



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/28/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Wilsonville Plan Amendment
DLCD File Number 005-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, January 10, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Daniel Pauly, City of Wilsonville
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA

**FORM 2****DLCD**

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	DEC 24 2012
	LAND CONSERVATION AND DEVELOPMENT For Office Use Only

Jurisdiction: **City of Wilsonville**Local file number: **DB12-0045**Date of Adoption: **12/17/2012**Date Mailed: **12/20/2012**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/11/2012☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Rezone land from RA-H (Residential Agriculture-Holding), PF (Public Facility), EFU (Clackamas County Exclusive Farm Use Designation) to V (Village) concurrently with other required land use approvals to develop a single-family subdivision and parks. Comprehensive Plan designates land as Residential-Village, for which (V) Village is the only zoning option for this comprehensive plan designation at time of development.

Does the Adoption differ from proposal? Yes, Please explain below:

Additional lands around the edges of the proposed residential development added to zone change which will be developed as parks or left as open space. The addition allows for park development consistent with the adopted Villebois Master Plan and housekeeping of the zoning map. All lands involved have comprehensive plan designation of Village.

Plan Map Changed from:

to:

Zone Map Changed from: **RA-H/PF/EFU**to: **V**Location: **28400 SW 110th Avenue Wilsonville OR 97070 3S1W15**Acres Involved: **73**Specify Density: Previous: **rural/resid**New: **14 du/ac**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☒	☒	☐	☒	☒	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

DLCD File No. 005-12 (19535) [17299]

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **Daniel Pauly AICP, Associate Planne**

Phone: **(503) 682-4960**

Extension:

Address: **29799 SW Town Center Loop E**

Fax Number: **503-682-1025**

City: **Wilsonville**

Zip: **97070-**

E-mail Address: **pauly@ci.wilsonville.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 709

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE RESIDENTIAL AGRICULTURE – HOLDING (RA-H) ZONE, THE PUBLIC FACILITY (PF) ZONE, AND THE EXCLUSIVE FARM USE (EFU) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 73.27 - ACRES COMPRISING TAX LOTS 100, 180, 103, 192, 181, 102, 101, 200, PORTIONS OF TAX LOT 2916, PORTIONS OF TAX LOT 2919 OF SECTION 15, AND TAX LOTS 1401 OF SECTION 10, T3S, R1W, CLACKAMAS COUNTY, OREGON, POLYGON NORTHWEST COMPANY, CITY OF WILSONVILLE, URBAN RENEWAL AGENCY CITY OF WILSONVILLE, AND METRO APPLICANTS.

RECITALS

WHEREAS, Polygon Northwest Company, City of Wilsonville, Urban Renewal Agency City of Wilsonville, and Metro (“Applicants”), as owners or authorized agents for owners of the real property legally described and shown on Exhibits A and B, attached hereto and incorporated by reference herein (“Property”) has made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, currently the unvacated portion of 110th Avenue is a public street and 110th is intended to be vacated or exchanged for other property dedicated to public roadway use as development occurs within Villebois Village.

WHEREAS, to the extent vacation or exchange occurs and the vacated or exchanged land goes to the respective land owners, it is the intent that the zoning for the vacated or exchanged property shall be the same as the adjacent land the vacated or exchanged property shall become a part of.

WHEREAS, the City of Wilsonville Planning Staff analyzed the request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on November 15, 2012;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on November 15, 2012, and after taking public

testimony and giving full consideration to the matter, adopted Resolution No. 238 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB12-0045), adopts the staff report with modified findings and recommendation, all as placed on the record at the hearing, contingent on City Council approval of the Zone Map Amendment and authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

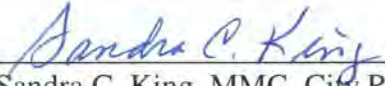
WHEREAS, on December 3, 2012, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

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

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB12-0045, attached hereto as Exhibit A, from the Residential Agriculture – Holding (RA-H) Zone, the Public Facility (PF) Zone, and the Exclusive Farm Use (EFU) Zone to the Village (V) Zone. In addition, Planning staff is hereby ordered to amend the zoning map for portions of the 110th Avenue right-a-way upon the vacation or exchange being completed.

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


Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 17th day of December, 2012, by the following

votes:

Yes:-4-

No:-0-


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	Yes
Council President Nunez	Yes
Councilor Starr	Yes
Councilor Goddard	Excused
Councilor Fitzgerald	Yes

Attachments:

- Exhibit A, Zoning Order DB12-0045.
- Attachment 1, Map Depicting Zone Amendment
- Attachment 2, Legal Description
- Exhibit B Zone Map Amendment Findings, December 3, 2012.
- Exhibit C DRB Resolution No. 238
- Exhibit D 110th Right-of-Way

EXHIBIT A

BEFORE THE CITY COUNCIL OF THE CITY OF WILSONVILLE, OREGON POLYGON NORTHWEST COMPANY

In the Matter of the Application of)
Pacific Community Design, Inc.,)
Agent for the Applicants,)
Polygon Northwest Company, City of)
Wilsonville, Urban Renewal Agency)
of the City of Wilsonville, and Metro,)
for a Rezoning of Land and Amendment)
of the City of Wilsonville)
Zoning Map Incorporated in Section 4.102)
of the Wilsonville Code.)

ZONING ORDER DB12-0045

The above-entitled matter is before the Council to consider the application of DB12-0045, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property ("Property"), legally described and shown on the attached Exhibits 1 and 2, has heretofore appeared on the City of Wilsonville Zoning Map as Residential Agriculture-Holding (RA-H), Public Facility (PF), and Exclusive Farm Use (EFU).

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

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 73.27 acres comprising Tax Lots 100, 180, 103, 192, 181, 102, 101, 200, portions of Tax Lots 2916 and 2919 of Section 15, and Tax Lot 1401 of Section 10 as more particularly shown in the Zone Map Amendment Map, Exhibit 1 and described in Exhibit 2 is hereby rezoned to Village (V), subject to conditions detailed in this Order's adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order. Currently, the unvacated portion of 110th is a public street. The Villebois Village Master Plan calls for it to be replaced by a different road system. Accordingly, 110th is intended to be vacated or exchanged for other property dedicated to public roadway use as development occurs within Villebois Village. The

development proposals for SAP-E, PDP-3 and PDP-4 anticipate certain portions of 110th will be vacated or exchanged under the development proposals in accordance with the Villebois Village Master Plan. To the extent vacation or exchange occurs and the vacated or exchanged land goes to the respective land owners, it is the intent that the zoning for the vacated or exchanged property shall be the same as the adjacent land the vacated or exchanged property shall become a part of. Planning staff hereby ordered to amend the zoning map accordingly upon the vacation or exchange being completed.

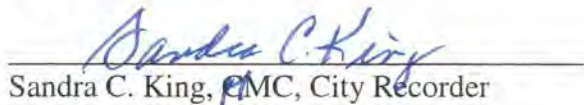
Dated: This 17th day of December, 2012.


TIM KNAPP, MAYOR

APPROVED AS TO FORM:

 *Assistant City Attorney*
Michael E. Kohlhoff, City Attorney

ATTEST:


Sandra C. King, PMC, City Recorder

Attachment 1: Legal Description

Attachment 2: Map depicting Zone Map Amendment

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

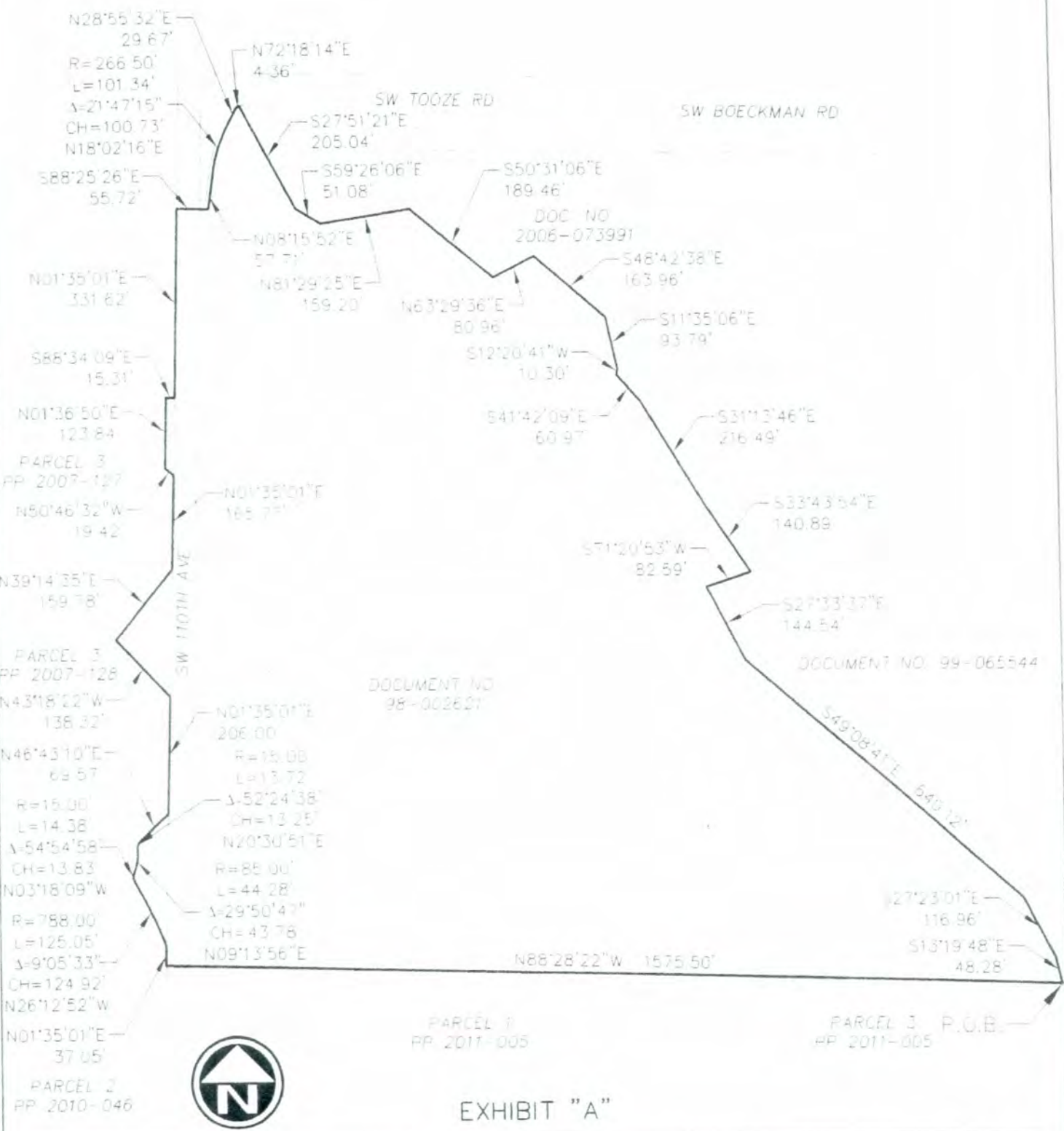


EXHIBIT "A"

DRAWN BY: TCJ DATE: 11/20/12
REVIEWED BY: TCJ DATE: 11/20/12
PROJECT NO.: 395-007
SCALE: 1"=250'
PAGE 4 OF 4

Pacific Community Design

[T] 503-941-9484 [F] 503-941-9485

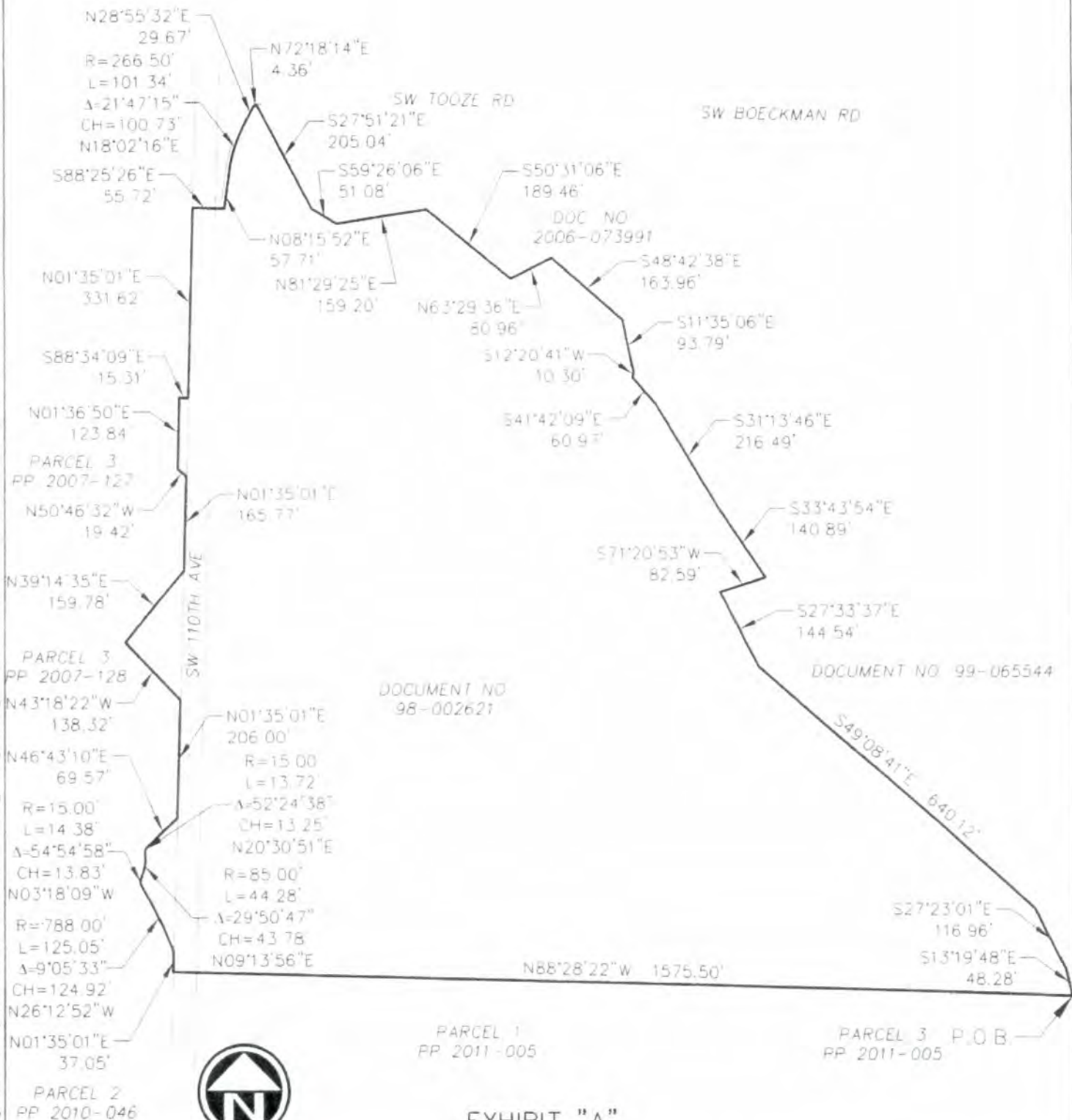


EXHIBIT "A"

DRAWN BY: TCJ DATE: 11/20/12
 REVIEWED BY: TCJ DATE: 11/20/12
 PROJECT NO. 395-007
 SCALE: 1"=250'
 PAGE 4 OF 4

*Pacific Community
Design*

[T] 503-941-9484 [F] 503-941-9485

Note on Legal Descriptions for Zoning Order:

Legal descriptions of a majority of the properties involved in the Zone Map Amendment are not yet available, but most will be provided at the hearing. While City Staff is working on getting the remainder and they ask for the Council's direction to add any description not available prior to the public hearing as they become available.

Current Tax Maps are provided showing all City, Urban Renewal Agency, and Metro tax lots for which a legal description is not yet available.

City of Wilsonville
TL ~~101~~, 103, Section 15
Urban Renewal Agency
TL 101, 181, Section 15

Page 1 of 3

EXHIBIT A

PARCEL 1 - FEE-TAKE

A tract of land situated within that tract of land described in Clackamas County Deed Document 97-101953, and situated in the NW 1/4 of Section 14, and the NE 1/4 of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, said tract of land is more particularly described as follows:

Beginning at a one-half inch iron pipe marking the corner common to Sections 10, 11, 14 and 15 of Township 3 South, Range 1 West of the Willamette Meridian from which a brass disc monumenting the one-quarter corner between said Sections 11 and 14 bears South 88°38'04" East; thence South 88°38'04" East from said one-half inch iron pipe, coincident with the North line of Section 14, a distance of 69.33 feet to the northeasterly corner of that tract of land described in Clackamas County Deed Document 78-00389, thence South 19°07'50" East, coincident with the most easterly line of said tract, 363.00 feet, more or less, to the Northeast corner of that tract of land described in said Deed Document 97-101953 and the TRUE POINT OF BEGINNING; thence continuing South 19°07'50" East coincident with the easterly line of said tract described in Document 97-101953, a distance of 597.95 feet, more or less, to the most easterly southeast corner of said described tract of land; thence South 71°52'10" West, coincident with the most southerly line of said tract, 748.09 feet; thence leaving said most southerly line, North 24°34'41" West 753.89 feet to a point from which the aforementioned one-half inch iron pipe at the point of beginning of this description bears North 54°29'54" East 786.49 feet; thence South 89°03'43" West from said point, 12.66 feet; thence South 46°32'23" West 133.00 feet; thence North 88°42'13" West 66.46 feet; thence North 42°29'59" West 129.98 feet; thence North 88°42'05" West 26.17 feet to the point of curve of a 939.00 foot radius curve concave northeasterly; thence northwesterly 399.34 feet along the arc of said curve, through a central angle of 24°22'01", (the long chord bears North 76°31'05" West 396.34 feet) to the westerly end of said curve; thence South 72°21'42" West 38.92 feet; thence South 28°55'47" West 22.28 feet to the point of curve of a 273.50 foot radius curve left;

FEE TAKE DESCRIPTION CONTINUED

thence southwesterly 104.00 feet along the arc of said curve, through a central angle of $21^{\circ}47'11''$, (the long chord bears South $18^{\circ}02'11''$ West 103.37 feet) to the point of tangency; thence South $07^{\circ}09'07''$ West 42.86 feet; thence North $88^{\circ}24'28''$ 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 $01^{\circ}35'32''$ 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 $88^{\circ}38'41''$ 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

110TH AVE
N 01°35'32" E - 223.09
R/W
N 88°24'28" W 11.40
S 07°09'07" W 42.86
R= 273.50
L= 104.00
Δ= 21°47'11"
CHORD= S 18°02'11" W 103.37
S 28°55'47" W 22.28
S 72°21'42" W 38.92

TAX LOT 1490
MAP 3 1W 10

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

N 88°42'05" W 26.17
N 42°29'59" W 129.98

N 88°42'13" W 66.46
S 46°32'23" W 133.00
S 89°03'43" W 12.66

N 24°34'41" W - 753.89
S 71°52'10" W - 748.09

S 88°38'41" E - 1594.44

PARCEL 1
(15.68 ACRES)

POB 15.10
TAX LOT 1480
MAP 3 1W 10
14.11

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

S 19°07'50" E 363.00
S 88°38'04" E 69.33

TPOB

S 19°07'50" E - 597.95

PLAN

Prepared for:
The CITY of WILSONVILLE

Scale: 1"=200'

01/31/05
02.625.1119

LEGEND

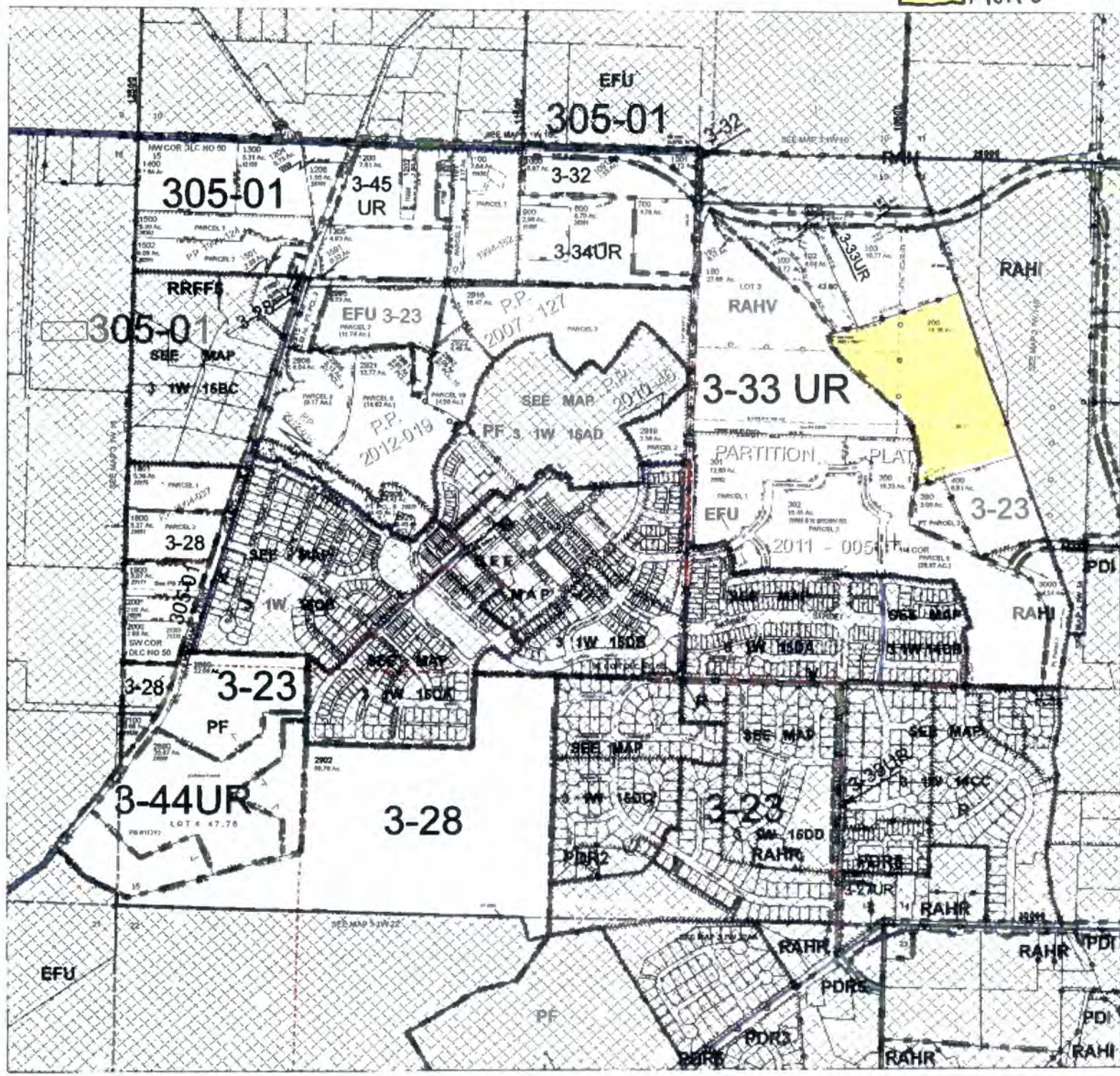
- TPOB TRUE POINT OF BEGINNING
POB POINT OF BEGINNING
● FOUND MONUMENT
R/W RIGHT-OF-WAY
▨ PARCEL 1 - FEE TAKE

