Small Attached are shown in the SAP. The Cottages are a narrower Small detached house and are proposed in place of the Small Attached shown in the SAP. The Small Attached included a requirement that a percentage of this category be detached, while the remainder could be minimally attached at the garage. The Cottages are proposed to be detached and narrower in width than the 'Small Detached' category.

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.

The table below shows the number of units in each land use category currently within SAP East and the number of units in the SAP with the proposed refinements as well as the percent change in each aggregate land use category.

Table with 4 columns: Land Use Category, Current Unit Count in SAP E, Proposed Unit Count in SAP E, and % Change. Rows include Medium/Standard/Large/Estate, Small Detached/Small Attached/Row Homes/Neighborhood Apt., and a Total row.

The proposed refinements do not exceed the 10% standard. This proposal results in a total of 2,538 units within Villebois. This is above the density of 2,300 units required to be obtained across Villebois, meeting the refinement criteria.

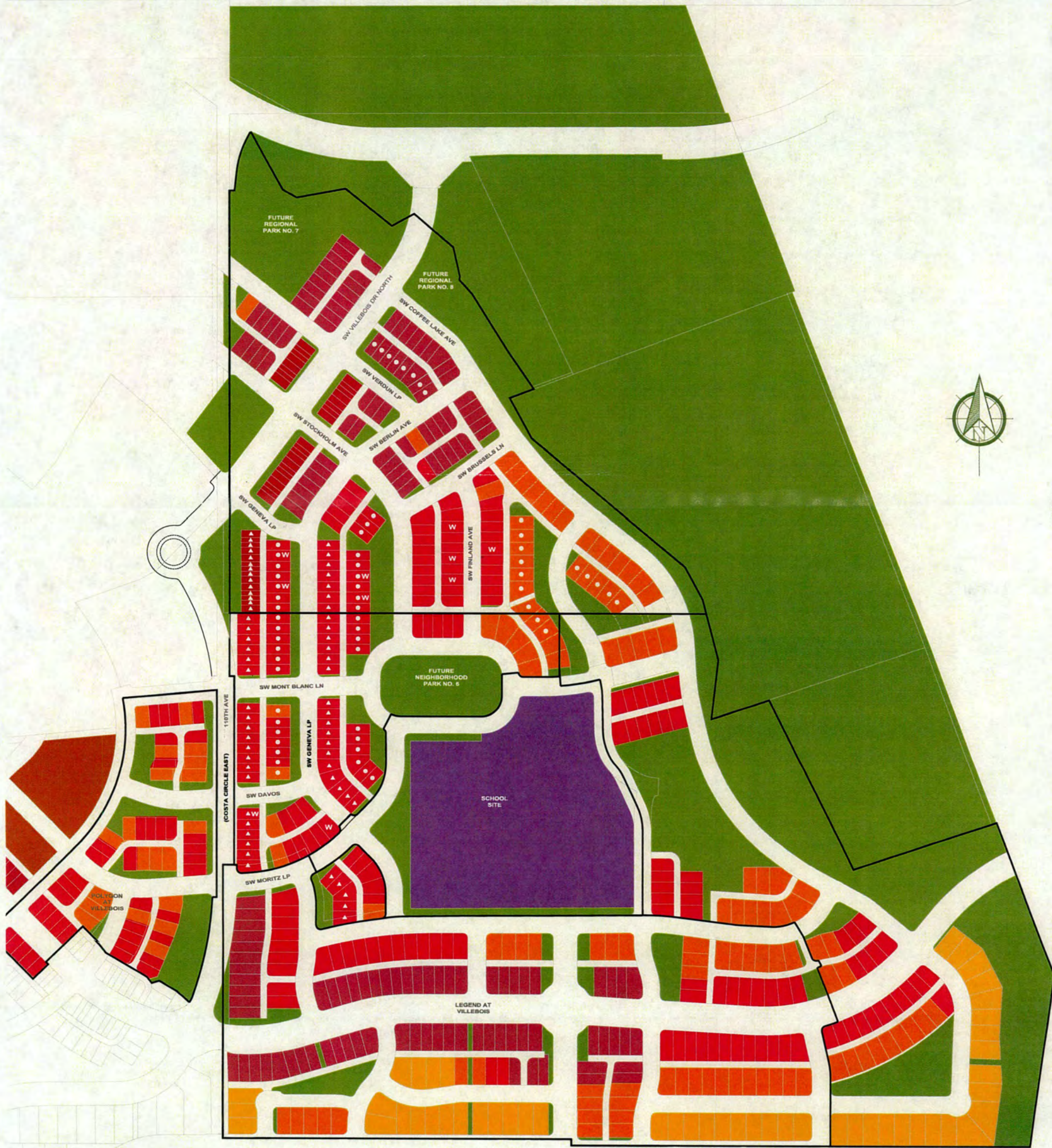


TONQUIN MEADOWS NO 1 & 2 | Site Map

**Proposed Tonquin Meadows No. 1 Development
(Lund Property)**
 Row Homes - 42
 Small Detached Lots - 59
 Cottages - 75
 Medium Lots - 29
 Total - 205

**Proposed Tonquin Meadows No. 2 Development
(Fasano Property)**
 Row Homes - 0
 Small Detached Lots - 81
 Cottages - 0
 Medium Lots - 12
 Total - 93

- Park and Open Space
- Small Detached
- Cottages (Small Attached Replacement)
- Row Homes
- Medium
- ▲ Master on Main
- Extra Deep
- W Extra Wide



Page 36 of 119

Polygon at Villebois Sales Center
 29027 SW Costa Circle East
 Wilsonville, OR 97070



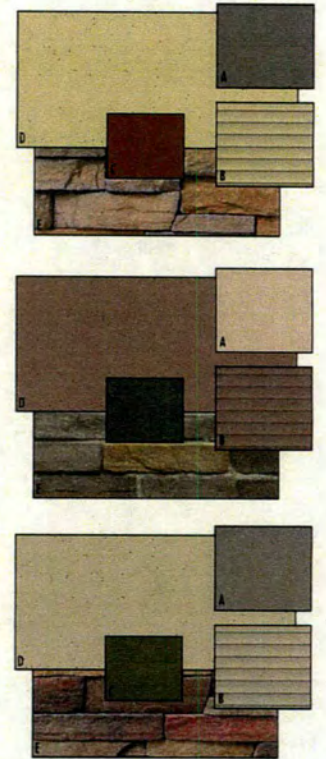
Page 07 of 119

City of Wilsonville
 EXHIBIT B5 DB12-0050 et al



Color Option Legend

- (A) ACCENT 1 WINDOW, TRIM & COLUMNS
- (B) ACCENT 2 5" LAP SIDING SIDING
- (C) ACCENT 3 DOOR & SHUTTERS
- (D) BODY STUCCO SIDING
- (E) BASE STONE VENEER



Polygon at Villebois
 Wilsonville, Oregon

Polygon Northwest Company

Small Detached (French Revival)
Front Elevation

Scale: 1/4" = 1'-0"	Drawn By: RT/AF	Date: 11-07-12	Date Plotted: 11-07-12	Sheet No.: 7
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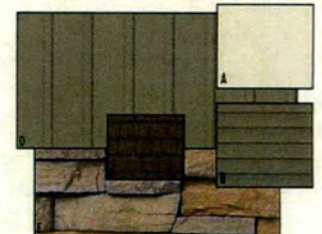
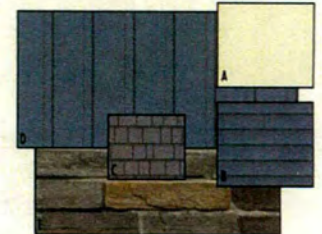
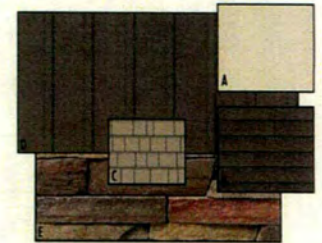
Job No.: 1119

Milbrandt Architects, Inc., P.S.
 23 Central Way, Suite 210, Kirkland, Washington 98022 Phone: 425-454-7120 Fax: 425-456-1208 Website: <http://www.milbrandtarch.com>



Color Option Legend

- (A) ACCENT 1
WINDOW, TRIM & COLUMNS
- (B) ACCENT 2
5" LAP SIDING
- (C) ACCENT 3
DOOR & SHINGLE
- (D) BODY
BOARD & BATTEN
- (E) BASE
STONE VENEER



Milbrandt Architects, Inc., P.S.

25 Central Way, Suite 210, Kirkland, Washington 98033 Phone: 425-454-7130 Fax: 425-458-1290 Website: <http://www.milbrandtarch.com>

Polygon at Villebois
Wilsonville, Oregon

Polygon Northwest Company

Small Detached (American Modern)
Front Elevation

Sheet No.

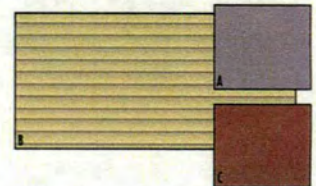
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Scale: 1/4" = 1'-0"	Drawn By: RT/AF	Date: 11-07-12	Date Plotted: 11-07-12	Job No.: 1119
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Color Option Legend

- (A)** ACCENT 1
WINDOW, TRIM & COLUMNS
- (B)** BODY
5" LAP SIDING SIDING
- (C)** ACCENT 2
DOOR & SHUTTERS



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 25 Central Way, Suite 210, Kirkland, Washington 98033 Phone: 425-454-7130 Fax: 425-458-1200 Website: <http://www.milbrandtarch.com>

Polygon at Villebois
 Wilsonville, Oregon

Polygon Northwest Company

Small Detached (American Classic)
Front Elevation

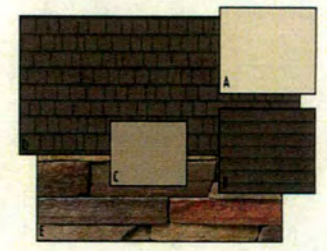
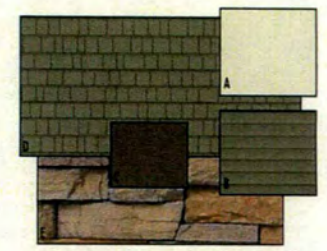
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Color Option Legend

- (A) ACCENT 1
WINDOW, TRIM & COLUMNS
- (B) ACCENT 2
5" LAP SIDING SIDING
- (C) ACCENT 3
DOOR & VENT
- (D) BODY
SHINGLE
- (E) BASE
STONE VENEER



Milbrandt Architects, Inc., P.S.
 25 Central Way, Suite 210, Kirkland, Washington 98033 Phone: 425-454-7130 Fax: 425-458-1204 Website: <http://www.milbrandtorch.com>

Polygon at Villebois
 Wilsonville, Oregon
 Polygon Northwest Company

Medium Detached (American Modern)
 Front Elevation

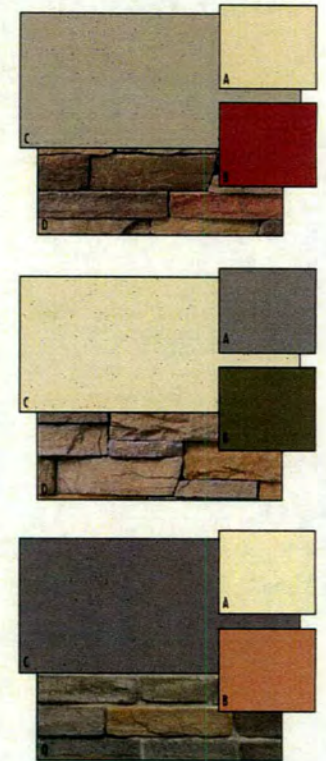
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 Date Plotted: 11-07-12

Sheet No. **10**
 Job No. 1119



Color Option Legend

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WINDOW, TRIM & COLUMNS
- (B)** ACCENT 2
DOOR & SHUTTERS
- (C)** BODY
STUCCO SIDING
- (D)** BASE
STONE VENEER



Milbrandt Architects, Inc., P.S.
 25 Central Way, Suite 210, Kirkland, Washington 98033 Phone: 425-454-7130 Fax: 425-458-1204 Website: <http://www.milbrandtarch.com>

Polygon at Villebois
 Wilsonville, Oregon

Polygon Northwest Company

Medium Detached (French Revival)
Front Elevation

Scale:	Drawn by:	Date:	Date Plotted:
1/4" = 1'-0"	RT/AF	11-07-12	11-07-12

Sheet No.:

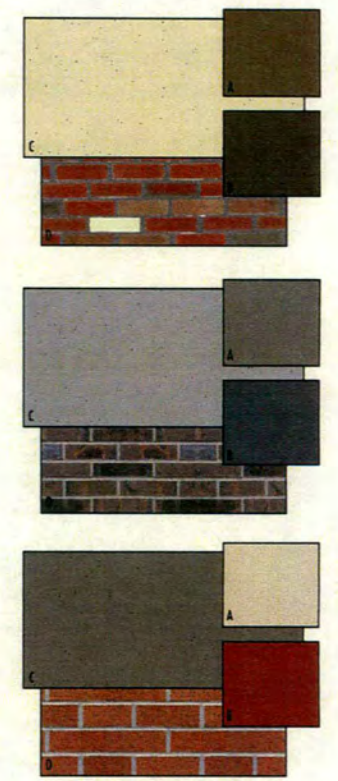
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Job No. 1119



Color Option Legend

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- (C) BODY
- (D) BASE
- WINDOW & TRIM
- DOOR & VENT
- STUCCO SIDING
- BRICK VENEER



Milbrandt Architects, Inc., P.S.
 35 Central Way, Suite 210, Kirkland, Washington 98033 Phone: 425-454-7130 Fax: 425-458-1208 Website: <http://www.milbrandtrch.com>

Polygon at Villebois
 Wilsonville, Oregon
 Polygon Northwest Company

Medium Detached (English Revival)
 Front Elevation
 Scale: 1/4" = 1'-0" Drawn By: RT/AF Date: 11-07-12 Date Plotted: 11-07-12

Sheet No. **12**
 Job No. 1119

**EXHIBIT A
PLANNING DIVISION
STAFF REPORT**

VILLEBOIS VILLAGE SAP EAST PDP 4

**DEVELOPMENT REVIEW BOARD PANEL ' ___ '
QUASI JUDICIAL HEARING**

Public Hearing Date:

Date of Report:

Application Numbers:

**Request A: DB12-0053 SAP-East PDP-4E, Preliminary
Development Plan**

Request D: DB12-0055 Tentative Subdivision Plat

Property

Owners/Applicants:

PD = Planning Division conditions

BD = Building Division Conditions

PF = Engineering Conditions.

NR = Natural Resources Conditions

TR = SMART/Transit Conditions

FD = Tualatin Valley Fire and Rescue 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:
- | | |
|---|-------------|
| General Aggregate | \$2,000,000 |
| Products-Completed Operations Aggregate | \$2,000,000 |
| Each Occurrence | \$2,000,000 |
| Fire Damage (any one fire) | \$ 50,000 |
| Medical Expense (any one person) | \$ 25,000 |
- 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:
	<ul style="list-style-type: none"> 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. 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 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> <p>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</p>
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.</p>									
Specific Comments:										
PFA 32.	Applicant shall enter into a development agreement with the City that describes construction responsibilities and SDC credits or reimbursements available.									
PFA 33.	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 if located.									
PFA 34.	<p>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.</p> <p>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:</p> <table border="1" data-bbox="413 1596 1387 1806"> <thead> <tr> <th>SAP East</th> <th>Dwelling Unit Count</th> <th>Total PM Peak Hour Trips</th> </tr> </thead> <tbody> <tr> <td>Initial Approval</td> <td>353 single fam. / 288 condos</td> <td>507</td> </tr> <tr> <td>Current Proposal</td> <td>462 single fam. / 114 condos / school</td> <td>602</td> </tr> </tbody> </table> <p>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</p>	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
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								

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
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PFA 35.	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 36.	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 37.	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 38.	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 39.	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 40.	All construction traffic shall ingress and egress the project site via the existing site roadways through Villebois SAP East PDP 1 or via 110 th Avenue. No construction traffic will be allowed on Brown Road.
PFA 41.	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 42.	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 43.	The applicant shall provide two perpendicular directional pedestrian ramps at intersection curb returns.
PFA 44.	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 45.	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 46.	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 47.	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 48.	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 49.	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 50.	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 51.	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 52.	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 53.	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 54.	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).

<u>Engineering Division Conditions:</u>	
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 Miñor 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.

COMMUNITY DEVELOPMENT MEMORANDUM

To: Daniel Pauly, Associate Planner

From: Kerry Rappold, Natural Resources Program Manager

Date: October 31, 2012

RE: Villebois SAP E, PDP 4 – Tonquin Meadows No. 2 (DB12-0053 and 0054)

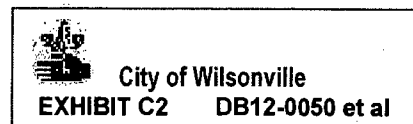
This memorandum includes staff conditions of approval. The conditions are based on the Tonquin Meadows No. 2 preliminary and final development plans. The conditions of approval apply to the applicant's submittal of construction plans (i.e. engineering drawings).

Stormwater Management

- NR1. Provide profiles, plan views and specifications for the proposed stormwater facilities consistent with the requirements of the City of Wilsonville's Public Works Standards.
- NR2. 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.
- NR3. Pursuant to the City of Wilsonville's Public Works Standards, access shall be provided to all areas of the proposed stormwater facilities. At a minimum, at least one access shall be provided for maintenance and inspection.

Rainwater Management Components

- NR4. 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.
- NR5. 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.
- NR6. 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.



NR7. The rainwater management components shall comply with the requirements of the Oregon Department of Environmental Quality UIC (Underground Injection Control) Program.

Other

NR8. 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).

NR9. 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:

- 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.

Development Review Template

DATE: 10/31/12
TO: DAN PAULY AICP, ASSOCIATE PLANNER
FROM: DON WALTERS
SUBJECT: DEVELOPMENT REVIEW # DB12-0050-0055

WORK DESCRIPTION: TONQUIN MEADOWS NO. 2 VILLEBOIS PHASE 4 EAST

Building Division Conditions:

BD 1. NO COMMENTS



City of Wilsonville
EXHIBIT C3 DB12-0050 et al



October 28, 2012

Daniel Pauly, AICP, Associate Planner
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, Oregon
97070

Re: Villabois Phase 4 East, Tonquin Meadows # 2. Case File DB12-0050 thru DB12-0055

Dear Mr. Pauly,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. Tualatin Valley Fire & Rescue endorses this proposal predicated on the following criteria and conditions of approval:

- 1) **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (OFC 503.1.1) ***Each home to be afforded with NFPA 13D fire sprinkler systems. Please coordinate with local water purveyor for appropriate water meter sizing.***
- 2) **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet. (OFC D103.1)
- 3) **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 60,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. (OFC D102.1)
- 4) **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to IFC Appendix B. (OFC B105.2) ***Prior to issuance of a building permit, provide evidence of a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 PSI residual pressure.***
- 5) **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1) ***Provide a fire hydrant distribution plan for fire district review and approval. Composite Utility Plan (sheet 6) within the submittal does not reflect fire hydrants within the subdivision.***
- 6) **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Appendix C, Table C 105.1.

Considerations for placing fire hydrants may be as follows:

- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants.
- Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.



City of Wilsonville
EXHIBIT C4 DB12-0050 et al

- Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
 - Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.
- 7) **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (OFC C102.1)
 - 8) **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)
 - 9) **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6)
 - 10) **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)
 - 11) **ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION:** Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 1410.1 & 1412.1)
 - 12) **PREMISES IDENTIFICATION:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1) *Provide a physical address visible from both directions of the approaching roadway.*
 - 13) **FIRE DEPARTMENT ACCESS TO EQUIPMENT:** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for HVAC, fire sprinklers risers and valves or other fire detection, suppression or control features shall be identified with approved signs. (OFC 509.1)

If you have questions or need further clarification, please feel free to contact me at 503-259-1404.

Sincerely,

Drew S. DeBois

Drew DeBois
Deputy Fire Marshal II/CFI

Copy: File, D. Walters, COW


**CITY COUNCIL MEETING
 STAFF REPORT**

Meeting Date: December 3, 2012		Subject: Resolution No. 2385 Adopting a new Addendum No. 4, and repealing Resolution No. 2377 and that Addendum No. 4 in its entirety. Staff Member: Mike Kohlhoff Department: Legal	
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 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		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: Adopt Resolution No. 2385			
Recommended Language for Motion: I move to adopt Resolution No. 2385.			
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"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Approve a new Development Agreement in substitution for a previously approved Development Agreement. Polygon Northwest has proposed a subdivision under the Villebois Master Plan known as SAP-E, PDP-3E, which necessitates a zone change which the Council will hear December 3, 2012. In anticipation of the application and the ability of Polygon to structure its

purchase with the Bischof/Lund ownership of the property, the City Staff negotiated a development agreement with Polygon and obtained City Council approval. Subsequently, changes were made to the application for City approval, which have been approved by the DRB subject to Council's approval of the zone change. This necessitates changes to the Development Agreement. Rather than having a Development Agreement document and an Amendments document, the preferred process is to repeal the original Development Agreement and approving Resolution and substitute a new Resolution approving the revised Development Agreement, thereby having only one document.

EXECUTIVE SUMMARY:

See description provided above.

EXPECTED RESULTS:

Adoption of a new Development Agreement which meets the approval conditions for the applicable subdivision and Zone change.

TIMELINE:

No later than December 2015.

CURRENT YEAR BUDGET IMPACTS:

None. It is not anticipated that this subdivision would start before next fiscal year.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: JO Date: 11/26/12

No financial impact.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 11/20/12

The proposed adoption of the revised Development Agreement meets the approval conditions and meets the legal requirements for rough proportionality for imposing developer costs for off-site improvements under the Dolan case and state SDC legislation..

COMMUNITY INVOLVEMENT PROCESS:

The underlying subdivision proposal has undergone a public notice and hearing process before the Development Review Board and same holds true for the Comprehensive Plan and Zone change portion before the City Council. The Development Agreement is a condition of the DRB approval.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Allows single family residences to be constructed to benefit the community by providing for the financing of infrastructure to serve the development.

ALTERNATIVES:

This form of infrastructure finance meets the legal test for new development to pay its fair share for infrastructure financing, while other forms either do not meet Dolan rough proportionality test or would have existing development pay a greater share than equitable.

CITY MANAGER COMMENT:

ATTACHMENTS

A. Resolution No. 2385 with Development Agreement.

RESOLUTION NO. 2385

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 RESOLUTIN NO. 2377.

WHEREAS, in 2004, the City of Wilsonville ("City") and the Urban Renewal Agency of the City of Wilsonville ("URA") entered into a Development Agreement ("Matrix Development Agreement") with Matrix Development Corporation ("Developer") and several property owners for the residential development of certain real property in the community known as Villebois Village ("Villebois Property"), pursuant to the Villebois Master Plan; and

WHEREAS, the Matrix Development Agreement has been amended by Contract Addendum Nos. 1, 2, and 3; and

WHEREAS, the City council by Resolution No. 2377, adopted August 20, 2012, approved Addendum No. 4 and authorized the City Manager to execute Addendum No. 4 subject to the City Attorney finalizing with Polygon a revised Master Planning Fee. However, during this process Polygon determined to apply for a different lotting pattern which changed the number of lots from 184 to 205 and that changed the fee calculations. Polygon also acquired property from Zion National Bank, which eliminated Zion as a party necessary to develop Costa Circle, and the City determined a different routing should occur for an 18 inch water line, which changed the descriptions, the costs and the credits for oversizing. Therefore, Addendum No. 4 as approved by Resolution No. 2377 was not consummated by the parties, and

WHEREAS, the parties desire Resolution No. 2377 be repealed in its entity, including the approval of Addendum No. 4, and a new Resolution be adopted approving a new Addendum 4 which shall replace the previously approved Addendum 4; and

WHEREAS, Addendum No. 4 now is the subject of this Resolution and is between the City, the URA and Polygon Northwest Company, L.L.C. ("Polygon"). All other parties to the Matrix Development Agreement are not parties to this Addendum 4.

WHEREAS, the purpose of Addendum No. 4 is to outline certain responsibilities to be undertaken by Polygon as the potential successor in ownership interest to Donald E. Bischof and Sharon L Lund property located within the Villebois Master Plan (“Bischof/Lund Property”).

WHERE, if Polygon does not purchase the Bischof/Lund Property, as provided in Addendum No. 4, then Addendum No. 4 will automatically become null and void.

WHEREAS, to assist the public in understanding the complexities of the Matrix Development Agreement and other Villebois development as it relates to this Addendum No. 4, the following historical chronological summary of the Villebois Village Master Plan Project is provided:

SUMMARY

1. The Villebois Master Plan is a land use plan regulating the development of approximately 500 acres of a planned, mixed use community of internal commercial and a mix of an anticipated 2,600 residential uses, with trails, parks, and open spaces, supported by approximately \$140 million in infrastructure improvements. In approximately June 2004, for the purposes of developing home sites within the Villebois Master Plan area, Matrix Development Co. (Matrix) acquired certain land interests in approximately 150 acres of land east of 110th Street and entered into the 2004 Matrix Development Agreement. In this regard, Matrix purchased the Kirkendall property, succeeding to their interests in the Matrix Development Agreement; purchased some of the property owned by DeArmond/Fasano and optioned to purchase the balance; purchased some of the property owned by Bischof/Lund and optioned to purchase the balance; purchased a portion of the property owned by Arthur C. and Dee W. Piculell, and purchased development rights to mitigate wetlands on the balance not purchased.
2. In conjunction with the purposes of acquiring the aforementioned property and developing it, Matrix entered into certain loan agreements with Wachovia Bank (now Wells Fargo Bank), which included financing certain of the land purchases and development costs and providing Wachovia with security interests therein.
3. Matrix was authorized to enter into, and participate on behalf of the parties in, the adoption of the land use planning regulations for the properties to implement the Villebois Master Plan, including but not limited to a Revised Master Parks Plan, Special Area Plan East (SAP-E) for the properties east of 110th, and the platting of Preliminary

Development Plan Phase 1 (“PDP-1”), which was the first phase of development of SAP-E.

4. The parks and open space classifications are pocket parks, linear greens, neighborhood parks, and regional parks. The general location of these parks and open spaces are depicted in Figures 5, 5A, and 5B to the Revised Villebois Village Parks Master Plan. A copy of Figures 5, 5A, and 5B are marked as **Exhibit 1**, attached hereto and incorporated by reference herein. Without provision for these parks, development cannot proceed.
5. In August of 2005, Matrix entered into a financing contract with the City and the URA in the form of Contract Addendum No. 1 to the Matrix Development Agreement. Addendum 1 replaced the local improvement district (“LID”) funding mechanism to provide traffic trip capacity for the development’s impacts at the I-5/Wilsonville Road Interchange with a prepayment by Matrix for trip impacts that would be generated by its development. A certain amount of development, based on projected traffic trips were thereby vested in accordance with Addendum 1 and the prepayment provided funding for improvements to increase the interchange’s trip capacity to allow for that development. The prepayment was made and Matrix was vested in the trips set forth in Addendum 1.
6. In December of 2007, the financial provisions of the parks and open spaces to be developed by Matrix were memorialized by the City, the URA, and Matrix in Addendum No. 2 to the Matrix Development Agreement. The key features of Addendum 2 are as follows: the total costs of the parks and open spaces were estimated to be \$4,837,293; Matrix would construct these parks and open spaces; and Matrix would provide a proposed PDP-2 that, together with PDP-1, provided for 655 lots which would produce \$1,568,070 (655 lots x \$2,394) in park SDCs, against which Matrix would receive a \$1,113,210 credit against the City’s park SDCs, leaving the balance of \$454,860 to be paid by PDP-1 (190 x \$2,394). Thus, accounting for the SDC credits, the remaining proposed 465 lots would not pay any park SDCs, given Matrix’s responsibility to provide the parks and open spaces. Included in the total of Matrix’s responsibility was the construction of a community center for the homeowner’s association (to include an interpretive center), at an estimated cost of \$1,019,000.
7. Matrix and its construction entity, Legend Homes, Inc. (“Legend”), filed for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the District of Oregon,

Case No. 08-32798-tmb 11. On May 11, 2010, the Bankruptcy Court adopted the Matrix Second Amended Reorganization Plan (“Reorganization Plan”), effective June 1, 2010. As part of the proceedings, Matrix abandoned its optioned property to the above referenced owners and, through the Reorganization Plan, certain of its other property was transferred to Wells Fargo, as successor in interest of Wachovia Bank, and subsequently assigned to its property development company, Redus OR Lands, LLC. (“Redus Property”). Under the Reorganization Plan, Matrix and Legend merged into a reorganized single entity, Legend, and Legend retained the land and development of PDP-1. Prior to the bankruptcy and the abandonment, Matrix had proposed a portion of the balance of the property to be developed as PDP-2, and a map depicting the proposed lot development is marked as **Exhibit 2**, attached hereto and incorporated by reference herein. A map depicting the respective interests after abandonments is marked as **Exhibit 3**, attached hereto and incorporated by reference herein. A list of the respective parks and open spaces in SAP-E, the property ownership upon which they occur, and their estimated costs is set forth on **Exhibit 4**, attached hereto and incorporated by reference herein.

8. As part of the Reorganization Plan, Legend was relieved of all parks costs, except for certain fixed park SDCs on a graduated scale for the 159 remaining residential lots of PDP-1 that had not been built upon, which Legend retained under the Reorganization Plan, and an approved, agreed upon sum toward the design and construction of Neighborhood Park 6 under the Reorganization Plan. These park SDCs and costs to Legend were negotiated and agreed upon between Legend, the City, the URA and Redus. With Legend being relieved of its other parks and open spaces participation, except as noted above, the remaining responsibility for the parks and open space requirements and related costs fell to the remaining land owners, to be imposed at the time of development. A separate amending agreement of the Matrix Development Agreement between the City, the URA and the Fasano/DeArmond, and a second separate amending agreement between the City, the URA and Redus were reached to address, in part, the parks and open space requirements and their respective funding. Included in these agreements, among other things, the City and the URA acquired land from each of the ownerships for the construction of a grade school by the West Linn Wilsonville School District (“District”)

within portions of then PDP-1 and PDP-2. Subsequently, Redus obtained City development approval, subject to conditions, of an 88-lot subdivision for land within PDP-2 that Redus now owns. This subdivision is now referenced as SAP East, PDP-2 (hereinafter "PDP-2"). Fasano/DeArmond has not yet applied for development approval.

9. The City, the URA and Polygon, who anticipates purchasing the Bischof/Lund Property (pursuant to an agreement with the current owners thereof), now desire to amend the Matrix Development Agreement to provide the framework for development of the Bischof/Lund Property. This land contains 192 lots, as originally proposed by Matrix for the Bischof/Lund Property, and will now be known as SAP East, PDP-3 (hereinafter "PDP-3").
10. As part of the Reorganization Plan, Legend retained the trip vesting benefits of contract Addendum 1 for its PDP-1 development and transferred the balance to Redus. Having provided the loan funds to Matrix for development, including that for paying for the vesting of trip capacity through the I-5 Interchange, and with the Bankruptcy Court's approval and Matrix' abandonment of certain portions of a proposed PDP-2 to Wachovia, the City and the URA reached agreement with Redus to retain the same vested trip benefits for its PDP-2 property. Without the application of the vesting of trip funds to the interchange improvements, which are scheduled to be completed July 2012 to allow capacity for Villebois development, development by Matrix or Legend or any of the landowners involved, or their successors, would not be able to proceed under the City's infrastructure concurrency policy. However, to the extent that the collected and expended vesting of trips funds would apply to other Villebois properties under the Development Agreement, Redus is entitled to recoup the applicable balance of the payment from those property owners at their property's development. This amounts to \$690 per lot under the original agreement with Matrix. The City, the URA and Redus reached an agreement for repayment upon development of these other properties. Polygon has agreed to the City's surcharge of \$690 per lot against each lot proposed for the Bischof/Lund Property at the time of building permit application to build on the lots which the City and URA will then reimburse the surcharged amount to Redus upon the collection. Polygon proposes 184 lots rather than 192 due to wetland conditions.

