



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](http://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 006-12

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

|                     |                                                                                                        |
|---------------------|--------------------------------------------------------------------------------------------------------|
| <b>DATE STAMP</b>   | <input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed |
|                     | <b>DEPT OF</b>                                                                                         |
|                     | <b>DEC 21 2012</b>                                                                                     |
|                     | <b>LAND CONSERVATION AND DEVELOPMENT</b>                                                               |
| For Office Use Only |                                                                                                        |

Jurisdiction: **City of Wilsonville**Local file number: **DB12-0050**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 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? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from: **EFU**to: **V**

Location:

Acres Involved: **12.60**Specify Density: Previous: **1 du per 80 ac**New: **14 du/ac**

Applicable statewide planning goals:

|                                     |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                 | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                            | <b>9</b>                 | <b>10</b>                           | <b>11</b>                           | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

006-12 (19536) [17294]

**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](mailto:plan.amendments@state.or.us).

## **ORDINANCE NO. 710**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE EXCLUSIVE FARM USE (EFU) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 12.6 - ACRES COMPRISING TAX LOT 301 OF SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON, POLYGON NORTHWEST COMPANY, APPLICANT.**

WHEREAS, Polygon Northwest Company ("Applicant"), as contract purchaser of the real property legally described and shown on Exhibits A and B, attached hereto and incorporated by reference herein ("Property") has made a development application requesting, among other things, a Zone Map Amendment of the Property; and

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

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on November 15, 2012, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 239 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB12-0050), adopts the staff report with modified findings and recommendation, all as placed on the record at the hearing, contingent on City Council approval of the Zone Map Amendment and authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

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

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

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

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB12-0050, attached hereto as Exhibit A, from the Clackamas County Exclusive Farm Use (EFU) Zone to the City Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 3<sup>rd</sup> 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 18<sup>th</sup> 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 DB12-0050  
Attachment 1, Map Depicting Zone Amendment  
Attachment 2, Legal Description  
Exhibit B Zone Map Amendment Findings  
Exhibit C DRB Resolution No. 239

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

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

**ZONING ORDER DB12-0050**

The above-entitled matter is before the Council to consider the application of DB12-0050, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property ("Property"), legally described and shown on the attached Exhibits 1 and 2, has heretofore appeared on the City of Wilsonville Zoning Map as Exclusive Farm Use (EFU).

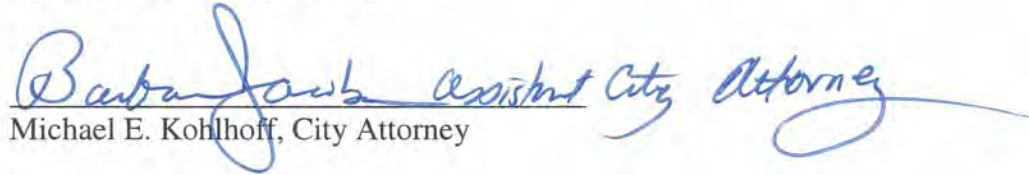
The Council having heard and considered all matters relevant to the application for a zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 12.6 acres comprising of Tax Lot 301 in Section 15, T3S, R1W as more particularly shown in the Zone Map Amendment Map, Exhibit 1 and described in Exhibit 2 is hereby rezoned to Village (V), subject to conditions detailed in this Order's adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 17th day of December, 2012.

  
TIM KNAPP, MAYOR

APPROVED AS TO FORM:

  
Michael E. Kohlhoff, City Attorney

ATTEST:

  
Sandra C. King, PMC, City Recorder

Attachment 1: Legal Description

Attachment 2: Map depicting Zone Map Amendment

I Sep. 14, 12 - 1:10 PM tcj

SHEET:

N:\proj\395\

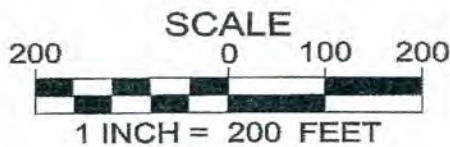
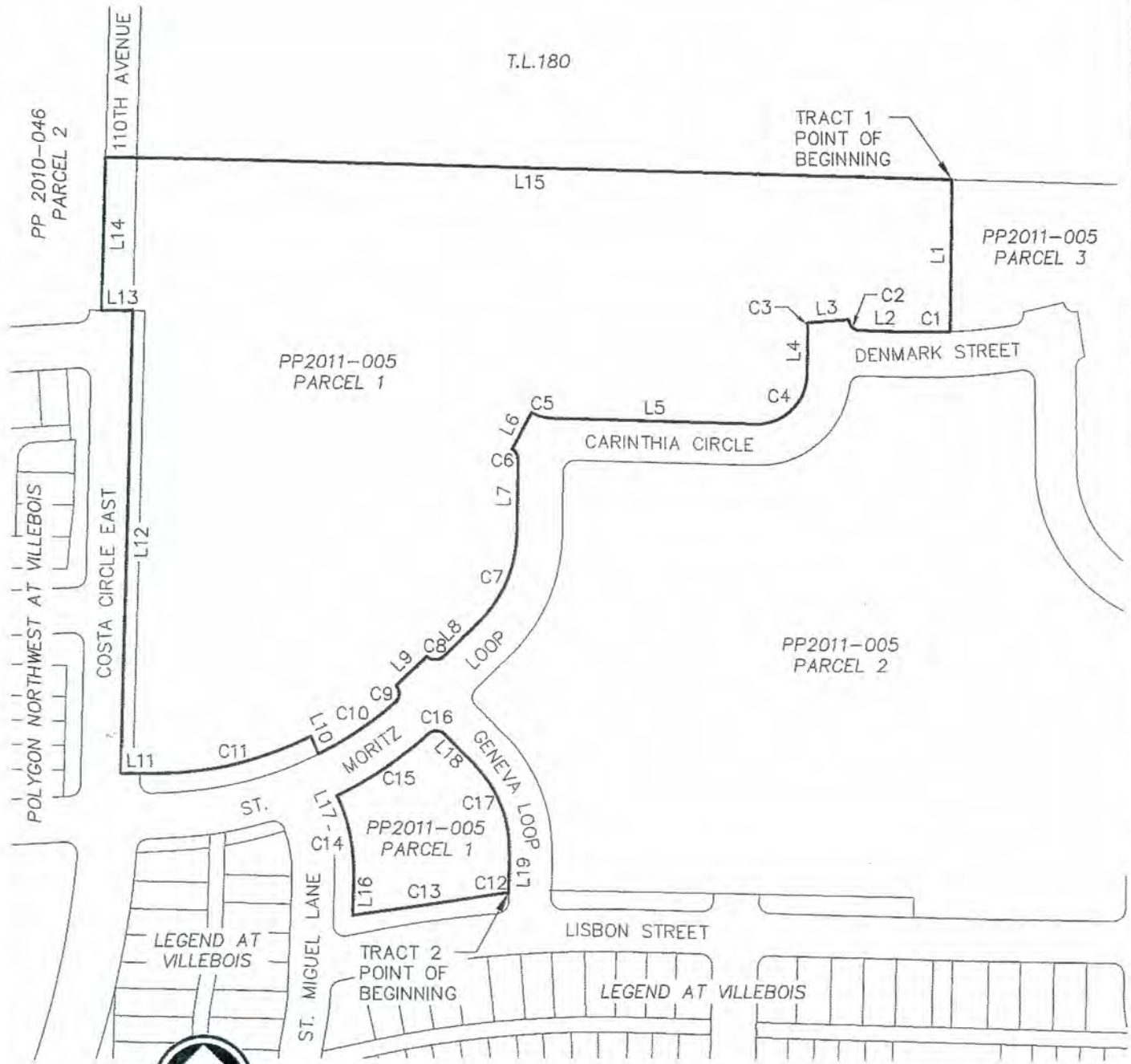


EXHIBIT "A"

DRAWN BY: TCJ DATE: 9/14/12  
 REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 PROJECT NO.: 395-011  
 SCALE: 1"=200'  
 PAGE 5 OF 6

*Pacific Community  
Design*

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

LINE TABLE

| LINE | BEARING     | LENGTH   |
|------|-------------|----------|
| L1   | S01°27'35"W | 197.16'  |
| L2   | N88°24'37"W | 64.94'   |
| L3   | S86°01'21"W | 54.00'   |
| L4   | S01°27'35"W | 61.00'   |
| L5   | N88°24'37"W | 261.07'  |
| L6   | S28°34'33"W | 54.00'   |
| L7   | S01°27'35"W | 97.81'   |
| L8   | S45°42'19"W | 61.79'   |
| L9   | S46°07'30"W | 55.00'   |
| L10  | N23°49'42"W | 25.04'   |
| L11  | N88°24'59"W | 34.26'   |
| L12  | N01°35'01"E | 603.88'  |
| L13  | N88°24'59"W | 40.00'   |
| L14  | N01°35'01"E | 198.30'  |
| L15  | S88°28'22"E | 1100.93' |
| L16  | S02°02'35"W | 49.23'   |
| L17  | S23°49'42"E | 2.23'    |
| L18  | N44°19'57"W | 55.15'   |
| L19  | N01°27'35"E | 53.60'   |

CURVE TABLE

| CURVE | LENGTH  | RADIUS    | DELTA     | CHORD   | BEARING     |
|-------|---------|-----------|-----------|---------|-------------|
| C1    | 52.28'  | 720.50'   | 4°09'27"  | 52.27'  | S89°30'39"W |
| C2    | 22.10'  | 15.00'    | 84°25'57" | 20.16'  | N46°11'39"W |
| C3    | 6.17'   | 65.00'    | 5°26'11"  | 6.16'   | S01°15'30"E |
| C4    | 105.40' | 67.00'    | 90°07'48" | 94.86'  | S46°31'29"W |
| C5    | 30.61'  | 65.00'    | 26°59'09" | 30.33'  | N74°55'03"W |
| C6    | 16.46'  | 15.00'    | 62°53'20" | 15.65'  | S29°59'05"E |
| C7    | 131.67' | 170.50'   | 44°14'44" | 128.42' | S23°34'57"W |
| C8    | 23.55'  | 15.00'    | 89°57'44" | 21.21'  | N89°18'49"W |
| C9    | 24.19'  | 15.00'    | 92°24'52" | 21.66'  | S01°52'31"W |
| C10   | 120.38' | 460.50'   | 14°58'38" | 120.03' | S55°34'16"W |
| C11   | 218.17' | 435.50'   | 28°42'12" | 215.90' | S77°13'57"W |
| C12   | 16.67'  | 416.00'   | 2°17'44"  | 16.67'  | N81°58'31"E |
| C13   | 185.68' | 10289.93' | 1°02'02"  | 185.68' | N81°20'40"E |
| C14   | 107.31' | 237.65'   | 25°52'18" | 106.40' | S10°53'33"E |
| C15   | 142.65' | 519.50'   | 15°43'59" | 142.20' | S55°32'49"W |
| C16   | 23.03'  | 15.00'    | 87°59'14" | 20.84'  | N88°19'34"W |
| C17   | 123.88' | 155.00'   | 45°47'32" | 120.61' | N21°26'11"W |

EXHIBIT "A"

DRAWN BY: TCJ DATE: 9/14/12  
 REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 PROJECT NO.: 395-011  
 SCALE: \_\_\_\_\_

PAGE 6 OF 6

*Pacific Community  
Design*



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



**EXHIBIT "A"**

September 14, 2012

**LEGAL DESCRIPTION**  
Zone Change

Job No. 395-011

Two tracts of land being Parcel 1 of Partition Plat No. 2011-005, and street right-of-ways, in the Northeast and Southeast Quarters of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

Tract 1

BEGINNING at the Northwest corner of Parcel 3 of said Partition Plat;

thence along the westerly boundary line of said Parcel 3, South  $01^{\circ}27'35''$  West, a distance of 197.16 feet to the northerly right-of-way line of Denmark Street;

thence along said right-of-way line on a 720.50 foot radius non-tangential curve, concave northerly, with a radius point bearing North  $02^{\circ}34'04''$  West, central angle of  $04^{\circ}09'27''$ , arc length of 52.28 feet, chord bearing of South  $89^{\circ}30'40''$  West, and chord distance of 52.27 feet;

thence continuing along said right-of-way line, North  $88^{\circ}24'37''$  West, a distance of 64.94 feet;

thence continuing along said right-of-way line on a 15.00 foot radius tangential curve to the right, through a central angle of  $84^{\circ}25'57''$ , arc length of 22.10 feet, chord bearing of North  $46^{\circ}11'39''$  West, and chord distance of 20.16 feet;

thence continuing along said right-of-way line, South  $86^{\circ}01'21''$  West, a distance of 54.00 feet to the westerly right-of-way line of Carinthia Circle;

thence along said right-of-way line on a 65.00 foot radius non-tangential curve, concave westerly, with a radius point bearing South  $86^{\circ}01'24''$  West, central angle of  $05^{\circ}26'11''$ , arc length of 6.17 feet, chord bearing of South  $01^{\circ}15'30''$  East, and chord distance of 6.16 feet;

thence continuing along said right-of-way line, South  $01^{\circ}27'35''$  West, a distance of 61.00 feet;

thence continuing along said right-of-way line on a 67.00 foot radius tangential curve to the right, through a central angle of  $90^{\circ}07'48''$ , arc length of 105.40 feet, chord bearing of South  $46^{\circ}31'29''$  West, and chord distance of 94.86 feet to the northerly right-of-way line of Carinthia Circle;

thence along said right-of-way line, North  $88^{\circ}24'37''$  West, a distance of 261.07 feet;

thence continuing along said right-of-way line on a 65.00 foot radius tangential curve to the right, through a central angle of  $26^{\circ}59'09''$ , arc length of 30.61 feet, chord bearing of North  $74^{\circ}55'03''$  West, and chord distance of 30.33 feet;

thence continuing along said right-of-way line South  $28^{\circ}34'33''$  West, a distance of 54.00 feet to the westerly right-of-way line of St. Moritz Loop;

thence along said right-of-way line on a 15.00 foot radius non-tangential curve, concave southwesterly, with a radius point bearing South  $28^{\circ}34'15''$  West, central angle of  $62^{\circ}53'20''$ , arc length of 16.46 feet, chord bearing of South  $29^{\circ}59'05''$  East, and chord distance of 15.65 feet;

thence continuing along said right-of-way line, South  $01^{\circ}27'35''$  West, a distance of 97.81 feet;

thence continuing along said right-of-way line on a 170.50 foot radius tangential curve to the right, through a central angle of  $44^{\circ}14'44''$ , arc length of 131.67 feet, chord bearing of South  $23^{\circ}34'57''$  West, and chord distance of 128.42 feet;

thence continuing along said right-of-way line, South  $45^{\circ}42'19''$  West, a distance of 61.79 feet;

thence continuing along said right-of-way line on a 15.00 foot radius tangential curve to the right, through a central angle of  $89^{\circ}57'44''$ , arc length of 23.55 feet, chord bearing of North  $89^{\circ}18'49''$  West, and chord distance of 21.21 feet;

thence continuing along said right-of-way line, South  $46^{\circ}07'30''$  West, a distance of 55.00 feet;

thence continuing along said right-of-way line on a 15.00 foot radius non-tangential curve, concave westerly, with a radius point bearing South  $45^{\circ}40'05''$  West, central angle of  $92^{\circ}24'52''$ , arc length of 24.19 feet, chord bearing of South  $01^{\circ}52'31''$  West, and chord distance of 21.66 feet;

thence continuing along said right-of-way line on a 460.50 foot radius compound curve, through a central angle of  $14^{\circ}58'38''$ , arc length of 120.38 feet, chord bearing of South  $55^{\circ}34'16''$  West a chord distance of 120.03 feet to the Southeast corner of Tract EE, plat of "Legend at Villebois";

thence along the easterly line of said Tract EE, North 23°49'42" West, a distance of 25.04 feet to the Northeast corner of said Tract EE;

thence along the northerly line of said plat of "Legend at Villebois" on a 435.50 foot radius non-tangential curve, concave northerly, with a radius point bearing North 27°07'09" West, central angle of 28°42'12", arc length of 218.17 feet, chord bearing of South 77°13'57" West, and chord distance of 215.90 feet;

thence continuing along said northerly line, North 88°24'59" West, a distance of 34.26 feet to the Northwest corner of said plat of "Legend at Villebois";

thence along the easterly right-of-way line of Costa Circle East, North 01°35'01" East, a distance of 603.88 feet;

thence North 88°24'59" West, a distance of 40.00 feet to the Southeast corner of Parcel 2 of Partition Plat No. 2010-046;

thence along the westerly right-of-way line of 110<sup>th</sup> Avenue, North 01°35'01" East, a distance of 198.30 feet;

thence crossing said right-of-way and continuing along the northerly property line of said Parcel 1 of Partition Plat No. 2011-005, South 88°28'22" East, a distance of 1100.93 feet to the POINT OF BEGINNING.

Containing 12.14 acres, more or less.

## Tract 2

BEGINNING at the most Easterly Northeast corner of Tract DD, plat of "Legend at Villebois"

thence along the northerly line of said Tract DD, on a 416.00 foot radius curve, concave southerly, with a radius point bearing South 06°52'37" East, central angle of 02°17'44", arc length of 16.67 feet, chord bearing of South 81°58'31" West, and chord distance of 16.67 feet;

thence continuing along said line on a 10289.93 foot radius compound curve, through a central angle of 01°02'02", arc length of 185.68 feet, chord bearing of South 81°20'40" West, and chord distance of 185.68 feet to an angle point in said Parcel DD;

thence along the easterly line of said Tract DD, North 02°02'35" East, a distance of 49.23 feet;

thence continuing along said line, on a 237.65 foot radius tangential curve to the left, through a central angle of  $25^{\circ}52'18''$ , arc length of 107.31 feet, chord bearing of North  $10^{\circ}53'33''$  West, and chord distance of 106.40 feet;

thence continuing along said line, North  $23^{\circ}49'42''$  West, a distance of 2.23 feet to the most Northerly Northeast corner of said Tract DD;

thence along the southerly right-of-way line of St. Moritz Loop, on a 519.50 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North  $26^{\circ}35'12''$  West, central angle of  $15^{\circ}43'59''$ , arc length of 142.65 feet, chord bearing of North  $55^{\circ}32'49''$  East, and chord distance of 142.20 feet;

thence continuing along said line on a 15.00 foot radius curve to the right, through a central angle of  $87^{\circ}59'14''$ , arc length of 23.03 feet, chord bearing of South  $88^{\circ}19'34''$  East, and chord distance of 20.84 feet to the westerly right-of-way line of Geneva Loop;

thence along said right-of-way line, South  $44^{\circ}19'57''$  East, a distance of 55.15 feet;

thence continuing along said right-of-way line on a 155.00 foot radius tangential curve to the right, through a central angle of  $45^{\circ}47'32''$ , arc length of 123.88 feet, chord bearing of South  $21^{\circ}26'11''$  East, and chord distance of 120.61 feet;

thence continuing along said right-of-way line, South  $01^{\circ}27'35''$  West, a distance of 53.60 feet to the POINT OF BEGINNING;

Containing 0.86 acres, more or less.