Expires 12/31/06

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
AUGUST 22, 1975
ROGER W. MORELAND
1033

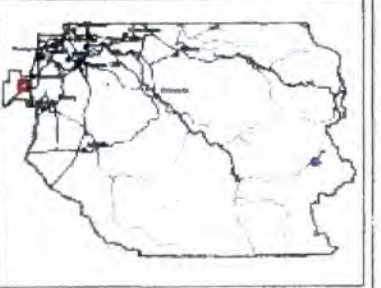
Prepared by:
**DEHAAS &
ASSOCIATES, INC.**
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450



SECTION 15 T.3S. R.1W. W.M.
Clackamas County 3 1 W 15
1" = 400' & INDEX
WILSONVILLE

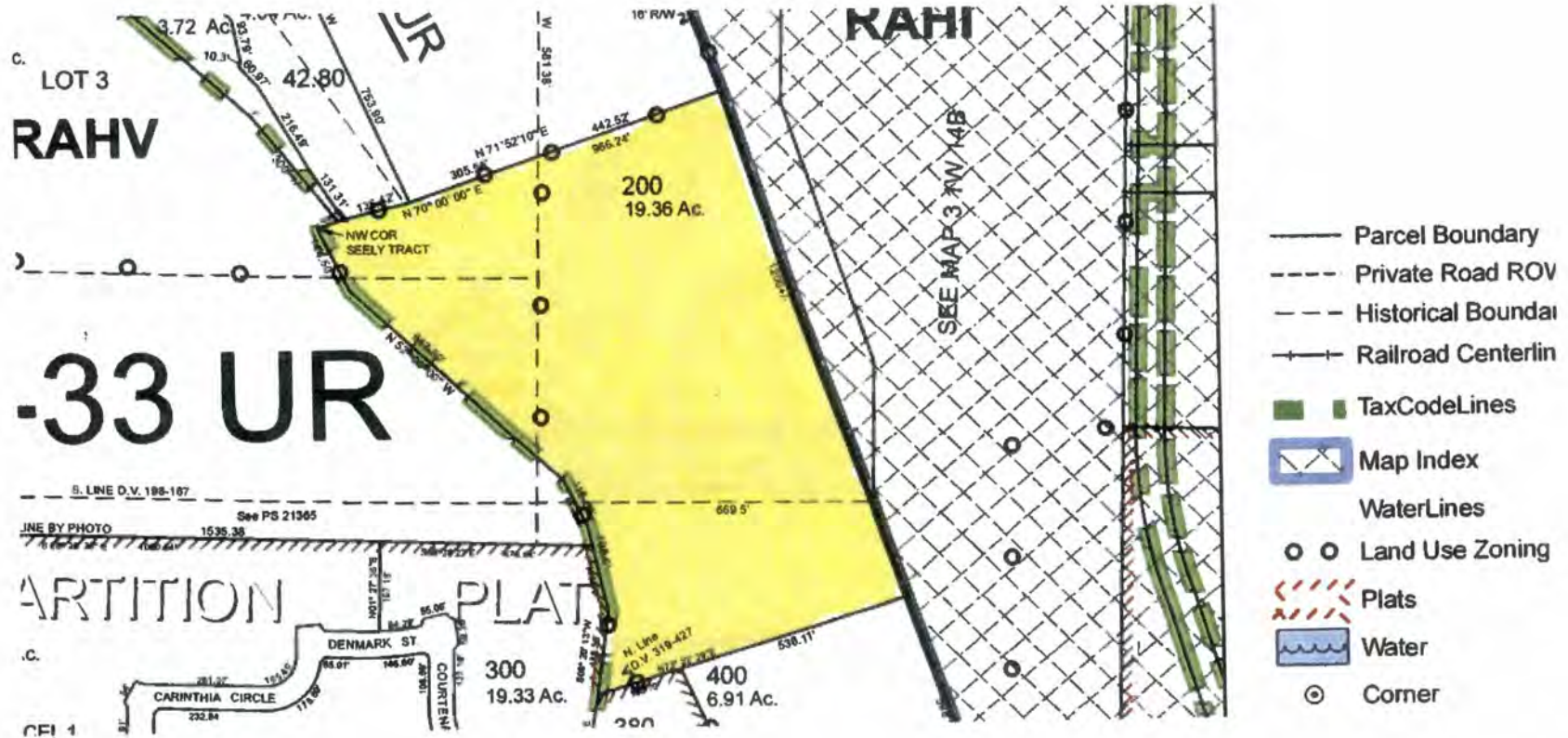
D. L. C.
ROBERT V. SHORT DLC 46
SAMUEL B. FRANKLIN DLC 50

- Cancelled Texts
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 - 110 2801
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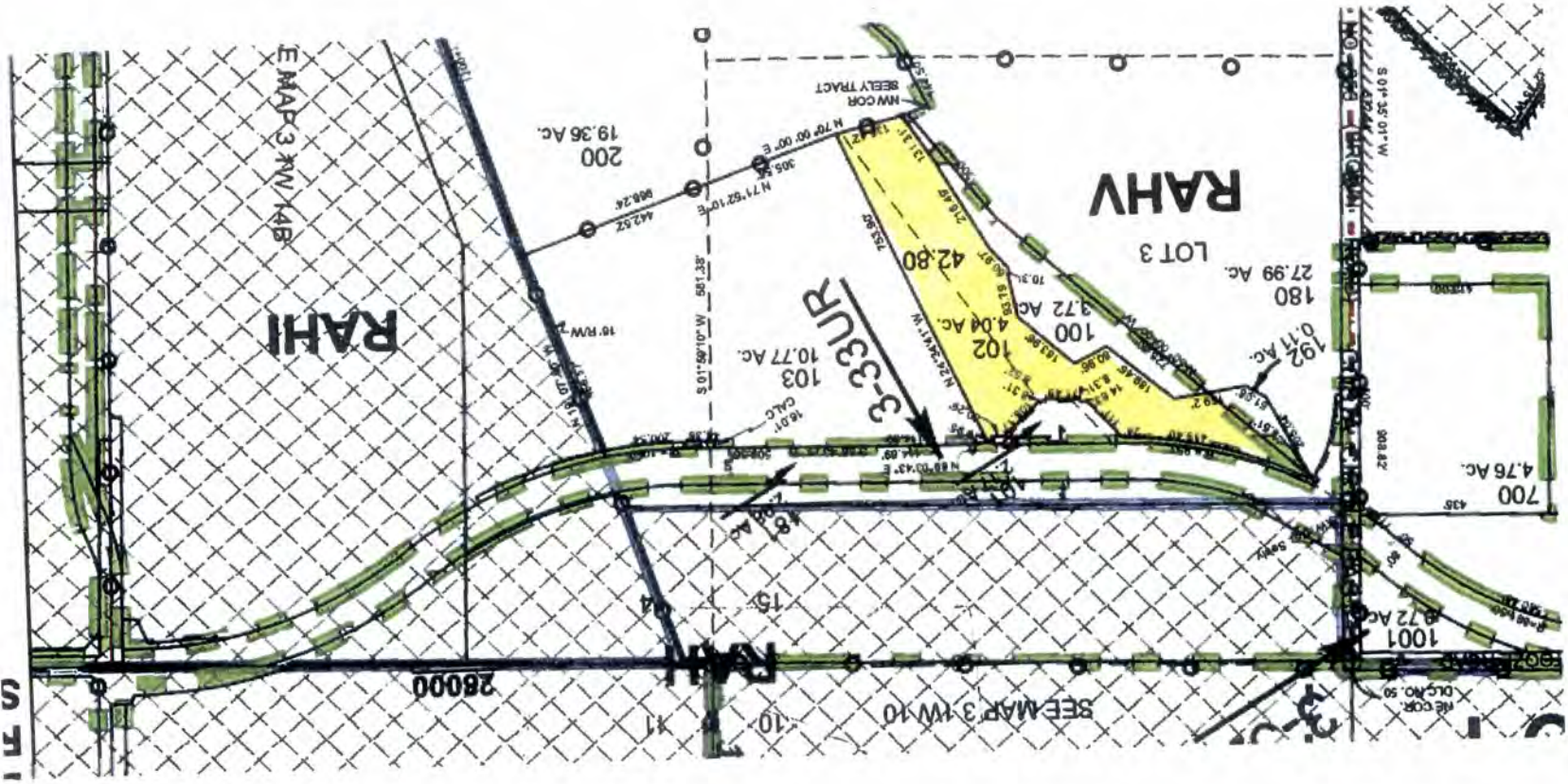


THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

3 1 W 15
& INDEX
WILSONVILLE



Urban Renewal Agency
TL 102, Section 15





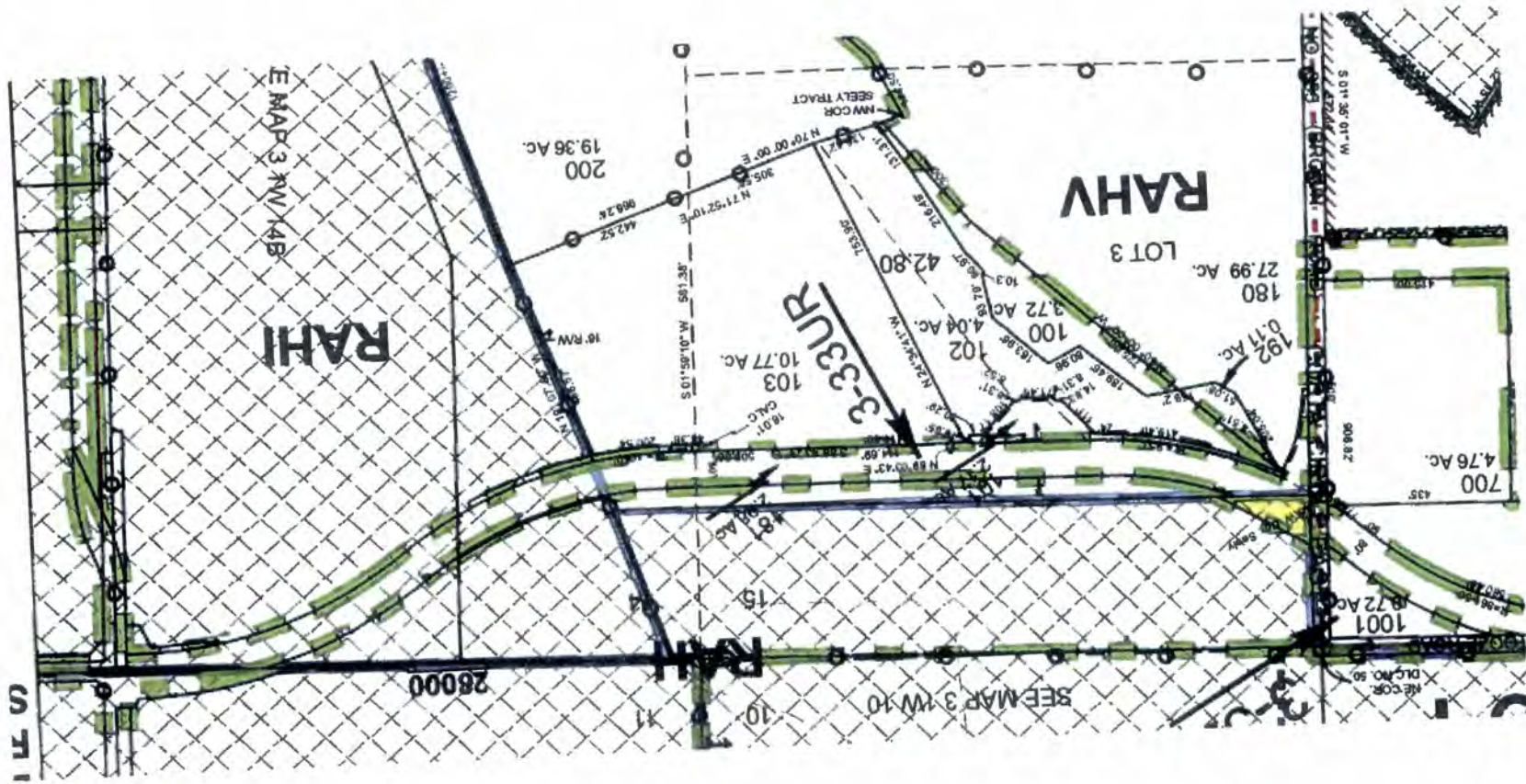


EXHIBIT "A"

November 20, 2012

LEGAL DESCRIPTION

Job No. 395-007

A parcel of land being a portion of Document No. 98-002621, Clackamas County Deed Records, Parcel 3 of Partition Plat No. 2007-127, Parcel 2 of Partition Plat No. 2010-046, and Public Right-of-way, in the Northeast Quarter of Section 15 and the Northwest Quarter of Section 14, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Northeast corner of Parcel 3 of Partition Plat No. 2011-005;

thence along the northerly line of said Partition Plat No. 2011-005, North 88° 28' 22" West, a distance of 1575.50 feet, to a point on the westerly right-of-way line of SW 110th Avenue;

thence along said right-of-way line, North 01° 35' 01" East, a distance of 37.05 feet;

thence leaving said right-of-way line, along a 788.00 foot radius non-tangential curve, concave westerly, with a radius point bearing South 68° 19' 55" West, central angle of 09° 05' 33", arc length of 125.05 feet, chord bearing of North 26° 12' 52" West, and chord distance of 124.92 feet;

thence in a northerly direction with a reverse tangent curve turning to the right with a radius of 15.00 feet, chord bearing of North 03° 18' 09" West and a chord distance of 13.83 feet, having a central angle of 54° 54' 58" and an arc length of 14.38 feet;

thence in a northerly direction with a reverse tangent curve turning to the left with a radius of 85.00 feet, having a chord bearing of North 09° 13' 56" East and a chord distance of 43.78 feet, having a central angle of 29° 50' 47" and an arc length of 44.28 feet;

thence in a northerly direction with a reverse tangent curve turning to the right with a radius of 15.00 feet, having a chord bearing of North 20° 30' 51" East and a chord distance of 13.25 feet, having a central angle of 52° 24' 38" and an arc length of 13.72 feet;

thence North 46° 43'10" East, a distance of 69.57 feet to a point on the westerly right-of-way line of SW 110th Avenue;

thence along said right-of-way line, North 01° 35'01" East, a distance of 206.00 feet;

thence leaving said right-of-way line, North 43° 18'22" West, a distance of 138.32 feet;

thence North 39° 14'35" East, a distance of 159.78 feet to a point on the westerly right-of-way line of SW 110th Avenue;

thence along said right-of-way line, North 01° 35'01" East, a distance of 165.77 feet;

thence leaving said right-of-way line, North 50° 46'32" West, a distance of 19.42 feet;

thence North 01° 36'50" East, a distance of 123.84 feet to a point on the northerly line of Parcel 3 of Partition Plat No. 2007-127;

thence along said northerly line, South 88° 34'09" East, a distance of 15.31 feet a point on the westerly right-of-way line of SW 110th Avenue;

thence along said right-of-way line, North 01° 35'01" East, a distance of 331.62 feet;

thence leaving said right-of-way line, South 88° 25'26" East, a distance of 55.72 feet to a point on the easterly right-of-way line of SW 110th Avenue;

thence along said right-of-way line, North 08° 15'52" East, a distance of 57.71 feet;

thence continuing along said right-of-way line, on a 266.50 foot radius non-tangential curve, concave easterly, with a radius point bearing South 82° 51'24" East, central angle of 21° 47'15", arc length of 101.34 feet, chord bearing of North 18° 02'16" East, and chord distance of 100.73 feet;

thence continuing along said right-of-way line, North 28° 55'32" East, a distance of 29.67 feet;

thence continuing along said right-of-way line, North 72° 18'14" East, a distance of 4.36 feet, to the Northwest corner of the tract of land described in Document No. 2006-073991;

thence along the southerly line of said tract of land the following eleven courses:

South 27° 51'21" East, a distance of 205.04 feet,

South 59° 26'06" East, a distance of 51.08 feet,

North 81° 29'25" East, a distance of 159.20 feet,

South 50° 31'06" East, a distance of 189.46 feet,

North 63° 29'36" East, a distance of 80.96 feet,

South 48° 42'38" East, a distance of 163.96 feet,

South 11° 35'06" East, a distance of 93.79 feet,

South 12° 20'41" West, a distance of 10.30 feet,

South 41° 42'09" East, a distance of 60.97 feet,

South 31° 13'46" East, a distance of 216.49 feet,

South 33° 43'54" East, a distance of 140.89 feet to the Southwest corner of said tract of land;

thence along the northerly line of the tract of land described in Document No. 99-065544, South 71° 20'53" West, a distance of 82.59 feet to the Northwest corner of said tract of land;

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

South 27° 33'37" East, a distance of 144.54 feet,

South 49° 08'41" East, a distance of 640.12 feet,

South 27° 23'01" East, a distance of 116.96 feet,

South 13° 19'48" East, a distance of 48.28 feet to the POINT OF BEGINNING.

Containing 32.54 acres, more or less.

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2013

Exhibit B
STAFF REPORT
WILSONVILLE PLANNING DIVISION

Polygon Homes- Villebois Phase 3 East
"Tonquin Meadows"
Zone map amendment

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

HEARING DATE December 3, 2012

APPLICATION NOS.: DB12-0045 Zone Map Amendment

REQUEST/SUMMARY: The Development Review Board is being asked to review a Zone Map Amendment that will enable the development of a 205-lot residential subdivision, and associated parks and open space and other improvements.

LOCATION: South side of SW Boeckman Road, East of SW 110th Avenue and just west of 110th and portions of the 110th right-of-way, north of Lowrie Primary School. The property is specifically known as Tax Lots 100 and 180 and portions of 2916 and 2919, portions of current SW 110th right-of-way, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Other Tax Lots involved in some of the requests include: Tax Lots 103, 192, 181, 102, 101, Section 15, and Tax Lot 1401, Section 10.

PROPERTY OWNERS: Donald E. Bischoff and Sharon L. Lund (TL 100, 180)
City of Wilsonville (TL 103, TL 1401 Section 10)
Urban Renewal Agency City of Wilsonville (TL 192, 181, 102, 101)
PNW Homebuilders LLC (TL 2916, 2919)
Fasano Family LLC (TL 301, 16400, and 16500)

APPLICANTS: Fred Gast, Polygon NW Company
City of Wilsonville and Urban Renewal Agency City of Wilsonville

APPLICANT'S REP.: Stacy Connery, AICP
Pacific Community Design, Inc.

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATIONS: RAH (Residential-Agriculture Holding)
PF (Public Facility)

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

DRB RECOMMENDATIONS: Approve the requested Zone Map Amendment.

APPLICABLE REVIEW CRITERIA

<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
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
<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 3E Preliminary Development Plan (DB12-0042)

At the core of the proposed Phase 3 of Specific Area Plan East (also known as PDP 3E) is the 30.84 gross acre site current owned by Donald Bischoff and Sharon Lund. On this property the applicant proposes a variety of housing types totaling 205 units, 6.22 acres of park/open space areas, and associated infrastructure improvements. All the homes in the development will back up to alleys. The front of the homes will face tree lined streets, parks and green spaces, and in the case of nine homes, a wetland. In addition to the Bischoff/Lund property, the PDP request also includes three areas in the 110th Avenue right-of-way and on adjacent property owned by PNW Homebuilders LLC and parcels to north and east of the Bischoff/Lund Property owned by the City and the Urban Renewal Agency. All of these additional areas are slated for parks and open space development. The 110th and PNW Homebuilders property will be portions of Pocket Park 12, Neighborhood Park 5, and Linear Green 15. The City and Urban Renewal Agency parcels will be regional parks and open space, with a small portion of Tax Lot 102 set to become the connection of Villebois Drive to Boeckman Rd.



Proposed Housing Type	Number of Units
Medium Single Family	29
Small Single Family	59
Cottage Size Single Family	75
Row Homes	42
Total	205

Zone Map Amendment (DB12-0045)

The primary proposal is to change the current RA-H zone on the Bischoff/Lund property to the Village (V) zone. The proposed residential and park uses are permitted under Wilsonville Code Section 4.125. The proposed Zone Map Amendment would enable the development permitting process for this area of Villebois.

Staff also recommends the parcels owned by the City and the Urban Renewal Agency which will contain parks and open space be rezoned at the same time as all or portions have been or will be developed to their planned uses in connection with PDP 3E. The City and Urban Renewal Agency properties are also currently zoned RA-H.

Finally, portions of Tax Lots 2916 and 2919 planned for development of parks in connection with PDP 3E are proposed to be rezoned to Village (V) from the current Public Facility (PF) Zoning in conformance with the Comprehensive Plan and the Villebois Village Master Plan.

A portion of the SW 110th Avenue public right-of-way is also shown to be part of the parks associated with PDP 3E. The Villebois Village Master Plan calls for 110th to be replaced by a different road system. Accordingly, 110th is intended to be vacated or exchanged for other property dedicated to public roadway use as development occurs within Villebois. The development proposals for SAP-E, PDP-3 and PDP-4 anticipate certain portions of 110th will be vacated or exchanged under the development proposals in accordance with the Villebois Village Master Plan. To the extent vacation or exchange occurs and the vacated or exchanged land goes to the respective land owners, it is the intent that the zoning for the vacated or exchanged property will be the same as the adjacent property, which would be Village (V).

See the Vicinity Map above for location of different property affected by the proposed zone map amendment.

CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the applicant's analysis of compliance with the applicable criteria. This Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings.

MASTER EXHIBIT LIST:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB12-0042 through DB12-0048.