11. The Villebois Master Plan required that a 10-acre site be designated for a grade school and sports fields. The designated land was initially located west of 110th and adjacent to Tooze Road. The School District in anticipation of building at the Tooze Road site had passed a bond issue to build the school. Due to the recessionary economic conditions, the housing development needed to support the extension of infrastructure to the Tooze Road site was delayed and therefore funding for the improvements needed for Tooze Road improvements was not available. There was an immediate need for the school serve over crowded conditions and also to avoid bond arbitrage issues. Give the aforementioned lack of funds for extending infrastructure to the Tooze Road site, the Villebois Master Plan was amended to provide for a substituted school site with a lower infrastructure cost. The URA and the City purchased the substitute site within the lands of Matrix, Redus, and DeArmond/Fasano. A reduced copy of page 1 of Partition Plat No. 2010, depicting the school site (parcel 2) and a plan layout of the school site, is marked as **Exhibit 5**, attached hereto and incorporated by reference herein.
12. The District entered into an Infrastructure Development Agreement with the City and the URA. Under the Infrastructure Development Agreement, the District will provide certain infrastructure to serve the school, such as local roads, storm drainage, and sewer lateral lines. Some of this infrastructure was oversized and provides extra capacity, which will benefit the neighboring properties. This entitles the District to reimbursement from the benefiting properties at time of development of the benefitting properties through a Road and Utility Reimbursement District. There was also a need for the school to be tied into the proposed Coffee Lake sewer trunk line, which was on land that Redus acquired in the reorganization. The construction of the trunk line was not funded and would normally be constructed by the developer of the land in conjunction with development and under an SDC methodology with credit for oversizing by the responsible developer. Redus was not a developer. Given the exigent circumstances, it was determined that there was a need to develop an alternative, but equitable funding mechanism.
13. Except for PDP-1, the parties recognized that in order for the remaining properties to develop there was need for a segment of the 15-inch sewer trunk line to be constructed within the right of way of the planned Coffee Lake Drive. Coffee Lake Drive traverses the eastern edge of SAP-E, commencing from Barber Street to the south to the planned

Villebois Drive to the north. The sewer trunk line is located within the Coffee Lake Drive right of way; but only the segment from a little south of Barber to the Bischof/Lund southern property line was needed to be constructed for the school to open. This segment of the sewer line is located within the Redus Property and Redus agreed to provide the necessary easement to the City. As noted above, a different funding approach was needed than had been provided in the Matrix Development Agreement. Thus, the Infrastructure Agreement, Addendum No. 3 to the Matrix Development Agreement involving Redus and Legend, and the purchase agreement with Fasano/ deArmond, provided for formation of a Reimbursement District to reimburse a portion of the sewer line cost with the School District contributing 24% to the cost. The sewer line was constructed and oversized to benefit certain properties yet to be developed, including the Bischof/Lund Property (“Benefited Properties”) All Benefited Properties are subject to a pro rata reimbursement for this segment upon development. The District was to advance the funds for this segment of the 15-inch sewer trunk line, subject to reimbursement. Under the reimbursement provisions of its code, the City will be seeking reimbursement for the District from the Benefitted Property owners through a Coffee Lake Drive Sewer Reimbursement District and through a separate reimbursement district for that constructed segment of Coffee Lake Drive that the developers of PDP-2 were conditioned to provide. (Road and Utility Reimbursement District”). The Road and Utility Reimbursement District is a separate and further reimbursement district to which the Benefited Property owners will be subject.

14. If Polygon purchases the Bischof Lund Property, Polygon desires to deliver community elements such as roads, utilities, and parks early in the development process and to streamline the development process in order for the parties to realize the resulting economic benefits, including some cost savings to Polygon and some relief to the City and the URA from advancing funds for some of these elements, as envisioned in the amended Matrix Development Agreement. Pursuant to Addendum No. 4, if Polygon purchases the Bischof Lund Property on or before December 15, 2015, Polygon will advance the capital required to construct the parks and infrastructure described in Addendum No. 4, subject to SDC credits, as provided in Addendum No. 4 and subject to

reaching certain other agreements with third party developers or landowners in Villebois as provided in Addendum No. 4.

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

1. Resolution No. 2377 is hereby repealed in its entirety including, but not limited to the Addendum No. 4, which was Exhibit A to Resolution No. 2377.
2. The City Council hereby authorizes the City Manager to enter into this Addendum No. 4 to the Matrix Development Agreement, to benefit past and future development at Villebois Village, addressing construction roles, financing responsibilities, timing for improvements to be made, in substantially the form attached hereto as **Exhibit A**, as approved by the City Attorney.
2. This Resolution, incorporating the Summary, is effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this ___ 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

Attachments:

Summary Exhibit 1 – Parks and Open Space Plan

Summary Exhibit 2 – Proposed Site Plan PDP-2

Summary Exhibit 3 – Map Depicting Respective Interests After Abandonment

Summary Exhibit 4 – Parks/Open Spaces in SAP-E, Ownership and Estimated Costs

Summary Exhibit 5 – Partition Plat No. 2010 and School Site

Exhibit A: Development Agreement Contract Addendum No. 4

SUMMARY EXHIBIT 1

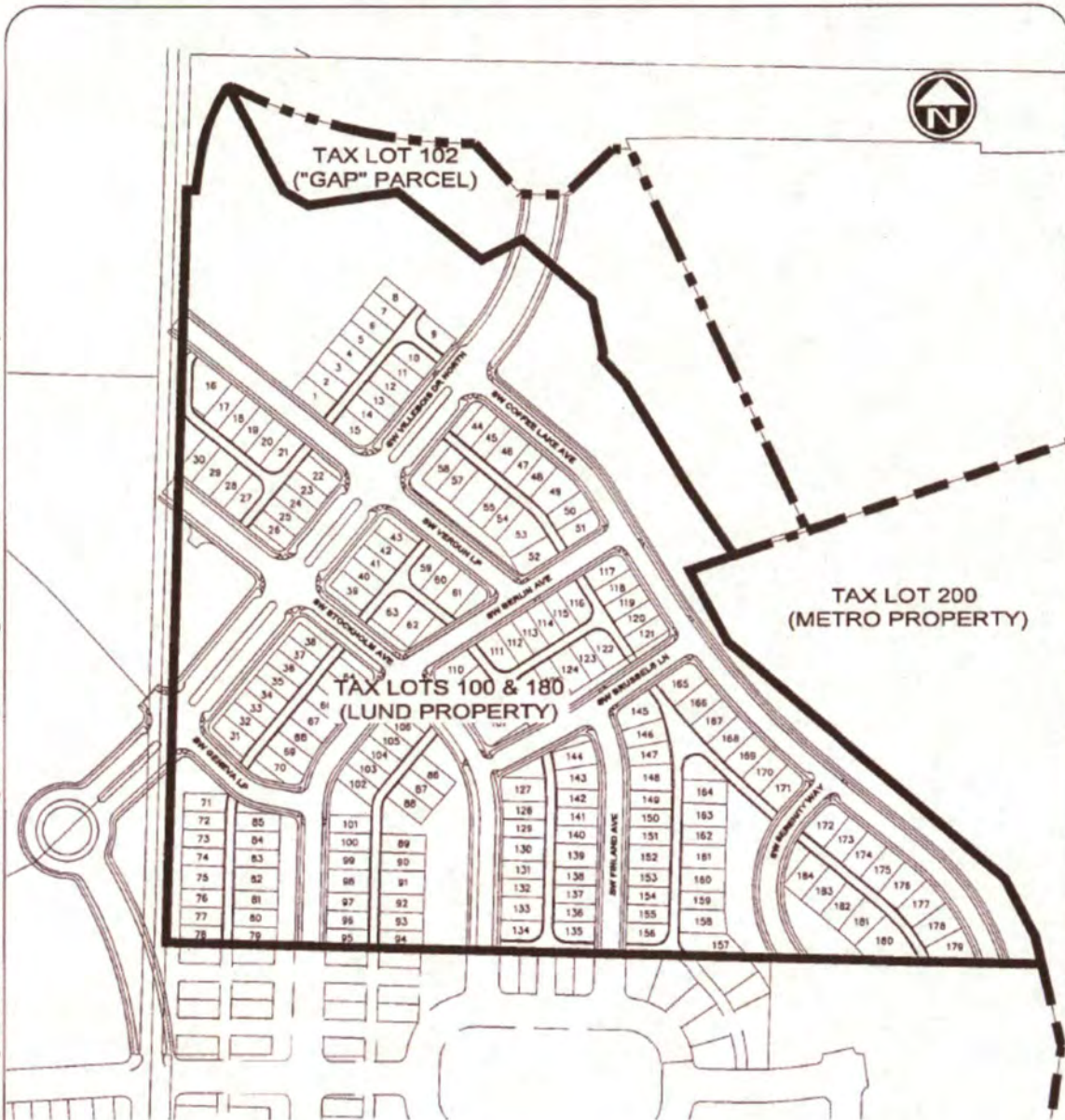
The land bounded by a line beginning South 24-1/2 ° East 14.96 chains from the Northeast corner of Section 15, in Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon, in the center of L.A. Seely's main ditch; thence South 70-1/2° West, 14.64 chains to the Northwest corner of R.I. Seely's land; thence South 35° East, 2 chains on the West side of said land; thence South 52° East, 8.97 chains on the West side of said land; thence South 10° East, 2 chains on the West line of said land; thence West, 22.50 chains to the East line of the Donation Land Claim of Samuel B. Franklin; thence North on said East line, 22.64 chains to the Southwest corner of George B. Seely's land; thence East, 24.37 chains to the center of said L.A. Seely's main ditch; thence South 20-1/2° East on the center line of said main ditch to the place of beginning.

ALSO a strip of land (hiatus) situated in the Northeast one-quarter of Section 15 and the Northwest one-quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon; said strip of land (hiatus) lies Northerly of that certain tract of land conveyed to John and Rose Boston as described in Book 205, Page 458 and Book 319, Page 427 and lies Southerly of that certain tract of land conveyed to H.V. Rand, et ux, described in Book 143, Page 49, Deed Records, Clackamas County, Oregon; the Northerly line of said Boston Tract being described as follows:

Beginning at the Northwest corner of said Boston Tract, which Northwest corner is in the Easterly line of the Samuel Franklin Donation Land Claim No. 50 and bears North 00°00'00" East, 1698.90 feet from the South east corner of the Samuel Franklin Donation Land Claim No. 50; thence leaving said Easterly line, North 89°56'00" East parallel with the Northerly boundary of the R.V. Short Donation Land Claim a distance of 20.00 feet to a 5/8 inch iron rod in the Easterly right-of-way line of Brown road (County Road No. 355); thence continuing along said Northerly boundary of the Boston Tract, North 89°56'00" East (P.S. 21365 Records of Surveys, Clackamas County), 1403.07 feet to a 5/8 inch iron rod in the Easterly line of said Section 15, Township 3 South, Range 1 West; thence continuing North 89°56'00" East along the Northerly boundary of the Boston Tract (P.S. 21365 Record of Surveys, Clackamas County) parallel with said Northerly line of the R.V. Short Donation Land Claim, 132.36 feet to a 5/8 inch iron rod at the Northeast corner of the herein described tract, which Northeast corner is in the Westerly boundary of the R.I. Seely Tract as described in Book 43, Page 54, Deed Records, Clackamas County, Oregon.

EXCEPTING THEREFROM Those tracts deeded to The Urban Renewal Agency of the City of Wilsonville, by Deed recorded August 11, 2006, Fee No. 2006-073989 , 2006-073990 and 2006-073991.

SUMMARY EXHIBIT 2



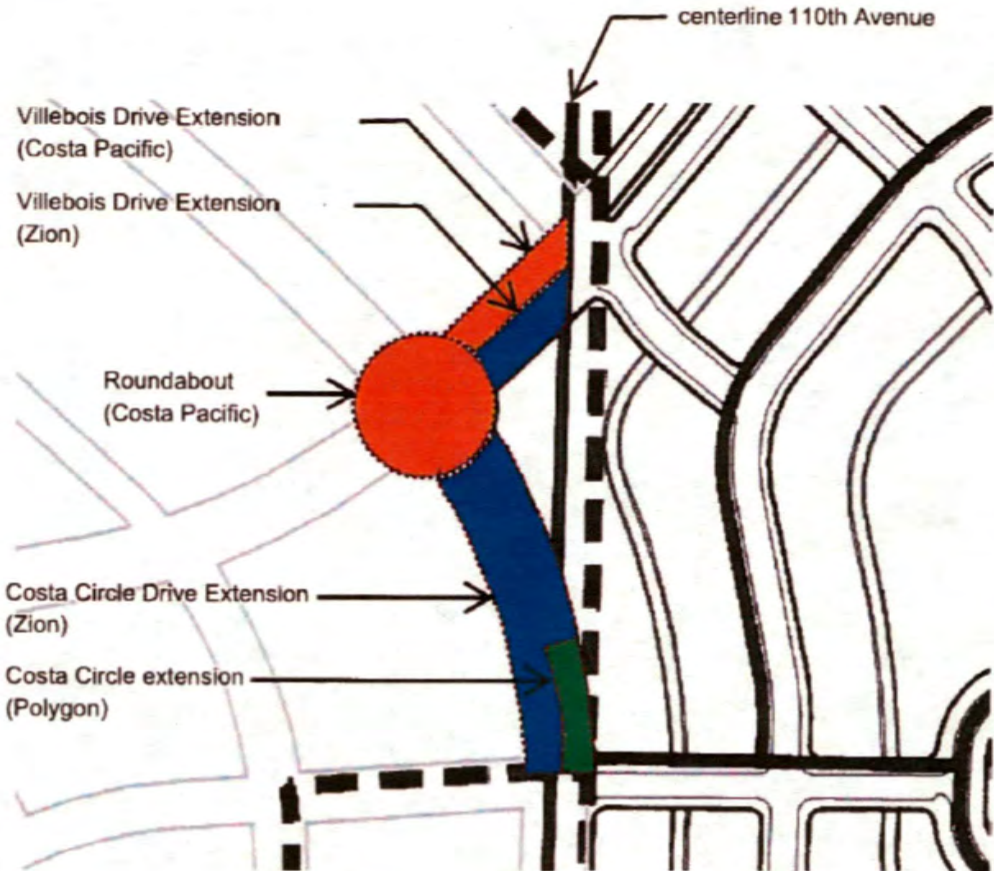
N:\proj\395-007\09 Drawings\03 Planning\Exhibits\395007.Development Agreement Exhibit-8.dwg - SHEET: LOTS Jul. 26. 12 - 1:07 PM jelf

DRAWN BY: PRE DATE: 7/24/12
 REVIEWED BY: JBL DATE: 7/24/12
 PROJECT NO.: 395-007
 SCALE: 1" = 250'

Pacific Community Design

[T] 503-941-9484 [F] 503-941-9485

SUMMARY EXHIBIT 3



SUMMARY EXHIBIT 4

Villebois Drive/Costa Circle extension and roundabout

Costa / Zion to dedicate required right-of-way and construction easements, Polygon to build (\$659K), Costa to waive Costa portion of MP Fee (\$127K), Polygon to receive road SDC credit for remaining offsite portion (\$474K), Costa / Zion reimburse City with supplemental fee at future building permits (\$181K Costa, \$293K Zion).

Road	Length	Cost per ft.	Cost
Villebois Drive	150	650	97,500
Roundabout		200,000	200,000
Costa Circle	360	650	234,000
Const. Total			531,500
Soft Cost/Cont		24%	127,560
Project Cost			659,060

Costa Pacific Items	Cost	%	Cost
Villebois Drive	97,500	50%	48,750
Roundabout	200,000	100%	200,000
Costa Circle	234,000	0%	0
Const. Total			248,750
Soft Cost/Cont		24%	59,700
Total Costa Cost			308,450
Less Master Plan Fee			-126,960
Costa Reimbursement			181,490

Zion Items	Cost	%	Cost
Villebois Drive	97,500	50%	48,750
Roundabout	200,000	0%	0
Costa Circle	234,000	80%	187,200
Const. Total			235,950
Soft Cost/Cont		24%	56,628
Total Zion Reimbursement			292,578

Polygon Items	Cost	%	Cost
Villebois Drive	97,500	0%	0
Roundabout	200,000	0%	0
Costa Circle	234,000	20%	46,800
Const. Total			46,800
Soft Cost/Cont		24%	11,232
Total Polygon Cost			58,032

Coffee Lake Drive thru property

Polygon to build within the property, receive Road SDC credits for Paving wider than 20 feet a the easterly curb (88K).

Item	Quantity (sf)	Unit price	Cost
Extra paving Width	12,240	2.00	24,480
Rock	12,240	1.33	16,279
easterly curb	2,040	15.00	30,600
soft cost/cont		24%	17,126
Total	12,240		88,485

Coffee Lake Drive 15-inch Sewer

Polygon to build thru property (\$685K), receive sewer SDC credit for oversizing from 8" to 15" (\$145K), and pay south portion late comer fee (50K).

Project cost:

Length	Cost	Cost per lf
South Portion		
1,779	597,143	335.66
North Portion		
2,040	684,750	335.66

North Portion SDC Credit

Item	Quantity (sf)	Unit price	Cost
Oversize from 8" to 15"	2,040.00	57.50	117,300
Soft Cost	117,300.00	24%	28,152
Total			145,452

South Late-comer Fee:

Area	Amount	Fee
Lund	50,203.72	50,204

Villebois Drive 18-inch Waterline

Polygon build from Coffee Lake Drive to 110th (\$106K), receive SDC credit for oversize from 12-in to 18-inch (\$32K).

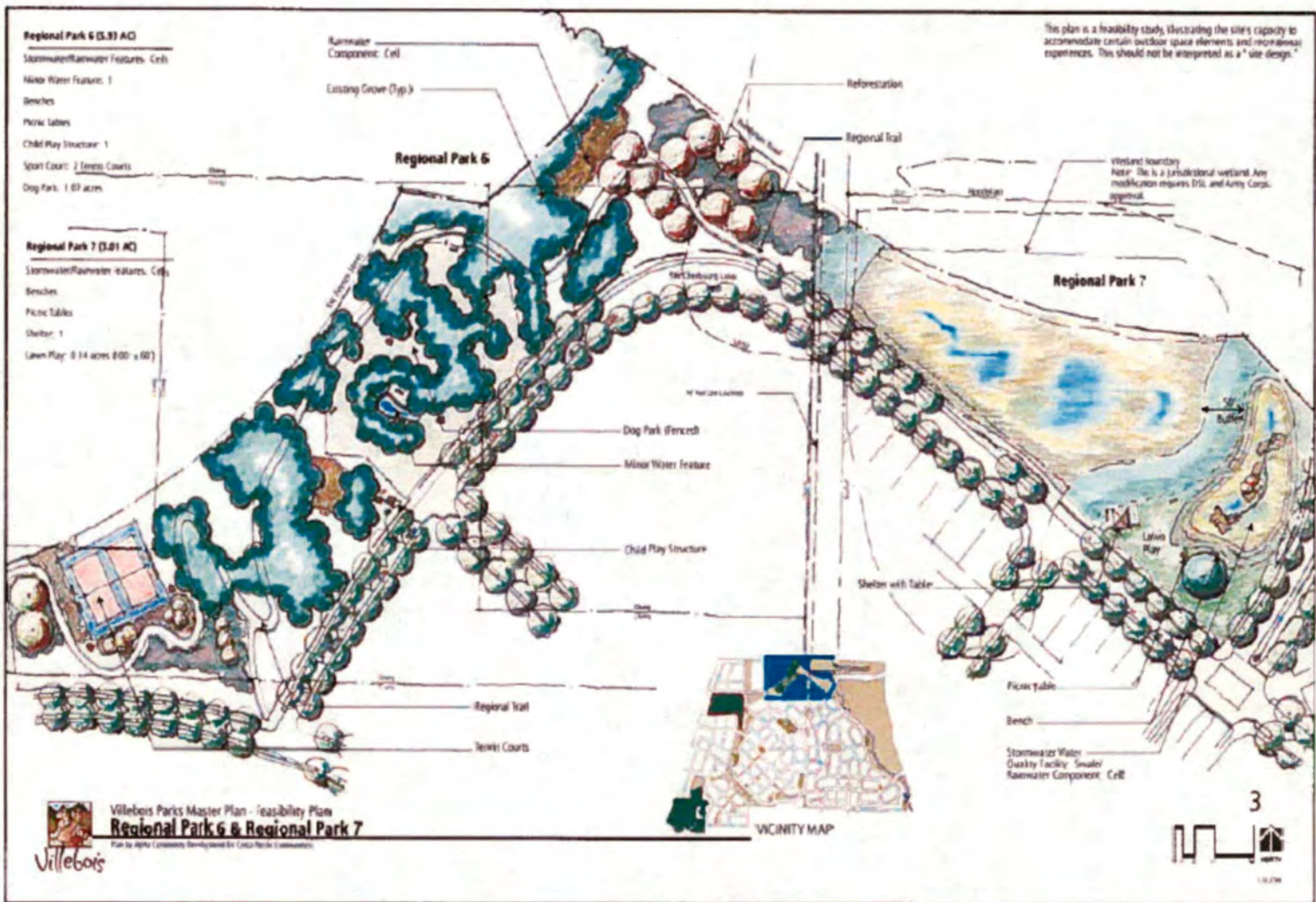
Item	Quantity (lf)	Unit price	Cost
18-inch line	855	100.00	85,500
soft cost/cont			20,520
18-inch total			106,020
12 -inch line	855	70.00	59,850
soft cost/cont			14,364
12-inch total			74,214
Total Credit			31,806

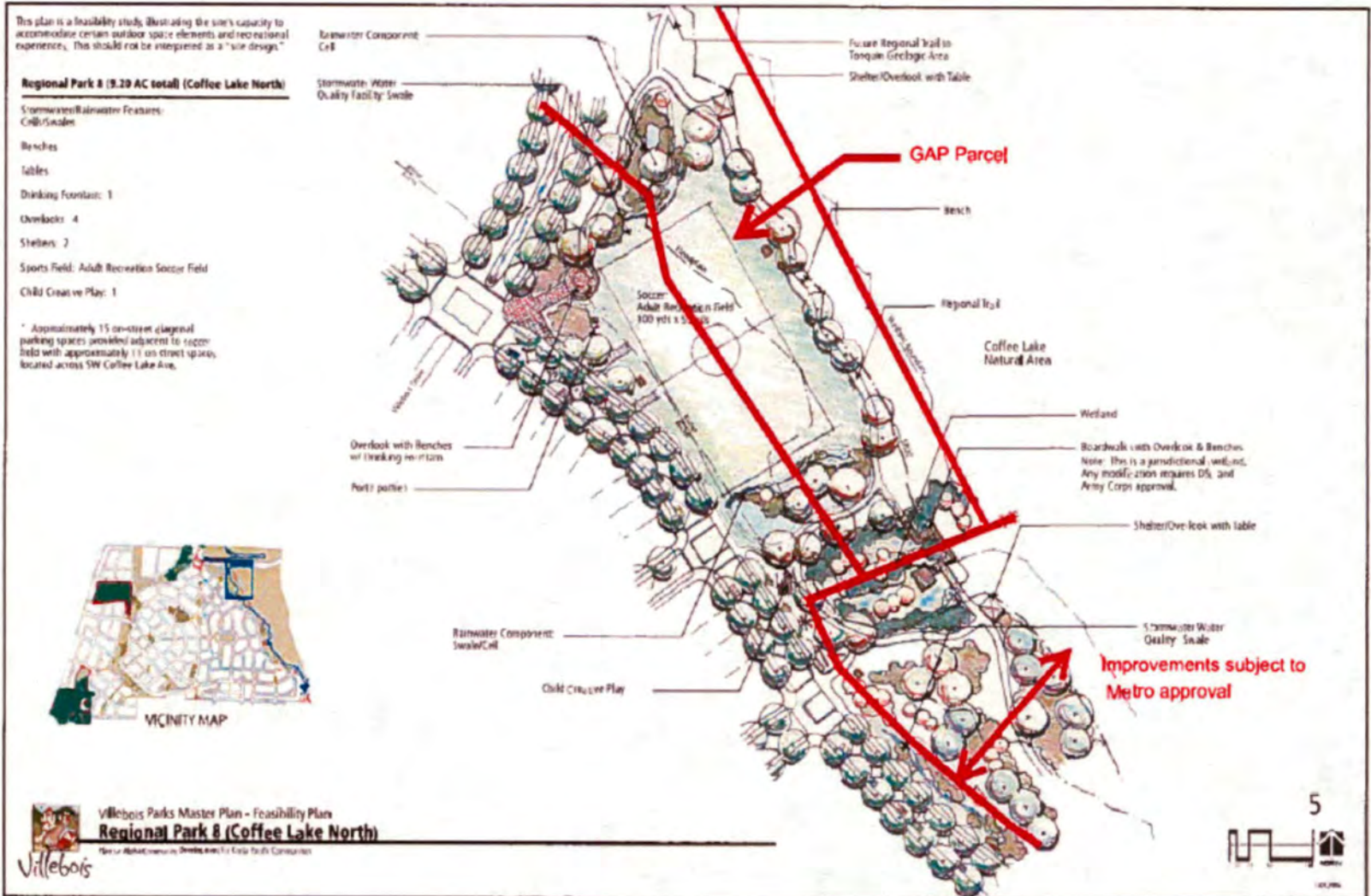
Master Plan Fee

Pay City fee portion (\$39K), use Costa portion (\$127K) to pay for Village Drive/Costa Circle.

Fee	Units	Rate	Cost
MP Fee (Costa)	184	690	126,960
MP Fee (City)	184	210	38,640
Total	184	900	165,600

SUMMARY EXHIBIT 5





**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)**

THIS ADDENDUM NO. 4 (“Addendum 4”) to the above captioned Development Agreement (hereinafter referred to as the “Matrix Development Agreement”) is entered into this ___ day of ~~October~~December, 2012, by and between the City of Wilsonville (“City”), a municipal corporation of the State of Oregon, the Urban Renewal Agency of the City of Wilsonville (“URA”), a municipal corporation of the State of Oregon, and Polygon Northwest Company, L.L.C., a Washington limited liability company (“Polygon”). This Addendum 4 only applies to the City, the URA, and Polygon, and does not apply to the other parties to the Matrix Development Agreement.

RECITALS:

1. The Villebois Master Plan is a land use plan regulating the development of approximately 500 acres of a planned, mixed use community of internal commercial and a mix of 2,600 residential uses, with trails, parks, and open spaces, supported by \$140 million in infrastructure. In approximately June 2004, for the purposes of developing home sites within the Villebois Master Plan area, Matrix Development Co. (Matrix) acquired certain land interests in approximately 150 acres of land east of 110th Street and entered into the 2004 Development Agreement set forth in the title above (known as the “Matrix Development Agreement”).

2. Polygon has entered into an option agreement to purchase a portion of the property affected by and included in the Matrix Development Agreement, which is currently owned by Sharon L. Lund and Donald E. Bischof (the “Bischof/Lund Property”). The Bischof/Lund Property is described on the attached **Exhibit 1**. The City, the URA, and Polygon wish to clarify certain respective obligations under the Matrix Development Agreement that pertain to the Bischof/Lund Property if Polygon acquires the Bischof/Lund Property and Polygon receives its requested approvals for the development of SAP East, PDP-3 (“PDP-3E”) as shown on the attached **Exhibit 2** (the “Site Plan”). The Site Plan contemplates ~~184~~205 lots being developed on the Bischof/Lund Property.

3. Terms not specifically defined herein shall be as defined in the Development Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the City, the URA, and Polygon agree as follows:

TERMS AND CONDITIONS:

1. **Condition Precedent.** Polygon hopes to acquire the Bischof/Lund Property much earlier than December 31, 2015. However, as a condition precedent to the implementation of this Addendum 4, Polygon must purchase the Bischof/Lund Property (except for any such land dedicated to or purchased by the City from Bischof/Lund) on or before December 31, 2015. In the event Polygon does not purchase the Bischof/Lund Property by December 31, 2015, this Addendum No. 4 shall become null and void unless the parties otherwise mutually agree, in writing.

2. **Supplemental I-5/Wilsonville Street Fee.** Polygon, as the developer of PDP-3E, shall pay a supplemental I-5/Wilsonville Road street SDC of \$690 per Dwelling Unit ("DU") at issuance of the building permit for each lot within PDP-3E. This supplemental street SDC is separate and apart from the basic street SDC and is not intended by the parties hereto to be a part of any street SDC credit or street SDC credit calculation that is set forth in this Addendum 4. The estimated supplemental street SDC to be paid by Polygon for the currently proposed ~~184~~ 205 lots at \$690/DU is ~~\$126,960~~ \$141,450.

3. **Villebois Drive North Extension from Coffee Lake Drive to Boeckman.**

3.1. The Matrix Development Agreement for SAP East provides that the City will construct Villebois Drive North from the existing roundabout on Boeckman Drive to Coffee Lake Drive. Polygon, as the developer of PDP-3E, hereby agrees to construct Villebois Drive North from the existing roundabout on Boeckman Drive to Coffee Lake Drive, subject to a full credit of those expenses against street SDC fees for PDP-3E. The parties estimate the length of this segment to be 310 feet and that the estimated cost to construct, with utilities, is \$650 per linear foot, which is calculated to be \$201,500, together with soft costs estimated at 24% of the construction cost, or \$48,360, which totals \$249,860. The breakdown of soft costs is set forth in Section 12.1.

3.2. The City shall provide the necessary permits of entry and construction easements to allow Polygon to construct this segment of roadway and the City shall dedicate for public use such segment of the roadway which is located on City property.

4. **Villebois Drive North Extension from 110th to Coffee Lake Drive.** Polygon, as the developer of PDP-3E, shall construct Villebois Drive North from Coffee Lake Drive to the Bischof/Lund Property boundary. Polygon will receive credits for those expenses against street SDC fees for PDP-3E for 12 feet additional paving width and the additional base rock depth over the entire street width that is required to upgrade from a local street to a collector street (typically two additional inches of base rock). The extra paving width for bike lanes is calculated at 10,260 sq. ft., at a unit price of \$2.00 a sq. ft., for an estimated cost of \$20,520. Rock needed for the extra paving is calculated at 10,260 sq. ft., at \$1.33 a sq. ft., for an estimated cost of \$13,646. The extra base rock depth is calculated to be 42,750 sq. ft. at \$0.50 a sq. ft., for an estimated cost of \$21,375. The total estimated cost of all of the foregoing is \$55,541. The soft costs are

calculated at 24% of the costs for the extra paving width and rock, which is estimated at \$13,330. The total street SDC credits are estimated at \$68,871.

5. Villebois Drive Central/Costa Circle Extension and Roundabout.

5.1. Under a separate and different development agreement with Villebois Village LLC (“Villebois Village”), the developer of SAP Central, Villebois Village is required to construct Villebois Drive Central from 110th Avenue, the property line of PDP-3E, to Costa Circle Drive, the roundabout, and Costa Circle Drive from Villebois Drive Central to its current terminus, subject to the standard credits of those expenses against street SDC fees. Villebois Village, along with its successors and assigns, as the current owners of SAP Central (see paragraph 5.2 below) are not currently ready to proceed with this construction. However, because this is an important transportation linkage within the community, the parties to this Addendum 4 agree that residents of Villebois and others within the City of Wilsonville will benefit from having this road linkage in use, and both the City of Wilsonville and Villebois land holders will benefit from having this community investment in place and paid for.

5.2. Based on the foregoing, if the Villebois Drive Central/Costa Circle extension and roundabout have not been completed by the SAP Central developer by the time the Bischof/Lund Property is developed, and subject to the conditions below, Polygon, as the developer of PDP-3E, hereby agrees to construct Villebois Drive Central from 110th Avenue (property line of PDP-3E) to Costa Circle Drive, the roundabout, and Costa Circle Drive from Villebois Drive Central to its current terminus, subject to the following conditions: A separate agreement(s) is executed with all affected land owners of SAP Central, meeting the requirements of this Section 5.2. The current affected property owners of SAP Central are Costa Pacific Communities, Inc. or its affiliate, Villebois Village Center LLC (“Costa”), and ~~Polygon, which Polygon has purchased the interest of which has recently purchased the interest of~~ Zions National Bank (“Zion”). Polygon has entered into preliminary negotiations with Costa to pursue this goal. Under such separate agreement, Costa and Polygon must provide the road dedications and construction easements required to build these roads and roundabout; Costa must waive its right to collect its portion of the Master Planning Fee for all lots in PDP-3E; and Costa and ~~Zion~~ Polygon must agree to a supplemental street SDC equal in total to the actual street SDC credits provided by the City for Polygon for the streets and roundabout, which shall be paid to the City as future building permits are issued for the development in SAP Central. Polygon, as the developer of PDP-3E, shall receive a full credit of the expenses for constructing the Villebois Drive Central/Costa Circle extension and roundabout against street SDC fees for PDP-3E and against that portion of the Master Planning Fee owed by Polygon to the master developer (see Section 11). A map of these streets and the roundabout, with the designation of the proposed portion thereof that is the responsibility of Costa or Villebois Village Center LLC is set forth in **Exhibit 3**, attached hereto and incorporated by reference herein. A table of the estimated respective costs and SDC credits are set forth in **Exhibit 4**, attached hereto and incorporated by reference herein.

5.3 The City shall provide the necessary permits of entry and construction easements to allow Polygon to conduct the Villebois Drive Central/Costa Circle extension on 110th Street.

6. Coffee Lake Drive Through Property.

Polygon, as the developer of PDP-3E, shall construct Coffee Lake Drive, within the property boundary, and receive street SDC credits for the construction of paving wider than 20 feet and the easterly curb against street SDC fees for PDP-3E. The SDC credits are calculated as follows: extra paving width of 12,240 sq. ft. at \$2.00 a sq. ft. is estimated at \$24,480; rock for the extra paving of 12,240 sq. ft. at \$1.33 a sq. ft. is estimated at \$16,279; the easterly curb of 2,040 lineal ft. at \$15.00 per linear ft. is estimated at \$30,600, for a total estimate of \$71,359; soft costs, at 24% of the above sum, are estimated at \$17,126; and the total SDC credits are estimated at \$88,485.

7. Regional Park 7 and North Portion of Regional Park 8.

7.1. Subject to the cap on costs described in Section 7.2, Polygon, as the developer of PDP-3E, shall construct that portion of Regional Parks 7 and 8 within the Bischof/Lund Property boundary and the Metro Property area as shown on **Exhibit 5**, attached hereto and incorporated by reference herein.

