

**AMENDED AGENDA**

**WILSONVILLE CITY COUNCIL MEETING  
MAY 4, 2015  
7:00 P.M.**

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

Mayor Tim Knapp

Council President Scott Starr  
Councilor Susie Stevens

Councilor Julie Fitzgerald  
Councilor Charlotte Lehan

**CITY COUNCIL MISSION STATEMENT**

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

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**Executive Session is held in the Willamette River Room, City Hall, 2<sup>nd</sup> Floor**

- |                  |   |           |
|------------------|---|-----------|
| <b>5:00 P.M.</b> | <b>EXECUTIVE SESSION</b>  | [15 min.] |
| A.               | Pursuant to ORS 192.660(2)(f) Exempt Public Records<br>ORS 192.660(2)(h) Litigation |           |
| <b>5:15 P.M.</b> | <b>REVIEW OF AGENDA</b>   | [5 min.]  |
| <b>5:20 P.M.</b> | <b>COUNCILORS' CONCERNS</b>   | [5 min.]  |
| <b>5:25 P.M.</b> | <b>PRE-COUNCIL WORK SESSION</b>   |           |
| A.               | SMART Technological Upgrade Project (Lashbrook)                                     | [10 min.] |
| B.               | Broadband Summit – Staff Update (Retherford/Miller)                                 | [10 min.] |
| C.               | Planning Fee Increase (Cole)  | [20 min.] |
| D.               | Russell Knoebel, Basalt Creek Update (Neamtzu)                                      | [20 min.] |
| <b>6:50 P.M.</b> | <b>ADJOURN</b>  |           |

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**CITY COUNCIL MEETING**

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, May 4, 2015 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on April 21, 2015. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered therewith except where a time limit for filing has been fixed.

- |                  |  |  |
|------------------|--|--|
| <b>7:00 P.M.</b> | <b>CALL TO ORDER</b>   |  |
| A.               | Roll Call  |  |
| B.               | Pledge of Allegiance   |  |
| C.               | Motion to approve the following order of the agenda and to remove items from the consent agenda. |  |

**7:05 P.M. MAYOR'S BUSINESS**

- A. "If I Were Mayor" Award Presented to Mikala Hoffman (staff – Handran)
- B. Drinking Water Week Proclamation (staff – Labrie)
- C. Receipt of Certificate of Achievement for Excellence in Financial Reporting from GFOA. (staff – Cole)
- D. Upcoming Meetings

**7:25 P.M. COMMUNICATIONS**

- A. CCSD Annual Report Summary – Chief Smith

**7:35 P.M. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

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

**7:40 P.M. COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS**

- A. Council President Starr – (Park & Recreation Advisory Board Liaison)
- B. Councilor Fitzgerald – (Development Review Panels A & B Liaison)
- C. Councilor Stevens – (Library Board and Wilsonville Seniors Liaison)
- D. Councilor Lehan– (Planning Commission and CCI Liaison)

**7:50 P.M. CONSENT AGENDA**

- A. Minutes of the April 6, 2014 and April 20, 2015 Council Meetings. (staff – King)

**7:55 P.M. PUBLIC HEARING**

- A. **Resolution No. 2528**  
A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2014-15. (staff – Rodocker)
- B. **Ordinance No. 768** – First Reading  
An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Forest (PF) Zone To The Village (V) Zone On Approximately 3.58 Acres Northwest Of SW Villebois Drive North Between SW Orleans Avenue And SW Costa Circle West. Comprising Tax Lot 3100 And Adjacent Right-Of-Way Of Section 15ac, T3S, R1W, Clackamas County, Oregon, RCS-Villebois Development LLC, Applicant. (staff – Pauly)

Note: DRB Background and Exhibit information is provided on the CD enclosed with Councilors packets.

**8:40 P.M. NEW BUSINESS**

- A. **Resolution No. 2529**  
A Resolution Of The City Of Wilsonville Adopting A New Fee Schedule For Land Use Development And Planning Review Fees, And Repealing Resolution No. 2050. (staff – Cole)

4/27/2015 11:05 AM Last Updated

B. **Resolution No. 2530**

A Resolution Authorizing An Intergovernmental Agreement With The Urban Renewal Agency Of The City Of Wilsonville Pertaining To Short Term Subordinate Urban Renewal Debt For Both The Year 2000 Plan And West Side Districts.

**8:50 P.M. CITY MANAGER'S BUSINESS**

**8:55 P.M. LEGAL BUSINESS**

**9:00 P.M. ADJOURN**

***AN URBAN RENEWAL AGENCY MEETING WILL FOLLOW.***

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

**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b>  May 4, 2015	<b>Subject: Tech Upgrades for SMART</b>  <b>Staff:</b> Stephan Lashbrook & Jen Massa Smith <b>Department:</b> Transit	
<b>Action Required</b> <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<b>Advisory Board/Commission Recommendation</b> <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable  <b>Comments:</b> No action required. Work session information item only.	
<b>Staff Recommendation:</b> N.A.		
<b>Recommended Language for Motion:</b> N.A.		
<b>PROJECT / ISSUE RELATES TO:</b> <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Transit Master Plan (TMP) Transportation System Plan (TSP)	<input type="checkbox"/> Not Applicable

**ISSUE BEFORE COUNCIL:** Staff will present background information on planned tech upgrades.

**EXECUTIVE SUMMARY:** Council action will be needed at a future meeting to approve a contract with a vendor for both hardware and software. Staff is in the process of negotiating with a selected vendor at this time.

The primary source of funding for the planned upgrades is Federal Transit Administration (FTA) grants.

City matching funds have been included within the current budget.



**EXPECTED RESULTS:** Once implemented, the planned upgrades are expected to enable the City to reap multiple benefits by running a more efficient transit system as well as providing the public with modern and reliable information in “real-time”.

SMART will be able to track ridership not only by route, but by time and at each and every stop. Currently this is not possible to get to this level of detail. The new suite of captured data will enhance route evaluations and ridership forecasting as well as improve on-time performance and reporting and planning capabilities. Improved performance measurement and data tracking over time will strategically position SMART for future grant funding and enable City leadership to make well informed decisions about SMART’s transit service in general.

ADA Improvements: GPS-triggered “next bus” audio and/or visual announcements will improve passenger information communication for people with disabilities.

Reporting: SMART will collect more data and will be able to run hundreds of reports that will be very useful for required reporting to FTA, ODOT, Metro and the City. The opportunity for this data to help streamline much of SMART’s internal processes is another benefit SMART is expecting to immediately realize upon launch of these new upgrades. Currently most of the ridership information tracking is done by hand and paper. Digitizing this process will create instant savings not only in staff time, but in cost of materials and supplies.

Dial-a-Ride: Improved demand-response software for scheduling will allow the dispatcher to know exactly where every bus is at all times. They will have access to interactive mapping and software that assists with scheduling to improve efficiencies that will be seen throughout the entire Dial-a-Ride program.

**TIMELINE:** If negotiations with the vendor are concluded on schedule and if the City Council authorizes the contract to proceed, SMART expects to have the planned upgrades in place before the end of this calendar year. SMART expects a full “beta testing” time period before an official and comprehensive launch to the general public.

**CURRENT YEAR BUDGET IMPACTS:** \$100,000 in the current fiscal year, most of which was set aside for this purpose in the Transit Integration Project grant budget. SMART is currently in contract negotiations with the selected vendor so the exact dollar amount for the next fiscal year is yet to be determined. It is important to note that there are FTA federal funds available now for SMART to cover the entire cost of this project for five years (approximately \$300,000). After that, the ongoing operating costs are estimated to be approximately \$25,000/yr. SMART is expecting to realize a significant return on investment (ROI) and will track and report the ROI to City management and Council.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: SCole Date: 4/23/15

**LEGAL REVIEW / COMMENT:**

Reviewed by: MEK Date: 4/23/2015

NA as this is informational only.

**COMMUNITY INVOLVEMENT PROCESS:** Through the recent work of the Transit Integration Project and the community input received for SMART improvements, passenger information such as having “real-time” arrival apps continues to be a frequent comment received from commuters.

During the testing phase of this project SMART will seek the assistance of certain groups to help iron out any kinks before the entire system goes live and is promoted to the general public.

SMART has had recent discussions with faculty at Oregon Tech to share this information with students who are learning how to design and create mobile applications as part of their curriculum. Because this technology will be available as “Open API” (Application Programming Interface) this will enable websites to interact with each other and allow for public collaboration and design of new rider apps. Apps are very expensive to create and by allowing an open API, public apps will most likely be created with no associated cost to SMART. We see that this is extremely common across the country with other transit agencies that allow open data.

Currently, SMART has various ways for the public to provide input and feedback. This can be done in person or by phone, email or in writing. With these new apps, riders will be able to immediately send feedback through the mobile app. This will increase the flow of customer communications and allow SMART to better respond to the daily needs and desires of passengers.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:** The use of federal grant funds enables SMART to update its equipment with modern buses and ancillary equipment.

The community will see multiple benefits from these upgrades. SMART’s internal processes will be streamlined to create efficiencies and provide better service. The routes and schedules will be optimized, and passengers will have access to improved and immediate information.

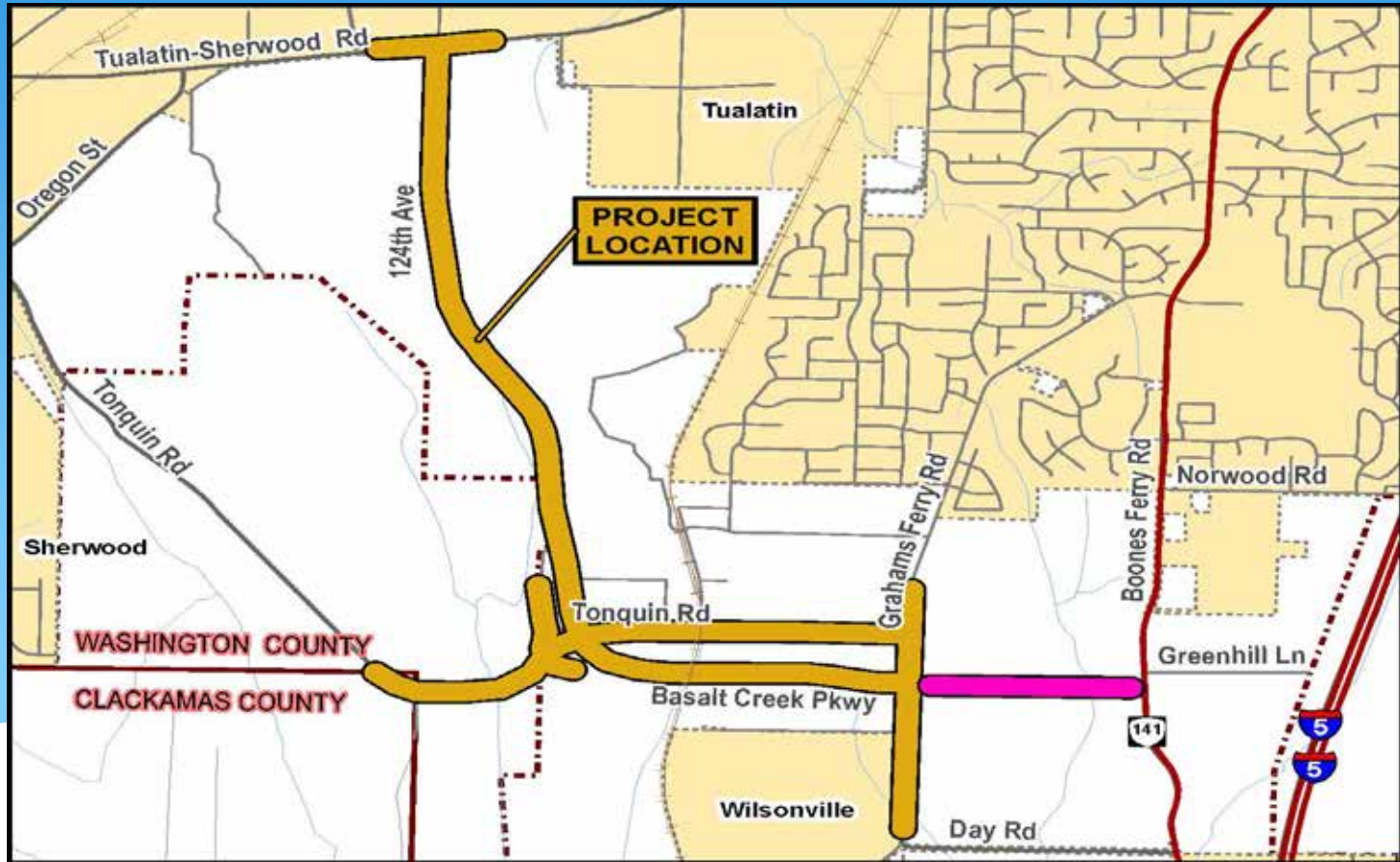
Improved rider confidence: SMART will be able to communicate reliable information to riders in real-time. Recent studies have shown that if you know exactly when your bus is arriving, you perceive your wait time as shorter and are more likely to take more trips by transit.

**ALTERNATIVES:** When considering action on the proposed contract, the City Council will have the option of rejecting the proposal and returning the federal grant money which has already been approved for this use. The Council will not face that decision until a contract has been prepared for the vendor (probably later in May or in June).

**CITY MANAGER COMMENT:**

**ATTACHMENTS -** None

# 124<sup>th</sup> Project and Basalt Creek Parkway Extension



# Basalt Creek Transportation Refinement Plan

- \* The Basalt Creek Transportation Refinement Plan was a joint effort involving five agencies and the public.
- \* The east-west alternative was selected by all five agencies and used to update the County's TSP.
- \* It removes a significant number of vehicles from downtown and off neighborhood streets.

# Funding

## 124th (Estimated Cost \$30 million)

- \* MSTIP 3C - \$8 million
- \* MSTIP 3D - \$12 million (124th)
- \* MSTIP 3D - \$10 million (Basalt Creek Imp.)

## Basalt Creek Parkway Ext (Estimated Cost \$35 million)

- \* MSTIP 3D - \$1 million (Basalt Creek Imp.)
- \* Regional Flex Funds - \$2.2 million (Tonquin/Grahams Ferry)
- \* Further funding will be needed from Federal, MSTIP, TDT, Local SDC

# 124<sup>th</sup> Highlights

- \* Extension of 124<sup>th</sup> to Tonquin and a new Basalt Creek Parkway from Tonquin to Grahams Ferry.
- \* Interim 2 to 3-lane cross section, walls and bridges built to future 5 –lane cross section.
- \* Tonquin and Grahams Ferry improved to 3-lanes .
- \* Tonquin/Grahams Ferry intersection rebuilt.
- \* Improved rail crossing on Tonquin and overcrossing of the rail for Basalt Creek.
- \* Realigned curves on Tonquin in front of TVF&R.
- \* Improved sight distance on Tonquin and Grahams Ferry.
- \* 6 to 7-foot wide shoulders to accommodate bikes.

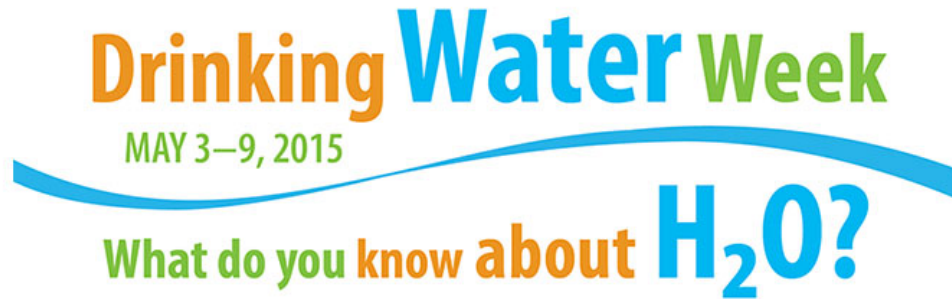
# 124<sup>th</sup> Schedule

- \* Currently purchasing right-of-way.
- \* July 2015 Bid.
- \* 124<sup>th</sup>/Basalt Creek (Aug 2015- Dec 2016) open to traffic and close Tonquin.
- \* Tonquin/Grahams Ferry (Jan 2017 – Dec 2017).
- \* Project Completion June 2018 .

# Basalt Creek Parkway Ext.

- \* Part of the east-west alternative in the Basalt Creek Transportation Refinement Plan will extend the newly built Basalt Creek Parkway from Grahams Ferry to Boones Ferry.
- \* Environmental work will begin Oct 2015.
- \* Final Design work will start Oct 2017.
- \* If additional funds are budgeted, construction could start in the summer of 2019 and be complete in 2022.





**WHEREAS**, water is our most valuable natural resource; and

**WHEREAS**, tap water protects public health, provides fire protection, supports recreation and enhances the quality of life we all enjoy; and

**WHEREAS**, tap water greatly influences our everyday lives as a foundation for the economic vitality and stability of our community; and

**WHEREAS**, we recognize the dedicated employees who contribute to the operation and maintenance of this public water system to the benefit of all users; and

**WHEREAS**, we acknowledge that we are all stewards of the water infrastructure and the sources from which it is derived, and upon which future generations depend; and

**WHEREAS**, each citizen of our city is called upon to practice water conservation and to engage in local water issues and awareness; and

**NOW, THEREFORE**, I, Tim Knapp, Mayor of the City of Wilsonville in the State of Oregon, hereby proclaim May 3-9, 2015 as,

## National Drinking Water Week

and encourage all Wilsonville citizens to join in this observance.

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Mayor Knapp  
Signed: May 4, 2015

**CITY COUNCIL ROLLING SCHEDULE**  
**Board and Commission Meetings 2015**  
**Items known as of 04/24/15**

**May**

DATE	DAY	TIME	MEETING	LOCATION
5/4	Monday	7 p.m.	City Council Meeting	Council Chambers
5/11	Monday	6:30 p.m.	DRB Panel A	Council Chambers
5/13	Wednesday	6 p.m.	Planning Commission	Council Chambers
5/14	Thursday	6 p.m.	Budget Committee	Council Chambers
5/18	Monday	7 p.m.	City Council Meeting	Council Chambers
5/19	Tuesday	6 p.m.	Budget Committee	Council Chambers
5/20	Wednesday	6 p.m.	Budget Committee	Council Chambers
5/25			City offices closed in observance of Memorial Day	
5/27	Wednesday	6:30	Library Board	Library
5/28	Thursday	6 p.m.	DRB Panel B This meeting replaces the 5/25 meeting postponed due to Memorial Day Holiday	Council Chambers

**COMMUNITY EVENTS**

**ADA Transition Plan Public Open House**

May 7, 6:00 PM - 8:00 PM @ City Hall Council Chambers

On Thursday, May 7, 2015, 6 - 8 pm in City Hall Council Chambers the City of Wilsonville is holding a public open house to review and seek comments on the Americans with Disability Act (ADA) Transition Plan. For those people who are unable to attend, the Plan will be available on the City's website at [www.ci.wilsonville.or.us/ADA](http://www.ci.wilsonville.or.us/ADA).

**W.E.R.K. Day**

May 9, 8:00 AM - 1:00 PM @ Wilsonville Community Center

W.E.R.K. (Wilsonville Environmental Resource Keepers) Day is an annual event that draws over 300 volunteers for a variety of park projects. Each year the projects differ but are focused within Memorial Park.

**Wilsonville Garden Club Spring Plant Sale**

May 9, 9:00 AM - 2:00 PM @ Oak Room

Just in time for Mother's Day! The Wilsonville Garden Club will have a large selection of the very popular sun and shade hanging baskets, blooming annual and perennials, plus cutting and divisions from the Wilsonville Garden Club member's own gardens. All profits are used to support local horticulture education and scholarships.



**Spa Saturday at the Center**

May 16, 10:30 AM - 1:30 PM @ Community Center  
7965 SW Wilsonville Road

Please join us for our 2nd Spa Saturday at the Center. There will be free sample sessions of massage, acupuncture, yoga, tai chi, Pilates, meditation, health and craft vendors, raffle prizes and more!

**Wilsonville Festival of Arts**

May 30 & 31, 10:00 AM - 9:00 PM @ Town Center Park

The Wilsonville Arts & Culture Council is presenting the 16th annual Wilsonville Festival of Arts—a free community event on Saturday, May 30 and Sunday, May 31, at Wilsonville's Town Center Park that begins at 10 am and last until 9 pm on Saturday and 5 pm on Sunday.

**CITY OF WILSONVILLE**  
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A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, April 6, 2015. Mayor Knapp called the meeting to order at 7:08 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp  
Councilor Starr  
Councilor Fitzgerald - Excused  
Councilor Stevens  
Councilor Lehan

Staff present included:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Mike Kohlhoff, City Attorney  
Sandra King, City Recorder  
Barbara Jacobson, Assistant City Attorney  
Jon Gail, Community Relations Coordinator  
Nancy Kraushaar, Community Development Director  
Blaise Edmonds, Manager of Current Planning

Motion to approve the order of the agenda.

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

**Vote:** Motion carried 4-0.

**MAYOR'S BUSINESS**

A. Proclamation Declaring April Parkinson's Awareness Month (Kevin Mansfield Oregon State Director for Parkinson's Action Network.)

Mr. Mansfield thanked Council for their time; he offered that he has Parkinson's disease and volunteers his time providing education about the disease. Mr. Mansfield presented a letter from President Obama recognizing the importance of research for the cure of Parkinson's disease.

Mayor Knapp read the proclamation into the record and presented it to Mr. Mansfield.

B. Recognition for National Service Proclamation (Lara Jones, AmeriCorps)

Lara Jones introduced Heidi Blaire who works in Wilsonville at the CREST Center and spoke about the AmeriCorps Program that works to increase awareness of environmental leadership and civic engagement.

Councilor Starr read the proclamation into the record.

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C. Arbor Day Proclamation (staff – Pauly)

Mr. Pauly stated the City has been a Tree City for the past 17 years. He talked about the criteria necessary to be named a Tree City USA.

The proclamation was read by Councilor Lehan.

D. Child Abuse Prevention Month (Tracy Cramer, Development and Communications Coordinator)

Cathryn Burns, Board of Directors of the Children’s Center, explained the Children’s Center is a member of the National Children’s Alliance and a partner in Clackamas County’s response to child abuse. It is a private nonprofit medical assessment center serving children and families and educating the public.

Councilor Stevens read the proclamation for the record.

E. Upcoming meetings were announced by the Mayor.

**COMMUNICATIONS**

A. Chief Duyck, Tualatin Valley Fire & Rescue (TVF&R) Annual State of the District

Using a PowerPoint presentation Chief Duyck presented the Annual State of the District for Tualatin Valley Fire and Rescue.

He provided the percentage and the types of calls TVF&R responded to throughout the past year, noting that as the population grows their response to calls will increase. In the spring TVF&R works with the local school districts to provide education about the perils of inattentive driving through simulated traffic accidents. TVF&R programs also include:

- training students in CPR,
- conducting building inspections,
- conducting fire investigations,
- training landlords on how to make their buildings safer, and
- general safety programs.

Chief Duyck listed the accomplishments for the past year which include:

- passage of a local option levy,
- training 25 recruit / volunteer firefighters,
- deployment of 2 medic units,
- purchased land for future stations,
- created partnerships and pilot projects to reduce the costs of health care, and
- finished construction of the Elligsen Road station and the remodel of the Kinsman Road station.

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CITY COUNCIL MEETING MINUTES**

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**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

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

Debbie Laue, 12340 SW Wilsonville Road, thanked the City for the second Frog Pond Open House. She referred to a memo prepared by the Leland Consulting Group and expressed her concern over the infrastructure costs per lot, noted in the memo and felt single level homes were not taken into consideration in these numbers. Her studies show the average 2000 square foot single level home has a \$72,000 premium on it when compared to a 2000 square foot two-story home, and she asked if that could be taken into consideration when considering the infrastructure costs of the lot. It seemed to Ms. Laue that the entire cost of the Stafford Road and 65<sup>th</sup> Avenue intersection improvement costs were being added to the Frog Pond off site infrastructure.

Mr. Cosgrove asked that Ms. Laue provide her data to Mr. Neamtzu. The costs for the intersection improvements were the share of the Frog Pond development, but staff would confirm.

**COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS**

Council President Starr – (Park & Recreation Advisory Board Liaison) reported the Parks and Recreation Board will hear from seven applicants for the Opportunity Grant at their next Board meeting, and that the annual Easter Egg Hunt was successful with 1,000 children participating. The Murase Plaza playground renovations are underway. He noted the Chamber of Commerce has started the process of replacing their chief executive officer.

The Councilor announced Antique Appraisal Day scheduled for April 11<sup>th</sup> with proceeds going to the Senior Nutrition Program, and the Arbor Day Tree Planting Event set for April 11<sup>th</sup> in Memorial Park.

Councilor Starr stated he had concerns about the work the consultant is providing on the Frog Pond project and he would continue to “stay on it”.

Mayor Knapp read the activities of the DRB.

Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) commented the Library Board is reviewing policy and procedures and the possibility of adding IFRD technology to make check in/out of library materials automatic. The County is evaluating the technology at this point.

The Councilor attended the Frog Pond Open House which was well attended by the public who had the opportunity to learn about the project, and their provide comments via an on-line survey,

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which is open until April 12<sup>th</sup>. She invited the public to attend the Town Hall regarding Ballot Measure 91, and to the Emergency Preparedness Open House scheduled for next week.

D. Councilor Lehan – (Planning Commission and CCI Liaison) announced the Planning Commission will be meeting later this week to conduct work sessions concerning the Willamette River Water Pipeline preferred route; and the draft Memorial Park Work Plan.

The Councilor reported she and the Mayor were in Salem to testify on SB716 which is supported by Clackamas, Columbia and Multnomah counties. Testimony was continued to Wednesday due to the number of people wishing to speak.

Councilor Lehan announced the upcoming Book Notes Concert at the Library on April 11, and the Walk SMART program starting April 29<sup>th</sup>.

**CONSENT AGENDA**

Mr. Kohlhoff read the Consent Agenda item into the record.

A. Minutes of the March 16, 2015 Council Meeting.

**Motion:** Councilor Lehan moved to approve the Consent Agenda. Councilor Stevens seconded the motion.

**Vote:** Motion carried 4-0

**PUBLIC HEARING**

Mr. Kohlhoff read Resolution No. 2524 into the record by title only.

A. **Resolution No. 2524**  
Resolution To Issue An Order By The City Council Denying The Appeal And Affirming Development Review Board Resolution No. 299 Relating To A Tentative Land Partition For Two Parcels. The Subject Site Is Located On Tax Lot 2700 Of Section 13BA, T3S, R1W, Clackamas County, Oregon. Applicant/Appellant/Owner Gerald And Joanne Downs; Applicant Representative Ronald Downs. Application Nos. AR14-0077; DB15-0006. (staff – Kraushaar/Jacobson)

Mr. Kohlhoff read the title of Resolution No. 2524 into the record. He stated should the Council approve the appeal and deny the DRB Resolution, he requested the Council allow the Staff to bring back the findings at the next meeting.

Mayor Knapp read the public hearing format and opened the public hearing at 8:23 p.m.

The staff report and findings of fact were prepared by Barbara Jacobson, Blaise Edmonds, and Nancy Kraushaar and are included here to provide background.

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*Beginning of Staff Report.*

**ISSUE BEFORE COUNCIL:**

At a public hearing held on February 23, 2015, the “DRB” voted 5-0 to deny the Applicant’s appeal of the Planning Director’s Class II Administrative Decision (Application Nos. AR14-0077 and DB15-006). That DRB decision has been appealed by the Applicant to the City Council. The issue on appeal is Condition PFA 27, which condition requires the Applicant to make certain street improvements, which include sidewalk, curb, and gutter along the entire frontage of the proposed land partition. The Applicant argues that this requirement is not roughly proportionate and should be reduced to only require these improvements in front of the smaller of the two partitioned lots where a new second home will be constructed (approximately 40% of the total area).

**EXECUTIVE SUMMARY:**

The Applicant is appealing Condition PFA 27, which requires certain street improvements, including sidewalk, curb, and gutters (meeting current City requirements for residential street construction), to be placed across the entire frontage of Applicant’s parcel as a condition for the partition of that parcel into two separate lots. This partition will allow the Applicant to cause a second home to be built on the property. The Applicant contends that this requirement, as written, is overbroad and should be reduced to only require street frontage improvements across the front of the parcel where the new home will be located and that no frontage improvements should be required across the other half of the parcel, where an existing home is located. The Applicant states that his argument is based on the nexus and rough proportionality standards set forth in the United States Supreme Court case of Dolan v. City of Tigard, 512 US 374 (1994). While the City disputes the applicability of Dolan to this condition, City staff has assumed, for the sake of argument, that Dolan findings could apply and, therefore, made Dolan findings that staff believes satisfy the nexus and rough proportionality tests of the Dolan case, as set forth in the DRB record before City Council.

City Council has determined that this appeal shall be an on-the-record only appeal. Therefore, attached please find the same legal memo submitted in support of the Planning Director’s Decision to the DRB and part of the DRB record, which summarizes staff’s position. See Record Memo at #5.

As outlined in the memo and on the record, Wilsonville ordinances impose a standard requirement on all development in the City that requires certain street improvements, including sidewalks, curb, and gutter to be placed in front of the developed property. The City Comprehensive Plan, which is the governing law for land use in the City, provides at Policy 3.3.2 that the City shall work to improve accessibility for all citizens to all modes of transportation, and at Implementation Measure 3.3.2.d requires that gaps in existing sidewalks be filled to create a safe and continuous network of safe and accessible bicycle and pedestrian facilities. It is the standard and consistent requirement of the City to require street frontage improvements, including the placement of sidewalks, curb, and gutter, with every new development or redevelopment. Wilsonville City Code Section 4.177(3) requires sidewalks be provided on the public street frontage of all development. City Code Section 4.001(79) defines “development” as “any human-caused change to improved or unimproved real estate.” City Code Section 4.005 lists certain activities that are exempt from development permit



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requirements, but a partition is not listed as an exception. The condition imposed and at issue is a required condition applied to all partitions, including recently to a three-lot partition located one property away from that of the Applicant, as well as a similar two-lot partition located just a few blocks away from the Applicant's parcel. The requirement imposed upon the Applicant is not in any way unique to the Applicant's property, nor is it based on any development assumptions. It is therefore easily distinguishable from the court case primarily relied upon by the Applicant and from the Dolan findings, as briefed in the attached memo.

Finally, it should be noted, as is provided in the record, that the cost estimate made by engineering staff assumes three criteria that are not applicable if the Applicant elects to perform the work himself, which is an option that he has.

Specifically, the City estimate includes the cost to grind and overlay the entire road area, which is what the City would do if it were doing the work. This is not, however, being required of the Applicant, who can elect to patch only what he disturbs, in accordance with Public Works Standards. Also, the City estimate includes generally higher BOLI wages, which would not be applicable to work done by the Applicant. Finally, the in-lieu-of payment contains a 30% mark-up cushion for the City, if the Applicant elects to shift the risk of performance to the City.

The City must render a final decision regarding the Applicant's appeal by no later than May 4, 2015.

The City Council, as the reviewing body, shall decide if the correct procedure was followed (which is not at issue) and, if so, was the correct or appropriate decision made based on the applicable policies and standards. WC 4.022(.06)B. The City Council has the authority to enter an order to affirm, reverse, or modify, in whole or in part, the DRB decision. WC 4.022(.08)A. In making its determination the Council should set forth its findings and reasons for taking the action.

All standard public notice procedures for the DRB public hearing were followed. The DRB allowed all interested parties to testify during the hearing process. One resident sent in email testimony supporting the condition at issue, which is included in the record. The only other party to present testimony at the hearing was the Applicant Representative, Ron Downs. A public notice of this upcoming appeal public hearing has been published, in accordance with the requirements of the Wilsonville City Code.

Street improvements and sidewalk will benefit the property owner as well as the public relating to public safety.

Final Findings Of Fact, Conclusions Of Law, And Decision By City Council, Rendered On April 6, 2015

Gerald and Joanne Downs Partition

APPLICATION AR14-0007

APPEAL DB15-0006

APPEAL HEARING DATE April 6, 2015

APPLICATION NOS.: AR14-0077; DB15-0006

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**APRIL 6, 2015**

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**REQUEST/SUMMARY:** The Applicant appealed the decision of the Development Review Board (“DRB”) DB15-0006, denying the Applicant’s appeal of and affirming the Planning Director’s Class II Administrative Decisions, Findings, and Conclusions, and Approving a Tentative Land Partition For Two Parcels (Case File AR14-007), incorporating the revised staff report submitted to the DRB. Based on the findings set forth herein, City Council affirms the decision of the DRB. Applicant’s appeal to the DRB was limited to Condition PFA 27. Although the DRB public hearing was de novo, meaning the DRB could have considered all aspects of the Director’s Decision, the DRB did not make any revisions to that decision and focused solely on the Applicant’s appeal of Condition PFA 27, Applicant testifying that his appeal concerned only imposition of PFA 27 across the frontage of the entire parcel, as opposed to his request that it be required only in front of the smaller partitioned parcel where he intended to construct a new home. Thus, our on-the-record review was limited to that same condition.