- A1.** Staff report and findings (this document)
- A2.** Resolution 2377, Addendum No. 4 to Matrix Development Agreement
- A3.** Property Account Summaries for Tax Lots 2916 and 2919 from Clackamas County Assessor's Office October 25, 2012 showing PNW Homebuilders LLC as property owner.
- B1.** Applicant's Response to Incompleteness Letter
- B2.** Application Form Signed on Behalf of the City of Wilsonville
- B3.** Application Form Signed on Behalf of the Urban Renewal Agency City of Wilsonville
- B4.** Application Form Signed by Fred Gast for PNW Homebuilders LLC
- B5.** Copy of Application Form Signed by Lou Fasano for Fasano Family LLC
- B6.** Applicant's Large Format Plans (Smaller 11x17 plans included in Sections IIB, IIIB, and VIB of Exhibit B7.
 - Sheet 1 Cover Sheet
 - Sheet 2 Existing Conditions
 - Sheet 3 Aerial Photograph
 - Sheet 4.1 Tentative Plat
 - Sheet 4.2 Tentative Plat
 - Sheet 5 Grading and Erosion Control
 - Sheet 6 Composite Utility Plan
 - Sheet 7.1 Circulation Plan
 - Sheet 7.2 Street Sections
 - Sheet 8 Site/Land Use Plan
 - Sheet 9 Tree Preservation Plan
 - Sheet 10 Street Tree/Lighting Plan

- Sheet 11 PDP Phasing Plan
- Sheet 12 SAP North Connectivity Plan
- Sheet 1 Cover Sheet (Landscape Plans)
- Sheet L 1.0 Landscape Plan
- Sheet L 2.0 Landscape Plan
- Sheet L 3.0 Landscape Plan
- Sheet L 4.0 Landscape Plan
- Sheet L 5.0 Landscape Plan
- Sheet L 6.0 Landscape Plan
- Sheet L 7.0 Details and Specs
- Sheet L 8.0 Rainwater Detail Sheet

B7. Applicant's Notebook:

Section I: General Information

- IA) Introductory Narrative
- IB) Form/Ownership Documentation
- IC) Fee Calculation *Staff Note: This information has been revised*
- ID) Mailing List *Staff Note: This information has been revised*
- IE) Updated SAP East Phasing + Unit Counts *Staff Note: This information has been revised, See Exhibit B8.*

Section II: Preliminary Development Plan (Including Refinements)

- IIA) Supporting Compliance Report
- IIB) Reduced Drawings
- IIC) Utility & Drainage Reports
- IID) Traffic Analysis
- IIE) Tree Report
- IIF) Signage and Fencing Exhibits
- IIG) Flood Plain Location Documentation
- IIH) Wetland Delineation

Section III: Tentative Plat

- IIIA) Supporting Compliance Report
- IIIB) Tentative Plat
- IIIC) Draft CC&R's
- IIID) Copy of Certificate of Assessments and Liens
- IIIE) Subdivision Name Approval

Section IV: Zone Change

- IVA) Supporting Compliance Report
- IVB) Zone Change Map *Staff Note: Reflects only Bischoff/Lund Property*
- IVC) Legal Description and Sketch

Section V: Tree Removal Plan

- VA) Supporting Compliance Report
- VB) Tree Report
- VC) Tree Preservation Plan

Section VI: Final Development Plan

- VIA) Supporting Compliance Report
- VIB) Reduced Drawings
- VIC) Mailbox Kiosk Elevation and Info

Section VII:

VIIA) Supporting Compliance Report

VIIB) Proposed Note

- B8.** October 24, 2012 Memo from Stacy Connery Regarding Housing Mix With Site Maps
- B9.** October 24, 2012 Memo from Stacy Connery Listing changes to SAP South Pattern Book to Create Proposed Pattern Book, Includes "Mock Up" of proposed Pattern Book.
- B10.** Email from Stacy Connery to Daniel Pauly requesting portions of Tax Lots 2916 and 2919 be included in the application.
- B11.** Tree Removal and Retention information for Pocket Park 12 and Neighborhood Park 5
- B12.** Preliminary Sample Front Elevations of Different Housing Types
- C1.** Comments and Conditions from Engineering Division
- C2.** Comments and Conditions from Building Division
- C3.** Comments and Conditions from Natural Resources
- C4.** Comments and Conditions from TVF&R

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on August 24, 2012. On September 19, 2012, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on October 5, 2012, the Applicant submitted new materials. On October 5, 2012 the application was deemed complete. The City must render a final decision for the request, including any appeals, by February 2, 2013

2. Surrounding land uses are as follows:

DB12-0042 SAP-East PDP-3E, Preliminary Development Plan

DB12-0043 SAP-East Refinements

DB12-0045 Zone Map Amendment

DB12-0046 Tentative Subdivision Plat

DB12-0047 Type C Tree Plan

DB12-0048 Final Development Plan for Parks and Open Space

Compass Direction	Zone:	Existing Use:
North:	RA-H	Coffee Lake Wetland
East:	RA-H	Coffee Lake Wetland
South:	EFU/V	Undeveloped/Approved Retherford Meadows Subdivision/Coffee Lake Wetland
West:	PF/EFU	Rural residential/undeveloped

DB12-0044 SAP-East Amendments

Compass Direction	Zone:	Existing Use:
North:	EFU	Agriculture
East:	RA-H	Coffee Lake Wetland
South:	V	Lowrie Primary School, SAP E PDP 1 and 2
West:	PF/EFU/V	Rural residential/undeveloped/SAP S PDP 6

3. Prior land use actions include:

Legislative:

02PC06 - Villebois Village Concept Plan
 02PC07A - Villebois Comprehensive Plan Text
 02PC07C - Villebois Comprehensive Plan Map
 02PC07B - Villebois Village Master Plan
 02PC08 - Village Zone Text
 04PC02 – Adopted Villebois Village Master Plan
 LP-2005-02-00006 – Revised Villebois Village Master Plan
 LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)

Quasi Judicial:

04 DB 22 et seq – SAP-East
 DB05-0011 et seq – PDP-1E, Legend at Villebois
 DB10-0023 et seq – PDP-2aE, Lowrie Primary School
 AR10-0073 Partition Plat – Lowrie Primary School
 DB11-0047 et seq – PDP-2E, Retherford Meadows

4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criteria: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville’s development review process.

Finding: These criteria are met.

Details of Finding: The application is being processed in accordance with the applicable general procedures of this Section.

Section 4.009 Who May Initiate Application

Review Criterion: “Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply.”

Finding: This criterion is satisfied.

Details of Finding: The application has been submitted on behalf of the contract purchaser, Polygon Northwest Company. The application form is signed by Fred Gast, Vice President. The Application form for the PNW Homebuilders LLC is signed by Fred Gast as well. The application for the parcels owned by the City and Urban Renewal Agency have been signed by Kristen Retherford, an authorized representative of the City. An application for the SAP Amendments is signed by Lou Fasano for Fasano Family LLC.

Subsection 4.010 (.02) Pre-Application Conference

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Details of Finding: A pre-application conference was held on May 3, 2012 in accordance with this subsection.

Subsection 4.011 (.02) B. Lien Payment before Application Approval

Review Criterion: “City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application.”

Finding: This criterion is satisfied.

Details of Finding: No applicable liens exist for the subject property. The application can thus move forward. Section IIID of the applicant’s notebook, Exhibit 7, includes a copy of certification of assessments and liens.

Section 4.014 Burden of Proof is on the Applicant

Review Criterion: “The burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case. In the case of an appeal, the burden of proof rests with the appellant.”

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided the necessary findings of fact for approval with conditions of the requested development applications in accordance with this Section.

Subsection 4.035 (.04) A. General Site Development Permit Submission Requirements

Review Criteria: “An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.” Listed 1. through 6. j.

Finding: These criteria are satisfied.

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

Section 4.110 Zoning-Generally

Review Criteria: “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located,

except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

Finding: These criteria are satisfied.

Details of Finding: This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

CONCLUSIONARY FINDINGS, REQUEST D: DB12-0045 ZONE MAP AMENDMENT

Properties included in this request include Tax Lots 100, 180, 103, 192, 181, 102, 101, portions of 2916, portions of 2919, Section 15, and Tax Lot 1401, Section 10.

The applicant’s findings in Section IVA of their notebook, Exhibit B7, respond to the majority of the applicable criteria.

Comprehensive Plan

Compact Urban Development-Implementation Measures

Implementation Measure 4.1.6.a

- D1. **Review Criteria:** “Development in the “Residential-Village” Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the “Village” Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable.”

Finding: These criteria are satisfied.

Details of Finding: The subject area is within SAP-East, which was previously approved as part of case file 04 DB 22 et seq and found to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance.

Implementation Measure 4.1.6.b.

- D2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

Finding: These criteria are not applicable

Details of Finding: The current proposal is for a preliminary development plan implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved.

Implementation Measure 4.1.6.c.

- D3. **Review Criterion:** “The “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.”

Finding: This criterion is satisfied.

Details of Finding: The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

Implementation Measure 4.1.6.d.

- D4. **Review Criterion:** “The “Village” Zone District shall allow a wide range of uses that befit and support an “urban village,” including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses.”

Finding: This criterion is satisfied.

Details of Finding: The area covered by the proposed zone change is proposed for residential uses, parks, and open space as shown in the Villebois Village Master Plan.

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

- D5. **Review Criterion:** “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”

Finding: This criterion is satisfied.

Details of Finding: The applicant is applying for a zone change concurrently with other land use applications for the development as required by this section.

Subsection 4.110 (.01) Base Zones

- D6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

Details of Finding: The requested zoning designation of Village “V” is among the base zones identified in this subsection.

Subsection 4.125 (.01) Village Zone Purpose

- D7. **Review Criteria:** “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”

Finding: These criteria are satisfied.

Details of Finding: The subject lands are designated Residential-Village on the Comprehensive Plan map and are within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village “V”.

Subsection 4.125 (.02) Village Zone Permitted Uses

- D8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The proposed residential, park, and open space uses are consistent with the Village Zone designation and Villebois Village Master Plan.

Subsection 4.125 (.18) B. 2. Zone Change Concurrent with PDP Approval

- D9. **Review Criteria:** "... Application for a zone change shall be made concurrently with an application for PDP approval..."

Finding: This criterion is satisfied.

Details of Finding: A zone map amendment is being requested concurrently with a request for PDP approval. See Request. A.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

- D10. **Review Criteria:** "That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;"

Finding: These criteria are satisfied.

Details of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.

- D11. **Review Criteria:** "That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;"

Finding: These criteria are satisfied.

Details of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings D1 through D4 substantially comply with applicable Comprehensive Plan text.

Subsection 4.197 (.02) C. Zone Change: Specific Findings Regarding Residential Designated Lands

- D12. **Review Criteria:** "In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text;"

Finding: These criteria are satisfied.

Details of Finding: Implementation Measure 4.1.6.c. states the "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation. Since the Village Zone must be applied to areas designated "Residential Village" on the Comprehensive Plan Map and is the only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency

- D13. **Review Criteria:** "That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized."

Finding: These criteria are satisfied.

Details of Finding: The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project. Section IIC of the applicant's notebook, Exhibit B7, includes supporting utility and drainage reports. In addition, the applicant has provided a Traffic Impact Analysis, which is in Section IID of the applicant's notebook, Exhibit B7.

Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas

- D14. **Review Criteria:** "That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;"

Finding: These criteria are satisfied.

Details of Finding: The eastern and northernmost portions of the property include areas within the Significant Resource Overlay Zone. The PDP Supporting Compliance Report, section IIA of the applicant's notebook, Exhibit B7, demonstrates that the proposed development does not have a significant adverse effect on the SROZ. The portions of the City and Urban Renewal properties within the SROZ are not slated for development or for park development consistent with the SROZ regulations.

Subsection 4.197 (.02) F. Zone Change: Development within 2 Years

- D15. **Review Criterion:** "That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided information stating they reasonably expect to commence development within two (2) years of the approval of the zone change. However, in the scenario where the applicant or their successors due not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

- D16. **Review Criteria:** "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards."

Finding: These criteria are satisfied.

Details of Finding: As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

November 19, 2012

DEVELOPMENT REVIEW BOARD PANEL A

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

Project Name: Villebois SAP East PDP-3

Case Files:

Request A:	DB12-0042 - SAP-East PDP-3E, Preliminary Development Plan
Request B:	DB12-0043 - SAP-East Refinements
Request C:	DB12-0044 - SAP-East Amendments
Request D:	DB12-0045 - Zone Map Amendment
Request E:	DB12-0046 - Tentative Subdivision Plat
Request F:	DB12-0047 - Type C Tree Plan
Request G:	DB12-0048 - Final Development Plan for Parks and Open Space

Applicant: Fred Gast – Polygon Northwest Company

Applicant's Representative: Stacy Connery – Pacific Community Design, Inc.

Property Description: Properties part of the Zone Map Amendment include Tax Lots 100, 180, 103, 192, 181, 102, 101, 200, portions of 2916, portions of 2919, Section 15, and Tax Lot 1401, Section 10. Properties part of the Preliminary Development Plan include Tax Lots 100, 180, 103, 192, 181, 102, 101, 200, portions of 2916, and portions of 2919, and portions of SW 110th right-of-way, Section 15 and Tax Lot 1401, Section 10. Properties part of the SAP Refinements are Tax Lots 100 and 180, Section 15. Properties part of the SAP Amendments are Tax Lots 100, 180, 103, 192, 181, 102, 101, portions of 2916, portions of 2919, 301, and portions of SW 110th right-of-way Section 15, Tax Lots 16400 and 16500, Section 15DA, and Tax Lot 1401, Section 10. Properties part of the Tentative Subdivision Plat are Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15. Properties part of the Type C Tree Plan are Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15. Properties part of the Final Development Plan are Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15. All tax lots listed above are in Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Location: Villebois SAP East

On November 15, 2012, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Request D: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, December 3, 2012 to hear these items.*

Requests A, B, C, E, F and G: Approved with conditions of approval.

These approvals are contingent upon City Council's approval of Request D.

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

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 19th day of November 2012 and is available for public inspection. The decision regarding Requests A, B, C, E, F and G shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*

Written decision is attached

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

Attachments: DRB Resolution No. 238, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 238**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL OF A ZONE MAP AMENDMENT FROM RESIDENTIAL AGRICULTURE-HOLDING, PUBLIC FACILITY, AND EXCLUSIVE FARM USE TO VILLAGE AND ADOPTING FINDINGS AND CONDITIONS APPROVING A PRELIMINARY DEVELOPMENT PLAN, SAP REFINEMENTS, SAP AMENDMENTS, ZONE MAP AMENDMENT, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, AND FINAL DEVELOPMENT PLAN FOR A 205-LOT RESIDENTIAL SUBDIVISION, ASSOCIATED AND ADJACENT PARKS AND OPEN SPACE AND OTHER IMPROVEMENTS. PROPERTIES PART OF THE ZONE MAP AMENDMENT INCLUDE TAX LOTS 100, 180, 103, 192, 181, 102, 101, 200, PORTIONS OF 2916, PORTIONS OF 2919, SECTION 15, AND TAX LOT 1401, SECTION 10. PROPERTIES PART OF THE PRELIMINARY DEVELOPMENT PLAN INCLUDE TAX LOTS 100, 180, 103, 192, 181, 102, 101, 200, PORTIONS OF 2916, AND PORTIONS OF 2919, AND PORTIONS OF SW 110TH RIGHT-OF-WAY, SECTION 15 AND TAX LOT 1401, SECTION 10. PROPERTIES PART OF THE SAP REFINEMENTS ARE TAX LOTS 100 AND 180, SECTION 15. PROPERTIES PART OF THE SAP AMENDMENTS ARE TAX LOTS 100, 180, 103, 192, 181, 102, 101, PORTIONS OF 2916, PORTIONS OF 2919, 301, AND PORTIONS OF SW 110TH RIGHT-OF-WAY SECTION 15, TAX LOTS 16400 AND 16500, SECTION 15DA, AND TAX LOT 1401, SECTION 10. PROPERTIES PART OF THE TENTATIVE SUBDIVISION PLAT ARE TAX LOTS 100, 180, PORTIONS OF 2916, PORTIONS OF 2919, AND PORTIONS OF SW 110TH RIGHT-OF-WAY, SECTION 15. PROPERTIES PART OF THE TYPE C TREE PLAN ARE TAX LOTS 100, 180, PORTIONS OF 2916, PORTIONS OF 2919, AND PORTIONS OF SW 110TH RIGHT-OF-WAY, SECTION 15. PROPERTIES PART OF THE FINAL DEVELOPMENT PLAN ARE TAX LOTS 100, 180, PORTIONS OF 2916, PORTIONS OF 2919, AND PORTIONS OF SW 110TH RIGHT-OF-WAY, SECTION 15. ALL TAX LOTS LISTED ABOVE ARE IN TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. - REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY, CITY OF WILSONVILLE, URBAN RENEWAL AGENCY CITY OF WILSONVILLE, AND METRO- APPLICANTS.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated November 8, 2012, and

WHEREAS, said planning exhibits and staff report were duly considered and amended by the Development Review Board Panel A at a scheduled meeting conducted on November 15, 2012, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated November 8, 2012, as amended November 15, 2012, attached hereto as Exhibit A1, with findings and recommendations

contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB12-0042 through DB12-0048 Preliminary Development Plan, SAP Refinements, SAP Amendments, Zone Map Amendment, Tentative Subdivision Plat, Type C Tree Plan, and Final Development Plan for a 205-lot residential subdivision, adjacent and associated parks and open space and other improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 15th day of November, 2012 and filed with the Planning Administrative Assistant on Nov. 19, 2012. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the council in accordance with *WC Sec 4.022(.03)*.


Bob Alexander B Vice Chair, Panel A
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant

Exhibit A1
STAFF REPORT
WILSONVILLE PLANNING DIVISION

Polygon Homes- Villebois Phase 3 East
“Tonquin Meadows”
and SAP East Amendments

DEVELOPMENT REVIEW BOARD PANEL ‘A’
QUASI-JUDICIAL PUBLIC HEARING
STAFF REPORT
AMENDED AND ADOPTED NOVEMBER 15, 2012

Added Language identified in **Bold, Italics, Underlined**
Deleted Language is ~~struck through~~

HEARING DATE	November 15, 2012
DATE OF REPORT:	November 8, 2012

APPLICATION NOS.: DB12-0042 SAP-East PDP-3E, Preliminary Development Plan
DB12-0043 SAP-East Refinements
DB12-0044 SAP-East Amendments
DB12-0045 Zone Map Amendment
DB12-0046 Tentative Subdivision Plat
DB12-0047 Type C Tree Plan
DB12-0048 Final Development Plan for Parks and Open Space

REQUEST/SUMMARY: The Development Review Board is being asked to review a Preliminary Development Plan, SAP Refinements, SAP Amendments, Zone Map Amendment, Tentative Subdivision Plat, Type C Tree Plan, and Final Development Plan for a 205-lot residential subdivision, and associated parks and open space and other improvements. The SAP Amendments also pertain to Phase 4 East.

LOCATION: South side of SW Boeckman Road, East of SW 110th Avenue and just west of 110th and portions of the 110th right-of-way, north of Lowrie Primary School. The property is specifically known as Tax Lots 100 and 180 and portions of 2916 and 2919, portions of current SW 110th right-of-way, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Other Tax Lots involved in some of the requests include:

- Tax Lots 103, 192, 181, 102, 101, Section 15, and Tax Lot 1401, Section 10, which are located along SW Boeckman Road and in the Wetlands South of SW Boeckman Rd. (Preliminary Development Plan, SAP East Refinements, SAP East Amendments, Zone Map Amendment)
- **Tax Lot 200, Section 15 (Preliminary Development Plan, Zone Map Amendment)**
- Tax Lot 301, Section 15, and Tax Lots 16400 and 16500, Section 15DA, which are located east of SW 110th Avenue and north and west of Lowrie Primary School. (SAP East Amendments for Phasing and Pattern Book)

PROPERTY OWNERS: Donald E. Bischoff and Sharon L. Lund (TL 100, 180)
City of Wilsonville (TL 103, TL 1401 Section 10)
Urban Renewal Agency City of Wilsonville (TL 192, 181, 102, 101)

Metro (TL 200)

PNW Homebuilders LLC (TL 2916, 2919)
Fasano Family LLC (TL 301, 16400, and 16500)

APPLICANTS: Fred Gast, Polygon NW Company
City of Wilsonville and Urban Renewal Agency City of Wilsonville

Metro

APPLICANT'S REP.: Stacy Connery, AICP
Pacific Community Design, Inc.

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

ZONE MAP CLASSIFICATIONS: RAH (Residential-Agriculture Holding)
PF (Public Facility)

EFU (Exclusive Farm Use)

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

STAFF RECOMMENDATIONS: **Approve with conditions** the requested Preliminary Development Plan, SAP Refinements, SAP Amendments, Tentative Subdivision Plat, Tree Removal Plan, and Final Development Plan for Parks and Open Space. **Recommend approval** of the requested Zone Map Amendment to City Council.

APPLICABLE REVIEW CRITERIA

<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
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
<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 3E Preliminary Development Plan (DB12-0042)

At the core of the proposed Phase 3 of Specific Area Plan East (also known as PDP 3E) is the 30.84 gross acre site current owned by Donald Bischoff and Sharon Lund. On this property the applicant proposes a variety of housing types totaling 205 units, 6.22 acres of park/open space areas, and associated infrastructure improvements. All the homes in the development will back up to alleys. The front of the homes will face tree lined streets, parks and green spaces, and in the case of nine homes, a wetland. In addition to the Bischoff/Lund property, the PDP request also includes three areas in the 110th Avenue right-of-way and on adjacent property owned by PNW Homebuilders LLC and parcels to north and east of the Bischoff/Lund Property owned by the City, ~~and~~ the Urban Renewal Agency, and Metro. All of these additional areas are slated for parks and open space development. The 110th and PNW Homebuilders property will be portions of Pocket Park 12, Neighborhood Park 5, and Linear Green 15. The City, ~~and~~ Urban Renewal Agency, and Metro parcels will be regional parks and open space, with a small portion of Tax Lot 102 set to become the connection of Villebois Drive to Boeckman Rd.



Proposed Housing Type	Number of Units
Medium Single Family	29
Small Single Family	59
Cottage Size Single Family	75
Row Homes	42
Total	205

Refinements to SAP East (DB12-0043)

When submitting a Preliminary Development Plan the Development Code allows applicants to request “refinements” to the previously approved Specific Area Plan (SAP) and Villebois Village Master Plan. “Refinements” are specifically defined changes not significant in a quantifiable or qualitative sense as defined in the code. Refinements are required to equally or better implement relevant goals, policies, and implementation measures of the Villebois Village Master Plan as well as not have a detrimental effect on natural and scenic resources, or preclude adjoining areas from developing according to the Villebois Village Master Plan.

In concurrence with their PDP request, the applicant is requesting five refinements: street network, parks trails, and open space, utilities and storm water facilities, location and mix of land uses, and density. A portion of a number of the refinements has to do with the retention of an isolated wetland in the northeast corner of the site shown for street and lot development in the Villebois Village Master Plan and SAP. Other notable drivers of refinements include increasing

the size of and number of pocket parks and linear greens and changing the product types to reflect developer preferences, as the SAP was requested by a different developer.

As demonstrated by the findings under Request B the requested refinements are not significant changes as defined by code and equally or better meet the applicable components of the Villebois Village Master Plan.

Amendments to SAP South East (DB12-0044)

Amendment to Phasing Plan

The phasing for SAP East was set during the review of previous phases. The requested phasing amendment reflects current ownership differences and Polygon Homes phasing plans. Proposed Phase 3 East includes the Bischoff/Lund Property as well as adjacent land for parks and open space. Proposed Phase 4 East includes Fasano Family LLC property. Phase 4 East, if approved, will likely be developed prior to Phase 3 East. The reason 3 East is a lower number is because Polygon began planning the phase prior to knowing if they would also be planning Phase 4 East. The phasing numbers have been kept in order to prevent confusion in the record, but in no way indicate an intent or requirement that 3 East develop prior to 4 East.