7.2. Polygon believes it can significantly reduce the cost by providing the design/plans for and the management of construction of the park described in Section 7.1. Polygon's obligation to spend funds for the design and construction of that portion of Regional Parks 7 and 8, as described in Section 7.1, is capped as follows: Polygon shall not be obligated to spend more than the park SDCs, currently set at \$4,602 per lot, which may be adjusted annually, in accordance with the Seattle Engineering Record's published construction cost index, until the park work is completed (the "Capped Amount"). The City will agree to a redesign of that portion of Regional Parks 7 and 8 so that the costs will not exceed the Capped Amount. The City shall review and approve draft plans at 30%, 60%, and 90% of plan completion. The total park SDC credits are currently estimated at ~~\$846,768~~ \$943,410 ($\$4,602 \times 184,2054$ lots, subject to annual adjustment) and shall be provided by the City as against the Capped Amount for Polygon to design and construct the northern part of Regional Parks 7 and 8. In the event the City receives timely final approval from Metro for park construction on that portion of the Metro Property shown on **Exhibit 5**, Polygon and the City further agree that Polygon will design and construct the trail facilities on Metro property as long as the cost of the design and construction of that segment of the trail facilities, when added to the cost to design and construct the portion of Regional Parks 7 and 8 located within the Bischof/Lund Property, as described in Section 7.1, will not exceed the Capped Amount. Polygon will provide an updated more reliable cost estimates for construction for both the northern part of Regional Park 8 on the Bischof/Lund Property and the Metro property when the 30% design is completed. The parties shall then determine whether it is feasible to proceed with further design and construction of Regional Park 8 on both properties or just within the Bischof/Lund Property without including the Metro Property. In the event the estimated costs exceed the Capped Amount at the 30% design phase, Polygon shall not be obligated to spend any more than the Capped Amount. In such case, the City reserves the option to elect, at its discretion, to contribute Park SDC funds or other funds to cover the amount that exceeds the Capped Amount. If the City does not elect to pay the amount

in excess of the Capped Amount, the parties will redesign to stay within the Capped Amount or elect to build some or all of the park improvements at a later date.

7.3. The City has received Metro's tentative approval for the conceptual park improvements on the Metro Property, as depicted in the above **Exhibit 5**. The City will facilitate obtaining Metro's final approval to construct the trail facilities on the Metro Property.

8. **Miscellaneous Parks: Linear Greens (LG) 15 & 16, Pocket Parks (PP) 9 & 12, and Neighborhood Park (NP) 5.** These parks were initially designed to be located on the Bischof/Lund Property and the adjacent parcels owned by private ownership to the west, which property is not included in the Matrix Development Agreement. 110th Avenue currently runs through the middle of these parks. These parks are located and described on the map attached hereto as **Exhibit 6**, and incorporated by reference herein. It is anticipated that in order to develop the parks as shown, Polygon must enter into an agreement with this private property owner to allow for development of a portion of the parks on that other property. The City will endeavor to contact this property owner, who is currently located overseas, to determine whether the property owner is agreeable to allowing a portion of its property to be included in the park or parks Polygon will design and build. Polygon acknowledges it has the responsibility to develop the park areas located within the Bischof/Lund Property in PDP-3E, but the City and Polygon would prefer that the full parks, as currently contemplated in the Master Plan, be developed, if appropriate agreement can be obtained from the property owner. The plan to remove 110th will need to provide for existing easements of Northwest Gas and Kinder Morgan Petroleum utilities. If the other property owner does not enter into an agreement with Polygon to allow for park construction on its land, Polygon will develop that portion of the parks located on the Bischof/Lund Property and require the homeowner's association to maintain them, once constructed.

9. **Coffee Lake Drive 15-Inch Sewer.**

9.1. A 15-inch sewer trunk line in Coffee Lake Drive will serve all of SAP East, portions of SAP Central and SAP North, and all of UPA3. The sewer line has been extended by the City from Barber Avenue to Denmark Street (property line of Bischof/Lund). This segment has been constructed and a Reimbursement District is being formed by the City to pay the cost thereof.

9.2. The parties agree that Polygon, as the developer of PDP-3E, shall construct the 15-inch sewer line in Coffee Lake Drive from Denmark Drive (Bischof/Lund Property line) to 110th Avenue at its cost and receive sewer SDC credits for all lots within PDP-3E for oversizing the line above an 8-inch line to provide extra capacity for the future benefitted properties within the service area. Polygon acknowledges and agrees to formation of the Reimbursement District and that PDP-3E will be subject to assessments for a reimbursement of proportionate costs under the Reimbursement District.

9.3. Oversizing of sewer line reimbursement estimates have been in the range of \$55 - \$60 a linear foot, to date, in Villebois. Thus, SDC credits are estimated at \$57.50 a

linear foot for 2,040 feet, for a total of \$117,300, plus soft costs estimated at \$28,152, for a total estimated cost of \$145,452.

10. Villebois Drive 18-Inch Waterline. Polygon, as the developer of PDP-3E, shall construct an 18-inch water line in Villebois Drive from the SW side of ~~Costa Coffee Lake Drive Circle to Verdun~~, install a tee and run the 18 inch line in Verdun from the tee to 110th and in 110th northerly to the ~~existing~~existing 18 inch line near Tooze Road. The estimate cost of the Villebois Drive segment ~~is to the westerly property line, at an estimated cost of \$106,020,~~ inclusive of soft costs. ~~The estimated cost of the Verdun segment is \$60,000, inclusive of soft costs.~~ The estimated costs of the 110th segment is \$40,000, inclusive of soft costs. -Polygon shall receive ~~W~~water SDC credits ~~against the lots in PDP-3E~~ for the construction of oversizing from a 12-inch line to an 18-inch line in Villebois Drive in the estimated total of \$31,000, inclusive of soft costs; ~~credit for construction of oversizing from an 8 inch line to an 18 inch line in Verdun in the estimated total of \$30,000, inclusive of soft costs; and for the 18 inch line segment in 110th full credit in the estimated total of \$40,000 , inclusive of soft costs.~~ ~~against water SDCs for the lots in PDP 3E, in the estimated total sum of \$31,806, inclusive of soft costs,~~ as set forth on page 4 of **Exhibit 4**.

~~11. _____/110th: 18" Water Line. [I will renumber paragraphs if inserted.]~~

11. Master Planning Fee. The Matrix Development Agreement for SAP East provides that the developer will pay a Master Planning Fee of \$900 per lot, with \$690 of that fee being paid to the master planner, Costa Pacific Communities, and \$210 of that fee being paid to the City, subject to adjustment on an annual basis each July 1 proportionate to the changes in the Seattle Engineering Record's construction index published the preceding March. The adjusted fee for fiscal year July 1, 2012 to June 30, 2013 is \$1,0279, proportioned \$7879 to Costa Pacific Communities and \$240 to the City. In the event Costa Pacific Communities, as a land owner in SAP Central, waives its Master Planning Fee as proposed in Section 5 above, Polygon, as the developer of PDP-3E, shall only be required to pay the City a Master Planning Fee of \$240 per lot, as may be annually adjusted as referenced above, at the time of building permit issuance for each lot within PDP-3E.

12. SDC Credit Calculations.

12.1. Included Costs. The standards for calculating the costs of constructing infrastructure, including both soft and hard construction costs, are standards known to the City and Polygon, and have been used for the calculations herein, against which SDC credits are calculated. Soft costs incurred in connection with the improvements described in this Addendum 4 are included in SDC credits. Polygon shall be treated equitably and consistently with the other developers receiving SDC credits in Villebois, and such soft costs for the purposes of SDC credits shall be calculated as a percentage of construction costs as follows: Design, Engineering, and Surveying, 10%; City Permit Fee, 7%; Geotechnical Inspection, 2%; and Construction Management, 5%, for a total of 24% of construction costs. The Matrix Development Agreement addresses the respective SDC and SDC credit calculations and is to be followed, except as may otherwise be specifically set forth in this Addendum 4. All SDC credits shall be credited to Polygon before Polygon must pay any system development charges for the

Bischof/Lund Property lots. That is, upon completing an infrastructure project and becoming entitled to the applicable SDC credits as provided in this Addendum 4, Polygon may apply, in whole or in part, such applicable SDC credits against the SDC otherwise owed, until such credits may become exhausted, before Polygon is obligated to pay any remaining applicable SDC that may be owed.

12.2 Excluded Costs. The parties to this Addendum 4 agree that the various infrastructure costs and SDC credit calculations shall not include the cost of any property or any easement, right of entry, or license for any property necessary to be dedicated to or otherwise transferred by any of the respective parties to this Addendum 4 to the City for the infrastructure improvements, including parks, provided for in this Addendum 4 and which shall be provided to the City without cost to the City. Polygon will not be required to pay for any rights of entry, easements, or dedications.

12.3. Final Estimates and True Up. In order to secure a public works permit for the infrastructure provided for herein, plans for the construction of the infrastructure, including parks, must be provided to and approved by the City. In constructing the infrastructure, the approved plans must be followed and, to ensure the cost for providing the infrastructure is reasonable, and thus any credit entitlement is reasonable, Polygon shall provide the construction contract costs to the City as the final estimate for the City's review and approval, which approval shall not be unreasonably withheld. The final cost and SDC credits shall be based on actual costs trued up from the construction contract costs; provided, however, that for any such true-up change cost, the parties must mutually agree they are reasonable.

12.4. Insurance and Bonds. Prior to commencement of construction of the infrastructure set forth in this Addendum 4, Polygon must provide to the City performance and payment bonds satisfactory to the City to provide for the respective infrastructure set forth in this Addendum 4. Polygon shall cause the City to be named as an additional insured on the applicable contractor's insurance policy for the construction of the respective infrastructure provided for in this Addendum, in amounts and coverage satisfactory to the City.

13. **GAP Parcel**. Bischof/Lund donated approximately 4.454 acres of land to the URA to be used for parks and open space. This land is referred to as the GAP parcel and it makes up a portion of those parks identified as Regional Parks 7 and 8 in the Revised Villebois Parks Master Plan. The GAP parcel is identified on **Exhibit 2**. Polygon and the URA agree that Polygon will include this area in the design and construction of Regional Parks 7 and 8, subject to the costs incurred by Polygon for all the work described in Section 7 not exceeding the Capped Amount.

14. **Recitals Incorporated**. The recitals set forth above, inclusive of exhibits, are incorporated by reference as general terms of this agreement to provide for the intent of the parties in developing and constructing the specific provisions of the Terms and Conditions of this Addendum No. 4 Agreement.

15. **Miscellaneous**. This Addendum 4 amends the Matrix Development Agreement as specifically set forth herein. Except as set forth in Addendum 4, the Matrix Development

Agreement, as previously amended, remains in full force and effect as to the parties to the Matrix Development Agreement.

16. **Assignment.** Polygon shall have the right to assign, without release, this Addendum No. 4 to an affiliate of Polygon, including Polygon at Villebois, L.L.C. An affiliate of Polygon is defined as any entity that is managed or controlled by the same people who manage Polygon.

17. **SDC Adjustments.** All references to SDCs in this Addendum 4 are references to system development charges established for the 2011-2012 fiscal year. Those charges are subject to adjustment on an annual basis proportionate to the changes in the Seattle Engineering Record's published construction cost index.

18. **Notices.** All notices, demands, consents, approvals, and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States Mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail, or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machine, such notice shall be deemed given at the time and on the date of machine transmittal.

To City: Michael E. Kohlhoff
City Attorney
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville OR 97070

To Polygon: Polygon Northwest Company, L.L.C.
Attn: Fred Gast
109 E. 13th Street
Vancouver WA 98660

With a copy to: Radler White Parks & Alexander LLP
Attn: Barbara Radler
111 SW Columbia Street, Suite 1100
Portland, OR 97201

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first written above.

POLYGON NORTHWEST COMPANY, L.L.C.

CITY OF WILSONVILLE

By: Brentview, Inc., its Manager

By: _____
Print Name: _____
As Its: _____

By: _____
Bryan Cosgrove
As Its: City Manager

THE URBAN RENEWAL AGENCY OF THE
CITY OF WILSONVILLE

APPROVED AS TO FORM:

By: _____
Bryan Cosgrove
As Its: Executive Director

Michael E. Kohlhoff, OSB #690940
City Attorney

EXHIBIT 1

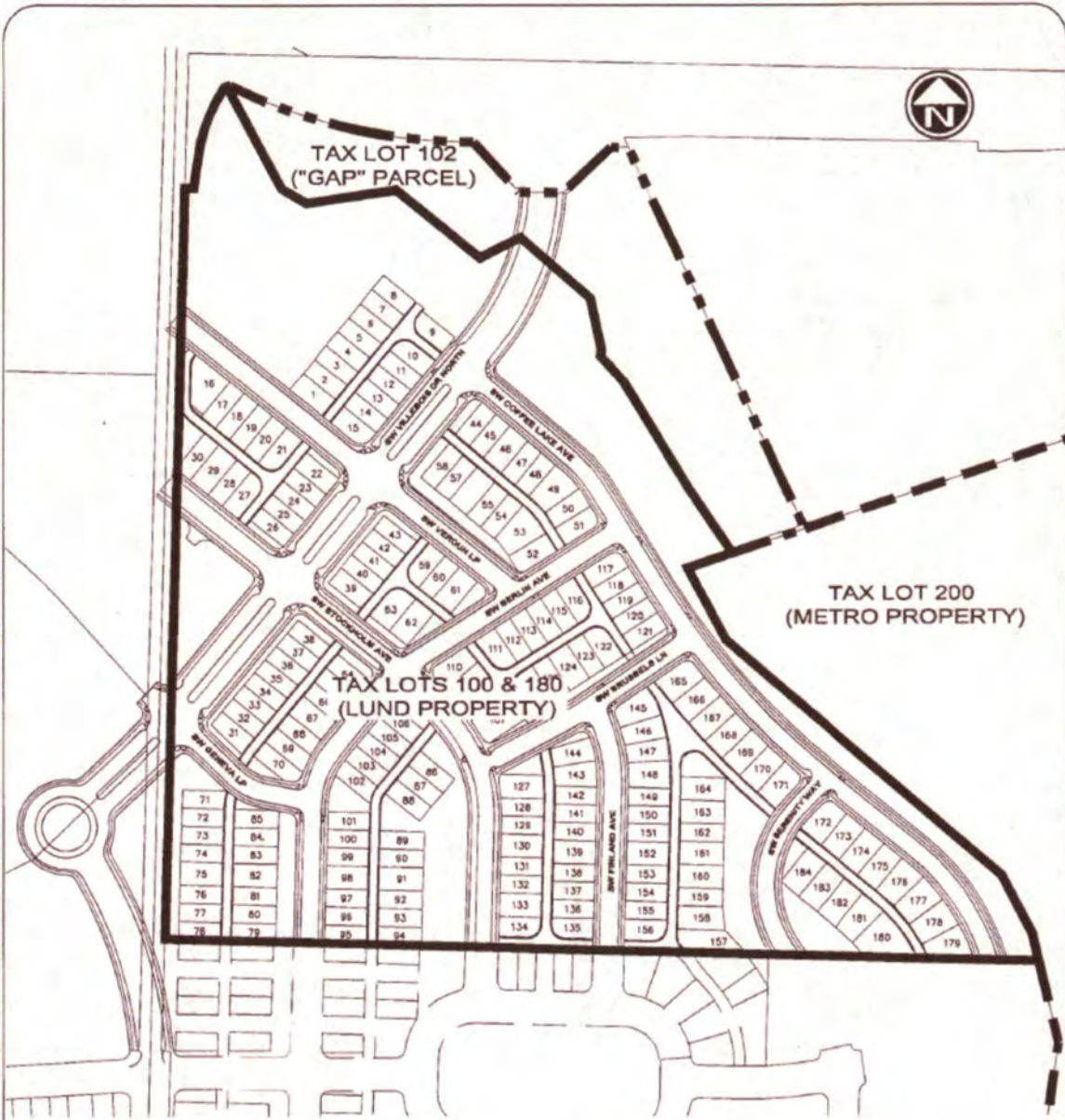
The land bounded by a line beginning South 24-1/2° East 14.96 chains from the Northeast corner of Section 15, in Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon, in the center of L.A. Seely's main ditch; thence South 70-1/2° West, 14.64 chains to the Northwest corner of R.I. Seely's land; thence South 35° East, 2 chains on the West side of said land; thence South 52° East, 8.97 chains on the West side of said land; thence South 10° East, 2 chains on the West line of said land; thence West, 22.50 chains to the East line of the Donation Land Claim of Samuel B. Franklin; thence North on said East line, 22.64 chains to the Southwest corner of George B. Seely's land; thence East, 24.37 chains to the center of said L.A. Seely's main ditch; thence South 20-1/2° East on the center line of said main ditch to the place of beginning.

ALSO a strip of land (hiatus) situated in the Northeast one-quarter of Section 15 and the Northwest one-quarter of Section 14, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Clackamas and State of Oregon; said strip of land (hiatus) lies Northerly of that certain tract of land conveyed to John and Rose Boston as described in Book 205, Page 458 and Book 319, Page 427 and lies Southerly of that certain tract of land conveyed to H.V. Rand, et ux, described in Book 143, Page 49, Deed Records, Clackamas County, Oregon; the Northerly line of said Boston Tract being described as follows:

Beginning at the Northwest corner of said Boston Tract, which Northwest corner is in the Easterly line of the Samuel Franklin Donation Land Claim No. 50 and bears North 00°00'00" East, 1698.90 feet from the South east corner of the Samuel Franklin Donation Land Claim No. 50; thence leaving said Easterly line, North 89°56'00" East parallel with the Northerly boundary of the R.V. Short Donation Land Claim a distance of 20.00 feet to a 5/8 inch iron rod in the Easterly right-of-way line of Brown road (County Road No. 355); thence continuing along said Northerly boundary of the Boston Tract, North 89°56'00" East (P.S. 21365 Records of Surveys, Clackamas County), 1403.07 feet to a 5/8 inch iron rod in the Easterly line of said Section 15, Township 3 South, Range 1 West; thence continuing North 89°56'00" East along the Northerly boundary of the Boston Tract (P.S. 21365 Record of Surveys, Clackamas County) parallel with said Northerly line of the R.V. Short Donation Land Claim, 132.36 feet to a 5/8 inch iron rod at the Northeasterly corner of the herein described tract, which Northeasterly corner is in the Westerly boundary of the R.I. Seely Tract as described in Book 43, Page 54, Deed Records, Clackamas County, Oregon.

EXCEPTING THEREFROM Those tracts deeded to The Urban Renewal Agency of the City of Wilsonville, by Deed recorded August 11, 2006, Fee No. 2006-073989 , 2006-073990 and 2006-073991.

EXHIBIT 2



N:\proj\395-007\09 Drawings\03 Planning\Exhibits\395007.Development Agreement Exhibit-B.dwg - SHEET: LOTS Jul. 26. 12 - 1:07 PM jeff

DRAWN BY: PRE DATE: 7/24/12
 REVIEWED BY: JBL DATE: 7/24/12
 PROJECT NO.: 395-007
 SCALE: 1" = 250'

*Pacific Community
Design*

[T] 503-941-9484 [F] 503-941-9485

EXHIBIT 3

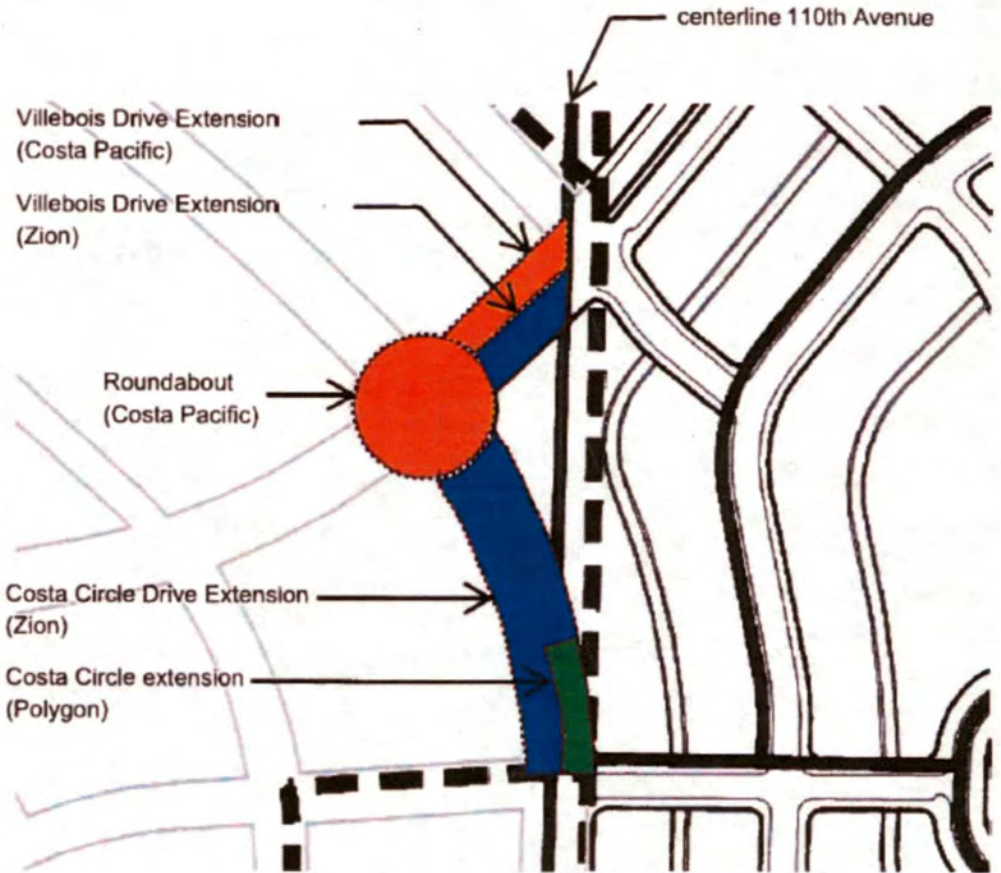


EXHIBIT 4

Supplemental I-5/Wilsonville Road Fee

pay supplemental fee for 184 lots at \$690/DU (\$127K).

Fee	Rate	Units	Cost
I-5/Wilsonville Rd	184	690	126,960
Total			126,960

Villebois Drive extension north of Coffee Lake Drive to Boeckman

Polygon to build from Coffee Lake Drive to existing roundabout on Boeckman (\$250K), receive road SDC credit for all costs (\$250K). City to dedicate required right of way and construction easements.

Road	Length	Cost per ft.	Cost
Villebois Drive	310	650	201,500
soft cost/cont		24%	48,360
Total	310		249,860

Villebois Drive extension from 110th Avenue to Coffee Lake Drive

Polygon to build from Coffee Lake Drive to 110th Ave., receive road SDC credit for 12 feet additional paving width and addition paving depth for remainder of paving (\$69K).

Item	Quantity (sf)	Unit price	Cost
Extra paving Width	10,260	2.00	20,520
Extra Paving depth	10,260	1.33	13,646
Extra Base Rock	42,750	0.50	21,375
soft cost/cont		24%	13,330
Total	10,260		68,871

Villebois Drive/Costa Circle extension and roundabout

Costa / Zion to dedicate required right-of-way and construction easements, Polygon to build (\$659K), Costa to waive Costa portion of MP Fee (\$127K), Polygon to receive road SDC credit for remaining offsite portion (\$474K), Costa / Zion reimburse City with supplemental fee at future building permits (\$181K Costa, \$293K Zion).

Road	Length	Cost per ft.	Cost
Villebois Drive	150	650	97,500
Roundabout		200,000	200,000
Costa Circle	360	650	234,000
Const. Total			531,500
Soft Cost/Cont		24%	127,560
Project Cost			659,060

Costa Pacific Items	Cost	%	Cost
Villebois Drive	97,500	50%	48,750
Roundabout	200,000	100%	200,000
Costa Circle	234,000	0%	0
Const. Total			248,750
Soft Cost/Cont		24%	59,700
Total Costa Cost			308,450
Less Master Plan Fee			-126,960
Costa Reimbursement			181,490

Zion Items	Cost	%	Cost
Villebois Drive	97,500	50%	48,750
Roundabout	200,000	0%	0
Costa Circle	234,000	80%	187,200
Const. Total			235,950
Soft Cost/Cont		24%	56,628
Total Zion Reimbursement			292,578

Polygon Items	Cost	%	Cost
Villebois Drive	97,500	0%	0
Roundabout	200,000	0%	0
Costa Circle	234,000	20%	46,800
Const. Total			46,800
Soft Cost/Cont		24%	11,232
Total Polygon Cost			58,032

Coffee Lake Drive thru property

Polygon to build within the property, receive Road SDC credits for Paving wider than 20 feet a the easterly curb (88K).

Item	Quantity (sf)	Unit price	Cost
Extra paving Width	12,240	2.00	24,480
Rock	12,240	1.33	16,279
easterly curb	2,040	15.00	30,600
soft cost/cont		24%	17,126
Total	12,240		88,485

Coffee Lake Drive 15-inch Sewer

Polygon to build thru property (\$685K), receive sewer SDC credit for oversizing from 8" to 15" (\$145K), and pay south portion late comer fee (50K).

Project cost:

Length	Cost	Cost per lf
South Portion		
1,779	597,143	335.66
North Portion		
2,040	684,750	335.66

North Portion SDC Credit

Item	Quantity (sf)	Unit price	Cost
Oversize from 8" to 15"	2,040.00	57.50	117,300
Soft Cost	117,300.00	24%	28,152
Total			145,452

South Late-comer Fee:

Area	Amount	Fee
Lund	50,203.72	50,204

Villebois Drive 18-inch Waterline

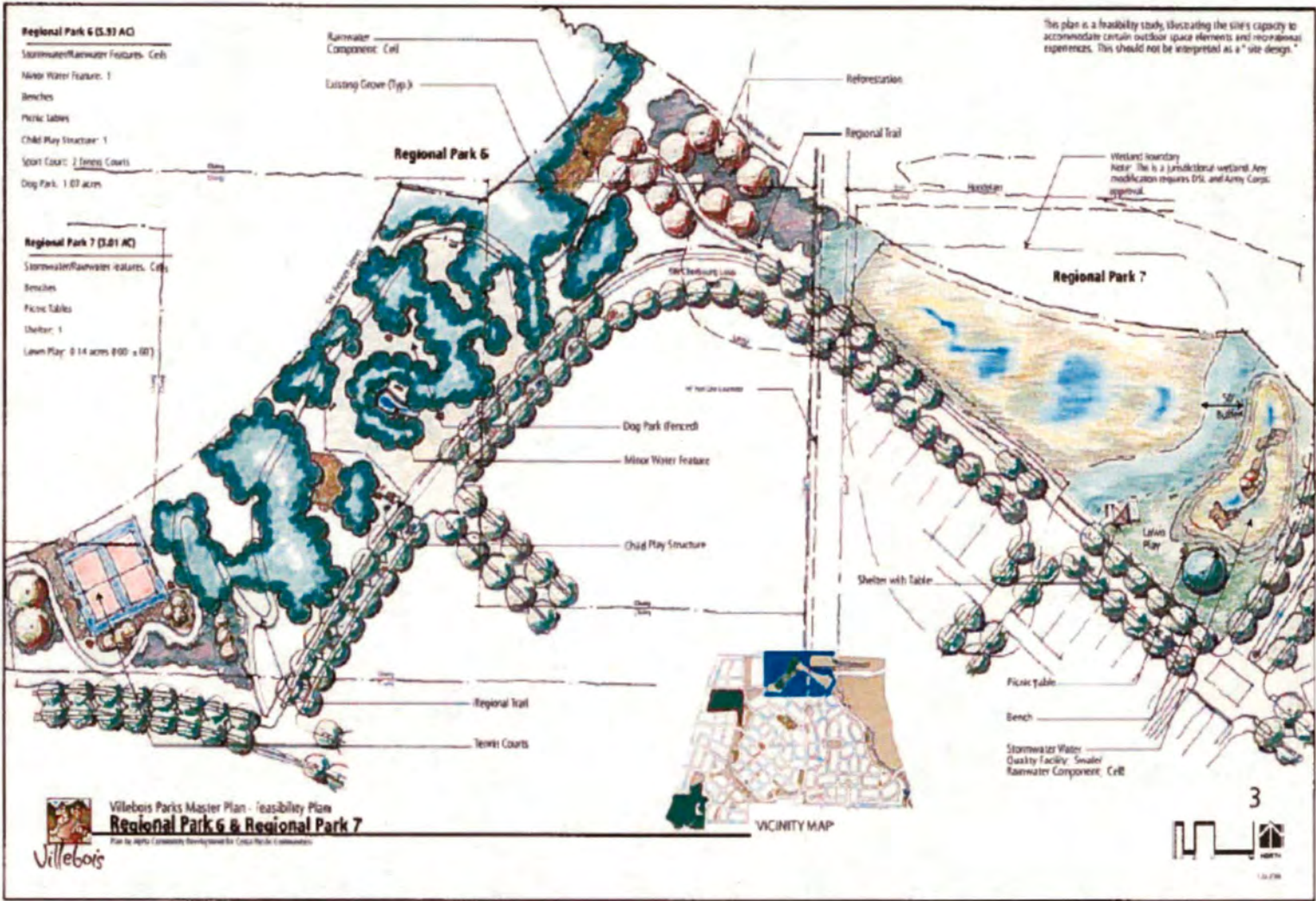
Polygon build from Coffee Lake Drive to 110th (\$106K), receive SDC credit for oversize from 12-in to 18-inch (\$32K).

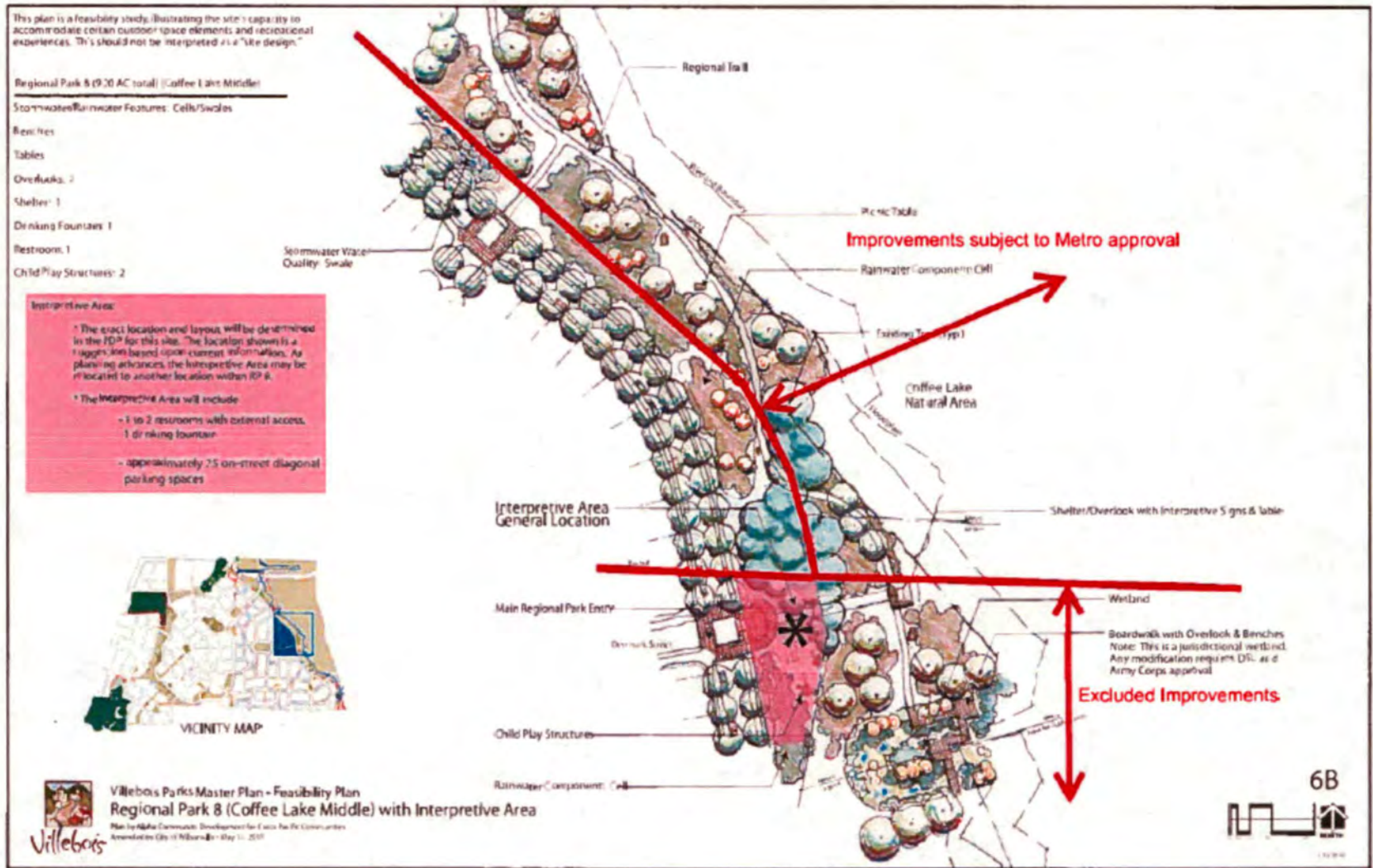
Item	Quantity (lf)	Unit price	Cost
18-inch line	855	100.00	85,500
soft cost/cont			20,520
18-inch total			106,020
12 -inch line	855	70.00	59,850
soft cost/cont			14,364
12-inch total			74,214
Total Credit			31,806

Master Plan Fee

Pay City fee portion (\$39K), use Costa portion (\$127K) to pay for Village Drive/Costa Circle.