**LOCATION:** Tax Lot 2700 in Section 13BA, T3S, R1W, City of Wilsonville, Clackamas County, Oregon

**OWNER/APPLICANT:** Gerald and Joanne Downs, husband and wife

**APPLICANT’S REPS.:** Ronald Downs

**COMPREHENSIVE PLAN MAP DESIGNATION:** Residential 4 - 5 dwelling units an acre

**ZONE MAP CLASSIFICATION:** Residential Agricultural-Holding

**STAFF REVIEWERS:** Chris Neamtzu, Planning Director  
Blaise Edmonds, Manager of Current Planning  
Jennifer Scola, Assistant Planner  
Steve Adams PE, Development Engineering Manager  
Nancy Kraushaar, Community Development Director  
Barbara Jacobson, Assistant City Attorney

**APPLICABLE REVIEW CRITERIA:**

Sections 4.008 – 4.015	Administration Sections
Section 4.022(.01)	Administrative Action Appeal
Section 4.022(.04)	Appeal Notice
Section 4.022(.05)	Scope of Review
Section 4.022(.07)	Review Consisting of Additional Evidence or De Novo Review
Sections 4.030(.01)B.5; 4.034(.05); 4.035(.03)	Class II AR
Section 4.202	Land Divisions General
Section 4.210	Application Procedure
Section 4.120	Residential Agricultural – Holding Zone (RA-H)
Section 4.031	Authority of the DRB
Section 4.113	Standards to all Residential Zones
Section 4.118(.03)C.9	Waiver of Right of Remonstrance
Section 4.167	Access
Section 4.177(.01) and (.02)	Street Improvement Standards
Section 4.177(.03)	Sidewalks
Section 4.236(.01)	Conformity to the Transportation Systems Plan

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Section 4.236(.02)	Relation to Adjoining Street System
Section 4.237	Land Divisions General Requirements
Section 4.260(.02)	Improvement Procedures
Sections 4.262(.01) through (.10)	Improvement Requirements
Sections 4.300 – 4.320	Underground Utilities

**Other:** Administrative Decision AR14-0077

**Comprehensive Plan:** Plan Policy 3.3.2, Implementation Measures 3.3.2.c and 3.3.2.d.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

Wilsonville City Council, having reviewed the record and heard oral argument, hereby affirms the decision of the DRB, including imposition of the appealed Condition PFA 27, reaching the following Findings of Fact and Conclusions of Law with respect to that appealed condition:

***Section 4.177. Street Improvement Standards.*** This section contains the City’s requirements and standards for pedestrian, bicycle, and transit facility improvements to public streets, or within public easements. The purpose of this section is to ensure that development, including redevelopment, provides transportation facilities that are safe, convenient, and adequate in rough proportion to their impacts.

**Findings of Fact and Conclusions of Law.** This Section of the City Development Code sets the standards for pedestrian, bicycle and transit facilities for public streets, including curb and sidewalk, to ensure that development, including redevelopment, provides safe, convenient and adequate facilities in rough proportion to their impacts. Section 4.177(.03) requires that “Sidewalks shall be provided on the public street frontage of all development.” As this property is now being subdivided into two separate lots with two separate homes, the sidewalk/roadway transportation requirements being imposed must cover both properties. City Code requires these improvements to be made at the time of development or redevelopment, and this partition constitutes redevelopment, per Code definition, as found in Section 4.001(79).

City Code Section 4.005 lists certain activities that are exempt from development permit requirements, and a partition is not listed as an exception. This required condition is applied to all partitions, including recently to a three-lot partition located one property away from that of the Applicant, as well as a similar two-lot partition located just a few blocks away. The requirement is not in any way unique to the Applicant’s property, nor is it based on any development assumptions. Section 4.177(.01) requires that development and related public facility improvements shall comply with the standards in Section 4.177, the Wilsonville Public Works Standards, and the Transportation System Plan in rough proportion to the potential impacts of development. In the case at hand, the Applicant is not being required to make any additional roadway improvements or deviate from standard sidewalk requirements. The Applicant is not being asked to build the improvements in any area except directly in front of the Applicant’s own property. No land is being exacted from the Applicant for the sidewalk. The City Council finds this requirement is in rough proportion to the redevelopment being requested and is in accordance with the standards of the Code and the Public Works Standards, including the Public Works Standard that all sidewalks meet the Americans with Disabilities Act standards. See Public Works Standards, Section 201.2.25a.2.

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The City's Comprehensive Plan, which is the City's governing land use regulation, sets forth the requirements for a connected network of sidewalks and requires, at implementation Measure 3.3.2.d, that all gaps in the existing sidewalk network be filled so as to create safe and accessible bicycle and pedestrian facilities. Thus, in accordance with that requirement, as each parcel in the City without sidewalks is developed or redeveloped, the placement of the sidewalk and related curb, gutter and street improvements to current City standards is required to be built by the developer in front of the developer's property, as a proportionate requirement of development. This requirement has been consistently imposed as a developer responsibility as development occurs, thereby resulting in fewer gaps in the sidewalk. Just as the City Code, at Section 2.220, requires the property owner to be responsible for the sidewalk repairs that front the owner's property, so does the Code require the property owner/developer to install those same sidewalks as a proportionate condition of development.

*End of Staff Report.*

Blaise Edmonds, Manager of Current Planning, provided a brief report using the PowerPoint presentation given to the DRB which has not been changed in any way. Mr. Edmonds identified the location of the property on Canyon Creek Road that Mr. Downs is requesting to partition, in addition to the location of sidewalks in the area.

Sidewalk improvements on Canyon Creek Road were shown. Mr. Edmonds noted originally the subdivision was built in the 1960s as Bridal Trail Acres with paths for riding horses.

The partition request originally went to City Staff, which was approved with conditions of approval.

Mayor Knapp said the hearing was on the record, and no new information is to be introduced that is not already part of the record by the City or the Applicant.

Mr. Edmonds said that was correct, specifically the hearing is on condition PFA-27 which requires certain street improvements including sidewalk, curb, and gutters along the entire frontage of the Applicants parcel as a condition for the partition of that parcel into two separate lots.

Councilor Starr commented this was one place in the City with electrical utilities above ground, and would the City require the installation of sidewalks, only to come back later to tear them up to underground the utilities.

Mr. Kohlhoff the undergrounding of utilities pertains to an entire development being built, not a single family lot partition.

Councilor Starr wondered if there were plans to bury the utilities in the future.

Nancy Kraushaar stated in this partition we've asked that they provide the conduit when the sidewalk is built so the City can underground the utilities at a later date.

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Mr. Kohlhoff there is not the requirement to underground the utilities, but there is the requirement to provide the conduit.

Mayor Knapp asked if the sidewalk will be on public or private property and was the applicant donating land for the sidewalk.

Mr. Edmonds said it was in the 60-foot right of way.

Ms. Kraushaar added there was plenty of right of way so no land dedication would be required.

Mayor Knapp asked if the City has consistently applied the same standards to other small developments in this neighborhood and throughout the City where we've had this type of infill development.

Ms. Kraushaar responded all of the partitions since 2005 have been required to have frontage improvements completed at the partition phase of the development throughout the rest of the City as well.

Mayor Knapp wanted to know if the applicant was offered choices similar to what has been offered to other developments whether to build the street improvements themselves or to post funds and have the City install them.

Ms. Kraushaar responded that option was given to this particular partition application and included in the conditions of approval.

Mayor Knapp asked if there was flooding in the neighborhood.

Ms. Kraushaar stated this is a fairly flat area and the high point is in front of the applicant's property, it's very flat and at the top of the drainage, she did not believe they would be flooding themselves.

Councilor Stevens asked where the storm water went.

Ms. Kraushaar thought the applicant could employ the low impact stormwater designs to manage stormwater onsite so there is minimal offsite migration.

Mayor Knapp asked if the existing house is fully served by City services.

Ms. Kraushaar understood they are connected to sanitary sewer, but not water.

Mr. Kohlhoff stated appeal is limited to argument, staff reports, then the applicant will state their case, and staff will reply to the legal arguments. We have asked the arguments be limited to no more than 15 minutes.

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*Begin transcript.*

Ron Downs, Attorney for the Downs family. The issue before you is one of constitutionality of condition PFA-27; it is a narrow issue for you, it's the condition of 150 feet of street frontage which is the requirement of PFA27 for street front improvements versus what I will articulate is actual street frontage of 60 feet. I'm not asking that there be no improvements whatsoever, I'm asking the scope and extent of the improvements being required as part of the condition meets the constitutional standards set down by the Supreme Court set down in Nolan and Dolan vs. City of Tigard that goes back to 1974; recently reaffirmed in 2013 in Koontz vs. St. Johns River Water Management District.

It is a two part standard that has to be answered to meet constitutional muster. The first part is for the condition to pass, there must be a direct relationship between the condition and the actual impact from the proposed project. The second part is the condition must be proportional to the impact from the project in terms of both scope and cost.

This is the law the Supreme Court set down in both those cases. Over the years courts and public entities have applied the Dolan standard in different ways; the Supreme Court in Koontz said, "we meant what we said"; the government must meet the direct relationship standard and the proportionality standard. And this relates directly to all exactions and all permits regardless where there is a fee imposed. The Supreme Court said that is our standard. In Koontz they addressed a number of nuances that had come about since 1974. These standards were affirmed in Koontz Vs. St. John River Water Management District.

How does that work for you folks? In my day job I represent public entities and I appear before boards throughout the state, and my job is to educate you about the law, and what the risk analysis is and options and risks for each option.

There are four questions council needs to be able to address to answer the constitutional analysis:

- What is the project?
  - It is one new residential home.
- What is the actual impact created by this project?
  - The actual impact created by this new residential house is 60 feet of new street frontage, the additional 90 feet of street frontage has been there since my parents' home was built in 1979 there is no new impact created by the original house,
- What are the conditions imposed by government?
  - It's a narrow issue before you, PFA27 and the issue is, is it apropos to exact 150 feet as a condition or is it 60 feet.
- Do the conditions mitigate the actual impact of the project?
  - The conditions as set out impose an additional 90 feet of street frontage which is beyond what the Supreme Court says, the scope of the impact is 60 feet, the scope of the conditions is 150 feet.
  - The house built in 1979 does not create new impact.

Mr. Downs stated his parents' home was built in 1979, there is no new impact created by the existing house. The only actual impact is from parcel 2. The new house the new residential house and the new 60 feet. That is question two that you have to be able to answer. Question 3

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is what are the conditions that are imposed by government? And as I said, it is a narrow issue before you, it is PFA-27, and the issue is, is it appropriate to exact 150 feet as a condition, or is it 60 feet that really is the condition that is being imposed. The fifth question is does the conditions that are imposed by government by the conditions, do they mitigate the actual impact from the project, or do these conditions impose a greater obligation on the project? What I would assert is that the conditions as they are set out they impose an additional 90 feet of street frontage which is well beyond what the constitution says. And when you look at the mitigation argument, and when we talked about proportionality the Supreme Court said proportionality both in terms of scope and in cost, again the scope of the impact is 60 feet. The scope of the condition is an additional 90 feet for a total of 150 feet. What is important under the Dolan analysis is that you have to look at actual impact created by this residential home. Again, the house that was built in 1979 does not create any new impact. There is nothing new adding to that parcel 1. So that's the scope.

The second part of this is in the cost. When you deal with the proportionality argument what is the cost? If you apply the formula that staff has applied and I'm not going dispute the formula, I don't challenge the fact that it is ultimately 30% cost factor above is actually works out to 130%, so its if you apply their formula, if it's 60 feet it works out to \$18,000, if its 150 feet, it works out to \$45,000. So, that is a second part of that proportionality that you have to be able to address under that next question.

Now, to be constitutional, if the conditions are over broad, meaning that they are not directly related or mitigate the actual impact then the conditions as they are written are unconstitutional and subject to being overturned. Or, on the other avenue, if the conditions are not proportional both in terms of the scope and the cost, then the conditions are equally unconstitutional.

The Supreme Court says, and you've seen this in the packet that was provided to you by staff, that staff has to make individual factual findings, individualized factual findings of why this particular condition both meets the direct relationship standard and the proportionality standard. And as you read this, their individual factual findings are based on historical context that is all linked to City Code. City Code says this is essentially one parcel; therefore, this whole entire parcel is subject to that condition.

I would assert that is not an individualized factual finding, that's a finding that is based on City ordinance and Code, and what I would also assert is that City ordinance and Code does not trump the constitutional law or the analysis that is applied by the Supreme Court. You have to have the individual findings and you cannot just rely on Code, it has to be based on fact, and it can't be based on the historical context, it has to be based on this particular partition, and the actual impact created. And they have to mesh.

As this point, the options as I told you, you can either deny it or assert that they go back and revise it. All that I'm asking for is that it is limited to what the constitution says and what the Supreme Court says – 60 feet. We've never, we're on board completely with every suggestion the staff has made, somebody brought up the drainage for water, it's a new idea that staff is recommending they'd like to try it, and I'm completely on board with trying the new idea for rain water to drain, I'm completely on board with that. We're not asking for something for free,

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we're asking for our parcel, we're not asking to be subject to more than our fair share. Thank you for having me.

Mayor Knapp asked if there were questions of Mr. Downs. There were none. The Mayor invited staff to make their presentation.

Barbara Jacobson, Assistant City Attorney, presented the City's legal arguments and to address Mr. Downs's issues raised concerning Nolan, Dolan, rough proportionality and whether our conditions are fair and reasonable.

There are the two rhyming court cases as I like to call them Nolan and Dolan. They were both decided by the Supreme Court and they set forth what a City can reasonably require or what a government can reasonably require for an exaction in a development.

Although there are some strong arguments that I could make that the statutory condition imposed by the City in this case does not constitute an exaction, and therefore does not trigger the Nolan and Dolan test, that's a legal issue for debate, so to keep it simple, we have looked at the condition as if Nolan and Dolan did apply, and the bottom line is whether Nolan or Dolan apply or they don't apply, our development requirements have to be fair and reasonable; they have to be roughly proportional both in terms of cost and in terms of impact and I think they are in all cases.

So, to give you a brief primer on Nolan and Dolan, Nolan is a 1987 case, a California Supreme Court case, and it stands for the proposition that an essential nexus must exist between a legitimate government purpose and the imposed development condition. In other words, although the construction of sidewalks is a legitimate government interest the City cannot, for example, require Mr. Downs to build a sidewalk in front of somebody else's property in another neighborhood because that would not be impacted by his project.

The famous Supreme Court case that originates in our own City of Tigard is a 1994 case that requires that the exaction be roughly proportional to the impact of the development. A good example of a disproportionate impact is actually the Schultz v. Grants Pass case that the applicant sites many times in his material. In that case, Grants Pass was dealing with the same thing we are dealing with here, effectively a two lot partition, but instead of looking at it as a two lot partition, they said "in the future in theory this could be divided into up to 20 lots, and if it was 20 lots then both of the adjoining roads would need to be widened, because if we had 20 more families on this property we would need wider roads." So as a condition to the two lot partition, they actually imposed an exaction of taking of land in order to allow the widening of both of those roads.

In this case we want standard City streets, and standard City sidewalk improvements in front of the Downs property only. We are not exacting any land; those improvements will all fit into the right of way. This is a good example of proportionate impact. The sidewalk will serve two residences directly on the two lots that it will front, and those are both the Downs' lots. This requirement is based on our Code and does not require anything more of Mr. Downs than would be required of any other developer.



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I've got up on the screen the Code provisions related to condition PFA-27 that I will be going through briefly as I run through the rest of what we need to talk about.

Mr. Downs, in his materials, argued that the petition is not a development and that is counter intuitive. All development or redevelopment starts with some form of land use, generally a partition or a subdivision. "Development" in our Code is defined as, "any human caused change to improved or unimproved land." In this case, an improved parcel is being legally changed by the developer into a two lot subdivision, where two houses can be located instead of just one lot with one house. That is going to mean that there is going to be more people living in this area than there have been before. You have to look at it as it's a developer improving the value and marketability of his land by making it available for two homes instead of one.

The partition approval is good for two years. If the applicant makes no further development on the property for the two year period, if it just sits there as it is with just the existing Downs home on the property, after two years the partition approval will expire, we won't abide by it anymore and the applicant will never make those improvements.

Thus the City is not requiring the sidewalk improvements as a condition precedent to granting the partition and building a second home, but rather as a condition of the actual redevelopment of the parcel.

Looking at all of our development requirements as a whole, staff's long standing and consistent interpretation, and the DRBs interpretation says that the partition is of one piece of land into two lots, and therefore both lots that are created by the partition have to have the required sidewalk frontage.

If you are looking at the language (on the slide) the Code is very clear, it says "sidewalks shall be provided on the public street frontage of all development." And there is a requirement in our Comprehensive Plan that says we "must fill in gaps in existing sidewalks and off street pathway systems to create a continuous network of safe and accessible bicycle and pedestrian facilities".

The Code also exempts all activities that are exempt from these development requirements but neither partition nor subdivision is listed as an exemption.

The other issue that Mr. Downs brought up is the cost of the sidewalk, and his argument that he is only putting one new house on the property. But there is already an existing house, and that house may or may not be changed as a part of this, which is up to Mr. Downs, but what is clear is that two different families can now occupy this one piece of property. It is redevelopment of one piece of property and, as a condition of that, the sidewalk needs to go in front of the whole frontage.

The PF condition provides the alternative to pay the money into the City if the developer prefers not to do the sidewalk improvement himself, or the condition also allows the developer to do those improvements on his own, in which case the estimate that is in there is just an estimate, and it is nothing that he pays in. As Ms. Kraushaar and Mr. Downs both mentioned, it is 130 percent

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of the estimated cost; if Mr. Downs does it himself that brings the number down from approximately \$45,000 to about \$32,000 or \$33,000. The other things that change, there are no BOLI wages if it is done by the developer himself. When the City does these sidewalk improvements they do a grind and overlay of the whole half street that is the way the City does its road improvements for a sidewalk improvements; however, that is not a requirement under the public works standards. Under the public works standards, there are patching requirements because there is going to be necessarily the infrastructure utilities to service this new property. So the grind and overlay requirement, I think at the DRB hearing we talked about that being, nobody knows what the exact amount of that is, but it is probably a \$5,000 cost differential. If you reduce the amount to \$32,000-\$33,000 for the whole 150 feet, taking away the 30% contingency, you take out the BOLI wages, you take out the grind and overlay, you're looking, we believe in what we discussed at DRB of a number of \$20,000-\$25,000 for the sidewalk in front of the whole property.

In summary, I think the best case that we can look at is the Schultz case which the applicant sites. That's a case where there is clear disproportionate impact to the development. There Schultz, like here, wanted a two lot subdivision and among other development conditions the landowner was required to dedicate a significant portion of land to the City so the City could widen two roads that might be needed if two lots ever became 20.

In this case, there is zero land dedication and the only requirement is to build standard statutory street improvements along the frontage of the land being partitioned. This requirement is as required by our Code; it's been consistently applied throughout the City. This case, and the Schultz case are in inapposite in terms of the exactions being requested, in fact I would not say this is an exaction, this is a development requirement, and for the foregoing reasons I believe the DRB decision should be affirmed.

Mayor Knapp asked if Councilors had questions of Staff.

Councilor Stevens asked would it be fair to say the owner of parcel 1 is impacted because they no longer can use, once development happens, they cannot walk on partition 2 anymore because it belongs to someone else? Is the impact changed on parcel 1 because that owner can no longer use parcel 2?

Ms. Jacobson responded one of the DRB members made a good point in her analysis, this was a development, it is a developer, a land owner who has a lot; and who wants to divide that lot into two properties so you have two standalone homes. One is existing, one will be built. That home, whether he deeds that land to his son, or he sells it to somebody else, then the properties can be in two separate ownerships. And the idea behind our Code is as properties develop or redevelop, there are development requirements in the Code and one of them is that in front of any new development or redevelopment, you have to have the sidewalk, street improvements built to current Code. So you don't want to have breaks in sidewalks, so you have a little piece of sidewalk in front of lot two, but when the people that live on lot two are trying to walk down the street or citizens for that matter, the sidewalk just dead ends. So it's incumbent of the owner of the larger piece that develops that parcel for his financial benefit, that they put in those

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improvements and then the idea is that when those two lots are sold that adds to the value of the lots and that is a recoverable cost.

Councilor Stevens thought the court case with the City of Lake Oswego I think that is what you are getting at, a homebound first owner of a residence will not use the pedestrian system in the neighborhood when the residence is sold to a couple with four young children. So the idea is that over the course of time ownership changes and the use is needed because many people will use that.

Ms. Jacobson stated once the sidewalk is built, the homeowner remains responsible for repairing it. When the development is originally developed the developer of that piece of property is responsible for putting it in, and then it gets sold and it is an integral part of the property that is being sold. And as the governing body making these requirements we cannot look at it as going to be a father and son living next door to each other that go back and forth between their properties as wherever they want however they want, cutting through the middle of the yard or whatever route they plan to take. We have to say this is a developer developing two standalone lots and this is the requirement that we believe is proportionate to that, it is fair, it is reasonable, it is what is imposed on one property over from the Downs property, it's what we imposed on a two lot partition a block away from this property, it's the City standard.

Councilor Starr posed a hypothetical question to insure he understood the Code. In Old Town, if we allowed 'granny flats' into a number of those properties, would we tell them they now need to put sidewalks in even if the granny flat might be in the back yard?

Ms. Jacobson clarified Councilor Starr was referring to accessory dwelling units. In the last section of the Code displayed on the screen, Section 4.005, that section of the Code lists certain development activities that would not trigger new improvements like the sidewalk improvement, and one of those is an accessory dwelling unit. That is a specifically listed exemption, where as a subdivision partition is not a specifically listed exemption.

Councilor Starr asked when the Code was put into effect, and how long has the homeowner lived in their house.

Mr. Edmonds said the first subdivision Code was adopted around 1972. The house was there in 1979.

Ms. Jacobson thought the current homeowner has lived in the home for a long time, and that is the reason why there was not a sidewalk in front of the property now, because at the time the home was built there was not this requirement in the Code.

Councilor Starr understood all development and developing this standalone lot, this same house that is sitting there with nothing changing is actually development. This is the question I think is the root of all of it. If I drove by it two years ago, and I drive by it two years from now, I'm going to look at it and say "there was no development in front of that house". Maybe the other one, but not that house. How are you getting to development?

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Ms. Jacobson explained the definition of development is “any human caused change to improved or unimproved real estate”. So this is improved real estate, there is a home on it. The change that is being made to it the first change in any development is to get the land use authority to be able to do something different on the property, to redevelop the property. What the Downs’ are doing is they want to redevelop one property, one homestead property if you will, into two separate properties. Instead of one lot, there will be two lots, and both of those will be free to be marketed, there will be a new property built on the second lot, or at least that’s the reason for the partition right now. However, like I said earlier and to your point if you drive by there today, and it looks like it looks now, and you drive by two years from now, and it looks like it looks now, then two years from now, if they have not requested an extension, this partition approval would have expired, they will not have been required to put in a sidewalk anywhere, they’ll still be in that grandfathered state because they have not made any improvements to that redeveloped property.

Ms. Kraushaar added it has changed because it is one big lot now, and there will be two tax lots as a result.

Councilor Starr understood the two tax lots, and that one lot will change because of development

Mr. Kohlhoff felt the issue is the act of partitioning is an act of development. It’s just that simple. Just like a complaint that you would have as a part of a trial, so you’re thinking about the physical part of adding the house. But part of development is also the act of partitioning and asking for and getting granted a partition. And that’s part of development under the Code.

Councilor Starr asked if there was legal standing that says development includes what the old property was that doesn’t’ change. Is there anything that says that somewhere that we can go to?

Mr. Kohlhoff pointed the out the old property is changing, it is not remaining one big lot, it is becoming two lots, and that’s the change that is occurring, that is the partition, that’s the development, that’s the first part of the process of developing it. So that is a development process, so the lot is changing.

Ms. Jacobson suggested removing the Downs family from the scenario – it’s a large lot owned by a developer who wants to capitalize on the value of a big piece of property that can be divided into smaller pieces of property, so that they can be marketed as two separate properties. The land use procedure to do that is the development or redevelopment of an underutilized property, perhaps, into a property that is more than one property that can be sold to two separate buyers. It is an increase in the value of what you’ve got. Even though you may not change the house that sits for the time being on one lot, you are creating a separate second lot that can be sold and marketed and the requirement then is triggered under our Code is, that it is a redevelopment of your larger parcel through a land use action, and then subsequent development.

In conjunction with that also the City is required to provide services to that parcel that were not required before. For example the City will now have to provide sewer and water to this new house. The old house has the option to have City water provided to it. It’s been suggested to the

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developer at the time it is provided to the new house, it would make sense for them to run a line into the old house. Whether they do that or not is up to them.

Ms. Kraushaar stated the City is not making them connect to the water for the existing residence.

Councilor Starr asked to use his phone to look up the word “development”.

Mr. Kohlhoff, stated ‘development’ is defined in City Code and that is how it has been interpreted, and it was Council’s job to interpret it based on City Code. Going to an outside source for a definition of development was outside the record.

Councilor Lehan thought Councilor Starr was on the right crux of the matter, because she was stumbling over this as well. That is has parcel 1, is it the same -- but it’s not the same. That is the crux of the matter, has it changed or not? And it has changed. It’s not the same property it was before. It has a smaller frontage, it has been diminished, I guess you would say. It is just not the same property that it was before. The density in that neighborhood, even the density in those two lots has now greatly increased. It has doubled, the density has doubled in what used to be one, is now two. So it absolutely has changed, but that is what I was stuck on also. But I think the answer is not what is development, the answer is has number one changed? And it has changed, it is not the same property, it wouldn’t sell for the same amount, it doesn’t have any number of the attributes that it had before, and it certainly now is in a denser neighborhood. Even if the neighborhood is only those two lots.

Ms. Jacobson said that goes to why the condition is triggered, because there is more density, there will be ultimately two different families living on the property, there will be different families living, now there is three new families living on the property that was partitioned into three lots just one property down, and that’s why they had to put the sidewalk in front of their properties, even while just the first two were built.

Mayor Knapp asked Ms. Jacobson to address the applicant’s statement that this is a constitutionality question.

Ms. Jacobson explained this goes to the Nolan and Dolan case. She did not think it fell under the exaction of those cases. But that is a legal argument that the courts have been back and forth on. In the Koontz case he talks about says an exaction can be more than a taking of land because that was really the issue with Nolan and Dolan, those both involve land exactions. And then there was for quite some time a split among the Circuits about whether if you required off-site improvements or you required the payment of a fee whether that actually fell under the Nolan/Dolan test. Our courts still would not treat this, I don’t believe, as a Nolan/Dolan kind of situation, so it wouldn’t be under the same constitutional provision that you might be citing if you were making a Nolan/Dolan argument, but there is still a requirement that any kind of a fee imposed or a tax or a taking imposed by a government must be fair and reasonable and proportionate. And so there would be definitely an argument that could be made whether it would fall under the Dolan/Nolan test that would be something for the courts to determine. I think that there is a distinction here, and this is not an exaction of any land and it is not an off-site improvement, it is off site in terms that it is in the right of way, but it fronts only the property

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at issue here. It does not go beyond it, it is not a street widening to accommodate the additional density, and it is a sidewalk to serve the two properties as well as the general public. Yes, if a court could look at this and find that it was an un-proportionate condition of development then they could find that to be a violation of constitutional property right.

Mr. Kohlhoff added the question is what we are presenting, even if you do apply the proportionality test, obviously it meets from our position that has been argued, the essential nexus test under Nolan, but it also is within the rough proportionality of cost and scope as well. It doesn't have to be equal; it just has to be roughly proportional. So the dollars are not excessive in that regard, the scope is limited to the sidewalk area. It is clearly under the City Code provisions. The other way that cities might do this is part of an argument there is assessment types of things, but we're not dealing with that, where properties are prorated on assessment basis for sidewalks. When you look at the rough proportionality it is clearly within that cost and scope.

Mr. Cosgrove clarified Mr. Kohlhoff was talking about a local improvement district, which City Council could enforce or impose.

Mr. Kohlhoff indicated that was correct, but the City was not dealing with that, from an argument point of view, if you're going to ask for rough proportionality, that falls right into it.

Mayor Knapp asked how the concession factor figures in. If the City built the sidewalk, the street would be ground with an overlay; but if the developer installs the improvement that does not need to be done, just install the curb, gutter and patch the street. And if the City has said costs were 130% due to uncertainties, time wise moving forward when the work would be done, what the future costs would be, but we say to the applicant, if you want to do it, within our approval period you don't have to pay the extra 30% you can do it, resulting in the difference in the BOLI wages between what the City would do. It seemed to the Mayor that the applicant has been offered concessions by the City that mitigate his potential cost, does that factor into proportionality relative to the size of the project.

Mr. Kohlhoff said it did.

Ms. Kraushaar added one of the reasons it was offered is that there is a street with reasonable pavement conditions, and there will be a cut made in the pavement to put in the curb and gutter, and to patch those using the City's public works standards for trench patches we felt was appropriate for the magnitude for this development. The Code is clear, "sidewalks shall be provided on the public street frontage of all development."

Mayor Knapp asked if Council had other questions of staff, there were none, and he invited the applicant to rebut.

Mr. Downs addressed the questions the Councilors asked, starting with Councilor Stevens. You had talked about the impact, the definition of impact and what I will tell you is the cases say when you look at the impact, you are looking at the impact created by somebody that lives on the property, well is that an impact because they can't walk onto the other persons property, the

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original property. What the court says is you have to focus on the actual impact created to the system, to the city's system. So, how many times is the new parcel going to have somebody drive in and use the driveway to that new parcel? That's an impact to the system. Another impact to the system would be usage of water, the City water, that's an actual impact to the system. So what the courts say is when you focus on the impact, you don't focus necessarily on what is happening on parcel one, because that's been there, that's old impact, there is nothing new created by that impact. You focus on the new parcel. The impact to the system created by that, that is what the court says. And in this particular case that would be water, sewer, sanitation, the underground conduits for the electricity, that is going to have an impact to the system because there's going to be more uses of electricity, there's going to be more traffic in and out of the driveway onto Canyon Creek, those are the impacts, it's as simple as that. That's what the court says. That's my take on it.

Councilor Starr you talked about the act of, this is a part I didn't address; I addressed this before the DRB, the issue of the definitions within the City Code. And it's really, you can argue it both ways because there are definitions within the City Code for development, there are definitions within the City Code for partition, and there is a separate application process. So if you look at this, and I gave up on that argument at this point because it was, the City says "it's the way we've done it, it's our definition, it's how we interpret it" and quite frankly I thought that, from my standpoint, I'm better off just focusing on what the court says. But at the DRB I looked at it as, when you partition property you fill out an application, you pay a fee for that partition. When that process is done, then you start all over again, and you file it with the county and you get a separate tax lot, you pay the fees to the county. Now you finally have the partition complete. That's one particular definition "partition". Then you go back in and you pay the fees to develop that parcel. In my mind as I interpret it, the definitional section within your own City Code is two different definitional terms, partition being one, development being a second, partly because there are separate fee structures that apply to that, there are separate application processes that applies to that. Why would you impose upon a land owner two separate applications, two separate fee structures if you are under your own Code going to call it "development", and treat it as one. You are arguing it both ways, you're saying were going to make you pay two fees and fill out two applications but we're going to call it, just so we can exact, make you build a sidewalk for the entire thing. You can't have it both ways. Now, so I offer those points to your question.

And Mayor Knapp you asked about the constitutionality issue. Koontz is clear, I actually, this is just a blurb and it's in your materials, it's just a blurb, it says that, this is in the section that talks about subdivision law and growth management, it's a treatise on land use law, and it talks about that, it says that, "in Koontz, that restated Dolan and extended Dolan to reach all permit conditions, including those requiring the expenditure of funds." And the reason that you have to think about it, and the reason that Koontz came about in 2013 is because we have what's being imposed right here. We have a lot of cases that come across throughout the nation where cities try to say, "well we're going to treat this differently, we're not going to call it a Nolan, or a Dolan case because it is treated under City Code, therefore Dolan doesn't apply." And the Supreme Court said "enough", I mean they said "We meant what we said". In fact if you go to the Oregon State Bar CLE books, there's a whole section, and it's titled "We Meant What We Said" and it can be overturned, it is subject to appeal and being overturned under that analysis.

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And the courts clear, you have to meet that proportionality and direct relationship, and when they said actual impact from the project. Those aren't my words, those are words from the court, and the court is focusing on the project and what staff didn't address was, what is the project? Staff says the project is the whole thing because our Code says so, but that's not a factual finding, that's a Code finding. And when the Code goes up against, gives you a different interpretation of what the Supreme Court says, the Code unconstitutional.

Now they want to talk about the fact that the Knorrs' to the north did three, they went ahead and submitted the funds for all three. Well did they hire a legal attorney, did they fight it? I can't address whether they did or didn't, and quite frankly it's not part of the record, so it's not fair for me to address. All I can do is address what the law is and what the constitutionality is and I said that there are some very serious questions that have to be asked, or answered.

And I will wrap up on just a few extra points. What I will point out to you in staff's rebuttal, that I did not hear them answer the question as to what is the project. I think they actually asserted that the project was two different lots, or the same lots. They said two things, they say repeatedly that it serves two residents, yet only one new residence is being created, so which way is it, is it two residences or one? They again continue to apply City Code, but that's not a factual finding. They talk about the fact that this older residence, to answer your question it was 1979 was when that house was built and when my family moved there. What may happen down the road with that house it doesn't really have any bearing on today, and I think your point, Councilor Lehan's point was well taken, is that you have to look at what is created by this one project. And to impose it on, let's say it's not Mr. Downs' son, let's say it's somebody else, is it fair to require somebody else buying that second piece of property to build a sidewalk on somebody they don't even know, or in this case what they are trying to do is impose that condition on Mr. Downs to build it.

And the last thing there was a question about if it was a developer? Well, we're dealing with apples and oranges in that scenario. A developer comes in as they do, they are building houses, they are tearing down houses you'd see if you drove down there in the past month, they tear down the house and they are building, therefore the conditions apply to all of those because it is multiple projects, every singly house applies. So, that meets the Dolan analysis.

Councilor Stevens you brought up the City of Lake Oswego case, let's the City of Lake Oswego case if you want to understand how that was, that was a major commercial building, and the issue for the City of Lake Oswego council was, you had, when they had this piece of property, and you had residential neighborhood on one side of this property where this big, huge, I think it was a hotel corporate office, and on the other side you had retail businesses. And the issue was the residential neighborhood being able to walk the path to get to the retail development. And what the courts talked about in that case was the fact that by requiring this path, to go through there, it allows the residents to connect to the other side, it not only did that, but it serves the people who work in the building. We were talking about one parcel there. Quite frankly I can bring up another point that the court made the Court of Appeals made, that actually are consistent with what I'm arguing to you today. But the point being that's an apples to oranges case is because that was a huge commercial building and there were a lot of different points that were made about the fact that employees all benefit from this pathway that goes through this



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parking lot of this commercial building. So, those are my final points, thank you. I can answer any questions if you have any.

Mayor Knapp asked if the Council had questions of the applicant, they did not. So that is all of our scheduled input on this hearing, which would make it appropriate for a motion to either close the hearing or if there were a reason to continue it to announce that reason.

**Motion:** Councilor Lehan moved to close the public hearing. Councilor Starr seconded the motion.

**Vote:** Motion carried 4-0.

The Mayor declared the public hearing closed at 9:36 p.m. and stated it was appropriate to have a motion before the Council was to have any discussion.

**Motion:** Councilor Lehan moved to adopt the Resolution No. 2524 and Order upholding the decision of the DRB. Councilor Stevens seconded the motion.