Amendments to SAP East-Pattern Book (Creating Specific Pattern Book for Phase 3E and 4E)

As explained by the applicant in Section VIIA of their notebook, Exhibit B7, each Villebois Specific Area Plan (SAP) has a toolkit that regulates proposed development. These toolkits are similar to maintain consistency in areas that are important for a cohesive community identity. The toolkit includes the Architectural Pattern Book, the Community Elements Book, the Master Signage and Wayfinding Plan and the Rainwater Management Program. Of these documents, the Architectural Pattern Book and the Community Elements Book serve the largest role in regulating the look and feel of the community. These documents address the character of the buildings and public spaces, providing standards as well as required and encouraged elements to maintain consistency with the Villebois Village Master Plan.

Both the SAP East and SAP South Pattern Books were approved in 2005 and resulted from the same intensive review and coordination process. While they are very similar in most aspects, a number of notable variations exist reflecting the preferences of the developers who participated in the development of the Pattern Books. The SAP East Architectural Pattern Book was influenced by Legend Homes/Matrix Development as, at the time, they intended to develop all of SAP East. The SAP South Architectural Pattern Book was influenced by Arbor Homes/West Hills Development as, at the time, they intended to develop all of SAP South. Polygon Homes has been building homes in SAP South in compliance with the SAP South Architectural Pattern Book and wish to continue using the majority of this pattern book for their development in SAP East as it more closely reflects their preferences. The request is thus to make a few modifications to the content of the SAP South Pattern Book and adopt it as the pattern book for SAP East Phases 3 and 4.

The applicant has prepared a Memorandum dated October 24, 2012 outlining the changes proposed to the SAP South Pattern book to adapt for use in these two phases. Many of the

changes simply have to do with removing maps, diagrams, and references to SAP South and replacing them with the equivalent for SAP East, PDP 3 and 4. Other notable changes have to do with specific housing types. The lot requirements for row homes are adjusted to reflect the product that Polygon plans to build. Those shown in the SAP South Pattern book are simply reflecting the West Hills row home product. There are no Master Plan or Development Code requirements for row home lot width or size. Also, currently the SAP East shows a housing product called “Single-family Attached” which is shown extensively in the Master Plan and SAP land use plans for these two phases. These are a specific product type planned by Matrix Development/Legend Homes at the time of Master Planning and SAP Approval when they anticipated developing all of SAP East. These units are on slightly narrower lots, 30’ minimum lot width compared to 32’ minimum lot width for a small detached home in SAP South. and 40-80% of the homes along a given street frontage are required to be attached. In practice in SAP East PDP 1 the homes were minimally attached at the garage. The applicant has proposed replacing these with what they are calling “cottage” lots. The cottage is a detached structure narrower than a small single-family home that will fill the category between row home and small single-family shown in the Master Plan and SAP documents. The main difference from the product built on similarly sized lots by Matrix/Legend Homes is they will not be attached at the garage.

The applicant has provided a “redlined” mock-up of the proposed pattern book in Section VIIB of their submitted notebook, Exhibit B7. Condition of Approval PDC 2 requires the applicant submit copies of the final pattern book to the City for use in reviewing development in these two phases.

Adjustment of SAP Boundary

A number of planned private parks along the current 110th right-of-way are shown overlapping current ownership and the SAP Boundaries. In Addendum 4 to the Matrix Development Agreement adopted by City Council in Resolution 2377 the City and Polygon agree that both prefer the portions of parks partially on the development site along the west side be constructed together with development of the Bischoff/Lund property if agreement could be obtained from the relevant property owners. Since the development agreement some of the adjacent properties have been purchased by PNW Homebuilders LLC, and are under the control of Mr. Gast. This has enabled the parks to be developed in their entirety. However, the current SAP Boundary divides the parks. Proposed is to adjust the SAP Boundary to put the entire parks in the 110th right-of-way and on the PNW Homebuilders LLC property in SAP East. The boundary refinements will facilitate all the necessary approvals for the entire parks as well as facilitating creation of single tracts for each of the parks to be owned and maintained by the homeowners association.

Zone Map Amendment (DB12-0045)

The primary proposal is to change the current RA-H zone on the Bischoff/Lund property to the Village (V) zone. The proposed residential and park uses are permitted under Wilsonville Code Section 4.125. The proposed Zone Map Amendment would enable the development permitting process for this area of Villebois.

Staff also recommends the parcels owned by the City, ~~and the Urban Renewal Agency,~~ and Metro which will contain parks and open space be rezoned at the same time as all or portions have been or will be developed to their planned uses in connection with PDP 3E. The City and Urban Renewal Agency properties are also currently zoned RA-H. The Metro property is split between RA-H and Clackamas County EFU Zoning.

Finally, portions of Tax Lots 2916 and 2919 planned for development of parks in connection with PDP 3E are proposed to be rezoned to Village (V) from the current Public Facility (PF) Zoning in conformance with the Comprehensive Plan and the Villebois Village Master Plan.

A portion of the SW 110th Avenue public right-of-way is also shown to be part of the parks associated with PDP 3E. The Villebois Village Master Plan calls for 110th to be replaced by a different road system. Accordingly, 110th is intended to be vacated or exchanged for other property dedicated to public roadway use as development occurs within Villebois. The development proposals for SAP-E, PDP-3 and PDP-4 anticipate certain portions of 110th will be vacated or exchanged under the development proposals in accordance with the Villebois Village Master Plan. To the extent vacation or exchange occurs and the vacated or exchanged land goes to the respective land owners, it is the intent that the zoning for the vacated or exchanged property will be the same as the adjacent property, which would be Village (V).

See the Vicinity Map above for location of different property affected by the proposed zone map amendment.

Tentative Subdivision Plat (DB12-0046)

The applicant is proposing the subdivision of the Bischoff/Lund property (Tax Lots 100 and 180) into 205 residential lots, along with alleys, parks and open space and associated site improvements. Also included are two tracts on the southeast corner of the property to be combined with a future development tract in Phase 2E for two additional Medium sized lots. Also a portion of proposed Lot 180 is in PDP 4E, which is planned to be developed prior to the PDP 3E and is anticipated to be available to be incorporated into the designated phase.

In addition, portions of Tax Lots 2916 and 2919, owned by PNW Homebuilders LLC, that will be Pocket Park 12, Neighborhood Park 5, and Linear Green 15 will be included as part of tracts on the plat. A portion of these private parks are also planned for the SW 110th right-of-way which will need to be vacated or exchanged prior to creation of the park tracts, and thus prior to the approval of the final plat. See Condition of Approval PDE 7 and PDE 11.

Type C Tree Plan (DB12-0047)

~~Eleven (11) trees exist on the site, all of which~~ Twenty-four (24) trees will be removed and mitigated with street trees and trees in parks and open spaces.

Final Development Plan for Parks and Open Space (DB12-0048)

Details have been provided for all the parks and open space matching the requirements of the Community Elements Book.

Street trees, curb extensions, street lights, and mail kiosks are also shown conforming to the Community Elements Book.

Specific requirements are being placed on the materials for retaining walls within the public view shed and any hand rails for stairs within the various pocket parks and linear greens.

A future Final Development Plan for Regional Parks 7 and 8 will be submitted following additional work with the Parks Board and different property owners including Metro and the City.

DISCUSSION TOPICS:

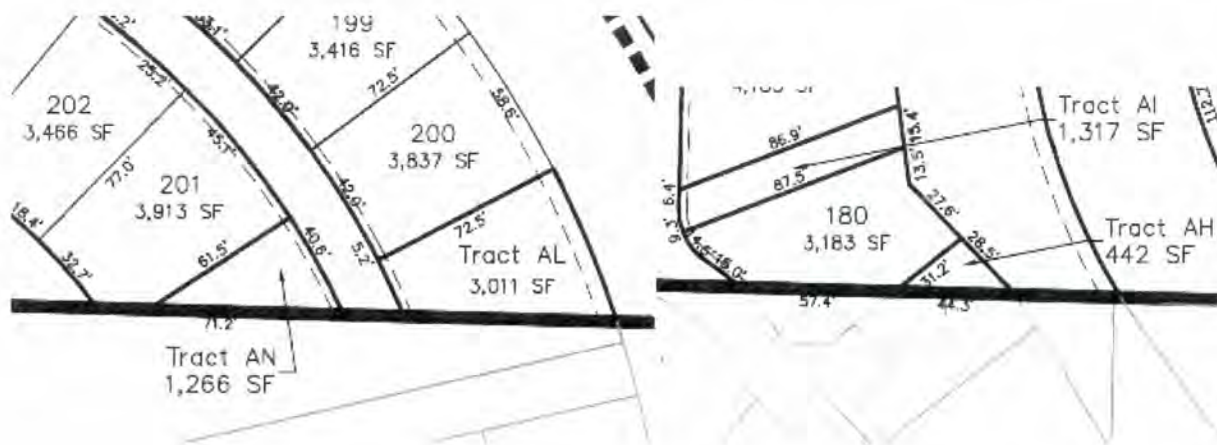
Parks Overlapping Current Ownership and SAP Boundaries.

A number of planned private parks along the current 110th right-of-way are shown overlapping current ownership and the SAP Boundaries. In Addendum 4 to the Matrix Development Agreement adopted by City Council in Resolution 2377, the City and Polygon agree that both prefer the portions of parks partially on the development site along the west side be constructed together with development of the Bischoff/Lund property if agreement could be obtained from the relevant property owners. Since the development agreement, some of the adjacent properties have been purchased by PNW Homebuilders LLC, and are under the control of Mr. Gast. This has enabled the parks to be developed in their entirety. The SAP boundary is requested to be adjusted to enable the necessary PDP, zone map amendment, tract creation as part of the tentative plat to occur to provide for design, construction, ownership, and maintenance of the three parks affected by this provision of the Development Agreement: Pocket Park 12, Neighborhood Park 5, and Linear Green 15. There are additional planned park areas to the north of Linear Green 15 within the 110th right-of-way and on Tax Lot 700 and 800, but consent of the current property owner has not been able to be obtained pursuant to the Development Agreement. These park areas are anticipated to be planned, designed, and built as part of a future phase of SAP North.

Future Development Tracts/Lots Overlapping PDP Boundary

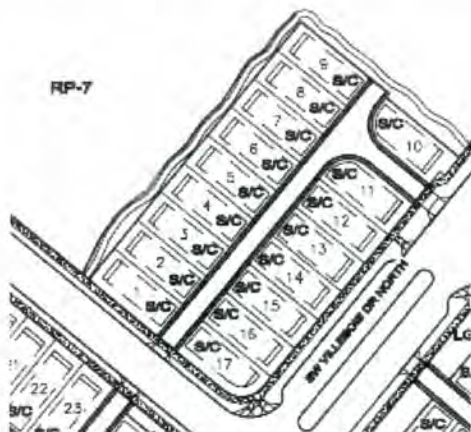
In this and previous applications PDP boundaries have been adjusted to reflect property ownership. In a number of cases this led to remnant areas between the PDP's developable with homes using land from multiple PDP's. The tentative subdivision plat for PDP 2E shows a "future development" tract adjacent to the southeast corner of PDP 3E. The proposed tentative subdivision plat includes two future development tracts on the southeast corner to be combined with the future development tract of PDP 2E to create two additional medium lots. A small future development tract is also shown below Lot 180 to be combined with a lot in PDP 4E.

In addition, two of the numbered lots in the tentative subdivision plat overlap the boundary of the PDP. Lot 201 has a small corner shown in the future development tract of PDP 2E. While a home could be built on Lot 201 without the small corner portion, all attempts should be made to incorporate it into Lot 201 at the time lots are created from the adjacent tracts. A proposed future development tract in PDP 4E would be incorporated into Lot 180. It is anticipated that PDP 4E will develop prior to PDP 3E making this tract available to be incorporated into Lot 180.



Tract for Access Path Along Wetland

A pedestrian path is required from the sidewalk along Villebois Drive North just northeast of Lot 10 along the side of Lot 10 and 9 and then along the wetland in front of Lots 1-9 connecting to the sidewalk on SW Verdun Loop just southwest of Lot 1. The path is currently shown in Tract A, much of which will become Regional Park 7 with portions under public ownership. With adjacent public ownership concern exists about ownership and maintenance of the required path and supporting retaining wall footing and associated improvements. For this reason, Condition of Approval PDE 13 requires the path, associated access paths to the front lot line of homes, the retaining wall, and retaining wall foundation and other associated improvements be placed in a distinct tract on the tentative subdivision plat with maintenance the responsibility of the homeowners association or other private arrangement of the relevant homeowners. PDA 8 also requires access from the path be provided to lots 1-9.



Access from Path to Front of Lots 1-9

A major primary purpose of the path in front of Lots 1-9 is to provide a pedestrian and bicycle connection to the front of each lot. However, the plans show a meandering path without clear connections to the front of each of the lots. Condition of Approval PDA 7 requires connecting paths were necessary to the front of the lot. The intent is that each home on Lots 1-9 will have a straight connection from their front door to the path.

Ownership and Tract for Wetland

The retention of the wetland in the northwest corner of the property raises the question of the ownership of the maintenance of the property that the master plan and SAP documents shows being developed as lots and streets. Currently the tentative plat shows the entire wetland in a single tract. The additional retained wetland does not have any public significance for which the City would publicly maintain it. For this reason Condition of Approval PDE? II 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? II 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), <u>Exclusive Farm Use (EFU)</u> , 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. <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 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> <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: 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.	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. <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>

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.	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 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: 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.
- PDC 3.** *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.*

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 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.
<u>Engineering Division Conditions:</u>	
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

<u>Planning Division Conditions:</u>	
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: • 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 <u>Tree 281x shown in Exhibit B14 shall be mitigated with a tree</u> of the same or similar variety in the same vicinity as the removal on a 1 for 1 basis. Such trees <u>tree</u> 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

VIIB) Proposed Note

B8. October 24, 2012 Memo from Stacy Connery Regarding Housing Mix With Site Maps

B9. October 24, 2012 Memo from Stacy Connery Listing changes to SAP South Pattern Book to Create Proposed Pattern Book, Includes "Mock Up" of proposed Pattern Book.

B10. Email from Stacy Connery to Daniel Pauly requesting portions of Tax Lots 2916 and 2919 be included in the application.

B11. Tree Removal and Retention information for Pocket Park 12 and Neighborhood Park 5

- B12.** Preliminary Sample Front Elevations of Different Housing Types
- B13. Application Form Signed on Behalf of Metro**
- B14. Memo from Morgan Holen to Stacy Connery dated November 14, 2012 RE: Supplementary Tree Inventory and Arborist Recommendations**
- C1.** Comments and Conditions from Engineering Division
- C2.** Comments and Conditions from Building Division
- C3.** Comments and Conditions from Natural Resources
- C4.** Comments and Conditions from TVF&R
- C5. Email from Mike Ward PE, Civil Engineer requesting change to Condition of Approval PFA 31.**

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on August 24, 2012. On September 19, 2012, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on October 5, 2012, the Applicant submitted new materials. On October 5, 2012 the application was deemed complete. The City must render a final decision for the request, including any appeals, by February 2, 2013
2. Surrounding land uses are as follows:

DB12-0042 SAP-East PDP-3E, Preliminary Development Plan
 DB12-0043 SAP-East Refinements
 DB12-0045 Zone Map Amendment
 DB12-0046 Tentative Subdivision Plat
 DB12-0047 Type C Tree Plan
 DB12-0048 Final Development Plan for Parks and Open Space

Compass Direction	Zone:	Existing Use:
North:	RA-H	Coffee Lake Wetland
East:	RA-H	Coffee Lake Wetland
South:	EFU/V	Undeveloped/Approved Retherford Meadows Subdivision/Coffee Lake Wetland
West:	PF/EFU	Rural residential/undeveloped

DB12-0044 SAP-East Amendments

Compass Direction	Zone:	Existing Use:
North:	EFU	Agriculture
East:	RA-H	Coffee Lake Wetland
South:	V	Lowrie Primary School, SAP E PDP 1 and 2
West:	PF/EFU/V	Rural residential/undeveloped/SAP S PDP 6

3. Prior land use actions include:

Legislative:

02PC06 - Villebois Village Concept Plan
02PC07A - Villebois Comprehensive Plan Text
02PC07C - Villebois Comprehensive Plan Map
02PC07B - Villebois Village Master Plan
02PC08 - Village Zone Text
04PC02 – Adopted Villebois Village Master Plan
LP-2005-02-00006 – Revised Villebois Village Master Plan
LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)

Quasi Judicial:

04 DB 22 et seq – SAP-East
DB05-0011 et seq – PDP-1E, Legend at Villebois
DB10-0023 et seq – PDP-2aE, Lowrie Primary School
AR10-0073 Partition Plat – Lowrie Primary School
DB11-0047 et seq – PDP-2E, Retherford Meadows

4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

CONCLUSIONARY FINDINGS:

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

Review Criteria: This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

Finding: These criteria are met.

Details of Finding: The application is being processed in accordance with the applicable general procedures of this Section.

Section 4.009 Who May Initiate Application

Review Criterion: "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

Finding: This criterion is satisfied.

Details of Finding: The application has been submitted on behalf of the contract purchaser, Polygon Northwest Company. The application form is signed by Fred Gast, Vice President. The Application form for the PNW Homebuilders LLC is signed by Fred Gast as well. The application for the parcels owned by the City and Urban Renewal Agency have been signed by Kristen Retherford, an authorized representative of the City. An application for the SAP Amendments is signed by Lou Fasano for Fasano Family LLC. **An application for the parcel owned by Metro has been signed by Kathleen Brennan-Hunter, Metro Natural Areas Program Director.**

Subsection 4.010 (.02) Pre-Application Conference

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Details of Finding: A pre-application conference was held on May 3, 2012 in accordance with this subsection.

Subsection 4.011 (.02) B. Lien Payment before Application Approval

Review Criterion: "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application."

Finding: This criterion is satisfied.

Details of Finding: No applicable liens exist for the subject property. The application can thus move forward. Section IIID of the applicant's notebook, Exhibit 7, includes a copy of certification of assessments and liens.

Section 4.014 Burden of Proof is on the Applicant

Review Criteria: “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:

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 ¹⁶ (ft.)	Front Min. (ft.)	Setbacks ^{10, 11, 20} 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 ²	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	1	80	60	NR ²	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ²	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	1	60 ¹⁸	35	12 ^{2, 8}	20 ⁸	5	5 ¹²	-	11 ¹¹
Single-Family Dwellings	2,250	35	50	-	60 ¹⁸	35	12 ^{2, 8}	20 ⁸	5	5 ¹²	-	11 ¹¹

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., (12' 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 feet 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 facade of the associated dwelling unit.
 9 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
 10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.
 11 Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB.
 12 See Definitions, 4.125.01, for measurement of Minimum Frontage Width.
 13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.
 14 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.
 15 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.
 16 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.
 17 Dwellings on lots without alley access shall be at least 36 feet wide.
 18 Duplexes with front-loaded garages are limited to one shared standard-sized driveway apron.
 19 Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements.
 20 Lots are categorized as small, medium, standard, large or estate as shown in the Pattern Book.

[Table V-1 amended by Ord. 667 on 8/17/09, Ord. 682, 9/9/10]

Finding: These criteria are satisfied.

Details of Finding: In previous PDP's it has consistently been interpreted to allow the lot width and lot sizes to be governed by the Pattern Book. The proposed SAP Amendment to establish a new pattern book for this and adjacent PDP 4 East would allow small single family lots to be reduced to 32 feet wide and cottage lots to be 30 feet wide. The lot depth of all proposed single family lots exceed 50 feet deep. Some of the cottage lots also below the 2250 square foot lot are minimum, but are of the dimensions shown in the SAP East Pattern Book previously for attached small lots, which are not addressed in Table V-1, and for cottage lots in the proposed Pattern Book. Other development standards, including minimum frontage width, building height, and setbacks will be determined at the time of issuance of building permits for each home. Each single family lot does is of appropriate dimensions to allow each of the development standards that will be checked at the time of building permit to be met.

Subsection 4.125 (.07) Table V-2 Off-Street Parking, Loading & Bicycle Parking

A7. Review Criteria:

Table V-2: Off Street Parking Requirements				
	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) Assessor's 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-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 improvement are proposed. If interim improvements are proposed between phases they will be required to meet the standards referenced by this subsection.

Subsection 4.125 (.10) Sidewalk and Pathway Improvement Standards

- A22. **Review Criteria:** “The provisions of Section 4.178 shall apply within the Village zone.”
Finding: These criteria are satisfied.
Details of Finding: The applicant states, “All sidewalks and pathways within SAP East will be constructed in accordance with the standards of Section 4.178 and the Villebois Village Master Plan. Sidewalks and pathways are shown in the street cross-sections on the *Circulation Plan*.” See applicant’s sheet 7.2, Exhibit B6.

Subsection 4.125 (.11) Landscaping, Screening and Buffering

- A23. **Review Criteria:** “Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:
- Streets in the Village Zone shall be developed with street trees as described in the Community Elements Book.”
- Finding:** These criteria are satisfied.
Details of Finding: The appropriate landscaping is provided. The proposed street trees are among the choices provided in the Community Elements Book.

Subsection 4.125 (.12) Signage and Wayfinding

- A24. **Review Criteria:** “Except as this subsection may otherwise be amended, or until such time as a Signage and Wayfinding Plan is approved as required by Section 4.125(.18)(D)(2)(f), signs within the Village zone shall be subject to provisions of Section 4.156.”
Finding: These criteria are satisfied.
Details of Finding: The SAP East Signage & Wayfinding Plan indicates the provision of ‘Monumentation A – Primary Gateway’ at Villebois Drive at its intersection with Coffee Lake Drive. The applicant’s plan sheets L2.0, Exhibit B6, show provision of the required monumentation. The final location of which will be determined with the Final Development Plans for Regional Parks 7 and 8. Elevations of the monuments and signage are included in Section IIF of the applicant’s notebook, Exhibit B7. A sign permit is required prior to installation.

Subsection 4.125 (.13) Design Principles Applying to the Village Zone

A25. **Review Criteria:** “The following design principles reflect the fundamental concepts, and support the objectives of the Villebois Village Master Plan, and guide the fundamental qualities of the built environment within the Village zone.

- The design of landscape, streets, public places and buildings shall create a place of distinct character.
- The landscape, streets, public places and buildings within individual development projects shall be considered related and connected components of the Villebois Village Master Plan.
- The design of streets and public spaces shall provide for and promote pedestrian safety, connectivity and activity.
- The design of exterior lighting shall minimize off-site impacts, yet enable functionality.”

Finding: These criteria are satisfied.