Basis of bearing per Partition Plat No. 2011-005,  
Clackamas County Survey Records.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWES: 6/30/2013

Exhibit B  
**STAFF REPORT**  
**WILSONVILLE PLANNING DIVISION**

*Polygon Home- Villebois Phase 4 East*  
*"Tonquin Meadows No. 2"*

**CITY COUNCIL**  
**QUASI-JUDICIAL PUBLIC HEARING**

---

**HEARING DATE** December 3, 2012

**APPLICATION NO.:** DB12-0050 Zone Map Amendment

**REQUEST/SUMMARY:** The Development Review Board is being asked to review a Preliminary Development Plan, SAP Refinements, Zone Map Amendment, Tentative Subdivision Plat, and Final Development Plan for a 93-lot residential subdivision and associated improvements

**LOCATION:** Northwest of Lowrie Primary School, East of SW 110th Avenue The property is specifically known as Tax Lot 301, Section 15, Tax Lots 16400 and 16500, Section 15DA, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

**PROPERTY OWNER:** Lou Fasano  
Fasano Family, LLC

**APPLICANT:** Fred Gast  
Polygon NW Company

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

**COMPREHENSIVE PLAN MAP DESIGNATION:** Residential-Village

**ZONE MAP CLASSIFICATION:** EFU (Exclusive Farm Use)

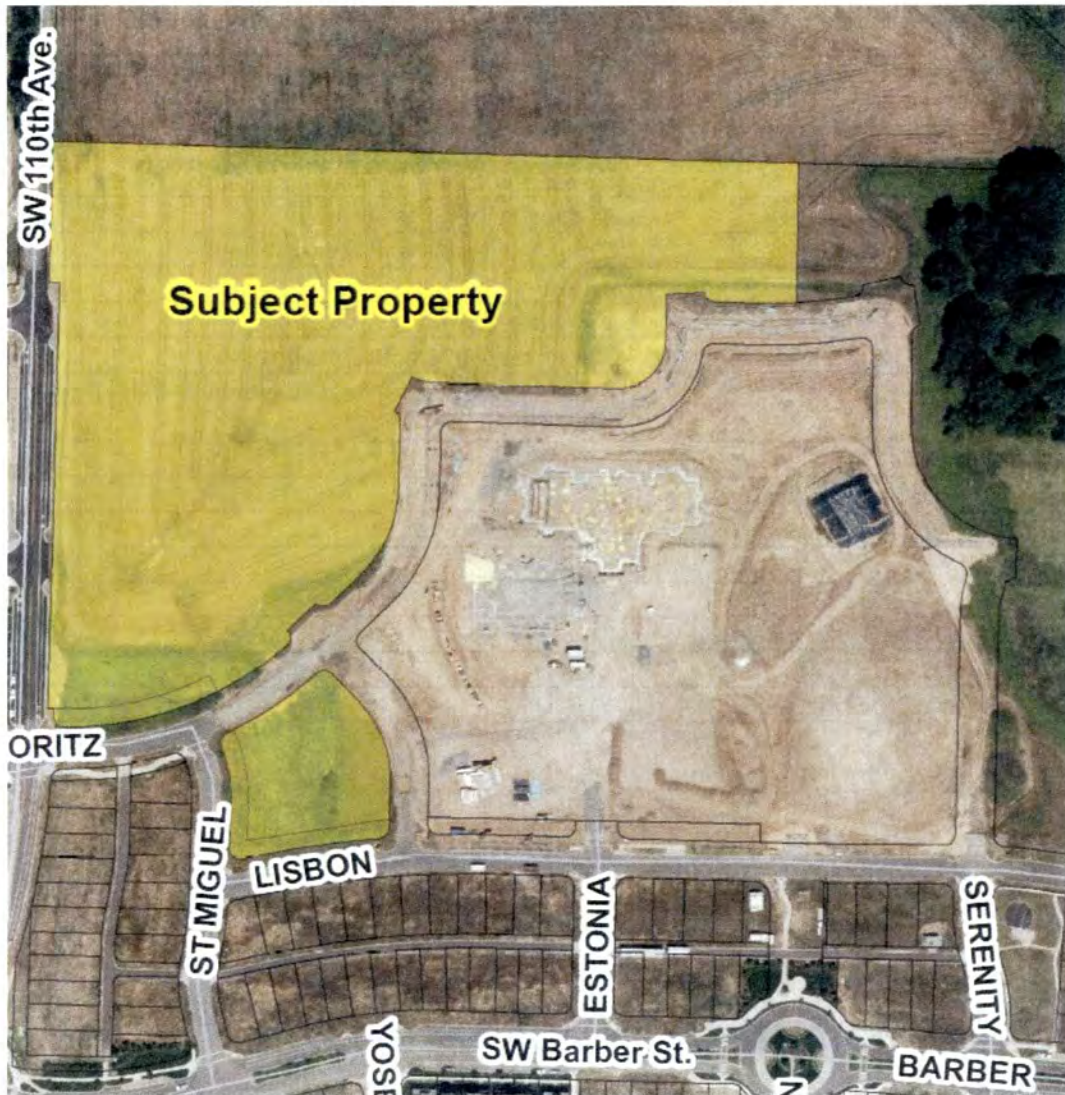
**STAFF REVIEWERS:** Daniel Pauly AICP, Associate Planner  
Steve Adams PE, Interim City Engineer  
Kerry Rappold, Natural Resource Program Manager  
Don Walters, Building Plans Examiner

**DRB RECOMMENDATION:** Approve the requested Zone Map Amendment.

**APPLICABLE REVIEW CRITERIA**

|                                        |                                                            |
|----------------------------------------|------------------------------------------------------------|
| <b><u>DEVELOPMENT CODE</u></b>         |                                                            |
| Section 4.008                          | Application Procedures-In General                          |
| Section 4.009                          | Who May Initiate Application                               |
| Section 4.010                          | How to Apply                                               |
| Section 4.011                          | How Applications are Processed                             |
| Section 4.014                          | Burden of Proof                                            |
| Section 4.033                          | Authority of City Council                                  |
| Subsection 4.035 (.05)                 | Complete Submittal Requirement                             |
| Section 4.110                          | Zones                                                      |
| Section 4.125                          | V-Village Zone                                             |
| Section 4.177                          | Street Improvement Standards                               |
| Section 4.197                          | Zone Changes and Amendments to Development Code-Procedures |
| <b><u>COMPREHENSIVE PLAN</u></b>       |                                                            |
| Implementation Measure 4.1.6.a.        |                                                            |
| Implementation Measure 4.1.6.b.        |                                                            |
| Implementation Measure 4.1.6.c.        |                                                            |
| Implementation Measure 4.1.6.d.        |                                                            |
| <b><u>OTHER PLANNING DOCUMENTS</u></b> |                                                            |
| Villebois Village Master Plan          |                                                            |
| SAP East Approval Documents            |                                                            |

Vicinity Map



**BACKGROUND/SUMMARY:****PDP 4E Preliminary Development Plan (DB12-0053)**

At the core of the proposed Phase 4 of Specific Area Plan East (also known as PDP 4E) is the 12.96 gross acre site current owned by Fasano Family LLC. Development proposed on this property includes small and medium sized single-family lots allowing for the construction of 93 homes, 3.03 acres of parks and open space, and associated infrastructure improvements. All the homes in the development will back up to alleys. The front of the homes will face tree lined streets, parks and green spaces.



| Proposed Housing Type | Number of Units |
|-----------------------|-----------------|
| Medium Single Family  | 11              |
| Small Single Family   | 82              |
| Total                 | 93              |

**Zone Map Amendment (DB12-0050)**

The proposal is to change the County EFU zone on Tax Lot 301 the Village (V) zone consistent with the Villebois Village Master Plan. Tax Lots 16400 and 16500 were previously zoned Village (V) together with SAP East Phase 1. The proposed residential and park uses are permitted under Wilsonville Code Section 4.125. The proposed Zone Map Amendment would enable the development permitting process for this area of Villebois.

**CONCLUSION:**

Staff has reviewed the Applicant's analysis of compliance with the applicable criteria. The Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings.

**MASTER EXHIBIT LIST:**

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB12-0050 and DB12-0052 through DB12-0055.

- A1.** Staff report and findings (this document)
- A2.** Addendum No. 5 to Matrix Development Agreement
- B1.** Applicant's Response to Incompleteness Letter
- B2.** Applicant's Large Format Plans (under separate cover)
  - Sheet 1 Cover Sheet
  - Sheet 2 Existing Conditions
  - Sheet 3 Aerial Photograph
  - Sheet 4.1 Tentative Plat
  - Sheet 4.2 Tentative Plat
  - Sheet 5 Grading and Erosion Control
  - Sheet 6 Composite Utility Plan
  - Sheet 7.1 Circulation Plan
  - Sheet 7.2 Street Sections
  - Sheet 8 Site/Land Use Plan
  - Sheet 9 Tree Preservation Plan
  - Sheet 10 Street Tree/Lighting Plan
  - Sheet 11 PDP Phasing Plan
  - Sheet 12 SAP North Connectivity Plan
  - Sheet 1 Cover Sheet (Landscape Plans)
  - Sheet L 1.0 Landscape Plan
  - Sheet L 2.0 Landscape Plan
  - Sheet L 3.0 Landscape Plan
  - Sheet L 4.0 Landscape Plan
  - Sheet L 5.0 Landscape Plan
  - Sheet L 6.0 Landscape Plan
  - Sheet L 7.0 Details and Specs
  - Sheet L 8.0 Rainwater Detail Sheet
- B3.** Applicant's Notebook: (under separate cover)
  - Section I: General Information
    - IA) Introductory Narrative
    - IB) Form/Ownership Documentation
    - IC) Fee Calculation *Staff Note: This information has been revised*
    - ID) Mailing List *Staff Note: This information has been revised*
    - IE) Updated SAP East Phasing + Unit Counts
  - Section II: Preliminary Development Plan (Including Refinements)

- IIA) Supporting Compliance Report
- IIB) Reduced Drawings
- IIC) Utility & Drainage Reports
- IID) Traffic Analysis
- IIE) Tree Report
- IIF) Signage and Fencing Exhibits
- IIG) Flood Plain Location Documentation
- IIH) Wetland Delineation
- Section III: Tentative Plat
- IIIA) Supporting Compliance Report
- IIIB) Tentative Plat
- IIIC) Draft CC&R's
- IIID) Copy of Certificate of Assessments and Liens
- IIIE) Subdivision Name Approval
- Section IV: Zone Change
- IVA) Supporting Compliance Report
- IVB) Zone Change Map
- IVC) Legal Description and Sketch
- Section V: Tree Removal Plan
- VA) Supporting Compliance Report
- VB) Tree Report
- VC) Tree Preservation Plan
- Section VI: Final Development Plan
- VIA) Supporting Compliance Report
- VIB) Reduced Drawings
- VIC) Mailbox Kiosk Elevation and Info
- Section VII:
- VIIA) Supporting Compliance Report
- VIIIB) Proposed Note
- B4.** October 24, 2012 Memo from Stacy Connery Regarding Housing Mix with Site Maps
- B5.** Preliminary Samples of Home Elevations
- C1.** Comments and Conditions from Engineering Division
- C2.** Comments and Conditions from Natural Resources
- C3.** Comments and Conditions from Building Division
- C4.** Comments and Conditions from TVF&R

### FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on September 14, 2012. On September 25, 2012, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on October 10, 2012, the Applicant submitted new materials. On October 10, 2012 the application was deemed complete. The City must render a final decision for the request, including any appeals, by February 7, 2013
2. Surrounding land uses are as follows:

| Compass Direction | Zone:   | Existing Use:                                                                 |
|-------------------|---------|-------------------------------------------------------------------------------|
| North:            | RA-H    | Agriculture (Proposed Phase 3 East)                                           |
| East:             | Village | Single Family Residential, Villebois Phase 6 South)                           |
| South:            | Village | Lowrie Primary School, undeveloped single-family lots, Villebois Phase 1 East |
| West:             | Village | Lowrie Primary School, Villebois Phase 2 East (approved, but undeveloped)     |

3. Prior land use actions include:

Legislative:

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

Quasi Judicial:

04 DB 22 et seq – SAP-East  
 DB05-0011 et seq – PDP-1E, Legend at Villebois  
 DB10-0023 et seq – PDP-2aE, Lowrie Primary School  
 AR10-0073 Partition Plat – Lowrie Primary School  
 DB11-0047 et seq – PDP-2E, Retherford Meadows  
 DB12-0042 et seq – PDP-3E, Tonquin Meadows, and SAP Phasing and Pattern Book  
 Amendments (still pending DRB review)

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

|                            |
|----------------------------|
| <b>GENERAL INFORMATION</b> |
|----------------------------|

***Section 4.008 Application Procedures-In General***

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

**Finding:** These criteria are met.

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

*Section 4.009 Who May Initiate Application*

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

**Finding:** This criterion is satisfied.

**Details of Finding:** The application has been signed by Lou Fasano, managing member of Fasano Family LLC, the property owner.

*Subsection 4.010 (.02) Pre-Application Conference*

**Review Criteria:** This section lists the pre-application process

**Finding:** These criteria are satisfied.

**Details of Finding:** A pre-application conference was held on August 30, 2012 in accordance with this subsection.

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** No applicable liens exist for the subject property. The application can thus move forward. A copy of the Certification of Assessment and Liens can be found in Section IIID of the applicant’s notebook, Exhibit B3.

*Section 4.014 Burden of Proof is on the Applicant*

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

**Finding:** This criterion is satisfied.

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

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

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

**Finding:** These criteria are satisfied.

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

*Section 4.110 Zoning-Generally*

**Review Criteria:** “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

**Finding:** These criteria are satisfied.

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

**CONCLUSIONARY FINDINGS, REQUEST C: DB12-0050 ZONE MAP AMENDMENT**

The applicant's findings in Section IVA of their notebook, Exhibit B3, respond to the majority of the applicable criteria.

**Comprehensive Plan**

***Compact Urban Development-Implementation Measures***

***Implementation Measure 4.1.6.a***

- C1. **Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

**Finding:** These criteria are satisfied.

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

***Implementation Measure 4.1.6.b.***

- C2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

**Finding:** These criteria are not applicable

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

***Implementation Measure 4.1.6.c.***

- C3. **Review Criterion:** "The "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation."

**Finding:** This criterion is satisfied.

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

***Implementation Measure 4.1.6.d.***

- C4. **Review Criterion:** "The "Village" Zone District shall allow a wide range of uses that befit and support an "urban village," including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses."

**Finding:** This criterion is satisfied.

**Details of Finding:** The area covered by the proposed zone change is proposed for residential use as shown in the Villebois Village Master Plan.

## **Planning and Land Development Ordinance**

### ***Section 4.029 Zoning to be Consistent with Comprehensive Plan***

- C5. **Review Criterion:** “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”

**Finding:** This criterion is satisfied.

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

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

- C6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

**Finding:** This criterion is satisfied.

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

### ***Subsection 4.125 (.01) Village Zone Purpose***

- C7. **Review Criteria:** “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”

**Finding:** These criteria are satisfied.

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

### ***Subsection 4.125 (.02) Village Zone Permitted Uses***

- C8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

**Finding:** These criteria are satisfied.

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

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

- C9. **Review Criterion:** “... Application for a zone change shall be made concurrently with an application for PDP approval...”

**Finding:** This criterion is satisfied.

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

*Subsection 4.197 (.02) Zone Change Review**Subsection 4.197 (.02) A. Zone Change Procedures*

- C10. **Review Criteria:** “That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(18)(B)(2), or, in the case of a Planned Development, Section 4.140;”

**Finding:** These criteria are satisfied.

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

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

- C11. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings c1 through C4 substantially comply with applicable Comprehensive Plan text.

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

- C12. **Review Criteria:** “In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text;”

**Finding:** These criteria are satisfied.

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

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

- C13. **Review Criteria:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available and can be provided in conjunction with the project. Section IIC of the applicant’s notebook includes supporting utility and drainage reports. In addition, the applicant has funded the completion of a Traffic Impact Analysis, which is in Section IID of the applicant’s notebook, Exhibit B3.

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

- C14. **Review Criteria:** “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;”

**Finding:** These criteria are satisfied.

**Details of Finding:** The eastern and northernmost portions of the property include areas within the Significant Resource Overlay Zone. The PDP Supporting Compliance Report, section IIA of the applicant’s notebook, Exhibit B3, demonstrates that the proposed development does not have a significant adverse effect on the SROZ.

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

- C15. **Review Criterion:** “That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

**Finding:** This criterion is satisfied.

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

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

- C16. **Review Criteria:** “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards.”

**Finding:** These criteria are satisfied.

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

November 19, 2012

**DEVELOPMENT REVIEW BOARD PANEL A**

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

**Project Name:** Villebois SAP East PDP-4

**Case Files:** Request A: DB12-0053 – Villebois SAP-East PDP-4E, Preliminary  
Development Plan  
Request B: DB12-0052 – Villebois SAP-East Refinements  
Request C: DB12-0050 – Zone Map Amendment  
Request D: DB12-0055 – Tentative Subdivision Plat  
Request E: DB12-0054 – Final Development Plan for Parks and Open Space

**Applicant / Owner:** Fred Gast – Polygon Northwest Company

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

**Property Description:** Tax Lot 301 of Section 15, and Tax Lots 16400 and 16500 of Section 15DA, T3S, R1W, Clackamas County, Oregon.

**Location:** Villebois SAP East

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

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

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

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

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

Written decision is attached

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

**Attachments:** DRB Resolution No. 239, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 239**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL OF A ZONE MAP AMENDMENT FROM EXCLUSIVE FARM USE TO VILLAGE AND ADOPTING FINDINGS AND CONDITIONS APPROVING A PRELIMINARY DEVELOPMENT PLAN, SAP REFINEMENTS, TENTATIVE SUBDIVISION PLAT, AND FINAL DEVELOPMENT PLAN FOR A 93-LOT RESIDENTIAL SUBDIVISION AND ASSOCIATED IMPROVEMENTS. PROPERTIES INVOLVED ARE TAX LOT 301, SECTION 15, TAX LOTS 16400 AND 16500, SECTION 15DA, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. - REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY- APPLICANT.**

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

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

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

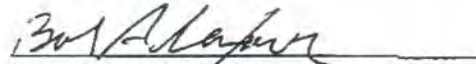
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated November 8, 2012, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB12-0050 and DB12-0052 through DB12-0055 Preliminary Development Plan, SAP Refinements, Zone Map Amendment, Tentative Subdivision Plat, and Final Development Plan for a 93-lot residential subdivision and associated improvements.