Councilor Lehan said she was struggling with this because she was originally stuck on the first property hasn't changed so why would we require something different of them. But the light bulb went on when it occurred to me that indeed, number one has changed, because it is now half the size it was before, not half but significantly smaller than it was before. It also means that, and I would also say that system impacts, community impacts are entirely different issue than the sidewalk. Because I'm just looking at this sidewalk as this frontage with these two properties, there are now potentially twice as many people walking on them just from this property. We've doubled the amount of people walking on the frontage of this, even if we're talking only about people generated from these two properties, its twice as many as it was before. Whether they come out of their house and turn to the left or turn to the right, there are twice as many people in the front of this. And so I can see the rational that staff, that I was struggling with in the beginning, that staff is so clear about, and that is this is a subdivision albeit a tiny subdivision, it is still a subdivision in total that used to be one property, and now it is two properties. It's twice the impact just on those two frontages. And that makes it logical that of course you would require this change for the frontage. So that's my thinking on it without getting too far in the weeds of Nolan and Dolan.

Councilor Stevens said she was thinking about the definitions of 'development' and I think there are so many documents where the first part of that document is the definitions, way beyond city; you have to define what your terms mean. And so I think using the City has created a definition for the term of development and as Mr. Kohlhoff has said, the partitioning is part of the development, it is part of that definition. And there is a change; I really appreciate Councilor Lehan's comments about the fact that number one has changed, it is smaller. Does development have to mean bigger? No necessarily, development could mean smaller, but development means change via the partition so I think there has been, and the density issue is just another part of that, there is change to both pieces and to that neighborhood. It's important to understand what the terms mean.

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Councilor Starr commented having had some things explained to me and then re-reading the Code I think that the Code was very well written and gets to the point that it was trying to make, and so if I did a development three years ago, I'd totally agree with Councilor Lehan. However, I think this Code was perfected over time and what the homeowners bought into and how this has changed over time I think the Code requires them to do what they need to do with the now and the future, but not the past. And so I can't get to the point where we would make them do something based on what they bought into because of what we want. I mean it makes sense to put in more sidewalks; it's not going to look good to have a sidewalk and then no sidewalk. I think the value of the house will come up if they put in a sidewalk, but I'm stopping short of putting a gun to their head and say you have to build a sidewalk, because I don't think that was what they brought into when they brought the house, and I think that they are protected as their lawyer said with the constitution. So I'm stopping short of that, I'm all for the sidewalk needing to go in where there is an upgrade to land, but not where they bought into originally. Thank you.

Mayor Knapp stated it was certainly an interesting discussion. He understood the comments Councilor Lehan has made, and I think I agree with those. I understand the comments Councilor Stevens has made and those closely parallel thoughts that I was having also. With regard to Councilor Starr's viewpoint I don't think we're holding a gun to anybody's head, they don't have to do anything. They bought a big lot with a single house on it in 1979, they can have a big lot with a single house on it in 2015 and not do anything, that's what they bought into, that's what they still have and they are free to have it. But if they want to start developing and building a saleable lot then they have chosen not to just have what they had in 1979, and they are undertaking the development process that prepares either parcel or both parcels for future activity. And they could not undertake activity on either parcel without going through this preliminary development step of partitioning, and arrive as their apparent goal of having two legal lots to do whatever they are hoping to do with them. I believe I'm persuaded by staff's explanation of the proportionality of what the stipulations are of this condition. PFA-27 and it is a modest requirement in terms of dollars, there is a nexus to both lots, and there is no extension beyond this applicant's ownership. I believe it would meet the test of proportionality and I think that it is well within the legislative authority of a municipality to set their development Code to have reasonable standards and within those standards to define development as the City has done. I don't think that it would be successfully argued that the City doesn't have authority to do that or that the City is reaching beyond a proportionate impact, especially when you're looking at the dollars and look at the concessions that the City has made in what they would require dollar wise it sounds to me like it already is far less dollars than what would be required at a full street grind, 130% estimate, BOLI wage, public project even on the 60 feet. So it's kind of a tempest in a tea pot in my mind. I understand that the applicant feels strongly about it. It would seem to me to get everybody further ahead if they could agree while they might not agree from the legalistic standpoint, it would benefit everybody to move forward appropriately, and I think the City has made significant concessions in that direction to the point that it is clearly proportionate to the magnitude of the project. So my stance would be that the City has met that test.

Mayor Knapp asked if the council had additional comments to make, there were none, and he called for the vote on the motion to adopt Resolution No. 2524 which denies the appeal and affirms the Development Review Board Resolution 299, etc. in this case.

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**Vote:** Motion carried 3-1. Councilor Starr votes No.

The Mayor stated if you desire to appeal this decision to LUBA you must make application stating the grounds for the appeal and file the appeal with LUBA as proscribed by state law.

*End of transcript.*

**CITY MANAGER'S BUSINESS**

Mr. Cosgrove announced the date of the next Leadership Academy. The Budget document is almost completed and should be delivered to the Budget Committee two weeks prior to the first Budget Committee meeting. Final touches are being made to the Tourism Committee, and also a Metro Enhancement Committee. Representative Davis hosted a meeting in Wilsonville regarding the Stafford UGB issue; however, the City has not taken a position on that matter. In addition Rep. Davis has arranged for the Leadership Academy to tour the capital in Salem.

The City Manager indicated he would be meeting with David Harms who would be providing a mockup of the City logo and tag line, and that the City was accepting applications for the Library Board vacancy.

**LEGAL BUSINESS** – There was no report.

**ADJOURN**

Mayor Knapp adjourned the Council meeting at 9:52 p.m.

Council moved into an Executive Session pursuant to ORS 192.660(2)(f) Exempt Public Records and ORS 192-660(2)(h) Litigation at 9:57 p.m. All Councilors were present save Council Fitzgerald who was excused. Staff included Bryan Cosgrove, Mike Kohlhoff, Barbara Jacobson, and Sandra King. The Executive Session adjourned at 10:25 p.m.

Respectfully submitted,

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Sandra C. King, MMC, City Recorder

ATTEST:

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Tim Knapp, Mayor

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A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, April 20, 2015. Mayor Knapp called the meeting to order at 7:25 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp  
Councilor Starr  
Councilor Fitzgerald - excused  
Councilor Stevens  
Councilor Lehan

Staff present included:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Mike Kohlhoff, City Attorney  
Sandra King, City Recorder  
Kerry Rappold, Natural Resources Manager  
Jon Gail, Community Relations Coordinator  
Mark Ottenad, Government and Public Affairs Director  
Delora Kerber, Public Works Director  
Barbara Jacobson, Assistant City Attorney

Motion to approve the order of the agenda.

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

**Vote:** Motion carried 4-0.

**MAYOR'S BUSINESS**

A. Wilsonville Green Power Challenge Report – Anne Hill, PGE Renewable Power (staff – Ottenad)

Mark Ottenad, Government and Public Affairs Director reported the City Council elected to participate in the Clean Wind Program a qualifying program for the EPA Clean Energy Challenge and noted fourteen percent of Wilsonville PGE customers used energy from clean sources.

Mr. Ottenad introduced Ann Hill and Jesse King who reported 500 residents and business customers signed up to use green power which was a great success considering 200 customers was the challenge goal. Jesse King explained Green Mount Energy representatives spoke with Wilsonville residents and businesses during the past few months to explain the Clean Energy Challenge programs.

Mayor Knapp noted the program was optional and customers may opt in if they wish.

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Mr. King described the methods of outreach used in the City of Wilsonville, which included door to door outreach, and information booths outside of businesses. They knocked on about 5,000 doors and spoke with about 2,500 people and 485 residential customers and 22 new business customers signed up for the program.

B. Upcoming meetings. Mayor Knapp spoke about the meetings he attended on behalf of the City over the past two weeks, in particular the very successful visit from Mayors of South Korea.

### **COMMUNICATIONS**

A. Earth Day Proclamation (staff – Rappold)

Mr. Rappold said this is the 45 anniversary of Earth Day and posed a “pop quiz” about water. He encouraged the public to participate in WERK Day.

Mayor Knapp read the Earth Day proclamation for the record.

### **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

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

Michelle Tonkin, spoke about the 4<sup>th</sup> Annual Tonkin “For the Love of Schools” Challenge that will be held in June. She distributed a packet of information about the history of the event and the purpose for the race noting last year over 900 people participated. This year their goal is to put \$50,000 back into the schools.

### **COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS**

Council President Starr – (Park & Recreation Advisory Board Liaison) stated he attended the meeting with the Korean Mayors and it was interesting to share information about the form of government in Wilsonville. The Chamber of Commerce is in the process of reviewing applications for a new CEO.

The new play structure at Murase Plaza should be completed by the end of May. At their last meeting the Parks and Recreation Board distributed Community Opportunity fund grants to the following groups:

- Colton Holly Memorial Scholarship fund received \$1100
- Jr. Scoop Club received \$1800 to fund new blast freezer
- Korean War Memorial Foundation received \$2800 to mark the 65<sup>th</sup> anniversary of the beginning of Korean War
- Wilsonville Community Sharing Food Bank received \$2300

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- Wilsonville Farmers Market received \$2800
- Wilsonville Kitakata Sister City Association received \$4200

The Councilor announced community events including the WALK SMART program and the 16th annual Wilsonville Festival of the Arts May 30-31.

Mayor Knapp provided the application approvals made by the DRB at their last meeting.

Councilor Stevens – (Library Board and Wilsonville Seniors Liaison) reported the upcoming Library Board meeting date where the Board will review their policy and procedure manual. The Wilsonville Seniors will meet on May 13<sup>th</sup> to discuss goal setting and they are considering sending out an “ask” letter to fund their scholarships. The Councilor announced Bulky Waste Day, as well as Spa Saturday at the Community Center scheduled for May 16<sup>th</sup>. A plant sale is scheduled for the parking lot of Rite Aid with all proceeds going to the Doernbechers Children’s Hospital.

Councilor Lehan– (Planning Commission and CCI Liaison) noted the Planning Commission discussed the Hillsboro water transmission line and the Memorial Park Master Plan at their last meeting; they will meet again May 13<sup>th</sup>. The Councilor announced the ADA Transition Plan Public Open House, and WERK Day set for May 9<sup>th</sup>. She mentioned on Memorial Day there will be a Veterans memorial at the Korean War Memorial, and at Pleasant View Cemetery the Boy Scouts will be hosting a ceremony recognizing veterans from as far back as the Black Hawk Wars, the Civil War, up to the Viet Nam war.

**CONSENT AGENDA**

A. **Resolution No. 2526**

A Resolution Of The City Of Wilsonville Acknowledging The Findings Of The City Facility Master Plan And The Facility Master Plan Condition Assessment Report.

Mr. Kohlhoff read the Consent Agenda item into the record.

**Motion:** Councilor Starr moved to adopt the consent agenda. Councilor Stevens seconded the motion.

**Vote:** Motion carried 4-0

**NEW BUSINESS**

A. **Resolution No.2527**

A Resolution Of The City Of Wilsonville Relating To Marijuana Facilities And Ordinance No. 734.

Mr. Kohlhoff read the title of Resolution No. 2527 into the record.

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Barbara Jacobson, Assistant City Attorney, presented the staff report. The purpose of Resolution No. 2527 is to affirm Wilsonville's position with respect to retail marijuana dispensaries in the city limits. Resolution No. 2527 clarifies the City's decision to keep Ordinance No. 734 in effect following the automatic sunset of Ordinance No. 740 on May 1, 2015.

In 2014, the City Council enacted Ordinance No. 734, which prohibits the issuance of a business license to any business that is, on its face, in violation of state or federal law. This Ordinance effectively bans any medical marijuana dispensaries or other marijuana related businesses from legally operating within the City limits. In addition, the City also took advantage of Senate Bill 1531c, passed by the Oregon Legislature during the short 2014 legislative session, which allowed for a one (1) year ban on registered medical marijuana facilities by local jurisdictions, provided that the ban was effective no later than May 1, 2014 and expiring on May 1, 2015.

In light of the passage of Ballot Measure 91 and expiration of the moratorium, the City has received numerous calls from the public asking if the City is changing its position and allowing marijuana related businesses to obtain a business license to operate in the City and, if so, what restrictions might be imposed. Federal law still holds that any use or sale of marijuana is illegal. The Oregon legislature is currently in session and is expected to enact legislation to clarify what cities are allowed to do with respect to regulating, taxing, and banning marijuana facilities within its borders. Legislative action is expected by early summer. Thus, it seems reasonable and prudent for the City to leave Ordinance No. 734 in place, effectively retaining the ban for the next few months while City officials wait to see what, if any, mandates, direction, or guidance the legislature provides to cities on this issue.

The proposed Resolution is expected to clarify that marijuana dispensaries are still banned from locating within the Wilsonville city limits for the next few months while the legislature works through many of the issues associated with legalization of medical marijuana and recreational marijuana laws. By passing this Resolution, the public will be informed of Wilsonville's decision to continue the ban until City officials can evaluate what happens in the legislature.

No budget impacts are anticipated between now and when the legislative session adjourns, at which time the City will reevaluate its position on the issue.

There has been of ongoing discussion about this matter during past City Council meetings, a town hall meeting conducted by Representatives John Davis and Senator Kim Thatcher, and past City Council work sessions, all of which were open to the public.

The goal is that this Resolution will give the public clarity as to the City's position with respect to the location of marijuana facilities within the City limits until the legislature adjourns.

**Motion:** Councilor Starr moved to adopt Resolution No. 2527. Councilor Lehan seconded the motion.

**Vote:** Motion carried 4-0.

**CITY MANAGER'S BUSINESS**

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Mr. Cosgrove provided an update on the branding initiative. The consultant, Manifesto, has been asked to take the comments received from the Council and community, and to provide new design options to bring to Council. He asked how involved the Council wanted to be during this process; does the Council want to be involved on the front end of the project or would they prefer staff to take it through a public process and come back with the top one or two options. Or does Council prefer to receive the top four to five designs to narrow down the choices, with staff gathering input on the top one or two.

Councilor Stevens wanted to sit in on the stake holder meetings to hear the feedback.

Mr. Cosgrove stated staff tried to avoid “design by committee” during this process. The new logo options are a marked departure from what the Council saw.

Mr. Cosgrove outlined the public process he thought would work;

- Put the top 2-3 designs on the City’s website and give people 3-4 weeks to comment and vote for their favorite; or
- Use the Leadership Academy, and invite the people who commented on Facebook to participate; or
- Or conduct a facilitated discussion on each of the different logos and draft 3-4 tag line ideas; r
- Or allow small groups of people to come up with a tag line they think is appropriate based upon the background information the consultants had gathered.

He was asking for direction from the Council on how robust to make the process.

Mayor Knapp thought members of the Leadership Academy represented a cross section of the community and asked if Councilors thought they should be asked to participate as representatives of the community.

Councilor Starr was okay with sharing the designs with the Leadership Academy; however, he would also like to hear from people that were part of the other group with marketing and design expertise and are involved in that field.

Council Lehan was amenable to hearing from both of those groups, she would like to involve younger people and suggested the graphics design class at the High School or at Art Tech, independent of the Leadership Academy but to get the youth perspective.

The City Manager felt what we were asking these people to provide had to be clear. He agreed with asking either the High School or Art Tech or a combination of both which would be separate from a broad cross-section of the community supplied by the Leadership Academy. Others who weighed in on the logo could also be invited, as well as the consultant.

The Mayor liked the idea of talking to a student group, which will help assemble input from different levels.



**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

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Councilor Lehan said it had to be clear that we were not asking them to redesign it; we want their feedback on how this speaks to them.

Councilor Stevens asked to be informed of when the meeting would be held.

Mayor Knapp thought part of the program in addition to what the logo is, is how it is used to identify the City.

**LEGAL BUSINESS**

Mr. Kohlhoff reported he gave a presentation to the Leadership Academy on the office of the city attorney, and ethics for public officials. He was impressed with the amount of information the Academy received during their sessions. This last session included presentations from Sandra King on the role of the City Recorder and election law; Susan Cole on the mechanics of taxes and utilities fees and how to read your tax bill; Greg Leo on legislative process and duties of a lobbyist; Jon Gail working with them to make the Boones Ferry Messenger better; and also comments from Councilor Starr and Stevens on their motivation for running for office.

**ADJOURN**

Mayor Knapp adjourned the meeting at 8:28 p.m.

Respectfully submitted,

---

Sandra C. King, MMC, City Recorder

ATTEST:

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Tim Knapp, Mayor

**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b>  May 4, 2015	<b>Subject: Resolution No. 2528</b> Supplemental Budget  <b>Staff Member:</b> Cathy Rodocker <b>Department:</b> Finance	
<b>Action Required</b> <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<b>Advisory Board/Commission Recommendation</b> <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable  <b>Comments:</b>  	
<b>Staff Recommendation:</b> Staff recommends Council adopt Resolution No. 2528.		
<b>Recommended Language for Motion:</b> I move to approve Resolution No. 2528.		
<b>PROJECT / ISSUE RELATES TO:</b>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

**ISSUE BEFORE COUNCIL:**

Supplemental budget resolutions for the FY2014-15 budget year.

**EXECUTIVE SUMMARY:**

Oregon’s Local Budget Law allows the Council to amend the adopted budget for an occurrence or condition that was not known at the time the budget was adopted. A transfer resolution moves expenditures from one category to another within a specific fund and does not increase the overall budget that was approved during the annual budget process. A supplemental budget adjustment will impact the budget by increasing revenues and/or expenditures. The supplemental adjustment can also recognize expenditures that exceed 10 percent of the adopted budget expenditures or 15 percent of the funds’ adopted contingency.

The resolution being presented with this staff report is for a budget adjustment and will provide the needed budget authority for an intra-agency overnight loan to the Eastside and Westside Urban Renewal Agencies. As per Local Budget Law, a budget adjustment requires a public hearing as part of the adoption process.

**Adjustment Resolution**

The budget adjustment attached will give the General Fund the budget authority for overnight loans to the Eastside Urban Renewal District in the amount of \$2,000,000 and the Westside Urban Renewal District in the amount of \$1,000,000. This overnight funding strategy significantly reduces the associated borrowing costs to the Districts versus the traditional overnight funding through a financial institution.

**EXPECTED RESULTS:**

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

**TIMELINE:**

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice was published on Wednesday, April 22, 2015. Adoption of the Supplemental Budget Adjustment is required prior to the end of the fiscal year, June 30, 2015.

**CURRENT YEAR BUDGET IMPACTS:**

<b>Resources:</b>		<b>Expenditures:</b>	
IntraAgency Revenue	\$ 3,000,000	Materials and services	\$ 3,000,000
Total Resources	<u>\$ 3,000,000</u>		<u>\$ 3,000,000</u>

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by:  S.Cole  Date:  4/20/15

**LEGAL REVIEW / COMMENT:**

Reviewed by:  MEK  Date:  4/14/2015

The Resolution is approved as to form.

**COMMUNITY INVOLVEMENT PROCESS:**

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice has also been published on the City’s website. As the accompanying resolution is a budget adjustment, a public hearing must be part of the adoption process.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY**

The intra-agency overnight lending between the City and Urban Renewal Districts reduces the overall lending costs for the Urban Renewal Districts. The funding is necessary for the Urban Renewal Districts to continue with the approved construction projects as noted in Eastside and

Westside's strategic plans.

**ALTERNATIVES:**

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

**CITY MANAGER COMMENT:**

**ATTACHMENTS**

- A. *Attachment #1-Supplemental Budget Adjustments*

## Attachment #1-Supplemental Budget Adjustments

	Current Appropriations	Change in Appropriations	Amended Appropriations
<b>General Fund</b>			
IntraAgency Revenue	\$ -	\$ (3,000,000)	\$ (3,000,000)
All other resources	(23,688,040)	-	(23,688,040)
Total increase in resources	\$ (23,688,040)	<b>\$ (3,000,000)</b>	\$ (26,688,040)
Material and services	\$ 7,054,219	\$ 3,000,000	\$ 10,054,219
All other requirements	16,633,821	-	16,633,821
Net change in requirements	\$ 23,688,040	<b>\$ 3,000,000</b>	\$ 26,688,040

The increase to IntraAgency Revenue reflects the payback of the overnight loan to the Urban Renewal Agencies. The offsetting increase to materials and services reflects the issuing of the loan to the Urban Renewal Agencies.

**RESOLUTION NO. 2528**

**A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET ADJUSTMENT FOR FISCAL YEAR 2014-15.**

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2014-15 by Resolution 2476; and,

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

WHEREAS, ORS 294.450 provides that a city may transfer appropriations within appropriation categories provided the enabling resolution states the need for the transfer, purpose of the expenditure and corresponding amount of appropriation; and,

WHEREAS, all transfers from contingencies within the fiscal year to date that exceed fifteen percent (15%) of the fund's total appropriations, are included in the supplemental budget adjustment request; and,

WHEREAS, all expenditure transfers within the fiscal year to date in aggregate exceed ten percent (10%) of the fund's total expenditures, are included in the supplemental budget adjustment request; and,

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

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

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

The City amends the estimated revenues and appropriations within the funds and categories delineated and set forth in Attachment A, attached hereto and incorporated by reference herein as if fully set forth.

This resolution becomes effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 4<sup>th</sup> day of May 2015 and filed with Wilsonville City Recorder this same date.

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TIM KNAPP, MAYOR

ATTEST:

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Sandra C. King, MMC, City Recorder

**SUMMARY OF VOTES:**

Mayor Knapp  
Councilor Starr  
Councilor Stevens  
Councilor Fitzgerald  
Councilor Lehan

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

	Current Appropriations	Change in Appropriations	Amended Appropriations
<b>General Fund</b>			
IntraAgency Revenue	\$ -	\$ (3,000,000)	\$ (3,000,000)
All other resources	(23,688,040)	-	(23,688,040)
Total increase in resources	\$ (23,688,040)	<b>\$ (3,000,000)</b>	\$ (26,688,040)
Material and services	\$ 7,054,219	\$ 3,000,000	\$ 10,054,219
All other requirements	16,633,821	-	16,633,821
Net change in requirements	\$ 23,688,040	<b>\$ 3,000,000</b>	\$ 26,688,040

The increase to IntraAgency Revenue reflects the payback of an overnight loan to the Urban Renewal Agencies. The offsetting increase to materials and services reflects the issuing of the loan to the Urban Renewal Agencies.



**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b>  May 4, 2015	<b>Subject: Ordinance No. 768,</b> Zone Map Amendment from PF (Public Facility) to V (Village), Villebois Neighborhood Park 4, Montague Park  <b>Staff Members:</b> Daniel Pauly AICP, Associate Planner. <b>Department:</b> Community Development, Planning Division
<b>Action Required</b>	<b>Development Review Board Recommendation</b>
<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: May 4, 2015 <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: May 4, 2015. <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: May 18, 2015 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial  <input type="checkbox"/> None Forwarded  <input type="checkbox"/> Not Applicable  <b>Comment:</b> Following their review at the April 13 <sup>th</sup> meeting, the Development Review Board, Panel A recommends approval of the Zone Map Amendment.
<b>Staff Recommendation:</b> Staff recommends that the City Council adopt Ordinance No. 768.	
<b>Recommended Language for Motion:</b> I move to approve Ordinance No. 768 on first reading.	
<b>PROJECT / ISSUE RELATES TO:</b> Comprehensive Plan, Zone Code and Villebois Master Plan.	
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Villebois Master Plan
<input type="checkbox"/> Not Applicable	

**ISSUE BEFORE COUNCIL:** Approve or deny Ordinance No. 768 for a Zone Map Amendment from the Public Facility (PF) zone to Village (V) zone on approximately 3.58 acres northwest of SW Villebois Drive North between SW Orleans Avenue and SW Costa Circle West.

**EXECUTIVE SUMMARY:** The zone map amendment will rezone the land proposed to be developed as Neighborhood Park 4, Montague Park in the central part of Villebois as well as

adjacent right-of-way. The proposed zoning is consistent with the Comprehensive Plan designation of Residential-Village.

Development Review Board Panel 'A' recommended the Council approve the Zone Map Amendment during their April 13<sup>th</sup> meeting. At the same meeting the Development Review Board continued to May 11<sup>th</sup> the Public Hearing for the development applications submitted concurrently with the Zone Map Amendment. The purpose for the continued hearing is for further testimony and discussion whether to locate a pickleball/basketball court in the northwest corner of the park, and if not what the alternative park design should be.

**EXPECTED RESULTS:** Adoption of Ordinance No. 768.

**TIMELINE:**

The Zone Map Amendment will be in effect 30 days after the ordinance is adopted.

**CURRENT YEAR BUDGET IMPACTS:** None.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: SCole Date: 4/20/15

**LEGAL REVIEW / COMMENT:**

Reviewed by: MEK Date: 4/16/2015

Ordinance approved as to form.

**COMMUNITY INVOLVEMENT PROCESS:**

The required public hearing notices have been sent.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY**

Ordinance No. 768 will support the continued build out of the Villebois park system consistent with the Villebois Village Master Plan.

**ALTERNATIVES:** Not approve the Zone Map Amendment preventing development of the park as planned.

**CITY MANAGER COMMENT:**

**ATTACHMENTS:**

Exhibit A – Ordinance No. 768 and Attachments

Attachment 1, Zoning Order DB15-0001.

Attachment A: Legal Description and Sketch Depicting Land/Territory to be Rezoned

Attachment 2 Zone Map Amendment Findings, May 4, 2015.

Attachment 3 DRB Panel A Resolution No. 302 recommending approval of Zone Map Amendment

Exhibit B – Adopted Staff Report and DRB Recommendation

**ORDINANCE NO. 768**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE PUBLIC FOREST (PF) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 3.58 ACRES NORTHWEST OF SW VILLEBOIS DRIVE NORTH BETWEEN SW ORLEANS AVENUE AND SW COSTA CIRCLE WEST. COMPRISING TAX LOT 3100 AND ADJACENT RIGHT-OF-WAY OF SECTION 15AC, T3S, R1W, CLACKAMAS COUNTY, OREGON, RCS-VILLEBOIS DEVELOPMENT LLC, APPLICANT.**

**RECITALS**

WHEREAS, RCS-Villebois Development LLC has made a development application requesting, among other things, a Zone Map Amendment for the Property to develop a private park consistent with the Villebois Village Master Plan; and

WHEREAS, RCS-Villebois Development LLC as the property owner and an authorized representative has signed the appropriate application form; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on April 13, 2015;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment and associated development applications on April 13, 2015, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 302 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB15-0001), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on May 4, 2015, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the foregoing recitals and the Zone Map Amendment Findings in Attachment 2, as if fully set forth herein.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended by Zoning Order DB15-0001, attached hereto as Attachment 1, from the Public Facility (PF) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on May 4, 2014, and scheduled for the second and final reading on May 18, 2015, commencing at 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 4<sup>th</sup> day of May, 2015, by the following votes:

Yes:\_\_\_ No:\_\_\_

\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this \_\_\_\_day of \_\_\_\_, 2015.

\_\_\_\_\_  
Tim Knapp, MAYOR

**SUMMARY OF VOTES:**

Mayor Knapp  
Councilor President Starr  
Councilor Stevens  
Councilor Fitzgerald  
Councilor Lehan

**Attachments:**

- Attachment 1: Zoning Order DB15-0001.
- Attachment A: Legal Description and Sketch Depicting Land/Territory to be Rezoned
- Attachment 2: Zone Map Amendment Findings,
- Attachment 3: DRB Panel A Resolution No. 302 recommending approval of the Zone Map Amendment

**ORDINANCE NO. 768 – ATTACHMENT 1**

**BEFORE THE CITY COUNCIL OF THE  
CITY OF WILSONVILLE, OREGON**

In the Matter of the Application of )  
RCS-Villebois Development LLC )  
for a Rezoning of Land and Amendment ) **ZONING ORDER DB15-0001**  
of the City of Wilsonville )  
Zoning Map Incorporated in Section 4.102 )  
of the Wilsonville Code. )

The above-entitled matter is before the Council to consider the application of DB15-0001, 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 Attachment, has heretofore appeared on the City of Wilsonville zoning map as Public Facility (PF).

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

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 3.58 acres northwest of SW Villebois Drive North between SW Orleans Avenue and SW Costa Circle West. Comprising tax lot 3100 and adjacent right-of-way of Section 15AC, T3S, R1W, Clackamas County, Oregon, as more particularly shown and described in Attachment A, 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: May 4, 2015.

\_\_\_\_\_  
TIM KNAPP, MAYOR

APPROVED AS TO FORM:

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Michael E. Kohlhoff, City Attorney

ATTEST:

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Sandra C. King, MMC, City Recorder

Attachment A: Legal Description and Sketch Depicting Land/Territory to be Rezoned

**ZONE MAP AMENDMENT**  
**Zoning Order DB15-0001**  
**Villebois Neighborhood Park 4**  
**Montague Park**

**INDEX of RECORD**

1. City Council Staff Report for May 4, 2015 Meeting
2. Council Exhibit A: Ordinance No. 768 approving and adopting Zoning Order DB15-0001
3. Council Exhibit A, Attachment 1: Zoning Order DB15-0001
4. Council Exhibit A, Attachment 1, Attachment A: Legal Description and Sketch Depicting Land/Territory to be Rezoned
5. Council Exhibit A, Attachment 2: Zone Map Amendment Findings
6. Council Exhibit A, Attachment 3: Development Review Board Panel A's Resolution No. 302 recommending approval of the Zone Map Amendment.
7. Council Exhibit B: DRB adopted staff report and exhibits.

**ORDINANCE NO. 768 – ATTACHMENT 1**

**BEFORE THE CITY COUNCIL OF THE  
CITY OF WILSONVILLE, OREGON**

In the Matter of the Application of )  
RCS-Villebois Development LLC )  
for a Rezoning of Land and Amendment ) **ZONING ORDER DB15-0001**  
of the City of Wilsonville )  
Zoning Map Incorporated in Section 4.102 )  
of the Wilsonville Code. )

The above-entitled matter is before the Council to consider the application of DB15-0001, 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 Attachment, has heretofore appeared on the City of Wilsonville zoning map as Public Facility (PF).

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

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 3.58 acres northwest of SW Villebois Drive North between SW Orleans Avenue and SW Costa Circle West. Comprising tax lot 3100 and adjacent right-of-way of Section 15AC, T3S, R1W, Clackamas County, Oregon, as more particularly shown and described in Attachment A, 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: May 4, 2015.

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TIM KNAPP, MAYOR



APPROVED AS TO FORM:

---

Michael E. Kohlhoff, City Attorney

ATTEST:

---

Sandra C. King, MMC, City Recorder

Attachment A: Legal Description and Sketch Depicting Land/Territory to be Rezoned

Ord. No. 768 Attachment 1,  
Attachment A



October 3, 2014

**LEGAL DESCRIPTION**

Job No. 398-054

A parcel of land being Lot 79, plat of "Villebois Village Center No. 3", Clackamas County Plat Records, and public Right-of-Way, situated in the Northwest and Northeast Quarters of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the most northerly corner of said Lot 79;

thence along the northerly plat boundary of said plat, North  $31^{\circ}30'05''$  East, a distance of 26.36 feet to a point on the centerline of SW Costa Circle West;

thence along said centerline, South  $49^{\circ}03'27''$  East, a distance of 319.46 feet to a point of curvature;

thence continuing along said centerline, along a 746.00 foot radius tangential curve to the right, arc length of 79.46 feet, central angle of  $06^{\circ}06'11''$ , chord distance of 79.42 feet, and chord bearing of South  $46^{\circ}00'21''$  East to a point of tangency;

thence continuing along said centerline and its extension, South  $42^{\circ}57'16''$  East, a distance of 78.58 feet to a point on the southeasterly plat line of said plat;

thence along said southeasterly plat line, South  $45^{\circ}34'29''$  West, a distance of 80.51 feet to an angle point;

thence continuing along said southeasterly plat line, South  $63^{\circ}29'14''$  West, a distance of 61.38 feet to an angle point;

thence continuing along said southeasterly plat line and its extension, South  $72^{\circ}02'29''$  West, a distance of 219.06 feet to a point on the centerline of SW Orleans Avenue;

thence along said centerline for the following 7 courses:

North  $32^{\circ}57'14''$  West, a distance of 6.39 feet to a point of curvature,

along a 188.00 foot radius tangential curve to the left, arc length of 35.00 feet, central angle of  $10^{\circ}39'55''$ , chord distance of 34.94 feet, and chord bearing of North  $38^{\circ}17'12''$  West to a point of tangency,

North  $43^{\circ}37'09''$  West, a distance of 194.08 feet to a point of curvature,

Ord. No. 768 Attachment 1,  
Attachment A

along a 185.00 foot radius tangential curve to the left, arc length of 31.96 feet, central angle of 09°53'51", chord distance of 31.92 feet, and chord bearing of North 48°34'05" West to a point of reverse curvature,

along a 185.00 foot radius reverse curve to the right, arc length of 31.96 feet, central angle of 09°53'51", chord distance of 31.92 feet, and chord bearing of North 48°34'05" West to a point of tangency,

North 43°37'09" West, a distance of 161.26 feet to a point of curvature,

along a 100.00 foot radius tangential curve to the right, arc length of 12.20 feet, central angle of 06°59'22", chord distance of 12.19 feet, and chord bearing of North 40°07'28" West,

thence leaving said centerline, North 45°36'51" East, a distance of 151.05 feet to an angle point on the northerly line of said Lot 79;

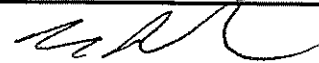
thence along said northerly line, South 47°50'26" East, a distance of 127.82 feet to an angle point;

thence continuing along said northerly line, North 41°14'03" East, a distance of 118.86 feet to the POINT OF BEGINNING.

Containing 3.58 acres, more or less.

Basis of bearings per plat of "Villebois Village Center No. 3", Clackamas County Plat Records.