Details of Finding: The Architectural Pattern Book and Community Elements Book ensure the design meets the fundamental design concepts and support the objectives of the Villebois Village Master Plan. By complying with an approved Architectural Pattern Book and Community Elements Book the design of the PDP will satisfy these criteria. See also Final Development Plan, Request G.

Subsection 4.125 (.14) A. 1. a. Design Standards: Flag Lots

A26. **Review Criterion:** “Flag lots are not permitted.”

Finding: This criterion is satisfied.

Details of Finding: No flag lots are proposed.

Subsection 4.125 (.14) A. 2. a. - e. and h. – k. Building and Site Design Requirements

A27. **Review Criteria:** “Building and site design shall include:

- Proportions and massing of architectural elements consistent with those established in an approved Architectural Pattern Book or Village Center Architectural Standards.
- Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.
- Protective overhangs or recesses at windows and doors.
- Raised stoops, terraces or porches at single-family dwellings.
- Exposed gutters, scuppers, and downspouts, or approved equivalent.
- Building elevations of block complexes shall not repeat an elevation found on an adjacent block.
- Building elevations of detached buildings shall not repeat an elevation found on buildings on adjacent lots.
- A porch shall have no more than three walls.
- A garage shall provide enclosure for the storage of no more than three motor vehicles, as described in the definition of Parking Space.”

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDA 4.

Details of Finding: The application requests PDP approval for single family detached homes, including cottage-sized homes, and row homes. Conformance with the Pattern Book and Community Elements Book will assure consistency with the Design Standards of subsection (.14). Condition of Approval PDA 4 requires the applicant provide architectural plans for approval by the City's architectural consultant prior to the City signing the final plat, which will ensure conformance of these different housing types with the Architectural Pattern Book.

Subsection 4.125 (.14) A. 2. g. Landscape Plans

A28. **Review Criterion:** "Building and site design shall include:

- A landscape plan in compliance with Sections 4.125(.07) and (.11), above."

Finding: This criterion is satisfied.

Details of Finding: The appropriate landscape plans have been provided. See Landscape Sheets in Exhibit B6.

Subsection 4.125 (.14) A. 2. f. Protection of Significant Trees

A29. **Review Criterion:** "Building and site design shall include:

- The protection of existing significant trees as identified in an approved Community Elements Book."

Finding: This criterion is satisfied.

Details of Finding: Tree protection information is provided. See Request F.

Subsection 4.125 (.14) A. 3. Lighting and Site Furnishings

A30. **Review Criteria:** "Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards."

Finding: These criteria are satisfied or will be required to do so by Condition of Approval PDG 2.

Details of Finding: All information provided on site elements in the FDP request match the Community Elements Book or will be required to meet them by a condition of approval. Specifically, the applicant has provided preliminary information on play structures, but not technical details discussed in the Community Elements Book. While the play structure shown have the potential to meet the technical requirements sufficient detail has not been provided and a condition of approval is needed to ensure the detailed technical requirements will be met.

Subsection 4.125 (.14) A. 4. Building Systems

A31. **Review Criteria:** "Building systems, as noted in Tables V-3 and V-4 (Permitted Materials and Configurations), below, shall comply with the materials, applications and configurations required therein. Design creativity is encouraged. The LEED Building Certification Program of the U.S. Green Building Council may be used as a guide in this regard."

Finding: These criteria are satisfied.

Details of Finding: Subsequent Building Permit applications will review proposed buildings for consistency with the criteria of Table V-3 and the Architectural Pattern Book.

Subsection 4.125 (.18) G. Preliminary Development Plan Approval Process

Subsection 4.125 (.18) G. 1. a. Preliminary Development Plan: Submission Timing

A32. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed with the City Planning Division for the entire SAP, or when submission of the SAP in phases has been authorized by the Development Review Board, for a phase in the approved sequence.”

Finding: This criterion is satisfied.

Details of Finding: As stated by the applicant, “this PDP addresses Phase 3 on the amended SAP East Phasing Plan. This PDP includes a request to amend the SAP East Phasing.” See Request C.

Subsection 4.125 (.18) G. 1. b. Preliminary Development Plan: Owners’ Consent

A33. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be made by the owner of all affected property or the owner’s authorized agent;”

Finding: This criterion is satisfied.

Details of Finding: This application is made by Polygon Northwest Company, who has been authorized by the property owner, Donald Bischoff to submit this application. The application form can be found in Section IB of the applicant’s notebook, Exhibit B7, along with a copy of the vesting deed. Exhibits B2 and B3 are application forms signed by an authorized representative of the City and the Urban Renewal Agency to allow the PDP approval to be applied to property the City and Urban Renewal Agency own in the PDP area, including those on which portions of Regional Parks will be constructed. Fred Gast has also signed an application, Exhibit B4, as representative for PNW Homebuilders, whose property the PDP extends to incorporate Pocket Park 12, Neighborhood Park 5, and Linear Green 15. Exhibit A3 demonstrates current ownership of Tax Lots 2916 and 2919 by PNW Homebuilders LLC. An application for the parcel owned by Metro has been signed by Kathleen Brennan-Hunter, Metro Natural Areas Program Director. See Exhibit B13.

Subsection 4.125 (.18) G. 1. c. Preliminary Development Plan Permit Process: Proper Form & Fees

A34. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution;”

Finding: These criteria are satisfied.

Details of Finding: The applicant has used the prescribed form and paid the required application fees.

Subsection 4.125 (.18) G. 1. d. Preliminary Development Plan Permit Process: Professional Coordinator

A35. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall set forth the professional coordinator and professional design team for the project;”

Finding: This criterion is satisfied.

Details of Finding: A professional design team is working on the project with Stacey Connery AICP from Pacific Community Design as the professional coordinator.

Subsection 4.125 (.18) G. 1. e. Preliminary Development Plan Permit Process: Mixed Uses

A36. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall state whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.”

Finding: This criterion is satisfied.

Details of Finding: The proposed PDP includes only residential uses with supporting recreational amenities.

Subsection 4.125 (.18) G. 1. f. Preliminary Development Plan Permit Process: Land Division

A37. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a preliminary land division (concurrently) per Section 4.400, as applicable.”

Finding: This criterion is satisfied.

Details of Finding: A preliminary subdivision plat has been submitted concurrently with this request. See Request E.

Subsection 4.125 (.18) G. 1. g. Preliminary Development Plan Permit Process: Zone Map Amendment

A38. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a concurrent application for a Zone Map Amendment (i.e., Zone Change) for the subject phase.”

Finding: This criterion is satisfied.

Details of Finding: A zone change request has been submitted concurrently with this request. See Request D.

Subsection 4.125 (.18) G. 2. a. – c. Preliminary Development Plan Permit Process: Information Required

A39. **Review Criteria:** “The application for Preliminary Development Plan approval shall include conceptual and quantitatively accurate representations of the entire development sufficient to demonstrate conformance with the approved SAP and to judge the scope, size and impact of the development on the community and shall be accompanied by the following information:

- A boundary survey or a certified boundary description by a surveyor licensed in the State of Oregon.
- Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, (e.g., flood plain, wetlands, forested areas, steep slopes or adjacent to stream banks). Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
 - One (1) foot contours for slopes of up to five percent (5%);
 - Two (2) foot contours for slopes from six percent (6%) to twelve (12%);
 - Five (5) foot contours for slopes from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
 - Ten (10) foot contours for slopes exceeding twenty percent (20%).
- The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the PDP and within 50 feet of the PDP boundary, as required by Section 4.139.

Finding: These criteria are satisfied.

Details of Finding: A certified boundary description by a surveyor licensed in the State of Oregon is provided as the legal description and sketch for the zone map amendment See Section IVC of the applicant's notebook, Exhibit B7. Boundary information for the City property and the portions of Tax Lots 2916 and 2919 will be prepared for the City Council Zoning Order. Topographic information and SROZ information in accordance with Sections 4.125(.18) G. 2. b. & c. is shown on sheet 2 of Exhibit B6, Existing Conditions,

Subsection 4.125 (.18) G. 2. d. Preliminary Development Plan Permit Process: Land Area Tabulation

- A40. **Review Criteria:** "A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre."

Finding: These criteria are satisfied.

Details of Finding: Following is a tabulation of land area devoted to the various uses and a calculation of net residential density:

Approx. Gross Acreage (all properties)	52.845 <u>73.27</u> Acres
Parks	24.298 <u>44.721</u> Acres
Public Streets	12.837 Acres
Lots and Alleys	15.71 Acres

Net Residential Density: 205 lots / 15.71 Acres = 11.78 units per net acre

Subsection 4.125 (.18) G. 2. e. Preliminary Development Plan Permit Process: Streets, Alleys, and Trees

- A41. **Review Criteria:** "The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the PDP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails, and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only."

Finding: These criteria are satisfied.

Details of Finding: Information on planned alleys and streets are provided or the information is readily available. Easements, sidewalks, bike routes and bikeways, trails, and other relevant features are shown. The required trees are shown.

Subsection 4.125 (.18) G. 2. f. Preliminary Development Plan Permit Process: Building Drawings

- A42. **Review Criteria:** “Conceptual drawings, illustrations and building elevations for each of the listed housing products and typical non-residential and mixed-use buildings to be constructed within the Preliminary Development Plan boundary, as identified in the approved SAP, and where required, the approved Village Center Design.”

Finding: This criterion will be satisfied by Condition of Approval PDA 4.

Details of Finding: The proposed PDP includes Medium, Small Detached, Cottage, and Row House housing products, along with a number of variations within these product types based on varying lot widths, lot depths, and split grading. Condition of Approval PDA 4 requires conceptual elevations for all the products within the PDP be provided for review by the City’s architectural consultant prior to the City signing of the final plat. Future proposed homes will be designed to be consistent with the conceptual elevations in the Architectural Pattern Book and reviewed by the City’s architectural consultant.

Subsection 4.125 (.18) G. 2. g. Preliminary Development Plan Permit Process: Utility Plan

- A43. **Review Criterion:** “A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.”

Finding: This criterion is satisfied.

Details of Finding: A composite utility plan has been provided. See applicant’s sheet 6 in Exhibit B6.

Subsection 4.125 (.18) G. 2. h. Preliminary Development Plan Permit Process: Phasing Sequence

- A44. **Review Criterion:** “If it is proposed that the Preliminary Development Plan will be executed in Phases, the sequence thereof shall be provided.”

Finding: This criterion is satisfied.

Details of Finding: The PDP is proposed to be executed in one or two phases. The proposed phases of the subject PDP are shown on the PDP Phasing Plan. See applicant’s sheet 11 in Exhibit B6.

Subsection 4.125 (.18) G. 2. i. Preliminary Development Plan Permit Process: Security for Capital Improvements

- A45. **Review Criterion:** “A commitment by the applicant to provide a performance bond or other acceptable security for the capital improvements required by the project.”

Finding: This criterion is satisfied.

Details of Finding: The applicant states “the applicant will provide a performance bond or other acceptable security for the capital improvements required by the project.”

Subsection 4.125 (.18) G. 2. j. Preliminary Development Plan Permit Process: Traffic Report

A46. **Review Criterion:** “At the applicant’s expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the SAP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire SAP, and it shall meet Subsection 4.140(.09)(J)(2).”

Finding: This criterion is satisfied.

Details of Finding: The required traffic report has been provided, and can be found in Section IID of the applicant’s notebook, Exhibit B7.

Subsection 4.125 (.18) H. PDP Application Submittal Requirements

Subsection 4.125 (.18) H. 1. PDP Application Submittal Requirements: General

A47. **Review Criteria:** “The Preliminary Development Plan shall conform with the approved Specific Area Plan, and shall include all information required by (.18)(D)(1) and (2), plus the following:

- The location of water, sewerage and drainage facilities;
- Conceptual building and landscape plans and elevations, sufficient to indicate the general character of the development;
- The general type and location of signs;
- Topographic information as set forth in Section 4.035;
- A map indicating the types and locations of all proposed uses; and
- A grading and erosion control plan illustrating existing and proposed contours as prescribed previously in this section.”

Finding: These criteria are satisfied.

Details of Finding: As stated by the applicant, “the proposed PDP generally conforms to the approved SAP East, with the proposed refinements described in the following sections of this report. As demonstrated above, the PDP application includes all information required by 4.125(.18)(D)(1) and (2), as applicable to a PDP.”

Subsection 4.125 (.18) H. 2. PDP Application Submittal Requirements: Traffic Report

A48. **Review Criteria:** “In addition to this information, and unless waived by the City’s Community Development Director as enabled by Section 4.008(.02)(B), at the applicant’s expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the PDP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire PDP, and it shall meet Subsection 4.140(.09)(J)(2) for the full development of all five SAPs.”

Finding: These criteria are satisfied.

Details of Finding: The required traffic report is included in Section IID of the applicant’s notebook, Exhibit B7.

Subsection 4.125 (.18) H. 3. PDP Application Submittal Requirements: Level of Detail

A49. **Review Criterion:** “The Preliminary Development Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the phase of development. However, approval of a Final Development Plan is a separate and more detailed review of proposed design features, subject to the standards of Section 4.125(.18)(L) through (P), and Section 4.400 through Section 4.450.”

Finding: This criterion is satisfied.

Details of Finding: As stated by the applicant, “the plan sheets for the proposed Preliminary Development Plan provide sufficient detail to show the ultimate operation and appearance of the subject phase of development. The FDP application for design of the included park areas within the PDP area is submitted concurrent with this application.” See Request G.

Subsection 4.125 (.18) H. 4. PDP Application Submittal Requirements: Copies of Legal Documents

A50. **Review Criterion:** “Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner’s association, shall also be submitted.”

Finding: This criterion is satisfied.

Details of Finding: The required legal documents for review have been provided. See Section IIIC in the applicant’s notebook, Exhibit B7.

Subsection 4.125 (.18) I. PDP Approval Procedures

A51. **Review Criteria:** “An application for PDP approval shall be reviewed using the following procedures:

- Notice of a public hearing before the Development Review Board regarding a proposed PDP shall be made in accordance with the procedures contained in Section 4.012.
- A public hearing shall be held on each such application as provided in Section 4.013.
- After such hearing, the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.”

Finding: These criteria are satisfied.

Details of Finding: The request is being reviewed according to this subsection.

Subsection 4.125 (.18) J. PDP Refinements to Approved SAP

Subsection 4.125 (.18) J. 1. a. i. Refinements to the SAP: Street Network and Classification

A52. **Review Criterion:** “Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.”

Finding: This criterion is satisfied.

Details of Finding: Concurrently with this PDP request refinements to the street network are being requested that meet the applicable criteria. See Request B.

Subsection 4.125 (.18) J. 1. a. ii. Refinements to the SAP: Parks, Trails, and Open Space

A53. **Review Criterion:** “Changes to the nature or location of park types, trails or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Specific Area Plan.”

Finding: This criterion is satisfied.

Details of Finding: Concurrently with this PDP request refinements to the parks, trails, and open space are being requested that meet the applicable criteria. See Request B.

Subsection 4.125 (.18) J. 1. a. iii. Refinements to the SAP: Utilities and Storm Water Facilities

A54. **Review Criterion:** “Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.”

Finding: This criterion is satisfied.

Details of Finding: Concurrently with this PDP request refinements to the location of utilities or storm water facilities are being requested that meet the applicable criteria. See Request B.

Subsection 4.125 (.18) J. 1. a. iv. and v/ Refinements to the SAP: Mix of Land Uses and Density

A55. **Review Criteria:**

- “Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan.
- A change in density that does not exceed ten percent, provided such density change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village.”

Finding: These criteria are satisfied.

Details of Finding: Concurrently with this PDP request refinements to the location and mix of land uses and density are being requested that meet the applicable criteria. See Request B.

Subsection 4.125 (.18) K. PDP Approval Criteria

Subsection 4.125 (.18) K. 1. a. PDP Approval Criteria: Consistent with Standards of Section 4.125

A56. **Review Criteria:** “Is consistent with the standards identified in this section.”

Finding: These criteria are satisfied.

Details of Finding: As shown elsewhere in this request, the proposed Preliminary Development Plan is consistent with the standards of Section 4.125.

Subsection 4.125 (.18) K. 1. b. PDP Approval Criteria: Complies with the Planning and Land Development Ordinance

A57. **Review Criterion:** “Complies with the applicable standards of the Planning and Land Development Ordinance, including Section 4.140(.09)(J)(1)-(3).”

Finding: This criterion is satisfied.

Details of Finding: Findings are provided showing compliance with applicable standards of the Planning and Land Development Ordinance. Specifically Findings A65 through A67 address Subsections 4.140 (.09) J. 1. through 3.

Subsection 4.125 (.18) K. 1. c. PDP Approval Criteria: Consistent with Approved SAP

A58. **Review Criterion:** “Is consistent with the approved Specific Area Plan in which it is located.”

Finding: This criterion is satisfied.

Details of Finding: Together with the proposed refinements and amendments, the PDP is consistent with the approved SAP.

Subsection 4.125 (.18) K. 1. d. PDP Approval Criteria: Consistent with Approved Pattern Book

A59. **Review Criterion:** “Is consistent with the approved Pattern Book and, where required, the approved Village Center Architectural Standards.”

Finding: This criterion is satisfied.

Details of Finding: As stated by the applicant, “No buildings are proposed with this Preliminary Development Plan. Subsequent Building Permit applications for residential buildings in this Preliminary Development Plan will document compliance with the Architectural Pattern Book. However, proposed lots are sized to accommodate proposed uses in a manner consistent with Table V-1 and the Architectural Pattern Book.”

Subsection 4.125 (.18) K. 2. PDP Approval Criteria: Reasonable Phasing Schedule

A60. **Review Criterion:** “If the PDP is to be phased, that the phasing schedule is reasonable and does not exceed two years between commencement of development of the first, and completion of the last phase, unless otherwise authorized by the Development Review Board.”

Finding: This criterion is satisfied.

Details of Finding: As stated in item 12 in the applicant’s letter responding to incompleteness, Exhibit B1, “PDP 3E is proposed to be built in two (2) phases. Phase 1 is the northern and western portions of the PDP and includes all the initial utility connections required for service. Phase 2 is the southeastern portion of the PDP. Polygon may build both phases at the same time. If the phasing option is chosen, Phase 2 would be built approximately 12 months after Phase 1.”

Subsection 4.125 (.18) K. 3. PDP Approval Criteria: Parks Concurrency

A61. **Review Criterion:** “Parks within each PDP or PDP Phase shall be constructed prior to occupancy of 50% of the dwelling units in the PDP or PDP phase, unless weather or other special circumstances prohibit completion, in which case bonding for such improvements shall be permitted.”

Finding: This criterion will be satisfied by Condition of Approval PDA 3.

Details of Finding: The applicant asserts and a condition of approval ensures the parks within PDP 3E will be completed prior to occupancy of 50% of the housing units or bonding will be provided if special circumstances prevent completion.

Subsection 4.125 (.18) K. 5. PDP Approval Criteria: DRB Conditions

A62. **Review Criterion:** “The Development Review Board may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.”

Finding: This criterion is satisfied.

Details of Finding: Condition of Approval PDA 2 is recommended to ensure the obligations under the development agreement are met that facilitate development in conformance with the Master Plan and approved SAP. The development agreement ensures public improvements are built as approved and available to serve the development.

Subsection 4.140 (.09) J. Planned Development Permit Review Criteria

“A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:”

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

A63. **Review Criteria:** “The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.”

Finding: These criteria are satisfied.

Details of Finding: The applicant’s findings demonstrate that the location, design, size, and uses proposed with the PDP are both separately and as a whole consistent with SAP East, and thus the Villebois Village Master Plan, the City’s Comprehensive Plan designation of Residential – Village for the area, and any other applicable ordinance of which staff is aware.

Subsection 4.140 (.09) J. 2. Meeting Traffic Level of Service D

A64. **Review Criteria:** That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City’s adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

Finding: These criteria are satisfied.

Details of Finding: The location, design, size and uses are such that traffic generated within the PDP at the most heavily used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D. The proposed uses and the circulation system are consistent with the SAP – East application, which included an Internal Circulation Evaluation including an assessment of intersection performance by DKS

Associates. A copy of the Traffic Impact Analysis is attached in Section IID of the applicant's notebook, Exhibit B7.

Subsection 4.140 (.09) J. 3. Concurrency for Other Facilities and Services

A65. **Review Criteria:** "That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services."

Finding: These criteria are satisfied.

Details of Finding: As shown in the Utility and Drainage Report, Section IIC of the applicant's notebook, Exhibit B7, and plan sheets, see Exhibit B6, adequate or immediately planned facilities and services are sufficient to serve the planned development. Condition of Approval PDA 2 further ensures the obligations related to planned facilities in the development agreement are built as agreed upon and available to serve the development.

Section 4.171 Protection of Natural Features & Other Resources

Subsection 4.171 (.02) General Terrain Preparation

A66. **Review Criteria:**

- "All developments shall be planned designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant land forms.
- All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code, all development shall be planned, designed, constructed and maintained so as to:
 - Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.
 - Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.
 - Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.

Finding: These criteria are satisfied.

Details of Finding: As stated by the applicant, "the plan sheets located in Section IIB of the applicant's notebook, Exhibit B7, demonstrate that the subject Preliminary Development Plan is designed with maximum regard to natural terrain features and topography. The subject PDP does not contain hillside areas. The flood plain associated with Seely Ditch is shown on the attached plans. No development impacts to the flood plain are proposed with the PDP. (If the final park designs for RP-7 or RP-8 proposed flood plain impacts, these will be reviewed with the subsequent FDP application(s) for RP-7 and RP-8). The Grading and Erosion Control Plan shows proposed grading within the subject area and the Tree Preservation Plan shows proposed tree preservation.

All subsequent grading, filling and excavating will be done in accordance with the Uniform Building Code. Disturbance of soils and removal of trees and other native vegetation will be limited to the extent necessary to construct the proposed development.

Construction will occur in a manner that avoids substantial probabilities of accelerated erosion; pollution, contamination or siltation of lakes, rivers, streams and wetlands; damage to vegetation; and injury to wildlife and fish habitats.

Subsection 4.171 (.03) Hillsides

A67. **Review Criterion:** “Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:”

Finding: This criterion does not apply.

Details of Finding: The subject Preliminary Development Plan does not include any areas of slopes in excess of 25%. Therefore, this standard does not apply to this application.

Subsection 4.171 (.04) Trees and Wooded Area

A68. **Review Criteria:**

- “All developments shall be planned, designed, constructed and maintained so that:
 - Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.
 - Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible.
 - Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:
 - Avoiding disturbance of the roots by grading and/or compacting activity.
 - Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces.
 - Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.
 - Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees.

Finding: These criteria are satisfied.

Details of Finding: The Tree Preservation Plan, applicant’s sheet 9 of their plan set, Exhibit B6, depicts existing trees within the subject area and identifies trees to be retained and to be removed. See also Exhibit B11 for information on tree removal and retention in Pocket Park 12 and Neighborhood Park 5. This application includes a request for approval of a Type “C” Tree Removal Plan, which can be found in Section V of the applicant’s notebook, Exhibit B7.