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

  
Bob Alexander Vice Chair, Panel A  
Wilsonville Development Review Board

Attest:

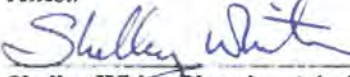
  
Shelley White, Planning Administrative Assistant

Exhibit A1  
**STAFF REPORT**  
**WILSONVILLE PLANNING DIVISION**

*Polygon Home- Villebois Phase 4 East*  
*"Tonquin Meadows No. 2"*

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

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

---

|                        |                   |
|------------------------|-------------------|
| <b>HEARING DATE</b>    | November 15, 2012 |
| <b>DATE OF REPORT:</b> | November 8, 2012  |

---

**APPLICATION NOS.:** DB12-0053 SAP-East PDP-4E, Preliminary Development Plan  
DB12-0052 SAP-East Refinements  
DB12-0050 Zone Map Amendment  
DB12-0055 Tentative Subdivision Plat  
DB12-0054 Final Development Plan for Parks and Open Space

**REQUEST/SUMMARY:** The Development Review Board is being asked to review a Preliminary Development Plan, SAP Refinements, Zone Map Amendment, Tentative Subdivision Plat, and Final Development Plan for a 93-lot residential subdivision and associated improvements

**LOCATION:** Northwest of Lowrie Primary School, East of SW 110th Avenue The property is specifically known as Tax Lot 301, Section 15, Tax Lots 16400 and 16500, Section 15DA, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

**PROPERTY OWNER:** Lou Fasano  
Fasano Family, LLC

**APPLICANT:** Fred Gast  
Polygon NW Company

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

**COMPREHENSIVE PLAN MAP DESIGNATION:** Residential-Village

**ZONE MAP CLASSIFICATION:** EFU (Exclusive Farm Use)

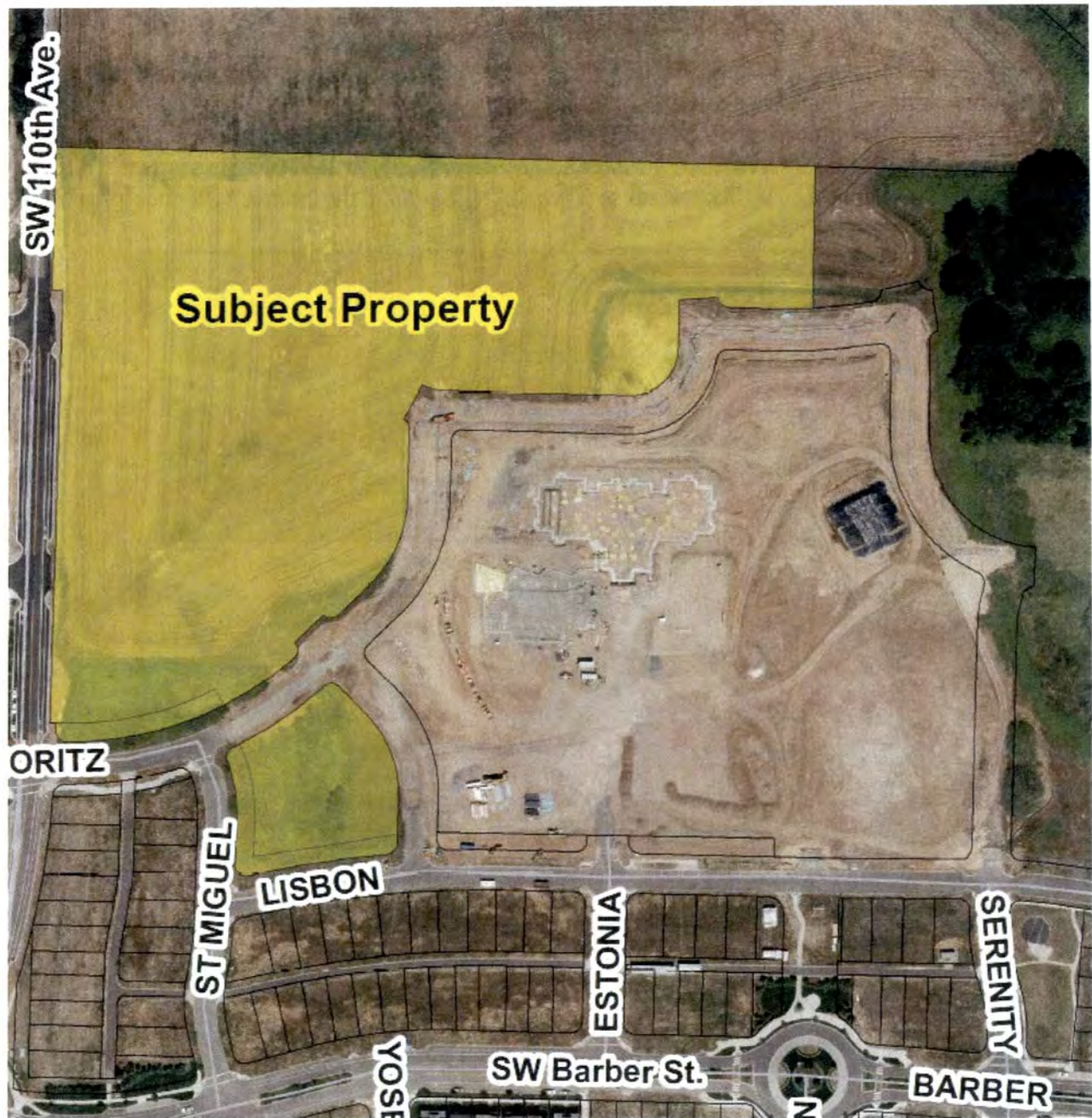
**STAFF REVIEWERS:** Daniel Pauly AICP, Associate Planner  
 Steve Adams PE, Interim City Engineer  
 Kerry Rappold, Natural Resource Program Manager  
 Don Walters, Building Plans Examiner

**STAFF RECOMMENDATION:** Approve with conditions the requested Preliminary Development Plan, SAP Refinements, Tentative Subdivision Plat, and Final Development Plan for Parks and Open Space. Recommend approval of the requested Zone Change to City Council.

#### **APPLICABLE REVIEW CRITERIA**

| <b><u>DEVELOPMENT CODE</u></b>             |                                                            |
|--------------------------------------------|------------------------------------------------------------|
| Section 4.008                              | Application Procedures-In General                          |
| Section 4.009                              | Who May Initiate Application                               |
| Section 4.010                              | How to Apply                                               |
| Section 4.011                              | How Applications are Processed                             |
| Section 4.014                              | Burden of Proof                                            |
| Section 4.031                              | Authority of the Development Review Board                  |
| Section 4.033                              | Authority of City Council                                  |
| Subsection 4.035 (.04)                     | Site Development Permit Application                        |
| Subsection 4.035 (.05)                     | Complete Submittal Requirement                             |
| Section 4.110                              | Zones                                                      |
| Section 4.125                              | V-Village Zone                                             |
| Section 4.154                              | Bicycle, Pedestrian, and Transit Facilities                |
| Section 4.155                              | Parking, Loading, and Bicycle Parking                      |
| Section 4.167                              | Access, Ingress, and Egress                                |
| Section 4.169                              | General Regulations-Double Frontage Lots                   |
| Section 4.171                              | Protection of Natural Features and Other Resources         |
| Section 4.175                              | Public Safety and Crime Prevention                         |
| Section 4.176                              | Landscaping, Screening, and Buffering                      |
| Section 4.177                              | Street Improvement Standards                               |
| Section 4.178                              | Sidewalk and Pathway Standards                             |
| Section 4.197                              | Zone Changes and Amendments to Development Code-Procedures |
| Sections 4.199.20 through 4.199.60         | Outdoor Lighting                                           |
| Sections 4.200 through 4.220               | Land Divisions                                             |
| Sections 4.236 through 4.270               | Land Division Standards                                    |
| Sections 4.300 through 4.320               | Underground Utilities                                      |
| Sections 4.400 through 4.440 as applicable | Site Design Review                                         |
| <b><u>COMPREHENSIVE PLAN</u></b>           |                                                            |
| Implementation Measure 4.1.6.a.            |                                                            |
| Implementation Measure 4.1.6.b.            |                                                            |
| Implementation Measure 4.1.6.c.            |                                                            |
| Implementation Measure 4.1.6.d.            |                                                            |
| <b><u>OTHER PLANNING DOCUMENTS</u></b>     |                                                            |
| Villebois Village Master Plan              |                                                            |
| SAP East Approval Documents                |                                                            |

Vicinity Map



**BACKGROUND/SUMMARY:****PDP 4E Preliminary Development Plan (DB12-0053)**

At the core of the proposed Phase 4 of Specific Area Plan East (also known as PDP 4E) is the 12.96 gross acre site current owned by Fasano Family LLC. Development proposed on this property includes small and medium sized single-family lots allowing for the construction of 93 homes, 3.03 acres of parks and open space, and associated infrastructure improvements. All the homes in the development will back up to alleys. The front of the homes will face tree lined streets, parks and green spaces.



| Proposed Housing Type | Number of Units |
|-----------------------|-----------------|
| Medium Single Family  | 11              |
| Small Single Family   | 82              |
| Total                 | 93              |

**Refinements to SAP East (DB12-0052)**

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

In concurrence with their PDP request, the applicant is requesting five refinements involving the following: street network, parks trails, and open space, utilities and storm water facilities, location and mix of land uses, and density. Notable drivers of refinements include increasing the size of and number of pocket parks and linear greens and changing the housing product types to reflect developer preferences, as the SAP was requested by a different developer.

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

### **Zone Map Amendment (DB12-0050)**

The proposal is to change the County EFU zone on Tax Lot 301 the Village (V) zone consistent with the Villebois Village Master Plan. Tax Lots 16400 and 16500 were previously zoned Village (V) together with SAP East Phase 1. The proposed residential and park uses are permitted under Wilsonville Code Section 4.125. The proposed Zone Map Amendment would enable the development permitting process for this area of Villebois.

### **Tentative Subdivision Plat (DB12-0055)**

The applicant is proposing the subdivision of the Fasano Family LLC property (Tax Lots 301, 16400 and 16500) into 93 residential lots, along with alleys, parks and open space and associated site improvements. The proposed subdivision name is "Tonquin Meadows No. 2." Also included is a tract on the northeast corner of the property to be combined with a future development tract in the "Retherford Meadows" subdivision plat (Phase 2E) for two additional Medium sized lots and a linear green. Tract Z is planned to be part of Lot 180 in the "Tonquin Meadows" subdivision plat (PDP 3E) and is counted as a lot on that plat. See sheet 4 in the applicant's plan set, Exhibit B2.

### **Final Development Plan for Parks and Open Space (DB12-0054)**

Details have been provided for all the parks and open space, besides Neighborhood Park 6, matching the requirements of the Community Elements Book. Neighborhood Park 6 will be reviewed as a separate Final Development Plan in the coming months after further coordination between the applicant and City Staff and review by the City's Parks Board.

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

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

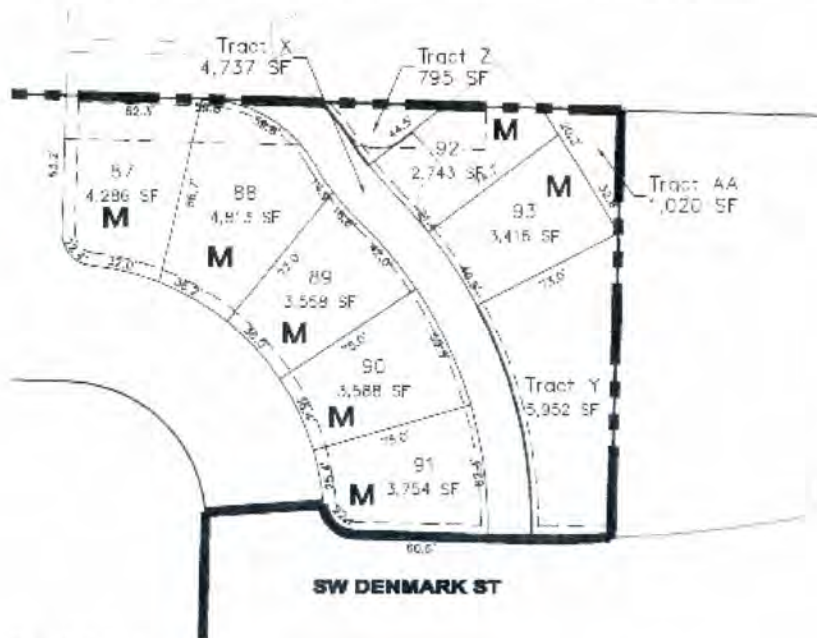
## **DISCUSSION TOPICS:**

### **Future Development Tracts/Lots Overlapping PDP Boundary**

In this and previous applications PDP boundaries have been adjusted to reflect property ownership. In a number of cases this led to remnant areas between the PDP's developable with

homes using land from multiple PDP's. The tentative subdivision plat for "Retherford Meadows" (PDP 2E) shows a "future development" tract adjacent to the northeast corner of "Tonquin Meadows No. 2" (PDP 4E). The proposed tentative subdivision plat includes future development tracts, "Y" and "AA", on the northeast corner to be combined with the future development tract of PDP 2E to create two additional medium lots along with associated linear greens and/or pocket parks. A small future development tract "Z" is also shown above Lot 92 to be part of the planned Lot 180 on the "Tonquin Meadows" subdivision plat (PDP 3E).

In addition, Lot 92 has a small corner shown within the "Tonquin Meadows" subdivision (PDP 3E). A future development tract is proposed in the "Tonquin Meadows" plat to be incorporated into Lot 92. Lot 92 will not be able to be developed until "Tonquin Meadows" plat is recorded and the tract and Lot 92 are under common ownership.



#### **Park Maintenance:**

The parks within PDP 4E are identified as a neighborhood park, pocket parks, and linear greens in the Villebois Village Master Plan. Due to their lack of regional amenities, all the park areas will be privately maintained by a homeowners association in perpetuity. The developer will be required to enter into an Operations and Maintenance Agreement for the PDP that clearly identifies ownership and maintenance responsibilities. This document will be recorded with the subdivision for "Tonquin Meadows No. 2". This requirement has been added as Condition of Approval PDA 7.

#### **Cross Slope at Mont Blanc/Geneva Intersection:**

The U.S. Access Board has certain standards for cross slopes at intersections associated with the Americans with Disabilities Act. As proposed, the cross slope at the Mont Blanc/Geneva intersection does not meet the standards. Condition of Approval PFA 18 requires the intersection design meet the standards of the U.S. Access Board.

### Continuation of Updating Architecture:

While Condition of Approval PDA 5 requires the developer submit initial elevations for each product type prior to the City signing the final plat, the City understands the design of the different homes is an ongoing process. Different elevations are expected overtime and encouraged to increase diversity. Each will be reviewed by the City's architectural consultant prior to any building permits being issued matching the design. Only initial examples are required prior to signing of the final plat.

### CONCLUSION AND CONDITIONS OF APPROVAL:

Staff has reviewed the Applicant's analysis of compliance with the applicable criteria. The Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed applications (DB12-0052 through DB12-0055) and recommend approval of the Zone Map Amendment to the City Council (DB12-0050) with the following conditions:

**The Developer has worked with the City to reach agreement on the apportionment of fair and equitable exactions for the subject applications as established by Addendum No. 5 to the June 14 2004 Matrix Development Agreement as adopted by City Council in Resolution 2382, or as may otherwise be amended as agreed upon by the parties.**

#### REQUEST A: DB12-0053 SAP-East PDP-4E, Preliminary Development Plan

##### Planning Division Conditions:

- |               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PDA 1.</b> | Approval of DB12-0053 (Request A) Preliminary Development Plan for PDP 4E is contingent upon City Council approval of the Zone Map Amendment from Exclusive Farm Use (EFU) to Village (V) (Case File DB12-0050).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>PDA 2.</b> | If Polygon Northwest Company, LLC ("Polygon") completes the purchase of the subject property currently owned by Fasano Family LLC, Polygon or its successors in interest shall fulfill all obligations established by Addendum No. 5 to the June 14 2004 Matrix Development Agreement as adopted by City Council in Resolution 2382, or as may otherwise be amended as agreed upon by the parties, and other relevant components of the June 14, 2004 Matrix Development Agreement between The City, The Urban Renewal Agency of the City, Matrix Development, and Property Owners. <b><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></b> See Finding A61 and A64. |
| <b>PDA 3.</b> | All play structures shall meet all technical requirements listed on page 15 of the SAP East Community Elements Book, including color. The final design shall be approved by the Planning Division through the Class I Administrative Review process. See Finding A30, E9 and E17.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------|-----------------------------------------|-------------|-----------------|-------------|------------------------------|---------------------------|----------------------------|-----------|----------------------------------|-------------------------------------------|
| <b>PDA 4.</b>                           | All landscaping, and park improvements approved by the Development Review Board and Engineering Division Public Works Permit punch list items for the specific phase of the PDP shall be completed before 50% of the homes are occupied for PDP 3 unless weather or other special circumstances prohibit completion, which case bonding for the improvements shall be permitted. See Finding A60.                                                                                                                                                                         |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| <b>PDA 5.</b>                           | The applicant/owner shall provide the architectural plans for the proposed single-family houses along with their variations based on lot width and depth and grading to staff and obtain approval from City's architectural consultant prior to the City Planning Director and Community Development Director signing the final plat. See Finding A27 and A42.                                                                                                                                                                                                            |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| <b>PDA 6.</b>                           | The applicant shall gain final approval for street sections with grades in excess of eight percent (8%) as part of the Public Works permit process. See Finding A15.                                                                                                                                                                                                                                                                                                                                                                                                      |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| <b>PDA 7.</b>                           | The developer of the Tonquin Meadows No. 2 shall enter into an Operations and Maintenance Agreement for the subdivision that clearly identifies ownership and maintenance for Neighborhood Park 6 and all pocket parks and linear greens. Such agreement shall ensure maintenance in perpetuity and shall be recorded with the subdivision for Tonquin Meadows No. 2. Such agreement shall be reviewed and approved by the City Attorney prior to recordation. See Finding D6.                                                                                            |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| <b>Standard Comments:</b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| <b>PFA 1.</b>                           | All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| <b>PFA 2.</b>                           | 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><b><u>Auto Insurance</u></b></td><td><b><u>\$2,000,000</u></b></td></tr> <tr> <td>Fire Damage (any one fire)</td><td>\$ 50,000</td></tr> <tr> <td>Medical Expense (any one person)</td><td>\$ <del>25,000</del><b><u>10,000</u></b></td></tr> </table> | General Aggregate | \$2,000,000 | Products-Completed Operations Aggregate | \$2,000,000 | Each Occurrence | \$2,000,000 | <b><u>Auto Insurance</u></b> | <b><u>\$2,000,000</u></b> | Fire Damage (any one fire) | \$ 50,000 | Medical Expense (any one person) | \$ <del>25,000</del> <b><u>10,000</u></b> |
| General Aggregate                       | \$2,000,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| Products-Completed Operations Aggregate | \$2,000,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| Each Occurrence                         | \$2,000,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| <b><u>Auto Insurance</u></b>            | <b><u>\$2,000,000</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| Fire Damage (any one fire)              | \$ 50,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| Medical Expense (any one person)        | \$ <del>25,000</del> <b><u>10,000</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| <b>PFA 3.</b>                           | 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.                                                                                                                                                                                                                                                                 |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |
| <b>PFA 4.</b>                           | All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.                                                                                                                                                                                                                                                                                                                                                                                 |                   |             |                                         |             |                 |             |                              |                           |                            |           |                                  |                                           |

**PFA 5.** Plans submitted for review shall meet the following general criteria:

- a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
- b. Design of any public/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
- c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.
- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
- e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
- h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- k. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.