Fee	Units	Rate	Cost
MP Fee (Costa)	184	690	126,960
MP Fee (City)	184	210	38,640
Total	184	900	165,600





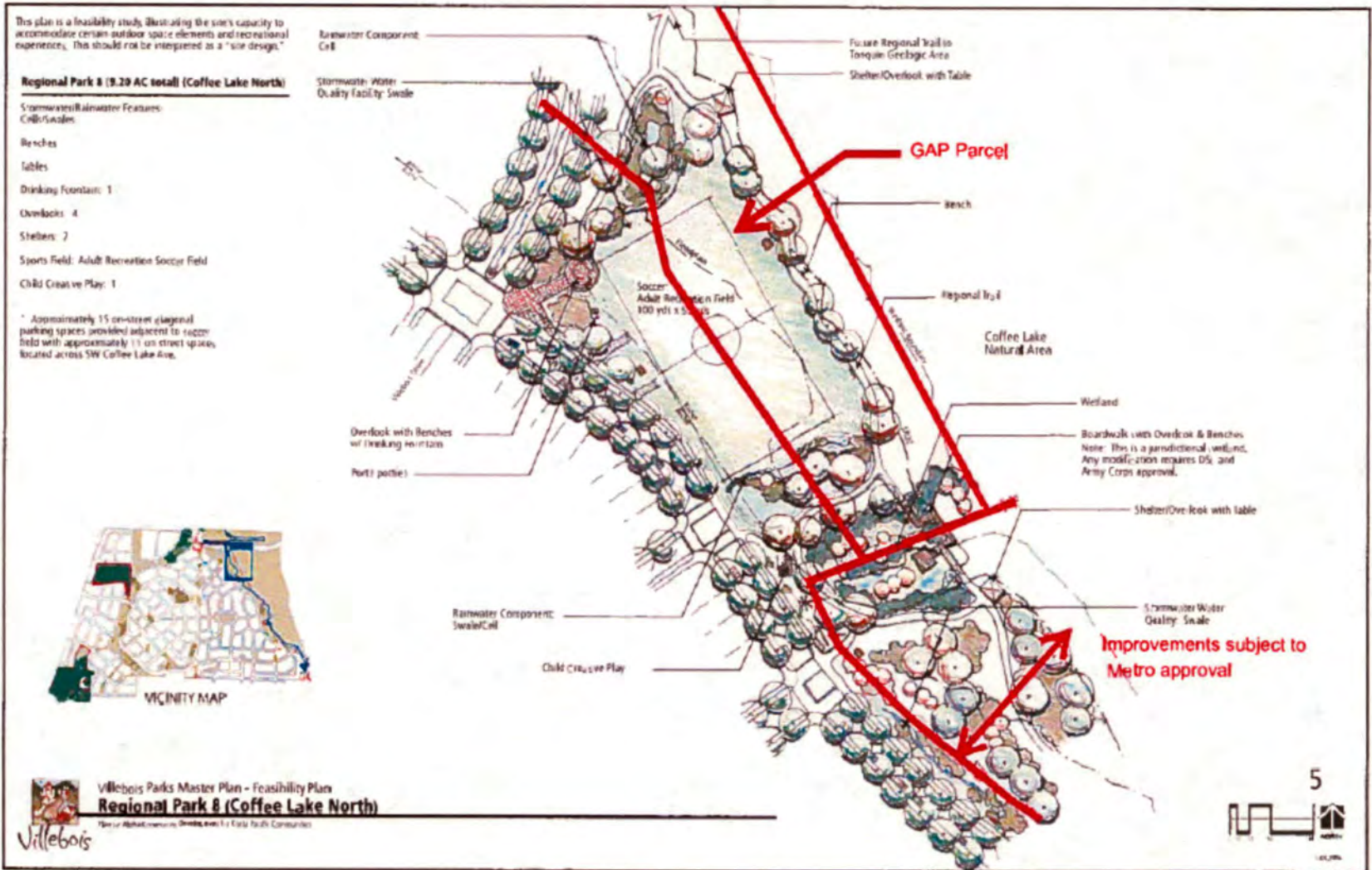
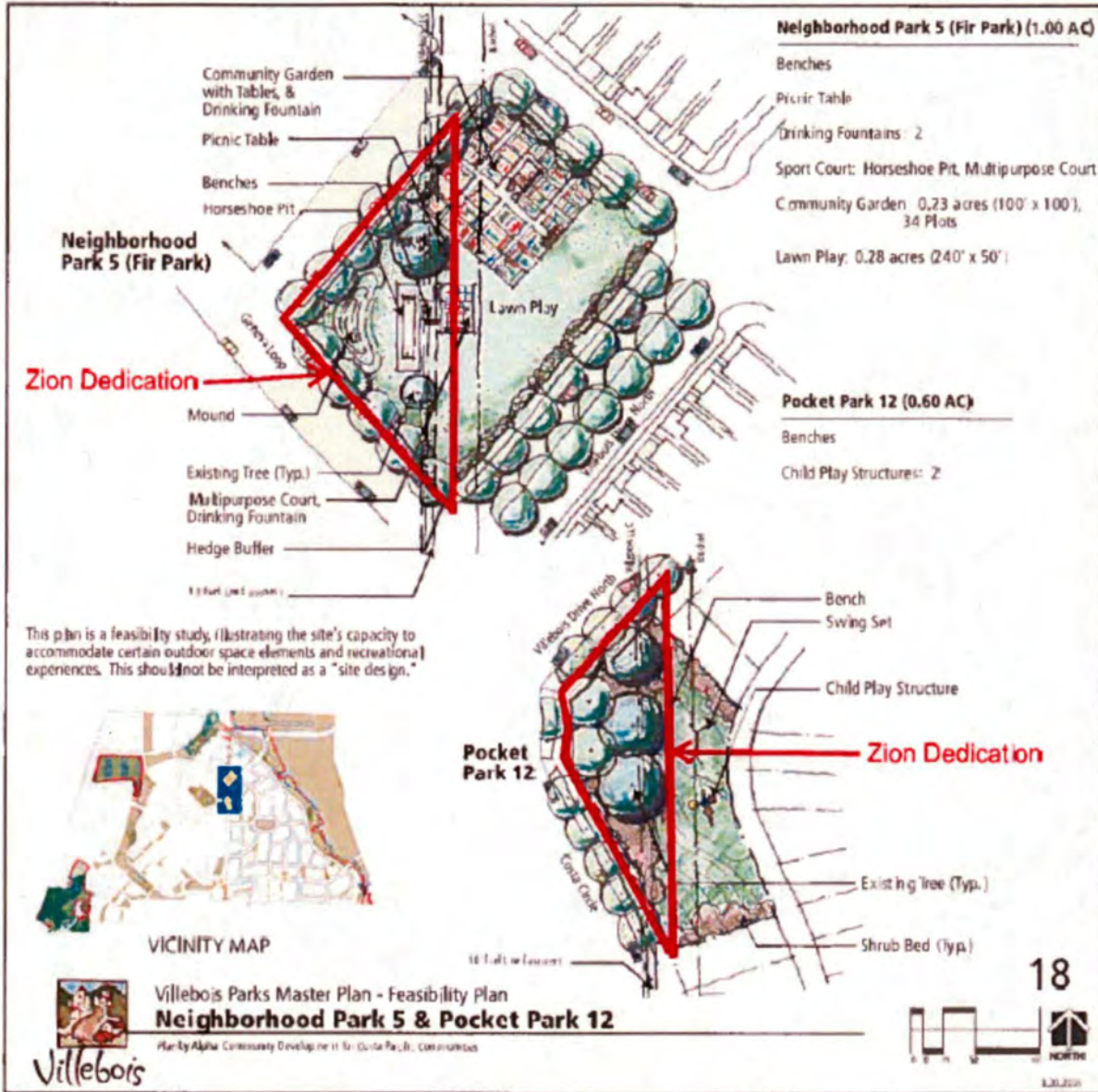


EXHIBIT 6



This plan is a feasibility study illustrating the site's capacity to accommodate certain outdoor space elements and recreational experiences. This should not be interpreted as a "site design."

Pocket Park 9 (0.21 AC)

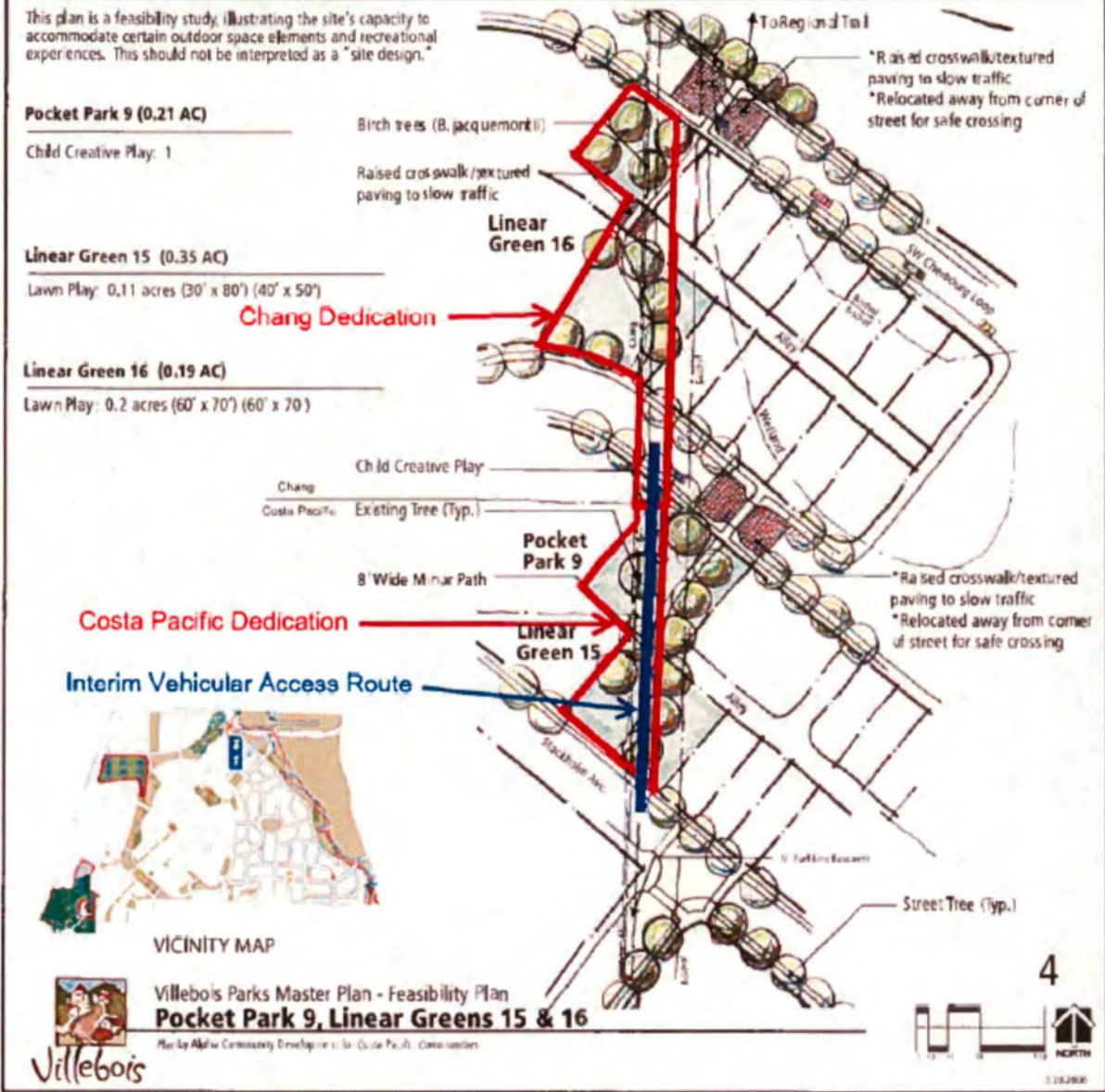
Child Creative Play: 1

Linear Green 15 (0.35 AC)

Lawn Play: 0.11 acres (30' x 80') (40' x 50')

Linear Green 16 (0.19 AC)

Lawn Play: 0.2 acres (60' x 70') (60' x 70')



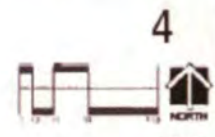
VICINITY MAP



Villebois

Villebois Parks Master Plan - Feasibility Plan
Pocket Park 9, Linear Greens 15 & 16

Prepared by: [Illegible] Community Development / [Illegible] Costa Pacific / [Illegible] Consultants




**CITY COUNCIL MEETING
 STAFF REPORT**

Meeting Date: December 3, 2012		Subject: Resolution No. 2387 A Resolution Approving A Development Agreement Between The City Of Wilsonville And REDUS OR LAND LLC. Staff Member: Michael Kohlhoff Department: Legal	
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: Adopt Resolution No. 2387			
Recommended Language for Motion: I move to adopt Resolution No. 2387.			
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"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Development Agreement between City of Wilsonville and REDUS OR LAND, LLC.

EXECUTIVE SUMMARY:

REDUS OR LANDS, LLC is the property holding entity of Wachovia Financial, which has been acquired by Wells Fargo. Originally, Wachovia loaned money to Matrix for the Development of the property Matrix was acquiring to develop Legend homes in Villebois east of 110th. Due to

the Matrix bankruptcy and reorganization, a portion of the property was transferred back to REDUS/Wachovia. REDUS has cooperated in the City's purchase of lands from it for the Lowrie primary School site and Reimbursement Districts for utilities, one district having been formed and the second in the process of formation. A sticking point was whether the base rock for Coffee Lake Drive should be part of the Coffee Lake Sewer Trunk Line Reimbursement District or separate therefrom. The easement for the trunk line and Drive ultimately came from REDUS/Wachovia. It was finally negotiated that the base rock portion for the Drive would be REDUS' full responsibility, but that the benefit came like the sewer line at the time of development, therefore they would pay in per lot installments will be obtaining building permits and the City would apply an interest rate in keeping with the City's annualized return in the Local Government Investment Pool.

EXPECTED RESULTS:

REDUS can market its subdivision for development with known costs, the City aids in the advancement of development and is reimbursed when development occurs, and litigation is avoided.

TIMELINE:

Assumption is property will be marketed and development will go forward by summer 2013.

CURRENT YEAR BUDGET IMPACTS:

There could be some reimbursement at the end of this fiscal year, but most likely at the beginning of next fiscal year.

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

Reviewed by: _____ JEO _____ Date: _____ 11/26/12 _____

This development agreement documents the agreed upon reimbursement terms, and does not change the long-term financial impact.

LEGAL REVIEW / COMMENT:

Reviewed by: _____ MEK _____ Date: _____ 11/20/12 _____

Meets legal form.

COMMUNITY INVOLVEMENT PROCESS:

Adoption at Public Meeting.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The Agreement aids development of residential housing for the community through provision of financing infrastructure which is fairly apportioned between the public and new development.

ALTERNATIVES:

Arms-length negotiated equitable financial result between parties that meets legal requirements for financing infrastructure proportionately to new development and avoids litigation. Other

options could have caused costly litigation or resulted in placing financial burden unfairly on other property owners.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Resolution No. 2387
- B. Development Agreement

RESOLUTION NO. 2387

A RESOLUTION APPROVING DEVELOPMENT AGREEMENT BETWEEN THE CITY OF WILSONVILLE AND REDUS OR LANDS, LLC.

WHEREAS, REDIS OR LANDS, LLC is the owner of the property now known as Retherford Meadows, which received development approval under the Villebois Master Plan as SAP – E, PDP-2; and

WHEREAS, a condition of approval of the Retherford Meadows subdivision was the construction of Coffee Lake Drive across the subdivision; and

WHEREAS, the City's construction of Coffee Lake Drive Sewer Trunk Line in the proposed Coffee Lake Drive provided an opportunity to also construct the base rock portion of Coffee Lake Drive at a cost savings and prevent potential damage to the trunk line by base rock construction at a later date as recited in the Development Agreement Between the City of Wilsonville and REDUS OR LANDS, LLC, a copy of the Development Agreement is marked **Exhibit 1**, attached hereto, and incorporated by reference herein, and

WHEREAS, approval of the Development Agreement assists in the marketing of the subdivision and allows for the orderly reimbursement to the City for the costs associated with construction of the base rock less applicable street systems development charges upon development of Retherford Meadows by REDUS OR LANDS, LLC or its successor in interest.

NOW THEREFORE THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The above mentioned recitals are incorporated by reference herein.
2. The Development agreement between the City of Wilsonville and REDUS OR LANDS, LLC a copy of which is attached as Exhibit 1, and incorporated by reference herein, is approved, and the City Manager is authorized to execute the Development Agreement on behalf of the City.
3. The resolution shall take effect upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this ____ 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

Attachments:

Exhibit 1 – Development Agreement

**DEVELOPMENT AGREEMENT BETWEEN
CITY OF WILSONVILLE AND REDUS OR LAND, LLC**

RECITALS

WHEREAS, the City of Wilsonville (City) is a duly authorized municipal corporation under the laws of the State of Oregon; and

WHEREAS, REDUS OR Land, LLC (REDUS) is a duly authorized corporation under the laws of the state of Delaware and is the owner of a certain parcel of property within the Villebois Village Master Plan area, City of Wilsonville, Clackamas County, Oregon; and

WHEREAS, REDUS has applied for and received approval, with conditions, from the City of Wilsonville for the development of an 88-lot subdivision, known as Retherford Meadows; and

WHEREAS, as a part of the aforementioned conditions of approval, REDUS is conditioned, in conjunction with development of Retherford Meadows, to construct a segment of the roadway known as Coffee Lake Drive (also referenced as Villebois East 2 Road) to service the development in conformance with the Villebois Village Master Plan, which segment traverses the property in a general south to north direction; and

WHEREAS, the City and REDUS previously agreed that a 15" trunk sewer line would be constructed within a 50-foot wide easement REDUS provided to the City, which easement is generally coterminous with the right of way for Coffee Lake Drive; and

WHEREAS, due to the need to provide sewer service from the trunk line to adjacent property to serve a grade school that was planned to be constructed, the construction of the sewer trunk line was set to precede development of Retherford Meadows and, in fact, is now constructed, and due to the further circumstances that in addition to sewer service benefits from the trunk line for the school and eventually Retherford Meadows, the sewer line would also benefit the future development of other property, the City financed and advanced the construction of the sewer line, subject to being reimbursed through the formation of a Coffee Lake Drive Sewer Reimbursement District. REDUS is subject to paying its pro rata share of the sewer line reimbursement under the terms of the Reimbursement District adopted November 5, 2012, separate and apart from its obligations to construct Coffee Lake Drive; and

WHEREAS, with the construction of the sewer trunk line, there was an opportunity to construct the base rock portion of Coffee Lake Drive at the same time under one contract, and avoid potential greater cost from having to come back, remobilize, and construct the roadway base around the constructed sewer line; and

WHEREAS, the City and REDUS took advantage of the timing and costs savings, and the base rock was constructed together with the sewer trunk line; and

WHEREAS, it is the intent of the City and REDUS that, at the time of pulling building permits to build homes on the lots within Retherford Meadows, REDUS shall have the option to reimburse the City on a per lot pro rata basis for the City's cost in constructing the base rock for Coffee Lake Drive, subject to an offset for Street System Development Charges credit for extra capacity beyond the benefits and impacts for the subdivision (as set forth in Exhibit 1, attached hereto and incorporated herein), and subject to an interest charge equal to interest earned by the City on its funds in the Oregon Local Government Investment Pool as of October 31, 2012, subject to being adjusted commencing July 1, 2013 and adjusted each July 1 thereafter, based upon the preceding year annual average (July 1 to June 30) for interest earned by the City on its funds in the Oregon Local Government Investment Pool; and

WHEREAS, the City and REDUS acknowledge that the balance of Coffee Lake Drive on its property will be constructed at REDUS, or its successor in interest's, expense at the time of site development for the Retherford Meadows subdivision.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the City and REDUS agree as follows:

TERMS AND CONDITIONS

1. **Recitals Incorporated.** The recitals set forth above, inclusive of Exhibit 1, are incorporated by reference as general terms of this agreement to provide for the intent of the parties in developing the Terms and Conditions of this Development Agreement.

2. **Reimbursement.** REDUS shall reimburse the City for costs of the base rock construction of Coffee Lake Drive for the Retherford Meadows subdivision in the principal sum of \$196,052 (\$227,968 cost less SDC credit of \$31,916, as set forth in Exhibit 1), together with a per annum interest rate equal to the interest rate earned by the City on its funds in the Oregon Local Government Investment Pool as of October 31, 2012, which is six-tenths of one percent (0.6%), and which interest shall be adjusted July 1, 2013, and July 1 of each succeeding year, based upon the preceding annual average (July 1 to June 30) for interest earned by the City on its funds in the Oregon Local Government Investment Pool, payable as follows:

2.1 At any time, REDUS may pay in full the unpaid principal of \$196,052, or any part thereof, together with the accrued interest as set forth above; or

2.2 At the time of applying for a building permit, REDUS may pay on an installment per lot basis as to only those lots for which a building permit is applied. The installment payment on a building permit for each lot, 1-87, shall be \$2,227.86, together with accrued interest as set forth above on the \$2,227.86, and for the 88th lot there shall be paid an installment of \$2,228.18, together with accrued interest as set forth above on the \$2,228.18.

2.3 In the event the number of lots to be built upon are less than 88, the installment payment, together with accrued interest as set forth above, shall be prorated

accordingly and any deficiency in payment in full as a result thereof shall be paid at the time of the last building permit, unless otherwise agreed to by the parties in writing.

3. Miscellaneous Provisions.

3.1 Assignment. The terms and conditions contained herein shall be binding upon and inure to the benefit of the parties and their successors and assigns. REDUS intends to market its property, and REDUS shall have the right to assign this Development Agreement to the purchaser as a successor in interest. REDUS shall notify any successors in interest and assigns of the obligations hereunder, and REDUS shall notify the City of any assignment and provide contact information for the assignee.

3.2 Applicable Law, Venue, and Jurisdiction. The laws of the State of Oregon shall govern this Development Agreement and Clackamas County Circuit Court shall be the venue and shall have jurisdiction for any claim, suit, or action, arising out of this Development Agreement, save and except for any matter arising under the U.S. Bankruptcy Code.

3.3 Attorney Fees and Costs. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law.

3.4 Notice. Whenever any notice or other communication is required or permitted hereunder, such notice or other communication shall be in writing and shall be delivered by nationally recognized overnight express delivery service, or by U.S. registered or certified mail, return receipt requested, postage prepaid, to the addresses set forth below or at such other addresses as are specified by written notice in accordance herewith:

If to City: Michael E. Kohlhoff, City Attorney
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

If to REDUS: Stephen K. Miller, VP
Commercial Owned Real Estate
Wells Fargo Bank
MAC A0119-170
333 Market St 17th Fl
San Francisco CA 94105

3.5 **No Continuing Waiver.** The waiver of either party of any breach of this Development Agreement shall not operate or be construed to be a waiver of any subsequent breach.

IN WITNESS WHEREOF, the Parties have hereunto set their hands as of the day and year first written above.

REDUS OR LAND, LLC

By: _____
Printed Name: _____
As Its: _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 2012,
by _____, as _____ of
_____.

Notary Public – State of Oregon

CITY OF WILSONVILLE,

By: _____
Bryan Cosgrove
As Its: City Manager

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on _____, 2012,
by Bryan Cosgrove, as the City Manager of the City of Wilsonville.

Notary Public – State of Oregon

villebois\coffee lake dr sewer reimb\agr development agr redus

Coffee Lake Drive
Sewer Improvement - 2077

CONSTRUCTION COSTS

Updated 4-30-2012

Item	Alternate Bid	Change Order	Construction Cost	SS Trunk Line	VB East 2 Road thru Wetland		VB East 2 Road thru Wetland	VB East 2 Road thru Wetland
							East 3.5 feet City SDC Eligible	Developer Obligation
DESIGN & ENGINEERING								
Pacific Community Design	\$29,110.00	\$5,479.66	\$34,589.66	\$24,517.74	\$10,071.92		\$1,410.07	\$8,661.85
Geo Conn North West	\$29,349.66	\$8,631.76	\$37,981.42	\$26,921.88	\$11,059.54		\$1,548.34	\$9,511.21
			Sub Total	\$72,571.08	\$51,439.62	\$21,131.46	\$2,958.41	\$18,173.06
						29.1% of Construction Cost		
MITIGATION EXPENSES								
Mud Slough Mitigation	\$24,583.00		\$24,583.00	\$11,222.67	\$13,360.33		\$1,870.45	\$11,489.88
			Sub Total	\$24,583.00	\$11,222.67	\$13,360.33	\$1,870.45	\$11,489.88
						21 ft SS line, 46 ft roadway		
CONSTRUCTION CONTRACT EXPENSE								
Kerr Contractors Inc.	\$557,622.20	\$23,195.64	\$580,817.84	\$411,693.56	\$169,124.28		\$23,677.40	\$145,446.88
			Sub Total	\$580,817.84	\$411,693.56	\$169,124.28	\$23,677.40	\$145,446.88
						29.1% of Construction Cost		
OTHER EXPENSES								
DJC Add - RFQ, SOQ	\$336.88		\$336.88	\$336.88				
DJC Add - Bid	\$635.25		\$635.25	\$635.25				
World Courier	\$169.61		\$186.27	\$186.27				
Willamette Aviation	\$35.30		\$35.30	\$35.30				
BOLI Fee	\$571.76		\$571.76	\$571.76				
ABC Transcription	\$170.00		\$170.00	\$170.00				
Bulk Water	\$856.40		\$856.40	\$856.40				
Westlake Consultants	\$3,895.40		\$3,895.40	\$3,895.40				
City Const. Mgt. & Inspection Time	\$95,644.27		\$95,644.27	\$95,644.27				
City Wetland Permitting Staff Time	\$44,807.55		\$44,807.55	\$20,455.62	\$24,351.93		\$3,409.27	\$20,942.66
			Sub Total	\$147,139.08	\$122,787.15	\$24,351.93	\$3,409.27	\$20,942.66
						21 ft SS line, 46 ft roadway		
			Construction Cost	SS Trunk Line	VB East 2 Road through Wetland		VB East 2 Road through Wetland - City	VB East 2 Road through Wetland Developer
GRAND TOTAL:			\$825,111	\$597,143	\$227,968		\$31,916	\$196,052



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: December 3, 2012</p>	<p>Subject: Ordinance No. 705 Comprehensive Plan Map Amendment from 'Commercial' to 'Residential, 10 – 12 du/ac', Fox Center Townhomes.</p> <p>Staff Member: Blaise Edmonds, Manager of Current Planning Department: Planning Division</p>
<p>Action Required</p> <p><input type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date:</p> <p><input checked="" type="checkbox"/> Ordinance 1st Reading Dates: Nov. 5 and Dec. 3.</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: Dec. 17</p> <p><input 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>Development Review Board 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> <hr/> <p>Comment: Development Review Board Panel A recommends approval of the Comprehensive Plan Map Amendment.</p>

Staff Recommendation: Staff recommends that the City Council adopt **Ordinances No. 705** approving a Comprehensive Plan Map Amendment from 'Commercial' to 'Residential 10 – 12 du/ac.' The State statutory 120-day time limit applies to this application so the City Council must render a final decision for the request by January 8, 2013.

Recommended Language for Motion: I Move to Adopt Ordinance No. 705 on the 1st reading.

<p>PROJECT / ISSUE RELATES TO: Comprehensive Plan, Zone Code and Fox Center Master Plan.</p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input checked="" type="checkbox"/> Adopted Master Plan(s) Fox Chase Master Plan</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL: Approve or Deny Ordinance No. 705 for a Comprehensive Plan Map Amendment on 1.14 acres comprising the southwestern corner of SW Wilsonville Road and SW Willamette Way East. Seema LLC., Applicant.

EXECUTIVE SUMMARY: Council continued the first reading of Ordinance No. 705 to allow the applicant additional time to meet with residents in the area and to report back to Council about the meeting results.

After two public hearings the proposed Comprehensive Plan Map Amendment is being forwarded to the City Council by Development Review Board - Panel 'A' (DRB) with a recommendation of approval. Under a separate Ordinance the DRB is also recommending approval of a Zone Map Amendment from PDC to PDR-5 and to modify the Stage I Preliminary Plan for Fox Chase subdivision. The proposed Comprehensive Plan Map Amendment will enable the development of Fox Center Townhomes which comprises of 15 townhome rental units for person(s) 55 and over. Proposed in Ordinance No. 706 is a Zone Map Amendment from Planned Development Commercial to Planned Development Residential - 5. The DRB also approved a Stage II Final Plan and a Type 'C' Tree Plan. Those approvals are contingent on Council approval of the subject Comprehensive Plan Map Amendment.

EXPECTED RESULT: Adoption of Ordinance No. 705 will enable development of 15 townhome units in 4 buildings.

TIMELINE: Construction of the townhomes would begin in 2013 and would take approximately one year to complete.

CURRENT YEAR BUDGET IMPACTS: Proposed Fox Center Townhomes is a private development so the Applicant is responsible to make all public and private improvements, and pay City application fees and systems development charges for parks, storm sewer and streets.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____, Date: _____, 2012

LEGAL REVIEW / COMMENT:

Reviewed by: MEK _____ Date: October 9, 2012, modified November 13, 2012

The record reflects that the property has been designated commercial for a long period of time without market support for development; that the designation change to residential is compatible with surrounding uses; that originally the applicant sought to receive a bonus density of 2 units over the 14 allowable by providing the units for senior renters adding to the mix of available affordable housing; that due to neighborhood concerns the applicant has amended its original application in several respects, including but not limited to, eliminating one access, increasing on-site parking, and reducing the bonus density to 1 unit for a total of 15 units.

There is evidence in the record upon which the City Council may determine is persuasive to follow the Development Review Board's recommendation and approve the Comprehensive Plan designation amendment and the bonus density of one unit for senior residency for a total of 15 units upon the findings and conditions stated. The Council could find the evidence is persuasive as meeting the intent of density bonus is met only if all units are for individuals 55 years and

older, which is the applicant's preference. Should the City Council determine that providing the bonus density of one was not appropriate under the circumstances and that the applicant didn't carry its burden of persuasion, then the Council will need to provide its findings to this effect.

COMMUNITY INVOLVEMENT PROCESS: The required public hearing notices have been sent. Last year the Applicant conducted a neighborhood meeting.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY Ordinance No. 705 will provide:

- 15 market rate rental townhomes for person(s) 55 and over.

ALTERNATIVE: To deny the Applicant's request.

CITY MANAGER COMMENT:

ATTACHMENTS:

Exhibit A – Comprehensive Plan Map Order DB12-0033

Attachment 1: Map depicting Comprehensive Map Amendment

Attachment 2: Legal Description

Exhibit B – Planning Staff Report, Comprehensive Plan Map Amendment Findings, and Recommendation to City Council, Nov. 8th

Exhibit C - DRB Panel A, Notice of Decision and Resolution No. 234.

Exhibit D - Adopted Staff Report and DRB Recommendation (Exhibit A1), and Fox Center Townhomes application on compact disk.

Exhibit E – August 13th DRB Minutes

Exhibit F – October 8th DRB Minutes

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 continued the hearing to December 3, 2012, to give the applicant further time to supplement the record with evidence of neighborhood support for the application approval as conditioned by the DRB to meet neighborhood concerns and on December 3, 2012, the City Council received the additional evidence as directed of the applicant and there being no opposition or request to leave the record open for seven (7) days, upon deliberation, concluded that the proposed Comprehensive Plan Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code; provided that each of the 15 units are rented or leased to at least one 55 year old or older to support a density increase for senior (elderly) housing.;

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, and the additional modified comments by the City Attorney to the cover staff report as contained in the record of the above described DRB hearing and City Council 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 density bonus for senior (elderly) residential housing for a total of 15 units for the development.

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 on 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 November 19, 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
Councilor Fitzgerald

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 in keeping with Ordinance No.705.

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 and is allowed an additional residential unit density bonus for senior (elderly) housing, provided all 15 units are provided for senior (elderly) housing. 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, MMC, 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

**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: December 3, 2012	Subject: Ordinance No. 706 Zone Map Amendment from PDC to PDR-5, Fox Center Townhomes. Staff Member: Blaise Edmonds, Manager of Current Planning 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: Nov. 5 and 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: Development Review Board Panel A recommends approval of the Zone Map Amendment.

Staff Recommendation: Staff recommends that the City Council adopt Ordinance No. 706 approving a Zone Map Amendment from 'PDC' to 'PDR-5'. The State statutory 120-day time limit applies to this application so the City Council must render a final decision for the zone change by January 8, 2013.

Recommended Language for Motion: I Move to Adopt Ordinance No. 706 on the 1st reading.

PROJECT / ISSUE RELATES TO: Comprehensive Plan, Land Development Code and Fox Center Master Plan.		
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL: Approve or Deny Ordinance No 706 for a Zone Map Amendment on 1.14 acres comprising the southwestern corner of SW Wilsonville Road and SW Willamette Way East. Seema LLC., Applicant.

EXECUTIVE SUMMARY: Council continued the first reading of Ordinance No. 705 to allow the applicant additional time to meet with residents in the area and to report back to Council about the meeting results.

After two public hearings the proposed Zone Map Amendment is being forwarded to the City Council by Development Review Board Panel 'A' (DRB) with a recommendation of approval. The Board approved a companion application to modify the Stage I Preliminary Plan for Fox Chase subdivision. The proposed zone change will enable the development of Fox Center Townhomes which will comprise of 15 townhome rental units for person(s) 55 and over. Proposed in Ordinance 705 is a Comprehensive Plan Amendment from Commercial to Residential 10 – 12 dwelling units per acre. The DRB also approved a Stage II Final Plan and a Type 'C' Tree Plan. Those approvals are contingent on Council approval of the Comprehensive Plan Map Amendment and the Zone Map Amendment.

EXPECTED RESULT: Adoption of Ordinance No 706 will enable development of 15 townhome units in 4 buildings.

TIMELINE: Construction of 15 townhomes would begin in 2013 and would take approximately one year to complete.