Section V of the applicant’s notebook includes the Tree Report prepared by Morgan Holan addressing existing trees and development impacts within the subject area, a tree inventory and tree mitigation details. The information contained in Section V of the applicant’s notebook demonstrates that the subject Preliminary Development Plan is designed to incorporate all trees with a diameter at breast height of six inches or greater into the plan where feasible. All trees rated “Important” or “Good” have been retained to the extent feasible within the area addressed by this PDP. Trees that are retained, as identified in the Tree Preservation Plan, will be protected during site preparation and construction in

accordance with City Public Works design specifications and Section 4.171(.04). See also Request G.

Subsection 4.171 (.05) High Voltage Power Lines

A69. **Review Criteria:** “High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:

- Due to the restrictions placed on these lands, no residential structures shall be allowed within high voltage power line easements and rights of way and petroleum pipeline easements, and any development, particularly residential, adjacent to high voltage power line easements and rights of way and petroleum pipeline easement shall be carefully reviewed.
- Any proposed non-residential development within high voltage power line easements and rights of way and petroleum pipeline easements shall be coordinated with and approved by the Bonneville Power Administration, Portland General Electric Company or other appropriate utility, depending on the easement or right of way ownership.

Finding: These criteria do not apply.

Details of Finding: The development area and surrounding area are not around high voltage power lines. The nearest high voltage power lines are on the opposite side of the the Coffee Lake wetland.

Subsection 4.171 (.06) Safety Hazards

A70. **Review Criteria:** “

- To protect lives and property from natural or human-induced geologic or hydrologic hazards and disasters.
- To protect lives and property from damage due to soil hazards.
- To protect lives and property from forest and brush fires.
- To avoid financial loss resulting from development in hazard areas.

Finding: These criteria are satisfied.

Details of Finding: The applicant states that development of the subject area will occur in a manner that minimizes potential hazards to safety.

Subsection 4.171 (.07) Earth Movement Hazard Areas

A71. **Review Criterion:** “No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions.”

Finding: This criterion is satisfied.

Details of Finding: No areas of land movement, slump, earth flow, or mud or debris flow have been identified in the project area.

Subsection 4.171 (.08) Standards for Soil Hazard Areas

A72. **Review Criteria:**

- “Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.

- The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulleting and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

Finding: These criteria are satisfied.

Details of Finding: No soil hazard areas have been identified within the subject area.

Subsection 4.171 (.09) Historic Protection

A73. **Review Criteria:** This subsection establishes requirements for protection of historic resources.

Finding: This criterion is satisfied.

Details of Finding: A Historic/ Cultural Resource Inventory was previously conducted for the property identified as SAP – East. The inventory includes the farm house on the subject property. However, the house has not been listed in any other inventory and is not required to be maintained.

Section 4.172 Flood Plain Regulations

A74. **Review Criteria:** This section establishes the regulations for flood plains within the City.

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDA 5.

Details of Finding: No development or uses that are not permitted outright are proposed in the flood plain within the PDP and a flood plain permit is not required. Staff notes that one of the storm water facilities in Regional Park 8 is in the 100-year flood plain. The final design and location of the facility will be determined together with the future Final Development Plan request for Regional Park 8. Condition of Approval PDA 5 requires all applicable flood plain regulations be met and regulatory approvals granted for this facility or an alternative design determined and approved prior to issuing a grading permit for the Tonquin Meadows subdivision.

Section 4.176 Landscaping, Screening, and Buffering

A75. **Review Criteria:** This section establishes landscape, screening, and buffering requirements for development within the City.

Finding: These criteria are satisfied.

Details of Finding: Landscaping will be provided in accordance with the standards in Section 4.176. The Street Tree/Lighting Plan depicts street trees along rights-of-way within the subject Preliminary Development Plan area. The plan has been developed in conformance with the *Community Elements Book* and the applicable standards of Section 4.176. Landscaping in the parks and linear green areas will be reviewed with Request G, Final Development Plan.

Section 4.177 Street Improvement Standards

A76. **Review Criteria:** This section establishes street improvements standards for development within the City.

Finding: These criteria are satisfied.

Details of Finding: The rights-of-way proposed within the subject PDP are shown on the plan sheets in Exhibit B6. Rights-of-way will be dedicated and a waiver of remonstrance

against the formation of a local improvement district will be recorded with the final plat. The plan sheets demonstrate that all proposed access drives (alleys) within the PDP area will have a minimum improvement width of 16 feet and will provide two-way travel. All access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by TVF&R. All access drives will be designed to provide a clear travel lane free from any obstructions. Clear vision areas will be maintained in accordance with the standards of Subsection 4.177(.01)(I). Vertical clearance will be maintained over all streets and access drives in accordance with Subsection 4.177(.01)(J).

Section 4.178 Sidewalk and Pathway Standards

A77. Review Criteria:

- “Sidewalks. All sidewalks shall be concrete and a minimum of five (5) feet in width, except where the walk is adjacent to commercial storefronts. In such cases, they shall be increased to a minimum of ten (10) feet in width.
- Pathways
 - Bicycle facilities shall be provided using a bicycle lane as the preferred facility design. The other facility designs listed will only be used if the bike lane standard cannot be constructed due to physical or financial constraints. The alternative standards are listed in order of preference.
 - Bike lane. This design includes 12-foot minimum travel lanes for autos and paved shoulders, 5-6 feet wide for bikes that are striped and marked as bicycle lanes. This shall be the basic standard applied to bike lanes on all arterial and collector streets in the City, with the exception of minor residential collectors with less than 1,500 (existing or anticipated) vehicle trips per day.”

Finding: These criteria are satisfied.

Details of Finding: The applicant’s sheet 7.2, see Exhibit B6, depicts cross-sections of the proposed sidewalks and pathways in compliance with the above standards and Specific Area Plan – East.

REQUEST B: DB12-0043 SAP-EAST REFINEMENTS

Properties included in this request include Tax Lots 100 and 180, Section 15.

The applicant's findings in Section IIA of their notebook, Exhibit B7, specifically pages 19-28, respond to the majority of the applicable criteria.

Refinements Generally

Subsection 4.125 (.18) J. 1. Refinement Process

- B1. **Review Criteria:** "In the process of reviewing a PDP for consistency with the approved Specific Area Plan, the DRB may approve refinements, but not amendments, to the SAP. Refinements to the SAP may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section (.18)(J)(2), below."

Finding: These criteria are satisfied.

Details of Finding: The applicant is requesting a number of refinements as listed below. The applicant has provided plan sheets showing sufficient information to demonstrate compliance with the applicable criteria. As can be seen in the Findings below the criteria set forth in Subsection 4.125 (.18) J. 2. are satisfied for each requested refinement.

Refinement Request "a": Street Network

Subsection 4.125 (.18) J. 1. a. i. SAP Refinements: Street Network and Functional Classification

- B2. **Review Criteria:** "Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians."

Finding: These criteria are satisfied.

Details of Finding: The proposed changes are as follows:

- Cherbourg Loop and Milford Lane- Removal enables the retention of an isolated wetland
- Berlin Avenue alignment adjusted to provide better functionality within blocks and alignment of alley intersections
- Stockholm Avenue alignment slightly adjusted to the west allowed an increased size for Pocket Park 11.
- Finland Avenue alignment slightly adjusted enabling the additional of a pocket park along Courtney Loop North.

The proposed changes in Berlin Avenue, Stockholm Avenue and Finland Avenue have no effect on the circulation system. The proposed changes affecting Cherbourg Loop and Milford Lane alter the circulation pattern in this area; however, the changes do not significantly reduce the circulation system function or connectivity for vehicles, bicycles or pedestrians. Vehicular connection continues to be provided north-south through the continuation of Villebois Drive, and east-west through Verdun Loop and Stockholm Avenue. Bicycle and pedestrian circulation is provided on all streets and along all

alleyways within the subject block and surrounding blocks. Bicycle and pedestrian circulation is also provided around the lots on the southeast corner of the resulting block. The major trail connection through or adjacent to Regional Park 7 is still provided and the minor trail connection through the linear greens along the transmission lines is also still provided.

Subsection 4.125 (.18) J. 1. b. i. Defining “Significant” for SAP Refinements: Quantifiable

- B3. **Review Criteria:** “As used herein, “significant” means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

Details of Finding: Quantifiable measures related to this refinement request include circulation system function and connectivity. Level of Service (LOS) is the quantifiable performance measure related to circulation system function for vehicles. No data is available nor practical to obtain regarding the circulation system function for bicycles and pedestrians. While the traffic study did not compare LOS at various intersections with and without the proposed refinements, LOS of service continues to be met with the proposed changes. The quantifiable measure of connectivity is number of connecting routes. The proposed alignment changes of Berlin Avenue, Stockholm Avenue, and Finland Avenue do not remove any connections. The removal of Cherbourg Loop and Milford Lane do remove connections for all mode types. Replacement bicycle and pedestrian connections are provided along the Tonkin Trail alignment as well as the path provided in front of Lots 1-9 and on the side of Lot 10. This leaves the loss of the two vehicle connections, which is much less than 10 percent of the overall number of vehicle connections provided in the SAP and PDP.

Subsection 4.125 (.18) J. 1. b. ii. Defining “Significant” for SAP Refinements: Qualitative

- B4. **Review Criteria:** “As used herein, “significant” means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

Details of Finding: This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B5 below, the proposed refinements do not negatively affect qualitative features of the street network.

Subsection 4.125 (.18) J. 2. a. SAP Refinement Review Criteria: Better or Equally Implementing Villebois Village Master Plan

- B5. **Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The following are the relevant goals and policies from the Villebois Village Master Plan followed by discussion of how the refinements better or equally meet them:

Circulation System Goal: The Villebois Village shall provide for a circulation system that is designed to reflect the principles of smart growth.

While some vehicle connectivity choices are being removed, retaining of the isolated wetland furthers the smart growth principle of a thriving natural environment. The enlargement and addition of pocket parks add more green space within the development.

Circulations System Policy 1: The Villebois Village shall encourage alternatives to the automobile, while accommodating all travel modes, including passenger cars, trucks, buses, bicycles and pedestrians.

There will continue to be access to all homes and destinations from a variety of travel modes. The design of homes facing pocket parks and green spaces encourages more pedestrian mode choices.

Subsection 4.125 (.18) J. 2. b. SAP Refinement Review Criteria: Impact on Natural and Scenic Resources

B6. **Review Criterion:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

Finding: These criteria are satisfied.

Details of Finding: The proposed refinements add green space and retain an isolated wetland having a positive impact on the natural and scenic resources and amenities in the development.

Subsection 4.125 (.18) J. 2. c. SAP Refinement Review Criteria: Effect on Subsequent PDP's and SAP's

B7. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposed changes in Berlin Avenue, Stockholm Avenue and Finland Avenue do not affect adjoining or subsequent PDP's. However the removal of Cherbourg Loop and Milford Lane do have a direct relationship with the street network in the adjacent portion of SAP North. As explained by the applicant in item 2 of their letter responding to the notice of incomplete application dated October 4, 2012, Exhibit B1, “the subject area of SAP North is already required to be readdressed by future applicants due to changes resulting from the school relocation and the nature of the original SAP North approval.” Applicant's sheet 12, see Exhibit B6, shows a potential layout for the subject area of SAP North adapted to the removal of these street. Additionally, a note on Figure 1 of the Villebois Village Master Plan states “Adjustments in plan, street alignments, and intersections as well as rainwater facilities and pathways will be made to comply with SROZ Regulations.” While the subject isolated wetland is not mapped as part of the City's

SROZ, resource related regulations on the state and federal level impacted the decision to retain the wetland and change the alignment.

Refinement Request “b”:Parks, Trails,and Open Space

Subsection 4.125 (.18) J. 1. a. ii. SAP Refinements: Parks, Trails, and Open Space

B8. **Review Criteria:** “Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Preliminary Development Plan.”

Finding: These criteria are satisfied.

Details of Finding: The following table outlines the proposed changes to parks:

Park	Name	Location	Master Plan Amenities	Proposed Changes
RP-7		South of Boeckman/Tooze west of Villebois Drive	• 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	• “Space for recreation and informal play”	<i>Increased in size</i>
LG 15		Along former 110 th ROW	• Pedestrian connection • Other misc. amenities	<i>Includes area previously designated as PP-9</i>
LG-16		Along former 110 th ROW	• Pedestrian connection • Other misc. amenities	<i>Area incorporated into NP-7 with retention of wetlands</i>
PP-9		Along former 110 th ROW	• Creative Play • Benches • Pathway	<i>Incorporated into LG-15, amenities maintained</i>
New Linear Greens		Throughout PDP	• none	<i>Pedestrian connection Other misc. amenities</i>
New Pocket Parks		Both sides of Serenity Way south of Coffee Lake Drive	• 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 16-28 Total	17 Small Cottage 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 18 Total
SW Verdun Lp. SW Berlin Ave. SW Coffee Lake Ave. SW Villebois Dr. N.	13-21 Small Attached	17 Small Cottage 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 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 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 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 22 Total
SAP Boundary SW Stockholm Ave. SW Berlin Ave.	11-15 Row Homes 18-26 Small Attached 29-41 Total (includes entire block to SW Month Blanc Ln.)	21 Small Detached 21 Total (plus lots in PDP 4E)
SAP Boundary SW Finland Ave.	6-10 Small Attached 8-10 Small Detached	19 Small Detached 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.) 23-31 Total	10 Small Detached 16 Medium 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 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 are within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village “V”.

Subsection 4.125 (.02) Village Zone Permitted Uses

- D8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The proposed residential, park, and open space uses are consistent with the Village Zone designation and Villebois Village Master Plan.

Subsection 4.125 (.18) B. 2. Zone Change Concurrent with PDP Approval

- D9. **Review Criterion:** “... Application for a zone change shall be made concurrently with an application for PDP approval...”

Finding: This criterion is satisfied.

Details of Finding: A zone map amendment is being requested concurrently with a request for PDP approval. See Request. A.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

- D10. **Review Criteria:** “That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;”

Finding: These criteria are satisfied.

Details of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.

- D11. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

Finding: These criteria are satisfied.

Details of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings D1 through D4 substantially comply with applicable Comprehensive Plan text.

Subsection 4.197 (.02) C. Zone Change: Specific Findings Regarding Residential Designated Lands

- D12. **Review Criteria:** “In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text;”

Finding: These criteria are satisfied.

Details of Finding: Implementation Measure 4.1.6.c. states the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation. Since the Village Zone must be applied to areas designated “Residential Village” on the Comprehensive Plan Map and is the only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency

- D13. **Review Criteria:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

Finding: These criteria are satisfied.

Details of Finding: The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project. Section IIC of the applicant’s notebook, Exhibit

B7, includes supporting utility and drainage reports. In addition, the applicant has provided a Traffic Impact Analysis, which is in Section IID of the applicant's notebook, Exhibit B7.

Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas

- D14. **Review Criteria:** "That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;"

Finding: These criteria are satisfied.

Details of Finding: The eastern and northernmost portions of the property include areas within the Significant Resource Overlay Zone. The PDP Supporting Compliance Report, section IIA of the applicant's notebook, Exhibit B7, demonstrates that the proposed development does not have a significant adverse effect on the SROZ. The portions of the City, ~~and~~ Urban Renewal, ~~and~~ Metro properties within the SROZ are not slated for development or for park development consistent with the SROZ regulations.

Subsection 4.197 (.02) F. Zone Change: Development within 2 Years

- D15. **Review Criterion:** "That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided information stating they reasonably expect to commence development within two (2) years of the approval of the zone change. However, in the scenario where the applicant or their successors due not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval

- D16. **Review Criteria:** "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards."

Finding: These criteria are satisfied.

Details of Finding: As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

REQUEST E: DB12-0046 TENTATIVE SUBDIVISION PLAT

Properties included in this request include Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15.

The applicant's findings in Section IIIA of their notebook, Exhibit B7, respond to the majority of the applicable criteria.

Subsection 4.125 (.02) Permitted Uses in the Village Zone

E1. **Review Criteria:** This subsection lists the permitted uses in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The proposed subdivision is for uses including single family homes and row homes, parks, and open space permitted in the Village Zone.

Subsection 4.125 (.05) Development Standards Applying to All Development in Village Zone

Subsection 4.125 (.05) A. Block, Alley, Pedestrian, and Bicycle Standards

E2. **Review Criteria:** This subsection lists the block, alley, pedestrian, and bicycle standards applicable in the Village Zone.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows blocks, alleys, pedestrian, and bicycle paths consistent with this subsection and the proposed PDP.

Subsection 4.125 (.05) B. Access Standards

E3. **Review Criterion:** "All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer."

Finding: This criterion will be satisfied by Condition of Approval PDE 7.

Details of Finding: Condition of Approval PDE 7 requires a non-access reservation strip on the street side of lots with street access helping to ensure this criterion is met.

Table V-1: Development Standards in the Village Zone

E4. **Review Criteria:** This table shows the development standards, including setback for different uses in the Village Zone. See full table under Finding A4.

Finding: These criteria are satisfied.

Details of Finding: As been consistently interpreted for PDP approvals in Villebois, lot dimensions in the Architectural Pattern Book can govern such things as lot width and size even when it is not consistent with the table. The proposed lots facilitate the construction that meets relevant standards of the table.

Subsection 4.125 (.07) Off-Street Parking, Loading and Bicycle Parking

E5. **Review Criteria:** "Except as required by Subsections (A) through (D), below, the requirements of Section 4.155 shall apply within the Village zone."

Finding: These criteria are satisfied.

Details of Finding: Nothing concerning the tentative subdivision would prevent the required parking from being built.

Subsection 4.125 (.08) Open Space Requirements

E6. **Review Criteria:** This subsection establishes the open space requirements for the Village Zone.

Finding: These criteria are satisfied or will be satisfied by Conditions of Approval.

Details of Finding: The tentative subdivision plat shows open space consistent with the requirements of the Village Zone and the proposed PDP. Consistent with the requirements of (.08) C. Conditions of approval require the City Attorney to review and approve pertinent bylaws, covenants, or agreements prior to recordation. In addition, the requirement that each park be a single tract in Condition of Approval PDE 10 will further facilitate this requirement. Also, as ownership and maintenance of the wetland in Tract A not previously shown as part of Regional Park 7 will be by the homeowners association, it as well as adjacent portions of the tract to the south and west are required to be a separate tract by Condition of Approval PDE 11. Condition of Approval PDE 12 requires the path from the sidewalk along Villebois Drive North just northeast of Lot 10 along the side of Lot 10 and 9 and then along the wetland in front of Lots 1-9 connecting to the sidewalk on SW Verdun Loop just southwest of Lot 1 and associated improvements to be maintained by the homeowners association or by other private arrangement.

Subsection 4.125 (.09) A. 1. Street and Improvement Standards: General Provisions

E7. **Review Criteria:** "Except as noted below, the provisions of Section 4.177 shall apply within the Village zone:

- General Provisions:
 - All street alignment and access improvements shall conform to Figures 7, 8, 9A, and 9B of the Villebois Village Master Plan, or as refined in an approved Specific Area Plan, Preliminary Development Plan, or Final Development Plan, and the following standards:
 - All street improvements shall conform to the Public Works Standards and the Transportation Systems Plan, and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.
 - All streets shall be developed according to the Master Plan."

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows street alignments, improvements, and access improvements consistent with the approved PDP and associated refinements found to be consistent with the Master Plan and Transportation Systems Plan.

Subsection 4.125 (.09) A. 2. Street and Improvement Standards: Intersection of Streets

E8. **Review Criteria:** "Intersections of streets:

- Angles: Streets shall intersect one another at angles not less than 90 degrees, unless existing development or topography makes it impractical.
- Intersections: If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of a thirty (30) foot centerline radius and said angle shall not be less than sixty (60) degrees. Any angle less

than ninety 90 degrees shall require approval by the City Engineer after consultation with the Fire District.

- Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:
 - 1000 ft. for major arterials
 - 600 ft. for minor arterials
 - 100 ft. for major collector
 - 50 ft. for minor collector
- Curb Extensions:
 - Curb extensions at intersections shall be shown on the Specific Area Plans required in Subsection 4.125(.18)(C) through (F), below, and shall:
 - Not obstruct bicycle lanes on collector streets.
 - Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections, meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows street intersections as proposed in the proposed PDP consistent with these standards.

Subsection 4.125 (.09) A. 3. Street and Improvement Standards: Street Grades

- E9. **Review Criteria:** “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets found to meet these standards under Request A.

Subsection 4.125 (.09) A. 4. Street and Improvement Standards: Centerline Radius Street Curves

- E10. **Review Criteria:** “The minimum centerline radius street curves shall be as follows:
- Arterial streets: 600 feet, but may be reduced to 400 feet in commercial areas, as approved by the City Engineer.
 - Collector streets: 600 feet, but may be reduced to conform with the Public Works Standards, as approved by the City Engineer.
 - Local streets: 75 feet”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets found to meet these standards under Request A.

Subsections 4.125 (.09) A. 5. and 4.177 (.01) C. Street and Improvement Standards: Rights-of-way

- E11. **Review Criteria:**
- “Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance

with the Street System Master Transportation Systems Plan. All dedications shall be recorded with the County Assessor's Office.

- The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder's Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.
- In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater."

Finding: These criteria are satisfied.

Details of Finding: As stated by the applicant, "rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177."

Subsections 4.125 (.09) A. 6. and 4.177 (.01) E. Street and Improvement Standards: Access Drives

E12. Review Criteria:

- Access drives are required to be 16 feet for two-way traffic.
- An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions.
- Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load.
- Secondary or emergency access lanes may be improved to a minimum 12 feet with an all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.
- Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.
- Where access drives connect to the public right-of-way, construction within the right-of-way shall be in conformance to the Public Works Standards.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows alleys of sufficient width to meet the width standards. The applicant states easements for fire access will be dedicated as required.

Subsections 4.125 (.09) A. 7. and 4.177 (.01) F. Street and Improvement Standards: Clear Vision Areas

E13. Review Criteria: "A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:" Listed I. a.-f.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets found to meet these standards under Request A.

Subsections 4.125 (.09) A. 8. and 4.177 (.01) G. Street and Improvement Standards: Vertical Clearance

E14. **Review Criterion:** “a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.”

Finding: This criterion is satisfied.

Details of Finding: Nothing shown on the tentative subdivision plat would preclude the required clearance from being provided.

Subsections 4.125 (.09) A. 9. and 4.177 (.01) H. Street and Improvement Standards: Interim Improvement Standards

E15. **Review Criteria:** “It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Planning Commission, the following interim standards shall apply.

- Arterials - 24 foot paved, with standard sub-base. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the City Engineer, regarding adequate structural quality to support an overlay.
- Half-streets are generally considered unacceptable. However, where the Development Review Board finds it essential to allow for reasonable development, a half-street may be approved. Whenever a half-street improvement is approved, it shall conform to the requirements in the Public Works Standards:
- When considered appropriate in conjunction with other anticipated or scheduled street improvements, the City Engineer may approve street improvements with a single asphalt lift. However, adequate provision must be made for interim storm drainage, pavement transitions at seams and the scheduling of the second lift through the Capital Improvements Plan.