**PFA 6.** Submit plans in the following format and order:

- a. Cover sheet
- b. City of Wilsonville construction note sheet
- c. General note sheet
- d. Existing conditions plan.
- e. Erosion control and tree protection plan.
- f. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
- g. Grading plan, with 1-foot contours.
- h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
- i. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
- j. Street plans.
- k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>easier reference</p> <ul style="list-style-type: none"> <li>l. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.</li> <li>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.</li> <li>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.</li> <li>o. Composite franchise utility plan.</li> <li>p. City of Wilsonville detail drawings.</li> <li>q. Illumination plan.</li> <li>r. Striping and signage plan.</li> <li>s. Landscape plan.</li> </ul>                                                                                                                                                                             | <p><b>PFA 7.</b> Prior to manhole and sewer line testing, design engineer shall coordinate with the City and update the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to the updated numbering system. Design engineer shall also show the updated numbering system on As-Built drawings submitted to the City.</p> |
| <p><b>PFA 8.</b> The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p><b>PFA 9.</b> Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.</p>         |
| <p><b>PFA 10.</b> A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City to address appropriate pipe sizing as well as pond locations and routing strategy. The analysis shall be prepared utilizing the appropriate values in the Storm Water Master Plan. For example, in the application materials, the predeveloped time of concentration calculation for all basins uses a Mannings "n" value of 0.13 (used for Range in natural condition). This is not applicable for the existing condition for calculating the time of concentration. Therefore, the analysis shall be prepared using an "n" value of 0.15, in accordance with the Stormwater Master Plan. Also, all curve numbers shall comply with Table 2-2a, SCS Technical Release #55.</p> <ul style="list-style-type: none"> <li>A) SCS Curve #80 for open space and landscape areas</li> <li>B) SCS Curve #94 for commercial areas</li> <li>C) SCS Curve #98 for impervious surface areas (roadways)</li> <li>D) SCS Curve #90 for residential development, 1/8 acre or less (townhouses)</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                           |

|                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E) SCS Curve #83 for residential development, 1/4 acre |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>PFA 11.</b>                                         | 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.                                                                                                                                                                                                                                                                                  |
| <b>PFA 12.</b>                                         | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>PFA 13.</b>                                         | 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.                                                                                                                                                                                                                                                                      |
| <b>PFA 14.</b>                                         | Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>PFA 15.</b>                                         | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>PFA 16.</b>                                         | 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.                                                                                                                                                                          |
| <b>PFA 17.</b>                                         | 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. |
| <b>PFA 18.</b>                                         | Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>PFA 19.</b>                                         | No surcharging of sanitary or storm water manholes is allowed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>PFA 20.</b>                                         | The project shall connect to an existing manhole or existing stub-out at each connection point to the public storm system and sanitary sewer system.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>PFA 21.</b>                                         | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PFA 22.</b> | Applicant shall coordinate and align centerlines of intersecting roadways and alleyways.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>PFA 23.</b> | Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>PFA 24.</b> | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>PFA 25.</b> | The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>PFA 26.</b> | 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.                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>PFA 27.</b> | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>PFA 28.</b> | 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.                                                                                                                                                                                                                                                                                                                  |
| <b>PFA 29.</b> | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>PFA 30.</b> | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>PFA 31.</b> | <p>Mylar Record Drawings:</p> <p>At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, <u>and a digitally signed PDF.</u></p> |

**Specific Comments:**

**PFA 32.** ~~Note that the City and the West Linn / Wilsonville School District are both currently forming utility and/or street reimbursement districts that include the tax lot where this proposed development is located.~~ **The City has formed a sanitary sewer reimbursement district that includes the proposed subdivision and therefore all tax lots included in the proposed subdivision will be subject to assessment based on their inclusion in the reimbursement district.**

**PFA 33.** At the request of Staff, DKS Associates completed a Transportation Review of Villebois SAP North PDP 1 dated October 3, 2012. Polygon Northwest Company had proposed revising the housing mix in SAP East PDP 4 to 93 single family units.

Previously the land use in SAP East had been approved for a housing mix of 353 single family units and 288 condo/townhouse units. The applicant's current proposed housing mix is 462 single family units, 114 condo/townhouse units and an existing 500 student primary school. This change in mix in housing units is expected to increase the PM Peak Hour traffic trips as follows:

| SAP East         | Dwelling Unit Count                   | Total PM Peak Hour Trips |
|------------------|---------------------------------------|--------------------------|
| Initial Approval | 353 single fam. / 288 condos          | 507                      |
| Current Proposal | 462 single fam. / 114 condos / school | 602                      |

The applicant may be required to pay Street SDC fees for a portion of these additional 95 PM Peak Hour Trips, unless applicant can show evidence of other arrangements with the City having been made.

This project is hereby limited to no more than the following impacts:

|                                                 |    |
|-------------------------------------------------|----|
| Net new P.M. peak hour trips                    | 94 |
| Trips through Wilsonville Road Interchange Area | 31 |

**PFA 34.** St. Moritz Loop between Geneva Loop and St. Miguel was constructed as a temporary roadway. Applicant shall complete the street improvements with this development. Existing asphalt shall be saw cut a minimum of 1-foot back to create a clean edge to construct up against. Note that roadway may need to be demolished and reconstructed to meet design plans.

**PFA 35.** Geneva Loop, Denmark Street, Carinthia Circle and St. Moritz between Geneva and Carinthia were constructed as partial street improvements. Applicant shall complete the street improvements with this development. Existing asphalt shall be saw cut a minimum of 1-foot back to create a clean edge to construct up against.

**PFA 36.** Note that with construction of Lowrie Primary School the City created a new street profile, section and designation for Carinthia Circle. Applicant shall design and construct Carinthia Circle to this new designation.

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PFA 37.</b> | Typically the City would require the Applicant to construct Costa Circle adjacent to this development; however the City understands the Applicant plans to develop both this project and the Villebois SAP East PDP 3 project. Addendum 4 to the Development Agreement of June 14, 2004 by and between the City of Wilsonville and the Urban Renewal Agency of the City of Wilsonville, and Matrix Development Corporation, and property owners Donald E. Bischof / Sharon L. Lund, Arthur C. / Dee W. Piculell, the DeArmond Family LLC / Louis J. / Margaret P. Fasano, and Valerie and Mathew Kirkendall has the Applicant constructing Costa Circle from Mt. Blanc to Villebois Drive in conjunction with the Villebois SAP East PDP 3 development. With this understanding the Applicant will not be required to construct this segment of Costa Circle with this development. |
| <b>PFA 38.</b> | The applicant shall provide stamped engineering details for all curb extensions for turning movement verification for review and approval. At a minimum, Submittal shall include 'stamped' engineering AutoTURN layouts for fire trucks and buses (WB-60) that show the overhang and/or mirrors of the vehicle as opposed to the wheelpaths. Adequate clearance shall be provided at all street intersections and alley intersections. Turning vehicles may use the width of the minor street to start the appropriate turn. The vehicle must however, stay within the appropriate receiving (inside) lane of the major street. Additionally, the turning vehicle must not intrude onto the wheel chair ramp on the inside of the turning movement.                                                                                                                                 |
| <b>PFA 39.</b> | All construction traffic shall ingress and egress the project site via the existing site roadways through Villebois SAP East PDP 1 or via 110th Avenue. No construction traffic will be allowed on Brown Road.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>PFA 40.</b> | Public access to SAP East PDP 4 shall be via the planned streets, alleys and intersections as shown on submitted plans dated 10/08/2012.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>PFA 41.</b> | 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.                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>PFA 42.</b> | The applicant shall provide two perpendicular directional pedestrian ramps at intersection curb returns.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>PFA 43.</b> | Project is located adjacent to the Lowrie Primary School. With construction of additional streets the school zone area is likely to expand. Applicant shall install or relocate school zone signage or crosswalks where the City and its traffic consultant determine as necessary.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>PFA 44.</b> | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PFA 45.</b> | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>PFA 46.</b> | Note that as designed on submitted Plans dated 10/08/12 most of the lots cannot be serviced by storm or sanitary lines. Existing public storm and sanitary systems are located in Carinthia Circle and St. Moritz; Applicant should connect to existing systems as per PFA 20.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>PFA 47.</b> | Per City Ordinance 608 storm water detention is not required for this project due to its proximity to the Coffee Creek wetlands. Storm water release points will be required to have a flow spreading device or other approved structure(s) to allow stormwater to be dispersed via sheet flow to the wetlands area. Any stormwater released north of the site shall require an easement from the respective owner(s).                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>PFA 48.</b> | 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. |
| <b>PFA 49.</b> | Applicant shall provide a looped water system through the proposed development tying into the existing 8" water lines at Mt. Blanc Lane, Davos Lane, Geneva Loop and Carinthia Circle.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>PFA 50.</b> | Water flow modeling shall be done by a Professional Engineer registered in the State of Oregon. Modeling information shall be provided to the City in a format acceptable to City staff. Modeling shall show that required fire flows are being met when taking into account the water demands from full buildout of the previously approved lots located in Villebois SAP South PDP 1, PDP 2, PDP 3, PDP 4, PDP 5 and PDP 6, Villebois SAP East PDP 1, PDP 2, the Lowrie Primary School, Villebois SAP North PDP 1 Phase 1, and Villebois SAP Central PDP 1 and PDP 2.                                                                                                                                                                                                                                        |
| <b>PFA 51.</b> | All new franchise utility lines shall be installed underground, any existing overhead franchise utility lines within the project area or immediately adjacent to roadways shall also be relocated underground. The applicant shall be responsible for and make all necessary arrangements with the serving utility to provide underground service(s).                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>PFA 52.</b> | Applicant shall provide sufficient mail box units for the proposed development; applicant shall construct mail kiosk at locations coordinated with City staff and the Wilsonville U.S. Postmaster.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**PFA 53.** SAP East PDP 4 consists of 93 lots. All construction work in association with the Public Works Permit and Project Corrections List shall be completed prior to the City Building Division issuing a certificate of occupancy, or a building permit for the housing unit(s) in excess of 50% of total (47th lot).

**REQUEST B: DB12-0052 SAP-East Refinements**

**Planning Division Conditions:**

**PDB 1.** Approval of DB12-0052 (Request B) SAP East Refinements is contingent upon City Council approval of the Zone Map Amendment from Exclusive Farm Use (EFU) to Village (V) (Case File DB12-0050).

**REQUEST C DB12-0050 Zone Map Amendment**

***No conditions recommended for this request***

This action recommends adoption of the Zone Map Amendment to the City Council for the subject properties. Case files DB12-0052, DB12-0053, DB12-0054, DB12-0055, are contingent upon City Council's action on the Zone Map Amendment request.

**REQUEST D: DB12-0055 Tentative Subdivision Plat**

**Planning Division Conditions:**

**PDD 1.** Approval of DB12-0055 (Request D) Tentative Subdivision Plat is contingent upon City Council approval of the Zone Map Amendment from Exclusive Farm Use (EFU) to Village (V) (Case File DB12-0050).

**PDD 2.** Any necessary easements or dedications shall be identified on the Final Subdivision Plat.

**PDD 3.** Alleyways, parking lots and drives shall remain in private ownership and be maintained by the Homeowner's Association established by the subdivision's CC&Rs. The CC&R's shall be reviewed and approved by the City Attorney prior to recordation.

**PDD 4.** The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for PDP-4E or the Tentative Plat.

**PDD 5.** A non-access reservation strip shall be applied on the final plat to those lots with access to a public street and an alley. All lots with access to a public street and an alley must take vehicular access from the alley to a garage or parking area. A plat note effectuating that same result can be used in the alternative. The applicant shall work with the County Surveyor and City Staff regarding appropriate language. See Finding D3.

**PDD 6.** All reserve strips and street plugs shall be detailed on the Final Subdivision Plat.

**PDD 7.** All tracts shall, except those indicated for future home development, shall include a public access easement across their entirety.

**Engineering Division Conditions:**

**PFD 1.** Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Minor and Major Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.

|               |                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PFD 2.</b> | 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.                                                                                                                       |
| <b>PFD 3.</b> | 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.                                                                                                                                                                                                                                        |
| <b>PFD 4.</b> | Tracts of land containing alleys shall have vehicle and pedestrian ingress and egress easements located over their entirety.                                                                                                                                                                                                                                                                    |
| <b>PFD 5.</b> | Subdivision Plat:<br><br>Paper copies of all proposed subdivision plats shall be provided to the City for review. Once the subdivision plat is approved, applicant shall have the documents recorded at the appropriate County office. Once recording is completed by the County, the applicant shall be required to provide the City with a 3 mil Mylar copy of the recorded subdivision plat. |

#### **REQUEST E: DB12-0054 Final Development Plan for Parks and Open Space**

##### **Planning Division Conditions:**

|               |                                                                                                                                                                                                                                                                                                                                               |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PDE 1.</b> | Approval of DB12-0054 (Request G) Final Development Plan for Parks and Open Space is contingent upon City Council approval of the Zone Map Amendment from Exclusive Farm Use (EFU) to Village (V) (Case File DB12-0050).                                                                                                                      |
| <b>PDE 2.</b> | All plant materials shall be installed consistent with current industry standards.                                                                                                                                                                                                                                                            |
| <b>PDE 3.</b> | All construction, site development, and landscaping of the parks shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor alterations may be approved by the Planning Division through the Class I Administrative Review process. See Finding E32 and E41. |
| <b>PDE 4.</b> | All retaining walls within the public view shed shall be a decorative stone or brick construction or veneer. Final color and material for the retaining walls shall be approved by the Planning Division through the Class I Administrative Review Process. See Finding E37.                                                                  |
| <b>PDE 5.</b> | All hand rails within the parks and open space shall be of a design similar to the approved courtyard fencing shown in the Architectural Pattern Book. Final design of any hand rails shall be approved by the Planning Division through the Class I Administrative Review Process. See Finding E37.                                          |
| <b>PDE 6.</b> | All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board. See Finding E 42.                                                                                                                   |
| <b>PDE 7.</b> | The applicant shall submit final parks, landscaping and irrigation plan to the City prior to Public Works Permit approval and construction of parks. Irrigation must not be excessive to harm existing trees. The irrigation plan must be consistent with the requirements of Section 4.176(.07)C.                                            |
| <b>PDE 8.</b> | Prior to occupancy of each house the Applicant/Owner shall install landscaping along the public view-sheds of each house, unless otherwise approved by the Community Development Director. Homeowners association shall contract with a professional landscape service to maintain the landscaping.                                           |

**PDE 9.** Street trees, as shown on the landscape plans, sheets L1.0 through L7.0 of Exhibit B2, shall be planted as each house or park is built.