CURRENT YEAR BUDGET IMPACTS: Proposed Fox Center Townhomes is a private development so the Applicant is responsible to make all public and private improvements, and pay City application fees and systems development charges for parks, storm sewer and streets.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____, Date: _____, 2012

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: October 9, 2012, modified November 13, 2012

The Council's decision on the Zoning Order should follow its decision the Comprehensive Plan amendment and density designation bonus which accompanies this matter. Although no opposition appeared at the hearing before the City Council and it appeared from the record the applicant had amended its application between DRB meetings to meet neighborhood concerns. The DRB approved the amended application. The Council noted there was a substantial time lapse between the applicant's neighborhood meeting as evidence by the applicant's minutes of the meeting and the last DRB meeting. Therefore, the Council provided additional time to the applicant to reaffirm current neighborhood support of the amended application to the Council's December 3, 2012 meeting. The majority of the Council indicated that the applicant's preference to lease or rent all the 15 units to 55 years and older provided greater support to the density bonus than just one unit. The Legal Department has assisted staff with proposed language to this effect should the Council approve the amended application.

COMMUNITY INVOLVEMENT PROCESS: The required public hearing notices have been sent. The Applicant conducted a neighborhood meeting as part of the application process.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY Ordinance No. 706 will provide:

- 15 market rate rental townhomes for person(s) 55 and over.
- Close walking distance to Graham's Oak Park and schools.
- Close access to *SMART* transit.
- 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. Parking is not proposed along adjacent public streets.

ALTERNATIVE: To deny the Applicant's request.

CITY MANAGER COMMENT:

ATTACHMENTS:

Exhibit A - Zoning Order DB12-0034

Attachment 1: Map depicting Zone Map Amendment

Attachment 2: Legal Description

Exhibit B – Planning Staff Report, Zone Change Findings, and Recommendation to City Council, October 8th

Exhibit C - DRB Panel A, Notice of Decision and Resolution No. 234.

Exhibit D - Adopted Staff Report and DRB Recommendation (Exhibit A1) and Fox Center Townhomes application dated on compact disk.

Exhibit E – August 13th DRB Minutes

Exhibit F – October 8th DRB Minutes

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

RECITIALS

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 a public hearing on the application for a Zone Map Amendment (DB12-0034) 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 Zone Map Amendment (DB12-0034) 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 Zone Map Amendment (Case File DB12-0034), 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 Zone 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 continued the hearing to December 3, 2012, to give the applicant further time to supplement the record with evidence of neighborhood support for the application approval as conditioned by the DRB to meet neighborhood concerns and on December 3, 2012, the City Council received the additional evidence as directed of the applicant and there being no opposition or request to leave the record open for seven (7) days, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code; provided that each of the 15 units are rented or leased to at least one 55 year old or older to support a density increase for senior (elderly) housing.;

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, and the additional modified comments by the City Attorney to the cover staff report as contained in the record of the above described DRB hearing and City Council hearing, and incorporates them by reference herein as if fully set forth.

Section 2. Order. The City of Wilsonville Zone Map is hereby amended by Zone Map Order DB12-0034, attached hereto as **Exhibit A**, from Planned Development Commercial to Planned Development Residential - 5 dwelling units per acre (du/ac), together with a density bonus for senior (elderly) residential housing for a total of 15 units for the development.

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 on 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 November 19, 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
Councilor Fitzgerald

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 in keeping with Ordinance 706.

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) and shall be entitled to a one unit density bonus for senior (elderly) housing; thereby allowing 15 units to be developed provided each unit is leased or rented to at least one person 55 years or older. 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, MMC, City Recorder

Exhibit A: Zone Order

Attachment 1: Map depicting Zone Map Amendment

Attachment 2: Legal Description

Exhibit B: Zone Map Amendment Findings

Rec'd 12/3/12
 Acc.
 OPD 705 + 706

ATTENDEE SURVEY

Fox Center Townhomes Neighborhood Meeting - November 29, 2012

TALLY SHEET: TOTAL ATTENDEES = 7

This response form will be provided to the Wilsonville City Council for use at their public hearing on Monday, December 3rd, 2012, concerning land use requests related to the Fox Center Townhomes project.

Please circle the number that best reflects how you feel about each of the following statements:

<u>Statement</u>	<u>Strongly Agree</u>	<u>Agree</u>	<u>Neutral or No Opinion</u>	<u>Disagree</u>	<u>Strongly Disagree</u>	<u>Don't Know or Not Applicable</u>
1. The Applicant's Project Team explained the City's review/approval process, and how people could participate in it.	5 	4 	3 	2	1	0
2. The Project Team listened and made an effort to understand people's concerns.	5 	4 	3	2 	1	0
3. Since the initial neighborhood meeting, the Project Team has made changes in the proposed design in response to comments and suggestions.	5	4 	3 	2	1	0
4. The Project Team was responsive to questions and concerns about how the project will affect the neighborhood, including possible construction impacts.	5 	4 	3	2	1	0
5. The proposed residential development is preferable to the kinds of development allowed by the existing commercial zoning of the site.	5 	4 	3 	2	1	0

OPEN-ENDED RESPONSES SUMMARY

- PREFERENCE FOR AGE 55+ RESTRICTION: 7 (100%) ... BY DEED RESTRICTION: 5 (71%)
- TRAFFIC & PEDESTRIAN SAFETY ON WILLAMETTE WAY EAST; PARKING: 3 (43%)
- SITE DESIGN & ORIENTATION OF BUILDINGS; ROOF TYPE: 2 (29%)
- HOUSING TYPE/DENSITY: 2 (29%)
- PARKING ON CHANTILLY: 1 (14%)

LH
 11/30/12

Comments for Public Hearing, December 3, 2012

RE: Ordinance 705 & 706, Fox Center Townhomes

I am unable to attend the City Council meeting on December 3, 2012 in person, so please accept this written commentary as my testimony.

First of all, I would like to publicly thank Councilor Scott Starr for taking the time to go door-to-door in our neighborhood to solicit feedback from the local residents. He conveyed an attitude of truly listening to our opinions. His act of service was much appreciated by the entire neighborhood.

As with my testimony at the DRB hearing for this application, I continue to contend that the best use of this property is PDR-4 (6-7 dwelling units per acre) with single-family residences, rather than the high-density development being proposed. Even with the reduction from 16 to 15 units, the project still registers at higher than 13 units per acre, within a 10-12 unit per acre zoning request.

However, we are all aware that the City Council has a history of promoting high-density development, so if you choose to approve the zoning change to PDR-5, then let's work to make the best of this unfortunate development of apartments as the gateway to our neighborhood.

One of our biggest worries in the neighborhood is the question of what happens with these apartments in the long-term. The applicant has given no reason to suspect they will be anything but a good landlord, and the management company has given no reason to suspect they will be anything but good managers of the property. However, we worry that ownership will change in a few years, and a new owner may decide to convert the property to some other use, such as low-income housing. Apartments are undesirable at this site in any form, but if they must be developed, a 55-and-older age restriction is better than a low-income development.

>> We ask that the 55-and-older residency be mandated as a deed restriction so that future owners of the property will continue to maintain the property in its proposed form.

The orientation of the structures on the property is unusual in that the applicant shows the two western buildings facing west, perpendicular to the neighboring homeowner. In residential development, structures are nearly always oriented in a parallel fashion, facing the same direction for the sake of privacy. The two western buildings as proposed will include multiple large windows and several balconies across seven units, all looking directly over the fence of their neighbor to the west, causing a severe invasion of privacy to the homeowners.

At an open house, we suggested rotating the two buildings 90 degrees with the northwest building facing north toward Wilsonville Road, and the southwest building facing south toward Chantilly. By my estimates, a tree to the north would need to be removed, and the garden area between the two western buildings would be lost to a driveway, but the privacy issue would be solved. Loss of the open space is irrelevant as the applicant already exceeds the required square footage of open space.

A representative from the applicant says there is not sufficient space to accommodate this due to the need to have a 24 foot buffer between the east buildings and the west buildings so that vehicles can access the garages. It appears to me that a 24 foot buffer is excessive. Most of Villebois was built with back-loaded garages via alleyways, and the alleyways in Villebois do not appear to be 24 feet wide.

Another solution would be to have the northwest building be reduced to 3 units, matching the southwest building; this would also bring the development in line with PDR-5, by keeping the number of units within the required 10-12 per acre.

>> We ask that you approve as a condition to the application, that the two buildings on the west side of the property be oriented parallel to the neighbor, rather than perpendicular (northwest building facing north toward Wilsonville Road, and southwest building facing south toward Chantilly). If tree removal is necessitated, we support this.

>> We ask that you approve as a condition to the application a reduction in the number of units in the northwest building from 4 units to 3 units.

City staff asked the applicant to amend the application to improve a 10 foot sidewalk for safe routes to schools, as requested in the DRB public hearing, which was done. But an unfortunate side effect of this change was the addition of street parking on Willamette Way. While city code allows for street parking on a 29 foot wide street, this location is unsafe for street parking due to the close proximity of four access points (Chantilly, Autumn Park driveway, Church driveway, and the proposed applicant's driveway). Also, staff proposed a "bump" in the sidewalk at the southeast corner of the property so that crossing of Willamette Way can be encouraged at this intersection. This would be a dangerous location for such a "bump" as drivers turning onto Chantilly would need to swing wide to the middle of Willamette Way at the exact point where drivers turning north onto Willamette Way from Autumn Park are pulling out of their driveway. Add pedestrians to the mix, and this is a recipe for disaster. A more logical crossing point for Willamette Way would be on the south side of this intersection away from the primary traffic flows to the north.

>> We ask that the full length of Willamette Way between Wilsonville Road and Chantilly be a "no parking zone", with an exception being at the corner of Willamette Way and Chantilly where a 5-minute zone should be allowed so residents can retrieve their mail from the other side of Willamette Way.

>> We ask that the "bump" in the sidewalk at the southeast corner of the subject property be removed.

Finally, I would like to note that the applicant has not yet submitted architectural renderings for approval, and will need to return to the DRB at a later date for review. The drawings submitted to date have the look of an industrial urban in-fill project, the kind of which we commonly see in southeast Portland or the Pearl District. The subject site is in a suburban location, roughly two blocks from the urban growth boundary with a massive greenspace across the street; urban architectural design at this site is most inappropriate. The sawtooth roofing and siding materials are completely out of character with the other residential developments nearby. Prior to the architectural review with DRB, the applicant should come up with an alternate design that is more in line with its suburban surroundings.

This application includes a Comprehensive Plan amendment, which is a major change and should be taken very seriously. I hope that Council will give careful consideration to this application and take the input from citizens to heart.

Thank you,

Robert Meyer
11307 SW Chantilly
Wilsonville, OR

King, Sandy

From: Edmonds, Blaise
Sent: Monday, December 03, 2012 10:53 AM
To: King, Sandy
Cc: Kohlhoff, Mike
Subject: FW: City Council hearing Dec 3rd
Attachments: Council testimony 120312.docx

Hi Sandy, please enter as an exhibit for the zone change and comp plan change for Council tonight.

Thank you,
Blaise Edmonds
Manager of Current Planning
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

503-682-4960 Business
503-682-7025 Fax
edmonds@ci.wilsonville.or.us

DISCLOSURE NOTICE: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

From: Meyer, Robert [<mailto:Robert.Meyer@bankofthewest.com>]
Sent: Monday, December 03, 2012 10:30 AM
To: Edmonds, Blaise; Neamtzu, Chris; King, Sandy
Cc: meyerclan@frontier.com
Subject: City Council hearing Dec 3rd

Sandra, Blaise & Chris,

I cannot attend tonight's City Council meeting, but would like to submit commentary on the apartment application.

Please see the attached, and arrange to have it included in the public testimony to City Council.

Thank you,

Robert Meyer

IMPORTANT NOTICE: This message is intended only for the addressee and may contain confidential, privileged information. If you are not the intended recipient, you may not use, copy or disclose any information contained in the message. If you have received this message in error, please notify the sender by reply e-mail and delete the message.

King, Sandy

From: Julie Fitzgerald <julieafitz@icloud.com>
Sent: Monday, December 03, 2012 7:25 AM
To: Kohlhoff, Mike
Cc: King, Sandy
Subject: Ordinances 705 and 706

Hello Mike and Sandy,

I have a question for tonight's meeting regarding ordinances 705 and 706. By attending the November 5 City Council meeting (ex parte as advise in your earlier communication to me) and after reading the materials send in advance of today's meeting, I feel I am prepared to vote tonight on these two ordinances. However, I have not seen any of the supportive material from the neighbors that was provided to the Council on November 5. Is there new material that will be provided tonight in that regard that I should see? Thank you.

Julie

Mike's earlier note to me (to my older gmail email address)

Julie,

Legally, you can participate if you did two things: 1) familiarize yourself with the record that was presented to the City Council for its first hearing and 2) declare when asked by the presiding officer (Mayor) if anyone has had any ex parte contacts that you were present in the audience for the first hearing and then you should add that you have also taken the time to review and familiarized yourself with the record. After familiarizing yourself with the record (the planners can make it available and you can ask them questions as talking with staff is not considered an ex parte contact), you feel that you have a reasonable grasp of the facts and the issues, then I see no reason why you should not participate. If you don't have the time to review the record before Monday night, then, of course, you would not be able to legally participate and should abstain. We have had other Councilors miss a first hearing who participated in the continue hearing at a later date after reviewing the record, which is the criteria to participate. Sitting in the audience is technically an ex parte communication so that is why you need to declare it, but it also helps you to have heard the first hearing as part of familiarizing yourself with that part of the record. In the end, it comes down to what you feel comfortable with doing.

Date: November 30, 2012
To: Wilsonville Mayor and City Council
From: Lee D. Leighton, AICP
Re: Fox Center Townhomes Neighborhood Meeting of November 29, 2012

The attached materials document the Fox Center Townhomes project team's effort to contact surrounding neighbors and conduct a follow-up neighborhood meeting prior to the Council's taking action on the proposed Comprehensive Plan Amendment/Zone Change request for the Subject Property at the southwest corner of Wilsonville Road and Willamette Way East (T3S R1W 22AC 00100):

- Invitation letter (November 9, 2012) and attachments
- Map of invitation mailing area (properties within 750 feet)
- Addressee list (mailing labels)
- Presentation materials (display boards used at meeting)
- Tally Sheet: Summary of Attendee Survey Responses
- Sign-in Sheet (7 attendees)
- Attendee Survey Response Forms

EXHIBITS
TO ORD 705
+ 706
Fox Chase

The Fox Center project team consisted of:

- Lee Leighton, Westlake Consultants, Inc. (Land Use Planner)
- Greg Close, Wyse Investment Services (Owner's Project Manager)
- Dan Vasquez, Mildren Design Group (Architect)
- Michael O'Brien, ASLA (Landscape Architect)
- Dan Noland, ALN Contractors, LLC (Construction)

The project team's presentation began at 6:30 p.m. with an overview of the planning process to date (two Development Review Board hearing sessions, followed by the November 5th City Council hearing). Lee Leighton explained that the City Council passed a motion asking the applicant to conduct a follow-up neighborhood meeting and report back to the Council at the December 3rd Council meeting. He also explained that, if the City Council approves the current request, the project team will next prepare and submit plans for Site and Design Review, which will require another Development Review Board public hearing, probably in the spring of 2013, where citizens will have another opportunity to participate in the approval process.

Rec'd 12/3/12

Dan Vasquez (Architect) presented the revised site plan and other illustrations, and Dan Noland (Construction Manager) responded to questions about how the construction process would be managed.

Questions and dialogue focused on the following issues and themes:

- Age restriction for tenants of the proposed apartments (all attendees appeared to favor having the restriction)
- Parking (several attendees expressed concerns that on-street parking could cause safety problems for vehicular turning movements and for pedestrians)
- Access and circulation, pedestrian safety, access to mailbox on the east side of Willamette Way East
- Landscaping and screening (in particular, the abutting neighbor to the west would prefer columnar evergreen trees along the fence line to protect privacy)
- Noise or other nuisance impacts that future tenants may cause
- Property management and maintenance practices
- Building orientations and architectural design, including roof forms, colors and materials
- Alternative development types (i.e., what would happen if the zone change were denied?)
- Hours of construction, site mobilization and other construction-related impacts, including maintaining adequate pedestrian access along the sidewalk on Willamette Way East
- Security fencing during construction and permanent fence construction timing

Around 7:45, as the meeting wrapped up, the project team reminded attendees that the zone change request would be before the City Council on Monday evening, December 3rd. Attendees were reminded to use the Attendee Survey form to score the five questions and add any comments they would like forwarded to the City Council. The project team thanked from the neighbors for attending, and also thanked Valley Christian Church and hostess Becky Nichols for their hospitality in offering the Church as a meeting place.

ATTENDEE SURVEY

Fox Center Townhomes Neighborhood Meeting - November 29, 2012

TALLY SHEET: TOTAL ATTENDEES = 7

This response form will be provided to the Wilsonville City Council for use at their public hearing on Monday, December 3rd, 2012, concerning land use requests related to the Fox Center Townhomes project.

Please circle the number that best reflects how you feel about each of the following statements:

<u>Statement</u>	<u>Strongly Agree</u>	<u>Agree</u>	<u>Neutral or No Opinion</u>	<u>Disagree</u>	<u>Strongly Disagree</u>	<u>Don't Know or Not Applicable</u>
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2. The Project Team listened and made an effort to understand people's concerns.	5 	4 	3	2 	1	0
3. Since the initial neighborhood meeting, the Project Team has made changes in the proposed design in response to comments and suggestions.	5	4 	3 	2	1	0
4. The Project Team was responsive to questions and concerns about how the project will affect the neighborhood, including possible construction impacts.	5 	4 	3	2	1	0
5. The proposed residential development is preferable to the kinds of development allowed by the existing commercial zoning of the site.	5 	4 	3 	2	1	0

OPEN-ENDED RESPONSES SUMMARY

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LA
11/30/12

ATTENDEE SURVEY

Fox Center Townhomes Neighborhood Meeting - November 29, 2012

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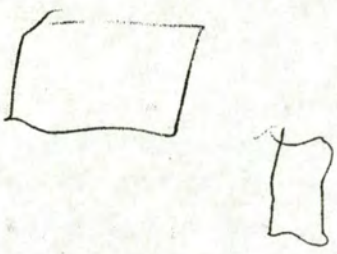
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5. The proposed residential development is preferable to the kinds of development allowed by the existing commercial zoning of the site.	5	4	3	2	1	0

AS THE ADJOINING PROPERTY OWNER
I would like to see it AS a 55 and
OLDER UNITS

THERE SHOULD BE NO PARKING ON →
~~CHANNING~~ WILLAMETTE WAY E
CITY ENGINEERS SHOULD COME PARK
& CHECK & HRS

I would like a deed restriction
for 55 & older lest it could
be changed at a later date



ATTENDEE SURVEY

Fox Center Townhomes Neighborhood Meeting - November 29, 2012

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5. The proposed residential development is preferable to the kinds of development allowed by the existing commercial zoning of the site.	5	4	3	2	1	0

could use more info on when public is invited or when council is discuss

thought other design was more homelike: current design is institutional - warm colors

unless made residential with a cul de sac & fewer houses.

Traffic & parking still a concern. (Willamette Way East)

Mailbox area tricky.

55 and older is great.

Families with children may cause more parking & noise issues

Concerns about housing alignment with our
house. Adjustment so more adjacent.

~~and at face adjacent~~

ATTENDEE SURVEY

Fox Center Townhomes Neighborhood Meeting - November 29, 2012

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2. The Project Team listened and made an effort to understand people's concerns.	5	4	3	(2)	1	0
3. Since the initial neighborhood meeting, the Project Team has made changes in the proposed design in response to comments and suggestions.	5	(4)	3	2	1	0
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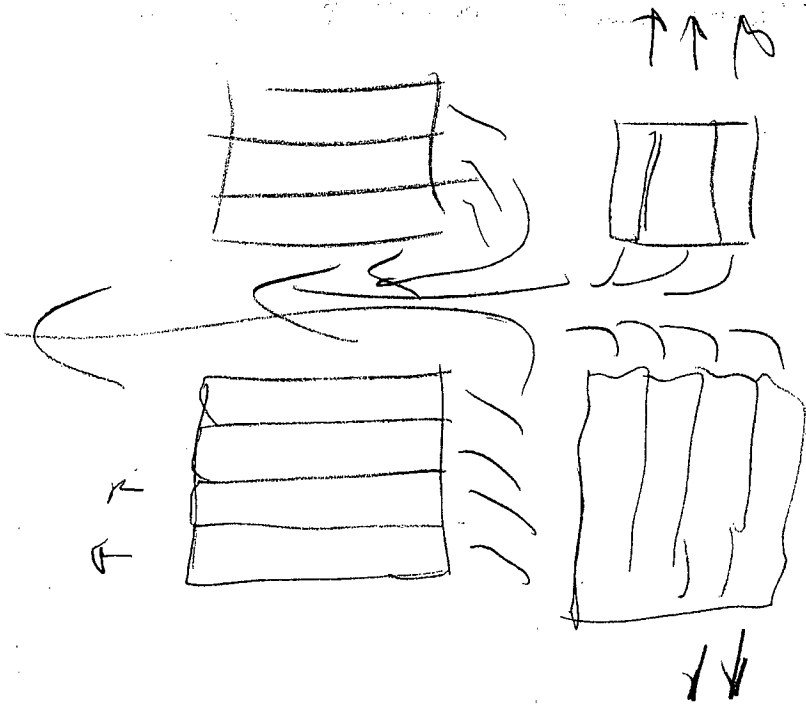
combative, debative -- tried to alter views, not listen

some, not all

1) Still prefer PD4 (6-8 units/acre), not 10-12 (too many)

2) If approving 10-12, then...

- * No parking for Will Way
- * orient west bldgs to facing North/south vs facing west... be parallel to home, not perpendicular.
- * Make 55+ age a deed restriction so future owner cannot change
- * No urban "sawtooth" roof... architecture toward gable roof (suburban look)



ATTENDEE SURVEY

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5. The proposed residential development is preferable to the kinds of development allowed by the existing commercial zoning of the site.	5	4	(3)	2	1	0

Concern for parking on Chantilly - concerned about visibility & safety primarily during school hours.

Prefer 55+ Deed restriction.

ATTENDEE SURVEY

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DID NOT ATTEND

TOO MANY "IF'S"

DEED RESTRICTION TO \$5+ ONLY

ATTENDEE SURVEY

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would like it to be 55 / over

ATTENDEE SURVEY

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① DEED FOR OVER 55 p.

nice job

FOLLOW-UP

You Are Invited to a Neighborhood Meeting

^

**6:30 – 7:30 p.m., Thursday, November 29, 2012
Valley Christian Church, 11188 SW Wilsonville Road**

November 9, 2012

Greetings, Neighbor!

More than a year ago (September 20, 2011), the Fox Center Townhomes Design Team met with neighbors at Valley Christian Church to present and discuss preliminary plans for the 1.14-acre vacant site at the southwest corner of Willamette Way East and Wilsonville Road. We truly appreciated the feedback we received at that time, and we made several revisions before submitting the proposal to the City of Wilsonville.

If your property is within 250 feet of the Subject Property, you may have received an official notice from the City prior to our initial public hearing, which was on August 13 (Panel A of the Wilsonville Development Review Board, or "DRB"). A few neighbors appeared and presented testimony, including detailed suggestions. To enable our design team to respond to those comments and concerns expressed by the DRB members, the DRB continued the public hearing. We then made further revisions, and the DRB approved the revised plans at their October 8 meeting, by a unanimous vote.

Because changing the Subject Property's zoning – which is currently for Commercial uses – requires approval by the City Council, we presented the proposal at the City Council's November 5th public hearing. The Council passed a motion asking the design team to meet with neighbors once again, and report back to the Council about further neighbor comments, before they proceed to take action on the zone change request.

We are eager to talk with you about the ways the proposed design has adapted in response to the many comments we have received – but in case you cannot attend the meeting, I am enclosing an updated site plan drawing and a perspective view from the corner of Wilsonville Road and Willamette Way East. A few notes:

- The existing stand of trees in the northern part of the property will be conserved as much as possible (sadly, we learned from our arborist that some of the trees have a fatal beetle infestation for which there is no known cure).
- The design has three buildings with four row-house apartment units and one with three row-house apartments, surrounded by landscaped areas and many new tree plantings.
- The four buildings will be positioned to keep all garage doors and most of the parking internal to the site. The view from the street will primarily be of entry gardens and front entrances.
- All vehicular access will be by way of a single driveway on Willamette Way East. (The initial design showed an entrance-only driveway on Chantilly, which has now been eliminated.)
- On-site parking is provided at almost two times the minimum required by the Wilsonville Code (just one space shy of 2X).

- We have been coordinating with Wilsonville's Engineering Department staff to widen the sidewalk along Willamette Way East to be ten feet wide, and provide a "curb bulb-out" at the Chantilly intersection, to make the pedestrian route safer for children walking to and from school. (Note: these details are not shown in the accompanying drawing, but we plan to have an updated one at the meeting.)
- Finally, in the course of the public hearings, different views were expressed about the idea of limiting occupancy to households with at least one member who is age 55 or older: some people endorsed the idea, but others suggested that this location could be attractive and suitable for families with children, being right across Wilsonville Road from two public schools. We are interested to learn your views on that subject.

Assuming we obtain approval for the zone change proposal, we will proceed to prepare and submit a detailed Site Design Review application. It will be the subject of another public hearing before the DRB, which will give you additional opportunity to comment on important details such as colors, materials and finishes for the proposed buildings, site landscape planting plans, and so forth. We need to obtain Site Design Review approval prior to submitting final construction plans.

Finally, looking forward to construction in the summer/fall of 2013, we welcome the opportunity to talk with you about ways to manage the construction process to minimize avoidable impacts and inconveniences for our neighbors.

On behalf of the whole Fox Center Townhomes Design Team, I hope you will devote an hour of your day to come meet with us. If that is not convenient for you, please call me at 503 684-0652 with any questions or comments, and I will be sure to include your input in the follow-up report we will provide to the Wilsonville City Council. You can also email me at lleichton@westlakeconsultants.com, or send mail to me at this letterhead address. We are scheduled to report back to the Council at their December 3rd meeting.

Sincerely,

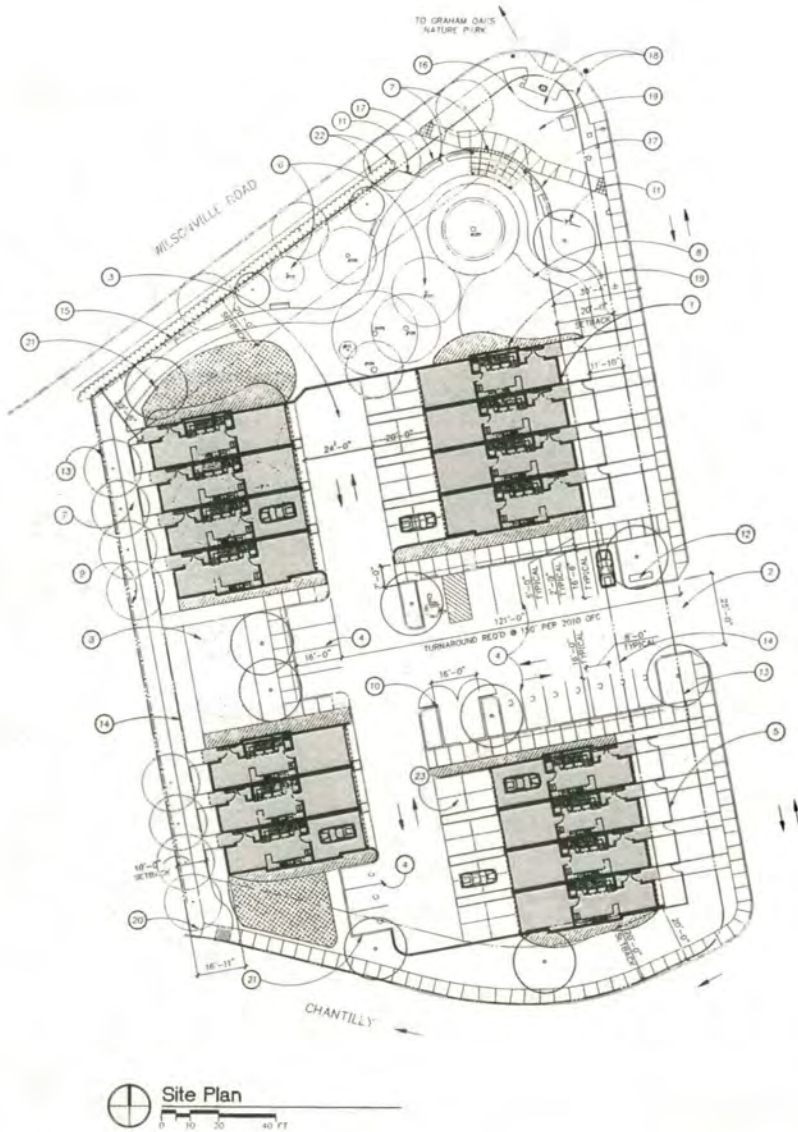
Westlake Consultants, Inc.



Lee Leighton, AICP
Director of Planning
Associate

Enclosures

J:\2332-001.12\Plan\Neighborhood Mtg\WIP\LT 110912 Neighborhood Meeting Notice.doc



Keynotes

1. TWO-STORY TOWNHOUSE UNIT, TYPICAL
2. WILAMETTE WAY ACCESS - HORDDO 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/FLORER BED, TYPICAL OF FOUR - ONE PER BUILDING (SHOWN CROSS-HATCHED)
9. NEW FENCE OR EXISTING FENCING TO REMAIN (F80)
10. TRASH AND RECYCLING ENCLOSURE
11. "RELOCATED" "DOV CHASE" AND "WINTERGREEN" SIGNAGE - EXACT LOCATION TO BE DETERMINED
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 THE INTO EXISTING (SIMILAR FENCE MATERIALS)
18. EXISTING CONCRETE, NEW CONCRETE AREA TO THE 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

Area of Site



Vicinity Map (Existing)

Not to scale



Vicinity Map (Proposed Massing)

Not to scale

LOT INFORMATION:

AREA: 48,676 SF 1.14 ACRES (< 2 ACRES)

ZONE: TRD

REQUIRED OPEN SPACE: 25% (12,419 SF) EXCLUDING STREETS

REQUIRED OUTDOOR RECREATIONAL AREA - 10 OR FLOWER UNITS:

11 - 18 UNITS: 1,000 SF

20 OR MORE UNITS: 200 SF PER UNIT

300 SF PER UNIT

SETBACKS -

FRONT YARD: 20 FEET MIN.

SIDE YARD: 10 FEET MIN.

REAR YARD: 20 FEET MIN.