Finding: These criteria are satisfied.

Details of Finding: The area covered by the tentative subdivision plat does not include any interim improvements.

Subsection 4.202 (.01) through (.03) Plats Reviewed by Planning Director or DRB

E16. **Review Criteria:** “Pursuant to ORS Chapter 92, plans and plats must be approved by the Planning Director or Development Review Board (Board), as specified in Sections 4.030 and 4.031, before a plat for any land division may be filed in the county recording office for any land within the boundaries of the City, except that the Planning Director shall have authority to approve a final plat that is found to be substantially consistent with the tentative plat approved by the Board.

The Development Review Board and Planning Director shall be given all the powers and duties with respect to procedures and action on tentative and final plans, plats and maps of land divisions specified in Oregon Revised Statutes and by this Code.

Approval by the Development Review Board or Planning Director of divisions of land within the boundaries of the City, other than statutory subdivisions, is hereby required by virtue of the authority granted to the City in ORS 92.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat is being reviewed by the Development Review Board according to this subsection. The final plat will be reviewed by the Planning Division under the authority of the Planning Director to ensure compliance with the DRB review of the tentative subdivision plat.

Subsection 4.202 (.04) A. Lots must be Legally Created for Issuing Development Permit

E17. **Review Criterion:** “No person shall sell any lot or parcel in any condominium, subdivision, or land partition until a final condominium, subdivision or partition plat has been approved by the Planning Director as set forth in this Code and properly recorded with the appropriate county.”

Finding: This criterion is satisfied.

Details of Finding: It is understood that no lots or parcels will be sold until the final plat has been approved by the Planning Director and recorded.

Subsection 4.202 (.04) B. Prohibition of Creating Undersized Lots

E18. **Review Criterion:** “It shall be a violation of this Code to divide a tract of land into a parcel smaller than the lot size required in the Zoning Sections of this Code unless specifically approved by the Development Review Board or City Council. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements, unless specifically authorized through the Variance procedures of Section 4.196 or the waiver provisions of the Planned Development procedures of Section 4.118.”

Finding: This criterion is satisfied.

Details of Finding: No lots will be divided into a size smaller than allowed by the proposed Village “V” zoning designation.

Subsection 4.210 (.01) Pre-Application Conference

E19. **Review Criterion:** “Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.”

Finding: This criterion is satisfied.

Details of Finding: A pre-application meeting has been held. See case file PA12-0006.

Subsection 4.210 (.01) A. Preparation of Tentative Plat

E20. **Review Criterion:** “The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.”

Finding: This criterion is satisfied.

Details of Finding: The applicant’s sheet 4.2 of their plan set, Exhibit B6, is a tentative subdivision plat prepared in accordance with this subsection.

Subsection 4.210 (.01) B. Tentative Plat Submission

E21. **Review Criteria:** “The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:” Listed 1. through 26.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat has been submitted with the required information.

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

E22. **Review Criteria:** “Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.”

Finding: These criteria are satisfied.

Details of Finding: Phasing is shown on the tentative subdivision plat and explained in narrative form in item 12 of the applicant’s letter responding to the notice of incompleteness, Exhibit B1.

Subsection 4.210 (.01) E. Remainder Tracts

E23. **Review Criteria:** “Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.”

Finding: These criteria are satisfied.

Details of Finding: All affected property has been incorporated into the tentative subdivision plat.

Subsection 4.236 (.01) Conformity to the Master Plan or Map

E24. **Review Criteria:** “Land divisions shall conform to and be in harmony with the Transportation Master Plan (Transportation Systems Plan), the Bicycle and Pedestrian Master Plan, the Parks and Recreation Master Plan, the Official Plan or Map and especially to the Master Street Plan.”

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat is consistent with applicable plans including the Transportation Systems Plan and Villebois Village Master Plan.

Subsection 4.236 (.02) Relation to Adjoining Street System

E25. **Review Criteria:**

- A land division shall provide for the continuation of the principal streets existing in the adjoining area, or of their proper projection when adjoining property is not developed, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Director or Development Review Board, topographic conditions make such continuation or conformity impractical, an exception may be made. In cases where the Board or Planning Commission has adopted a

plan or plat of a neighborhood or area of which the proposed land division is a part, the subdivision shall conform to such adopted neighborhood or area plan.

- Where the plat submitted covers only a part of the applicant's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.
- At any time when an applicant proposes a land division and the Comprehensive Plan would allow for the proposed lots to be further divided, the city may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street plans and other requirements specified in these regulations.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets meeting these standards consistent with the proposed PDP and refinements. See Requests A and B.

Subsection 4.236 (.03) Streets: Conformity to Standards Elsewhere in the Code

- E26. **Review Criteria:** "All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone."

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets consistent with the proposed PDP under Request A which meets Section 4.177 and the block requirements of the zone.

Subsection 4.236 (.04) Creation of Easements

- E27. **Review Criteria:** "The Planning Director or Development Review Board may approve an easement to be established without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to allow partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to divide into more than two (2) parcels, a street dedication may be required."

Finding: These criteria are satisfied.

Details of Finding: No specific easements are requested pursuant to this subsection.

Subsection 4.236 (.05) Topography

- E28. **Review Criterion:** "The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations."

Finding: This criterion is satisfied.

Details of Finding: The tentative subdivision plat shows street alignments recognizing topographic conditions consistent with the requested PDP.

Subsection 4.236 (.06) Reserve Strips

- E29. **Review Criteria:** "The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the Director or Board determine that a strip is necessary." Reasons listed A. through D.

Finding: These criteria are satisfied.

Details of Finding: No reserve strips are being required for the reasons listed in this subsection. However, reserve strips are being required by Condition of Approval PDE 7 to prevent access to the front side of lots served by an alley. See also Findings A5 and E3.

Subsection 4.236 (.07) Future Expansion of Street

E30. **Review Criteria:** When necessary to give access to, or permit a satisfactory future division of, adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs shall be required to preserve the objective of street extension.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows streets for future expansion consistent with this subsection.

Subsection 4.236 (.08) Additional Right-of-Way for Existing Streets

E31. **Review Criteria:** “Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Transportation Systems Plan.”

Finding: These criteria are satisfied.

Details of Finding: No additional right-of-way is being required for existing streets.

Subsection 4.236 (.09) Street Names

E32. **Review Criteria:** “No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.”

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PFE 6.

Details of Finding: Street names will be reviewed by Engineering staff and be subject to approval by the City Engineer consistent with this subsection. The Interim City Engineer is requiring a name changes for Geneva Loop or Berlin Avenue. See Condition of Approval PFE 6.

Subsection 4.237 (.01) Blocks

E33. **Review Criteria:**

- The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of pedestrian, bicycle, and motor vehicle traffic, and recognition of limitations and opportunities of topography.
- Sizes: Blocks shall not exceed the sizes and lengths specified for the zone in which they are located unless topographical conditions or other physical constraints necessitate larger blocks. Larger blocks shall only be approved where specific findings are made justifying the size, shape, and configuration.

Finding: These criteria are satisfied.

Details of Finding: The tentative subdivision plat shows blocks consistent with those proposed and reviewed as part of Request A, Preliminary Development Plan.

Subsection 4.237 (.02) Easements

E34. Review Criteria:

- Utility lines. Easements for sanitary or storm sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards, as specified by the City Engineer or Planning Director. All of the public utility lines within and adjacent to the site shall be installed within the public right-of-way or easement; with underground services extending to the private parcel constructed in conformance to the City's Public Works Standards. All franchise utilities shall be installed within a public utility easement. All utilities shall have appropriate easements for construction and maintenance purposes.
- Water courses. Where a land division is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purposes of conveying storm water and allowing for maintenance of the facility or channel. Streets or parkways parallel to water courses may be required.

Finding: These criteria are satisfied or will be satisfied by Conditions of Approval.

Details of Finding: As shown on the applicant's sheet 4.1 of their plan set, Exhibit B6, Tentative Plat, generally the required easements have been provided. A Condition of Approval PDE 9 requires an additional public utility easement along the front five (5) feet of Lots 1-9. Condition of Approval PFA 46 additionally ensure all easements dealing with utilities are on the final plat.

Subsection 4.237 (.03) Mid-block Pedestrian and Bicycle Pathways

E35. Review Criteria: "An improved public pathway shall be required to transverse the block near its middle if that block exceeds the length standards of the zone in which it is located.

- Pathways shall be required to connect to cul-de-sacs or to pass through unusually shaped blocks.
- Pathways required by this subsection shall have a minimum width of ten (10) feet unless they are found to be unnecessary for bicycle traffic, in which case they are to have a minimum width of six (6) feet.

Finding: These criteria are satisfied.

Details of Finding: Pathways are provided southeast of the wetland along Lots 1-9, between Lots 121 and 122 and 108 and 109, and south of Lot 179 and between Lots 180- and 181 creating mid-block pedestrian connects to the extent practicable.

Subsection 4.237 (.04) Tree Planting & Tree Access Easements

E36. Review Criteria: "Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the Director or Development Review Board before the planting is begun. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property."

Finding: These criteria are satisfied.

Details of Finding: The proposed street trees are within the proposed public right-of-way.

Subsection 4.237 (.05) Lot Size and Shape

- E37. **Review Criteria:** “The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located.”

Finding: These criteria are satisfied.

Details of Finding: Proposed lot sizes, widths, shapes and orientations are appropriate for the proposed development and are in conformance with the Village Zone requirements as discussed under Request A.

Subsection 4.237 (.06) Access

- E38. **Review Criteria:** “The division of land shall be such that each lot shall have a minimum frontage on a street or private drive, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:” Listed A. and B.

Finding: These criteria are satisfied.

Details of Finding: Each lot has the minimum frontage on a street or greenbelt, as allowed in the approved Architectural Pattern Book.

Subsection 4.237 (.07) Through Lots

- E39. **Review Criteria:** “Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation.”

Finding: These criteria are satisfied.

Details of Finding: No through lots are proposed.

Subsection 4.237 (.08) Lot Side Lines

- E40. **Review Criteria:** “The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street or tract with a private drive upon which the lots face.”

Finding: These criteria are satisfied.

Details of Finding: Generally side lot lines are at right angles with the front lot line. Where they do not, they run at the closest possible angle to 90 degrees as allowed by block shape, adjacent lot shape, and required alley orientation.

Subsection 4.237 (.09) Large Lot Land Divisions

- E41. **Review Criteria:** “In dividing tracts which at some future time are likely to be re-divided, the location of lot lines and other details of the layout shall be such that re-division may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Development Review Board considers it necessary.”

Finding: These criteria are satisfied.

Details of Finding: No future divisions of the lots included in the tentative subdivision plat are anticipated.

Subsection 4.237 (.10) and (.11) Building Line and Built-to Line

- E42. **Review Criteria:** The Planning Director or Development Review Board may establish special:
- building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.
 - build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.

Finding: These criteria are satisfied.

Details of Finding: No building lines or built-to lines are proposed or recommended.

Subsection 4.237 (.12) Land for Public Purposes

- E43. **Review Criterion:** “The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.”

Finding: This criterion is satisfied.

Details of Finding: No property reservation is recommended as described in this subsection.

Subsection 4.237 (.13) Corner Lots

- E44. **Review Criterion:** “Lots on street intersections shall have a corner radius of not less than ten (10) feet.”

Finding: This criterion is satisfied.

Details of Finding: All proposed corner lots meet the minimum corner radius of ten (10) feet.

Section 4.250 Lots of Record

- E45. **Review Criteria:** “All lots of record that have been legally created prior to the adoption of this ordinance shall be considered to be legal lots. Tax lots created by the County Assessor are not necessarily legal lots of record.”

Finding: These criteria are satisfied.

Details of Finding: The parcels being divided are of record, and the resulting subdivision lots will be lots of record.

Section 4.260 Improvements-Procedures

- E46. **Review Criteria:** “In addition to other requirements, improvements installed by the developer, either as a requirement of these regulations or at the developer's own option, shall conform to the requirements of this Code and improvement standards and specifications of the City. The improvements shall be installed in accordance with the City's Public Works Standards.”

Finding: These criteria are satisfied.

Details of Finding: The rights-of-way shown on the tentative subdivision plat are sufficient for installation of improvements to City standards. Conformance of the improvements with the City's Public Works Standards and other applicable standards will be ensured through the Engineering Division's permit and inspection process.

Section 4.262 Improvements-Requirements

- E47. **Review Criteria:** This section establishes requirements for a number of different improvements including curbs, sidewalks, sanitary sewers, drainage, underground utility and service facilities, streetlight standards, street signs, monuments, and water.

Finding: These criteria are satisfied.

Details of Finding: The applicant has stated their intent to meet the requirements for all the types of improvements indicated in this subsection. Conformance with these requirements will be ensured through the Engineering Division's, and Building Division's where applicable, permit and inspection process.

REQUEST F: DB12-0047 TYPE C TREE PLAN

Properties included in this request include Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15.

The applicant's findings in Section VA of their notebook, Exhibit B7, respond to the majority of the applicable criteria.

Subsection 4.600.50 (.03) A. Access to Site for Tree Related Observation

- F1. **Review Criterion:** "By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant's property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed."

Finding: This criterion will be satisfied by Condition of Approval PDF 2.

Details of Finding: Condition of Approval PDF 2 ensures the required access is allowed.

Subsection 4.610.00 (.03) B. Type C Tree Removal Review Authority

- F2. **Review Criterion:** "Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council."

Finding: This criterion is satisfied.

Details of Finding: The requested tree removal is connected to site plan review by the Development Review Board for the proposed development. The tree removal is thus being reviewed by the DRB.

Subsection 4.610.00 (.06) A. Conditions Attached to Type C Tree Permits

- F3. **Review Criterion:** "Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;"

Finding: This criterion is satisfied.

Details of Finding: No additional conditions are recommended pursuant to this subsection.

Subsection 4.610.00 (.06) B. Completion of Operation

- F4. **Review Criterion:** "Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:" "Fix a reasonable time to complete tree removal operations;"

Finding: This criterion is satisfied.

Details of Finding: It is understood the tree removal will be completed by the time construction of all homes, parks, and other improvements in the PDP are completed, which is a reasonable time frame for tree removal.

Subsection 4.610.00 (.06) C. Security

- F5. **Review Criterion:** “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter. 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.”

Finding: This criterion will be satisfied by Condition of Approval PDF 3.

Details of Finding: The condition of approval ensures the security requirement of this subsection is met.

Subsection 4.610.10 (.01) Standards for Tree Removal, Relocation or Replacement

- F6. **Review Criteria:** “Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:” Listed A. through J.

Finding: These criteria are satisfied.

Details of Finding: The standards of this subsection are met as follows:

- The proposed tree removal is not within the Significant Resource Overlay Zone
- The applicant states tree preservation was taken into consideration the preservation of trees on the site.
- No significant wooded areas or trees would be preserved by design alternatives.
- Land clearing will not exceed the permitted areas.
- The applicant states the homes are designed to blend into the landscape as much as feasible consistent with the relevant pattern book.
- It is understood the proposed development will comply with all applicable statutes and ordinances.
- The necessary tree replacement and protection is planned according to the requirements of tree preservation and protection ordinance.
- Tree removal is limited to where it is necessary for construction or to address nuisances or where the health of the trees warrants removal..
- A tree survey has been provided. See Section V of the applicant’s notebook, Exhibit B7, and Exhibit B11.
- A tree maintenance and protection plan has been submitted concurrently with the request for a tentative subdivision plat.
- No utilities are proposed to be located where they would cause adverse environmental consequences.

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

- F7. **Review Criteria:** “Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may

require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled."

Finding: These criteria are satisfied.

Details of Finding: The proposed Type C Tree Plan is being reviewed concurrently with the Preliminary Development Plan, which is the equivalent of a Stage II Final Plan in the Village Zone.

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

- F8. **Review Criteria:** "The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:" Listed A. 1. through A. 7.

Finding: These criteria are satisfied.

Details of Finding: The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. See Section V of the applicants notebook, Exhibit B7, and Exhibit B11.

Subsection 4.620.00 (.01) Tree Replacement Requirement

- F9. **Review Criterion:** "A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal."

Finding: This criterion is satisfied.

Details of Finding: The tree mitigation requirements will be more than exceeded by the planned street tree and trees in parks and linear greens.

Subsection 4.620.00 (.02) Basis for Determining Replacement

- F10. **Review Criteria:** "The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2") or more in diameter."

Finding: These criteria are satisfied.

Details of Finding: More trees are planned to be planted than proposed to be removed. Each tree, including street trees and trees in parks and linear greens will meet the minimum diameter requirement.

Subsection 4.620.00 (.03) Replacement Tree Requirements

- F11. **Review Criteria:** "A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.

A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.

- B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date.
- C. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.
- D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat."

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDF 4.

Details of Finding: The condition of approval will ensure the relevant requirements of this subsection are met.

Subsection 4.620.00 (.04) Replacement Tree Stock Requirements

- F12. **Review Criteria:** "All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade."

Finding: These criteria will be satisfied by Condition of Approval PDF 4.

Details of Finding: Condition of Approval PDF 4 assures this is met.

Subsection 4.620.00 (.05) Replacement Trees Locations

- F13. **Review Criteria:** "The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed."

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDF 7.

Details of Finding: The applicant proposes to mitigate for all removed trees on site and in the appropriate locations for the proposed development. ~~Some of the trees proposed for preservation may need to end up being removed due to poor health. If this is the case~~ Condition of Approval PDF 7 requires similar trees to be replanted. Sheet L3.0 of the applicant's plan sheets, Exhibit B6, show a tree being preserved in Neighborhood Park 5. The arborist report in Exhibit B14 recommends the same tree be removed due to tree health. Condition of Approval PDF 7 requires a tree of the same or similar species be replaced at the location as mitigation for the removed tree.

Section 4.620.10 Tree Protection During Construction

- F14. **Review Criteria:** "Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:" Listed A. through D.

Finding: These criteria are satisfied or will be satisfied by Condition of Approvals PDF 5 and PDF 6.

Details of Finding: The conditions of approval assure the applicable requirements of this Section will be met.

REQUEST G: DB12-0048 FINAL DEVELOPMENT PLAN FOR PARKS AND OPEN SPACE

Properties included in this request include Tax Lots 100, 180, portions of 2916, portions of 2919, and portions of SW 110th right-of-way, Section 15.

The applicant's findings in Section VIA of their notebook, Exhibit B7, respond to the majority of the applicable criteria.

Subsection 4.125 (.02) Permitted Uses in the Village Zone

- G1. **Review Criteria:** This subsection lists the uses typically permitted in the Village Zone including "Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association."

Finding: These criteria are satisfied.

Details of Finding: The requested Final Development Plan is for parks and open space allowed within the Village Zone.

Subsection 4.125 (.08) A. Parks and Open Space in the Village Zone-Amount Required

- G2. **Review Criteria:** "In all residential developments and in mixed-use developments where the majority of the developed square footage is to be in residential use, at least twenty-five percent (25%) of the area shall be open space, excluding street pavement and surface parking. In multi-phased developments, individual phases are not required to meet the 25% standard as long as an approved Specific Area Plan demonstrates that the overall development shall provide a minimum of 25% open space. Required yard areas shall not be counted towards the required open space area."

Finding: These criteria are satisfied.

Details of Finding: The parks master plan for Villebois provides for approximately 33% of the area to be parks and open space. The subject area includes the parks shown in the Villebois Village Master Plan plus increases the size of 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. **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.

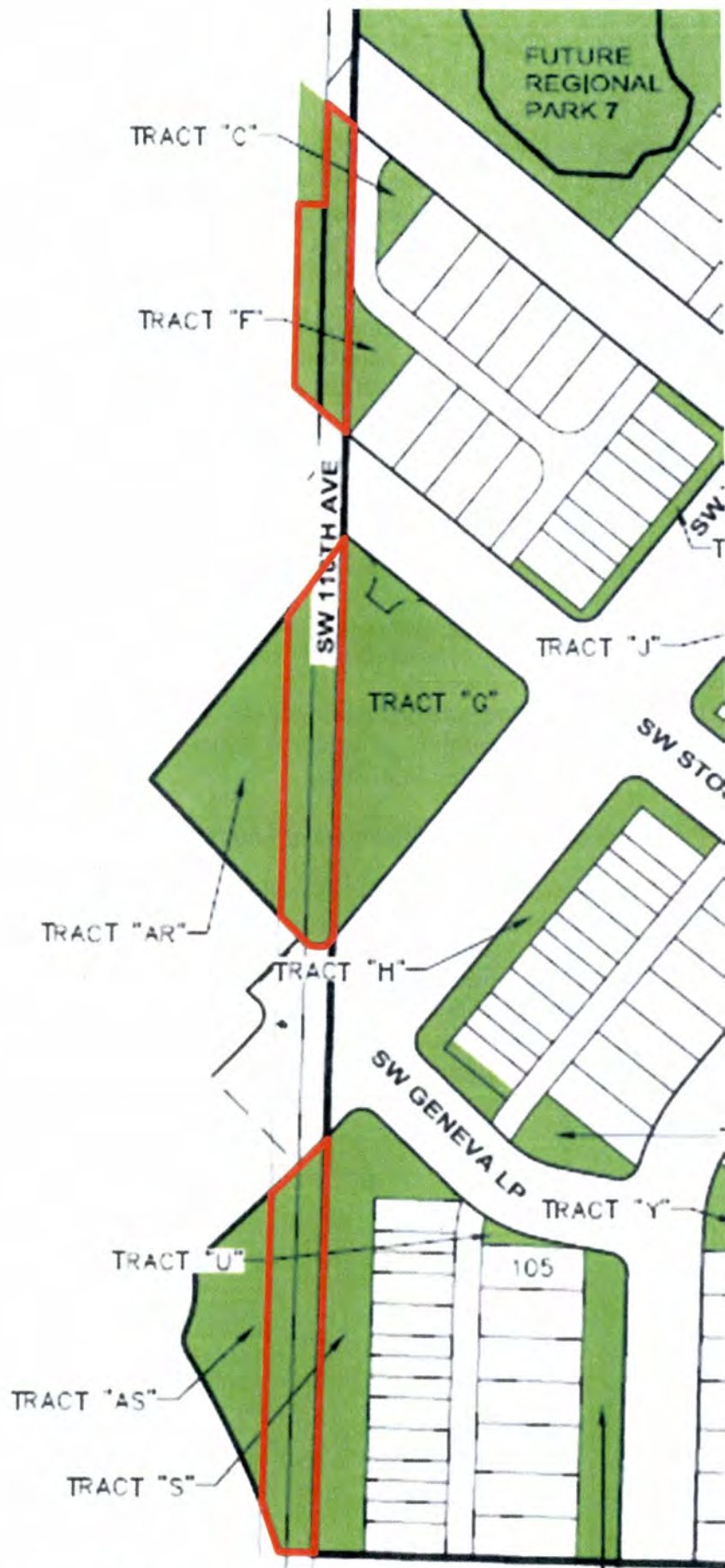
Details of Finding: The condition of approval will ensure landscaping is continually maintained in accordance with this subsection.