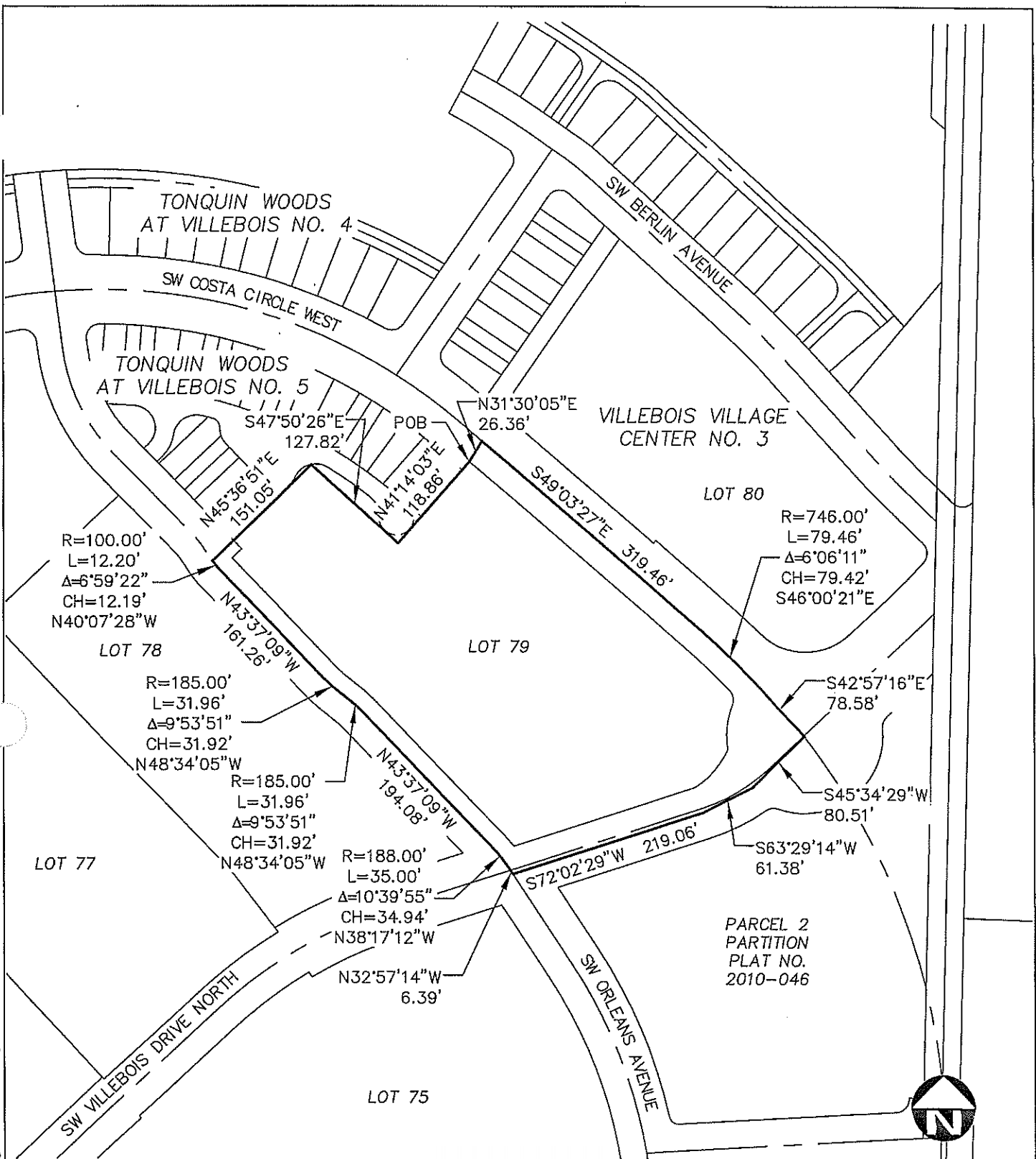
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

N:\proj\398-C Drawings\06 Survey\Legals\398064.Montague Park.Zone Change.dwg - SHEET: Legal Desc Oct. 22 PM ct



Ord. No. 768 Attachment 1, Attachment A

DRAWN BY: CLL DATE: 10/3/14

REVIEWED BY: TCJ DATE: 10/3/14

PROJECT NO.: 398-054

SCALE: 1"=150'

PAGE 3 OF 3



12564 SW Main St  
 Tigard, OR 97223  
 [T] 503-941-9484  
 [F] 503-941-9485

Ord. No. 768 Attachment 2  
**STAFF REPORT**  
**WILSONVILLE PLANNING DIVISION**

*Villebois Neighborhood Park 4, Montague Park  
Zone Map Amendment*

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

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<b>HEARING DATE</b>	May 4, 2015
<b>DATE OF REPORT:</b>	April 15, 2015

---

**APPLICATION NO.:** DB15-0001 Zone Map Amendment

**REQUEST/SUMMARY:** The City Council is being asked to review a Quasi-judicial Zone Map Amendment for a planned neighborhood park and adjacent right-of-way.

**LOCATION:** Approximately 3.58 acres northwest of SW Villebois Drive North between SW Orleans Avenue and SW Costa Circle West. The properties are specifically known as Tax Lot 3100 Section 15AC, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon and adjacent right-of-way, as depicted on the map below.

**OWNER/APPLICANT:** RCS – Villebois Development LLC

**APPLICANT’S**

**REPRESENTATIVE:** Stacy Connery – Pacific Community Design

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

**ZONE MAP CLASSIFICATION:** PF (Public Facility)

**STAFF REVIEWER:** Daniel Pauly AICP, Associate Planner

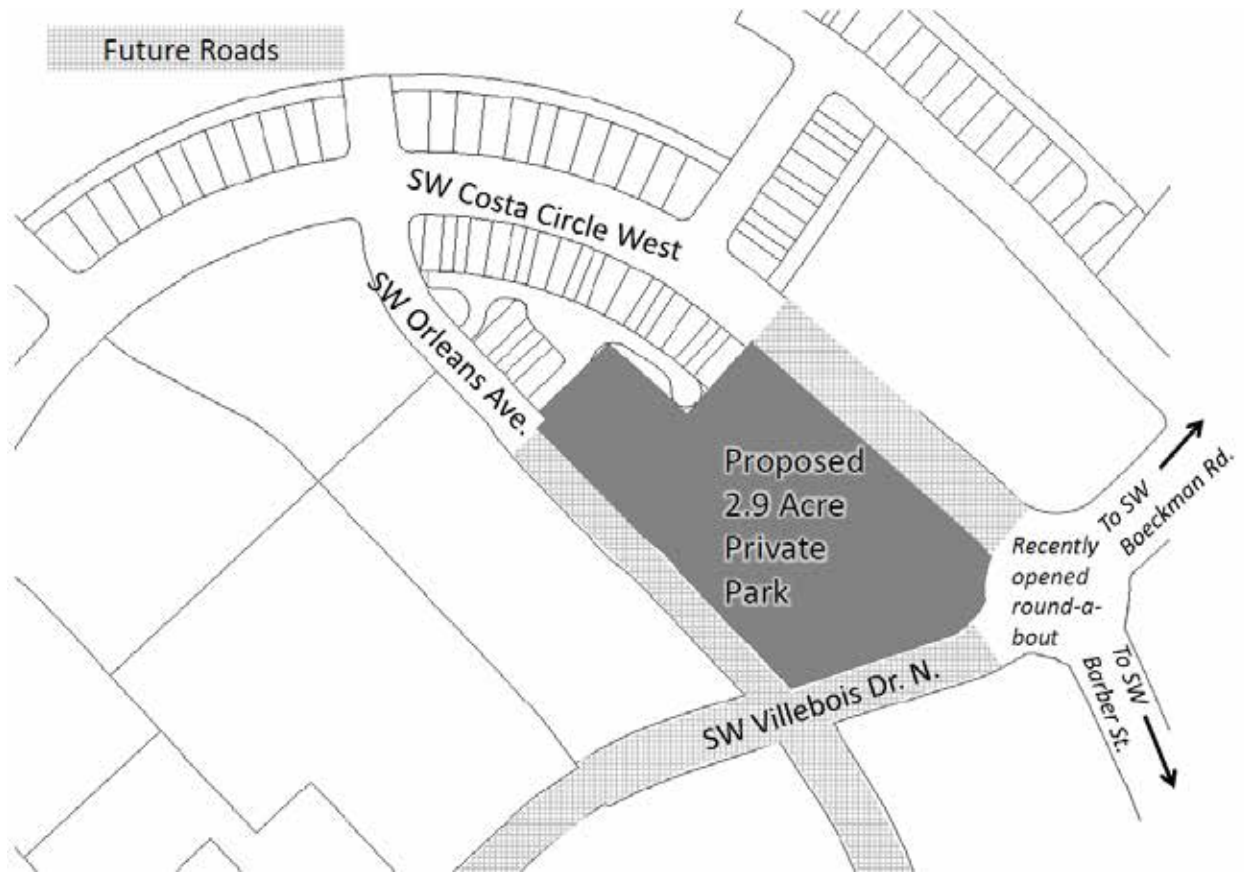
**DRB RECOMMENDATION:** Approve the requested Zone Map Amendment.

**APPLICABLE REVIEW CRITERIA**

<b>DEVELOPMENT CODE</b>	
Section 4.008	<b>Application Procedures-In General</b>
Section 4.009	<b>Who May Initiate Application</b>
Section 4.010	<b>How to Apply</b>
Section 4.011	<b>How Applications are Processed</b>
Section 4.014	<b>Burden of Proof</b>
Section 4.031	<b>Authority of the Development Review Board</b>
Section 4.033	<b>Authority of City Council</b>
Section 4.197	<b>Zone Changes and Amendments to Development Code-Procedures</b>
<b>OTHER CITY PLANNING</b>	

<b>DOCUMENTS</b>	
<b>Comprehensive Plan</b>	
<b>Villebois Village Master Plan</b>	
<b>SAP Central Approval Documents</b>	
<b>REGIONAL AND STATE PLANNING DOCUMENTS</b>	
<b>Statewide Planning Goals</b>	

**Vicinity Map**



**BACKGROUND/SUMMARY:**

**Zone Map Amendment (DB14-0010)**

The subject property still has a “Public Facility” zoning dating from its time as part of the campus of Dammasch State Hospital. Consistent with other portions of the former campus, a request to update the zoning to “Village” consistent with the Comprehensive Plan has been submitted concurrent with applications to develop the property.

## CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the application and facts regarding the request and recommends the City Council recommend approval of the zone map amendment (DB15-0001).

## FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on January 22, 2015. On February 6, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On February 25, 2015, the Applicant submitted new materials. On March 2, 2015 the application was deemed complete. The City must render a final decision for the request, including any appeals, by June 30, 2015
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
Northeast:	PF (Public Facility)	Vacant residential
East	V (Village)	Costa Circle/Villebois Drive Round-a-bout, vacant residential
Southeast:	V (Village)	Vacant residential
Southwest:	PF (Public Facility)	Vacant residential
Northwest:	V (Village)	Residential (Row Houses)

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)  
LP10-0001 – Amendment to Villebois Village Master Plan (School Relocation from SAP North to SAP East)  
LP13-0005 – Amendment to Villebois Village Master Plan (Future Study Area)

### Quasi Judicial:

SAP Central Approvals  
DB07-0023 Preliminary Development Plan- Phase 2 Central (PDP-2C)  
DB07-0025 Subdivision Tentative Plat (PDP-2C)  
AR08-0003 Subdivision Final Plat (PDP-2C)

DB08-0063 Final Development Plan for Phase 2 (Carvalho Carriage Homes & Open Space Tract 'R')

DB09-0024 Tentative Condominium Plat (Carvalho Carriage Homes)

DB09-0026 Front Yard Variance (The Trafalgar Flats)

DB09-0027 Final Development Plan (Seville Row Houses and The Trafalgar Flats)

DB09-0028 PDP Density Refinement and Phasing Modification

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:**

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

<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.

**Explanation 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.

**Explanation of Finding:** A signed application form has been submitted signed by an authorized representative of the property owner RCS-Villebois Development LLC.

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

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A pre-application conference was held on October 2, 2014 in accordance with this subsection. See City Case File PA14-0014.

#### ***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.

**Explanation of Finding:** No applicable liens exist for the subject property. The application can thus move forward.

#### ***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.

**Explanation 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.

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

<b>CONCLUSIONARY FINDINGS: DB15-0001 ZONE MAP AMENDMENT</b>
---

#### ***Comprehensive Plan***

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

##### ***Implementation Measure 4.1.6.a***

1. **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-Central, which was previously approved as part of case file DB06-0005 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.***

2. **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 zone map amendment will allow for park development implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved.

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

3. **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.***

4. **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 a park as shown in the Villebois Village Master Plan.

**Planning and Land Development Ordinance**

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

5. **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 applied for a zone change concurrently with other land use applications for the park development as required by this section. Concurrent applications, while separated in the hearing process, are contingent on approval of the zone map amendment ensuring their approval doesn’t take affect prior to the zone change.

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

6. **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***

7. **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***

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

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed park use is consistent with the Village Zone designation and Villebois Village Master Plan.

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

9. **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 was submitted concurrently with a request for PDP approval. However, staff understands this language to mean a PDP approval cannot be brought forward without the appropriate zoning in place but does not preclude a zone change consistent with the comprehensive plan prior to PDP approval, such as during SAP approval or earlier. This understanding is informed by the language in Section 4.029, seeing Finding 5 above, which states zoning must occur prior to a planned development. As the PDP is equivalent to a Stage II Final Plan in the Village Zone the same rationale would apply as for a Stage II Final Plan elsewhere in the City where the zoning at minimum must occur concurrently with the Stage II approval, but may occur prior. This allowed the action of the DRB to move forward with the recommendation to approval of the Zone Map Amendment to City Council while continuing their hearing on the PDP and other associated development applications.

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

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

10. **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.***

11. **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 A1 through 4 substantially comply with applicable Comprehensive Plan text.

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

12. **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***

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

**Finding:** These criteria are satisfied.

**Details of Finding:** The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project.

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

14. **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 subject property does not involve land in the SROZ or contain any inventoried hazards identified by this subsection.

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

15. **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 with concurrently submitted development applications the applicant has shown 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***

16. **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:** Nothing about the zone change would prevent development on the subject properties from complying with applicable development standards.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 302**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM PUBLIC FACILITY (PF) TO VILLAGE (V) FOR A 2.9 ACRE PRIVATE NEIGHBORHOOD PARK WITH PUBLIC ACCESS. THE SUBJECT SITE IS LOCATED ON TAX LOT 3100 OF SECTION 15AC, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR RUDY KADLUB, RCS – VILLEBOIS DEVELOPMENT – APPLICANT/OWNER.**

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 April 6, 2015, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on April 13, 2015, 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 amended staff report dated April 6, 2015 related to DB15-0001, attached hereto as Exhibit A1, with findings and recommendations contained therein recommending approval of the Zone Map Amendment to City Council:

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 13<sup>th</sup> day of April, 2015 and filed with the Planning Administrative Assistant on April 14, 2015. 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)*.

  
Mary Fierros Bower Chair, Panel A  
Wilsonville Development Review Board

Attest:

  
Shelley White, Planning Administrative Assistant

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

*Montague Park*

**DEVELOPMENT REVIEW BOARD PANEL ‘A’**  
**QUASI-JUDICIAL PUBLIC HEARING**  
**STAFF REPORT**

**AMENDED APRIL 13, 2014**

**DELETED LANGUAGE ~~struck through~~**

**ADDED LANGUAGE IN bold italics underline**

**ADOPTED RELATED TO DB15-0001 ZONE MAP AMENDMENT APRIL 13, 2015**

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**HEARING DATE** April 13, 2015  
**DATE OF REPORT:** April 6, 2015

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**APPLICATION NOS.:** DB15-0001 Zone Map Amendment  
DB15-0002 Preliminary Development Plan  
DB15-0003 Final Development Plan  
DB15-0004 Type C Tree Plan  
DB15-0005 Specific Area Plan Modification and Master Plan Refinements

**REQUEST/SUMMARY:** The Development Review Board is being asked to review a Zone Map Amendment, Preliminary Development Plan, Final Development Plan, Type C Tree Plan, and Specific Area Plan Refinement for a 2.83 acre private park with public access.

**LOCATION:** Northwest of SW Villebois Drive North between SW Orleans Avenue and SW Costa Circle West. The properties are specifically known as Tax Lot 3100 Section 15AC, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

**APPLICANT/OWNER:** David Nash, RCS Villebois Development LLC

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

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

**ZONE MAP CLASSIFICATION:** PF (Public Facility)

**STAFF REVIEWERS:** Daniel Pauly AICP, Associate Planner  
Steve Adams PE, Development Engineering Manager  
Kerry Rappold, Natural Resource Program Manager

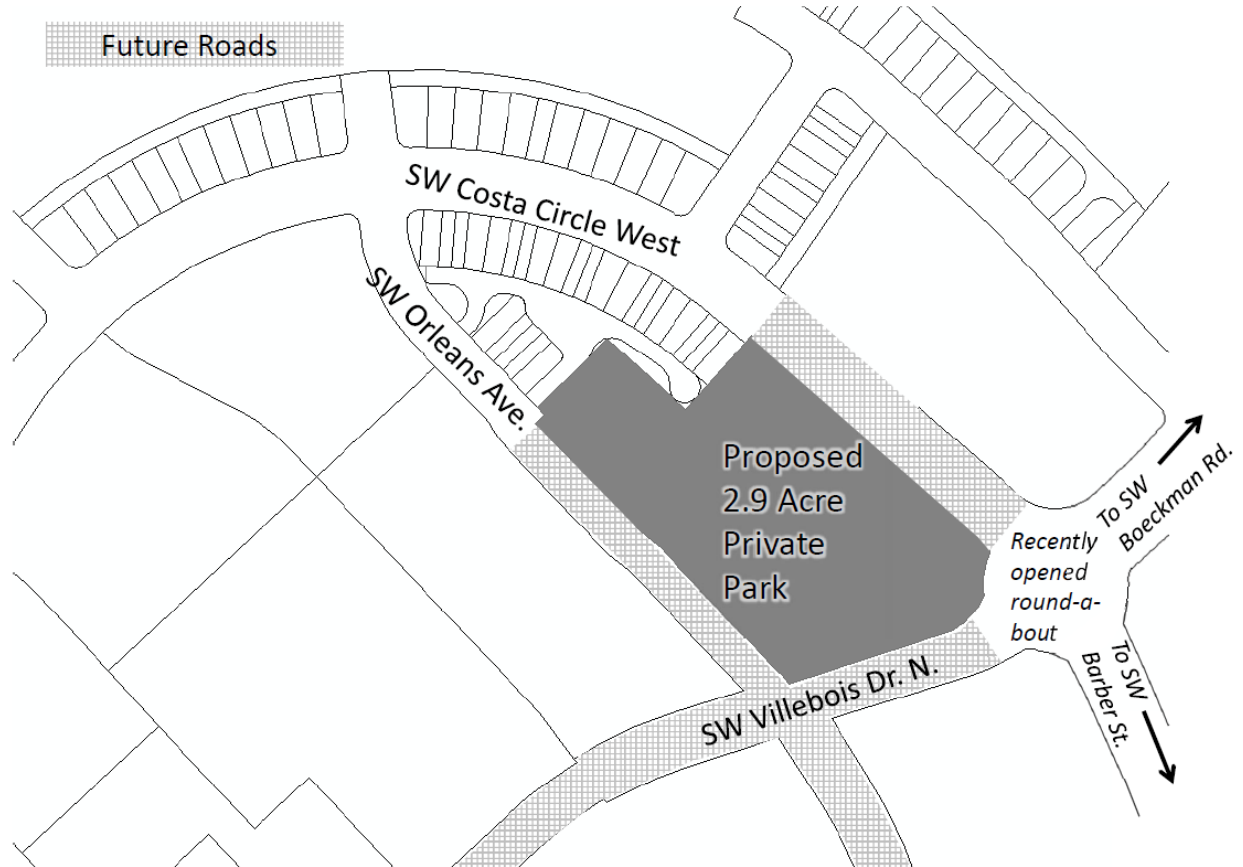
**STAFF RECOMMENDATIONS:** Approve with conditions the requested Preliminary Development Plan, Final Development Plan, Tree Removal Plan, and SAP Modification and Master Plan Refinements. Recommend approval of the requested Zone Map Amendment to City Council.

**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
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Residential Development in Any Zone
Section 4.125	V-Village Zone
Section 4.140	Planned Development Regulations
Section 4.154	Bicycle, Pedestrian, and Transit Facilities
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.171	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 4.196	Variances
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600 through 4.640.20 as applicable	Tree Preservation and Protection
<b><u>OTHER CITY PLANNING DOCUMENTS</u></b>	
Comprehensive Plan	
Villebois Village Master Plan	
SAP Central Approval Documents	



## Vicinity Map



### **BACKGROUND/SUMMARY:**

Among the neighborhood parks identified in the Villebois Village Master Plan is a park located at a high point in the central part of the master plan just east of the new round-a-bout at Costa Circle and Villebois Drive North. The property owner now wishes to move forward with the construction of the 2.83 acre private park and adjacent streets. The request involves a number of concurrent applications as described and summarized below.

#### ***Zone Map Amendment (DB15-0001)***

The subject property still has a “Public Facility” zoning dating from its time as part of the campus of Dammasch State Hospital. Consistent with other portions of the former campus, a request to update the zoning consistent with the Comprehensive Plan is included concurrent with applications to develop the property.

#### ***Preliminary Development Plan (DB15-0002)***

The proposed Preliminary Development Plan 5 of Specific Area Plan Central comprises 2.83 acres, all of which will be developed as a private park.

Development Review Board Panel ‘A’ Staff Report April 6, 2015

Exhibit A1

Montague Park: Villebois Neighborhood Park 4

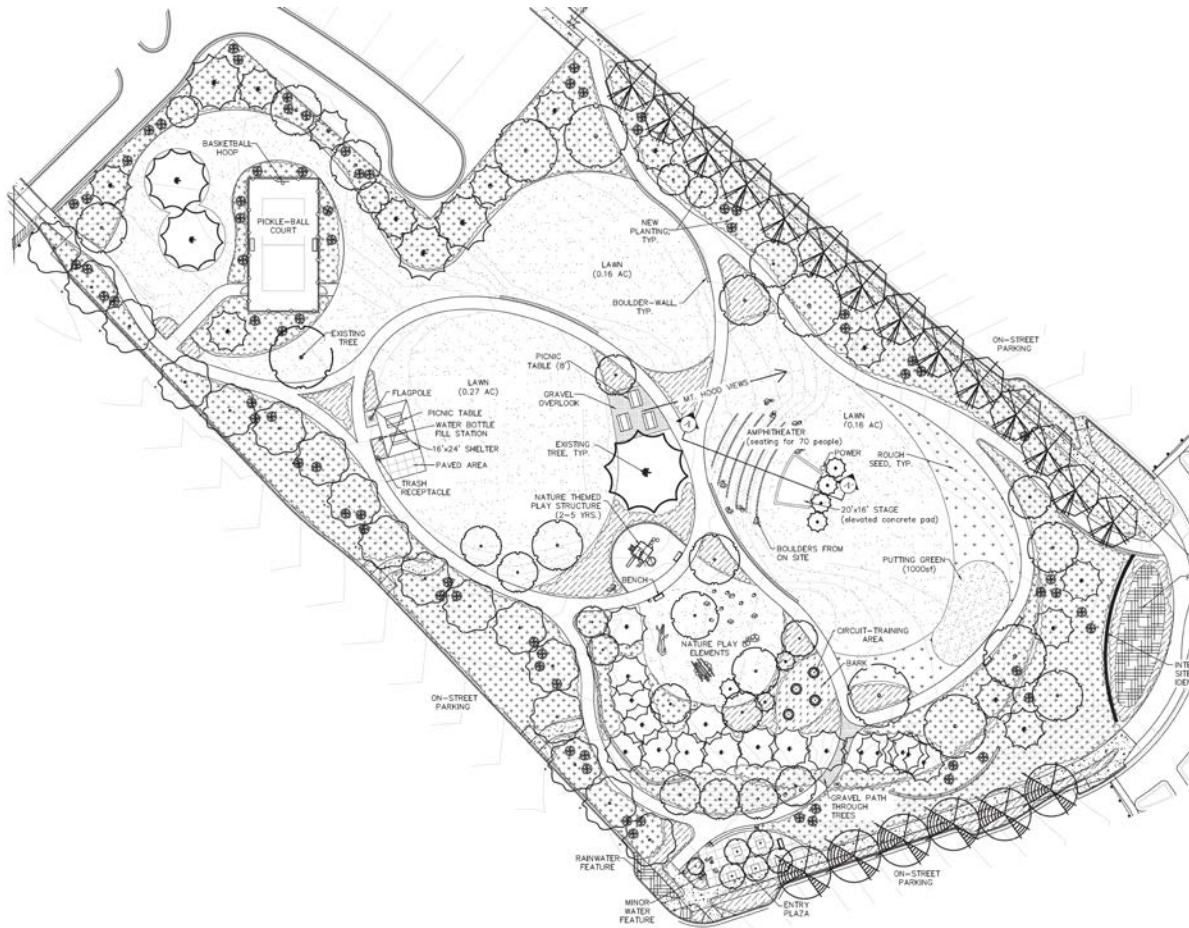
Amended April 13, 2014

Adopted related to DB15-0001 Zone Map Amendment April 13, 2015

Page 3 of 63

**Final Development Plan (DB15-0003)**

Details have been provided for the park design matching the requirements of the Community Elements Book and meeting the City’s landscape standards.



**Type C Tree Plan (DB15-0004)**

Trees are a noticeable characteristic of the site. A tree inventory of the site counts 85 trees, 70.6% of which (60 trees) are proposed to be removed. The most common trees on the site are Douglas-fir (30 individual trees) and western redcedar (24 individual trees). The arborist report (IVB of Section IV of the applicant’s notebook, Exhibit B1) classifies the condition of the trees ranging from Poor to Important, consistent with established processes in Villebois. A significant portion of the trees (32 or 38% of the total trees) on the site are rated as “Poor” and are thus proposed for removal. 24 trees (28.2% of the total trees) are proposed to be removed due to construction impacts.

***SAP Modification, Master Plan Refinement (DB15-0005)***

The request to amend the SAP has two main components, a master plan refinement for park amenities and changing the phasing of the SAP.

*Master Plan Refinement*

Wilsonville’s Development Code for Villebois allows a process called a “refinement”. In other words, as more detailed plans are drawn up for subdivisions or parks, minor changes can be made to address unforeseen issues or changing conditions. The Code establishes specific criteria for park refinements stating refinements are allowed as long as changes to the nature or location of park type, trails, or open space do not significantly reduce function, usability, connectivity, or overall distribution or availability of the park uses in the surrounding neighborhood.

As demonstrated in the table below, staff’s review shows the proposed changes to the design and programming of Neighborhood Park 4 meet the criteria for a refinement. The table below lists the amenities shown for the park in the Villebois Village Master Plan and whether or not they are proposed. Specific notes explain the rationale for certain amenities being omitted.

<b><u>NP-4 Amenities in Master Plan</u></b> (see Attachments E and F)	<b><u>Proposed</u></b>	<b><u>Explanations</u></b>
Stormwater/Rainwater Elements	Yes	
Minor Water Feature	Yes	
Benches	Yes	
Picnic Table	Yes	
Drinking Fountain	No	Replaced with water bottle fill station
Barbeque	No	Omitted due to maintenance concerns
Shelter	Yes	
Amphitheater	Yes	
Putting Green	Yes	Artificial surface
Shelter	Yes	
Restroom	No	While a restroom may be appropriate for a public park, this park is intended to primarily serve surrounding neighbors which have nearby access to restrooms. Public restrooms will be available in public Regional Park 5 approximately 800 to 900 feet (.15 to .17 miles) away.  Based on staff’s understanding a primary driver of inclusion of a restroom in this park in the Villebois Village Master Plan was to support gatherings at the amphitheater. The proposed capacity, in terms

		<p>of both programming and seating, is less than at one time contemplated as shown in the non-binding capacity analysis drawings in the Villebois Village Master Plan technical appendix. Rather than formal concerts or events drawing people from outside the surrounding neighborhood the amphitheater is scaled for small informal performances.</p> <p>Staff is also not aware of any public restrooms located in a private HOA neighborhood park in the City. Restrooms are particularly expensive to build and maintain, which would be a burden on relatively few property owners to maintain for the broader public.</p> <p>In short omitting restrooms will not significantly reduce park function and usability for nearby residents who are the primary park users.</p>
Play Structure	Yes	
Lawn Play	Yes	
<b><u>Additional Amenities Not Listed in Master Plan</u></b>		
Pickle Ball Court		
Basketball Hoop		
Circuit Training Area		
Nature Play Area		

*Phasing*

In regards to phasing, a phasing plan for SAP Central has previously been approved and 4 phases have been built or begun. As part of the requested SAP Amendment the applicant is requesting a revised phasing plan making Montague Park Phase 5 of SAP Central and adjusting other phasing in SAP Central based on updated information regarding likely development. ~~Sheet 9 of Exhibit B2~~ **Exhibit B3** shows the proposed phasing.

**Parks Board Review**

On March 12, 2015 the plans for Montague Park were reviewed by the Wilsonville Parks and Recreation Advisory Board. The result of the meeting was a recommendation to the Development Review Board in support of the park design with the additional consideration of ensuring the pickleball and basketball uses are compatible with each other and including a drinking fountain as part of the water bottle fill station fixture.

## **OTHER DISCUSSION POINTS**

### *Views*

Due to its high elevation in relation to surrounding land the park provides opportunities for views, including of Mt. Hood. Facilitating views is an important design consideration for the park.

## **CONCLUSION AND CONDITIONS OF APPROVAL:**

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. This Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board approve the proposed applications (DB15-0002, DB15-0003, DB15-0004, DB15-0005) and recommend approval of the zone map amendment to City Council (DB15-0001) with the following conditions:

### **Planning Division Conditions:**

#### **REQUEST A: DB15-0001 ZONE MAP AMENDMENT**

##### ***No Conditions of Approval Proposed for This Request***

This action recommends adoption of the Zone Map Amendment to the City Council for the subject properties. Case files DB15-0002, DB15-0003, DB15-0004, DB15-0005 are contingent upon City Council's action on the Zone Map Amendment request.
--

#### **REQUEST B: DB15-0002 PRELIMINARY DEVELOPMENT PLAN**

<b>PDB 1.</b> Approval of DB15-0002 Montague Park, Preliminary Development Plan is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) to Village (V) (Case File DB15-0001).
--

<b>PDB 2.</b> All street trees shall be approved varieties in the Community Elements Book. See Finding B23 and C7.
--

<b>PDB 3.</b> Prior to issuance of the grading permit by the Building Division the applicant/owner shall grant to the City and record a permanent public access easement for pedestrian and bicycle for ingress, egress, and permitted recreational access on, over, and across the entirety of the subject property. Such easement shall be on a form prescribed by the City. See Findings B40, B49, and C4.
---

#### **REQUEST C: DB15-0003 FINAL DEVELOPMENT PLAN**

<b>PDC 1.</b> Approval of DB15-0003 Final Development Plan is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) to Village (V) (Case File DB15-0001).
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<b>PDC 2.</b> Prior to issuance of the grading permit by the Building Division the applicant shall provide to the City a copy of CC&R's and bylaws demonstrating plans for ongoing maintenance and operation of the park by a homeowners association. See Finding C4.
---

<b>PDC 3.</b> Prior to issuance of the grading permit by the Building Division the City and necessary parties shall enter into an Operations and Maintenance Agreement covering
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	the park and adjacent right-of-way and such Agreement shall be recorded and a copy of the recorded agreement shall be given to the City’s Planning Division. See Finding C4.
<b>PDC 4.</b>	Street light type and spacing shall be consistent with the Community Elements Book. See Finding C12.
<b>PDC 5.</b>	All plant materials shall be installed consistent with current industry standards. See Finding C27.
<b>PDC 6.</b>	The applicant shall complete all private improvements approved for the park within 18 months of issuance of the grading permit by the Building Division. Prior to issuance of the grading permit by the Building Division the applicant shall present a completion bond equaling 110% of the value of the landscaping and other private park improvements which the City can use to complete the project if not completed within 18 months of the issuance of the grading permit. The private costs for construction shall be calculated by the applicant and approved in writing by the Planning Division. The bond shall be valid for a minimum of 24 months from the issuance of the grading permit by the Building Division. See Findings C29 and C40.
<b>PDC 7.</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 C32.
<b>PDC 8.</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 Findings C41 and C42.
<b>PDC 9.</b>	The applicant shall submit final parks, landscaping and irrigation plans to the City prior to construction of parks. The irrigation plan must be consistent with the requirements of Section 4.176(.07)C.