### MASTER EXHIBIT LIST:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB12-0050 and DB12-0052 through DB12-0055.

- A1.** Staff report and findings (this document)
- A2.** Addendum No. 5 to Matrix Development Agreement
- A3.** **Staff's Powerpoint Presentation November 15, 2012**
- B1.** Applicant's Response to Incompleteness Letter
- B2.** Applicant's Large Format Plans (under separate cover)
  - Sheet 1 Cover Sheet
  - Sheet 2 Existing Conditions
  - Sheet 3 Aerial Photograph
  - Sheet 4.1 Tentative Plat
  - Sheet 4.2 Tentative Plat
  - Sheet 5 Grading and Erosion Control
  - Sheet 6 Composite Utility Plan
  - Sheet 7.1 Circulation Plan
  - Sheet 7.2 Street Sections
  - Sheet 8 Site/Land Use Plan
  - Sheet 9 Tree Preservation Plan
  - Sheet 10 Street Tree/Lighting Plan
  - Sheet 11 PDP Phasing Plan
  - Sheet 12 SAP North Connectivity Plan
  - Sheet 1 Cover Sheet (Landscape Plans)
  - Sheet L 1.0 Landscape Plan
  - Sheet L 2.0 Landscape Plan
  - Sheet L 3.0 Landscape Plan
  - Sheet L 4.0 Landscape Plan
  - Sheet L 5.0 Landscape Plan
  - Sheet L 6.0 Landscape Plan
  - Sheet L 7.0 Details and Specs
  - Sheet L 8.0 Rainwater Detail Sheet
- B3.** Applicant's Notebook: (under separate cover)
  - Section I: General Information
    - IA) Introductory Narrative
    - IB) Form/Ownership Documentation
    - IC) Fee Calculation *Staff Note: This information has been revised*
    - ID) Mailing List *Staff Note: This information has been revised*
    - IE) Updated SAP East Phasing + Unit Counts
  - Section II: Preliminary Development Plan (Including Refinements)
    - IIA) Supporting Compliance Report

- IIB) Reduced Drawings
- IIC) Utility & Drainage Reports
- IID) Traffic Analysis
- IIE) Tree Report
- IIF) Signage and Fencing Exhibits
- IIG) Flood Plain Location Documentation
- IIH) Wetland Delineation
- Section III: Tentative Plat
  - IIIA) Supporting Compliance Report
  - IIIB) Tentative Plat
  - IIIC) Draft CC&R's
  - IIID) Copy of Certificate of Assessments and Liens
  - IIIE) Subdivision Name Approval
- Section IV: Zone Change
  - IVA) Supporting Compliance Report
  - IVB) Zone Change Map
  - IVC) Legal Description and Sketch
- Section V: Tree Removal Plan
  - VA) Supporting Compliance Report
  - VB) Tree Report
  - VC) Tree Preservation Plan
- Section VI: Final Development Plan
  - VIA) Supporting Compliance Report
  - VIB) Reduced Drawings
  - VIC) Mailbox Kiosk Elevation and Info
- Section VII:
  - VIIA) Supporting Compliance Report
  - VIIB) Proposed Note
- B4.** October 24, 2012 Memo from Stacy Connery Regarding Housing Mix with Site Maps
- B5.** Preliminary Samples of Home Elevations
- C1.** Comments and Conditions from Engineering Division
- C2.** Comments and Conditions from Natural Resources
- C3.** Comments and Conditions from Building Division
- C4.** Comments and Conditions from TVF&R
- C5.** **Email from Mike Ward PE, Civil Engineer requesting change to Condition of Approval PFA 31.**

**FINDINGS OF FACT:**

1. The statutory 120-day time limit applies to this application. The application was received on September 14, 2012. On September 25, 2012, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on October 10, 2012, the Applicant submitted new materials. On October 10, 2012 the application was deemed complete. The City must render a final decision for the request, including any appeals, by February 7, 2013
2. Surrounding land uses are as follows:

| <b>Compass Direction</b> | <b>Zone:</b> | <b>Existing Use:</b>                                                          |
|--------------------------|--------------|-------------------------------------------------------------------------------|
| North:                   | RA-H         | Agriculture (Proposed Phase 3 East)                                           |
| East:                    | Village      | Single Family Residential, Villebois Phase 6 South)                           |
| South:                   | Village      | Lowrie Primary School, undeveloped single-family lots, Villebois Phase 1 East |
| West:                    | Village      | Lowrie Primary School, Villebois Phase 2 East (approved, but undeveloped)     |

3. Prior land use actions include:

Legislative:

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

Quasi Judicial:

04 DB 22 et seq – SAP-East  
 DB05-0011 et seq – PDP-1E, Legend at Villebois  
 DB10-0023 et seq – PDP-2aE, Lowrie Primary School  
 AR10-0073 Partition Plat – Lowrie Primary School  
 DB11-0047 et seq – PDP-2E, Retherford Meadows  
 DB12-0042 et seq – PDP-3E, Tonquin Meadows, and SAP Phasing and Pattern Book Amendments (still pending DRB review)

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

**CONCLUSIONARY FINDINGS:****GENERAL INFORMATION*****Section 4.008 Application Procedures-In General***

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

**Finding:** These criteria are met.

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

***Section 4.009 Who May Initiate Application***

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

**Finding:** This criterion is satisfied.

**Details of Finding:** The application has been signed by Lou Fasano, managing member of Fasano Family LLC, the property owner.

***Subsection 4.010 (.02) Pre-Application Conference***

**Review Criteria:** This section lists the pre-application process

**Finding:** These criteria are satisfied.

**Details of Finding:** A pre-application conference was held on August 30, 2012 in accordance with this subsection.

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** No applicable liens exist for the subject property. The application can thus move forward. A copy of the Certification of Assessment and Liens can be found in Section IIID of the applicant's notebook, Exhibit B3.

***Section 4.014 Burden of Proof is on the Applicant***

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

**Finding:** This criterion is satisfied.

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

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

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

**Finding:** These criteria are satisfied.

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

***Section 4.110 Zoning-Generally***

**Review Criteria:** “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

**Finding:** These criteria are satisfied.

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

**REQUEST A: DB12-0053 SAP-EAST PDP-4E, PRELIMINARY DEVELOPMENT PLAN**

The applicant's findings in Section IIA of their notebook (Exhibit B3) addressing the Wilsonville Planning & Development Ordinance respond to the majority of the applicable criteria.

*Village Zone*

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

- A1. **Review Criteria:** This subsection lists the uses typically permitted in the Village Zone, including single-family detached dwellings, row houses, and non-commercial parks, playgrounds, and recreational facilities.

**Finding:** These criteria are satisfied.

**Details of Finding:** The uses proposed include single-family homes, parks and playgrounds.

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

*"All development in this zone shall be subject to the V Zone and the applicable provisions of the Wilsonville Planning and Land Development Ordinance. If there is a conflict, then the standards of this section shall apply. The following standards shall apply to all development in the V zone:"*

*Subsection 4.125 (.05) A. 1. Block, Alley, Pedestrian and Bicycle Standards: Maximum Block Perimeter*

- A2. **Review Criteria:** "Maximums Block Perimeter: 1,800 feet, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent a block perimeter from meeting this standard."

**Finding:** These criteria are satisfied.

**Details of Finding:** All the blocks within the PDP meet the maximum 1800 foot block perimeter.

*Subsection 4.125 (.05) A. 2. Block, Alley, Pedestrian and Bicycle Standards: Maximum Spacing Between Streets for Local Access*

- A3. **Review Criteria:** "Maximum spacing between streets for local access: 530 feet, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions from meeting this standard."

**Finding:** These criteria are satisfied.

**Details of Finding:** The street network shown in the Master Plan and SAP approvals working with the slope in the area prevent the maximum street spacing requirement from being met.

### ***Subsection 4.125 (.05) A. 2. Block, Alley, Pedestrian and Bicycle Standards: Intervening Pedestrian and Bicycle Access***

- A4. **Review Criteria:** “If the maximum spacing for streets for local access exceeds 530 feet, intervening pedestrian and bicycle access shall be provided, with a maximum spacing of 330 feet from those local streets, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions from meeting this standard.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The required intervening pedestrian and bicycle access is provided in PDP 3 East.

### ***Subsection 4.125 (.05) B. Access***

- A5. **Review Criterion:** “All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer.”

**Finding:** This criterion is satisfied.

**Details of Finding:** All of the lots within the proposed PDP that have frontage on a public street and an alley will take vehicular access from an alley to a garage or parking area.

### ***Table V-1, Development Standards***

- A6. **Review Criteria:**

| Building Type                                           | Min. Lot Size (sq.ft.) | Min. Lot Width (ft.) | Min. Lot Depth (ft.) | Max. Lot Coverage (note) | Min. Frontage Width (ft.) <sup>1,2</sup> | Max. Bldg. Height (ft.) | Front Min. (ft.)   | Setbacks:<br>Front Min. (ft.) <sup>10, 11, 20</sup> | Rear Min. (ft.) | Side Min. (ft.) | Alley-Loaded Garage (note) | Street-Loaded Garage (note) |
|---------------------------------------------------------|------------------------|----------------------|----------------------|--------------------------|------------------------------------------|-------------------------|--------------------|-----------------------------------------------------|-----------------|-----------------|----------------------------|-----------------------------|
| Commercial Buildings - Village Center <sup>14</sup>     | NR                     | NR                   | NR                   | 1                        | 90                                       | 60                      | NR <sup>2</sup>    | 5                                                   | NR              | NR              | NR                         | NA                          |
| Hotels - Village Center <sup>14</sup>                   | NR                     | NR                   | NR                   | 2                        | 80                                       | 60                      | NR <sup>2</sup>    | 15                                                  | NR              | NR              | NR                         | NA                          |
| Mixed Use Buildings - Village Center <sup>14</sup>      | NR                     | NR                   | NR                   | 3                        | 80                                       | 60                      | NR <sup>2</sup>    | 8                                                   | NR              | NR              | NR                         | NA                          |
| Multi-Family Dwellings - Village Center <sup>15</sup>   | NR                     | NR                   | NR                   | 4                        | 80                                       | 45                      | 5 <sup>3</sup>     | 15                                                  | NR              | NR              | NR                         | NA                          |
| Row Houses <sup>17</sup> - Village Center <sup>14</sup> | NR                     | NR                   | NR                   | 5                        | 80                                       | 45                      | 5 <sup>3</sup>     | 10                                                  | NR              | NR              | NR                         | NA                          |
| Commercial Buildings                                    | NR                     | NR                   | NR                   | 6                        | 60                                       | 45                      | NR                 | 15                                                  | NR              | NR              | NR                         | NA                          |
| Mixed Use Buildings                                     | NR                     | NR                   | NR                   | 7                        | 60                                       | 45                      | NR                 | 15                                                  | NR              | NR              | NR                         | NA                          |
| Multi-Family Dwellings                                  | NR                     | NR                   | NR                   | 8                        | 60                                       | 45                      | 8 <sup>3</sup>     | 15                                                  | NR              | NR              | NR                         | NA                          |
| Row Houses <sup>21</sup>                                | NR                     | 15                   | 50                   | 9                        | 80                                       | 45                      | 8 <sup>3</sup>     | 15                                                  | NR              | NR              | NR                         | NA                          |
| Duplexes                                                | 4,000                  | 45                   | 70                   | 10                       | 60 <sup>18</sup>                         | 35                      | 12 <sup>3, 4</sup> | 20 <sup>7</sup>                                     | 5               | 5 <sup>11</sup> | ~                          | 11 <sup>11</sup>            |
| Single-Family Dwellings                                 | 2,250                  | 35                   | 50                   | 11                       | 60 <sup>18</sup>                         | 35                      | 12 <sup>3, 5</sup> | 20 <sup>8</sup>                                     | 5               | 5 <sup>11</sup> |                            | NA                          |

Notes: NR, No Requirement  
 NA, Not Allowed  
 1. Lot: 8000sf, NR, Lot: 8000sf, 60% (Max. Lot Coverage)  
 2. Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 50%, Estate Lots: 45%, Maximum Lot Coverage  
 3. On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%  
 4. Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way  
 5. Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way  
 6. Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to within 8 ft. of the Public Way. Stairs may encroach to the Public Way  
 7. For Standard or Large Lots on Collector Avenues: front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback  
 8. The garage setback from alley shall be between 3 and 5 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  
 9. Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main facade of the associated dwelling unit  
 10. Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space  
 11. For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements  
 12. Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB  
 13. See Definitions, 4.125.01, for measurement of Minimum Frontage Width  
 14. Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley  
 15. See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center  
 16. On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code  
 17. For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way  
 18. Dwellings on lots without alley access shall be at least 36 feet wide  
 19. Duplexes with front-loaded garages are limited to one shared standard-sized driveway apron  
 20. Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements  
 21. Lots are categorized as small, medium, standard, large or estate as shown in the Pattern Book

**Finding:** These criteria are satisfied.

**Details of Finding:** All proposed single-family lots meet the minimum lot size of 2250

square feet. In previous PDP's it has consistently been interpreted to allow the lot width to be governed by the Pattern Book. A SAP Amendment has been applied for (Case File DB12-0044) to establish a new pattern book for this and adjacent PDP 3 East which would allow small single family lots to be reduced to 32 feet wide, the same as allowed in the SAP South Pattern Book. The lot depth of all proposed single family lots exceed 50 feet deep. Other development standards, including minimum frontage width, building height, and setbacks will be determined at the time of issuance of building permits for each home. Each single family lot does is of appropriate dimensions to allow each of the development standards that will be checked at the time of building permit to be met.

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

**A7. Review Criteria:**

| Table V-2: Off Street Parking Requirements   |                                      |                        |                              |                                |
|----------------------------------------------|--------------------------------------|------------------------|------------------------------|--------------------------------|
|                                              | Min. Vehicle Spaces                  | Max. Vehicle Spaces    | Bicycle Short-term (Spaces)  | Bicycle Long-term (Spaces)     |
| <b>Permitted or Conditional Use</b>          |                                      |                        |                              |                                |
| <b>Permitted Uses</b>                        |                                      |                        |                              |                                |
| 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<br>1.5/2 Bdr<br>1.75/3 Bdr | NR                     | 1 per 20 units<br>Min. of 2  | 1 per 4 units<br>Min. of 2     |
| Community Housing                            | 1 per 4 residents                    | 1 per unit             | None                         | 1 per 8 residents<br>Min. of 2 |
| <b>Commercial Uses</b>                       |                                      |                        |                              |                                |
| Convenience Store                            | 2/1000 sf                            | 5/1000 sf              | 1 per 5000 sf<br>Min. of 2   | 1 per 12,000 sf<br>Min. of 2   |
| Restaurant/Pub                               | 2/1000 sf                            | 10/1000 sf             | 1 per 5000 sf<br>Min. of 2   | 1 per 12,000 sf<br>Min. of 2   |
| Child Day Care                               | 0.2 per student/staff                | 0.3 per student/staff  | None                         | 1 per 10,000 sf<br>Min. of 2   |
| Medical/Dental                               | 3/1000 sf                            | 4/1000 sf              | 1 per 40,000 sf<br>Min. of 2 | 1 per 70,000 sf<br>Min. of 2   |
| All other commercial uses                    | 2/1000 sf                            | 4/1000 sf              | 1 per 10,000 sf<br>Min. of 2 | 1 per 40,000 sf<br>Min. of 2   |
| <b>Conditional Uses</b>                      |                                      |                        |                              |                                |
| 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 <sup>1</sup>               | 5/1000 sf <sup>1</sup> | 1 per 3,000 sf<br>Min. of 4  | 1 per 3000 sf<br>Min. of 4     |
| Conference Center                            | 0.3 per seat                         | 0.5 per seat           | 1 per 15 seats<br>Min. of 2  | 1 per 40 seats<br>Min. of 10   |
| Library/Museum                               | 2/1000 sf                            | 4/1000 sf              | 1 per 1000 sf<br>Min. of 6   | 1 per 1000 sf<br>Min. of 6     |
| Religious Institution                        | .25 per seat                         | .5 per seat            | 1 per 2,000 sf<br>Min. of 2  | 1 per 4,000 sf<br>Min. of 2    |
| Theater                                      | .25 per seat                         | .5 per seat            | 1 per 20 seats<br>Min. of 2  | 1 per 50 seats<br>Min. of 4    |
| Overnight Lodging Facility                   | 1 per room                           | 1.5 per room           | 1 per 20 rooms<br>Min. of 2  | 1 per 20 rooms<br>Min. of 2    |
| Light Manufacturing/Research and Development | 2/1000 sf                            | 4/1000 sf              | 1 per 10,000 sf<br>Min. of 2 | 1 per 40,000 sf<br>Min. of 2   |
| All other Conditional Uses                   | 2/1000 sf                            | 4/1000 sf              | 1 per 10,000 sf<br>Min. of 2 | 1 per 40,000 sf<br>Min. of 2   |

Notes: <sup>1</sup> 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.

***Subsection 4.125 (.09) Street Alignment and Access Improvements******Subsection 4.125 (.09) A. 1. a. Street Alignment and Access Improvements Conformity with Master Plan, etc.***

- A9. **Review Criterion:** “All street alignment and access improvements shall conform to the Villebois Village Master Plan, or as refined in the Specific Area Plan, Preliminary Development Plan, or Final Development Plan . . .”

**Finding:** This criterion is satisfied.

**Details of Finding:** The street alignments and access improvements within this PDP are generally consistent with those approved in the Villebois Village Master Plan and SAP East, as refined by this PDP application. See Request B and Findings B2 through B7.

***Subsection 4.125 (.09) A. 1. a. i. Street Improvement: Conformity with Public Works Standards and Continuation of Streets***

- A10. **Review Criteria:** “All street improvements shall conform to the Public Works Standards and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.”

**Finding:** These criteria are satisfied.

**Details of Finding:** All street improvements within this PDP will comply with the applicable Public Works Standards. The street system within this PDP is designed to provide for the continuation of streets within Villebois and to adjoining properties or subdivisions according to the Master Plan.

***Subsection 4.125 (.09) A. 1. a. ii. Streets Developed According to Master Plan***

- A11. **Review Criterion:** “All streets shall be developed according to the Master Plan.”

**Finding:** This criterion is satisfied.

**Details of Finding:** All streets within this PDP will be developed with curbs, landscape strips, sidewalks, and bikeways or pedestrian pathways as depicted on the Circulation Plan, applicant’s sheet 7.1 in their plan set, see Exhibit B2, and in accordance with the Master Plan.

***Subsection 4.125 (.09) A. 2. a. & b. Intersections of Streets: Angles and Intersections*****A12. Review Criteria:**

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

**Finding:** These criteria are satisfied.

**Details of Finding:** The plan sheets located in Exhibit B2 demonstrate that all proposed streets will intersect at angles consistent with the above standards.

***Subsection 4.15 (.09) A. 2. c. Intersection of Streets: Offsets*****A13. Review Criterion:** “Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:

- 1000 ft. for major arterials
- 600 ft. for minor arterials
- 100 ft. for major collector
- 50 ft. for minor collector”

**Finding:** These criteria are satisfied.

**Details of Finding:** The plan sheets in Exhibit B2 demonstrate that opposing intersections on public streets are offset, as appropriate, so that no danger to the traveling public is created.

***Subsection 4.125 (.09) A. 2. d. Curb Extensions*****A14. Review Criteria:** “Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F) below, and shall:

- Not obstruct bicycle lanes on collector streets.
- Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections shall have, shall meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.”

**Finding:** These criteria are satisfied.

**Details of Finding:** Curb extensions shown by the applicant, see applicant’s sheet 8 in their plan set, Exhibit B2, are consistent with page 6 of the Community Elements Book for SAP East which were approved at the SAP level consistent with this subsection.

***Subsection 4.125 (.09) A. 3. Street Grades*****A15. Review Criteria:** “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

**Finding:** These criteria will be satisfied by Condition of Approval PDA 6.

**Details of Finding:** The Interim City Engineer has reviewed the plans and preliminarily approved the use of grades in excess of 8% consistent with this subsection. The condition

of approval requires final approval be obtained during the Public Works permit process.

***Subsection 4.125 (.09) A. 4. Centerline Radius Street Curves***

A16. **Review Criteria:** “The minimum centerline radius street curves shall be as follows:

- Arterial streets: 600 feet, but may be reduced to 400 feet in commercial areas, as approved by City Engineer.
- Collector streets: 600 feet, but may be reduced to conform with the Public Works Standards, as approved by the City Engineer.
- Local streets: 75 feet”

**Finding:** These criteria are satisfied.

**Details of Finding:** Compliance is shown on the plan sheets.

***Subsection 4.125 (.09) A. 5. Rights-of-way***

A17. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for rights-of-way as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Details of Finding:** Proposed rights-of-way are shown on the applicant’s plan sheets, Exhibit B2, including sheet 4 (Tentative Subdivision Plat). Rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177.