PARKING - REQUIRED:

(PER 4.1.33, TABLE 3.2)

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)

UNDEPENDENT LIVING COMMUNITY: TWO STORY TOWNHOUSE UNITS (15 UNITS TOTAL)

COVERED AREA -

BUILDING A: 3,042 SF

BUILDING B: 3,042 SF

BUILDING C: 3,042 SF

BUILDING D: 2,294 SF (TOTAL: 11,420 SF)

PARKING, DRIVEWAYS, ETC.: 13,013 SF

MISC. (ENTRY PLAZA): 892 SF

TOTAL: 28,725 SF

OPEN SPACE: 24,551 SF (49%)

OUTDOOR RECREATIONAL AREA:

(COMMUNAL GARDENS, ONE 800 SF PER BUILDING): 3,200 SF PROVIDED

TWO STORY UNITS SQUARE FOOTAGE PER UNIT:

1,200 SF (EXCL. GARAGE)

TOTAL NUMBER OF UNITS: 15 UNITS

(ALL TWO BEDROOM UNITS)

REQUIRED PARKING (1.5 STALLS PER UNIT):

23 SPACES

- STANDARD STALLS: 34 SPACES (15 GARAGE SPACES)

- COMPACT STALLS: 10 PROVIDED (11 ALLOWED)

TOTAL: 44 SPACES

LANDSCAPE AREA CALCULATIONS:

TOTAL LANDSCAPING REQUIRED (10% OF OVERALL AREA): 24,551 SF (7,452 SF REQUIRED)

PARKING LOT LANDSCAPING (10% OF PARKING AREA): 2,340 SF (1,301 SF REQUIRED)

MILDREN DESIGN GROUP, P.C.
ARCHITECTURE + SPACE PLANNING
7150 S.W. Beveland, Suite 120
Tigard, Oregon 97223-9932
(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:

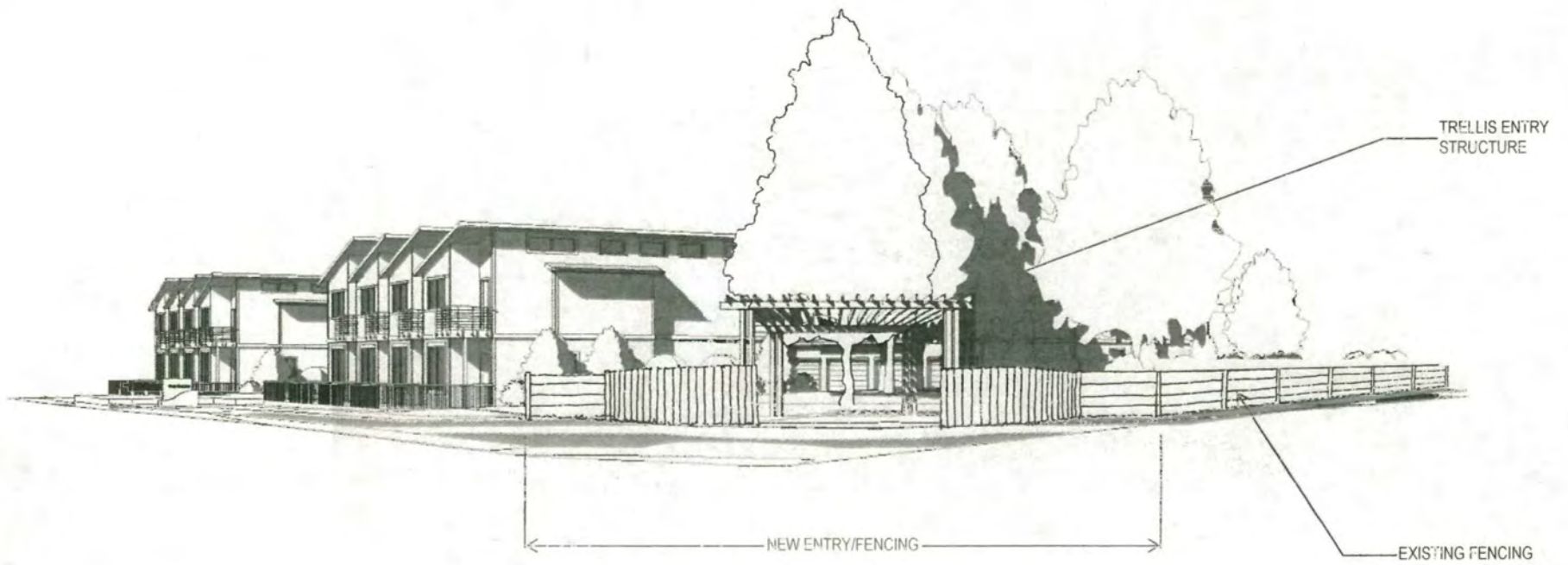
DATE: 6 September 2012

Drawn by: JAK

Checked by: DAV

Job Number: 108146.04

Sheet



TRELLIS ENTRY
STRUCTURE

NEW ENTRY/FENCING

EXISTING FENCING

FOX CENTER TOWNHOMES
MDGPC 108146.04
7/10/12

**IN
 PROGRESS**

Client:
 Seema, LLC

Wilsonville, Oregon 97070

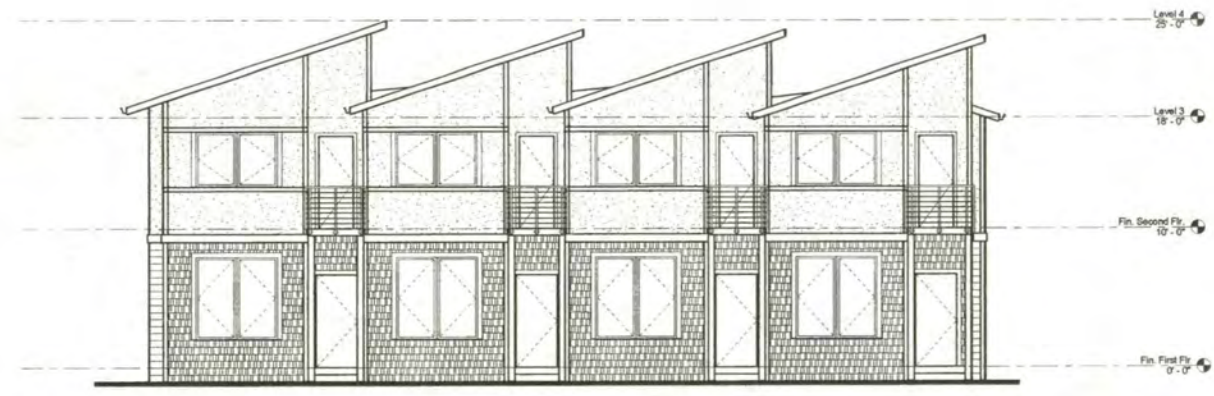
Project:
 Fox Center
 Townhouse
 Project

Sheet Title:
 Preliminary
 Elevations

Revisions:



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1 North
 1/4" = 1'-0"



2 ELEV



3 South
 1/4" = 1'-0"

**IN
 PROGRESS**

Client:
Seema, LLC

Wilsonville, Oregon 97070

Project:
**Fox Center
 Townhouse
 Project**

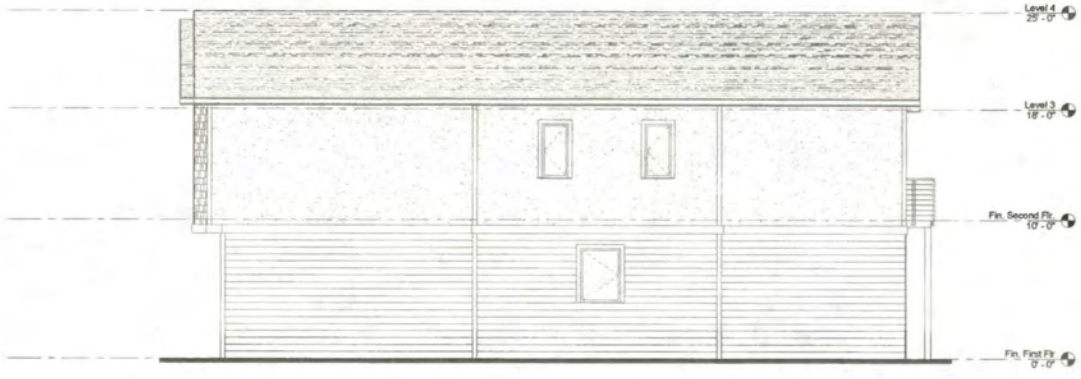
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**Preliminary
 Elevations**

Revisions:

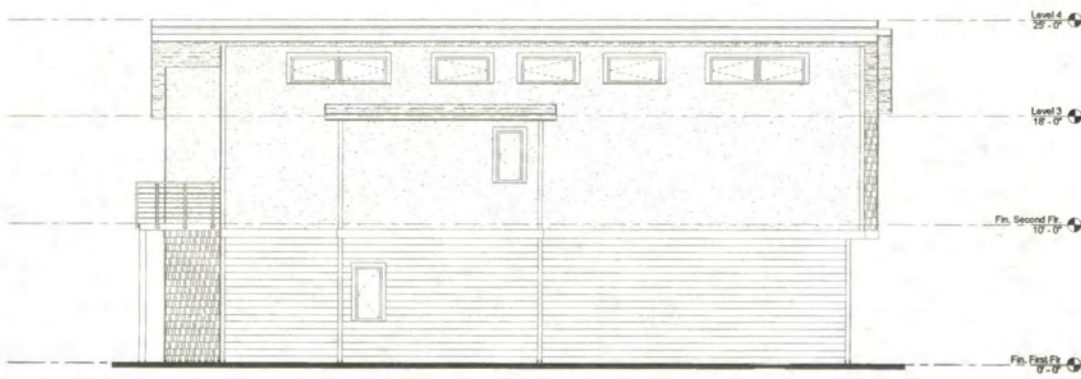


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 Author: Checker
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① East
 1/4" = 1'-0"



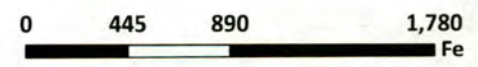
② West
 1/4" = 1'-0"

Area Map

31W22AC 00100
Wilsonville, OR

Legend

- Lots w/in 750'
- 31W22AC 00100
- Tax Lots 2010



Jim Lange
13445 SW 110th Avenue
Tigard OR 97223

31W22A 00500, 00600
West Linn-Wils Sch Dist #3j
Po Box 35
West Linn OR 97068

31W22AC00300
Stephen H Jones
11260 SW Chantilly
Wilsonville OR 97070

31W22AC00600
Stephan A & Krystal D Cummings
11275 SW Chantilly
Wilsonville OR 97070

31W22AC00900
Wade E & Pamela J Scott Jr.
11283 SW Chantilly
Wilsonville OR 97070

31W22AC01200
Robert D Meyer
11307 SW Chantilly
Wilsonville OR 97070

31W22AC01500
Melissa Downer-Valdez
11323 SW Chantilly
Wilsonville OR 97070

31W22AC01800
John E Ryan
11338 SW Chantilly
Wilsonville OR 97070

31W22AC02100
Stuart D Hartzler
11355 SW Chantilly
Wilsonville OR 97070

31W22AC02400
Steven R & Pamela B Brown
11362 SW Chantilly
Wilsonville OR 97070

Simon Springall
7710 Roanoake Drive S
Wilsonville OR 97070

31W22AC00100
Wyse Investment Svcs./Greg Close
1501 SW Taylor St # 100
Portland OR 97205

31W22AC00400
Mark L & Barbara A Newell
Po Box 70
Wilsonville OR 97070

31W22AC00700
Michael Charles & Heather F Malkus
4200 Fairmeadow Dr
Round Rock TX 78665

31W22AC01000
Alan J & Wendy S Johnson
11291 SW Chantilly
Wilsonville OR 97070

31W22AC01300
Bennie D Bitz
11315 SW Chantilly
Wilsonville OR 97070

31W22AC01600
Elaine M Sellers
11331 SW Chantilly
Wilsonville OR 97070

31W22AC01900
Robert E & Kathryn A Kennedy
11346 SW Chantilly
Wilsonville OR 97070

31W22AC02200
GPM, LLC and Raider Investments, LLC
21531 SW Athey Rd
West Linn OR 97068

31W22AC02500
Jason R & Brandy L Meng
11252 SW Chantilly
Wilsonville OR 97070

31W22 02200, 02201
Metro
600 NE Grand Ave
Portland OR 97232

31W22AC00200
Michael K & Nancie L Thompson
11259 SW Chantilly
Wilsonville OR 97070

31W22AC00500
Thomas W & Deborah Hughes
11267 SW Chantilly
Wilsonville OR 97070

31W22AC00800
Adam & Allison Browning
11284 SW Chantilly
Wilsonville OR 97070

31W22AC01100
Michael R Cooke
11299 SW Chantilly
Wilsonville OR 97070

31W22AC01400
Allen M Guiss
11330 SW Chantilly
Wilsonville OR 97070

31W22AC01700
Jo Ann Powers
13501 Cedarwood Rd NE
Aurora OR 97002

31W22AC02000
Nancy W Thurston
11347 SW Chantilly
Wilsonville OR 97070

31W22AC02300
Gary L Milburn
11363 SW Chantilly
Wilsonville OR 97070

31W22AC02600
Steven C Weigel
11371 SW Chantilly
Wilsonville OR 97070

31W22AC02700
Gayle M Welsh
11247 SW Churchill
Wilsonville OR 97070

31W22AC03000
Martin V & Amanda K Turner
11258 SW Churchill
Wilsonville OR 97070

31W22AC03300
Timothy D & Marsha C Brantley
11271 SW Churchill
Wilsonville OR 97070

31W22AC03600
Steven J Miller
11279 SW Churchill
Wilsonville OR 97070

31W22AC03900
Jacob V Jensen
11303 SW Churchill
Wilsonville OR 97070

31W22AC04200
Gary Lee Layman
11327 SW Churchill
Wilsonville OR 97070

31W22AC04500
Metlife Home Loans

31W22AC04800
Chris Kaleikilo
11352 SW Churchill
Wilsonville OR 97070

31W22AC05500
Albert Levit
11702 SW Jamaica
Wilsonville OR 97070

31W22AC06100
Jack E Crum
7130 SW Gable Park Rd
Portland OR 97225

31W22AC02800
Robin C Mennis
19441 Wilderness Dr
West Linn OR 97068

31W22AC03100
Victorino A & Fara L Oporta
11263 SW Churchill
Wilsonville OR 97070

31W22AC03400
Alan E Skach
11274 SW Churchill
Wilsonville OR 97070

31W22AC03700
Catherine D Lee
11287 SW Churchill
Wilsonville OR 97070

31W22AC04000
Dieter Weber
11311 SW Churchill
Wilsonville OR 97070

31W22AC04300
David W & April M Stout
10837 SW Glenbrook Ct
Wilsonville OR 97070

31W22AC04600
Christa Kohls
11343 SW Churchill
Wilsonville OR 97070

31W22AC04900
J Dennis & Terri L Weatherly
11360 SW Churchill
Wilsonville OR 97070

31W22AC05900
Kermit A Rollins Sr.
2902 E 2nd St #46
Newberg OR 97132

31W22AC06200
Peter & Norma Miranda
11671 SW Jamaica
Wilsonville OR 97070

31W22AC02900
Theodore & Beverly Basaraba
11255 SW Churchill
Wilsonville OR 97070

31W22AC03200
Roger L & Joanne H Bishop
11266 SW Churchill
Wilsonville OR 97070

31W22AC03500
David E Dahlquist
11282 SW Churchill
Wilsonville OR 97070

31W22AC03800
Alaina Santana
11295 SW Churchill
Wilsonville OR 97070

31W22AC04100
Karen Apland
11319 SW Churchill
Wilsonville OR 97070

31W22AC04400
Michael L & Becky Nichols
11336 SW Churchill
Wilsonville OR 97070

31W22AC04700
Ryan Porath
11344 SW Churchill
Wilsonville OR 97070

31W22AC05000
William Lee Bauer
11351 SW Churchill
Wilsonville OR 97070

31W22AC06000
Richard Austin & Debra E Edwards
11687 SW Jamaica
Wilsonville OR 97070

31W22AC06300
Janet S Davey
11663 SW Jamaica
Wilsonville OR 97070

31W22AC06400
Bruine Russell Hack
11655 SW Jamaica
Wilsonville OR 97070

31W22AC06700
Leeanne Chandler
Po Box 226
Newport OR 97365

31W22AC08500
John F & Debra A Bowen Jr.
11623 SW Preakness
Wilsonville OR 97070

31W22AC13401
Valley Christian Church
11188 SW Wilsonville Rd
Wilsonville OR 97070

31W22AD06600
Rosemary C Mba
608 Shawnee Dr NE
Salem OR 97317

31W22AD06900
Gregory M Artman
11099 SW Parkview Dr
Wilsonville OR 97070

31W22AD08300
Moreys Landing Hmowrs Assoc
6900 SW Atlanta St #200
Tigard OR 97223

31W22DB00100
Russell P & Christine A Hamblen
31025 SW Willamette Way E
Wilsonville OR 97070

31W22DB00400
Nathan A & Eugenia S Hoover
31055 SW Willamette Way E
Wilsonville OR 97070

31W22DB05500
Rivergreen Homeowners Assn
7360 SW Hunziker St #106
Tigard OR 97223

31W22AC06500
Clinton N Loomer
11647 SW Jamaica
Wilsonville OR 97070

31W22AC06800
Thomas F & Sheila D Derry
514 Brown St
Stroudsburg PA 18360

31W22AC09700
City Of Wilsonville
29799 SW Town Center Loop E
Wilsonville OR 97070

31W22AD06400
Angela C Lyons
10993 SW Parkview Dr
Wilsonville OR 97070

31W22AD06700
Billie J Eidson & Rodney K Norton
11069 SW Parkview Dr
Wilsonville OR 97070

31W22AD07000
Linda L Rigutto
2828 NE Rocky Butte Rd
Portland OR 97220

31W22AD08400
Moreys Landing Hmowrs Assoc
6900 SW Atlanta St #200
Tigard OR 97223

31W22DB00200
Gerald & Jamie Disch
31035 SW Willamette Way E
Wilsonville OR 97070

31W22DB00600
Peter S & Gladena J Nylander
11255 SW Mckenzie Ct W
Wilsonville OR 97070

City of Wilsonville/Blaise Edmonds
29799 SW Town Center Loop E
Wilsonville OR 97070-6499

31W22AC06600
Mandy L & William M Wilson
11639 SW Jamaica
Wilsonville OR 97070

31W22AC07200
Tim Knapp
11615 SW Jamaica
Wilsonville OR 97070

31W22AC13400
Autumn Park Renewal LP
2316 SE Willard St
Milwaukie OR 97222

31W22AD06500
Steven B & Katherine E Schramm
11009 SW Parkview Dr
Wilsonville OR 97070

31W22AD06800
David C Kirkpatrick
11093 SW Parkview Dr
Wilsonville OR 97070

31W22AD07100
Terry G & Karen J Storm
11092 SW Parkview Dr
Wilsonville OR 97070

31W22AD10700
David J & Amy L Sheldon
31546 SW Orchard Dr
Wilsonville OR 97070

31W22DB00300
Michael A Weiss
31045 SW Willamette Way E
Wilsonville OR 97070

31W22DB00700
Martin Timothy Wigley
11259 SW Mckenzie Ct W
Wilsonville OR 97070

trees

Fox Center Townhomes

Wilsonville, Oregon

Acer Circinatum
Vine Maple



Acer rubrum 'Bowhall'
Bowhall Red Maple
Height/Width at Planting (3" cal.):
15'Hx5'W
Height/Width at 10 years:
30'Hx15'W



Cercidiphyllum japonicum
Katsura Tree



Fagus sylvatica 'Roseomarginata'
Tricolor Beech



Thuja plicata 'Fastigiata'
Hogan Cedar



Fox Center Townhomes

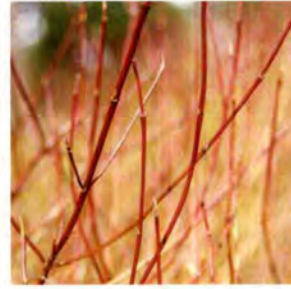
Wilsonville, Oregon

shrubs

Berberis darwinii
Darwin's Barberry



Cornus sericea 'Kelsey'
Dwarf Redtwig Dogwood



Cupressa sempervirens
Italian Cypress



Hemerocallis 'Stella d'Oro'
Daylily



Myrica californica
Pacific Waxmyrtle



Mildren Design Group
Michael O'Brien Landscape Architecture

Fox Center Townhomes

Wilsonville, Oregon

shrubs

Miscanthus purpurascens
Flame Grass



Molinia arundinacea 'Karl Foerster'
Purple Moor Grass



Pennisetum alopecuroides 'Moudry'
Black Flowering Fountain Grass



Rhododendron 'Dora Amateis'
Rhododendron



Ribes sanguineum 'King Edward VII'
Flowering Red Currant



Mildren Design Group

Michael O'Brien Landscape Architecture

Fox Center Townhomes

Wilsonville, Oregon

shrubs

Rubus pentalobus 'Emerald Carpet'
Taiwan Bramble



Sedum 'Autumn Joy'
Stonecrop



Viburnum davidii
David Viburnum



Viburnum plicatum tomentosum 'Mariesii'
Doublefile Viburnum












Site Plan



Site Plan

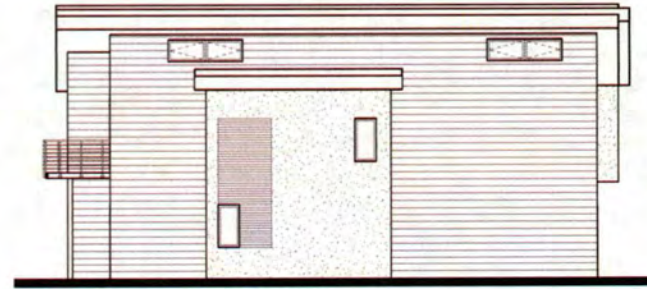
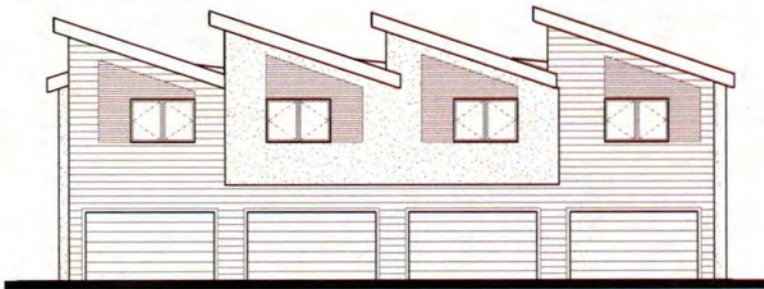
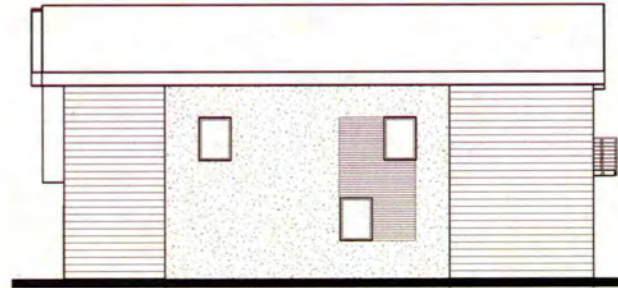
Arborist Legend

	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')
			BONHALL RED MAPLE (ACER RUBRUM)



Community Discussion / Illustration - November 2012
Fox Center - Townhouse Project
MDGPC - 108146.04 11/28/2012





Client:
 Seema, LLC

Wilsonville, Oregon 97070

Project:
 Fox Center
 Townhouse
 Project

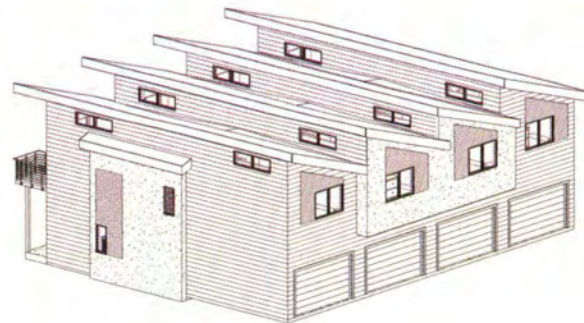
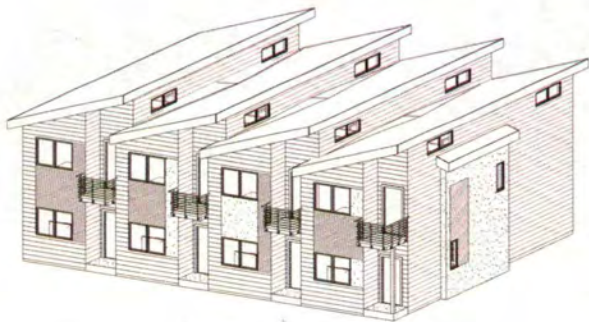
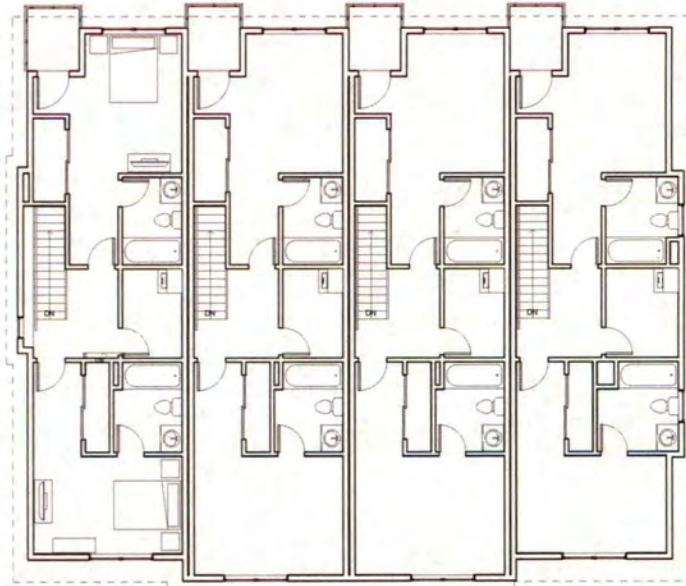
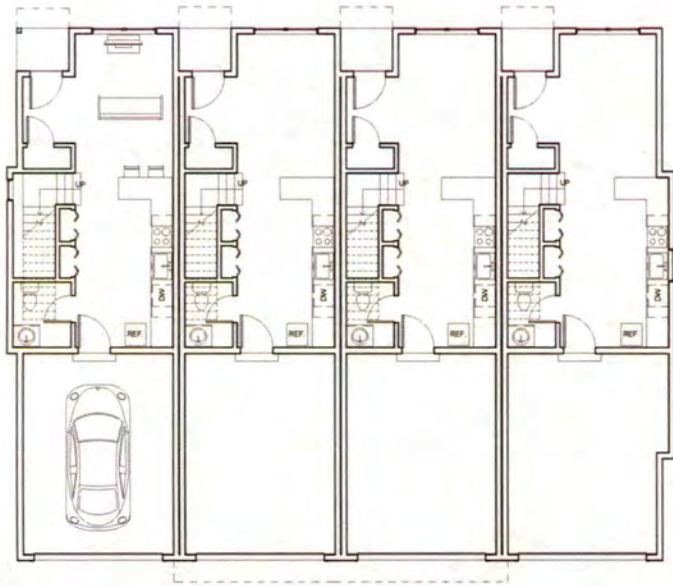
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Revisions:



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Date: 11/29/12
 Drawn by: JAK Checked by: DAV
 Job Number: 108146.04
 Sheet



M
 MILDREN DESIGN GROUP, P.C.
 Architecture • Space Planning
 7650 S.W. Beveland, Suite 120
 Tigard, Oregon 97223-8692
 (503) 244-0562

Client:
Seema, LLC

Wilsonville, Oregon 97070

Project:
**Fox Center
 Townhouse
 Project**

Sheet Title:
**First and
 Second
 Floor Plan**

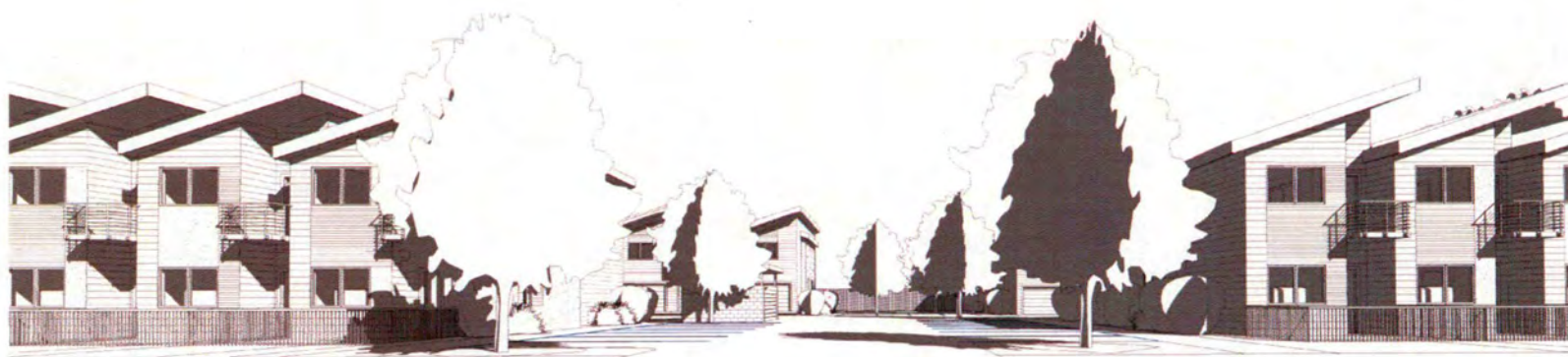
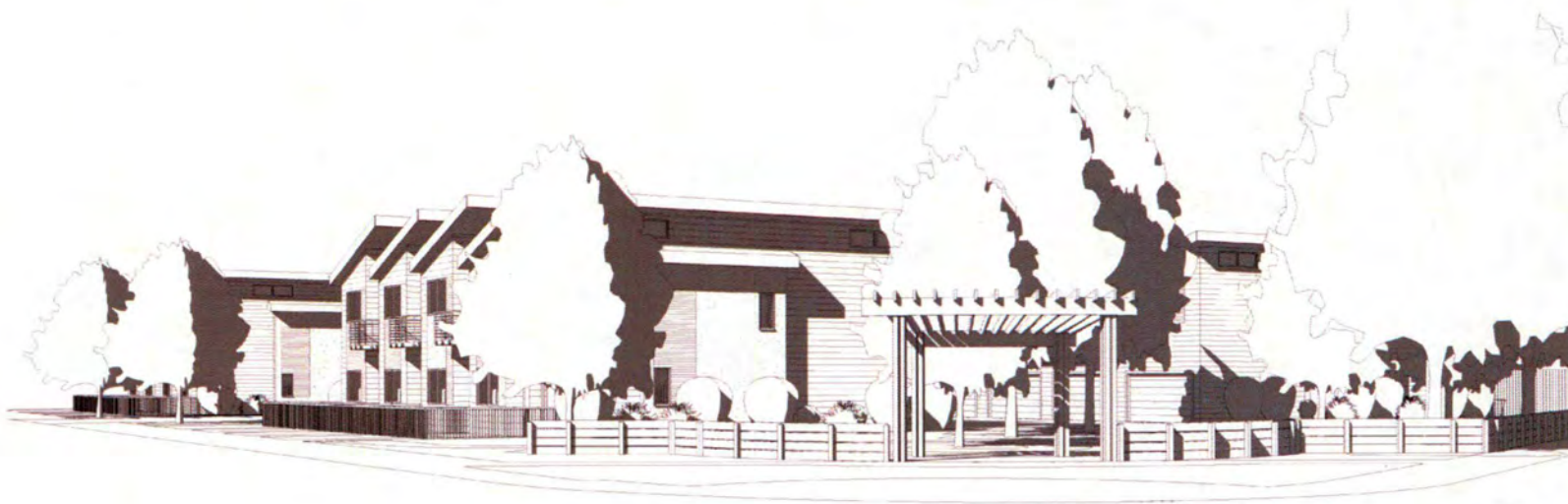
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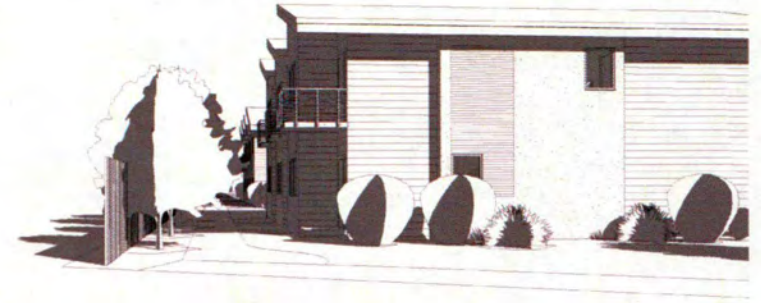
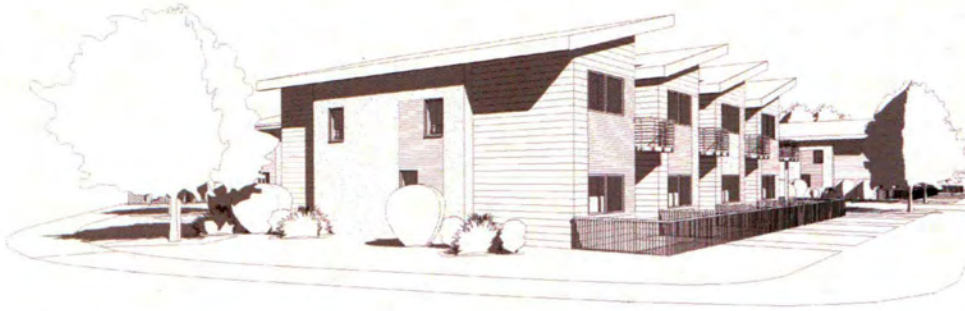
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Date: 11/29/12
 Drawn by: JAK Checked by: DAV
 Job Number: 108146.04
 Sheet

Neighborhood Meeting - November 2012

A2.1.1







**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: December 3, 2012</p>	<p>Subject: Ordinance No. 711</p> <p>Lowrie Primary School 20 MPH Speed Limit</p> <p>Staff Member: Steve Adams Department: Engineering</p>	
<p>Action Required</p> <p><input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1st Reading Date: <input checked="" 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>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: Staff recommends approval of establishing a 20 MPH speed limit on residential streets adjacent to Lowrie Primary School.</p>		
<p>Recommended Language for Motion: I move to approve Ordinance No. 711 on first 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 checked="" type="checkbox"/> Adopted Master Plan(s) Villebois Village</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Establishing a 20 MPH speed limit on St. Miguel Lane, Estonia Avenue and portions of St. Moritz Loop, Geneva Loop, Carinthia Circle, Denmark Street, Serenity Way, Lisbon Street, and Brown Road.

EXECUTIVE SUMMARY:

From meetings with the West Linn / Wilsonville School District and DKS Associates the decision was made to create a 20 MPH speed limit on all streets immediately adjacent or connecting to the new Lowrie Primary School as allowed by ORS 180.180(10). A temporary 20 MPH speed limit was authorized on August 22 as allowed by ORS 180.180(9), effective for not more than 120 days.

EXPECTED RESULTS:

Approval will legally allow establishing a permanent 20 MPH speed limit on residential streets adjacent to Lowrie Primary School. Presently there is a temporary order for the 20 MPH speed limit.

TIMELINE:

Establishment of the school zone began in April 2012. City staff worked with DKS Associates, West Linn / Wilsonville School District staff and their architect and design engineer through a series of meetings to establish a school zone and Safe Routes to School program for the new Lowrie Primary School, which included the 20 MPH speed limits on the residential streets adjacent to or connecting to the new school. Construction projects were completed in September 2012.

CURRENT YEAR BUDGET IMPACTS:

All elements of the school zone and Safe Routes to School project were funded through CIP #4147 for an estimated amount of \$121,000. The West Linn / Wilsonville School District has reimbursed \$50,000 to the City for their share of the project costs.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: JEO Date: 11/20/12
Costs are minimal and within budget.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 11/16/2012
Approved as to form.

COMMUNITY INVOLVEMENT PROCESS:

The draft school zone and Safe Routes to School program was shared with Legend Homes in June and adjusted based on their feedback. A citizens open house was held on July 25th at Lowrie Primary School; all households within the Lowrie Primary School district received mailers for the event; approximately 25 to 30 citizens attended. City staff also attended a School District event held at Lowrie Primary School on August 24th, where again this information was available; this event was attended by perhaps 120 to 150 citizens.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

This ordinance provides for a safer environment for pedestrians and cyclists to use streets adjacent to Lowrie Primary School. Legend Homes was the only business immediately affected and they supported the school zone and 20 MPH speed limit. The West Linn / Wilsonville School District has also provided their support and approval.