**REQUEST D: DB15-0004 TYPE C TREE PLAN**

<b>PDD 1.</b>	Approval of DB15-0004 Type C Tree Plan is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) to Village (V) (Case File DB15-0001).
<b>PDD 2.</b>	The property owner/applicant or their successors in interest shall grant access to the property for authorized City representatives as needed to verify the tree related information provided, to observe tree related site conditions, and to verify, once a removal permit is granted, that the terms and conditions of the permit are followed. See Finding D1.
<b>PDD 3.</b>	Trees planted as replacement of removed trees shall be, state Department of Agriculture Nursery Grade No. 1. or better, shall meet the requirements of the American Association of Nursery Men (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade, shall be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee’s successors-in-interest for two (2) years after the planting date. A “guaranteed” tree that dies or becomes diseased during that time shall be replaced. See Findings D11 and D12.
<b>PDD 4.</b>	Solvents, building material, construction equipment, soil, or irrigated landscaping, shall not be placed within the drip line of any preserved tree, unless a plan for such

	construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist. See Finding D14.
<b>PDD 5.</b>	<p>Before and during development, land clearing, filling or any land alteration the applicant shall erect and maintain suitable tree protective barriers which shall include the following:</p> <ul style="list-style-type: none"> <li>• 6' high fence set at tree drip lines.</li> <li>• Fence materials shall consist of 2 inch mesh chain links secured to a minimum of 1 ½ inch diameter steel or aluminum line posts.</li> <li>• Posts shall be set to a depth of no less than 2 feet in native soil.</li> </ul> <p>Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. See Finding D14.</p>

**REQUEST E DB15-0005 SPECIFIC AREA PLAN MODIFICATION AND MASTER PLAN REFINEMENTS**

<b>PDE 1.</b>	Approval of DB15-0005 SAP-Central Modification and Master Plan Refinements is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) to Village (V) (Case File DB15-0001).
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The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City’s Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

**Engineering Division Conditions:**

**REQUEST B: DB15-0002 PRELIMINARY DEVELOPMENT PLAN**

<b>Standard Comments:</b>											
<b>PFB 1.</b>	All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards - 2014.										
<b>PFB 2.</b>	<p>Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:</p> <table border="0"> <thead> <tr> <th style="text-align: left;"><i>Coverage (Aggregate, accept where noted)</i></th> <th style="text-align: right;"><i>Limit</i></th> </tr> </thead> <tbody> <tr> <td>Commercial General Liability</td> <td></td> </tr> <tr> <td>    General Aggregate (per project)</td> <td style="text-align: right;">\$ 3,000,000</td> </tr> <tr> <td>    General Aggregate (per occurrence)</td> <td style="text-align: right;">\$ 2,000,000</td> </tr> <tr> <td>    Fire Damage (any one fire)</td> <td style="text-align: right;">\$ 50,000</td> </tr> </tbody> </table>	<i>Coverage (Aggregate, accept where noted)</i>	<i>Limit</i>	Commercial General Liability		General Aggregate (per project)	\$ 3,000,000	General Aggregate (per occurrence)	\$ 2,000,000	Fire Damage (any one fire)	\$ 50,000
<i>Coverage (Aggregate, accept where noted)</i>	<i>Limit</i>										
Commercial General Liability											
General Aggregate (per project)	\$ 3,000,000										
General Aggregate (per occurrence)	\$ 2,000,000										
Fire Damage (any one fire)	\$ 50,000										

	Medical Expense (any one person)	\$ 10,000
	Business Automobile Liability Insurance	
	Each Occurrence	\$ 1,000,000
	Aggregate	\$ 2,000,000
	Workers Compensation Insurance	\$ 500,000
<b>PFB 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>PFB 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.	
<b>PFB 5.</b>	Plans submitted for review shall meet the following general criteria:	
	<ul style="list-style-type: none"> <li>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.</li> <li>b. Design of any public utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.</li> <li>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.</li> <li>d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.</li> <li>i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.</li> <li>j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.</li> <li>k. All engineering plans shall be printed to PDF, combined to a single file, stamped and digitally signed by a Professional Engineer registered in the State of Oregon.</li> <li>l. All plans submitted for review shall be in sets of a digitally signed PDF and three</li> </ul>	



	printed sets.
<b>PFB 6.</b>	<p>Submit plans in the following general format and order for all public works construction to be maintained by the City:</p> <ol style="list-style-type: none"> <li>a. Cover sheet</li> <li>b. City of Wilsonville construction note sheet</li> <li>c. General construction note sheet</li> <li>d. Existing conditions plan.</li> <li>e. Erosion control and tree protection plan.</li> <li>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.</li> <li>g. Grading plan, with 1-foot contours.</li> <li>h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.</li> <li>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'.</li> <li>j. Street plans.</li> <li>k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference</li> <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. Note that although storm water detention facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set.</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> </ol>
<b>PFB 7.</b>	Design engineer shall coordinate with the City in numbering the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to City's numbering system.
<b>PFB 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.

<b>PFB 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.
<b>PFB 10.</b>	The applicant shall be in conformance with all stormwater and flow control requirements for the proposed development per the Public Works Standards.
<b>PFB 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>PFB 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>PFB 13.</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>PFB 14.</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>PFB 15.</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>PFB 16.</b>	No surcharging of sanitary or storm water manholes is allowed.
<b>PFB 17.</b>	The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
<b>PFB 18.</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>PFB 19.</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. As part of Villebois Central all street lighting shall be the approved Hadco acorn style lights.
<b>PFB 20.</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>PFB 21.</b>	Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.
<b>PFB 22.</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.
<b>PFB 23.</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. Stormwater or rainwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.
<b>PFB 24.</b>	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 Collectors.
<b>PFB 25.</b>	For any new public easements created with the project the Applicant shall be required to produce the specific survey exhibits establishing the easement and shall provide the City with the appropriate Easement document (on City approved forms).
<b>PFB 26.</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, and a digitally signed PDF.</p>
<b>PFB 27.</b>	<p>Subdivision or Partition Plats:</p> <p>Paper copies of all proposed subdivision/partition plats shall be provided to the City for review. Once the subdivision/partition 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/partition plat.</p>
<b>PFB 28.</b>	<p>Subdivision or Partition Plats:</p> <p>All newly created easements shown on a subdivision or partition plat shall also be accompanied by the City's appropriate Easement document (on City approved forms) with accompanying survey exhibits that shall be recorded immediately after the subdivision or partition plat.</p>
<b>Specific Comments:</b>	
<b>PFB 29.</b>	A Request for Waiver of Traffic Study has been granted by the City Community Development Director, dated October 31, 2014. The applicant has indicated that the project is a neighborhood park, with no residential construction, with the majority of

	visits being pedestrian or pass-by trips with little to no vehicle use occurring or new PM Peak Hour trips being created.
<b>PFB 30.</b>	No parking shall be allowed at any time within 100 feet of the splitter islands on the legs of the roundabout (at Villebois Drive/Costa Circle). These areas shall be clear of conflict to allow motorists to focus on pedestrians, bicyclists, and merging into the circulating traffic.
<b>PFB 31.</b>	Applicant shall be required to complete design for full street improvements through the far curb and gutter for the extension of Costa Circle West northeast of the proposed park and Orleans Loop southwest of the proposed park. Design and improvements shall include street lighting on both sides of the streets. Presently Villebois Drive N. southeast of the proposed park is not constructed; however construction of this section of road is included in recently submitted plans by Polygon for construction of the Tonquin Meadows Phase 2 subdivision.
<b>PFB 32.</b>	Development of the land north of Costa Circle West and south of Orleans Loop is unknown at this time. Therefore this segment of Costa Circle West will be allowed to be designed for a 5” section of asphalt; this segment of Orleans Loop will be allowed to be designed for a 4½” section of asphalt; all segments paved with a single 3” base lift; top lift to be completed by adjacent development when it occurs.. Streets shall be designed in conformance to the applicable street type as shown in the Villebois Village Master Plan.
<b>PFB 33.</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. Secondarily, the street lighting style shall be in conformance to the current edition of the Villebois SAP South Community Elements Book.
<b>PFB 34.</b>	Due to the steep topography along the northeast side of the park, applicant has requested and has been granted a modification of the street section to allow for a curb-tight sidewalk along this portion of Costa Circle West.
<b>PFB 35.</b>	Per City Ordinance 608 storm water detention is not required for this project due to its proximity to the Coffee Creek wetlands.
<b>PFB 36.</b>	Applicant shall install a looped water system by connecting to the existing dead end extensions in Costa Circle West and Orleans Loop.
<b>PFB 37.</b>	All construction traffic shall access the site via Grahams Ferry Road to Barber Street to Costa Circle or via Tooze Road to Villebois Drive N. No construction traffic will be allowed on Brown Road or Barber Street east of Costa Circle West, or on other residential roads.

**Natural Resources Division Conditions:**

**ALL REQUESTS**

<b>Rainwater Management</b>	
<b>NR 1.</b>	Provide a rainwater analysis for the PDP that demonstrates the proposed rainwater management components are consistent with the rainwater management components proposed in the SAP.
<b>NR 2.</b>	All rainwater management components in private areas shall comply with the plumbing code.

<b>NR 3.</b>	Pursuant to the City of Wilsonville Public Works Standards, access shall be provided to all areas of the proposed rainwater management components. At a minimum, at least one access shall be provided for maintenance and inspection.
<b>NR 4.</b>	Plantings in rainwater management components located in private areas shall comply with the Plant List in the Rainwater Management Program or Community Elements Plan.
<b>NR 5.</b>	The rainwater management components shall comply with the requirements of the Oregon DEQ UIC (Underground Injection Control) Program.
<b>Other</b>	
<b>NR 6.</b>	The applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g. DEQ NPDES #1200–CN permit).

**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 Files DB15-0001 through DB15-0005.

- A1.** Staff report and findings (this document)
- A2.** Staff memo to Parks and Recreation Advisory Board dated March 4, 2015
- A3.** Minutes from March 12, 2015 Parks and Recreation Advisory Board
- A4.** Draft Operations and Maintenance Agreement
- A5.** Draft Public Access Easement
- A6.** Slides and notes for Staff’s Public Hearing Presentation (*available at Public Hearing*)
- B1.** Applicant’s Notebook: *Under separate cover*
  - Section I: General Information
    - IA) Introductory Narrative
    - IB) Copy of Application Forms and Associated Documents
    - IC) Fee Calculation
    - ID) Mailing List *This information has been revised*
  - Section II: Preliminary Development Plan
    - IIA) Supporting Compliance Report
    - IIB) Reduced Plan Set
    - IIC) Utility/Drainage Reports
    - IID) Traffic Analysis
    - IIE) Tree Report
  - Section III: Zone Change
    - IIIA) Supporting Compliance Report
    - IIIB) Zone Change Map
    - IIIC) Legal Description and Sketch
  - Section IV: Tree Removal Plan
    - IIVA) Supporting Compliance Report
    - IIVB) Tree Report

IVC) Tree Preservation Plan

**B2.** Applicant’s SAP Large Format Plans (Smaller 11x17 plans included in Sections IIB of the applicant’s notebook Exhibit B1.) *Under separate cover.*

- Sheet 1 Cover Sheet
- Sheet 2 Existing Conditions
- Sheet 3 Aerial Photograph
- Sheet 4 Preliminary Site/Land Use Plan
- Sheet 5 Preliminary Grading & Erosion Control Plan
- Sheet 6 Composite Utility Plan
- Sheet 7 Circulation Plan & Street Sections
- Sheet 8.1 Tree Preservation Plan
- Sheet 8.2 Tree Preservation Details
- Sheet 9 SAP Central Phasing Plan Update (**Revised and Replaced by Exhibit B3**)
- Sheet L1.0 Landscape Plan & Details
- Sheet L2.0 Landscape Plan & Details
- Sheet L3.0 Landscape Plan & Details
- Sheet L4.0 Landscape Details & Specifications

**B3.** **Revised Sheet 9 SAP Central Phasing Plan Update**

**C1.** Comments and Conditions from Engineering Division

**C2.** Comments and Conditions from Natural Resources

**C3.** Comments from NW Natural

**D1.** Comments from Everett Lapp

**D2.** **Materials submitted by Bob Dorband during April 13<sup>th</sup> Public Hearing**

**FINDINGS OF FACT:**

1. The statutory 120-day time limit applies to this application. The application was received on January 22, 2015. On February 6, 2015, staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On February 25, 2015, the Applicant submitted new materials. On March 2, 2015 the application was deemed complete. The City must render a final decision for the request, including any appeals, by June 30, 2015
2. Surrounding land uses are as follows:

<b>Compass Direction</b>	<b>Zone:</b>	<b>Existing Use:</b>
Northeast:	PF (Public Facility)	Vacant residential
East	V (Village)	Costa Circle/Villebois Drive Round-a-bout, vacant residential
Southeast:	V (Village)	Vacant residential
Southwest:	PF (Public Facility)	Vacant residential
Northwest:	V (Village)	Residential (Row Houses)

3. Prior land use actions include: Tentative subdivision plat

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)
- LP10-0001 – Amendment to Villebois Village Master Plan (School Relocation from SAP North to SAP East)
- LP13-0005 – Amendment to Villebois Village Master Plan (Future Study Area)

Quasi Judicial:

- SAP Central Approvals
- DB07-0023 Preliminary Development Plan- Phase 2 Central (PDP-2C)
- DB07-0025 Subdivision Tentative Plat (PDP-2C)
- AR08-0003 Subdivision Final Plat (PDP-2C)
- DB08-0063 Final Development Plan for Phase 2 (Carvalho Carriage Homes & Open Space Tract ‘R’)
- DB09-0024 Tentative Condominium Plat (Carvalho Carriage Homes)
- DB09-0026 Front Yard Variance (The Trafalgar Flats)
- DB09-0027 Final Development Plan (Seville Row Houses and The Trafalgar Flats)
- DB09-0028 PDP Density Refinement and Phasing Modification

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:**

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

<b>GENERAL INFORMATION</b>
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***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.

**Explanation 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.

**Explanation of Finding:** A signed application form has been submitted signed by an authorized representative of the property owner RCS-Villebois Development LLC.

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

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A pre-application conference was held on October 2, 2014 in accordance with this subsection. See City Case File PA14-0014.

#### ***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.

**Explanation of Finding:** No applicable liens exist for the subject property. The application can thus move forward.

#### ***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.

**Explanation 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.

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



**REQUEST A: DB15-0001 ZONE MAP AMENDMENT**

The applicant's findings in Section IIIA of their notebook, Exhibit B1, respond to the majority of the applicable criteria.

**Comprehensive Plan**

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

***Implementation Measure 4.1.6.a***

- A1. **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-Central, which was previously approved as part of case file DB06-0005 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.***

- A2. **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 park development implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved.

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

- A3. **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.***

- A4. **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 a park as shown in the Villebois Village Master Plan.

## **Planning and Land Development Ordinance**

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

- A5. **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 park development as required by this section.

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

- A6. **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***

- A7. **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***

- A8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed park use is consistent with the Village Zone designation and Villebois Village Master Plan.

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

- A9. **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. B.

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

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

A10. **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.***

A11. **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 A1 through A4 substantially comply with applicable Comprehensive Plan text.

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

A12. **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***

A13. **Review Criteria:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project.

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

A14. **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 subject property does not involve land in the SROZ or contain any inventoried hazards identified by this subsection.

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

A15. **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***

A16. **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 B: DB15-0002 PRELIMINARY DEVELOPMENT PLAN**

The applicant's findings in Section IIA of their notebook, Exhibit B1, respond to the majority of the applicable criteria.

*Village Zone*

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

B1. **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 proposed park use is a typically permitted use in the Village Zone.

*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*

B2. **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:** The entire PDP is within a block consistent with the SAP Central and Master Plan approvals where compliance with this subsection was examined.

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

B3. **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 entire PDP is within a block consistent with the SAP Central and Master Plan approvals where compliance with this subsection was examined.

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

B4. **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:** A number of paths are provided through the park serving as intervening pedestrian access.

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

B5. **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:** No vehicle access is provided into the proposed park.

**Table V-1, Development Standards**

B6. **Review Criteria:**

Table V-1: Development Standards												
Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width <sup>10,11</sup> (%age)	Max. Bldg. Height <sup>7</sup> (ft.)	Front Min. (ft.)	Front Max. (ft.)	Rear Min. (ft.)	Side Min. (ft.)	Alley-Loaded Garage (note)	Street-Loaded Garage (note)
Commercial Buildings - Village Center <sup>14</sup>	NR	NR	NR	1	90	60	NR <sup>3</sup>	5	NR	NR	NR	NA
Hotels - Village Center <sup>14</sup>	NR	NR	NR	1	80	60	NR <sup>3</sup>	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center <sup>14</sup>	NR	NR	NR	1	90	60	NR <sup>3</sup>	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center <sup>14</sup>	NR	NR	NR	1	80	45	5 <sup>4</sup>	15	NR	NR	NR	NA
Row Houses <sup>11</sup> - Village Center <sup>14</sup>	NR	NR	NR	1	80	45	5 <sup>4</sup>	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	1	60	45	8 <sup>4</sup>	15	NR	NR	NR	NA
Row Houses <sup>11</sup>	NR	15	50	1	80	45	8 <sup>4</sup>	15	NR	NR	NR	NA
Duplexes	4,000	45	70	2	60 <sup>16</sup>	35	12 <sup>3,6</sup>	20 <sup>6</sup>	5	5 <sup>15</sup>	7	8.17.18
Single-Family Dwellings	2,250	35	50	2	60 <sup>16</sup>	35	12 <sup>3,6</sup>	20 <sup>6</sup>	5	5 <sup>15</sup>	7	8.17

Notes: NR, No Requirement  
 NA, Not Allowed  
 1 Lot < 8000sf; NR; Lot >8000sf: 80% (Max. Lot Coverage)  
 2 Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%, Estate Lots: 45% Maximum Lot Coverage  
 On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.  
 3 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.  
 4 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way. Stairs may encroach to the Public Way.  
 5 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.  
 6 For Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback.  
 7 The garage setback from alley shall be between 3 and 5 foot or, when an optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.  
 8 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main façade of the associated dwelling unit.  
 9 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.  
 10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.  
 11 Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB.  
 12 See Definitions, 4.125.01, for measurement of Minimum Frontage Width.  
 13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.  
 14 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.  
 15 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.  
 16 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.  
 17 Dwellings on lots without alley access shall be at least 36 feet wide.  
 18 Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.  
 19 Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements.  
 20 Lots are categorized as small, medium, standard, large or estate as shown in the Pattern Book. [Table V-1 amended by Ord. 667 on 8/17/09; Ord. 682, 9/9/10]

**Finding:** These criteria are satisfied.

**Details of Finding:** To buildings are proposed required to meet these standards.

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

**B7. Review Criteria:**

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

Notes: <sup>1</sup> 1/1000 sf min. for court facilities  
 NR No requirement  
 \* See WC Section 4.113(11) Assessorly Dwelling Units

[Table 4-2 amended by Ord. 677, 3/1/10]

**Finding:** These criteria are satisfied.

**Details of Finding:** No parking is required for neighborhood parks.

***Subsection 4.125 (.08) Parks & Open Space***

B8. **Review Criteria:** This subsection prescribes the open space requirement for development in the Village Zone.

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed park is a park designated as part of the required open space for SAP Central and the Villebois Village Master Plan.

***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.***

B9. **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 around the proposed park are consistent with the Villebois Village Master Plan and the SAP Central approvals.

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

B10. **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 concurrent with the park improvements will be built to Public Works Standards and will support the continued build out of the Villebois Village consistent with the Villebois Village Master Plan.

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

B11. **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 in Exhibit B2, and in accordance with the Master Plan except where a curb tight sidewalk has been approved due to topography along Costa Circle by the City Engineer.

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

B12. **Review Criteria:**

- “Angles: Streets shall intersect one another at angles not less than 90 degrees, unless existing development or topography makes it impractical.



- Intersections: If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of thirty (30) foot centerline radius and said angle shall not be less than sixty (60) degrees. Any angle less than ninety (90) degrees shall require approval by the City Engineer after consultation with the Fire District.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The Circulation Plan, applicant’s sheet 7 in Exhibit B2, demonstrates that all proposed streets will intersect at angles consistent with the above standards. Some streets do not intersect at 90 degrees, but this is due to existing development as well as the topography of the area.

***Subsection 4.125 (.09) A. 2. c. Intersection of Streets: Offsets***

B13. **Review Criterion:** “Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:

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

**Finding:** These criteria are satisfied.

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

***Subsection 4.125 (.09) A. 2. d. Curb Extensions***

B14. **Review Criteria:** “Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F) below, and shall:

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

**Finding:** These criteria are satisfied.

**Details of Finding:** Curb extensions are shown on the Circulation Plan, sheet 7 in Exhibit B2 consistent with the Community Elements Book. The clear distance between curb extensions is greater than 20 feet.

***Subsection 4.125 (.09) A. 3. Street Grades***

B15. **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:** As shown on Sheet 5 the preliminary street slopes are less than 8%.

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

- B16. **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***

- B17. **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:** Section 4.177 is being applied.

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

- B18. **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:** No access drives are proposed.

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

- B19. **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***

- B20. **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***

- B21. **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 will be satisfied.

**Details of Finding:** Interim improvement standards in Section 4.177 are being applied.

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

B22. **Review Criteria:** “The provisions of Section 4.178 shall apply within the Village zone.”

**Finding:** These criteria are satisfied.

**Details of Finding:** Section 4.178 has been deleted and replaced mainly by Section 4.154. Section 4.154 and any other applicable sidewalk standards are being applied.

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

B23. **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 or will be satisfied by Condition of Approval PDB 2.

**Details of Finding:** The appropriate landscaping is provided. The proposed street trees are among the choices provided in the Community Elements Book or are required to be by a condition of approval.

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

B24. **Review Criteria:** “Except as this subsection may otherwise be amended, or until such time as a Signage and Wayfinding Plan is approved as required by Section 4.125(.18)(D)(2)(f), signs within the Village zone shall be subject to provisions of Section 4.156.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The SAP Central Signage & Wayfinding Plan indicates the provision of ‘Internal Site Identifiers’ on each corner of the Villebois Drive and Costa Circle intersection. The applicant has indicated an internal site identifier will be provided and is shown on the proposed landscape plan.

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

B25. **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 Community Elements Book ensures the design meets the fundamental design concepts and support the objectives of the Villebois Village Master

Plan. By complying with an approved Community Elements Book the design of the PDP will satisfy these criteria. See also Final Development Plan, Request C.

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

B26. **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***

B27. **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.

**Details of Finding:** Conformance with the Community Elements Book will assure consistency with the applicable Design Standards of subsection (.14) for park amenities including the proposed shelter.

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

B28. **Review Criterion:** “Building and site design shall include:

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

**Finding:** This criterion is satisfied.

**Details of Finding:** The appropriate landscape plans have been provided. See Landscape Plans, Sheets L1.0 through L4.0, Exhibit B2.

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

B29. **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 important (significant) trees have been identified for retention on the site, however a number of existing trees are being retained.

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

B30. **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:** Site furnishings shown are consistent with the Community Elements Book.

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

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

B31. **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:** SAP Central has previously been approved to be developed in phases, and the subject park is being considered a phase for which a separate PDP is being reviews. The phasing is being amended concurrent with this PDP request. See Request E.

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

B32. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be made by the owner of all affected property or the owner’s authorized agent;”

**Finding:** This criterion is satisfied.

**Details of Finding:** This application is made by RCS Villebois Investments, LLC, the owners of the property.

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

B33. **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***

B34. **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 Stacy Connery AICP from Pacific Community Design as the professional coordinator.

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

B35. **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 park uses.

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

B36. **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:** No further land partition is necessary as the entire park is on a single lot.

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

B37. **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 map amendment request has been submitted concurrently with this request. See Request A.

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

B38. **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 boundary description was prepared for the zone map amendment and can be found in Section IIIC of the applicant’s notebook, Exhibit B1. All other applicable information is shown in the applicant’s plan set, Exhibit B2.

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

B39. **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:** The entire 2.83 acres is devoted to park uses.

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

B40. **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 or will be satisfied by Condition of Approval PDB 3.

**Details of Finding:** Information on planned streets is provided or the information is readily available. Sidewalks, bike routes and bikeways, trails, and other relevant features are shown. A public access easement is required by Condition of Approval PDB 3. The required trees are shown.

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

B41. **Review Criteria:** “Conceptual drawings, illustrations and building elevations for each of the listed housing products and typical non-residential and mixed-use buildings to be constructed within the Preliminary Development Plan boundary, as identified in the approved SAP, and where required, the approved Village Center Design.”

**Finding:** This criterion is satisfied.

**Details of Finding:** A preliminary drawing of the proposed park shelter is provided.

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

B42. **Review Criterion:** “A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.”

**Finding:** This criterion is satisfied.

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

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

B43. **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, or entire park, 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***

B44. **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 Public Works permitting process will ensure the appropriate bonding or other security is provided for public improvements.

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

B45. **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 a memo explaining a waiver from the traffic report requirement has been provided, and can be found in Section IID of the applicant’s notebook, Exhibit B1.

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

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

B46. **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;





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

B50. **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) K. PDP Approval Criteria***

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

B51. **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***

B52. **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 B58 through B60 address Subsections 4.140 (.09) J. 1. through 3.

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

B53. **Review Criterion:** “Is consistent with the approved Specific Area Plan in which it is located.”

**Finding:** This criterion is satisfied.

**Details of Finding:** With the proposed refinement, the PDP is consistent with the approved SAP.

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

B54. **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:** No buildings subject to the Village Center Architectural Standards are proposed.

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

B55. **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, or the park, is proposed to be built in a single phase.

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

B56. **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 does not apply.

**Details of Finding:** No dwelling units are included in the PDP.

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

B57. **Review Criterion:** “The Development Review Board may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.”

**Finding:** This criterion is satisfied.

**Details of Finding:** No additional conditions of approval are recommended.

***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***

B58. **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 Central, 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***

B59. **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:** As a neighborhood park, the park is not anticipated to generate trips affecting level of service. See traffic study waiver in Section IID of Exhibit B1.

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

B60. **Review Criteria:** “That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.”

**Finding:** These criteria are satisfied.

**Details of Finding:** As shown in the Utility and Drainage Report, Section IIC of the applicant’s notebook, Exhibit B1, and plan sheets, see Exhibit B2, adequate or immediately planned facilities and services are sufficient to serve the planned development.

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

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

B61. **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 park design aims to incorporate existing landscape as it was cited at the current location due in part to natural features such as trees, topography, and views.

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

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

B62. **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***

B63. **Review Criteria:**

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

**Finding:** These criteria are satisfied.

**Details of Finding:** The Tree Preservation Plan, located in Section IIE of the applicant’s notebook, Exhibit B1, depicts existing trees within the subject area and identifies trees to be retained and to be removed. This application includes a request for approval of a Type “C” Tree Removal Plan. See also Request D.

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

B64. **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.

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

B65. **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***

B66. **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***

B67. **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***

B68. **Review Criteria:** This subsection establishes requirements for protection of historic resources.

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Development Review Board Panel ‘A’ Staff Report April 6, 2015

Exhibit A1

Montague Park: Villebois Neighborhood Park 4

Amended April 13, 2014

Adopted related to DB15-0001 Zone Map Amendment April 13, 2015

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**Finding:** This criterion is satisfied.

**Details of Finding:** A Historic/ Cultural Resource Inventory was previously conducted for SAP Central. No historic or cultural resource sites, objects, or areas were identified in the subject PDP.

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

B69. **Review Criteria:** This section establishes landscape, screening, and buffering requirements for development within the City.

**Finding:** These criteria are satisfied.

**Details of Finding:** 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 C, Final Development Plan.

#### ***Subsection 4.177 (.02) Street Design Standards***

B70. **Review Criteria:** This section establishes street design standards for development within the City. Listed A through G,

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed streets comply with the street design standards as follows:

*Continuation of Streets:* The proposed streets all continue to adjacent development.

*City Engineer Determination:* The proposed streets are being reviewed by the City's Engineering Division to ensure conformance with the TSP and PW Standards.

*Rights-of-way:* Necessary rights-of-way have already been dedicated as part of previous land divisions.

*Dead-end Streets:* No dead-end streets or cul-de-sacs are proposed.

*Corner Vision:* The project is being designed with clear vision at corners in mind and the project is required to meet this standard.

*Vertical clearance:* The streets are being design to allow for the required vertical clearance.

*Interim improvements:* The proposed interim improvements are being reviewed by the Engineering Division to ensure they meet applicable City standards.

#### ***Subsection 4.177 (.03) Sidewalk Standards***

B71. **Review Criteria:** "Sidewalks shall be provided on the public street frontage of all development. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the City Engineer."

**Finding:** These criteria are satisfied.

**Details of Finding:** Sidewalks are provided on the public street frontage along SW Costa Circle West and SW Villebois Drive North. Along SW Orleans Avenue the sidewalk is offset from the street and will be within a public easement.

***Subsection 4.177 (.03) A. Sidewalk Through Zones***

B72. **Review Criteria:** “Sidewalk widths shall include a minimum through zone of at least five feet. The through zone may be reduced pursuant to variance procedures in Section 4.196, a waiver pursuant to Section 4.118, or by authority of the City Engineer for reasons of traffic operations, efficiency, or safety.”

**Finding:** These criteria are satisfied.

**Details of Finding:** All sidewalks will have a 5 foot through zone.

***Subsection 4.177 (.04) Bicycle Facility***

B73. **Review Criteria:** “Bicycle facilities shall be provided to implement the Transportation System Plan, and may include on-street and off-street bike lanes, shared lanes, bike boulevards, and cycle tracks. The design of on-street bicycle facilities will vary according to the functional classification and the average daily traffic of the facility.”

**Finding:** These criteria are satisfied.

**Details of Finding:** Bicycle facilities are shown on sheet 7 of Exhibit B2 as required in the Villebois Village Master Plan.

<b>REQUEST C: DB15-0003 FINAL DEVELOPMENT PLAN</b>
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**The applicant’s findings in Section IIA of their notebook, Exhibit B1, respond to the majority of the applicable criteria.**

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

C1. **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 allowed within the Village Zone.

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

C2. **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 proposed park is among those shown in the Villebois Village Master Plan.



***Subsection 4.125 (.08) B. Parks and Open Space in the Village Zone-Ownership***

- C3. **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:** The parks areas proposed in this PDP are not subject to this requirement.

***Subsection 4.125 (.08) C. Parks and Open Space in the Village Zone-Protection and Maintenance***

- C4. **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 will be satisfied by Condition of Approval PDC 2 and PDC 3.

**Details of Finding:** Condition of Approval PDC 2 requires CC&R’s and an Operation and Maintenance Agreement for the proposed park to assure long term protection and maintenance. No occupancy is required with the subject FDP and no final plat is associated with the request. In the case where no occupancy is required, no plat is being recorded, and no percentage of building permit approval of a PDP are subject to park completion or submission/recording of documents the City interprets the issuance of the private grading permit by the Building Division as the final permit issued by the City for the private portion of the development and the final opportunity to hold up a necessary City permit/approval to assure necessary documents are submitted and recorded. As such, Condition of Approval PDC 2 requires a copy of recorded CC&R’s and bylaws be submitted demonstrating how the appropriate homeowners association will handle maintenance of the park and PDC 3 requires an Operations and Maintenance Agreement approved by the City be recorded prior to issuance of the grading permit by the Building Division.

***Subsection 4.125 (.09) Street and Access Improvement Standards***

- C5. **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, except for vision clearance for vegetation which is met.

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

- C6. **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 B73.

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

C7. **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 or will be by Condition of Approval PDB2.

**Details of Finding:** Findings C18 through C29 pertain to Section 4.176. Street trees are proposed consistent with the Community Elements Book or will be required to be consistent by a condition of approval.

***Section 4.125 (.12) A. Signs Compliance with Master Sign and Wayfinding Plan for SAP***

C8. **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 is satisfied.

**Details of Finding:** An internal site identifier sign is proposed as shown in the Master Signage and Wayfinding Program. See also Finding B24.

***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***

C9. **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.

**Details of Finding:** Proposed park furnishings are consistent with the Community Elements Book.

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

C10. **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 (important) trees have been identified within the parks and open space covered by the proposed FDP. However, a number of existing trees are being retained. See Request D.

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

C11. **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***

C12. **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 satisfied by Condition of Approval PDC 4.

**Details of Finding:** The lighting and site furnishings shown by the applicant match the Community Elements Book for SAP Central. A condition of approval ensures street light type and spacing is consistent with the Community Elements Book.

***Subsection 4.125 (.18) L. Final Development Plan Approval Procedures***

C13. **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***

C14. **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***

C15. **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 C30 through C37.

***Subsection 4.125 (.18) O. Refinements to Preliminary Development Plan as part of Final Development Plan***

C16. **Review Criteria:** This subsection identifies the process and requirements for refinements to a preliminary development plan as party of a final development plan.

**Finding:** These criteria are satisfied.

**Details of Finding:** No refinements are proposed as part of the requested FDP, as park and open space refinements were requested as part of the SAP modification request. See Request E.

***Subsection 4.125 (.18) P.2. Final Development Plan Compliance with Architectural Pattern Book, Community Elements Book, and PDP Conditions of Approval***

C17. **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 C7 through C9 above, the FDP demonstrates compliance with the SAP Central Community Elements Book.

**Landscape Standards Section 4.176**

***Subsection 4.176 (.02) B. Landscape Standards and Compliance with Code***

C18. **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***

C19. **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 and plazas. The plantings are in a variety of areas.

***Subsection 4.176 (.04) Buffering and Screening***

C20. **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***

C21. **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 sheets L1.0 through L4.0 in their plan set, see Exhibits B1 Section IIB and Exhibit B2, indicates the requirements established by this subsection will be met by the proposed plantings.

***Subsection 4.176 (.06) B. Plant Materials-Trees***

C22. **Review Criteria:** This subsection establishes plant material requirements for trees.

**Finding:** These criteria are satisfied.

**Details of Finding:** Applicant’s sheets L1.0 through L4.0 in their plan set, see Exhibits B1 Section IIB and Exhibit B2, indicates the requirements established by this subsection will be met by the proposed plantings.

***Subsection 4.176 (.06) D. Plant Materials-Street Trees***

C23. **Review Criteria:** This subsection establishes plant material requirements for street trees.

**Finding:** These criteria are satisfied.

**Details of Finding:** Applicant’s sheets L1.0 through L4.0 in their plan set, see Exhibits B1 Section IIB and Exhibit B2, indicates the requirements established by this subsection will be met by the proposed plantings.

***Subsection 4.176 (.06) E. Types of Plant Species***

C24. **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 Central Community Elements Book.

***Subsection 4.176 (.06) F. Tree Credit***

C25. **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 being preserved in the subject area.

***Subsection 4.176 (.06) G. Exceeding Plant Material Standards***

C26. **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 visions clearance requirements.

***Subsection 4.176 (.07) Installation and Maintenance of Landscaping***

C27. **Review Criteria:** This subsection establishes installation and maintenance standards for landscaping.

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

**Details of Finding:** The installation and maintenance standards are or will be met as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- A note on the applicant’s sheet L1.0 in their plan set, Exhibit B2, 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***

C28. **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 L4.0 in their plan set, Exhibit B2.

***Subsection 4.176 (.10) Completion of Landscaping***

C29. **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 or will be satisfied by Condition of Approval PDC 6.

**Details of Finding:** No occupancy is required with the subject FDP. The intent of this subsection is for a bond or other security be given prior to issuance of final City approval of a project. In the case where no occupancy is required and no percentage of building permit approval of a PDP are subject to park completion some sort of assurance is needed the City interprets the issuance of the private grading permit by the Building Division as the final permit issued by the City for the private portion of the development and the final opportunity to hold up a necessary City permit/approval to assure private improvements are according to the DRB approval. As such, Condition of Approval PDC 6 requires a bond for completion of the work on the park within 18 months or other surety approved in writing by the City, prior to issuance of the private grading permit by the Building Division.

**Site Design Review**

***Subsection 4.400 (.01) Excessive Uniformity, Inappropriateness of Design, Etc.***

C30. **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:**

*Excessive Uniformity:* The proposed design are specific to this particular park and does not create excessive uniformity.

*Inappropriate or Poor Design of the Exterior Appearance of Structures:* The shelter structure has been professionally designed and tailored for this application providing an appropriate design for an urban park setting.

*Inappropriate or Poor Design of Signs:* The proposed internal site identifier is consistent with the master sign and wayfinding program, which was a carefully designed sign program for all of Villebois ensuring appropriate sign design.

*Lack of Proper Attention to Site Development:* The appropriate professional services have been used to design park, demonstrating appropriate attention being given to site development.