***Subsection 4.125 (.09) A. 6. Access Drives***

A18. **Review Criteria:** Access drives are required to be 16 feet for two-way traffic. Otherwise, pursuant to subsection (.09) A. above, the provisions of 4.177 apply for access drives as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Details of Finding:** The applicant states, “Access drives (alleys) will be paved at least 16-feet in width within a 20-foot tract, as shown on the Circulation Plan. In accordance with Section 4.177, all access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by the fire department. All access drives will be designed to provide a clear travel lane free from any obstructions.”

***Subsection 4.125 (.09) A. 7. Clear Vision Areas***

A19. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for clear vision areas as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Details of Finding:** The applicant states that clear vision areas will be provided and maintained in compliance with the Section 4.177.

***Subsection 4.125 (.09) A. 8. Vertical Clearance***

A20. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for vertical clearance as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Details of Finding:** The applicant states that Vertical clearance will be provided and maintained in compliance with the Section 4.177.

***Subsection 4.125 (.09) A. 9. Interim Improvement Standards***

A21. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for interim improvement standards as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Details of Finding:** No interim improvements are proposed.

***Subsection 4.125 (.10) Sidewalk and Pathway Improvement Standards***

A22. **Review Criteria:** “The provisions of Section 4.178 shall apply within the Village zone.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The applicant states, “All sidewalks and pathways within SAP East will be constructed in accordance with the standards of Section 4.178 and the Villebois Village Master Plan. Sidewalks and pathways are shown in the street cross-sections on the Circulation Plan.” See sheet 7.1, Exhibit B2.

***Subsection 4.125 (.11) Landscaping, Screening and Buffering***

A23. **Review Criteria:** “Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:

- Streets in the Village Zone shall be developed with street trees as described in the Community Elements Book.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The appropriate landscaping is provided. The proposed street trees are among the choices provided in the Community Elements Book for SAP East.

***Subsection 4.125 (.12) Signage and Wayfinding***

A24. **Review Criteria:** “Except as this subsection may otherwise be amended, or until such time as a Signage and Wayfinding Plan is approved as required by Section 4.125(.18)(D)(2)(f), signs within the Village zone shall be subject to provisions of Section 4.156.”

**Finding:** These criteria are satisfied.

**Details of Finding:** No permanent signs are shown in the Master Signage and Wayfinding Plan for the subject PDP.

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

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

- The design of landscape, streets, public places and buildings shall create a place of distinct character.
- The landscape, streets, public places and buildings within individual development projects shall be considered related and connected components of the Villebois Village Master Plan.

- The design of streets and public spaces shall provide for and promote pedestrian safety, connectivity and activity.
- The design of exterior lighting shall minimize off-site impacts, yet enable functionality.”

**Finding:** These criteria are satisfied.

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

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** No flag lots are proposed.

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

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

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

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

**Details of Finding:** The applicant states, “this application requests PDP approval for single family detached lots. No buildings are proposed at this time. Conformance with the Pattern Book and Community Elements Book will assure consistency with the Design Standards of subsection (.14). Subsequent Building Permit applications will review building and site design for consistency with the Pattern Book.” Condition of Approval PDA 5 requires the applicant provide architectural plans for approval by the City’s architectural consultant prior to the City signing the final plat, which will ensure conformance of the different housing types with the Architectural Pattern Book.

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

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** The appropriate landscape plans have been provided.

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

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** No trees are on the site to protect.

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

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

**Finding:** These criteria are satisfied or will be required to do so my Condition of Approval PDA 3.

**Details of Finding:** All information provided on site elements in the FDP request match the Community Elements Book or will be required to meet them by a Condition of Approval.

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

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

**Finding:** These criteria are satisfied.

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

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

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** The current application is for Phase 4 of SAP East, consistent with the phasing requested to be approved by the DRB in Case File DB12-0044.

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** This application is authorized by Lou Fasano, Managing Member of Fasano Family LLC which owns the property. The application form signed by Mr. Fasano in Section IB of the applicant's notebook, Exhibit B3.

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

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

**Finding:** These criteria are satisfied.

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

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

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

**Finding:** This criterion is satisfied.

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

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

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

**Finding:** This criterion is satisfied.

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

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

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

**Finding:** This criterion is satisfied.

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

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

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

**Finding:** This criterion is satisfied.

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

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

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

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

**Finding:** These criteria are satisfied.

**Details of Finding:** A certified boundary description by a surveyor licensed in the State of Oregon is provided as the legal description and sketch for the zone map amendment. See Section IVC of the applicant’s notebook, Exhibit B3. Topographic information and SROZ information are in accordance with Sections 4.125(.18) G. 2. b. & c. shown on the applicant’s sheet 2, Existing Conditions, of their plan set, Exhibit B2.

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

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

**Finding:** These criteria are satisfied.

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

Gross Acreage 12.96 Acres  
Parks 3.03 Acres

Public Streets 2.99 Acres  
 Lots and Alleys 6.94 Acres

Net Residential Density: 93 lots / 6.94 Acres = 13.4 units per net acre

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

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

**Finding:** These criteria are satisfied.

**Details of Finding:** Information on planned alleys and streets are provided or the information is readily available. Easements, sidewalks, bike routes and bikeways, trails, and other relevant features are shown. No trees 6 inch d.b.h. or greater are on the project site.

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

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

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

**Details of Finding:** As stated by the applicant, “The proposed PDP includes Small Detached and Medium lot types, which are all detached single-family homes. Conceptual elevations for the homes within the PDP will be provided for review by the City’s Architectural consultant prior to building permit submittal. Future proposed homes will be designed to be consistent with the conceptual elevations in the Architectural Pattern Book.” Condition of Approval PDA 5 requires conceptual elevations for all the products within the PDP will be provided for review by the City’s architectural consultant prior to the City signing of the final plat. Future proposed homes will be designed to be consistent with the conceptual elevations in the Architectural Pattern Book and reviewed by the City’s architectural consultant.

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** A composite utility plan has been provided. See applicant’s sheet 6, Exhibit B2.

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** The PDP is proposed to be executed in a single phase.

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

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

**Finding:** This criterion is satisfied.

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

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** The required traffic analysis can be found in Section IID of the applicant’s notebook, Exhibit B3.

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

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

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

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

**Finding:** These criteria are satisfied.

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

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

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

**Finding:** These criteria are satisfied.

**Details of Finding:** The required traffic report is included in Section IID of the applicant’s notebook, Exhibit B3.

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

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

**Finding:** This criterion is satisfied.

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

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

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

**Finding:** This criterion is satisfied.

**Details of Finding:** The required legal documents for review have been provided. See Section IIIC in the applicant’s notebook, Exhibit B3.

***Subsection 4.125 (.18) I. PDP Approval Procedures***

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

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

**Finding:** These criteria are satisfied.

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

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

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

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

**Finding:** This criterion is satisfied.

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

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

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

**Finding:** This criterion is satisfied.

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

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

A54. **Review Criteria:**

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

**Finding:** These criteria are satisfied.

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

**Subsection 4.125 (.18) K. PDP Approval Criteria**

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

A55. **Review Criteria:** “Is consistent with the standards identified in this section.”

**Finding:** These criteria are satisfied.

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

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

A56. **Review Criterion:** “Complies with the applicable standards of the Planning and Land Development Ordinance, including Section 4.140(.09)(J)(1)-(3).”

**Finding:** This criterion is satisfied.

**Details of Finding:** Findings are provided showing compliance with applicable standards of the Planning and Land Development Ordinance. Specifically Findings A62 through A64 address Subsections 4.140 (.09) J. 1. through 3.

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

A57. **Review Criterion:** “Is consistent with the approved Specific Area Plan in which it is located.”

**Finding:** This criterion is satisfied.

**Details of Finding:** Together with the approved refinements, the PDP is consistent with the approved SAP.

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

A58. **Review Criterion:** “Is consistent with the approved Pattern Book and, where required, the approved Village Center Architectural Standards.”

**Finding:** This criterion is satisfied.

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

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

A59. **Review Criterion:** “If the PDP is to be phased, that the phasing schedule is reasonable and does not exceed two years between commencement of development of the first, and completion of the last phase, unless otherwise authorized by the Development Review Board.”

**Finding:** This criterion is satisfied.

**Details of Finding:** The PDP is not proposed to be phased.

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

A60. **Review Criterion:** “Parks within each PDP or PDP Phase shall be constructed prior to occupancy of 50% of the dwelling units in the PDP or PDP phase, unless weather or other special circumstances prohibit completion, in which case bonding for such improvements shall be permitted.”

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

**Details of Finding:** The applicant asserts and a condition of approval ensures the parks within PDP 4E will be completed prior to occupancy of 50% of the housing units or bonding will be provided if special circumstances prohibit completion.

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

A61. **Review Criteria:** “The Development Review Board may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.”

**Finding:** This criterion is satisfied.

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

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

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

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

A62. **Review Criteria:** “The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.”

**Finding:** These criteria are satisfied.

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

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

A63. **Review Criteria:** That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City’s adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

**Finding:** These criteria are satisfied.

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

Associates. A copy of the Traffic Impact Analysis is attached in Section IID of the applicant's notebook, Exhibit B3.

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

A64. **Review Criteria:** This section identifies the sign regulations throughout the City.

**Finding:** These criteria are satisfied.

**Details of Finding:** As shown in the Utility and Drainage Report (Section IIC, Exhibit B3) and plan sheets, Exhibit B2, adequate or immediately planned facilities and services are sufficient to serve the planned development. Condition of Approval PDA 2 further ensures the obligations related to planned facilities are built as agreed upon and available to serve the development.

***Section 4.171 Protection of Natural Features & Other Resources***

***Subsection 4.171 (.02) General Terrain Preparation***

A65. **Review Criteria:**

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

**Finding:** These criteria are satisfied.

**Details of Finding:** The plan sheets (Exhibit B2) demonstrate that the subject Preliminary Development Plan is designed with maximum regard to natural terrain features and topography. The subject PDP does not contain hillside areas. No development impacts to the flood plain are proposed with the PDP. The Grading and Erosion Control Plan shows proposed grading within the subject area.

All subsequent grading, filling and excavating will be done in accordance with the Uniform Building Code. Disturbance of soils and removal of native vegetation will be limited to the extent necessary to construct the proposed development. Construction will occur in a manner that avoids substantial probabilities of accelerated erosion; pollution, contamination or siltation of lakes, rivers, streams and wetlands; damage to vegetation; and injury to wildlife and fish habitats.

***Subsection 4.171 (.03) Hillsides***

A66. **Review Criterion:** "Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:"

**Finding:** This criterion does not apply.

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

#### ***Subsection 4.171 (.04) Trees and Wooded Area***

##### **A67. Review Criteria:**

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

**Finding:** These criteria are satisfied.

**Details of Finding:** No tree or wooded areas exist on the site or will be directly impacted by the proposed development.

#### ***Subsection 4.171 (.05) High Voltage Power Lines***

##### **A68. Review Criteria:** “High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:

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

**Finding:** These criteria do not apply.

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

#### ***Subsection 4.171 (.06) Safety Hazards***

A69. **Review Criteria:** “

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

**Finding:** These criteria are satisfied.

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

#### ***Subsection 4.171 (.07) Earth Movement Hazard Areas***

A70. **Review Criterion:** “No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions.”

**Finding:** This criterion is satisfied.

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

#### ***Subsection 4.171 (.08) Standards for Soil Hazard Areas***

A71. **Review Criteria:**

- “Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.
- The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulleting and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

**Finding:** These criteria are satisfied.

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

#### ***Subsection 4.171 (.09) Historic Protection***

A72. **Review Criteria:** This subsection establishes requirements for protection of historic resources.

**Finding:** This criterion is satisfied.

**Details of Finding:** No historic or cultural resources have been identified on the subject property. A resource inventory was previously conducted for the entirety of SAP East.

#### ***Section 4.176 Landscaping, Screening, and Buffering***

A73. **Review Criteria:** This section establishes landscape, screening, and buffering requirements for development within the City.

**Finding:** These criteria are satisfied.

**Details of Finding:** Landscaping will be provided in accordance with the standards in Section 4.176. The Street Tree/Lighting Plan depicts street trees along rights-of-way within the subject Preliminary Development Plan area. The plan has been developed in

conformance with the Community Elements Book and the applicable standards of Section 4.176. Landscaping in the parks and linear green areas will be reviewed with Request E.

#### ***Section 4.177 Street Improvement Standards***

A74. **Review Criteria:** This section establishes street improvements standards for development within the City.

**Finding:** These criteria are satisfied.

**Details of Finding:** The rights-of-way proposed within the subject PDP are shown on the applicant's plan sheets, Exhibit B2. Rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with the final plat. The plan sheets demonstrate that all proposed access drives (alleys) within the PDP area will have a minimum improvement width of 16 feet and will provide two-way travel. All access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by TVF&R. All access drives will be designed to provide a clear travel lane free from any obstructions. Clear vision areas will be maintained in accordance with the standards of Subsection 4.177(.01)(I). Vertical clearance will be maintained over all streets and access drives in accordance with Subsection 4.177(.01)(J).

#### ***Section 4.178 Sidewalk and Pathway Standards***

A75. **Review Criteria:**

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

**Finding:** These criteria are satisfied.

**Details of Finding:** Applicant's sheet 7.1, Exhibit B2, depict cross-sections of the proposed sidewalks and pathways in compliance with the above standards and SAP East approval documents.

## REQUEST B: DB12-0052 SAP-EAST REFINEMENTS

The applicant's findings in Section IIA of their notebook, Exhibit B3, specifically pages 19-28, respond to the majority of the applicable criteria.

**Refinements Generally**

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

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

**Finding:** These criteria are satisfied.

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

**Refinement Request "a": Street Network**

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

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

**Finding:** These criteria are satisfied.

**Details of Finding:** The changes match slight alignment changes proposed for PDP 3 East to the north. The proposed changes have no effect on the circulation system or connectivity.

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

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

**Finding:** These criteria are satisfied.

**Details of Finding:** There are no measurable impacts of the slight alignments changes.

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

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

**Finding:** These criteria are satisfied.

**Details of Finding:** This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design

principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B5 below, the proposed refinements do not negatively affect qualitative features of the street network.

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

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

**Finding:** These criteria are satisfied.

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

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

The enlargement and addition of pocket parks enabled by the realignments add more green space within the development helping to foster an attractive environment that supports a walkable neighborhood.

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

The proposed changes don’t have bearing on this policy.

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

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

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed minor street alignment changes do not have a direct impact on any environmental or natural or scenic resources.

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

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

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed refinements are minor street alignment changes matching those in an adjacent PDP, and do not have an effect on any other adjoining PDP’s or SAP’s.

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

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

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

**Finding:** These criteria are satisfied.

**Details of Finding:** Additional linear greens are being added not shown in the Master Plan with amenities including pedestrian connections. This does not reduce the function, usability, connectivity, distribution, or availability of park elements shown in the Master Plan for the subject PDP. Staff notes the largest park in the PDP is NP-6. No refinements are being requested at this time, but staff understands refinements are likely when an FDP is submitted for the park.

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

- B9. **Review Criteria:** “As used herein, “significant” means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The performance measures, etc. being measured for the purpose of this refinement are the reduction of function, usability, connectivity, or overall distribution or availability of park uses in the Preliminary Development Plan. Park amenities are being added, creating no reduction in any measurable aspect of the parks.

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

- B10. **Review Criteria:** “As used herein, “significant” means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.”

**Finding:** These criteria are satisfied.

**Details of Finding:** This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B11 below, the proposed refinements do not negatively affect qualitative features of the parks.

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

- B11. **Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

**Finding:** These criteria are satisfied.

**Details of Finding:** With the retention of the amenities and parks shown in the Master Plan the goals, policies, and implementation measures are equally met.

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

B12. **Review Criterion:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed linear green additions do not have a direct impact on any environmental or natural or scenic resources.

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

B13. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed changes are interior to the site and do not affect any adjoining PDP's or SAP's.

***Refinement Request “d”: Location and Mix of Land Uses***

***Subsection 4.125 (.18) J. 1. a. iv. SAP Refinements: Location and Mix of Land Uses***

B14. **Review Criteria:** “Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan. For purposes of this subsection, “land uses” or “uses” are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The changes to the location and mix of land uses are illustrated in the following table. Overall, as shown in land use maps provided by the applicant, Exhibit B4, and in the findings below, the changes do not significantly alter the distribution or availability of uses.

| Description of Block, bounded by:                                                           | SAP Plan                                                                                                             | Proposed PDP Plan                                      |
|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| SW Mont Blanc St.<br>SW Geneva Lp.<br>SAP Boundary<br>SW Costa Circle E.                    | 20-24 Row Homes or NA (20 du/acre)<br>(includes entire block to SW Geneva Loop and SW Villebois Dr. N. intersection) | 12 Small Detached<br>12 Total<br>(plus lots in PDP 3E) |
| SW Mont Blanc St.<br>SW Carinthia Cir.<br>SW Stockholm St.<br>SAP Boundary<br>SW Geneva Lp. | 11-15 Row Homes<br>18-26 Small Attached<br>29-41 Total<br>(includes entire block to SW Month Blanc Ln.)              | 10 Small Detached<br>10 Total<br>(plus lots in PDP 3E) |
| SW Carinthia Cir.<br>SW Finland Ave.<br>SAP Boundary                                        | 4-8 Small Attached<br>4-8 Total                                                                                      | 5 Small Detached<br>5 Total                            |

|                    |                                                                  |                       |
|--------------------|------------------------------------------------------------------|-----------------------|
| SW Stockholm Ave.  |                                                                  |                       |
| SW Denmark St.     | 14-18 Medium                                                     |                       |
| SW Serenity Way    | 14-18 Total                                                      | 7 Medium              |
| SAP Boundary       | (includes entire east side of block north to alley above Lot 186 | 7 Total               |
| SW Finland Ave.    | PDP 3 E)                                                         | (plus lots in PDP 3E) |
| SW Carinthia Cir.  |                                                                  |                       |
| SW Davos Ln.       | 11-19 Small Attached                                             | 13 Small Detached     |
| SW Geneva Lp.      | 11-19 Total                                                      | 2 Medium              |
| SW Mont Blanc St.  |                                                                  | 15 Total              |
| SW Costa Circle E. |                                                                  |                       |
| SW St. Moritz Lp.  | 4-8 Small Attached                                               |                       |
| SW Carinthia Cir.  | 5-7 Small Detached                                               | 17 Small Detached     |
| SW Mont Blanc St.  | 9-15 Total                                                       | 17 Total              |
| SW Geneva Lp.      |                                                                  |                       |
| SW St. Moritz Lp.  | 5-9 Small Attached                                               | 14 Small Detached     |
| SW Geneva Lp.      | 7-9 Small Detached                                               | 2 Medium              |
| SW Davos Ln.       | 12-18 Total                                                      | 16 Total              |
| SW Costa Circle E. |                                                                  |                       |
| SW Lisbon St.      | 7-15 Small Attached                                              | 11 Small Detached     |
| SW Geneva Lp.      | 7-15 Total                                                       | 11 Total              |
| SW St. Moritz Lp.  |                                                                  |                       |
| SW St. Miguel Ln.  |                                                                  |                       |

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

B15. **Review Criteria:** “As used herein, “significant” means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above.”