ALTERNATIVES:

For the 20 MPH speed limit, no other alternatives or options were considered. Changes made to ORS 180.180(10) allows the local road authority to establish a designated speed for a roadway under the jurisdiction of the road authority that is five miles per hour lower than the statutory speed. Public safety is better served by slower vehicle speeds around the new Lowrie Primary School.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Ordinance No. 711
- B. Exhibit "A", plan showing streets adjacent to the Lowrie Primary School.

ORDINANCE NO. 711

AN ORDINANCE OF THE CITY OF WILSONVILLE ESTABLISHING A PERMANENT 20 MPH SPEED LIMIT ON RESIDENTIAL STREETS ADJACENT TO LOWRIE PRIMARY SCHOOL

WHEREAS, the City currently has a Villebois Village Master Plan that was adopted by City Council (Ordinance No. 681) on August 2, 2010; and

WHEREAS, the Villebois Village Master Plan, Fig. 1, provides for a school site location in the SAP East area where Lowrie Primary School has been constructed, opening in September of this year; and

WHEREAS, the City hired DKS Associates in May 2012 to provide consulting services for creating a school zone area and Safe Routes to School program for Lowrie Primary School; and

WHEREAS, City staff worked with DKS Associates, West Linn Wilsonville School District staff and their architect and design engineer through a series of meetings to establish a school zone and Safe Routes to School program for the new Lowrie Primary School, which included the 20 MPH speed limits on the residential streets adjacent to or connecting to the new school; and

WHEREAS, the draft school zone and Safe Routes to School program was shared with Legend Homes in June and adjusted based on their feedback; and

WHEREAS, the draft school zone and Safe Routes to School program was shared with the public at open houses on July 25th and August 24th; and

WHEREAS, on August 22 the City established a temporary 20 MPH speed zone covering the residential streets immediately adjacent or connecting to the new Lowrie Primary School as shown on Exhibit "A" and as allowed under ORS 810.180(9), effective for not more than 120 days; and

WHEREAS, ORS 180.180(10) allows a road authority to establish by ordinance a designated speed for a highway under the jurisdiction of the road authority that is five miles per hour lower than the statutory speed; and

WHEREAS, the streets are located in a residential district; and

WHEREAS, it has been determined that the streets have an average volume of fewer than 2,000 motor vehicles per day, of which more than 85 percent are traveling less than 30 miles per hour; and

WHEREAS, there are traffic control devices on the streets that indicates the presence of pedestrians or bicyclists; and

WHEREAS, in light of the foregoing, public safety is better served by slower vehicle speeds around the new Lowrie Primary School; and

WHEREAS, the City Council has carefully considered the public record, including all recommendations and testimony, and being fully advised.

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

1. FINDINGS.

The above-recited findings are adopted and incorporated by reference herein.

2. DETERMINATION.

Based upon such findings, the City Council hereby authorizes establishing a 20 MPH speed limit on the streets shown on Exhibit "A"; specifically these streets are St. Moritz Loop (east of Costa Circle), St. Miguel Lane, Lisbon Street, Geneva Loop (south of St. Moritz Loop), Estonia Avenue, Carinthia Circle, Denmark Street, Serenity Way (north of Barber Street), and Brown Road (north of Barber Street).

3. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED to the Wilsonville City Council and read the first and second time at a regular meeting thereof on the 3rd day of December, 2012, commencing at the hour of 7.P.M. at Wilsonville City Hall.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 3rd day of December 2012, by the following votes:

YEAS:--

NAYS: --

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

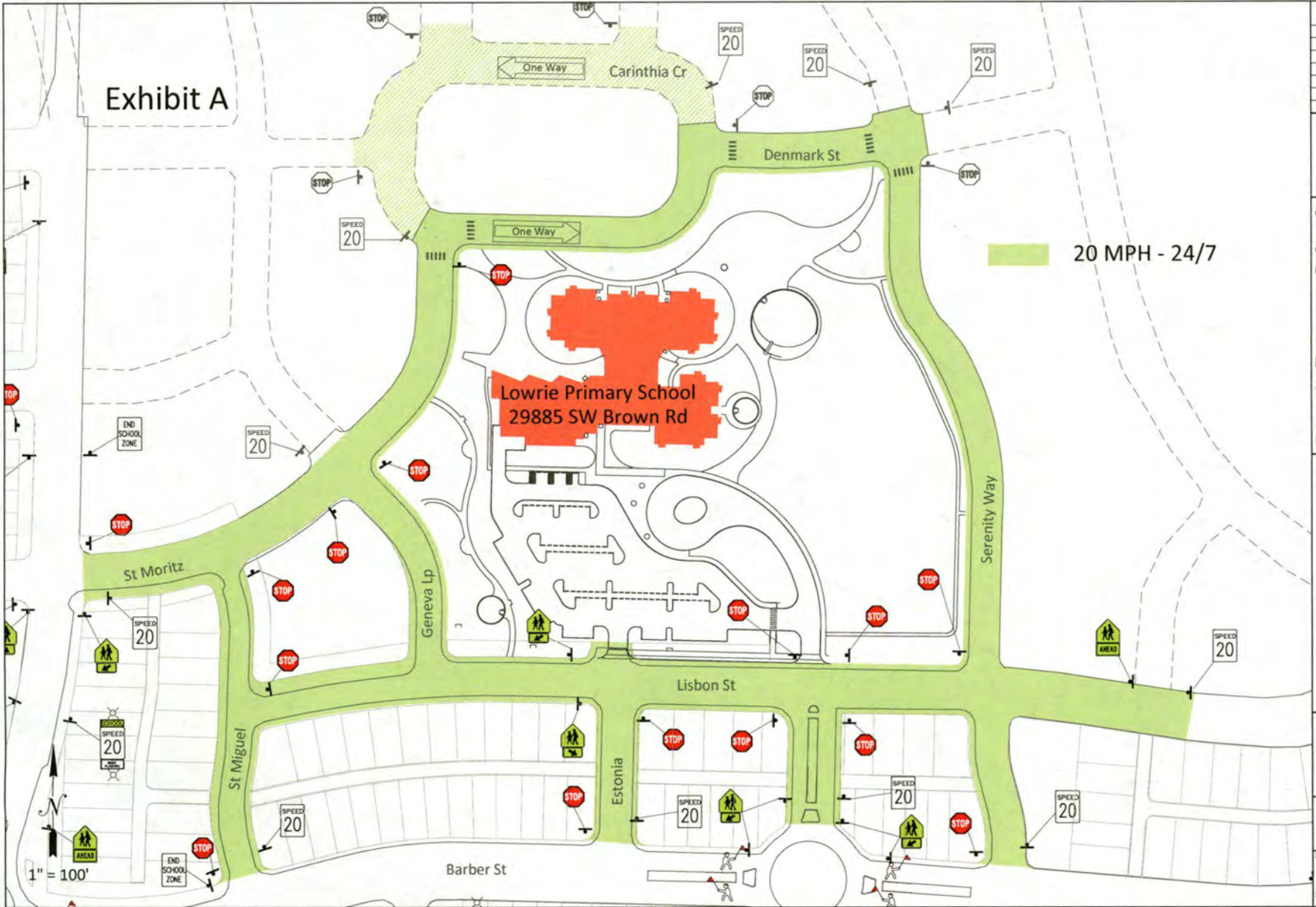
Council President Nunez

Councilor Goddard

Councilor Starr

Councilor Fitzgerald

Exhibit A



20 MPH - 24/7

Revisions
11/15/12

Lowrie Primary School
 28995 SW Brown Rd
 Wilsonville Oregon

Sign Concept Plan

City of Wilsonville
 29799 SW Town Center
 Loop East
 503-682-4960

November 2012
 1" = 100'
 4147
 Adult# Number

Sheet
CI
 Sheet 1 of 1

ORDINANCE NO. 708

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.

RECITIALS

WHEREAS, VILLEBOIS VILLAGE CENTER LLC, (“Applicant”), of the real property legally described and shown 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, with conditions, which staff report was presented to the Development Review Board on October 22, 2012; and

WHEREAS, the Development Review Board Panel ‘B’ held a public hearing on the application for a Zone Map Amendment (DB12-0056) and other related development applications (DB12-0057-0059) on October 22, 2012, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 237, 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 DB12-0056); approves all other related applications; adopts the staff report with modified findings, recommendations, and condition, 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 ‘B’; and

WHEREAS, on November 19, 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 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 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 DB12-0056, attached hereto as Exhibit A, from the Public Facility (PF) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 19th day of November 2012, and scheduled for the second and final reading on December 3, 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 __, 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 Starr
Councilor Goddard

Attachments:

- Exhibit A - Zoning Order DB12-0056
 - 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, Nov. 19th
- Exhibit C - DRB Panel B, Notice of Decision and Resolution No. 237.
- Exhibit D - Adopted Staff Report and DRB Recommendation (Exhibit A1), Oct. 22nd and the application on compact disk.
- Exhibit E – October 22nd DRB Minutes

Exhibit A
BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
Piazza

In the Matter of the Application of)	
Ms. Stacy Connery, Pacific Community)	
Design, Inc.,)	
Agent for the Applicant,)	
Villebois Village Center, LLC., for)	ZONING ORDER DB12-0056
Rezoning of Land and Amendment)	
of the City of Wilsonville)	
Zoning Map Incorporated in Section 4.102)	
of the Wilsonville Code.)	

The above-entitled matter is before the Council to consider the application of DB12-0056, 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 Public Facility (PF).

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 .89 acres of the southerly portion of Tax Lot 100, Section 15 AD, T3S, R1W as more particularly shown in the Zone Map Amendment Map, Exhibit A, Attachment 2 and described in Exhibit A, Attachment 1 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 19th day of November, 2012.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

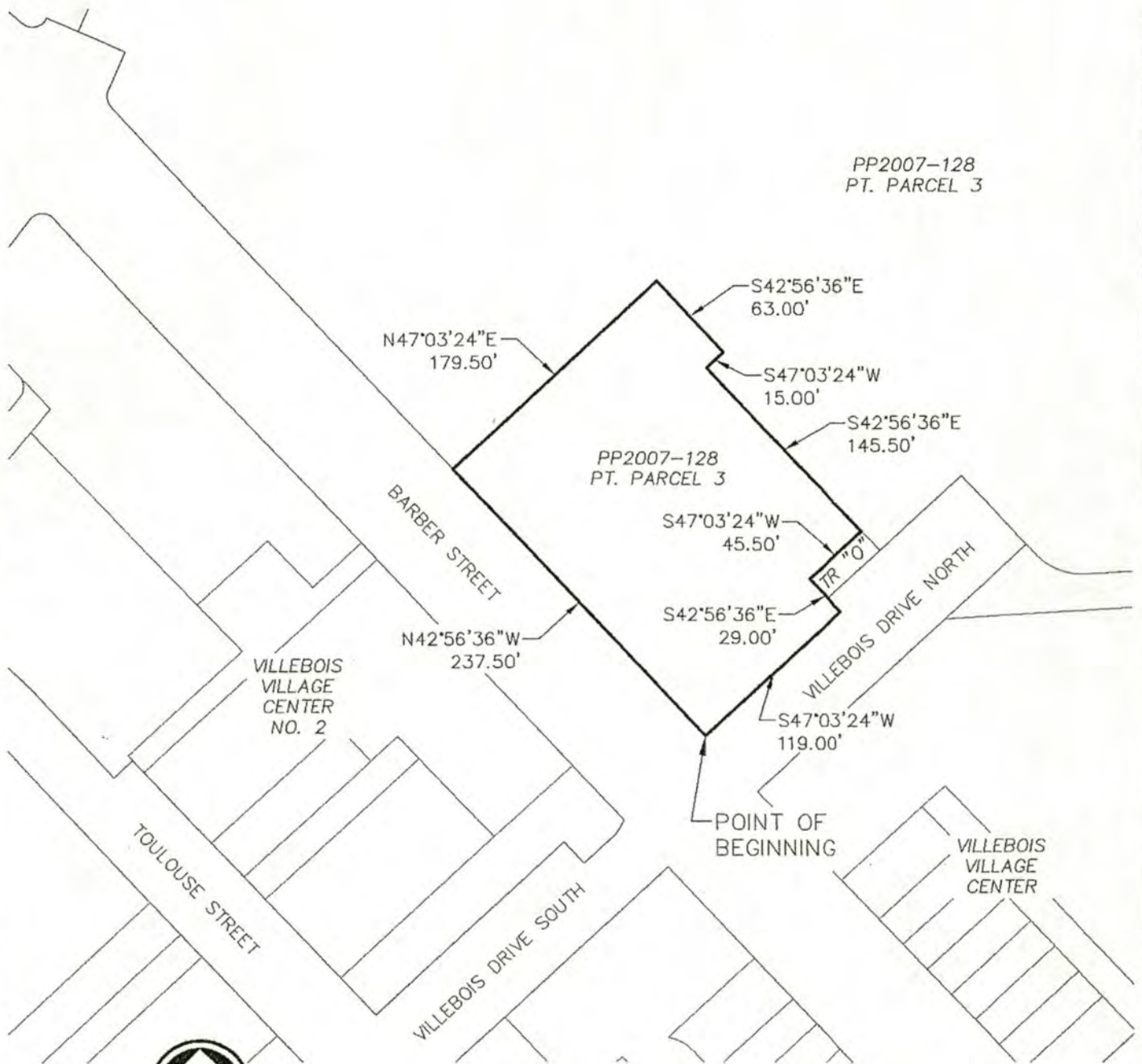
Michael E. Kohlhoff, City Attorney

ATTEST:

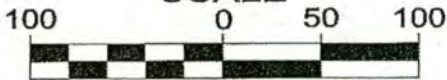
Sandra C. King, CMC, City Recorder

Exhibit A: Zone Order
Attachment 1, Legal Description
Attachment 2, Map depicting Zone Map Amendment

PP2007-128
PT. PARCEL 3



SCALE




1 INCH = 100 FEET

EXHIBIT "A"

DRAWN BY: TCJ DATE: 9/21/12
 REVIEWED BY: _____ DATE: _____
 PROJECT NO.: 398-050
 SCALE: 1"=100'
 PAGE 2 OF 2

*Pacific Community
Design*



[T] 503-941-9484 [F] 503-941-9485

EXHIBIT "A"

September 21, 2012

LEGAL DESCRIPTION
Zone Change

Job No. 398-050

A tract of land being a portion of Parcel 3 of Partition Plat No. 2007-128, in the Northwest and Northeast Quarters of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the most Southerly corner of said Parcel 3;

thence along the northerly right-of-way line of Barber Street, North 42° 56'36" West, a distance of 237.50 feet;

thence leaving said right-of-way line, North 47° 03'24" East, a distance of 179.50 feet;

thence South 42° 56'36" East, a distance of 63.00 feet;

thence South 47° 03'24" West, a distance of 15.00 feet;

thence South 42° 56'36" East, a distance of 145.50 feet to the most Northerly corner of Tract "O" of the plat of "Villebois Village Center";

thence along the northerly line of said Tract "O", South 47° 03'24" West, a distance of 45.50 feet, to the most westerly corner of said Tract "O";

thence along the westerly line of said Tract "O" and continuing onto the northerly right-of-way line of Villebois Drive North, South 42° 56'36" East, a distance of 29.00 feet to an angle point in said right-of-way line;

thence continuing along said right-of-way line, South 47° 03'24" West, a distance of 119.00 feet to the POINT OF BEGINNING.

Containing 0.88 acres, more or less.

Basis of bearing per Partition Plat No. 2007-128, Clackamas County Survey Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2013

Exhibit A
BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
Piazza

In the Matter of the Application of)
Ms. Stacy Connery, Pacific Community)
Design, Inc.,)
Agent for the Applicant,)
Villebois Village Center, LLC., for)
Rezoning of Land and Amendment)
of the City of Wilsonville)
Zoning Map Incorporated in Section 4.102)
of the Wilsonville Code.)

ZONING ORDER DB12-0056

The above-entitled matter is before the Council to consider the application of DB12-0056, 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 Public Facility (PF).

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 .89 acres of the southerly portion of Tax Lot 100, Section 15 AD, T3S, R1W as more particularly shown in the Zone Map Amendment Map, Exhibit A, Attachment 2 and described in Exhibit A, Attachment 1 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 19th day of November, 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, Legal Description
Attachment 2, Map depicting Zone Map Amendment

Lego Robotics Follow-Up

The five teams of Wilsonville Lego Robotics students who interviewed the senior lunch participants came back on Tuesday, Nov. 20 to present their inventions to the lunch crowd. These enthusiastic primary school students explained the products they engineered "to help seniors with the challenges that can accompany older age."

Inventions Included:

- * An indoor raised garden bed that had hydraulic pistons to raise or lower it. This allowed individuals with arthritis or limited mobility to enjoy the joys of gardening and fresh vegetables.
- * A knee support system involving 'nanobots' that could be injected into the joints of individuals to strengthen their knees, relieve pain and prevent falls.
- * A robotic pet that would not come with all the work that a regular dog would entail. This companion would sense feelings of its senior companion, and respond appropriately with wags and barks of comfort. It would also be able to go on walks, and fetch toys to encourage exercise and activity. This furry friend would combat depression, loneliness and feelings of isolation that seniors can experience.

The groups of students were intelligent, empathetic and demonstrated their knowledge of engineering and physics along with a healthy dose of compassion. The future of seniors is bright with these young people leading the way.

Program Update

* On November 2nd, six area middle schoolers teamed up with the American Red Cross to learn the challenges and responsibilities associated with babysitting. Students learned about accident prevention, positive supervision, and first aid.

* "Horse Play at the Little Corral" has just finished its inaugural session through Parks and Recreation and with it gained some attention from the Oregonian. This horse themed after-school program provided participants with an introductory experience into the world of ponies and horses. Students learned about lead-line riding, safety, and grooming.



Parks & Recreation Department

With a little help from our friends...

During the past couple of months, while the Community Center has been undergoing some renovations, there have been a variety of situations and challenges that have required the quick action of staff across the City. It has been said that problems are better described as "opportunities for excellence" and with that said, there are a number of City Staff to thank for helping Community Center participants and employees down the path to excellence.

- * Kandi Dugger for helping reserve Willamette River Rooms and Council Chambers when Yoga and Tai Chi needed to be moved at the last minute.
- * Candi Garrett for communicating the change in venue to City Hall staff so class participants would feel welcomed.
- * Andy Stone and Martin Brown for all your help getting things done correctly and on time as the building is remodeled.
- * Evie Proctor and Jennifer Nelson for keeping the senior lunch program going strong in a much smaller and limited cooking space.
- * Ivan Crumrine for making sure we have the best, most durable floor and that it gets installed correctly.
- * Kristin Retherford for your willingness to move meetings, not to mention tables and chairs, to accommodate senior classes at City Hall.
- * The entire Parks and Recreation Department for keeping things running smoothly and staying positive even when it is: hot, cold, loud, smelly etc.

Ongoing Community Center Remodel

The Community Center remodel project continues to move forward with visible progress seen on a daily basis. The kitchen is completely framed out, the walk in cooler and freezer have been installed, the small addition in the NE corner of the building is complete as is the new table and chair storage area. In addition, new marmoleum flooring is being installed in the Sun Room, with the Multi Purpose Room receiving new flooring in January.



WILSONVILLE PUBLIC WORKS DEPARTMENT

City Council Report, November 20, 2012

First Annual Wilsonville Leaf Day

Although, wet and blustery, we had a few brave souls come to the City Hall parking lot on Saturday, November 17 to take advantage of the first free leaf drop off day sponsored by Allied Waste Disposal and the City of Wilsonville. There were approximately 40 vehicles that came to the drop-off site with two full dumpsters or 60 yards of leaf debris collected.

Because of the typical seasonal Oregon weather, turnout was somewhat subdued, but appropriate to the number of City personnel who volunteered to rearrange their work schedule for this important community event. Employees participating in the event this year were Utility Worker Daron Spence, Seasonal Utility Worker Greg Gonzalez, Seasonal Utility Worker Andy Lima, and Utilities Supervisor Floyd Peoples.

There were many lessons learned for the future from this first leaf collection event. These lessons will be shared with staff, who will be involved next year, so the program can grow with success in the years to come. We also took some pictures!



Leaf Control

As the city has been designated a Tree City USA for 15 years, we are truly also a leaf city. Leaf control operations are focused on two areas in our parks. First any pathways and sidewalks are cleaned off more often than weekly, especially in sloped areas, thus reducing hazards.

Secondly, where the majority of leaves drop has occurred, we make our best effort to get in and out and remove the leaves without damaging the turf and needing to return over and over again.

Trees

Since October 1st, 14 trees have been removed or taken down in our park system. The majority of these trees were dead, dying and/or hazardous trees. These trees were located in Memorial Park, Town Center Park, Tranquil Park, Arrowhead Creek Park and on the Boeckman Creek Trail. Trees have also been pruned in Engelman Park, Tranquil Park and Memorial Park.

Tree work will be completed by Public Works employees when possible, however large removals or hazardous work is contracted out to a tree service.

Replanting is also occurring approximately 17 trees that were planted in Memorial Park, Park at Merryfield and along the Boeckman Creek Trail. Additional work is being conducted to close several volunteer cut thru type trails.

Invasive and Noxious Species

Considerable work has recently been taking place in an ongoing effort to control invasive and noxious species. Community Service crews have been cutting down blackberries in areas where they have taken over and are restricting growth of other desirable vegetation, overtaking trails or restricting vision in or thru areas causing safety concerns.

The plants are cut down to the ground in the fall and winter to reduce the amount of herbicide applications needed to follow up to control in the spring and summer. This work has been occurring in Memorial Park, Boones Ferry Park and along the Boeckman Creek Trail.

Additional work is also occurring in the same parks and also Tranquil Park to remove Filbert brush and Holly trees, both of which are undesirable species.

Diesel Spill at Grahams Ferry and Day Road

This past week City crews from several departments responded to a diesel spill on Grahams Ferry Road at Day Road. Although just outside the city, crews responded to aid Tualatin Valley Fire and Rescue in containing this spill. It appears a large truck was spilling diesel from his fuel tank as it proceeded from Tualatin to Wilsonville along Grahams Ferry Road. The truck was flagged down at Day Road and the Fire Department responded. The fire department then called the City to assist. Although outside the City limits our crews from Public Works, Community Development and Fleet responded to the call. Public Woks aided in traffic control and spill response with Fleet personnel, removing approximately 75 gallons of fuel from the truck before it could leak into the roadway. All went well with little environmental impact, thanks to the quick response by all.

Light up the Season

As usual this time of year City staff from the Parks, Facilities and Roads Maintenance Divisions of Public Works, installed seasonal lighting in the street islands along Wilsonville Road. The finishing touches are taking place with 57,000 lights placed in the street islands and an additional 1,350 lights placed on the evergreen tree at the Wilsonville Road, Boones Ferry Road intersection. Working from feedback from our citizens they generally enjoy and appreciate the extended lighting along Wilsonville Road and believe it adds to public safety because of the extra lighting in these dark, dreary winter conditions this time of year.



Community Center Landscape Changes

Because of the construction of the Community Center's new kitchen facilities and the need to install apparatus at the exterior of the building, the landscape has undergone a change. There were five Flowering Cherry trees and some shrubbery removed to make room for the needed construction. As a point of information Flowering Cherry trees are short-lived trees and these particular trees were reaching the end of the viable life cycle. They were only somewhat aesthetically pleasing for a short period in the early Spring season. The remainder of the year they lived with Cherry Blight and were not, at all, attractive because of declining foliage. The cherry trees will be replaced with a native evergreen tree of substantial size, Western Red Cedar.

There were also five "Emerald Queen" Maples (non-native) removed under a separate tree removal permit. These trees have been in steady decline over the past ten years with two of them at least 50% dead and the others with less, but still substantial decline. These trees suffer over the long term from poor soil conditions and usually do not recover unless soil improvement modifications are made. The plan after removal is to excavate the area and remove and replace the poor soil with better quality soil and replant the same species of tree if possible. There was also a superfluous section of sidewalk removed at the Community Center with more landscape to be added.

Gearing up for Winter Weather

If there is a need for the general public to have access to sand bags, sand, and a way to fill the bags, these items are all available at the Community Garden site off Schroeder Way. The sand bags and shovels are in the large metal box and a pile of sand is very close. The gates are also unlocked for easy access by vehicle.

After the rain stops and the snow begins, crews will be out placing sanding rock on the streets to aid travelers in their journeys. Because of limited supply and storage areas, careful planning is needed to assure we have sanding rock available for these snow events. Public Works' Roads, Facilities and Park Crews have constructed a centralized storage area for sanding rock at the Public Works maintenance yard in Memorial Park.

Missing email message raises question Oregon lawmakers archive public records



(<http://connect.oregonlive.com/user/mcole/index.html>)By Michelle Cole, The Oregonian
(<http://connect.oregonlive.com/user/mcole/posts.html>)

on November 11, 2012 at 7:00 AM, updated November 11, 2012 at 11:09 PM

Email () | Print



Seven Oregon legislators, on a personal vacation last January, visited this Palm Springs club. The night out had unexpected consequences within the Oregon House GOP caucus.

Michelle Cole/The Oregonian

Oregon legislators are required to keep their email messages for a year, according to their own rules and state law. But confusion about a computer backup system suggests an unknowable number of public records has been lost.

The issue wasn't on anybody's radar until The Oregonian requested copies of email related to a trip seven Republican lawmakers made to Palm Springs in January. The all-male group visited a

topless club while they were there and, a few months later, House GOP leader, Rep. Kevin Cameron, stepped down because of fear that the public would find out.

The Oregonian confirmed that at least one message from the search was missing. It may have been an accident, but the missing message points to a larger issue: In a time when electronic records are proliferating at exponential speed, how do stewards of public records ensure that the people's records are maintained.

Among the email provided to the newspaper was one that Angela Wilhelms, chief of staff for House Speaker Bruce Hanna, wrote to Rep. Tim Freeman, R-Roseburg and Rep. Vic Gilliam, R-Silverton on April 19.

"Bruce was originally scheduled to speak at the Oregon Truckers Association meeting in January... but we had to postpone due to a certain last minute trip to Palm Springs," she wrote, asking one or both of them to speak to a rescheduled meeting of the truckers'

group.

Freeman's office released the email as part of the public records request. But Gilliam's did not.

Gilliam refused to answer questions Friday about how he and his staff handle public record email.

Dexter Johnson, the Legislature's main legal advisor said: "The IT folks can't go beyond saying it isn't there. That's where we're at. It may have been deleted."

Wilhelms said she wasn't aware until a few weeks ago that email messages were not being backed up for more than 30 days in the Legislature's main computer system.

"Only in recent weeks when other issues related to email storage and space and archiving were being discussed did I really become aware that everything wasn't backed up," she said. "I think that was a commonly held sense."

Oregon state agencies are required by the public records law to work with the state archivist to retain email and other records for a specific period of time. On average that's six to 10 years, says Mary Beth Herkert, state archivist.

The Legislature has exempted itself from that part of the law, setting its own one-year retention rule for most records. Records related to travel or lawmakers' finances are to be kept for five years.

The number of email messages government officials receive has become staggering in the move toward a paperless office, Herkert said.

"Look at the worst episode of 'Hoarding Buried Alive,' and multiply that exponentially," she said, referring to a reality show about compulsive hoarding.

"People have no clue where stuff is and that's the problem."

Judson Randall, president of Open Oregon: A Freedom of Information Coalition, says the missing email and indications that other records may also have been lost is "clearly troublesome."

"Read the first paragraph of Oregon's public records law," he said. "Every person has a right to inspect any public record of a public body in this state."

Legislative administrator Kevin Hayden said costs "would be staggering" to create a storage system for legislative email beyond 30 days.

Each member of the House and Senate is responsible for archiving records, he said, adding that point will be emphasized when lawmakers and staff arrive in Salem next year.

Johnson, the legislature's lawyer, said his office typically processes about 400 public records requests every two years.

"This problem has not shown up before."

Legislative email messages --as public records --are also an issue in other states.

Facing a lawsuit, five Wisconsin state legislators agreed last month to turn over correspondence with the American Legislative Exchange Council, including email in personal accounts. The Council, which includes legislators and corporate representatives, has been criticized for drafting cookie-cutter model legislation reflecting the group's conservative views.

Bill Leuders, president of the Wisconsin Freedom of Information Council, says his state's legislature has largely exempted its members from public records retention rules.

"In Wisconsin, a lobbyist can send a letter to a lawmaker and say, 'Here's what I want you to do,'" Leuders said. "That legislator can receive it, read it and burn it and break no law."

--Michelle Cole

FBI can access private email

The Petraeus case shows the kind of latitude criminal investigators get

By **RICHARD LARDNER**
THE ASSOCIATED PRESS

WASHINGTON — Your emails are not nearly as private as you think.

The downfall of CIA Director David Petraeus demonstrates how easy it is for federal law enforcement agents to examine emails and computer records if they believe a crime was committed. With subpoenas and warrants, the FBI and other investigating agencies routinely gain access to electronic inboxes and information about email accounts offered by Google, Yahoo and other Internet providers.

"The government can't just wander through your emails just because they'd like to know what you're thinking or doing," said Stewart Baker, a former assistant secretary at the Department of Homeland Security and now in private law practice. "But if the government is investigating a crime, it has a lot of authority to review people's emails."

Under the 1986 Electronic Communications Privacy Act, federal authorities need only a subpoena

Please see **EMAIL**, Page A5

approved by a federal prosecutor — not a judge — to obtain electronic messages that are six months old or older. To get more recent communications, a warrant from a judge is required. This is a higher standard that requires proof of probable cause that a crime is being committed.

Public interest groups are pressing Congress for the law to be updated because it was written a quarter-century ago when most emails were deleted after a few months because the cost of storing them indefinitely was prohibitive. Now, "cloud computing" services provide huge amounts of inexpensive storage capacity. Other technological advances, such as mobile phones, have dramatically increased the amount of communications that are kept in electronic warehouses and can be reviewed by law enforcement authorities carrying a subpoena.

"Technology has evolved in a way that makes the content of more communications available to law enforcement without judicial authorization and at a very low level of suspicion," said Greg Nojeim, a senior counsel at the Center for Democracy & Technology.

The chairman of the Senate Judiciary Committee, Patrick Leahy, has proposed changing the law to require a warrant for all Internet communications regardless of their age. But law

enforcement officials have resisted because they said it would undercut their ability to catch criminals.

A subpoena is usually sufficient to require Internet companies to reveal names and any other information that they have that would identify the owner of a particular email account. Google, which operates the widely used Gmail service, complied with more than 90 percent of the nearly 12,300 requests it received in 2011 from the U.S. government for data about its users, according to figures from the company.

Even if a Gmail account is created with a fictitious name, there are other ways to track down the user. Logs of when messages are sent reveal the Internet address the user used to log onto the account. Matching times and dates with locations allow investigators to piece together the chain.

A Gmail account figured prominently in the FBI investigation that led to Petraeus' stunning resignation last week as the nation's spy chief. Petraeus, a retired Army general, stepped down after he confessed to an extramarital affair with Paula Broadwell, an Army Reserve officer and his biographer.

The inquiry began earlier this year after Jill Kelley, a Florida woman who was friends with Petraeus and his wife, Holly, began receiving harassing emails. Kelley

is a Tampa socialite. That is where the military's Central Command and Special Operations Command are located.

Petraeus served as commander at Central Command from 2008 to 2010.

FBI agents eventually determined that the email trail led to Broadwell, according to two federal law enforcement officials, who spoke on

condition of anonymity because the sources were not authorized to speak about the matter on the record. As they looked further, the FBI agents came across a private Gmail account that used an alias name. On further investigation, the account turned out to belong to Petraeus.

The contents of several of the exchanges between Pe-

raeus and Broadwell suggested they were having an affair, according to the officials. Investigators determined that no security breach had occurred but continued their investigation into whether Petraeus had any role in the harassing emails that Broadwell had sent to Kelley, which was a criminal investigation.

Email trick used

CIA Director David Petraeus and biographer Paula Broadwell apparently used a trick known to terrorists and teenagers alike to conceal their email traffic.

Law enforcement officials said Petraeus and Broadwell did not transmit all their communications as emails from one's inbox to the other's inbox. The officials spoke on condition of anonymity because they were not authorized to speak about the matter on the record.

Petraeus and Broadwell composed some emails in a Gmail account, and instead of transmitting the emails, they left them in a draft folder or in an electronic "dropbox." Then the other person could log on to the same account and read the draft emails there. This avoids creating an email trail that is easier to trace. It's a technique that al-Qaida terrorists began using several years ago and teenagers in many countries have since adopted.