*Lack of Proper Attention to Landscaping:* Landscaping has been professionally designed by a landscape architect, and includes a variety of plant materials, all demonstrating appropriate attention being given to landscaping.

#### ***Subsection 4.400 (.02) Purposes of Objectives of Site Design Review***

C31. **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 28 through 30 in Section IIA of the applicant’s notebook, Exhibit B1.

#### ***Section 4.420 Site Design Review-Jurisdiction and Power of the Board***

C32. **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 PDC 7.

**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***

C33. **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 30 through 32 of Section IIA of the applicant’s notebook, Exhibit B1.



***Subsection 4.421 (.02) Applicability of Design Standards to Various Site Features***

C34. **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***

C35. **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 C31 above.

***Subsection 4.421 (.05) Site Design Review-Conditions of Approval***

C36. **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 are recommended pursuant to this subsection.

***Subsection 4.421 (.06) Color or Materials Requirements***

C37. **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 is satisfied.

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

***Section 4.440 Site Design Review-Procedures***

C38. **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***

C39. **Review Criterion:** “Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

**Finding:** This criterion is satisfied.

**Details of Finding:** It is understood that the approval will expire after 2 years if a building permit hasn’t been issued unless an extension has been granted by the board.

#### ***Subsection 4.450 (.01) Landscape Installation or Bonding***

C40. **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 will be satisfied by Condition of Approval PDC 6

**Details of Finding:** A condition of approval requires the appropriate bonding. See also Finding C29.

#### ***Subsection 4.450 (.02) Approved Landscape Plan Binding***

C41. **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 PDC 8.

**Details of Finding:** The condition of approval shall provide ongoing assurance this criterion is met.

#### ***Subsection 4.450 (.03) Landscape Maintenance and Watering***

C42. **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 PDC 8.

**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***

C43. **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 PDC 8.

**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.

<b>REQUEST D: DB15-0004 TYPE C TREE PLAN</b>
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**The applicant’s findings in Section IVA of their notebook, Exhibit B1, respond to the majority of the applicable criteria.**

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

D1. **Review Criterion:** “By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant’s property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed.”

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

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

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

D2. **Review Criterion:** “Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmation, reversal or modification by the City Council, if subsequently reviewed by the Council.”

**Finding:** This criterion is satisfied.

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

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

D3. **Review Criterion:** “Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;”

**Finding:** This criterion is satisfied.

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

***Subsection 4.610.00 (.06) B. Completion of Operation***

D4. **Review Criterion:** “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Fix a reasonable time to complete tree removal operations;”

**Finding:** This criterion is satisfied.

**Details of Finding:** It is understood the tree removal will be completed by the time construction of parks is completed, which is a reasonable time frame for tree removal.

***Subsection 4.610.00 (.06) C. Security***

D5. **Review Criterion:** “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter. 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.”

**Finding:** This criterion is satisfied.

**Details of Finding:** No bond is anticipated to be required to ensure compliance with the tree removal plan as a bond is required for overall park construction.

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

D6. **Review Criteria:** “Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:” Listed A. through J.

**Finding:** These criteria are satisfied.

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

- The proposed tree removal is not within the Significant Resource Overlay Zone
- The applicant states tree preservation was taken into consideration the preservation of trees on the site.
- No significant wooded areas or trees would be preserved by design alternatives.
- Land clearing will not exceed the permitted areas.
- It is understood the proposed development will comply with all applicable statutes and ordinances.
- The necessary tree replacement and protection is planned according to the requirements of tree preservation and protection ordinance.
- Tree removal is limited to where it is necessary for construction or to address nuisances or where the health of the trees warrants removal.
- A tree survey has been provided. See sections IVB and IVC of the applicant’s notebook, Exhibit B1.
- No utilities are proposed to be located where they would cause adverse environmental consequences.

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

D7. **Review Criteria:** “Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.”

**Finding:** These criteria are satisfied.

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

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

D8. **Review Criteria:** “The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:” Listed A. 1. through A. 7.

**Finding:** These criteria are satisfied.

**Details of Finding:** The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. See sections IVB and IVC of the applicant’s notebook, Exhibit B1.

***Subsection 4.620.00 (.01) Tree Replacement Requirement***

D9. **Review Criterion:** “A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.”

**Finding:** This criterion is satisfied.

**Details of Finding:** The tree mitigation requirements for removed trees will be more than exceeded by the planned street tree and new trees in the park.

***Subsection 4.620.00 (.02) Basis for Determining Replacement***

D10. **Review Criteria:** “The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2”) or more in diameter.”

**Finding:** These criteria are satisfied.

**Details of Finding:** More trees are planned to be planted that proposed to be removed. Each tree, including street trees will meet the minimum diameter requirement.

### ***Subsection 4.620.00 (.03) Replacement Tree Requirements***

- D11. **Review Criteria:** “A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.
- A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture Nursery Grade No. 1 or better.
- B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee’s successors-in-interest for two (2) years after the planting date.
- C. A “guaranteed” tree that dies or becomes diseased during that time shall be replaced.
- D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.”
- Finding:** These criteria are satisfied or will be satisfied by Condition of Approval PDD 3.
- Details of Finding:** The condition of approval will ensure the relevant requirements of this subsection are met.

### ***Subsection 4.620.00 (.04) Replacement Tree Stock Requirements***

- D12. **Review Criteria:** “All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade.”
- Finding:** These criteria will be satisfied by Condition of Approval PDD 3.
- Details of Finding:** Condition of Approval PDD 3 assures this is met.

### ***Subsection 4.620.00 (.05) Replacement Trees Locations***

- D13. **Review Criteria:** “The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.”
- Finding:** These criteria are satisfied.
- Details of Finding:** The applicant proposes to mitigate for all removed trees on site and in the appropriate locations for the proposed park.

### ***Section 4.620.10 Tree Protection During Construction***

- D14. **Review Criteria:** “Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:” Listed A. through D.
- Finding:** These criteria are satisfied or will be satisfied by Condition of Approvals PDD 4 and PDD 5.
- Details of Finding:** The conditions of approval assure the applicable requirements of this Section will be met.

**REQUEST E: DB15-0005 SPECIFIC AREA PLAN MODIFICATION AND MASTER PLAN REFINEMENTS**

The applicant's findings in Section IIA of their notebook, Exhibit B1, specifically pages 11-13, respond to the majority of the applicable criteria.

*Subsection 4.125 (.18) D. SAP Submittal Requirements*

E1. **Review Criteria:** This subsection lists the submittal requirements for SAPs, which would include SAP Modifications.

**Finding:** These criteria are satisfied.

**Details of Finding:** All the required materials have been submitted or are on file with the City from previous submittals for SAP Central.

*Subsection 4.125 (.18) E. 1. b. i. SAP Consistency with Standards and Plans*

E2. **Review Criteria:** "The Development Review Board may approve an application for SAP approval only upon finding the following approval criteria are met:

i. That the proposed SAP:

- Is consistent with the standards identified in this section.
- Complies with the applicable standards of the Planning and Land Development Ordinance, and
- Is consistent with the Villebois Village Master Plan. Those elements of the Village Master Plan with which the SAP must be consistent are the Plan's Goals, Policies, and Implementation Measures, and, except as the text otherwise provides, Figures 1, 5, 6A, 7, 8, 9A, and 9B."

**Finding:** These criteria are satisfied.

**Details of Finding:** Consistency with the standards of Section 4.125 and other applicable standards in the Planning and Land Development Ordinance are being measured as can be seen in findings elsewhere in this report and the proposal is consistent with the standards or will be made consistent by conditions of approval. SAP Central has previously been found to be consistent with the Villebois Village Master Plan. Specific findings related to the phasing changes and park refinements, which show continuing consistency, can be found below.

*Subsection 4.125 (.18) E. 1. b. ii. SAP Phasing*

E3. **Review Criteria:** "If the SAP is to be phased, as enabled by Sections 4.125(.18)(D)(2)(g) and (h), that the phasing sequence is reasonable."

**Finding:** These criteria are satisfied.

**Details of Finding:** A phasing plan for SAP Central has previously been approved and 4 phases have been built or begun. As part of the requested SAP Amendment the applicant is requesting a revised phasing plan making Montague Park Phase 5 of SAP Central and adjusting other phasing in SAP Central based on updated information regarding likely development. ~~Sheet 9 of Exhibit B2~~ **Exhibit B3** shows the proposed phasing. The phasing is reasonable as it shows the next phases of development adjacent to existing development and services and reflects the latest information on likely development build out. See also Finding E12.

***Subsection 4.125 (.18) E. 1. b. iii. Additional SAP Modifications or Conditions of Approval***

E4. **Review Criteria:** “The Development Review Board may require modifications to the SAP, or otherwise impose such conditions, as it may deem necessary to ensure conformance with the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.”

**Finding:** These criteria are satisfied.

**Details of Finding:** No additional SAP modifications or conditions of approval are recommended.

**Refinements Generally**

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

E5. **Review Criteria:** “In the process of reviewing a SAP for consistency with the Villebois Village Master Plan, the Development Review Board may approve refinements, but not amendments, to the Master Plan. Refinements to the Villebois Village Master Plan may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section 4.125(.18)(F)(2), below. Amendments to the Villebois Village Master Plan may be approved by the Planning Commission as set forth in Section 4.032(.01)(B).”

**Finding:** These criteria are satisfied.

**Details of Finding:** As part of the requested SAP Amendment the applicant is requesting Master Plan refinements related to park amenities. The applicant has provided plan sheets and written information 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) F. 2. are satisfied for the requested refinement.

**Refinement Request Parks, Trails, and Open Space**

***Subsection 4.125 (.18) F. 1. a. ii. Master Plan Refinements: Parks, Trails, and Open Space***

E6. **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 Specific Area Plan.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The requested refinement includes the removal and addition of a number of amenities as listed and described on page 10 of the applicant’s supporting compliance report, Section IIA of their notebook, Exhibit B1. The park amenities proposed for exclusion are a barbeque and restrooms. Park amenities proposed for addition include a pickleball court, basketball hoop, circuit training area, and nature play area.

The location of the proposed park remains the same, and thus the overall distribution and availability of park uses in the SAP remains constant, so the evaluation of changes focus on the nature of the park and whether the nature of the park in regards to function, usability, connectivity is “significantly” impacted by the changes in amenities. No changes



affecting connectivity are proposed, thus each change will be discussed in relation to function and usability.

Significance, in a both quantifiable and qualitative sense, is specifically addressed in subsections and findings below. This finding will be limited to a general discussion of the impact of the amenity changes in relation to function, usability, and connectivity. As stated on page 19 of Villebois Village Master Plan park features listed in the Master Plan are subject to refinement.

#### Removal of Restroom Facility

*Function:* Montague Park is a private park primarily designed to serve nearby residents within the HOA that will own and maintain the park. While restrooms would add functionality and convenience for park users, the primary parks users have restrooms available nearby at their homes and the applicant asserts and staff concurs the high expense of construction and maintenance of restrooms will not produce a high level of benefit and function to those nearby residents who would be paying for it and be the primary park users. For users the less frequent users who do not have restrooms available in adjacent residences restrooms are planned within walking distance to the north in Regional Park 5 and to the south in a future building near the Piazza.

*Usability:* As discussed under “function” above Montague Park is a private park primarily designed to serve nearby residents. As the nearby residents have restrooms nearby and other occasional users will have public restrooms within walking distance the lack of public restrooms in the park will not diminish their ability to use the other amenities in the park.

#### Removal of Barbeque

*Function:* Input from park designers and park maintenance professionals, including the City’s Parks and Recreation Department, says stationary charcoal barbeques attract limited users and are a maintenance problem. Function is being replaced by modern portable grills users bring to parks.

*Usability:* The park will remain usable for picnics and barbeques as tables and a shelter are available and areas where portable grills can be used.

#### Change from Drinking Fountain to Water Fill Station

*Function:* While the functionality of being able to use the facility without a bottle or cup is reduced, the added function to easily fill a bottle or cup and the increased sanitation offsets the lost functionality.

*Usability:* The water fill station will maintain a similar level of usability for park users by allowing easy access to water.

Addition of Pickleball Court, Possible Basketball Hoop, Circuit Training Area, and Nature Play Area

Note: The feasibility of combining a basketball hoop with the pickleball court is still being explored. The basketball hoop will be excluded if functionally does not work well with pickleball court.

*Function:* These amenities add additional function for park users while still allowing for activity areas listed in the Master Plan.

*Usability:* The added amenities will still allow the usability of the park for the master planned activities, include quiet areas, while allowing for additional activities.

***Subsection 4.125 (.18) F. 1. b. i. Defining “Significant” for Master Plan Refinements: Quantifiable***

E7. **Review Criteria:** “As used herein, “significant” means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(F)(1)(a), above,”

**Finding:** These criteria are satisfied.

**Details of Finding:** The matters, requirements, or performance measures in (.18) F. 1. a. related to parks include: nature of park type, location of park types, reduction of function of park type, trails, or open space, reduction of usability of park type, trails, or open space, reduction of connectivity of park type, trails, or open space, overall distribution and availability of uses. Any analysis of each is provided below together with a discussion to the extent to which it is quantifiable.

*Nature of Park Type:* This is quantifiable as the number of each park type (i.e. neighborhood park, regional park, pocket park). No changes to the number of different park types is proposed. Arguably the number of different amenities could be include under the nature of the park, however, this is covered under function and usability of parks below.

*Location of Park Type, Overall Distribution and Availability of Park Uses:* This is quantifiable as the planned location of each type of park. No changes to park numbers or locations are proposed.

*Reduction of Function of Park Type:* This is quantifiable as the overall number of major amenities. Staff understands major amenities to be major activity nodes or primary component of an activity area, while supporting amenities to be a secondary component of an area or activity area. The applicant is requesting to remove one major amenity, restrooms, while adding four major amenities, which in quantifiable matters in no reduction in the number of functions available in the park. The barbeque is a supporting element, or minor amenity as part of the gathering area focused on the shelter, removing this amenity will not result in the loss of the picnic area as a function in the park.

*Reduction of Usability of Park Type:* The usability of the park is closely tied to the number of functional areas. As there is, quantifiably speaking, no significant reduction in the number of functions in the park, the park maintains a significantly similar level of usability.

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

E8. **Review Criteria:** “As used herein, “significant” means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(F)(1)(a), above.”

**Finding:** These criteria are satisfied.

**Details of Finding:** This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider to be the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding E9 below, the proposed refinements do not significantly affect parks in a qualitative sense.

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

E9. **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:** No specific conditions of approval from SAP Central have been identified in relation to the proposed park so this finding focuses on better or equally meeting the affected goals, policies, and implementation measures of the Villebois Village Master Plan as shown in the following table.

*Goal: The Parks system within Villebois Village shall create a range of experiences for its residents and visitors through an interconnected network of pathways, parks, trails, open space and other public spaces that protect and enhance the site’s natural resources and connect Villebois to the larger regional park/open space system.*

**Response:** The goal is better met by increasing the number of park experiences while maintaining currently planned park experiences increasing the range of experiences available in the park and park system. At the same time the park amenities focused on the sites trees, contours, and views of Mt. Hood remain.

*Policy 3: Parks shall encourage the juxtaposition of various age-oriented facilities and activities while maintaining adequate areas of calm.*

**Response:** The policy is better met by adding a pickleball court which attracts a variety of age ranges, adding an additional nature play area for children, and circuit training area for for a variety of ages. At the same time to planned areas of calm to connect with nature and get a view of Mt. Hood are retained.

*Policy 9: Parks and recreation spaces shall provide for flexibility over time to allow for adaptation to the future community's park, recreation and open space needs.*

Response: The policy is better met by first adapting the original list of amenities to meet current amenity needs including the addition of a pickleball court for a sport growing in popularity, the preference for the more sanitary water bottle fill station rather than a drinking fountain, removing an undesired barbeque, and allowing restrooms to be omitted as they are available nearby for the primary park users. It is equally met by being designed where different amenities can be changed and adapted over time similar to the typical park design in Villebois.

*Implementation Measure 1: Future and pending development applications within Villebois (Specific Area Plans, Preliminary Development Plans and Final Development Plans) shall comply with the park, trail, open space system proposed in Figure 5 – Parks and Open Space Plan, Figure 5A – Recreational Experiences Plan, and Table 1: Parks Programming. Refinements may be approved in accordance with Village Zone section 4.125(.18)(F).*

Response: This implementation measure is equally met as the park is complying with the referenced figures and table except for the allowed refinements.

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

E10. **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 refinement does not negatively impact any identified environmental or scenic resources.

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

E11. **Review Criterion:** “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

**Finding:** These criteria are satisfied.

**Details of Finding:** The proposed park refinements do not preclude an adjoining or subsequent PDP or SAP area from developing consistent with the approved SAP or Master Plan.

***Subsection 4.125 (.18) J. 4. SAP Phasing Amendments***

E12. **Review Criterion:** “Amendments to the SAP for phasing will be processed as a Class II administrative review proposal.”

**Finding:** These criteria are satisfied.

**Details of Finding:** This intention of this section is for phasing amendments where no other SAP amendments are being request. As a broader SAP amendment is being

requested that is being reviewed by the DRB the phasing amendment is being reviewed by the DRB as well.

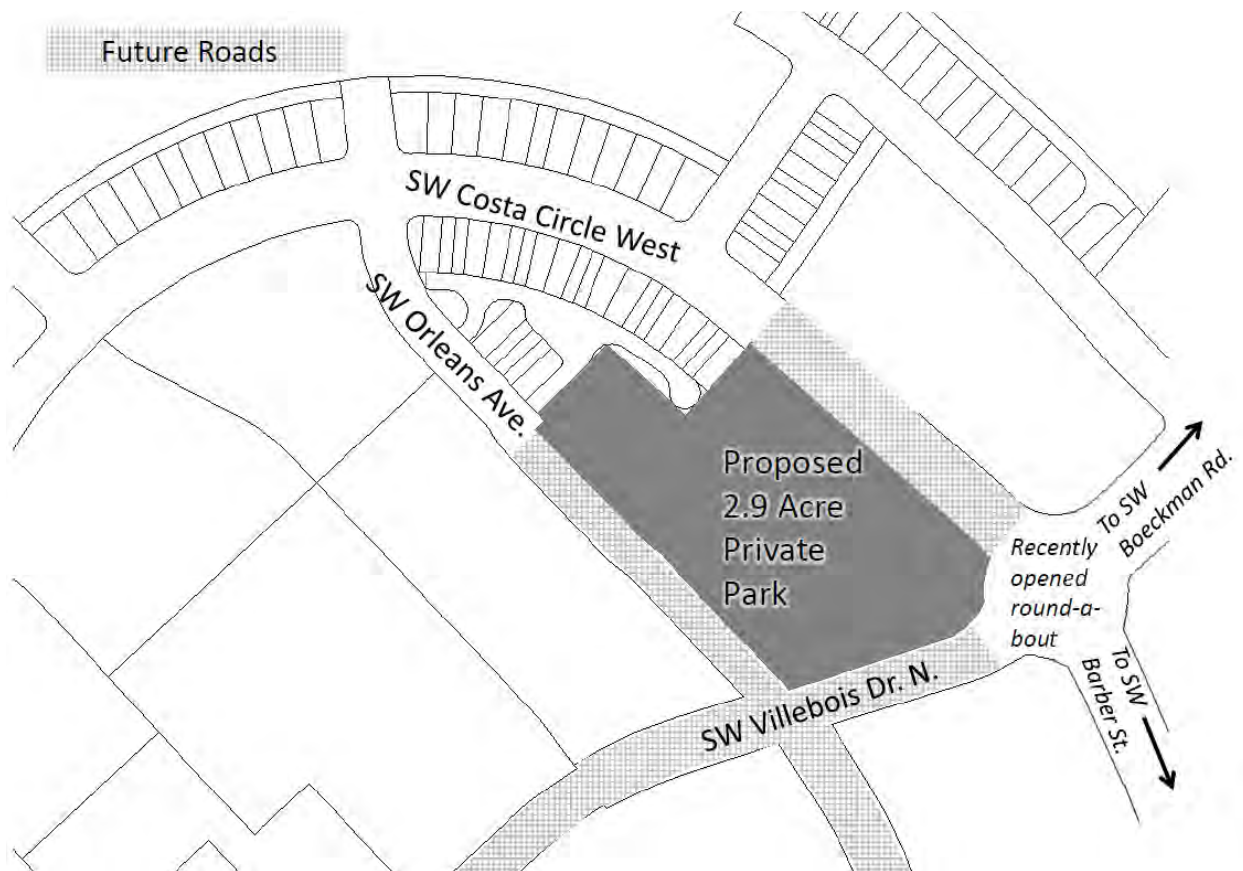
## PLANNING DIVISION MEMORANDUM

**TO:** Parks and Recreation Advisory Board  
**DATE:** March 4, 2015  
**FROM:** Daniel Pauly AICP, Associate Planner  
**RE:** Review of Villebois Neighborhood Park 4, Including Design/Programming Refinements  
Planning Case File Nos. DB15-0001 through DB15-0005

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### INTRODUCTION/SUMMARY

During the March 12 meeting City Staff would like to gather the Parks Board's input on the programming and design of the proposed private (with public access) Montague Park (Neighborhood Park 4) at the intersection of Villebois Drive and Costa Circle. In the planning documents the park is also referred to as Hilltop Park and Collina Park. The name "Montague Park" was chosen several years ago in recognition of a lifelong Wilsonville resident. Input sought includes the board's thoughts on the proposed refinements, or changes, to the programming and amenities shown in the Villebois Village Master Plan. The Parks Board comments are in the form of a recommendation to Development Review Board who will be reviewing the necessary land use applications for the park.



**APPLICANT AND APPLICANT’S TEAM**

Applicant/Owner: David Nash, Rudy Kadlub; RCS-Villebois Development LLC  
 Planner/Civil Engineer: Stacy Connery AICP, KC Schwartzkoph PE; Pacific Community Design  
 Landscape Architect: Janet Otten ASLA; Otten Landscape Architects, Inc.

**OVERVIEW**

The Villebois Village Master Plan has a hierarchy of park types. In the hierarchy, Neighborhood Parks, including the subject park, are designed to serve the surrounding neighborhood and intended to be owned and maintained by a homeowners association while allowing public access. Seven neighborhood parks are planned for Villebois for a total of 10 acres. See Attachment D for a description of the park types in the Villebois park hierarchy and Attachment F for a map of park locations.

Wilsonville’s Development Code for Villebois allows a process called a “refinement”. In other words, as more detailed plans are drawn up for subdivisions or parks, minor changes can be made to address unforeseen issues or changing conditions. The Code establishes specific criteria for park refinements stating refinements are allowed as long as changes to the nature or location of park type, trails, or open space do not significantly reduce function, usability, connectivity, or overall distribution or availability or the park uses in the surrounding neighborhood.

As demonstrated in the table below, staff’s initial review shows the proposed changes to the design and programming of Neighborhood Park 4 are likely to be found to meet the criteria for a refinement. The table below lists the amenities shown for the park in the Villebois Village Master Plan and whether or not they are proposed. Specific notes explain the rationale for certain amenities being omitted.

<b><u>NP-4 Amenities in Master Plan</u></b> (see Attachments E and F)	<b><u>Proposed</u></b>	<b><u>Explanations</u></b>
Stormwater/Rainwater Elements	Yes	
Minor Water Feature	Yes	
Benches	Yes	
Picnic Table	Yes	
Drinking Fountain	No	Replaced with water bottle fill station, supported by staff
Barbeque	No	Omitted due to maintenance concerns, supported by staff
Shelter	Yes	
Amphitheater	Yes	
Putting Green	Yes	Artificial surface
Shelter	Yes	
Restroom	No	While a restroom may be appropriate for a public park, this park is intended to primarily serve surrounding neighbors which have nearby access to restrooms. Public restrooms will be available in public Regional Park 5 approximately 800 to 900 feet (.15 to .17 miles) away.  Based on staff’s understanding a primary driver of inclusion of a restroom in this park in the Villebois Village Master Plan was to support gatherings at the amphitheater. The proposed capacity, in terms of both programming and seating, is less than at one time contemplated as shown in the non-binding capacity analysis drawings in the Villebois Village Master Plan technical appendix (Attachment C). Rather than formal concerts or events drawing people from outside the surrounding neighborhood the amphitheater is scaled for

		small informal performances.  Staff is also not aware of any public restrooms located in a private HOA neighborhood park in the City. Restrooms are particularly expensive to build and maintain, which would be a burden on relatively few property owners to maintain for the broader public.
Play Structure	Yes	
Lawn Play	Yes	
<b><u>Additional Amenities Not Listed in Master Plan</u></b>		
Pickle Ball Court		
Basketball Hoop		
Circuit Training Area		
Nature Play Area		

### **OTHER DISCUSSION POINTS**

#### *Trees*

Trees are a noticeable characteristic of the site. A tree inventory of the site counts 85 trees, 70.6% of which (60 trees) are proposed to be removed. The most common trees on the site are Douglas-fir (30 individual trees) and western redcedar (24 individual trees). The arborist report (Attachment G) classifies the condition of the trees ranging from Poor to Important, consistent with established processes in Villebois. A significant portion of the trees (32 or 38% of the total trees) on the site are rated as “Poor” and are thus proposed for removal. 24 trees (28.2% of the total trees) are proposed to be removed due to construction impacts. Pages 2 to 4 of 5 of Attachment G provide a further explanation of the proposed tree removals.

#### *Views*

Due to its high elevation in relation to surrounding land the park provides opportunities for views, including of Mt. Hood. Facilitating views is an important design consideration for the park.

### **RECOMMENDATION**

Parks Board review the proposed park and provide specific comments for the Development Review Board’s consideration.

### **ATTACHMENTS**

- A. Applicant’s Introductory Narrative
- B. Reduced Plan Set
- C. Conceptual Design of Neighborhood Park 4 from Villebois Village Master Plan Technical Appendix
- D. Villebois Village Master Plan Park Type Descriptions and Description of Neighborhood Park 4
- E. Villebois Village Master Plan Parks Programming Matrix
- F. Villebois Village Master Plan Figure 5B Parks & Open Space Categories
- G. Tree Management and Protection Plan



**Meeting Minutes**  
**Wilsonville Parks and Recreation Advisory Board**  
**March 12, 2015 6:30 p.m.**  
**Wilsonville Parks and Recreation Admin Building**

**WILSONVILLE PARKS AND RECREATION ADVISORY BOARD**

Steve Benson, David Davis, Katharine Johnson, Mary Closson, Adam Rahmlow, Ken Rice, Elaine Marie Swyt  
Scott Starr - Council Representative

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**I. Call to Order**

The meeting was called to order by Stan Sherer at 6:37pm.

Members present: Mary Closson, David Davis, Adam Rahmlow, Ken Rice, Elaine Swyt

Members absent: Steve Benson, Kate Johnson (absent at roll call, arrived at 7:07 pm)

Staff present: Stan Sherer, Tod Blankenship, and Brian Stevenson

Guests present: Guest Attendance Attached

Approval of Minutes: January 8<sup>th</sup> minutes were unanimously approved.

**II. Citizen Input**

None

**III. Election of Board Officers**

**a. Elaine Swyt – Chair (elected 4-0)**

**b. Kate Johnson – Vice Chair (elected 5-0)**

- **Board agreed to appointments as 1 year terms**

**IV. Montague Park Review – Dan Pauly, City of Wilsonville – Planning Division Memorial Park**

– Questions posed by Board to Kristina Durant - Otten Landscape Architects and Rudy Kadlub – Costa Pacific Homes:

**a. When will construction start?**

- Project headed to DRB in May, Built in Summer, 90-120 days to build



City of Wilsonville

EXHIBIT A3 DB15-0001 et seq

- b. Why are there no restrooms? Are there restrooms nearby?
    - As a neighborhood park, users are expected to live nearby
    - There are 2 different parks within 2 blocks that both have restroom facilities
  - c. Will dogs be allowed? Will there be poop bag stations?
    - Yes and Yes
  - d. Is there a water fountain?
    - No water fountain, water bottle fill station (more sanitary)
  - e. Why are trees being removed?
    - The trees being removed are mainly in poor to bad shape and were initially planted as landscape screening for the former residence
  - f. Can you play in the water feature?
    - It is meant to be a static feature and not one to play in
  - g. Is there parking?
    - Parking for the park is on the street. Most users expected to live nearby.
  - h. Will there be an electric car charging station?
    - No
- Concern from resident Bob Dorband, 29080 SW Costa Circle, regarding the noise generated from basketball and pickleball and the proximity to a number of homes.
    - o Kristina Durant: the court site was chosen as it is one of the only flat pieces of the park. A tree buffer will be planted in an effort to minimize noise.
  - Concern from Parks and Recreation Director, Stan Sherer, regarding the compatibility of basketball and pickleball on a shared court space (safety associated with basketball hoop pole placement)
    - o Staff will have internal discussions regarding the mixed use court

Motion was made to recommend the Montague Park plan to the DRB with note of concerns over mixed use court space, and the potential to add a drinking fountain.

Motion made: Adam Rahmlow

Motion second: Mary Closson

Motion pass: 6-0

V. Community Tourism Grant Review – Board

## Community Tourism Grant 2015 Application/Award Log

Organization	Event	\$ Request	\$ Award
<b>Wilsonville Arts &amp; Culture Council</b> Theonie Gilmore, Executive Dir. PO Box 861 Wilsonville OR 97070 <a href="mailto:theonie@WilsonvilleArts.org">theonie@WilsonvilleArts.org</a>	<b>Festival of the Arts</b>  H: 503-638-6933 C: 503-333-2648	\$5,000	\$5,665
<b>Wilsonville Celebration Days</b> Bob Woodle, Marketing Dir. PO Box 1511 Wilsonville OR 97070 <a href="mailto:bobwoodle@centurytel.net">bobwoodle@centurytel.net</a>	<b>Fun in the Park Festival</b>  503-680-3737	\$8,000	\$9,165
<b>Wilsonville Kiwanis Club</b> Gary Wappes PO Box 2104 Wilsonville OR 97070 <a href="mailto:gwappes@gmail.com">gwappes@gmail.com</a>	<b>Kiwanis Kids Fun Run</b>  503-423-7664	\$4,000	\$5,165
<b>Wilsonville Rotary Foundation</b> John Holley, Vice President 31447 SW Country View Ln Wilsonville OR 97070 <a href="mailto:holleyjc46@gmail.com">holleyjc46@gmail.com</a>	<b>Summer Concert Series</b>  503-682-2840	\$5,000	\$5,000
<b>TOTALS</b>		<b>\$22,000.00</b>	<b>\$24,995.00</b>

VI. Memorial Park Preferred Plan – Stan Sherer

- a. Stan shared the completed preferred plan with the board

VII. Board Comments

VIII. Adjournment and next meeting announcement:

The meeting was adjourned at 9:25 pm



*After recording, return to:*  
City of Wilsonville  
Attn: City Recorder  
29799 SW Town Center Loop East  
Wilsonville, Oregon 97070

**VILLEBOIS OWNERSHIP AND MAINTENANCE AGREEMENT**

**Among**

**THE CITY OF WILSONVILLE**

**And**

**RCS-Villebois Development, L.L.C,  
a Colorado limited liability company**

**And**

**Villebois Village Center Master Association  
an Oregon nonprofit corporation**

**For**

**Villebois Specific Area Plan Central, Preliminary Development Plan 5**

**(Montague Park)**



## VILLEBOIS OWNERSHIP AND MAINTENANCE AGREEMENT

THIS VILLEBOIS OWNERSHIP AND MAINTENANCE AGREEMENT (this “Agreement”) is entered into the \_\_\_\_ day of \_\_\_\_\_, 2015, by and among the City of Wilsonville (the “City”), RCS-Villebois Development, L.L.C., a Colorado limited liability company (“RCS”) and the Villebois Village Center Master Association (the “Association”). RCS is hereinafter referred to as the “Developer.” The City, RCS, and the Association are also referred to herein individually as a “Party” and collectively as the “Parties.”

WHEREAS, the area known as Montague Park and adjacent streets which are Phase No. 5 of SAP Central (the “Development” or the “Property”), all part of the larger Villebois Village Master Plan, contains a mix of public and private community elements (“Community Elements”), including parks and open spaces, pedestrian and bicycle pathways, rainwater management features, streets, sewer, stormwater, and other infrastructure systems; and

WHEREAS, the City has approved certain public and private Community Elements contained within the Development; and

WHEREAS, the City, the Developer, and the Association have different obligations with respect to those Community Elements, depending on whether the Community Elements located within the Development are public or private; and

WHEREAS, Developer is the declarant under the Declaration of Covenants, Conditions, Restrictions and Easements for Montague Park, recorded \_\_\_\_\_, (year), in the Records of Clackamas County, Oregon, as Document No. \_\_\_\_\_ (as amended or supplemented, the “**Declaration**”). The Bylaws for the Association (the “Bylaws”) were also recorded on \_\_\_\_\_, (year) in the Records of Clackamas County, Oregon, as Document No. \_\_\_\_\_; and

WHEREAS, the Declaration establishes a planned a private park known as “Montague Park” on a portion of the Development. Pursuant to the Declaration and Bylaws, the Association is responsible for the management, administration, and governance of Montague Park and the Association will be responsible for the maintenance, repair, and replacement of certain Community Elements, upon their completion, that pertain to the portions of the Development included within Montague Park and

WHEREAS, by this Agreement, the Parties wish to specify their respective maintenance obligations for these Community Elements and identify by mapping where such Community Elements are located.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the Parties do agree as follows:

## **I. RIGHTS AND LIABILITIES, GENERALLY**

The Developer is the owner of the Property and intends to develop the Property. Once developed, Developer intends to assign Developer's rights and obligations with respect to the Development to the Association. For purposes of this Agreement, "Obligor" shall mean the Developer, until such time as the Developer assigns its rights and obligations under this Agreement to the Association who will thereafter become the Obligor. Should Developer assign its rights and obligations to another party before transfer to the Association, Developer shall ensure that any transfer of rights and liabilities hereunder is attended by reasonable notice to the City and complies with all applicable law.

Where the City is notified in writing of an assignment and such assignment is approved, in writing, by the City, the City shall look to that assignee as the Obligor under this Agreement and the Developer shall be released from only those obligations under this Agreement that arise after the date of such assignment. The Developer shall retain liability to the City for unfulfilled obligations that occur prior to an assignment or transfer of ownership, unless otherwise agreed upon, in writing, by the City. In the event that there are issues of contribution, performance, or the sufficiency of transfer of rights and liabilities as between the Developer and any assignee of the Developer, those issues shall be determined by those private interests and, pending such determination, the City may require performance from either the Developer or the Developer's approved assignee.