**Finding:** These criteria are satisfied.

**Details of Finding:** For the purpose of this refinement the quantifiable requirement is the number of lots/units under an aggregated land use category on the SAP level. The first land use category small detached, and all attached housing types. Staff notes the cottage also is interpreted to fall into this aggregated category. The second land use category includes medium and larger single-family unit types. The table below shows how the proposed changes affect the SAP East Land Use Mix. Proposed is a 7.84 percent increase in the larger land use category, and a 1.43 percent decrease in the smaller and attached land use category. Both of these are well within the ten percent allowance.

|                                                                               | Current SAP E<br>Unit Count | Proposed SAP E<br>Unit Count | %<br>Change |
|-------------------------------------------------------------------------------|-----------------------------|------------------------------|-------------|
| Medium/ Standard/ Large/ Estate                                               | 153                         | 165                          | 7.84%       |
| Small Detached/ Small Attached/ Cottage/ Row<br>Homes/ Neighborhood Apartment | 421                         | 415                          | -1.43%      |
| Total                                                                         | 574                         | 580                          | 1.05%       |

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

B16. **Review Criteria:** “As used herein, “significant” means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.”

**Finding:** These criteria are satisfied.

**Details of Finding:** This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design

principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B17 below, the proposed refinements do not negatively affect qualitative features of the land use mix.

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

B17. **Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

**Finding:** These criteria are satisfied.

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

Land Use Policy 1: The Villebois Village shall be a complete community with a wide range of living choices, transportation choices, and working and shopping choices. Housing shall be provided in a mix of types and densities resulting in a minimum of 2,300 dwelling units within the Villebois Village Master Plan area.

Land Use Policy 2: Future development applications within the Villebois Village area shall provide land uses and other major components of the Plan such as roadways and parks and open space in general compliance with their configuration as illustrated on Figure 1 – Land Use Plan or as refined by Specific Area Plans.

Residential Neighborhood Housing Goal: The Villebois Village shall provide neighborhoods consisting of a mix of homes for sale, apartments for rent, row homes, and single-family homes on a variety of lot sizes, as well as providing housing for individuals with special needs. The Villebois Village shall provide housing choices for people of a wide range of economic levels and stages of life through diversity in product type.

Residential Neighborhood Housing Policy 1: Each of the Villebois Village’s neighborhoods shall include a wide variety of housing options and shall provide home ownership options ranging from affordable housing to estate lots.

Residential Neighborhood Housing Policy 5: The Villebois Village shall provide a mix of housing types within each neighborhood and on each street to the greatest extent practicable.

Residential Neighborhood Housing Policy 10: Natural features shall be incorporated into the design of each neighborhood to maximize their aesthetic character while minimizing impacts to said natural features.

As stated by the applicant in their October 24, 2012 memo, Exhibit B4, “The proposed refinements better achieve the intent of the Master Plan than the original SAP plan for this area by achieving a mix of housing types along each street within this neighborhood and by better incorporating natural features into the plan through retention of an existing

wetland and greater distribution of linear greens throughout more blocks within this neighborhood. The aesthetic character of these natural areas is maximized, while minimizing impacts to the wetland.

“There is also additional diversity within the Mediums, Smalls and Cottages. The Smalls within areas of steeper slopes will include a house plan designed to accommodate the slope and, in doing so, will provide an opportunity for a ‘Master on the Main’ floor plan. Some of the Mediums, Smalls and Cottages are extra deep to accommodate deeper housing product and allow for larger square footages within these housing types. Additionally, the Smalls include some extra wide lots which will accommodate a wider housing product and allow for some larger square footages, as well as variety in the street frontage.”

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

- B18. **Review Criterion:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

**Finding:** This criterion is satisfied.

**Details of Finding:** The change of product and lot types within planned blocks will not have an impact on any of the resources listed in this subsection.

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

- B19. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The change of product and lot types within planned blocks will not preclude any other SAP or PDP from developing according to the SAP and Master Plan.

***Refinement Request “e”: Density***

***Subsection 4.125 (.18) J. 1. a. v. SAP Refinements: Density***

- B20. **Review Criteria:** “A change in density that does not exceed ten percent, provided such density change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village.”

**Finding:** These criteria are satisfied.

**Details of Finding:** A proposed small increase in density (1.05% for the SAP) will result in a total of 2542 dwelling units in Villebois.

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

- B21. **Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The following is policy from the Villebois Village Master Plan followed by discussion of how the refinements better or equally meet it:

Residential Neighborhood Housing Policy 3: The mix of housing shall be such that the Village development provides an overall average density of at least 10 dwelling units per net residential acre.

The change of density is small increase and continues to meet the density requirement for the Village Zone.

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

B22. **Review Criterion:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed minor increase in density does not create any sort of impact that can be seen being detrimental to any of the resources mentioned in this subsection.

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

B23. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed minor increase in density does not affect any adjoining PDP's or SAP's.

## REQUEST C: DB12-0050 ZONE MAP AMENDMENT

The applicant's findings in Section IVA of their notebook, Exhibit B3, respond to the majority of the applicable criteria.

**Comprehensive Plan**

***Compact Urban Development-Implementation Measures***

***Implementation Measure 4.1.6.a***

- C1. **Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

**Finding:** These criteria are satisfied.

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

***Implementation Measure 4.1.6.b.***

- C2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

**Finding:** These criteria are not applicable

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

***Implementation Measure 4.1.6.c.***

- C3. **Review Criterion:** "The "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation."

**Finding:** This criterion is satisfied.

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

***Implementation Measure 4.1.6.d.***

- C4. **Review Criterion:** "The "Village" Zone District shall allow a wide range of uses that befit and support an "urban village," including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses."

**Finding:** This criterion is satisfied.

**Details of Finding:** The area covered by the proposed zone change is proposed for residential use as shown in the Villebois Village Master Plan.

## **Planning and Land Development Ordinance**

### ***Section 4.029 Zoning to be Consistent with Comprehensive Plan***

- C5. **Review Criterion:** “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”

**Finding:** This criterion is satisfied.

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

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

- C6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

**Finding:** This criterion is satisfied.

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

### ***Subsection 4.125 (.01) Village Zone Purpose***

- C7. **Review Criteria:** “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”

**Finding:** These criteria are satisfied.

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

### ***Subsection 4.125 (.02) Village Zone Permitted Uses***

- C8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

**Finding:** These criteria are satisfied.

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

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

- C9. **Review Criterion:** “... Application for a zone change shall be made concurrently with an application for PDP approval...”

**Finding:** This criterion is satisfied.

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

***Subsection 4.197 (.02) Zone Change Review***

***Subsection 4.197 (.02) A. Zone Change Procedures***

- C10. **Review Criteria:** “That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;”

**Finding:** These criteria are satisfied.

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

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

- C11. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings c1 through C4 substantially comply with applicable Comprehensive Plan text.

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

- C12. **Review Criteria:** “In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text;”

**Finding:** These criteria are satisfied.

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

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

- C13. **Review Criteria:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available and can be provided in conjunction with the project. Section IIC of the applicant’s notebook includes supporting utility and drainage reports. In addition, the applicant has funded the

completion of a Traffic Impact Analysis, which is in Section IID of the applicant's notebook, Exhibit B3.

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

- C14. **Review Criteria:** "That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;"

**Finding:** These criteria are satisfied.

**Details of Finding:** The eastern and northernmost portions of the property include areas within the Significant Resource Overlay Zone. The PDP Supporting Compliance Report, section IIA of the applicant's notebook, Exhibit B3, demonstrates that the proposed development does not have a significant adverse effect on the SROZ.

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

- C15. **Review Criterion:** "That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

**Finding:** This criterion is satisfied.

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

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

- C16. **Review Criteria:** "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards."

**Finding:** These criteria are satisfied.

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

## REQUEST D: DB12-0055 TENTATIVE SUBDIVISION PLAT

The applicant's findings in Section IIIA of their notebook, Exhibit B3, respond to the majority of the applicable criteria.

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

D1. **Review Criteria:** This subsection lists the permitted uses in the Village Zone.

**Finding:** These criteria are satisfied.

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

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

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

D2. **Review Criteria:** This subsection lists the block, alley, pedestrian, and bicycle standards applicable in the Village Zone.

**Finding:** These criteria are satisfied.

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

***Subsection 4.125 (.05) B. Access Standards***

D3. **Review Criterion:** "All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer."

**Finding:** This criterion will be satisfied by Condition of Approval PDD 5.

**Details of Finding:** Condition of Approval PDD 5 requires a non-access reservation strip on the street side of lots with street access helping to ensure this criterion is met.

***Table V-1: Development Standards in the Village Zone***

D4. **Review Criteria:** This table shows the development standards, including setback for different uses in the Village Zone. See full table under Finding A4.

**Finding:** These criteria are satisfied.

**Details of Finding:** All building lots shown on the tentative subdivision plat meet the applicable standards of the table and facilitate housing products that meet the table. As been consistently interpreted for PDP approvals in Villebois, the lot width has been allowed to be less than 35 feet if it complies with the applicable lot diagram in the applicable Architectural Pattern Book.

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

D5. **Review Criteria:** "Except as required by Subsections (A) through (D), below, the requirements of Section 4.155 shall apply within the Village zone."

**Finding:** These criteria are satisfied.

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

***Subsection 4.125 (.08) Open Space Requirements***

D6. **Review Criteria:** This subsection establishes the open space requirements for the Village Zone.

**Finding:** These criteria are satisfied or will be satisfied by a Condition of Approval PDA 7.

**Details of Finding:** The tentative subdivision plat shows open space consistent with the requirements of the Village Zone and the proposed PDP. Consistent with the requirements of (.08) C. Condition of Approval PDA 7 requires the City Attorney to review and approve pertinent bylaws, covenants, or agreements prior to recordation.

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

D7. **Review Criteria:** “Except as noted below, the provisions of Section 4.177 shall apply within the Village zone:

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

**Finding:** These criteria are satisfied.

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

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

D8. **Review Criteria:** “Intersections of streets:

- Angles: Streets shall intersect one another at angles not less than 90 degrees, unless existing development or topography makes it impractical.
- Intersections: If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of a thirty (30) foot centerline radius and said angle shall not be less than sixty (60) degrees. Any angle less than ninety 90 degrees shall require approval by the City Engineer after consultation with the Fire District.
- Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:
  - 1000 ft. for major arterials
  - 600 ft. for minor arterials
  - 100 ft. for major collector
  - 50 ft. for minor collector
- Curb Extensions:
  - Curb extensions at intersections shall be shown on the Specific Area Plans required in Subsection 4.125(.18)(C) through (F), below, and shall:

- Not obstruct bicycle lanes on collector streets.
- Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections, meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.”

**Finding:** These criteria are satisfied.

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

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

- D9. **Review Criteria:** “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

**Finding:** These criteria are satisfied.

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

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

- D10. **Review Criteria:** “The minimum centerline radius street curves shall be as follows:

- Arterial streets: 600 feet, but may be reduced to 400 feet in commercial areas, as approved by the City Engineer.
- Collector streets: 600 feet, but may be reduced to conform with the Public Works Standards, as approved by the City Engineer.
- Local streets: 75 feet”

**Finding:** These criteria are satisfied.

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

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

- D11. **Review Criteria:**

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

**Finding:** These criteria are satisfied.

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

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

**D12. Review Criteria:**

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

**Finding:** These criteria are satisfied.

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

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

**D13. Review Criteria:** “A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:” Listed 1. a.-f.

**Finding:** These criteria are satisfied.

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

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

**D14. Review Criterion:** “a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.”

**Finding:** This criterion is satisfied.

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

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

D15. **Review Criteria:** “It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Planning Commission, the following interim standards shall apply.

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

**Finding:** These criteria are satisfied.

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

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

D16. **Review Criteria:** “Pursuant to ORS Chapter 92, plans and plats must be approved by the Planning Director or Development Review Board (Board), as specified in Sections 4.030 and 4.031, before a plat for any land division may be filed in the county recording office for any land within the boundaries of the City, except that the Planning Director shall have authority to approve a final plat that is found to be substantially consistent with the tentative plat approved by the Board.

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

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

**Finding:** These criteria are satisfied.

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

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

D17. **Review Criterion:** “No person shall sell any lot or parcel in any condominium, subdivision, or land partition until a final condominium, subdivision or partition plat has been approved by the Planning Director as set forth in this Code and properly recorded with the appropriate county.”

**Finding:** This criterion is satisfied.

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

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

D18. **Review Criterion:** "It shall be a violation of this Code to divide a tract of land into a parcel smaller than the lot size required in the Zoning Sections of this Code unless specifically approved by the Development Review Board or City Council. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements, unless specifically authorized through the Variance procedures of Section 4.196 or the waiver provisions of the Planned Development procedures of Section 4.118."

**Finding:** This criterion is satisfied.

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

***Subsection 4.210 (.01) Pre-Application Conference***

D19. **Review Criterion:** "Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010."

**Finding:** This criterion is satisfied.

**Details of Finding:** A pre-application meeting has been held. See case file PA12-0011.

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

D20. **Review Criterion:** "The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal."

**Finding:** This criterion is satisfied.

**Details of Finding:** The applicant's sheet 4.2, Exhibit B2, is a tentative subdivision plat prepared in accordance with this subsection.

***Subsection 4.210 (.01) B. Tentative Plat Submission***

D21. **Review Criteria:** "The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:" Listed 1, through 26.

**Finding:** These criteria are satisfied.

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

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

D22. **Review Criteria:** "Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time

limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed subdivision is proposed to be developed in one phase.

***Subsection 4.210 (.01) E. Remainder Tracts***

- D23. **Review Criteria:** “Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.”

**Finding:** These criteria are satisfied.

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

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

- D24. **Review Criteria:** “Land divisions shall conform to and be in harmony with the Transportation Master Plan (Transportation Systems Plan), the Bicycle and Pedestrian Master Plan, the Parks and Recreation Master Plan, the Official Plan or Map and especially to the Master Street Plan.”

**Finding:** These criteria are satisfied.

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

***Subsection 4.236 (.02) Relation to Adjoining Street System***

- D25. **Review Criteria:**

- A land division shall provide for the continuation of the principal streets existing in the adjoining area, or of their proper projection when adjoining property is not developed, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Director or Development Review Board, topographic conditions make such continuation or conformity impractical, an exception may be made. In cases where the Board or Planning Commission has adopted a plan or plat of a neighborhood or area of which the proposed land division is a part, the subdivision shall conform to such adopted neighborhood or area plan.
- Where the plat submitted covers only a part of the applicant's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.
- At any time when an applicant proposes a land division and the Comprehensive Plan would allow for the proposed lots to be further divided, the city may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street plans and other requirements specified in these regulations.

**Finding:** These criteria are satisfied.

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

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

D26. **Review Criteria:** “All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone.”

**Finding:** These criteria are satisfied.

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

***Subsection 4.236 (.04) Creation of Easements***

D27. **Review Criteria:** “The Planning Director or Development Review Board may approve an easement to be established without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to allow partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to divide into more than two (2) parcels, a street dedication may be required.”

**Finding:** These criteria are satisfied.

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

***Subsection 4.236 (.05) Topography***

D28. **Review Criterion:** “The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations.”

**Finding:** This criterion is satisfied.

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

***Subsection 4.236 (.06) Reserve Strips***

D29. **Review Criteria:** “The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the Director or Board determine that a strip is necessary.” Reasons listed A. through D.

**Finding:** These criteria are satisfied.

**Details of Finding:** No reserve strips are being required for the reasons listed in this subsection. However, reserve strips are being required by Condition of Approval PDD 5 to prevent access to the front side of lots served by an alley. See also Finding A5 and D3.

***Subsection 4.236 (.07) Future Expansion of Street***

D30. **Review Criteria:** When necessary to give access to, or permit a satisfactory future division of, adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs shall be required to preserve the objective of street extension.

**Finding:** These criteria are satisfied.

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

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

D31. **Review Criteria:** “Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Transportation Systems Plan.”

**Finding:** These criteria are satisfied.

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

***Subsection 4.236 (.09) Street Names***

D32. **Review Criteria:** “No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.”

**Finding:** These criteria are satisfied.

**Details of Finding:** Street names will be reviewed by Engineering staff and be subject to approval by the City Engineer consistent with this subsection.

***Subsection 4.237 (.01) Blocks***

D33. **Review Criteria:**

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

**Finding:** These criteria are satisfied.

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

***Subsection 4.237 (.02) Easements***

D34. **Review Criteria:**

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

**Finding:** These criteria are satisfied.

**Details of Finding:** As shown on the applicant's sheet 4.1 "Tentative Plat", Exhibit B2, the required easements have been provided.

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

D35. **Review Criteria:** "An improved public pathway shall be required to transverse the block near its middle if that block exceeds the length standards of the zone in which it is located.

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

**Finding:** These criteria are satisfied.

**Details of Finding:** No mid-block paths are required for this subdivision.

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

D36. **Review Criteria:** "Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the Director or Development Review Board before the planting is begun. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property."

**Finding:** These criteria are satisfied.

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

***Subsection 4.237 (.05) Lot Size and Shape***

D37. **Review Criteria:** "The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located."

**Finding:** These criteria are satisfied.

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

***Subsection 4.237 (.06) Access***

D38. **Review Criteria:** "The division of land shall be such that each lot shall have a minimum frontage on a street or private drive, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:" Listed A. and B.

**Finding:** These criteria are satisfied.

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

***Subsection 4.237 (.07) Through Lots***

- D39. **Review Criteria:** “Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation.”

**Finding:** These criteria are satisfied.

**Details of Finding:** No through lots are proposed.

***Subsection 4.237 (.08) Lot Side Lines***

- D40. **Review Criteria:** “The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street or tract with a private drive upon which the lots face.”

**Finding:** These criteria are satisfied.

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

***Subsection 4.237 (.09) Large Lot Land Divisions***

- D41. **Review Criteria:** “In dividing tracts which at some future time are likely to be re-divided, the location of lot lines and other details of the layout shall be such that re-division may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Development Review Board considers it necessary.”