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.

EXHIBIT A

PARCEL 1 - FEE-TAKE

A tract of land situated within that tract of land described in Clackamas County Deed Document 78-00389, and situated in the NE 1/4 of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, State of Oregon, said tract of land is more particularly described as follows:

Beginning at a 1/2" iron pipe marking the corner common to Sections 10,11,14 and 15 of said Township and Range, thence South 88°38'04" East, contiguous with the North line of said Section 14, a distance of 69.33 feet; thence South 19°07'50" East, contiguous with the easterly line of said tract described in Document 78-00389, a distance of 363.00 feet to the southeasterly corner of said tract; thence North 88°38'41" West, contiguous with the South boundary line of said described tract 1594.44 feet, more or less, to a point on the East right-of-way of 110th Avenue, the TRUE POINT OF BEGINNING, said point is situated easterly in direction a perpendicular distance of 20.00 feet from the East line of Donation Land Claim No. 50; thence North 01°35'25" East contiguous with said East right-of-way 115.86 feet thence leaving said East right-of-way South 59°53'31" East 240.86 feet to the South boundary of said tract described in Document 78-00389; thence North 88°38'41" West contiguous with said South boundary 211.63 feet to the TRUE POINT OF BEGINNING and containing 12,260 square feet of land (0.28 acres), more or less.

Expires 12/31/07

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS

625 3 1W 10 TL 1490 Fee Take
01/27/06

5

EXHIBIT A

PARCEL 2 – FEE TAKE

A tract of land situated within that land described in Clackamas County Deed Document 78-00389, and situated in the NE 1/4 of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, State of Oregon, said tract of land is more particularly described as follows:

Beginning at a 1/2" iron pipe marking the corner common to Sections 10,11,14 and 15 of said Township and Range, thence South 88°38'04" East, coincident with the North line of said Section 14, a distance of 69.33 feet; thence South 19°07'50 East, coincident with the easterly line of said tract described in Document 78-00389, a distance of 363.00 feet to the southeasterly corner of said tract; thence North 88°38'41" West, coincident with the South boundary line of said described tract, 1012.28 feet to the TRUE POINT OF BEGINNING; thence North 51°23'56" East 15.76 feet; thence South 88°38'41" East 71.06 feet; thence South 50°02'37" East 16.22 feet to a point on the aforementioned South boundary line; thence North 88°38'41" West, coincident with said line, 95.82 feet; to the TRUE POINT OF BEGINNING and containing 844 square feet of land.

Expires 12/31/07



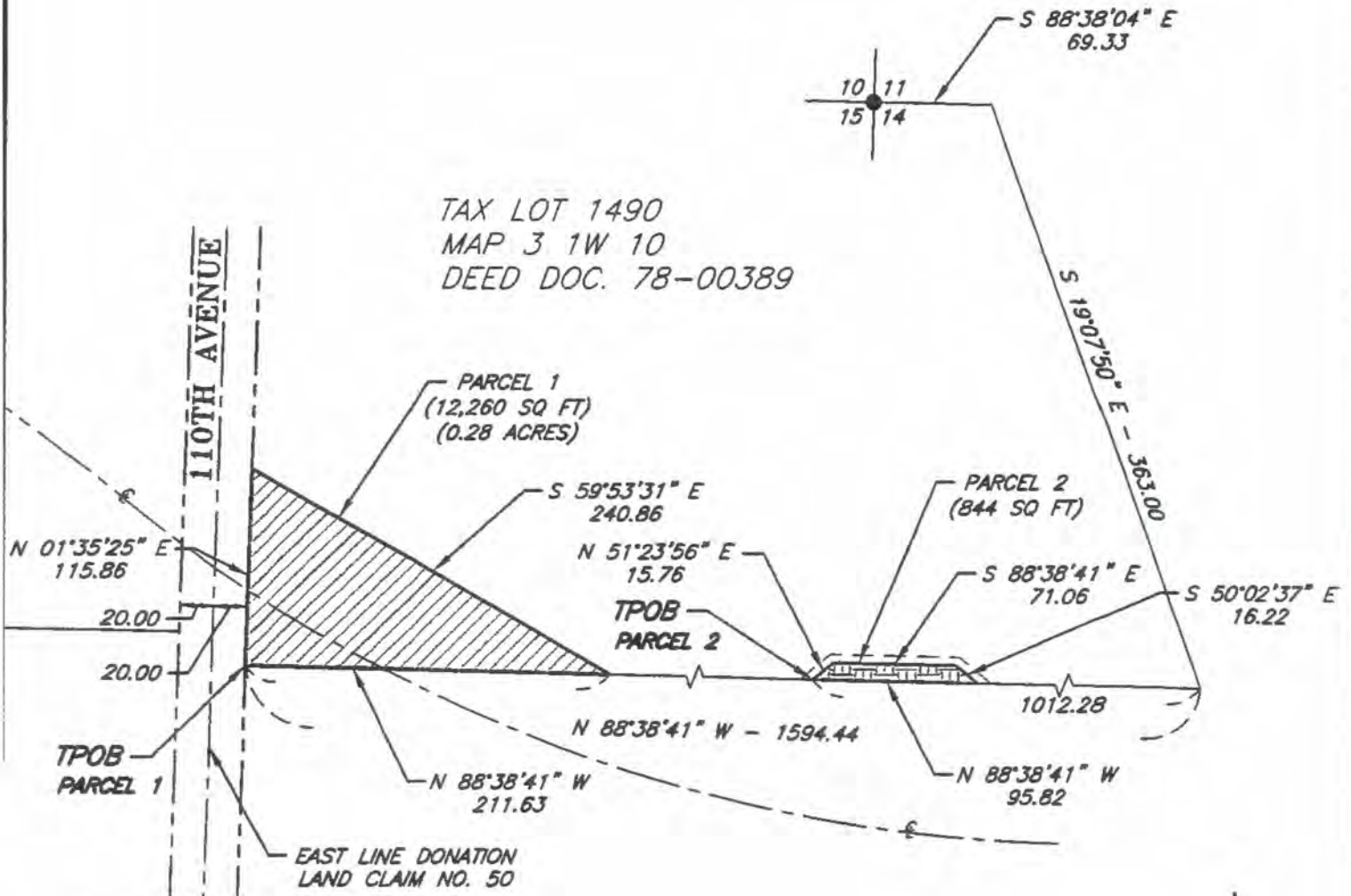
625 3 1W 10 TL 1490 Parcel 2 Fee Take
02/14/06

6

EXHIBIT "B"

FEE TAKE

Located within the NE 1/4 of Section 15,
Township 3 South, Range 1 West, Willamette Meridian,
Clackamas County, Oregon



LEGEND

- TPOB TRUE POINT OF BEGINNING
- POB POINT OF BEGINNING
- FOUND MONUMENT
- R/W RIGHT-OF-WAY
- PARCEL 1 - FEE TAKE
- PARCEL 2 - FEE TAKE

Expires 12/31/07

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS



PLAN

Scale: 1"=100'

Prepared by:
DEHAAS & ASSOCIATES, INC.
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450

Prepared for: **The CITY OF WILSONVILLE**

02/14/06

02.625.1119



LEGAL DESCRIPTION

Exhibit A (Legal
description)

JOB NO. 108-048

GAP PARCEL

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 15 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY; THENCE ALONG THE EAST LINE OF SAID SECTION SOUTH 01°59'10" WEST, 466.49 FEET; THENCE LEAVING SAID LINE NORTH 88°43' 24" WEST, 509.56 FEET; THENCE SOUTH 89°03'43" WEST, 114.69 FEET; THENCE SOUTH 24°34'41" EAST, 19.55 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 24°34'41" EAST, 733.55 FEET TO A POINT ON THE SOUTH LINE OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 97-101953 CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID LINE SOUTH 71°57'14" WEST, 136.42 FEET; THENCE LEAVING SAID LINE AND RUNNING ALONG THE FLOOD PLAIN BUFFER LINE NORTH 33°44'07" WEST, 131.81 FEET; THENCE NORTH 31°13'59" WEST, 216.49 FEET; THENCE NORTH 41°42'22" WEST, 60.97 FEET; THENCE NORTH 12°20'28" EAST, 10.30 FEET; THENCE NORTH 11°35' 19" WEST, 93.79 FEET; NORTH 48°42'51" WEST, 163.96 FEET; THENCE SOUTH 63°29'23" WEST, 80.96 FEET; THENCE NORTH 50°31'19" WEST, 189.46 FEET; THENCE SOUTH 81°29'12" WEST, 159.20 FEET; THENCE NORTH 59°26'19" WEST, 51.08 FEET; THENCE NORTH 27°51'34" WEST, 205.04 FEET; THENCE NORTH 72°21'42" EAST, 4.51 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF BOECKMAN ROAD; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 28°27'24" EAST, 0.44 FEET; THENCE ALONG THE ARC OF A 953.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY 419.40 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 25°12'53", THE RADIUS POINT OF WHICH BEARS NORTH 26°30'48" EAST AND A LONG CHORD BEARING SOUTH 76°05'38" EAST, 416.02 FEET; THENCE SOUTH 88°42'05" EAST, 24.00 FEET; THENCE SOUTH 42°46'58" EAST, 111.11 FEET; THENCE SOUTH 88°42'13" EAST, 14.83 FEET; THENCE SOUTH 42°29'59" EAST, 8.31 FEET; THENCE SOUTH 88°42'13" EAST, 71.49 FEET; THENCE NORTH 46°32'23" EAST, 8.52 FEET; THENCE NORTH 88°42'13" WEST, 8.31 FEET; THENCE NORTH 46°32'23" EAST, 108.17 FEET; THENCE SOUTH 89°25'29" EAST, 30.29 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 194,032 SQUARE FEET OR 4.454 ACRES.

THE BASIS OF BEARINGS IS THE EAST LINE OF SECTION 15 TAKEN AS SOUTH 01°59' 10" WEST.

Plaza West - Suite 230 - 9600 SW Oak - Portland - Oregon 97223
Office 503 452-8003 - Fax 503 452-8043
www.alphacommunity.com

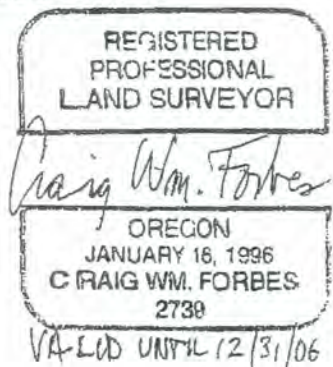


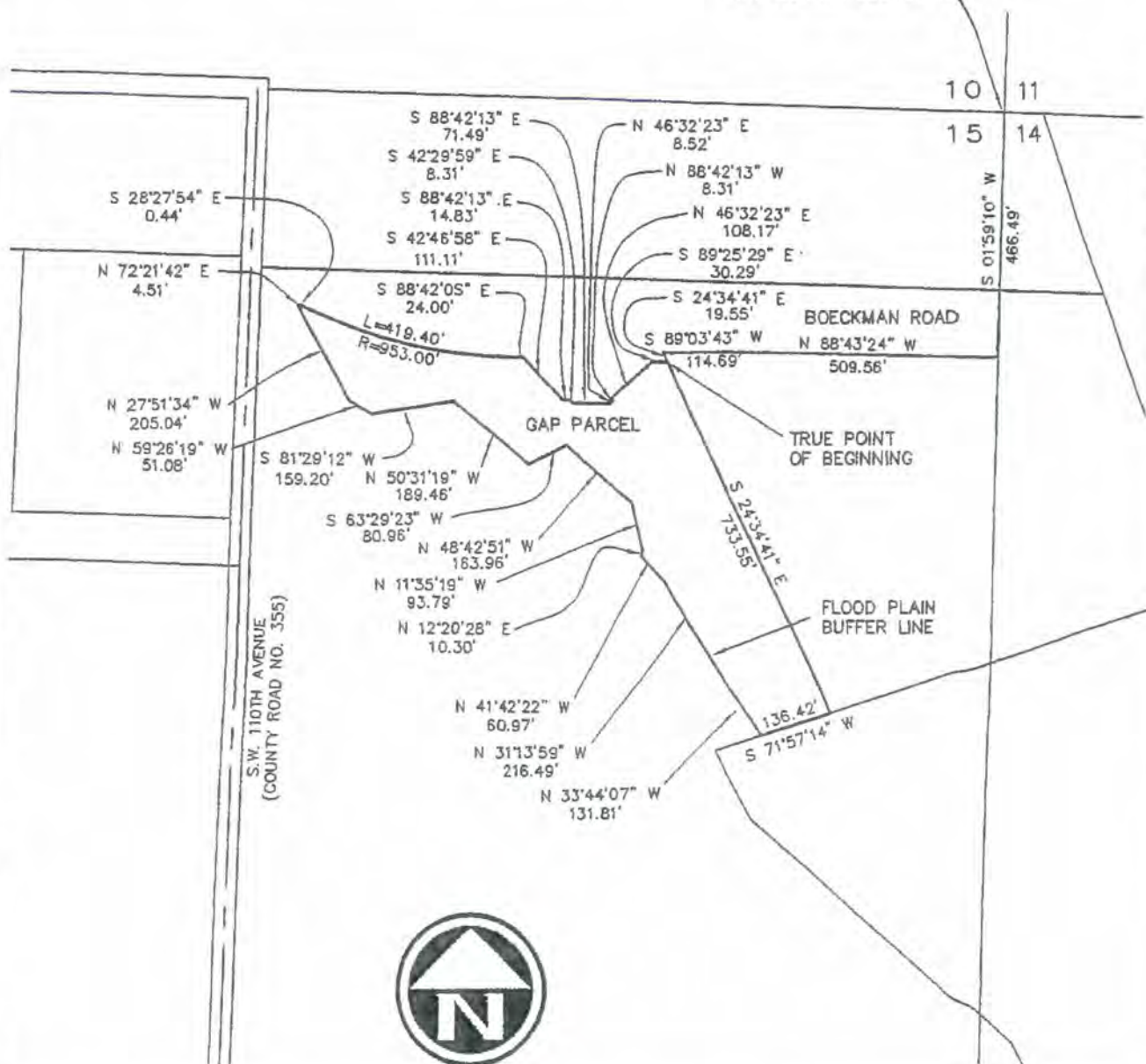
Exhibit A (Map)

FOR: THE CITY OF WILSONVILLE

LOCATED IN THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST,
W.M., CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

AREA = 194,032 OR 4.454 ACRES

POINT OF COMMENCEMENT
N.E. CORNER SECTION 15



N:\proj\108-048\dwg\Survey\108048EXH1.dwg - SHEET: Bx11 Jun 29, 2006 - 3:50pm cwf

DRAWN BY: CWF DATE: 06/29/06
REVIEWED BY: LMC DATE: 06/29/06
PROJECT NO.: 0108-0048
SCALE: 1" = 300'
EXHIBIT MAP

 **alpha**
COMMUNITY DEVELOPMENT

5

EXHIBIT A

 TICOR TITLE INSURANCE**LEGAL DESCRIPTION**

PARCEL 1: A tract of land located in Sections 14 and 15, Township 3 South, Range 1 West of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point South 24-1/2° East 14.96 chains from the Northeast corner said Section 15 (for a witness corner of a quart bottle is deposited 14 inches under the surface 8 links South 70° West from true corner which is in center of main ditch); thence South 70° West 14.64 chains to the West boundary of land formerly owned by L. A. Seely, to a stake from which an ash tree 2 feet in diameter (with top broken off) bears North 11° West 35 links distant; thence South 35° East 2.19 chains; thence South 52° East 9.75 chains; thence South 26° East 1.77 chains; thence South 14° East 3.00 chains; thence South 10° 30' West to the North boundary line of a tract of land conveyed to John Boston, et ux, by Deed recorded January 22, 1944 in Book 319 page 427, Deed Records; thence North 72° 16' East a distance of 195.5 feet to the most Westerly corner of a tract of land conveyed to Otto Jaeger, et ux, by Deed recorded January 22, 1944 in Book 319 page 425, Deed Records; thence continuing North 72° 16' East a distance of 538.11 feet to the Easterly boundary line of a tract of land conveyed to J.W. Kelly, et ux, by Deed recorded June 19, 1944 in Book 327 page 28, Deed Records, known as Parcel III; thence Northwesterly along said Easterly boundary thereof, to the true point of beginning.



LEGAL DESCRIPTION

Exhibit A (Legal
description)

JOB NO. 108-048

GAP PARCEL

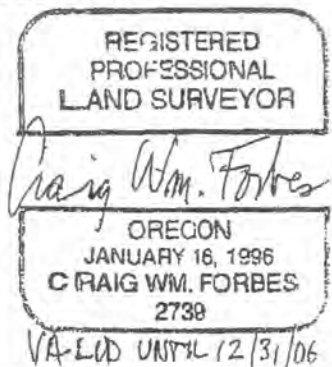
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THE BASIS OF BEARINGS IS THE EAST LINE OF SECTION 15 TAKEN AS SOUTH 01°59' 10" WEST.

Plaza West - Suite 230 - 9600 SW Oak - Portland - Oregon 97223
Office 503 452-8003 - Fax 503 452-8043
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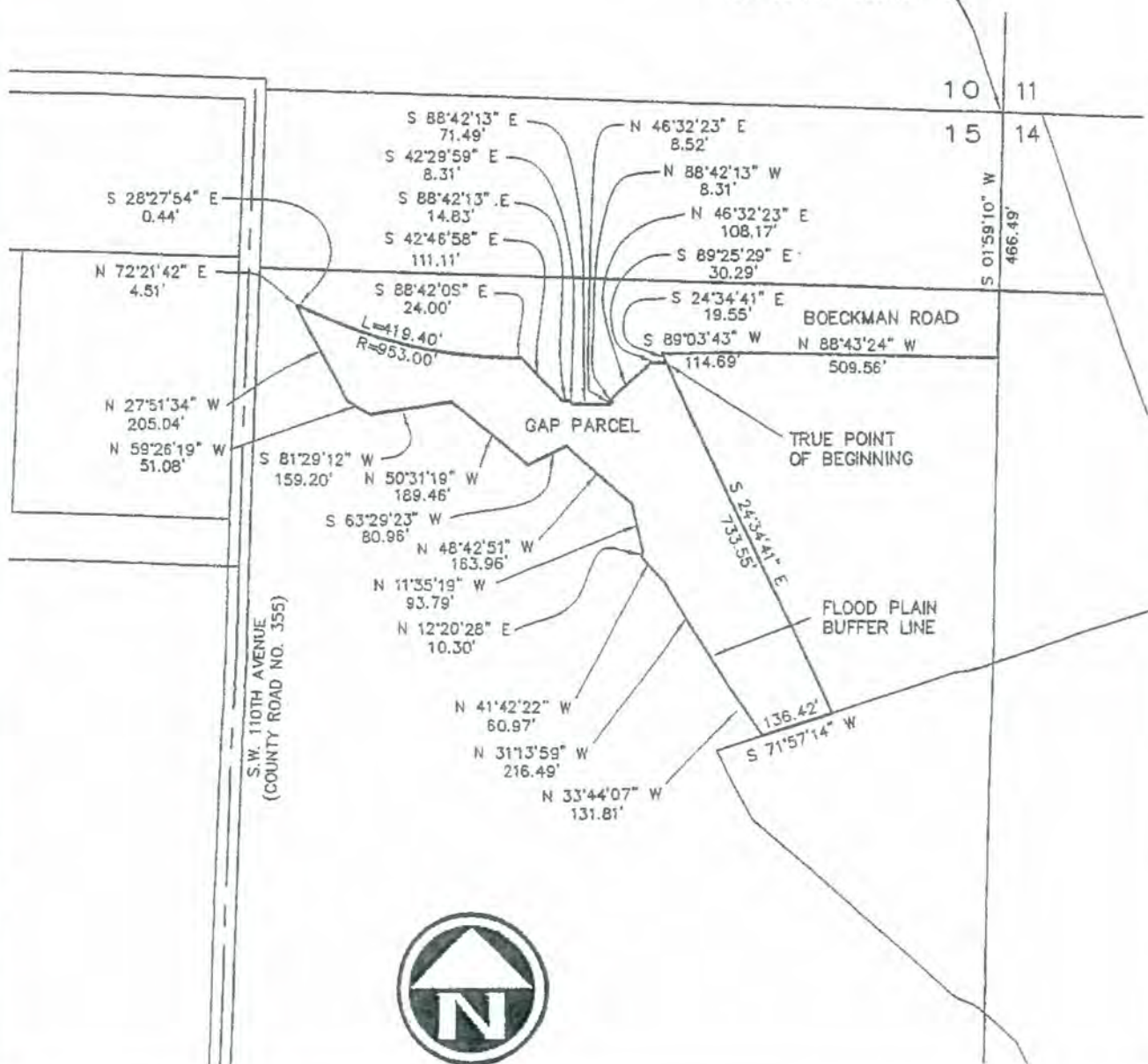
Exhibit A (Map)

FOR: THE CITY OF WILSONVILLE

LOCATED IN THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST,
W.M., CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON

AREA = 194,032 OR 4.454 ACRES

POINT OF COMMENCEMENT
N.E. CORNER SECTION 15



DRAWN BY: CWF DATE: 06/29/06
REVIEWED BY: LMC DATE: 06/29/06
PROJECT NO.: 0108-0048
SCALE: 1" = 300'
EXHIBIT MAP

 **alpha**
COMMUNITY DEVELOPMENT

5



PLANNING DIVISION

FAX: (503) 682-7025
(503) 570-1575
swhite@ci.wilsonville.or.us

**Delivery via Certified
Mail**

Letter of Transmittal

TO: Attention: Plan Amendment Specialist

FROM: Shelley White

Department of Land Conservation & Development

Administrative Assistant

635 Capitol Street NE, Suite 150

DATE: December 20, 2012

Salem, Oregon 97301-2540

WE ARE TRANSMITTING THE FOLLOWING:

1 paper copy of the following:

- **DB12-0045:** DLCD Notice of Adoption for a Zone Map Amendment (RA-H, PF, EFU to Village) for "Tonquin Meadows" in Villebois, SAP-East PDP-3
- Signed Ordinance No. 709 and supporting documents

DEPT OF
DEC. 24 2012
LAND CONSERVATION
AND DEVELOPMENT

CERTIFIED MAIL™



1300 0002 3065 4139

Priority Mail
ComBasPrice



U.S. POSTAGE >> PITNEY BOWES



ZIP 97070 \$ 010.20⁰
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DEPT OF

DEC 24 2012

LAND CONSERVATION
AND DEVELOPMENT



**CITY OF WILSONVILLE
29799 SW TOWN CENTER LP E
WILSONVILLE OR 97070**

TO:

Attention: Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