Transfer to the Association shall be deemed an approved assignment by the City as long as the City receives prior adequate documentation showing that the Association has accepted Developer's obligations pursuant to a legally binding agreement. Any transfer or assignment to the Association that is contained in the Declaration or in any amendment or supplement to the Declaration shall be deemed adequate documentation, as long as the Declaration, or amendment or supplement thereto, is recorded in the Records of Clackamas County and a copy thereof is provided to the City.

Thereafter, in the event that there are issues of contribution, performance, or the sufficiency of transfer of rights and liabilities as between the Developer and the Association, those issues shall be determined by those private interests and, pending such determination, the City may require performance from either the Developer or the Association. Additionally, transfer of any of Developer's obligations to maintain the sidewalks located on or abutting lots created on the Property to the individual lot owners shall be deemed an approved assignment by the City if documented in the Declaration or any amendment or supplement thereto, or as otherwise provided in the Wilsonville City Code (currently Sections 2.220, and 6.212) designating sidewalk maintenance responsibilities of the adjacent property owner.

## **II. FACILITIES AND RESPECTIVE MAINTENANCE OBLIGATIONS**

Maps attached as **Exhibits 1 and 2** pictorially describe the location of the following facilities ("Facilities") to be maintained under this Agreement, identify the Party responsible for maintenance of such Facilities, and identify the ownership of such Facilities. The term "maintenance" or "maintained" shall include maintenance, repair, and replacement. All maps identified as Exhibits are considered attached hereto and incorporated by reference herein as if

fully set forth herein. The City's obligations contained herein are subject to available funding. By facility/community element, the maintenance obligations of the Parties are as follows:

**1. Streets.**

Public streets will be maintained by the City (curb to curb). The City's responsibility applies to maintenance of conventional asphalt or concrete streets and standard pavement markings.

The City will perform routine street sweeping commensurate with the street sweeping schedules elsewhere in the City. In addition, the City may conduct extra rounds of public street sweeping, as needed and as determined by the City, during the autumn when street trees are dropping their leaves. The Obligor shall provide for a landscape contractor and/or other appropriate service provider(s) to regularly and consistently properly collect and dispose of leaves from streets, landscaped areas, and other properties maintained by the Obligor. Such service provisions may also include, but are not limited to, leaf disposal facilities for Villebois residents' use and/or a leaf composting program. Obligor and Obligor's landscaping contractors shall not blow such leaves and other debris into the public streets.

**2. Streetlights.**

The City will maintain streetlights, as shown on **Exhibits 1 and 2**. The level of service will be commensurate with generally accepted standards for placement of streetlight fixtures, degree of illumination, fixture type and maintenance. Repair/replacement expenses in excess of the cost for standard streetlights shall be borne by the Obligor.

The style of streetlight fixtures will be consistent with the approved Community Elements book. Requests for additional streetlights or streetlights that differ from the City's basic styles already approved will be reviewed by the City staff for consistency with standards for illumination and design, appropriate location, expense, and consistency with practices elsewhere in the City. Such requests shall be circulated by the Party requesting additional street lights or different style street light to all homeowners in the affected area and the Association, to be sure the additional lighting does not cause inappropriate lighting and/or glare into the buildings or yards of nearby properties. Upon review of all input and upon reasonable review and approval by the City, such approved additional streetlights may be installed by the Obligor and will be maintained by the City under this section, but only if approved, in writing, by the City.

**3. Signage.**

The City will install and maintain standard traffic and non-specialty street name signs available from its vendor, Clackamas County. Installation and maintenance of specialty signage, as depicted in the Community Elements/Wayfinding Books, is the responsibility of the Obligor.

**4. Sidewalks.**

Sidewalk maintenance and repair, including snow and ice removal, is the responsibility of the Obligor.



**5. Planter Strips.**

Landscaping between sidewalk and curb will be maintained and, when needed, replaced by the Obligor, unless otherwise shown as a City responsibility on the maps attached as **Exhibits 1 and 2.**

**6. Street Trees.**

Street trees and associated tree grates will be maintained and, if needed, replaced by the Obligor. Fifteen-foot (15') clearance must be maintained above the street surfaces, and eight-foot (8') clearance must be maintained above public walkways. The Obligor must professionally prune and, if needed, replace street trees in accordance with best industry practices and City Public Works Standards Drawing RD-1240. The City may, but shall not be obligated to, maintain street trees or replace street trees if Obligor fails to do so and then shall be entitled to recover all of the City's costs in doing so from Obligor, at an interest rate of prime plus one. The City may also respond to public health/safety concerns that arise regarding street trees along all public roads, with a higher priority given to arterial and collector streets at all times and, in such case, shall be entitled to recover all of the City's costs in doing so from Obligor.

**7. Vegetation on Private Property.**

The Obligor shall maintain vegetation in the private park.

**8. Sewer, Water, and Stormwater.**

Unless otherwise specified in the Special Features portion of this Agreement below, the City will maintain only the water and stormwater infrastructure located on/beneath publicly owned land or utility easements dedicated to the City. Sewer lateral general maintenance work, which, as used herein, includes pipe clean-out, clog removal, root removal, foaming, and any other work or protocol required to ensure proper flow, will be the responsibility of the property owner.

**9. Rainwater Management.**

The City is not responsible for maintenance of "rainwater management" components described in the Villebois Rainwater Management Program. All rainwater management components shall be operated and maintained by the Obligor pursuant to the Rainwater Management Plan Operations and Maintenance Manual.

**10. Walls, Fences, and Other Obligor Maintenance Responsibilities.**

The Obligor shall be responsible for repairing retaining walls, decorative walls, fences, stairs, access ramps, and/or other permanent structures located within or encroaching within or above any public pipeline easement for stormwater, sewer, and/or water lines or public utility easement for franchise utilities in the event such walls or structures need to be removed for maintenance or repair of any utility, or installation of any utility, or other use of the easement. City staff will notify and coordinate work that may impact the foregoing improvements with the Obligor; provided, however, in the event of an emergency, City staff, City's authorized

contractor, or franchise utility authorized contractor shall be provided immediate access to perform any required repairs. Repair crews will be instructed to work carefully around any existing structures located within or encroaching within or over the established easement; however, the City shall not be held liable for damage that may occur to structures, as described above, located within or encroaching within or above established easements, except to the extent such damage is attributable to the gross negligence or willful misconduct of the City or a City retained contractor.

**11. Parks, Open Space, and Trails.**

The Obligor shall construct, maintain, repair, and replace all landscaping and other improvements and furnishings improvements contained within the private park. The Obligor shall grant a public pedestrian and bicycle easement over these areas for recreational purposes. Recreational purposes shall include the Villebois Master Plan-provided uses, also as listed in ORS 105.672(5), and shall be subject to the provisions of ORS 105.672 – 105.688. Obligor shall maintain all parks, open space, and trails in accordance with the Wilsonville Development Code (“Code”), as is in effect at the date of this Agreement and to any higher standards as may be set forth in amendments to the Code from time to time. These park areas are shown on the maps attached hereto as **Exhibits 1 and 2**.

Playgrounds shall be maintained to nationally recognized safety standards (i.e. ASTM).

**12. Special Features and Other Unique Community Elements.**

“Special Features” and “Unique Community Elements” are identified on the maps attached hereto as **Exhibits 1 and 2**. The Obligor shall be responsible for maintenance of all Special Features and Unique Community Elements as follows:

**(a) Rainwater Features.**

Rainwater Features, which are more fully described in the Rainwater Management Program, are designed and constructed to provide a degree of biological filtration and absorption into the ground for rainwater from small-scale storm events. Maintenance of these rainwater features are the responsibility of the Obligor and are more particularly described in the Rainwater Management Program.

**(b) Special Plantings and Irrigation.**

This Section is intentionally omitted as this feature does not exist on this Property.

**(c) Mailbox Kiosks.**

This Section is intentionally omitted as this feature does not exist on this Property.

**(d) Community Fencing/Gateways, Specialized Signage, and Wayfinding Components.**

The above listed components provide a consistent theme for pedestrians, bicyclists, and motorists in Villebois. All signs, fences, and poles identified in the Master Signage and Wayfinding Plan shall be maintained by the Obligor in accordance with that Plan.

### **III. DEFAULT**

In the event that one Party believes the other Party is in violation of this Agreement, that Party shall give the alleged defaulting Party written notice of the alleged default. In the event a cure of the alleged default is not commenced within thirty (30) days from the date of the notice, or such time as otherwise agreed to, in writing, by the Parties, the Parties shall resolve any dispute pursuant to the Dispute Resolution process set forth in **Section V**.

### **IV. REMEDIES**

In the event of an imminent threat to life, health, or property, the City may undertake the necessary maintenance or repairs without any prior notice, but shall inform the responsible Obligor of the emergency as soon as practicable. The responsible Obligor shall be liable for payment of the reasonable costs incurred by the City in undertaking the emergency repairs or maintenance. In a non-emergency situation where Obligor has failed to maintain any of the facilities or parks that the Obligor is required to maintain, the City may undertake the necessary maintenance or repairs with at least thirty (30) days' prior written notice, specifying the maintenance or repair that Obligor must promptly undertake. In the event the Obligor fails to undertake and diligently pursue such repair or maintenance prior to the expiration of the notice period given by the City, the City shall have the right, but not the obligation, to perform the maintenance or repair and bill Obligor its actual costs incurred, plus interest at prime plus two percent until the City has been fully reimbursed.

### **V. MEDIATION AND LITIGATION**

In the event of a dispute arising out of this Agreement or interpretation thereof, the Parties agree to set the dispute for mediation within not more than twenty (20) calendar days of any written request for mediation from one Party to the other. The Parties will agree upon the mediator or, if they cannot agree upon the mediator, either Party may ask a Clackamas County Circuit Court judge to appoint a mediator. Mediation is nonbinding and if the Parties cannot reach prompt resolution either Party may file a legal action in Clackamas County Circuit Court. In the event of litigation, the Parties shall have available to them all remedies available for breach of contract, both at law and in equity, including but not limited to injunctive relief, specific performance, and reimbursement of all damages and costs incurred (including attorney fees and other costs of litigation).

### **VI. NOTICE**

Whenever any notice or other communication is required or permitted hereunder, such notice or other communication shall be in writing and shall be delivered by nationally recognized overnight express delivery service, or by U.S. registered or certified mail, return receipt requested, postage prepaid, to the addresses set forth below, or at such other addresses as are specified by written notice in accordance herewith:

City: City Manager (or Designee)  
City of Wilsonville  
29799 Town Center Loop East  
Wilsonville, OR 97070

RCS: RCS-Villebois Development, L.L.C.  
371 Centennial Parkway, Suite 200  
Louisville CO 80027

Association: Villebois Village Center Master Association  
15350 SW Sequoia Parkway, Suite 200  
Portland OR 97224

Any notice so transmitted shall be deemed effective three (3) days after deposit in the United States Mail or one (1) business day after deposit with the overnight courier, or on the date that it is personally delivered to the party to whom the notice is addressed.

Because of the importance that notice reach the designated person, it is important that if the person designated above to receive notice should change, then a party wishing to make a change to the above must notice the other party, in writing, in the manner outlined above.

## **VII. MISCELLANEOUS PROVISIONS**

### **1. No Third-Party Beneficiaries.**

Agreement shall not create any right or responsibility which is legally enforceable by any person or entity not a Party to this Agreement against any Party hereto, and there are no intended third-party beneficiaries to this Agreement. Except as provided for by this Agreement, each Party reserves all rights or authorities now or hereafter existing and nothing in this Agreement waives or forecloses the exercise of any such rights or authorities.

### **2. Conflicting Provisions/Additional Obligations.**

This Agreement is subject and subordinate to the provisions of applicable Villebois Development Agreements or Finance Plans and City Planning approval; provided, however, in the event of conflict between the provisions of this Agreement and any Villebois Development Agreement relating to ownership and maintenance responsibilities, the provision most favorable to the City shall control, not only with respect to such inconsistency or ambiguity, but with respect to ownership and maintenance responsibilities. Provided, however, if there are additional maintenance, repair, or replacement obligations for Developer or Developer's successors and assigns, which would include the Association, that are not covered by this but are set forth in the Development Agreement, those obligations shall remain in place and shall not be considered to be in conflict with this Agreement.

### **3. Applicable Law.**

The Parties shall comply with applicable law and City approvals governing development and use of the Development. The Obligor understands and agrees that application of public resources supporting City obligations are subject to appropriation under applicable law.

**4. Legal Effect and Assignment.**

The covenants, conditions, and terms of this Agreement shall extend to and be binding upon and inure to the benefit of the Parties hereto and their respective heirs, personal representatives, successors, and assigns. This Agreement may be enforced by an action at law or in equity.

**5. Governing Law/Jurisdiction.**

This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon and Wilsonville City Code. Venue will be in Clackamas County Circuit Court.

**6. Legal Action/Attorney Fees.**

If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing Party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law. If the City is required to seek legal assistance to enforce any term of this Agreement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review.

**7. Nonwaiver.**

Any failure to enforce any provision of this Agreement will not be deemed a waiver of the right to enforce that provision or any other provision of this Agreement.

**8. Severability.**

If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the Parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.

**9. Recording.**

The fully executed original of this Agreement shall be duly recorded in the Deed Records of Clackamas County against all properties that are part of the Development. In addition, The Developer or Association (as the case may be) shall provide a copy of this Agreement to each “first generation buyer” of property within the Development at or before the closing of any such purchase and sale. As used herein, “first generation buyer” means a purchaser buying property

in this phase directly from the Developer or the Obligor after the effective date of this Agreement.

**10. Headings.**

Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

**11. Calculation of Time.**

Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City of Wilsonville, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays, Sundays, and legal holidays observed by the City of Wilsonville. Whenever a time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

**12. Number, Gender, and Captions.**

In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

**13. Modification.**

This Agreement may not be modified unless signed by the Parties, or their respective successors and assigns, as applicable, and the modification is recorded. Amendments to this Agreement shall be in writing only and shall be entered into only by persons authorized by the Parties. The undersigned are the only Parties to this Agreement and are the only Parties entitled to enforce its terms, except as otherwise specifically provided in this Agreement.

**14. Runs with the Land.**

This Agreement and the rights and obligations contained herein shall run with the land and be binding on Obligor and all successors in interest to Obligor.

**15. Time of the Essence.**

Time is expressly made of the essence in performance of each provision of this Agreement.

**16. Entire Agreement.**

Except as otherwise herein provided, this Agreement, including all documents attached to this Agreement and all documents incorporated by reference herein, represents the entire Agreement between the Parties with respect to ownership and maintenance.

**17. Execution in Counterparts.**

This Agreement may be executed in any number of counterparts and by different Parties hereto on separate counterparts, each of which counterparts, when so executed and delivered, shall be deemed to be an original and all of which counterparts, taken together, shall constitute but one and the same Agreement.

**18. Authority.**

The individuals executing this Agreement each represent and warrant to the other that he/she has the full power and authority to do so on behalf of the respective Party and to bind said Party to the terms of this Agreement.

**19. Change in City Code.**

Wilsonville City Code and Public Works Standards (collectively “City Laws”) are subject to change from time to time. Therefore, notwithstanding the delineation of City responsibilities, as set forth in this Agreement, to the extent of such change that renders City responsibility, as outlined herein, to be in conflict with the scope of City responsibility, as set forth in the City Code or Public Works Standards, the City Laws will apply.

*(Signatures on Following Pages)*

IN WITNESS WHEREOF, the undersigned City of Wilsonville and Developer have executed this Agreement.

RCS-VILLEBOIS DEVELOPMENT, L.L.C.,  
a Colorado limited liability company

STATE OF \_\_\_\_\_)  
\_\_\_\_\_)ss.  
County of \_\_\_\_\_)

By: Real Capital Solution, Inc.  
a Colorado corporation  
Its: Manager

By: \_\_\_\_\_  
Name: Brian Paul  
Title: Vice President of Homebuilding

This instrument was acknowledged before me on \_\_\_\_\_, 2015, by Brian Paul, as authorized signatory of RCS-Villebois Development, L.L.C, a Colorado limited liability company, on behalf of such Colorado limited liability company.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

VILLEBOISVILLAGE CENTER  
MASTER ASSOCIATION, an  
Oregon nonprofit corporation

STATE OF \_\_\_\_\_)  
\_\_\_\_\_)ss.  
County of \_\_\_\_\_)

By: \_\_\_\_\_  
Name: Rudy Kadlub  
Title: President

This instrument was acknowledged before me on \_\_\_\_\_, 2015, by Rudy Kadlub, as President of Villebois Village Center Master Association, an Oregon nonprofit corporation, on behalf of such Oregon nonprofit corporation.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

*(Signatures Continued on Following Page)*



CITY OF WILSONVILLE

STATE OF OREGON            )  
  )ss.  
County of Clackamas        )

By: \_\_\_\_\_  
Name: Bryan Cosgrove  
Title: City Manager

This instrument was acknowledged before me on \_\_\_\_\_, 2015 by Bryan Cosgrove, as City Manager of the City of Wilsonville.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

DRAFT

After recording, return to:  
City of Wilsonville  
Attn: City Recorder  
29799 SW Town Center Loop East  
Wilsonville Oregon 97070

**PUBLIC ACCESS EASEMENT**  
Lot 79, Plat of "Villebois Village Center No. 3"

KNOW ALL BY THESE PRESENTS, that **RCS-Villebois Development, L.L.C.** hereinafter referred to as "Grantor," as legal owner of that certain real property described below, for the consideration hereinafter stated, does hereby grant and convey unto the **City of Wilsonville**, a municipal corporation of the State of Oregon, hereinafter referred to as "Grantee," for the use and benefit of the public, a permanent public access easement ("Easement") in, under, across, and along the full width and length of that certain land owned by Grantor and legally described as follows, to-wit:

(INSERT LEGAL DESCRIPTION REFERENCING ATTACHED LEGAL DESCRIPTION SKETCH)

The true and actual consideration paid for this Easement, stated in terms of dollars, is Zero Dollars but consists of or includes other property or value given or promised, which is agreed by Grantor to be the whole and adequate consideration.

TO HAVE AND TO HOLD the above-described Easement, to run with and burden the land in perpetuity, unto said Grantee for the benefit of the general public in accordance with the conditions and covenants as follows:

1. **Scope of Easement.** The Easement Area consists of privately owned and maintained parks or open space land. This Easement conveys the right and privilege to the public to have pedestrian and bicycle access for ingress, egress, and permitted recreational access, on, over, and across the Easement Area. Use by the public will be subject to the same use conditions and restrictions imposed by Grantor on the residents of the residential development in which the Easement Area is located.
2. **Duration.** This Easement is perpetual and shall run with the land.
3. **Maintenance.** The Easement Area shall be maintained in an acceptable manner serviceable for its use for public access for pedestrian and bicycle ingress, egress, and recreational purposes by the Obligor pursuant to the Operations and Maintenance Agreement recorded in Clackamas County Records as Document Number \_\_\_\_\_.
4. **Grantee Rights.** Grantee shall have the right, but not the obligation, to enforce this Easement for the benefit of the general public. In the event Grantee determines this Easement no longer serves a public purpose, Grantee may terminate this Easement, in accordance with City

Code and State law, by recording a Termination of Easement in the Deed Records of Clackamas County, Oregon.

5. **Legal Effect and Assignment.** This Easement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns.

6. **Legal Action/Attorney Fees.** If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Easement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law. If Grantee is required to seek legal assistance to enforce any term of this Easement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review.

7. **Jurisdiction.** This Easement will be governed in accordance with the laws of the State of Oregon. Venue for any suit, action, or proceeding of any nature to enforce any term of this Easement will be in Clackamas County Circuit Court.

8. **Nonwaiver.** Any failure to enforce any provision of this Easement will not be deemed a waiver of the right to enforce that provision or any other provision of this Easement.

9. **Severability.** If any provision of this Easement is found to be void or unenforceable, it is the intent of the parties that the rest of this Easement shall remain in full force and effect, to the greatest extent allowed by law.

10. **Modification.** This Easement may not be modified unless signed by Grantor and Grantee and the modification is recorded.

11. **Runs with the Land.** This Easement and the rights and obligations contained herein shall be perpetual as long as the Easement Area continues to be used as a park or open space and shall run with the land.

12. **Time of the Essence.** Time is of the essence in performance of this Easement.

13. **Recording.** The fully executed original of this Easement shall be duly recorded in the Deed Records of Clackamas County, Oregon.

14. **Authority.** The individuals executing this Easement on behalf of Grantor and Grantee represent and warrant to the other that he/she has the full power and authority to do so on behalf of the Grantor and Grantee and to bind said party to the terms of this Easement.

IN WITNESS WHEREOF, the undersigned have executed this Easement, this \_\_\_\_ day of \_\_\_\_\_, 2015.

GRANTOR:

RCS-VILLEBOIS DEVELOPMENT, L.L.C.  
a Colorado limited liability company

By: Real Capital Solution, Inc.  
a Colorado corporation  
Its Manager

By \_\_\_\_\_  
Brian Paul  
As its Vice President of Homebuilding

STATE OF \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2015, by Brian Paul, as authorized signatory of RCS-Villebois Development, L.L.C., a Colorado limited liability company, on behalf of said Colorado limited liability company.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

GRANTEE:

ACCEPTED on behalf of the City of Wilsonville, Oregon this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Bryan Cosgrove, City Manager

STATE OF OREGON        )  
                                  ) ss.  
County of Clackamas    )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2015, by Bryan Cosgrove, as the City Manager of the City of Wilsonville.

\_\_\_\_\_  
Notary Public – State of Oregon

APPROVED AS TO FORM:

\_\_\_\_\_  
Barbara A. Jacobson, Assistant City Attorney

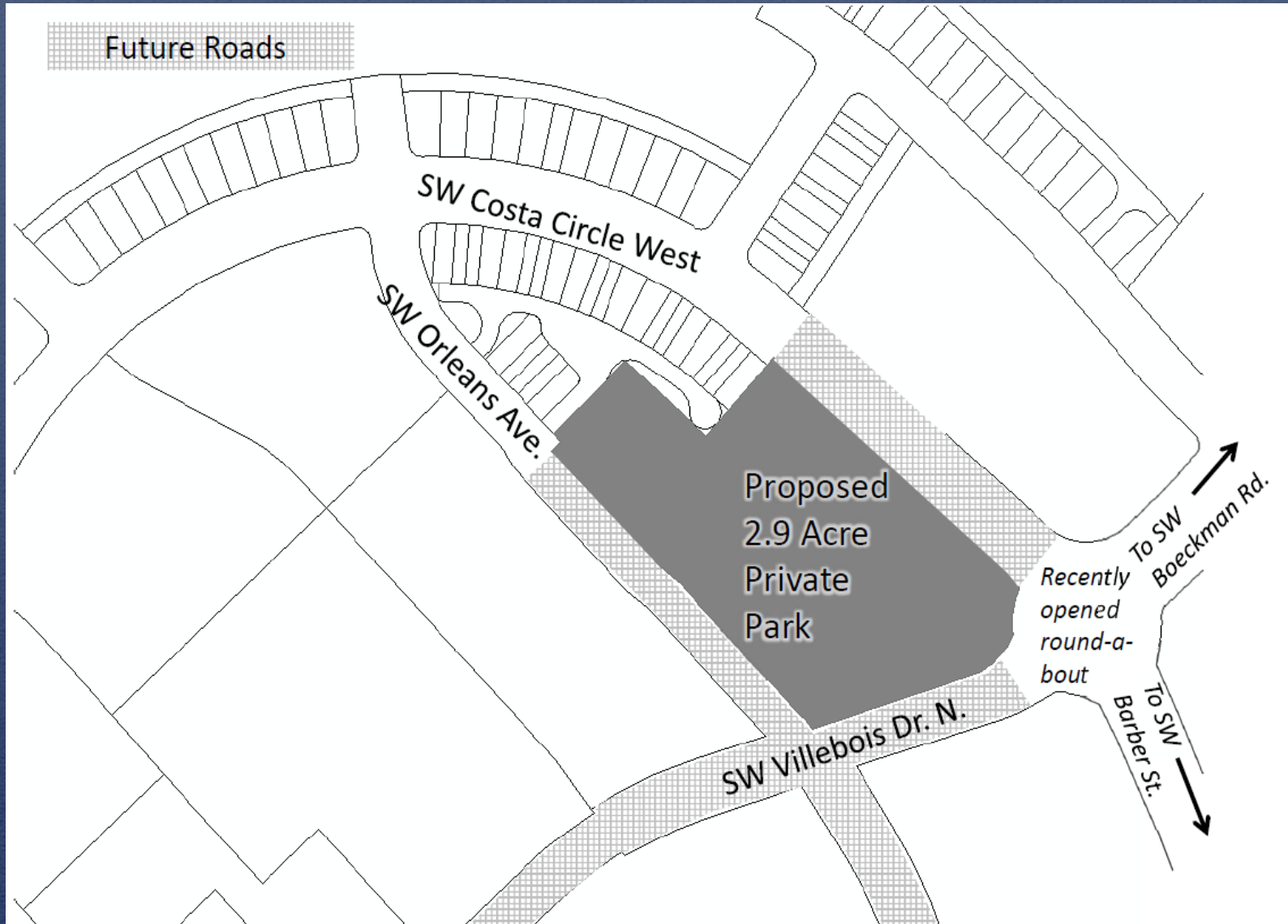
APPROVED AS TO LEGAL DESCRIPTION:

\_\_\_\_\_  
Nancy J. T. Kraushaar, P.E., City Engineer











# Villebois Neighborhood Park 4 "Montague Park"

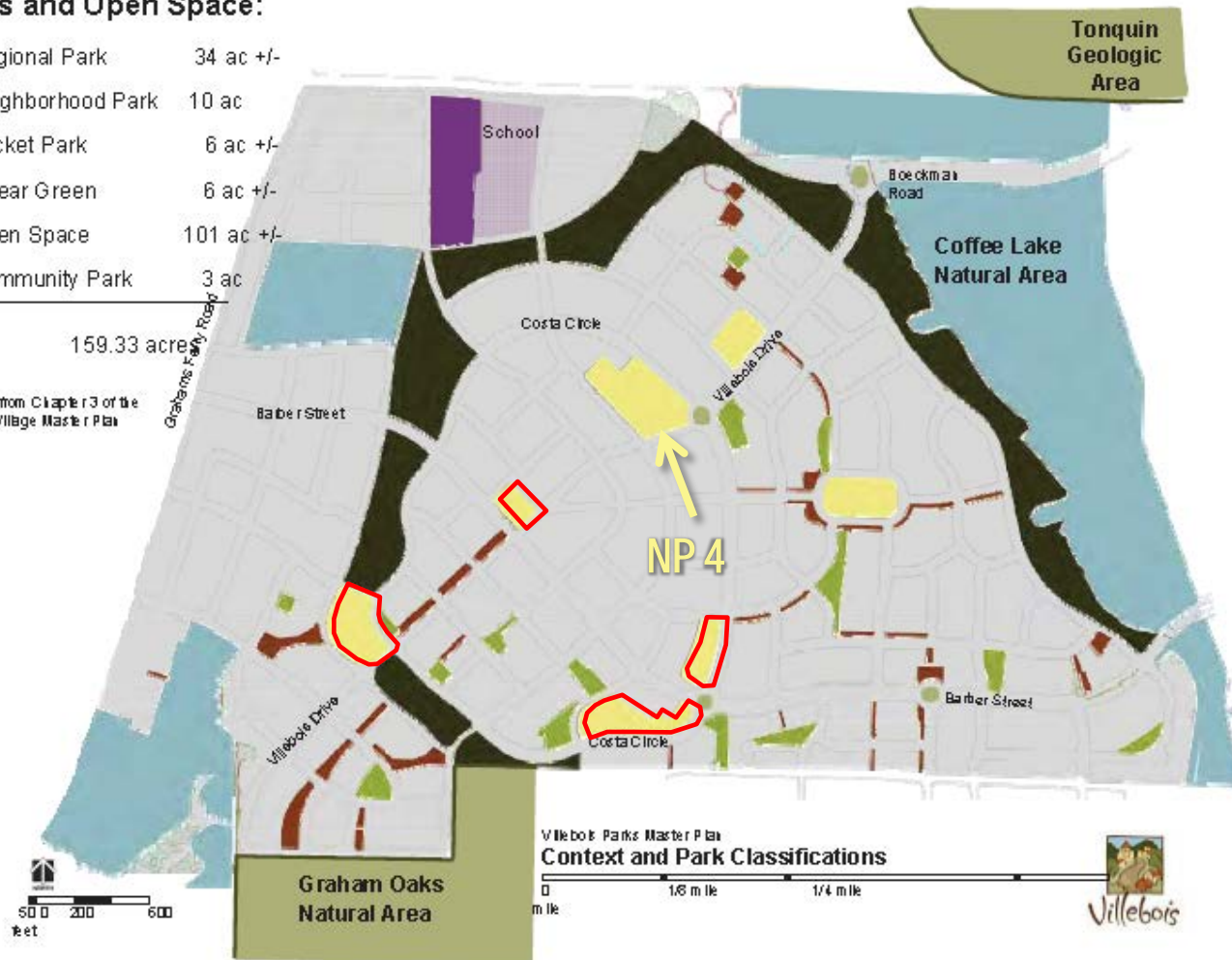


# Villebois Neighborhood Park 4 "Montague Park"

## Parks and Open Space:

	Regional Park	34 ac +/-
	Neighborhood Park	10 ac +/-
	Pocket Park	6 ac +/-
	Linear Green	6 ac +/-
	Open Space	101 ac +/-
	Community Park	3 ac

\*Acreage from Chapter 13 of the Villebois Village Master Plan





- A. Zone Map Amendment
- B. SAP-Central Modification and Master Plan Refinements (Phasing Update and Park Amenity Refinements)
- C. Preliminary Development Plan (PDP] for PDP 5C
- D. Final Development Plan
- E. Type C Tree Plan

## The Requests

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- A. Zone Map Amendment
- B. SAP-Central Modification and Master Plan Refinements (Phasing Update and Park Amenity Refinements)
- C. Preliminary Development Plan (PDP] for PDP 5C
- D. Final Development Plan
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## The Requests

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# Zone Map Amendment

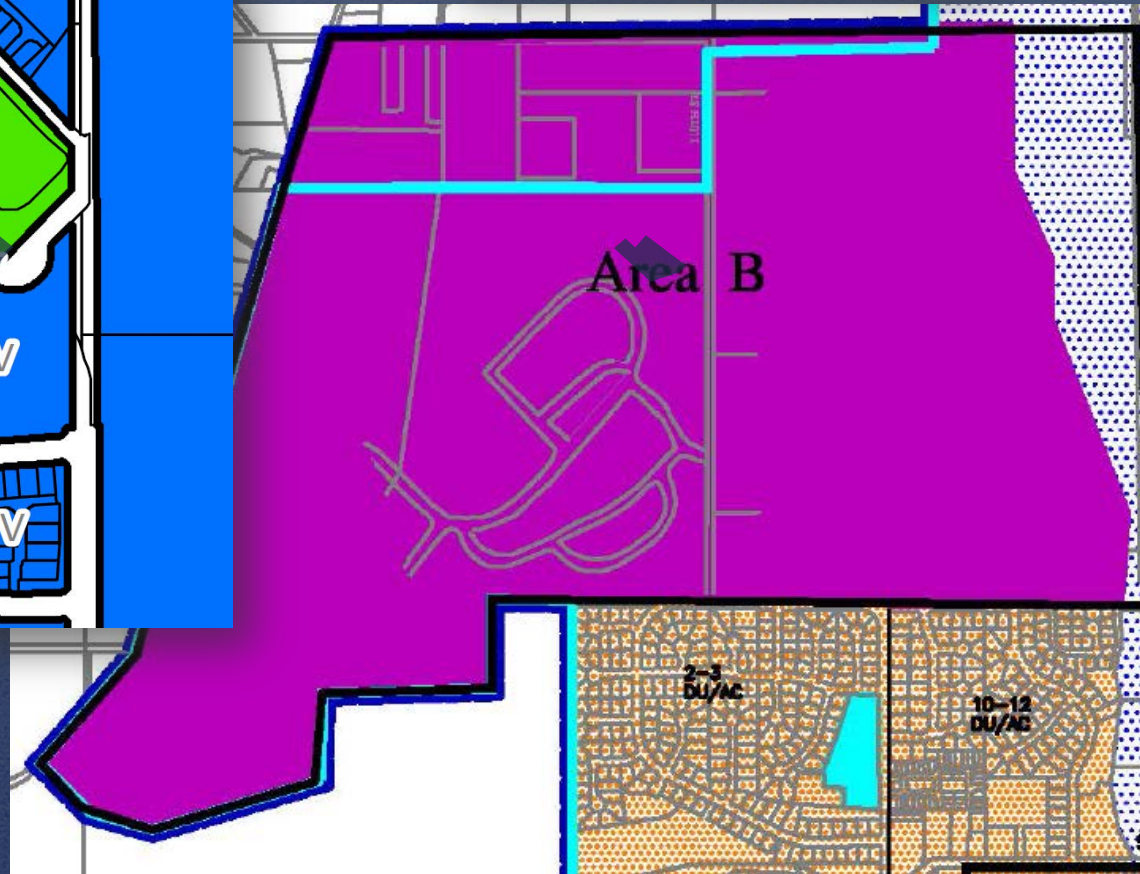


## Current Zoning

 Public Facilities (PF)

 Village (V)