**Finding:** These criteria are satisfied.

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

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

- D42. **Review Criteria:** The Planning Director or Development Review Board may establish special:

- building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.
- build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.

**Finding:** These criteria are satisfied.

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

***Subsection 4.237 (.12) Land for Public Purposes***

- D43. **Review Criterion:** “The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.”

**Finding:** This criterion is satisfied.

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

### ***Subsection 4.237 (.13) Corner Lots***

D44. **Review Criteria:** “Lots on street intersections shall have a corner radius of not less than ten (10) feet.”

**Finding:** This criterion is satisfied.

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

### ***Section 4.250 Lots of Record***

D45. **Review Criteria:** “All lots of record that have been legally created prior to the adoption of this ordinance shall be considered to be legal lots. Tax lots created by the County Assessor are not necessarily legal lots of record.”

**Finding:** These criteria are satisfied.

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

### ***Section 4.260 Improvements-Procedures***

D46. **Review Criteria:** “In addition to other requirements, improvements installed by the developer, either as a requirement of these regulations or at the developer's own option, shall conform to the requirements of this Code and improvement standards and specifications of the City. The improvements shall be installed in accordance with the City's Public Works Standards.”

**Finding:** These criteria are satisfied.

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

### ***Section 4.262 Improvements-Requirements***

D47. **Review Criteria:** This section establishes requirements for a number of different improvements including curbs, sidewalks, sanitary sewers, drainage, underground utility and service facilities, streetlight standards, street signs, monuments, and water.

**Finding:** These criteria are satisfied.

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

**REQUEST E: DB12-0054 FINAL DEVELOPMENT PLAN FOR PARKS AND OPEN SPACE**

The applicant's findings in Section VA of their notebook, Exhibit B3, respond to the majority of the applicable criteria.

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

- E1. **Review Criteria:** This subsection lists the uses typically permitted in the Village Zone including "Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association."

**Finding:** These criteria are satisfied.

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

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

- E2. **Review Criteria:** "In all residential developments and in mixed-use developments where the majority of the developed square footage is to be in residential use, at least twenty-five percent (25%) of the area shall be open space, excluding street pavement and surface parking. In multi-phased developments, individual phases are not required to meet the 25% standard as long as an approved Specific Area Plan demonstrates that the overall development shall provide a minimum of 25% open space. Required yard areas shall not be counted towards the required open space area."

**Finding:** These criteria are satisfied.

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

***Subsection 4.125 (.08) B. Parks and Open Space in the Village Zone-Ownership***

- E3. **Review Criteria:** "Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City of Wilsonville standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage."

**Finding:** These criteria are satisfied.

**Details of Finding:** All park and open space area in PDP 4E, including Neighborhood Park 6, will be privately owned and maintained.

***Subsection 4.125 (.08) C. Parks and Open Space in the Village Zone-Protection and Maintenance***

- E4. **Review Criteria:** "The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or

maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review and approve any pertinent bylaws, covenants, or agreements prior to recordation."

**Finding:** These criteria are satisfied.

**Details of Finding:** Protection and maintenance of the open space and recreational areas are covered in the CCR's being reviewed by the City, and Operation and Maintenance Agreements between the developer and the City.

#### ***Subsection 4.125 (.09) Street and Access Improvement Standards***

- E5. **Review Criteria:** This section lists street and access improvement standards for the Village Zone including vision clearance standards.

**Finding:** These criteria are satisfied.

**Details of Finding:** This code section does not apply to the proposed parks and open space, except for vision clearance for vegetation which is met.

#### ***Subsection 4.125 (.10) Sidewalk and Pathway Improvement Standards***

- E6. **Review Criteria:** "The provisions of Section 4.178 shall apply within the Village zone."

**Finding:** These criteria are satisfied.

**Details of Finding:** Findings regarding Compliance with the standards of Section 4.178 can be found in Finding A75.

#### ***Subsection 4.125 (.11) Landscaping Screening and Buffering***

- E7. **Review Criteria:** "Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:" "Streets in the Village zone shall be developed with street trees as described in the Community Elements Book."

**Finding:** These criteria are satisfied.

**Details of Finding:** Findings E18 through E29 pertain to Section 4.176. Street trees are proposed consistent with the Community Elements Book.

#### ***Section 4.125 (.12) A. Signs Compliance with Master Sign and Wayfinding Plan for SAP***

- E8. **Review Criterion:** "All signage and wayfinding elements within the Village Zone shall be in compliance with the adopted Signage and wayfinding Master Plan for the appropriate SAP."

**Finding:** This criterion does not apply.

**Details of Finding:** Any signs within the development will be consistent with the approved Master Sign and Wayfinding Plan. No development identifier signs are shown within the PDP.

***Subsection 4.125 (.14) Design Standards Applying to the Village Zone***

*The following Design Standards implement the Design Principles found in Section 4.125(.13), above, and enumerate the architectural details and design requirements applicable to buildings and other features within the Village (V) zone. The Design Standards are based primarily on the features, types, and details of the residential traditions in the Northwest, but are not intended to mandate a particular style or fashion. All development within the Village zone shall incorporate the following:*

***Subsection 4.125 (.14) A. 2. b. Details to Match Architectural Pattern Book and Community Elements Book***

- E9. **Review Criteria:** “Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.”

**Finding:** These criteria are satisfied or will be satisfied by Condition of Approval PDA 3.

**Details of Finding:** The park furnishings, benches and tables, shown match the Community Elements Book for SAP East. The applicant has provided sufficient information to show that playground equipment meeting the Community Elements Book can be provided. However, Condition of Approval PDA 3 requires additional technical details and ensures the detailed requirements on page 15 of the Community Elements Book are met. The FDP also includes the mail kiosks. Elevations of the kiosks have been provided in Section VC of the applicant’s notebook, Exhibit B3.

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

- E10. **Review Criterion:** “The protection of existing significant trees as identified in an approved Community Elements Book.”

**Finding:** This criterion is satisfied.

**Details of Finding:** No significant trees are within the parks and open space covered by the proposed FDP.

***Subsection 4.125 (.14) A. 2. g. Landscape Plan***

- E11. **Review Criterion:** “A landscape plan in compliance with Sections 4.125(.07) and (.11), above.”

**Finding:** This criterion is satisfied.

**Details of Finding:** Landscape plans have been provided in compliance with the referenced sections.

***Subsection 4.125 (.14) C. Lighting and Site Furnishings***

- E12. **Review Criteria:** “Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The lighting and site furnishings shown by the applicant match the Community Elements Book for SAP East.

***Subsection 4.125 (.18) L. Final Development Plan Approval Procedures***

E13. **Review Criteria:** This subsection establishes the approval procedures for Final Development Plans.

**Finding:** These criteria are satisfied.

**Details of Finding:** The applicant has followed the applicable procedures set out in this subsection for approval of a FDP.

***Subsection 4.125 (.18) M. Final Development Plan Submittal Requirements***

E14. **Review Criteria:** “An application for approval of a FDP shall be subject to the provisions of Section 4.034.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The necessary materials have been submitted for review of the FDP.

***Subsections 4.125 (.18) N. and P. 1. Final Development Plans Subject to Site Design Review Criteria***

E15. **Review Criteria:** “An application for approval of a FDP shall be subject to the provisions of Section 4.421”

**Finding:** These criteria are satisfied.

**Details of Finding:** The provisions of Section 4.421 are being used as criteria in the review of the FDP. See Findings E30 through E37.

***Subsection 4.125 (.18) O. Refinements to Preliminary Development Plan as part of Final Development Plan***

E16. **Review Criteria:** This subsection identifies the process and requirements for refinements to a preliminary development plan as part of a final development plan.

**Finding:** These criteria are satisfied.

**Details of Finding:** No refinements are proposed as part of the requested FDP, as park and open space refinements were requested as part of the PDP approval request. See Request B. However, the FDP for Neighborhood Park 6 has not been submitted, and PDP refinements are expected as part of these future applications, especially regarding programming that would be duplicative of programming at the nearby school.

***Subsection 4.125 (.18) P.2. Final Development Plan Compliance with Architectural Pattern Book, Community Elements Book, and PDP Conditions of Approval***

E17. **Review Criteria:** “An application for an FDP shall demonstrate that the proposal conforms to the applicable Architectural Pattern Book, Community Elements Book, Village Center Architectural Standards and any conditions of a previously approved PDP.”

**Finding:** These criteria are satisfied.

**Details of Finding:** Overall, as demonstrated by Finding E7 through E9 above, the FDP demonstrates compliance with the SAP East Community Elements Book. The applicant has provided sufficient information to show that playground equipment meeting the Community Elements Book can be provided. However, Condition of Approval PDA 3 requires additional technical details and ensures the detailed requirements on page 15 of

the Community Elements Book are met. There are no relevant portions of the Architectural Pattern Book, or Conditions of Approval for a previously approved PDP to which to demonstrate compliance.

### **Landscape Standards Section 4.176**

#### ***Subsection 4.176 (.02) B. Landscape Standards and Compliance with Code***

- E18. **Review Criterion:** “All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length”

**Finding:** This criterion is satisfied.

**Details of Finding:** No waivers or variances to landscape standards have been requested. Thus all landscaping and screening must comply with standards of this section.

#### ***Subsection 4.176 (.03) Landscape Area and Locations***

- E19. **Review Criteria:** “Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed parks are predominantly covered with vegetative plant materials other than areas for walkways, play structures, benches, tables, etc. The plantings are in a variety of areas.

#### ***Subsection 4.176 (.04) Buffering and Screening***

- E20. **Review Criteria:** “Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.

D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.

E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.

F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval.”

**Finding:** These criteria are satisfied.

**Details of Finding:** No conditions requiring buffering and screening are within the area covered by the subject FDP request.

***Subsection 4.176 (.06) A. Plant Materials-Shrubs and Groundcover***

E21. **Review Criteria:** This subsection establishes plant material and planting requirements for shrubs and ground cover.

**Finding:** These criteria are satisfied.

**Details of Finding:** Applicant's sheet L1.0, see Exhibit B2 or Section VB of Exhibit B3, indicates the requirements established by this subsection will be met by the proposed plantings.

***Subsection 4.176 (.06) B. Plant Materials-Trees***

E22. **Review Criteria:** This subsection establishes plant material requirements for trees.

**Finding:** These criteria are satisfied.

**Details of Finding:** Applicant's sheet L1.0, see Exhibit B2 or Section VB of Exhibit B3, indicates the requirements established by this subsection will be met by the proposed plantings.

***Subsection 4.176 (.06) D. Plant Materials-Street Trees***

E23. **Review Criteria:** This subsection establishes plant material requirements for street trees.

**Finding:** These criteria are satisfied.

**Details of Finding:** Applicant's sheet L1.0, see Exhibit B2 or Section VB of Exhibit B3, indicates the requirements established by this subsection as well as the Community Elements Book will be met by the proposed plantings.

***Subsection 4.176 (.06) E. Types of Plant Species***

E24. **Review Criteria:** This subsection discusses use of existing landscaping or native vegetation, selection of plant materials, and prohibited plant materials.

**Finding:** These criteria are satisfied.

**Details of Finding:** The allowed plant materials are governed by the Community Elements Book. All proposed plant materials are consistent with the SAP East Community Elements Book.

***Subsection 4.176 (.06) F. Tree Credit***

E25. **Review Criteria:** "Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows: Existing trunk diameter                      Number of Tree Credits

18 to 24 inches in diameter                      3 tree credits

25 to 31 inches in diameter                      4 tree credits

32 inches or greater                      5 tree credits."

Maintenance requirements listed 1. through 2.

**Finding:** These criteria are satisfied.

**Details of Finding:** No trees are on the site to be preserved in accordance with this subsection.

***Subsection 4.176 (.06) G. Exceeding Plant Material Standards***

E26. **Review Criterion:** “Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met.”

**Finding:** This criterion is satisfied.

**Details of Finding:** The selected landscape materials do not violate any height or vision clearance requirements.

***Subsection 4.176 (.07) Installation and Maintenance of Landscaping***

E27. **Review Criteria:** This subsection establishes installation and maintenance standards for landscaping.

**Finding:** These criteria are satisfied or will be satisfied by Condition of Approval PDE 2.

**Details of Finding:** The installation and maintenance standards are or will be met as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- A note on the applicant’s sheet L1.0, see Exhibit B2 or Section VB of Exhibit B3, indicates “project is to be irrigated by an automatic underground system, which will provide full coverage for all plant material. System is to be design/build by landscape contractor.”

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

E28. **Review Criterion:** “Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated.”

**Finding:** This criterion is satisfied.

**Details of Finding:** Landscape plans have been submitted with the required information. See applicant’s sheets L1.0 through L6.0, see Exhibit B2 or Section VB of Exhibit B3.

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

E29. **Review Criterion:** “The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review.”

**Finding:** This criterion is satisfied.

**Details of Finding:** As a condition of PDP approval the parks for the PDP or PDP phase must be completed prior to fifty percent (50%) of the homes being occupied unless certain conditions exist, similar to what is described in this subsection, in which case a bond can be posted. See Finding A60 in Request A and Condition of Approval PDA 4.

### **Site Design Review**

#### ***Subsection 4.400 (.01) Excessive Uniformity, Inappropriateness of Design, Etc.***

- E30. **Review Criteria:** “Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.”

**Finding:** These criteria are satisfied.

**Details of Finding:** It is staff’s professional opinion that the proposed development will not result in excessive uniformity, inappropriateness or poor design, and the proper attention has been paid to site development and landscaping.

#### ***Subsection 4.400 (.02) Purposes of Objectives of Site Design Review***

- E31. **Review Criterion:** “The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:” Listed A through J.

**Finding:** These criteria are satisfied.

**Details of Finding:** It is staff’s professional opinion that the applicant has provided sufficient information demonstrating compliance with the purposes and objectives of site design review. Among the information provided is a written response to these purposes and objectives on pages 15 through 18 in Section VA of the applicant’s compliance narrative, Exhibit B3.

### ***Section 4.420 Site Design Review-Jurisdiction and Power of the Board***

- E32. **Review Criteria:** The section states the jurisdiction and power of the Development Review Board in relation to site design review including the application of the section, that development is required in accord with plans, and variance information.

**Finding:** These criteria will be satisfied by Condition of Approval PDE 3.

**Details of Finding:** A condition of approval has been included to ensure construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. No grading or other permits will be granted prior to development review board approval. No variances are requested from site development requirements.

***Subsection 4.421 (.01) Site Design Review-Design Standards***

- E33. **Review Criteria:** “The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards.” Listed A through G.

**Finding:** These criteria are satisfied.

**Details of Finding:** The applicant has provided sufficient information demonstrating compliance with the standards of this subsection. Among the information provided is a written response to these standards on pages 18 and 20 of Section VA of their compliance narrative, Exhibit B3.

***Subsection 4.421 (.02) Applicability of Design Standards to Various Site Features***

- E34. **Review Criteria:** “The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.”

**Finding:** These criteria are satisfied.

**Details of Finding:** Design standards have been applied to all site features.

***Subsection 4.421 (.03) Objectives of Section 4.400 Serve as Additional Criteria and Standards***

- E35. **Review Criteria:** “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The purposes and objectives in Section 4.400 are being used as additional criteria and standards. See Finding E31 above.

***Subsection 4.421 (.05) Site Design Review-Conditions of Approval***

- E36. **Review Criterion:** “The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code.”

**Finding:** This criterion is satisfied.

**Details of Finding:** No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development.

***Subsection 4.421 (.06) Color or Materials Requirements***

- E37. **Review Criterion:** “The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.”

**Finding:** This criterion will be satisfied by Condition of Approvals PDE 4 and PDE 5.

**Details of Finding:** Condition of Approval PDE 4 requires all retaining walls within the public view shed to be a decorative stone or brick construction or veneer. Final design of

retaining wall design will be approved by the Planning Division through the Class I Administrative Review process. Further, while staff realizes the design of stairs within the parks and open space are such to avoid the need of hand rails, if they are required Condition of Approval PDE 5 ensures they are of a design mirroring that for courtyard fences shown in the Architectural Pattern Book. Final design of any handrails will be approved by the Planning Division through the Class I Administrative Review process.

#### ***Section 4.440 Site Design Review-Procedures***

- E38. **Review Criteria:** “A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:” Listed A through F.

**Finding:** These criteria are satisfied.

**Details of Finding:** The applicant has submitted the required additional materials, as applicable.

#### ***Section 4.442 Time Limit on Approval***

- E39. **Review Criterion:** “Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

**Finding:** This criterion is satisfied.

**Details of Finding:** The applicant has indicated that they will pursue development within two (2) years and it is understood that the approval will expire after 2 years if a building permit hasn’t been issued unless an extension has been granted by the board.

#### ***Subsection 4.450 (.01) Landscape Installation or Bonding***

- E40. **Review Criterion:** “All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.”

**Finding:** This criterion is satisfied.

**Details of Finding:** As a condition of PDP approval the parks for the PDP or PDP phase must be completed prior to fifty percent (50%) of the homes being occupied. See Finding A61 in Request A and Condition of Approval PDA 4.

#### ***Subsection 4.450 (.02) Approved Landscape Plan Binding***

- E41. **Review Criterion:** “Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved

landscape plan shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code.”

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

**Details of Finding:** The condition of approval shall provide ongoing assurance this criterion is met.

***Subsection 4.450 (.03) Landscape Maintenance and Watering***

- E42. **Review Criterion:** “All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.”

**Finding:** This criterion will be satisfied by Condition of Approval PDE 6.

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

***Subsection 4.450 (.04) Addition and Modifications of Landscaping***

- E43. **Review Criterion:** “If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City’s development review process, that removal or modification must first be approved through the procedures of Section 4.010.”

**Finding:** This criterion will be satisfied by Condition of Approval PDE 6.

**Details of Finding:** The condition of approval shall provide ongoing assurance that this criterion is met by preventing modification or removal without the appropriate City review.

City of

**WILSONVILLE**  
in OREGON



Planning Division  
29799 SW Town Center Loop E  
Wilsonville, OR 97070  
503-682-4960  
503-682-7025 fax

**PLANNING DIVISION**

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

- **DB12-0050:** DLCD Notice of Adoption for a Zone Map Amendment (EFU to Village) for "Tonquin Meadows No. 2" in Villebois, SAP-East PDP-4
- Signed Ordinance No. 710 and supporting documents

**CERTIFIED MAIL™**



1300 0002 3065 4115



U.S. POSTAGE >> PITNEY BOWES

ZIP 97070 \$ 008.00<sup>0</sup>  
02 1W  
0001378009 DEC 20 2012



**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

**DEPT OF**  
**DEC 21 2012**  
**LAND CONSERVATION  
AND DEVELOPMENT**