— The Associated Press

Councilor Concerns / Follow Up Items

Last Updated November 21, 2012

Meeting Date	Concern / Request	Staff Member /Department	Date Completed
November 19	Chamber of Commerce Contract Status	Cosgrove/Kohlhoff	
November 5	<p>Consolidate the City of Wilsonville into one county rather than two.</p> <p>Parking enforcement in residential neighborhoods; amend ordinance to avoid transients living in vehicles on the street but allow flexibility to prepare RVs.</p> <p>Change Wilsonville Road to local access only eliminating truck and trailer traffic traveling in the area of the elementary and high schools.</p>		
October 1	<p>Begin thinking about Goals, what does staff need the Council to look at?</p> <p>WES Contract renewal date</p> <p>WWTP Odors continue</p> <p>Lighting under the I-5 Overpass for Pedestrians</p>	BC	<p>Addressed 10/2/12</p> <p>Staff will investigate</p>
September 17	<p>Contact Metro on Elligsen Property zone change</p> <p>Contact Cabela's on interest in locating in Wilsonville.</p>	Bryan C.	
September 6	None.		
August 20	Survey results for aquatic/rec center what is possible considering the funding that was acceptable, feasibility study	BC	
July 16	<ol style="list-style-type: none"> 1. Permanent location for Public Works Shops 2. Move forward on Community Center 	1. Delora K	
June 18	Schedule time to discuss Vision and big picture issues	BC	Council Retreat 2013
April 16	<p>Joint meeting with West Linn-Wilsonville School Board</p> <p>Also with Tualatin Council to follow up on transportation</p>	BC to Pin down in 2013	After new year & new Council

March 5	Tutorial about legal aspects of land use, what Council can and cannot do Review of the Comprehensive Plan	Chris N.	10/1/12 joint WS w/PC/CCI Staff can provide training
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COMMUNITY DEVELOPMENT DEPARTMENT

November 2012

MESSAGE FROM DIRECTOR

We enjoyed another very busy month in Community Development. I am glad to be getting more and more involved and knowledgeable about ongoing projects, community organizations, and the City's budgets.

Below are a few highlights from my November:

- Attended the Economic Development Task Force meetings in November to hear the task force members' viewpoints about economic development programs for Wilsonville.
- Became more familiar with the Community Development and Urban Renewal budgets while assisting the Finance Department with Budget Committee presentation materials.
- Attended the November Chamber of Commerce Government Affairs meeting to be introduced and talk about current and long range Community Development activities.
- Met with NOAA, DSL, and the Corps of Engineers to discuss project design and environmental permitting requirements for the Morey's Landing and Rivergreen drainage mitigation projects.
- Joined the City Manager and other staff to discuss potential partnering efforts with an enthusiastic Oregon Tech Team .
- Worked with our staff and GIS staff to prepare and submit an application to ODOT for state funding for the Kinsman Road extension from Barber to Boeckman.



URBAN RENEWAL DIVISION

Construction of the SMART Ops/ Fleet Maintenance is nearing an end. SMART is scheduled to move into their new home the first half of January with an Open House be held after move-in.

The Economic Development Task Force held its first meeting in November to look into the use of incentives and business attributes. A second meeting will be held November 28th, and a third on December 13th.



SMART Ops/Fleet Maintenance Building

COMMUNITY DEVELOPMENT DEPARTMENT

November 2012

BUILDING DIVISION

Major Development under construction:

Bell Tower (almost complete for Temporary C of O)
Brenchley Estates Phase 1 North—Multi-family
City Fleet Building
Cross Creek Single Family
O'Reily's Auto Parts Store Tenant Improvement
Villebois Community Clubhouse
TVFR Building
Villebois Single Family
Wastewater Treatment Plant



Bell Tower

New Tenant Improvements:

DW Fritz (27200 SW Parkway Ave)

ENGINEERING DIVISION

CAPITAL PROJECT UPDATE

WWTP DBO 2082): Waste Water Treatment Plant DBO: A major milestone was achieved on November 16th, when Aeration Basin #3 began receiving waste water. This is the first major component of the new facilities to be completed and placed in service. Other construction remains on schedule and on budget.



COMMUNITY DEVELOPMENT DEPARTMENT

November 2012

Boeckman Road Bike/Ped Dip (CIP #4702): Construction completed.



Mid-Block Crossing at OIT (CIP #4180): Installation of a crosswalk between the OIT and Pioneer Pacific College buildings. Will utilize the first RRFB safety technology (Rectangular Rapid Flash Beacons) in the City.



COMMUNITY DEVELOPMENT DEPARTMENT

November 2012

Kinsman Transmission Main Phase 3b (CIP #1055): Needed easements have been field staked in advance of acquisition negotiations. Design is 60% complete. Project remains on schedule for a summer/fall 2013 construction

Barber Street Extension – Kinsman to Coffee Lake Drive(CIP #4116): Final Design is in progress. Joint Permit application to be submitted in late January.

Boeckman Road Reconstruction (CIP #4177): Settlement being monitored.

95th-Boones Ferry Road (CIP #4041): Construction completed.

I-5/Wilsonville Rd (CIP #4002): Construction completed.

ENGINEERING DIVISION

PRIVATE DEVELOPMENT UPDATE

Villebois North PDP 1 Phase 1 – Polygon NW:

82-lot subdivision on the west side of Villebois; asphalt has been installed on most streets.

Grahams Ferry Road: Construction completed.

Copper Creek Subdivision: Construction completed.

Brenchley North and Brenchley Estates Phase 2: Brenchley North is struggling with erosion control measures. Have installed some sanitary and storm sewers, but limited. Majority of work on site is private at present. Brenchley Estates Phase 2 are testing the public water lines. Curbs and road are expected in the first half of December.



COMMUNITY DEVELOPMENT DEPARTMENT

November 2012

PLANNING DIVISION

DEVELOPMENT REVIEW BOARD (DRB) UPDATE:

Villebois. On November 15th, the Board approved **Polygon Homes Northwest** applications for Preliminary Development Plan-East Phases 3 and 4. **PDP3-E includes** 205 homes and 6.22 acres of park/open space areas and associated infrastructure improvements on 30.84 acres. All the homes in the development will be served with alleys. The front of the homes will face tree lined streets, parks and green spaces, with nine homes fronting on a preserved wetland. A recommendation on a zone map amendment from the city's Residential Agricultural-Holding (RA-H) zone to Village Zone was forwarded to the City Council with a recommendation of approval.

Staff: Dan Pauly



Proposed Housing Type	Number of Units
Medium Single Family	29
Small Single Family	59
Cottage Size Single Family	75
Row Homes	42
Total	205



Proposed Housing Type	Number of Units
Medium Single Family	11
Small Single Family	82
Total	93

Preliminary Development Plan 4 - East was also approved by the DRB on November 14th. PDP4-E is 12.96 gross acres and includes 93 small and medium sized single-family lots, 3.03 acres of parks and open space, and associated infrastructure improvements. All the homes in the development will be served by alleys. The front of the homes will face tree lined streets, parks and green spaces. A recommendation on a zone map amendment from the city's Residential Agricultural-Holding (RA-H) zone to Village Zone was forwarded to the City Council with a recommendation of approval. The City Council public hearing date on both of these items is tentatively scheduled for December 3rd. Staff: Dan Pauly

COMMUNITY DEVELOPMENT DEPARTMENT

November 2012

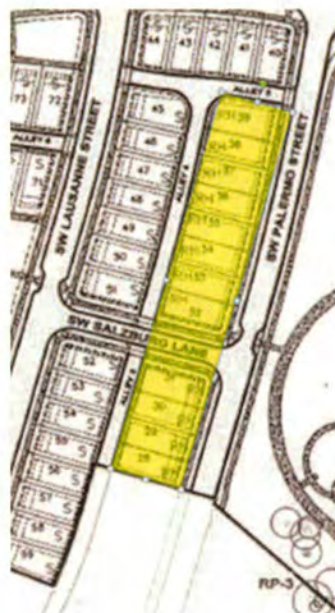
Villebois. The City received applications from **Polygon Homes Northwest** to modify PDP-5 South by changing the designation of Lots 19 – 27 from Row Houses to Small Cottages and to amend the Specific Area Plan South Architectural Pattern Book to add elevations and details specific to the small cottages house type. PDP5 - South is located immediately north of Surrey Street and west of Piccadilly Park.

Staff: Blaise Edmonds



The City received applications from **Polygon Homes Northwest** to modify PDP-1 North by changing the designation of Lots 28 - 39 from Row Houses to Small Cottages and to amend the Specific Area Plan - North Architectural Pattern Book to add information specific to Small Cottages. PDP-1 North is located in the north-west portion of Villebois Village, immediately east of Piccadilly Park.

Staff: Blaise Edmonds



COMMUNITY DEVELOPMENT DEPARTMENT

November 2012

PLANNING DIVISION

PLANNING COMMISSION UPDATE:

At the November meeting, the consultant team presented the **Transportation System Plan** update Financially Constrained Project List in preparation for soliciting public input via the on-line open house. The **On-Line Open House** web site will go live on December 3rd and will run through December 14th. The website will feature a series of short videos to explain the project, as well as the traditional maps. The on-line open house will allow citizens to review the information from their home or work computer and provide input into the draft project lists via an easy-to-use comment form. The public input will shape the priorities that are presented in the draft TSP document which will be brought forward to the Planning Commission and City Council in early 2013.

The next Planning Commission meeting is December 12, 2012.

	Budget	Activity	% Used
Fund 110 General Fund:			
Taxes	8,133,050	2,055,856	25%
Intergovernmental	1,569,551	246,957	16%
Licenses and Permits	120,600	119,409	99%
Charges for Services	413,800	196,167	47%
Fines	380,000	170,091	45%
Investment Revenue	100,000	41,892	42%
Other Revenues	130,600	61,275	47%
Transfers	2,387,128	696,869	29%
Total Revenue	13,234,729	3,588,516	27%
Personal Services	6,274,220	1,878,385	30%
Materials and Services	6,891,600	2,608,089	38%
Capital Outlay	95,000	20,595	22%
Transfers	1,310,600	185,484	14%
Total Expense	14,571,420	4,692,553	32%
Fund 210 Fleet Fund:			
Charges for Services	1,167,935	486,635	42%
Investment Revenue	20,000	11,590	58%
Other Revenues	0	2,856	-%
Total Revenue	1,187,935	501,081	42%
Personal Services	515,740	161,472	31%
Materials and Services	649,470	219,652	34%
Capital Outlay	94,500	25,733	27%
Transfers	529,040	342,850	65%
Total Expense	1,788,750	749,706	42%
Fund 230 Building Fund:			
Licenses and Permits	729,952	558,982	77%
Licenses and Permits-Villebois	113,201	118,123	104%
Investment Revenue	5,000	2,817	56%
Other Revenues	0	1,082	-%
Transfers	13,000	0	-%
Total Revenue	861,153	681,004	79%
Personal Services	585,970	185,875	32%
Materials and Services	72,545	14,267	20%
Transfers	118,660	29,445	25%
Total Expense	777,175	229,587	30%
Fund 235 Community Development Fund:			
Intergovernmental	25,000	0	-%
Licenses and Permits	403,916	331,581	82%
Licenses and Permits-Villebois	231,340	94,047	41%
Charges for Services	536,000	250,692	47%
Investment Revenue	11,000	10,808	98%
Other Revenues	500	3,193	639%
Transfers	2,268,389	553,586	24%
Total Revenue	3,476,145	1,243,907	36%
Personal Services	2,756,490	823,603	30%
Materials and Services	573,610	82,795	14%
Transfers	288,300	99,710	35%
Total Expense	3,618,400	1,006,108	28%
Fund 240 Road Operating Fund:			
Intergovernmental	1,108,000	368,043	33%
Investment Revenue	2,000	1,896	95%
Other Revenues	0	4,760	-%
Total Revenue	1,110,000	374,698	34%
Personal Services	300,170	95,066	32%
Materials and Services	420,548	112,137	27%
Transfers	312,060	85,922	28%
Total Expense	1,032,778	293,125	28%

	Budget	Activity	% Used
Fund 245 Road Maintenance Fund:			
Charges for Services	635,000	266,175	42%
Investment Revenue	1,000	532	53%
Total Revenue	636,000	266,707	42%
Materials and Services	510	0	-%
Transfers	650,000	449,588	69%
Total Expense	650,510	449,588	69%
Fund 260 Transit Fund:			
Taxes	4,400,000	1,960,694	45%
Intergovernmental	956,062	2,107,152	220%
Charges for Services	178,000	47,851	27%
Investment Revenue	17,000	3,020	18%
Other Revenues	10,000	20,162	202%
Total Revenue	5,561,062	4,138,879	74%
Personal Services	2,886,460	869,428	30%
Materials and Services	1,632,365	699,124	43%
Capital Outlay	600,000	432,381	72%
Transfers	1,538,580	1,311,232	85%
Total Expense	6,657,405	3,312,165	50%
Fund 310 Water Operating Fund:			
Intergovernmental	0	2,912	-%
Charges for Services	6,412,200	3,898,379	61%
Fines	0	5,768	-%
Investment Revenue	20,000	20,615	103%
Other Revenues	0	4,915	-%
Transfers	350,000	0	-%
Total Revenue	6,782,200	3,932,588	58%
Personal Services	534,300	169,040	32%
Materials and Services	3,411,952	844,322	25%
Capital Outlay	65,000	0	-%
Debt Service	1,886,000	0	-%
Transfers	534,200	106,011	20%
Total Expense	6,431,452	1,119,373	17%
Fund 320 Sewer Operating Fund:			
Charges for Services	6,550,000	2,570,362	39%
Investment Revenue	45,000	31,990	71%
Other Revenues	18,216	7,685	42%
Transfers	785,000	0	-%
Total Revenue	7,398,216	2,610,037	35%
Personal Services	255,840	80,138	31%
Materials and Services	2,381,869	184,400	8%
Debt Service	2,589,000	609,875	24%
Transfers	1,460,000	140,051	10%
Total Expense	6,686,709	1,014,463	15%
Fund 350 Street Lighting Fund:			
Charges for Services	385,000	160,620	42%
Investment Revenue	3,000	1,551	52%
Total Revenue	388,000	162,171	42%
Materials and Services	296,100	89,404	30%
Transfers	59,280	0	-%
Total Expense	355,380	89,404	25%
Fund 370 Storm Water Operating Fund:			
Taxes	0	2,062	-%
Charges for Services	1,260,000	466,853	37%
Investment Revenue	3,000	1,049	35%
Transfers	700,000	0	-%
Total Revenue	1,963,000	469,964	24%
Personal Services	242,550	74,017	31%
Materials and Services	432,005	87,911	20%
Transfers	933,800	146,367	16%
Total Expense	1,608,355	308,295	19%

Note:

Personal Service expense is recorded once a month at the end of each month and will only be reflected in the amounts above for reports run after the final day of each month.

**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 3, 2012**, 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:

Ordinance No. 711 An ordinance of the City of Wilsonville establishing a permanent 20 MPH speed limit on residential streets adjacent to Lowrie Primary School.

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 Steve Adams, Interim City Engineer at 503-570-1566. 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 November 20, 2012.

**PUBLIC NOTICE
CITY OF WILSONVILLE**

**DEVELOPMENT REVIEW BOARD PANEL A
CITY COUNCIL**

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the **Development Review Board (DRB)** of the City of Wilsonville on **Thursday, November 15, 2012 at 6:30 P.M.** at City Hall, at 29799 SW Town Center Loop E, Wilsonville, Oregon, or to such other place to which the Development Review Board may adjourn.

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the **Wilsonville City Council** on **Monday, December 3, 2012 at 7:00 P.M.** at City Hall, at 29799 Town Center Loop E, Wilsonville, Oregon.

CASE FILES TO BE CONSIDERED: DB12-0042 Villebois SAP-East PDP-3E, Preliminary Development Plan
DB12-0043 Villebois SAP-East Refinements
DB12-0044 Villebois 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

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)
Metro (TL 200)
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
REPRESENTATIVE:** Stacy Connery, AICP, Pacific Community Design, Inc.

LOCATION: Majority of development area located on south side of SW Boeckman Road, East of SW 110th Avenue, north of Lowrie Primary School Described as Tax Lots 100 and 180, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, as depicted on the map below.

Other Tax Lots involved in all or 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.
- 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.
- Tax Lot 200, Section 15 which is located within the Coffee Lake wetland area
- Portions of Tax Lots 2916, and 2919 along west of SW 110th Avenue and Portions of SW 110th Avenue right-of-way shown for development of Pocket Park 12, Neighborhood Park 5 and other pocket parks and linear greens in Figure 5 of the Villebois Village Master Plan.

CONTACT: Daniel Pauly AICP, Associate Planner, at (503) 682-4960.

REQUESTS: Polygon NW Company- Villebois Phase 3 East (Residential Subdivision and Related Parks, Open Space, and Other Improvements), Zone Map Amendment; Amendment to SAP East Phasing. Amended Architectural Pattern Book for Portion of SAP East.

APPLICABLE CRITERIA

Planning and Land Development Ordinance: Section 4.008 through Section 4.011, Section 4.014, Section 4.031, Section 4.033, Subsection 4.035 (.04), Subsection 4.035 (.05), Section 4.110, Section 4.125, Sections 4.139.00 through 4.139.11 as applicable, Section 4.154, Section 4.155, Section 4.167, Section 4.169, Section 4.171, Section

**PUBLIC HEARING NOTICE FOR HEARINGS NOVEMBER 15 AND DECEMBER 3, 2012
Wilsonville Development Review Board Panel 'A' and Wilsonville City Council**

4.172, Section 4.175, Section 4.176, Section 4.177, Section 4.178, Section 4.197, Sections 4.199.20 through 4.199.60, Sections 4.200 through 4.220, Sections 4.236 through 4.270, Sections 4.300 through 4.320, Sections 4.400 through 4.440 as applicable, Sections 4.600 through 4.640.20 as applicable **Comprehensive Plan: Implementation Measures 4.1.6.a., 4.1.6.b., 4.1.6.c., 4.1.6.d. Other Planning Documents:** Villebois Village Master Plan, SAP East Approval Documents.

Copies of the approval criteria are available from the Wilsonville Planning Division, located at 29799 SW Town Center Loop East. All testimony and evidence shall be directed to the applicable criteria or the person providing testimony shall state which other criteria they believe applies to this application. A complete copy of the relevant file information, including the staff report and recommendations, will be available for inspection seven days prior to the hearing. Copies may be provided at the cost of twenty-five cents per page. Copies will also be available for review at the Wilsonville Public Library.

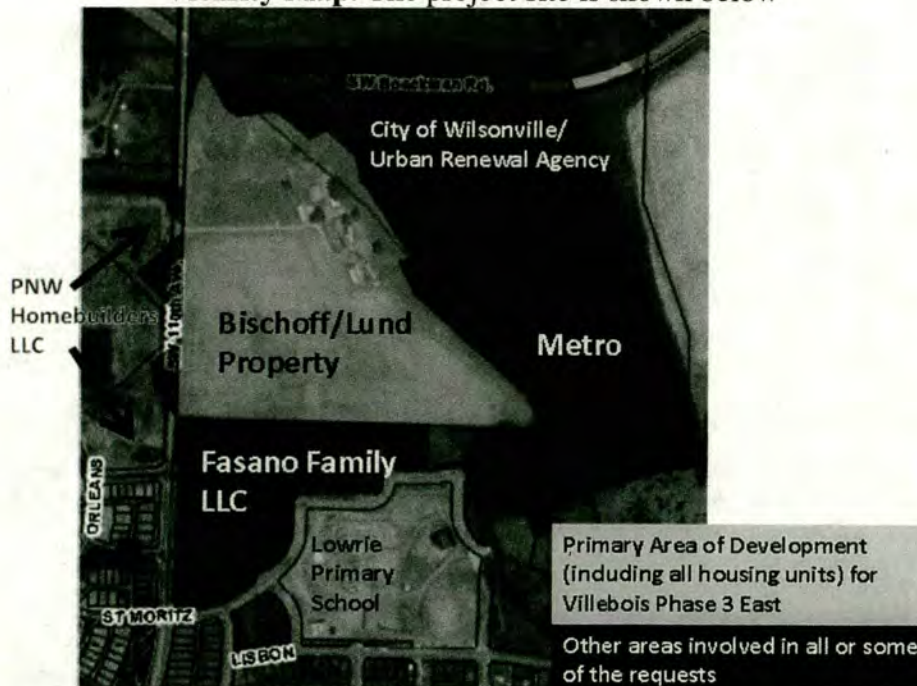
Any interested party may testify at the public hearing or submit written testimony at or prior to the hearing. **Written comments must be received at City Hall by 5 p.m. November 7, 2012, to be included in the staff report.** Mail written statements to City Planning Division, 29799 SW Town Center Loop East, Wilsonville OR 97070. The procedures that govern the hearing will be stated at the meeting and are found in Chapter 2.560 of the Wilsonville Code and ORS 197.763.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Development Review Board hearing, in person or by letter, with sufficient specificity to afford the Development Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. Parties with standing may appeal the decision of the Development Review Board to the City Council.

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. The City will also endeavor to provide qualified sign language interpreters and/or qualified bilingual interpreters, without cost, if requested at least 48 hours prior to the meeting. To obtain such services, please call Shelley White, Planning Administrative Assistant at (503) 682-4960.

Inquiries pertaining to these hearings may be made to Daniel Pauly AICP, Associate Planner at (503) 682-4960.

Vicinity Map: The project site is shown below



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CITY OF WILSONVILLE**

**DEVELOPMENT REVIEW BOARD PANEL A
CITY COUNCIL**

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CASE FILES TO BE CONSIDERED: DB12-0053 Villebois SAP-East PDP-4E, Preliminary Development Plan
DB12-0052 Villebois SAP-East Refinements
DB12-0050 Zone Map Amendment
DB12-0055 Tentative Subdivision Plat
DB12-0054 Final Development Plan for Parks and Open Space

PROPERTY OWNER: Fasano Family LLC
APPLICANT: Fred Gast, Polygon NW Company
APPLICANT'S REPRESENTATIVE: Stacy Connery AICP, Pacific Community Design, Inc.
LOCATION: Northwest of Lowrie Primary School, East of SW 110th Avenue Described 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, as depicted on the map below.
CONTACT: Daniel Pauly AICP, Associate Planner, at (503) 682-4960.
REQUEST: Polygon NW Company- Villebois Phase 4 East (Residential Subdivision and Related Parks, Open Space, and Other Improvements), Zone Map Amendment.

APPLICABLE CRITERIA

Planning and Land Development Ordinance: Section 4.008 through Section 4.011, Section 4.014, Section 4.031, Section 4.033, Subsection 4.035 (.04), Subsection 4.035 (.05), Section 4.110, Section 4.125, Sections 4.139.00 through 4.139.11 as applicable, Section 4.154, Section 4.155, Section 4.167, Section 4.169, Section 4.171, Section 4.172, Section 4.175, Section 4.176, Section 4.177, Section 4.178, Section 4.197, Sections 4.199.20 through 4.199.60, Sections 4.200 through 4.220, Sections 4.236 through 4.270, Sections 4.300 through 4.320, Sections 4.400 through 4.440 as applicable, Sections 4.600 through 4.640.20 as applicable **Comprehensive Plan:** Implementation Measures 4.1.6.a., 4.1.6.b., 4.1.6.c., 4.1.6.d. **Other Planning Documents:** Villebois Village Master Plan, SAP East Approval Documents.

Copies of the approval criteria are available from the Wilsonville Planning Division, located at 29799 SW Town Center Loop East. All testimony and evidence shall be directed to the applicable criteria or the person providing testimony shall state which other criteria they believe applies to this application. A complete copy of the relevant file information, including the staff report and recommendations, will be available for inspection seven days prior to the hearing. Copies may be provided at the cost of twenty-five cents per page. Copies will also be available for review at the Wilsonville Public Library.

Any interested party may testify at the public hearing or submit written testimony at or prior to the hearing. **Written comments must be received at City Hall by November 7, 2012, to be included in the staff report.** Mail written statements to City Planning Division, 29799 SW Town Center Loop East, Wilsonville OR 97070. The procedures that govern the hearing will be stated at the meeting and are found in Chapter 2.560 of the Wilsonville Code and ORS 197.763.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Development Review Board hearing, in person or by letter, with sufficient specificity to afford the Development Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. Parties with standing may appeal the decision of the Development Review Board to the City Council.

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. The City will also endeavor to provide qualified sign language interpreters and/or qualified bilingual interpreters, without cost, if requested at least 48 hours prior to the meeting. To obtain such services, please call Shelley White, Planning Administrative Assistant at (503) 682-4960.

Inquiries pertaining to these hearings may be made to Daniel Pauly, AICP, Associate Planner at (503) 682-4960.

Vicinity Map: The project site is shown below



King, Sandy

From: Edmonds, Blaise
Sent: Tuesday, November 13, 2012 2:49 PM
To: Kohlhoff, Mike
Cc: Neamtzu, Chris; King, Sandy
Subject: Revised Fox Center Ordinances
Attachments: 1. Ord706 Zone Map Amnd Revised.docx; 3. Exhibit A - Zone Order.docx; COUNCILSRfinalZone.docm; 1. Ord705 Comp Plan Map Amnd.docx; 3. Exhibit A - Comp Order.docx; COUNCILSRfinalComP.docm

Hi Mike, please see attached revised council staff reports, ordinances and orders for the comp plan and zone changes for Fox Center going to Council on Dec. 3rd.

I've highlighted in yellow your previous and recent comments that you may want to change based on your telephone conversation with their attorney. Regarding the issue about 55+ age housing, I propose to include it only in the zone ordinance. Maybe that is not the only or right place for your finding. I understand all of this work that I am passing on to you is due to Sandy on Nov. 20th. Trying to give you some extra time.

Thank you,
Blaise Edmonds
Manager of Current Planning
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

503-682-4960 Business
503-682-7025 Fax
edmonds@ci.wilsonville.or.us

DISCLOSURE NOTICE: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

neighbor want 55 yr old
done restriction

City of Wilsonville

December 3, 2012 City Council Meeting

Propose existing building
plan orientation -

SPEAKER CARD

NAME: MIKE THOMPSON

ADDRESS: 11259 SW CHANTLEY

TELEPHONE: _____ E-MAIL _____

AGENDA ITEM YOU WANT TO ADDRESS: POSSIBLY ADDRESS
CHANGES TO FOXCHASE TOWNHOUSES

Please limit your comments to 3 minutes. Thank you.

- agrees w/ Mayor's letter -
want 557 need restriction

City of Wilsonville
December 3, 2012 City Council Meeting

SPEAKER CARD

NAME: BENNIE BITZ

ADDRESS: 11315 SW CHANTILLY

TELEPHONE: 503-427-0968 E-MAIL _____

AGENDA ITEM YOU WANT TO ADDRESS: ORD. 705

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
December 3, 2012 City Council Meeting

SPEAKER CARD

- Willamette way parking tight,
prefer none. -

- Concerned about landscape
maintenance - (older residents?)
& trash pickup. -

NAME: JOHN BUDIATO

ADDRESS: 31065 SW WILLAMETTE WAY E.

TELEPHONE: 503-701-1237 E-MAIL john.budiato@MILICARY-CONCERT.COM

AGENDA ITEM YOU WANT TO ADDRESS: OLD NO- 705 & 706

Please limit your comments to 3 minutes. Thank you.

**City of Wilsonville
City Council Meeting
December 3, 2012 Sign In Sheet**

Name	Mailing Address
YERN WISE	
MIKE THOMPSON	11259 SW CHANTILLY
NANCIE THOMPSON	11259 SW CHANTILLY WILSONVILLE OR
Jerome Duletzke	
JOHN BUDIAS	31065 SW WILLEMETE WAY EAST
Juan Vasquez	11124 SW MONT BLANC LN
ROSS QUENCER	10585 SW SUNNYSIDE DR.
Cameron Quencer	cameron.quencer@gmail.com
Fiorella Kassab	28911 SW CASCADE LP
PAUL SOMERSCALES	11631 SW PRAEKNESS
Taylor Vasquez	
Joshua Budias	31065 SW WILLEMETE WAY E
Luke Somerscales	11631 SW PRAEKNESS
Chaz Hilwah	6820 SW Fernbrook ct Wilsonville OR 97070
Andrew Cornejo	28911 SW CASCADE LOOP
AARON GILBERT	30657 SW KENSINGTON DR.
ALEX TOMLINSON	11718 SW GRENABLE OR.
BENNIE BITZ	11315 SW CHANTILLY
DINO COSE	3751 1502 TAYLOR PDX
DAN VASQUEZ	29078 SW MONTE CARLO AVE WILSONVILLE

City of Wilsonville

**December 3, 2012
City Council Meeting
Action Minutes**

DATE: DECEMBER 3, 2012			
LOCATION: 29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR			
TIME START: 7:02 P.M.	TIME END: 10:00 P.M.	REMARKS:	

ATTENDANCE LOG

COUNCILORS	STAFF	STAFF	STAFF
Mayor Knapp	Brian Cosgrove	Barbara Jacobsen	Dan Knoll
Council President Núñez	Mike Kohlhoff	Delora Kerber	Andrea Villagrana
Councilor Goddard	Jeanna Troha	Mark Ottenad	Angela Handran
Councilor Starr	Sandy King	Kerry Rappold	Steve Adams
Councilor Fitzgerald	Stephan Lashbrook	Blaise Edmonds	Nancy Kraushaar
	Eric Mende	Dan Pauly	Kristin Retherford
	Joanne Ossanna	Chris Neamtzu	

AGENDA	ACTIONS
WORK SESSION	
<p>Concerns:</p> <ul style="list-style-type: none"> • Councilor Starr asked for clarification on the possible WWTP litigation. <p>Councilor Starr wanted to be sure the density in Villebois is trued up in the future and that should be pointed out. He wanted any exchanges to be shared as well as the location and number of lots being increased/decreased</p>	<p>Mr. Mende explained there was no pending litigation; there had been exceedance at the WWTP; CH2M Hill promptly notified DEQ, and CH2M Hill is responsible for payment of any fines levied by DEQ for the exceedance.</p> <p>Staff would make this information known during the staff report on Ordinances 709 and 710.</p>
<p>Work Session</p> <ul style="list-style-type: none"> • Kinsman Transmission Water Line: Staff described the route of this segment of water transmission line, the contact with an appraiser, and the work staff has done with the property owners. 	<p>The resolution is on the agenda for Council's approval.</p>
<ul style="list-style-type: none"> • PDP-3 and PDP-4 East (Ord. 709 and 710): 	<p>The first reading of these two ordinances is on the agenda for public hearing and Council action.</p>
REGULAR MEETING	
Mayor's Business	Upcoming meetings announced
<p>Communications:</p> <ul style="list-style-type: none"> • Allied Waste Fall Leaf Day Collection 	<p>Carol Dion, General Manager of Allied Waste described the successful leaf collection event. 6.8 tons of leaves were collected and taken to Allied Waste's local compost production facility.</p>

<ul style="list-style-type: none"> • WWTP Quarterly Update • Community Services Information and Referral Services 	<p>The quarterly report was presented by the Owner's Representative for the #WWTP DBO Improvement project.</p> <p>Sadie Wallengerg described the types of services provided by the Community Services department for families and seniors in need.</p>
<p>Consent Agenda</p> <ul style="list-style-type: none"> • Resolution 2384 adopting the results of the November 6, 2012 General Election • Resolution No. 2386 – Kinsman Transmission Main Segment 3B water line 	<p>Adopted 5-0.</p>
<p>New Business</p> <ul style="list-style-type: none"> • Resolution No. 2387 – approving development agreement between the City and REDUS OR Lands, LLC. 	<p>Adopted 5-0.</p>
<p>Public Hearing</p> <ul style="list-style-type: none"> • Ordinance No. 705 – Comprehensive Plan Map amendment – Fox Center Townhomes • Ordinance No. 706 – Zone Map Amendment change for Fox Center Townhomes • Ordinance No. 709 – Zone Map amendment for Tonquin Meadows in Villebois • Ordinance No. 710 – Zone map amendment for Tonquin Meadows No. 2 in Villebois • Ordinance No. 711 – 20 mph 24/7 on streets surrounding Lowrie Elementary School 	<p>Approved 5-0 on first reading – second reading scheduled 12/17/12</p> <p>Approved 5-0 on first reading – second reading scheduled 12/17/12</p> <p>Approved 5-0 on first reading – second reading scheduled 12/17/12</p> <p>Approved 5-0 on first reading – second reading scheduled 12/17/12</p> <p>Approved 3-2. First and second reading held on December 3, 2012.</p>
<p>Continuing Business</p> <ul style="list-style-type: none"> • Ordinance No. 708 – Approval of Piazza zone map amendment, Villebois • Resolution No. 2385 – Re-adoption of Matrix Addendum No. 4 and repeal of Resolution No. 2377 	<p>Approved 5-0 on second reading</p> <p>Continued to 12/17/12 Council meeting on 5-0 vote to allow for refinements of the exhibits. An URA meeting will also be held that evening to adopt the companion resolution.</p>
<p>City Manager's Business – there was no report</p>	
<p>Legal Business – there was no report</p>	

RECORDED BY: _____ SCK _____

King, Sandy

From: White, Shelley
Sent: Tuesday, November 20, 2012 3:11 PM
To: King, Sandy
Cc: Pauly, Daniel; Edmonds, Blaise
Subject: City Council Record for VB SAP 3 East (Zone Map Amendment)

Hi Sandy,

I am burning the record I have to date for the 12/3 CC hearing on VB SAP East PDP 3 (Zone Map Amendment) and will be bringing it up to you shortly.

I have everything but the items that Dan Pauly sent up for legal review – he sent them up last Friday but has not received edits back yet.

Still waiting on:

1. City Council Ordinance No. 709 approving and adopting Zoning Order DB12-0045
2. City Council Meeting Staff Report, dated December 3, 2012
3. Council Exhibit A: Zoning Order DB12-0045
 - Attachment 1: Map depicting Zone Map Amendment
 - Attachment 2: Legal Description

I have the attachments for the Zone Order.

Just a note: I noticed that the Zone Order attachments are mixed up in the exhibit listing in the Ordinance and the Zone Order – One has the Map listed first while the other has the Legal Description first. When you get the final edits from MK, would you please make sure that those 2 match up?

Thanks!

Shelley White

Administrative Assistant
City of Wilsonville
Ph: 503 570-1575
swhite@ci.wilsonville.or.us

Ord 709

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