**LEGEND**  
 RESIDENTIAL - VILLAGE



## Comprehensive Plan



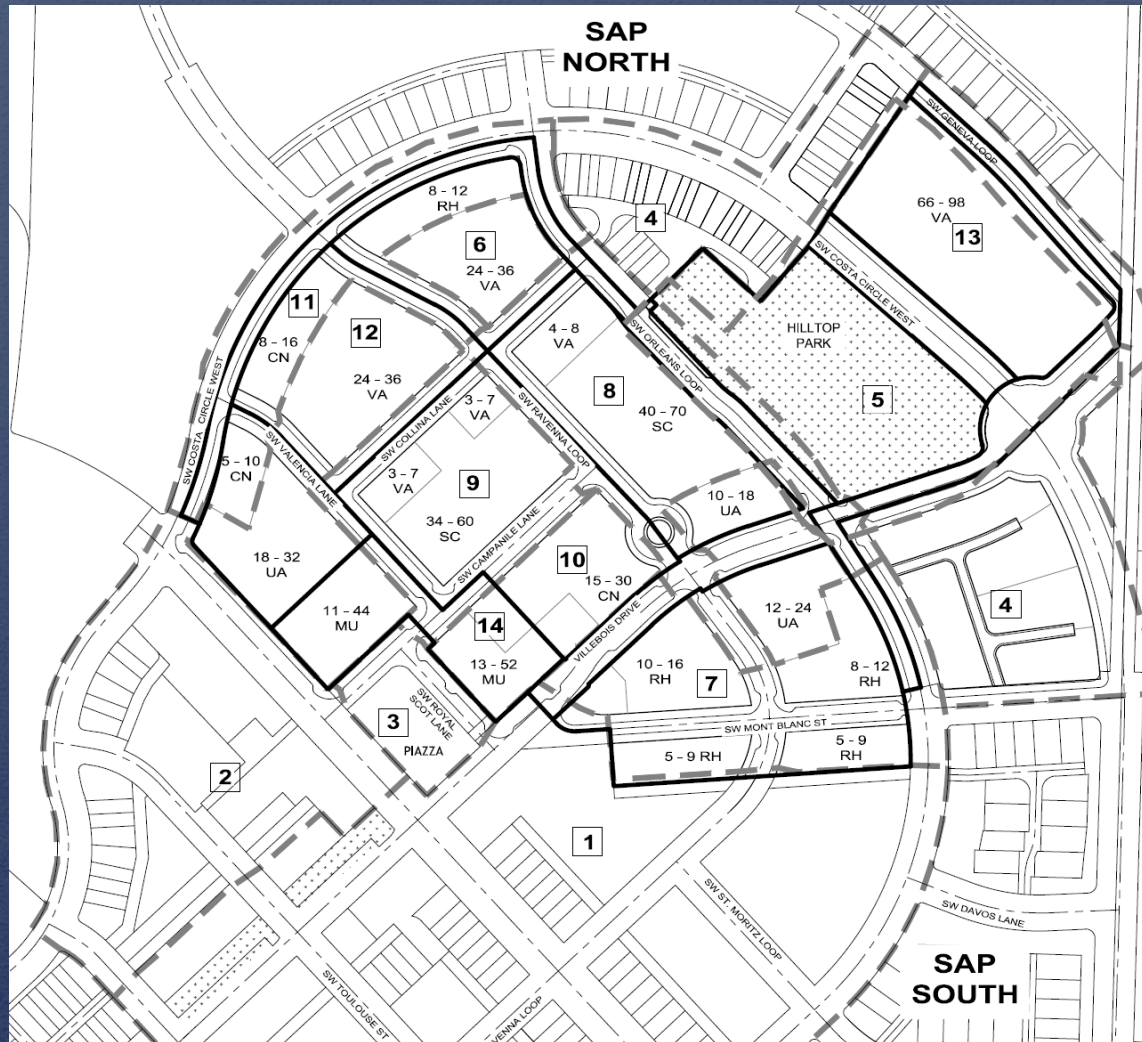
- A. ~~Zone Map Amendment~~
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## The Requests

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# Villebois Neighborhood Park 4 "Montague Park"



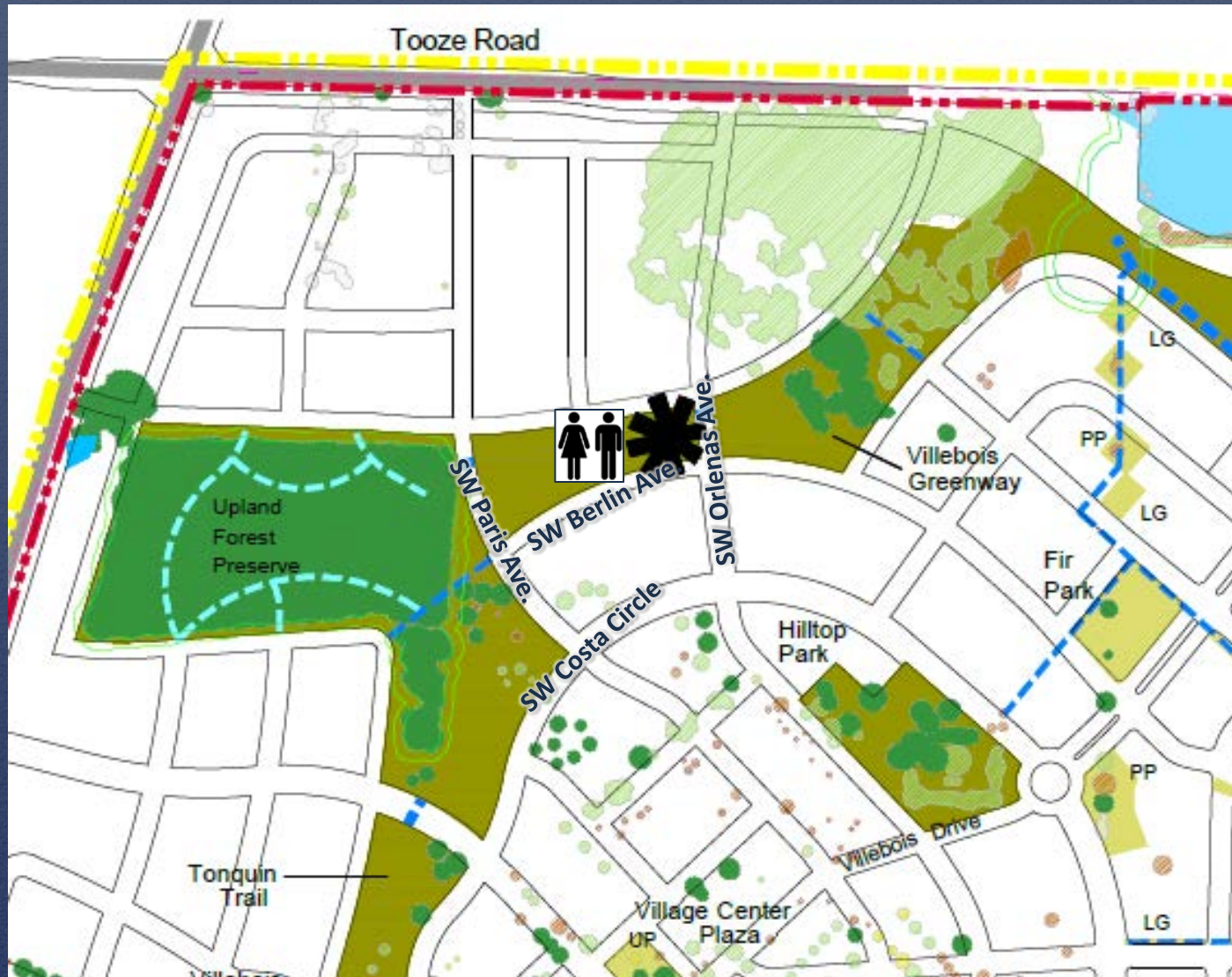
## Phasing Update

## Villebois Neighborhood Park 4 "Montague Park"

<b><u>NP-4 Amenities in Master Plan</u></b>	<b><u>Proposed</u></b>
Stormwater/Rainwater Elements	Yes
Minor Water Feature	Yes
Benches	Yes
Picnic Table	Yes
Drinking Fountain	No
Barbeque	No
Shelter	Yes
Amphitheater	Yes
Putting Green	Yes
Shelter	Yes
Restroom	No
Play Structure	Yes
Lawn Play	Yes
<b><u>Additional Amenities Not Listed in Master Plan</u></b>	
Pickle Ball Court	
Basketball Hoop	
Circuit Training Area	
Nature Play Area	



# Villebois Neighborhood Park 4 "Montague Park"





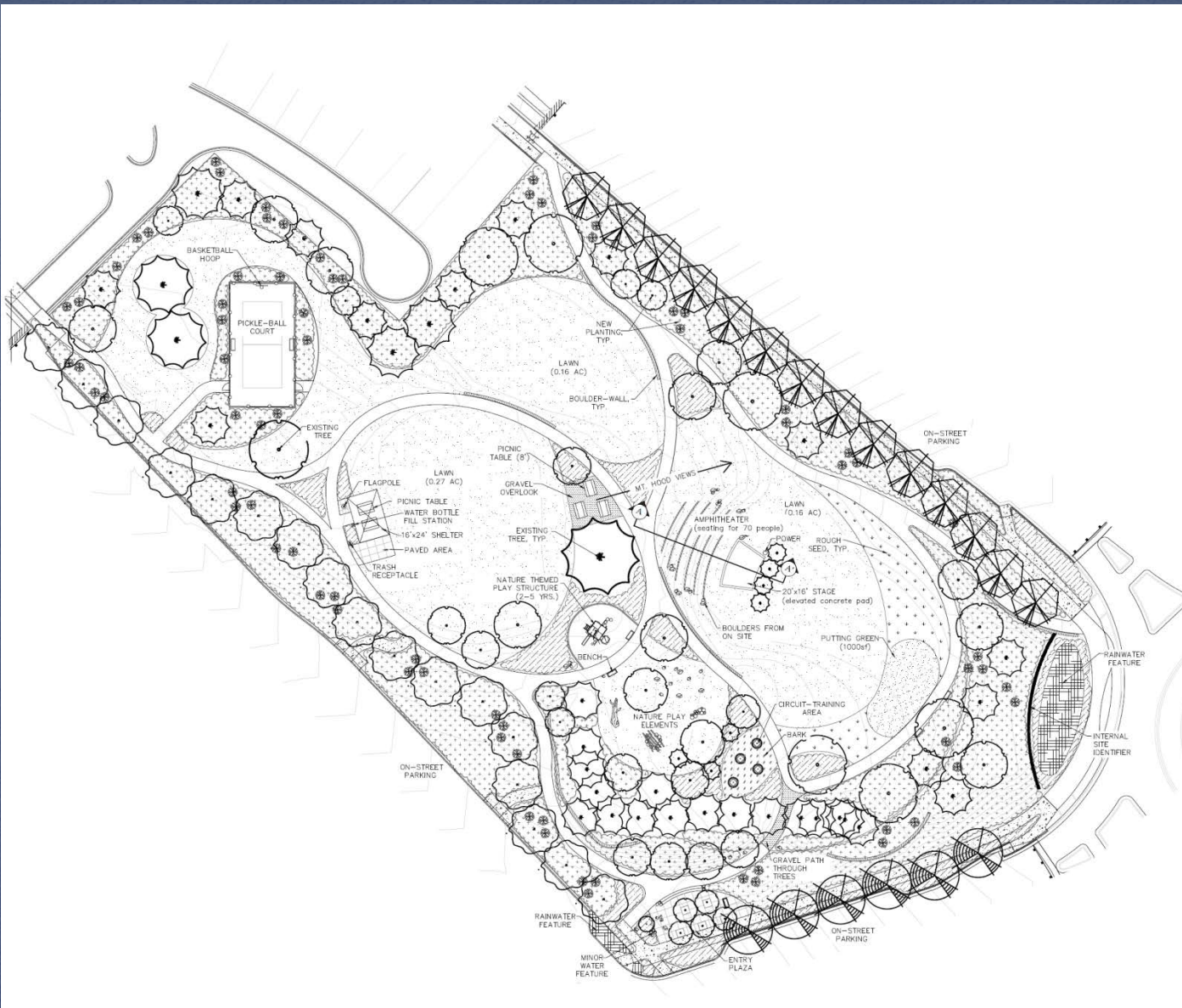
- ~~A. Zone Map Amendment~~
- ~~B. SAP-Central Modification and Master Plan Refinements (Phasing Update and Park Amenity Refinements)~~
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## The Requests

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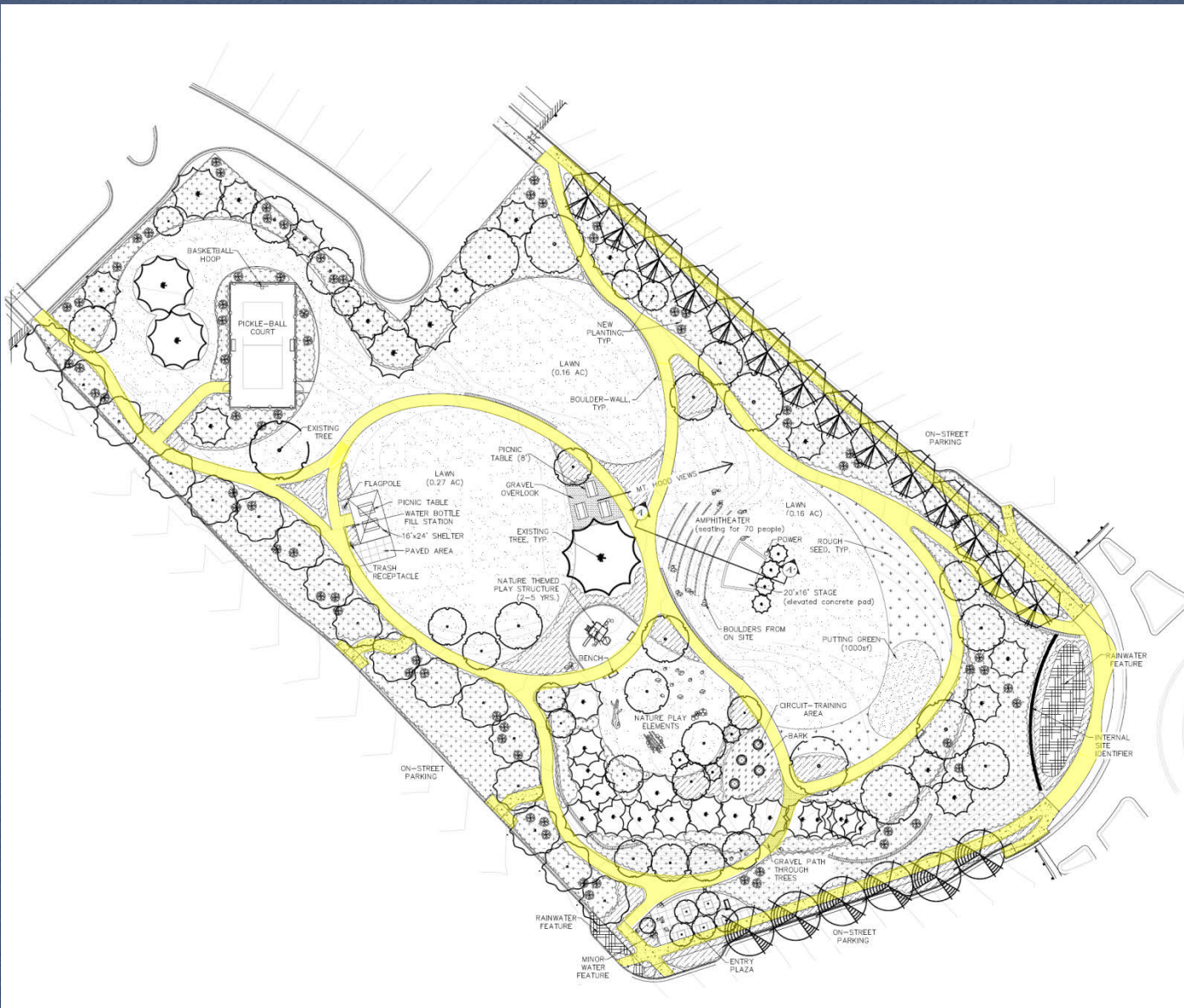


# Villebois Neighborhood Park 4 "Montague Park"



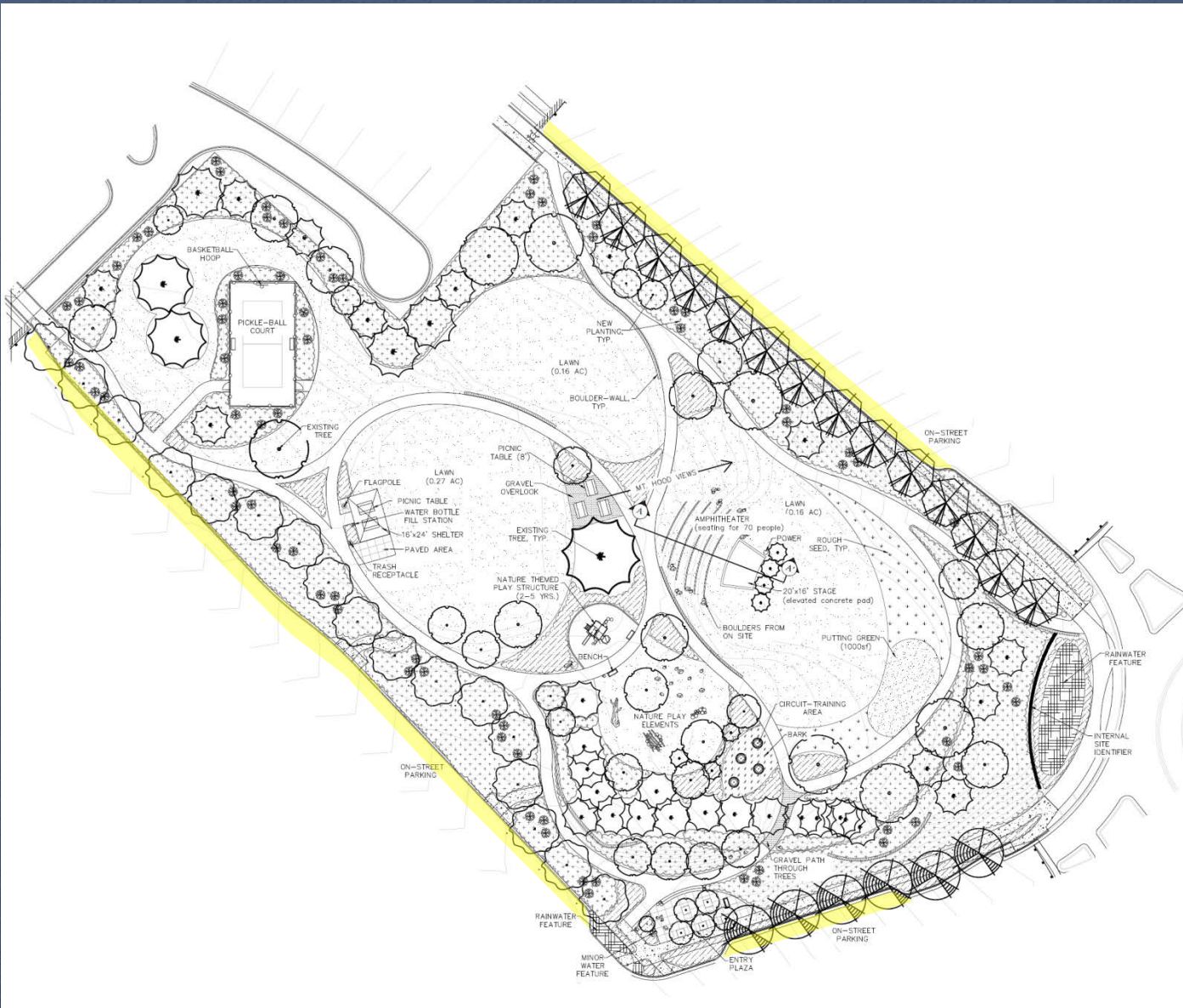


# Villebois Neighborhood Park 4 "Montague Park"



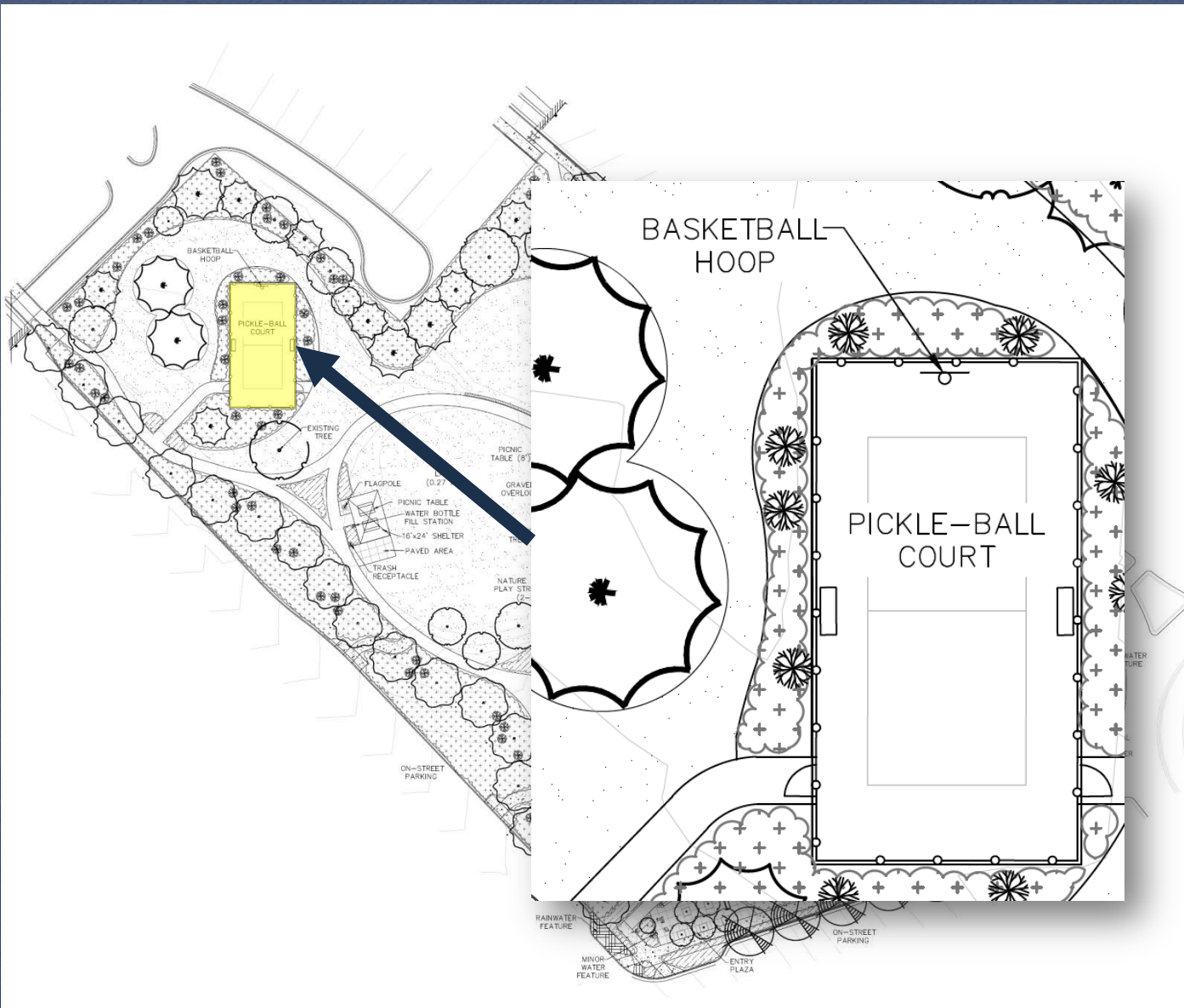


# Villebois Neighborhood Park 4 "Montague Park"



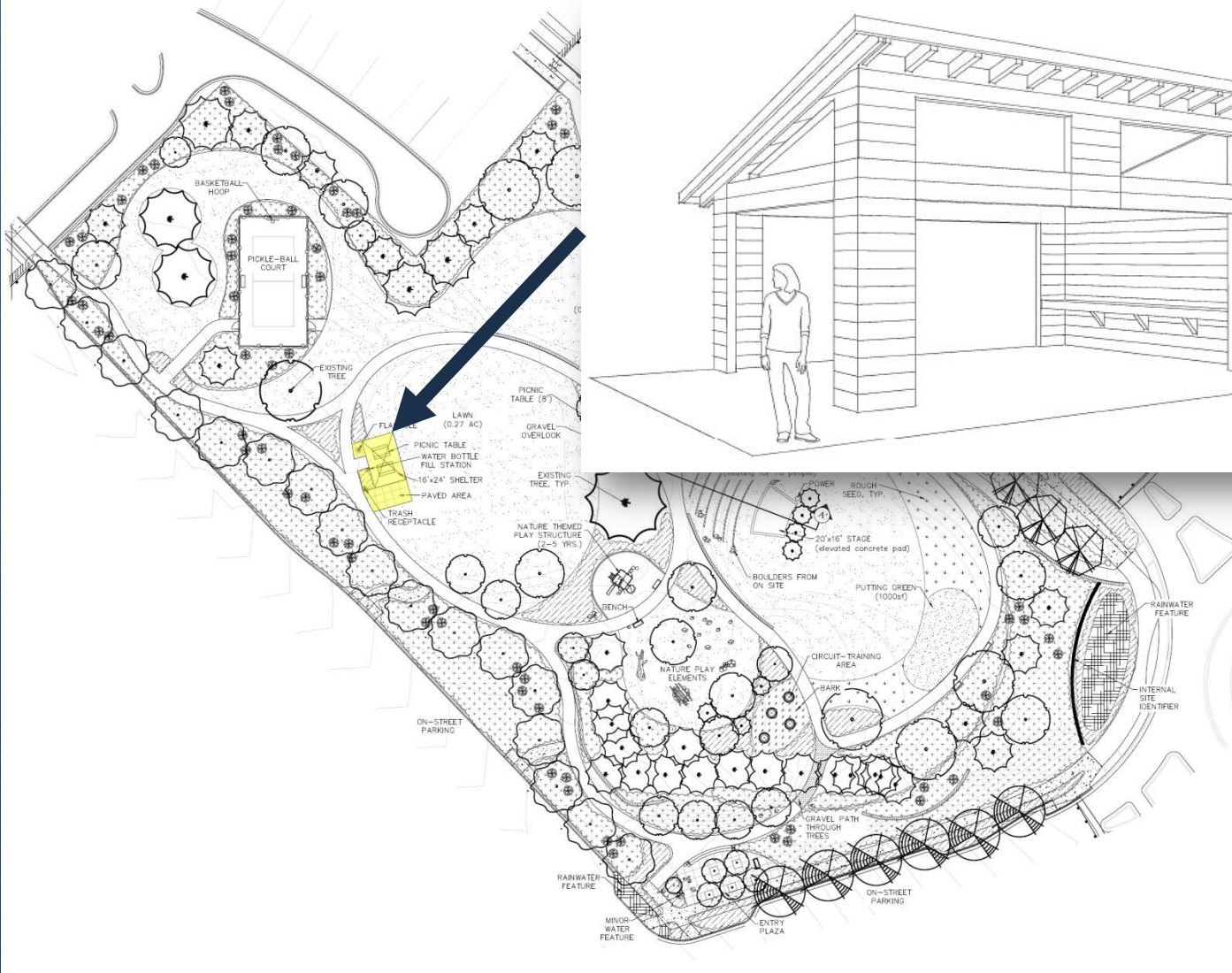


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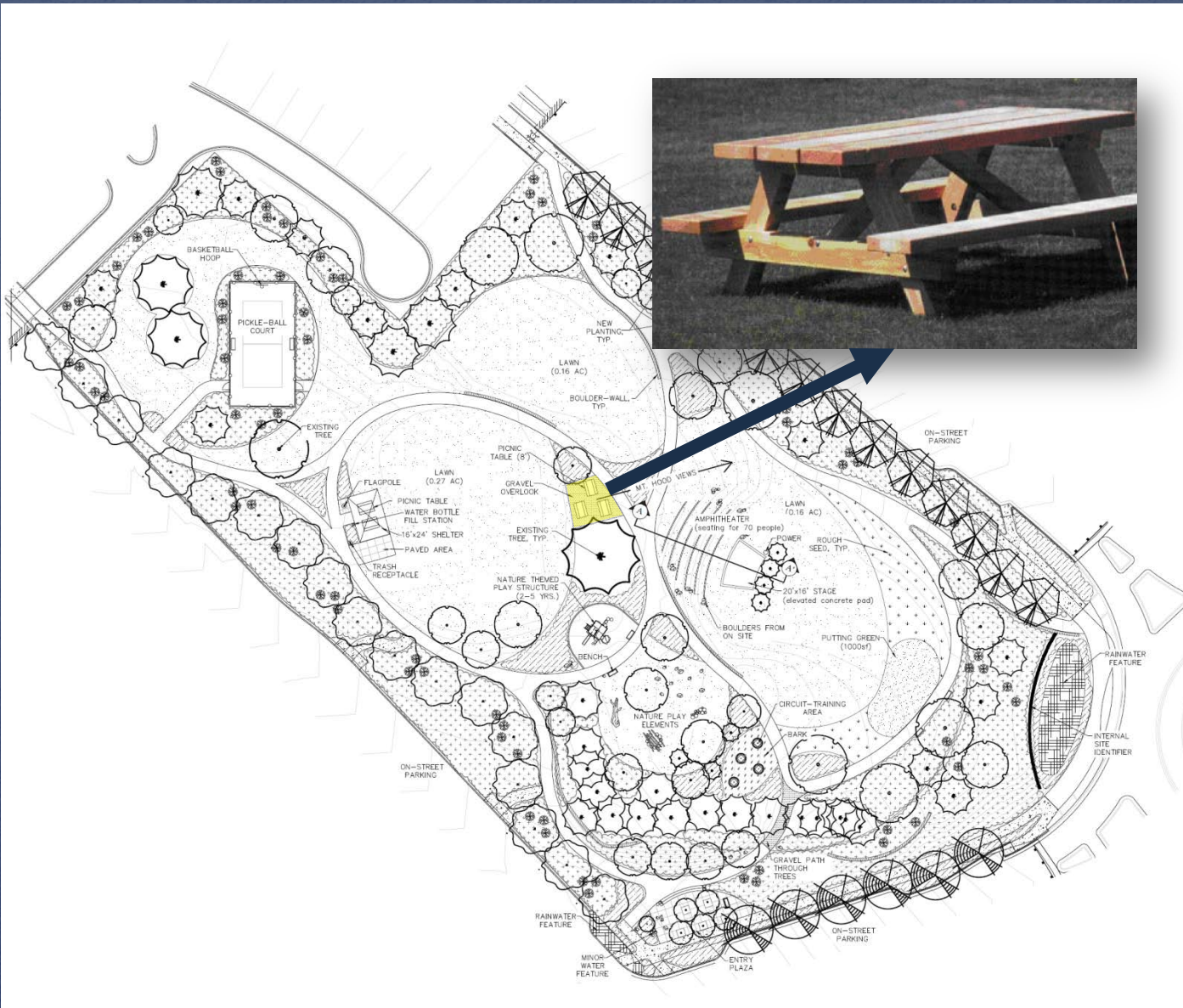


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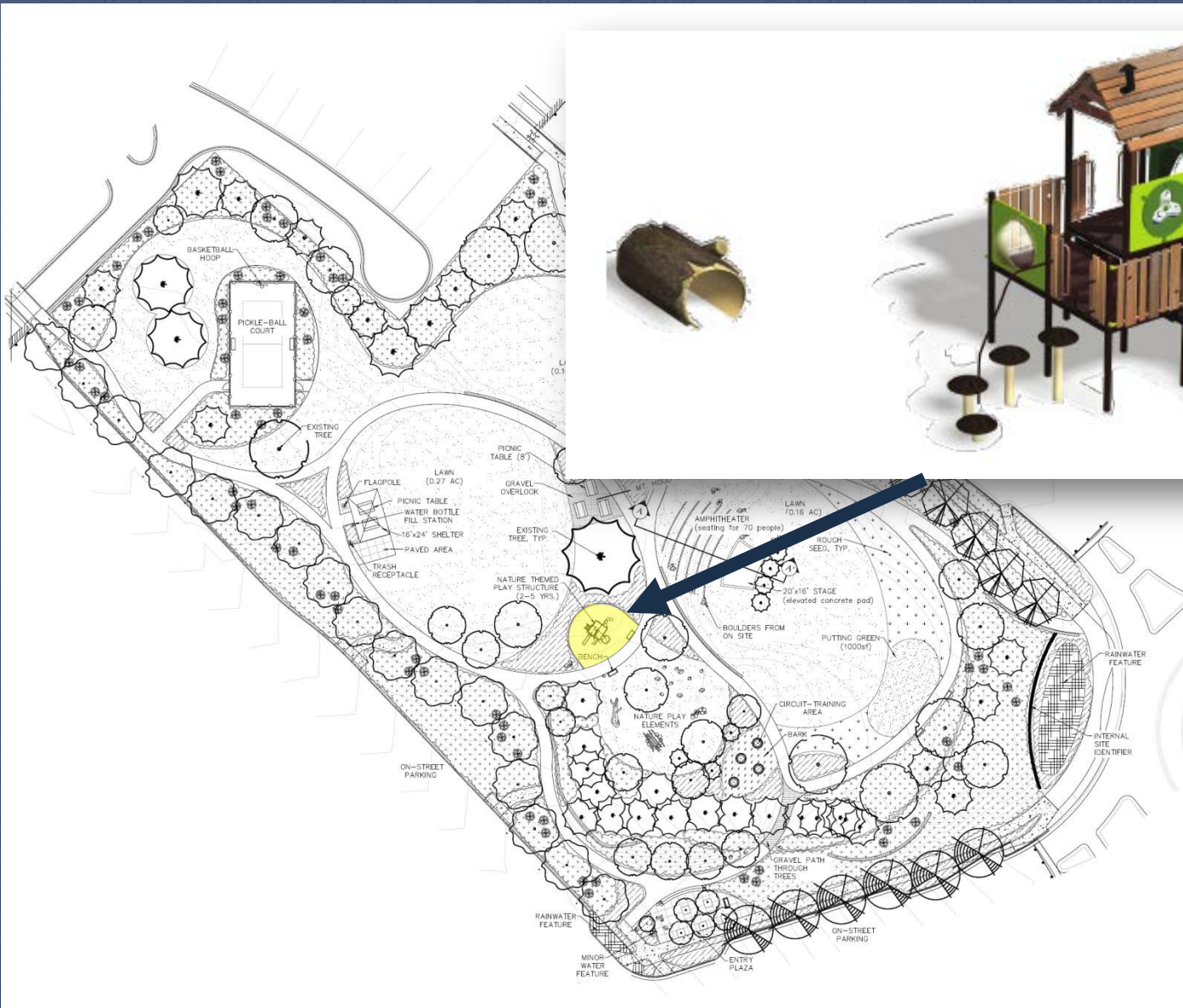


# Villebois Neighborhood Park 4 "Montague Park"



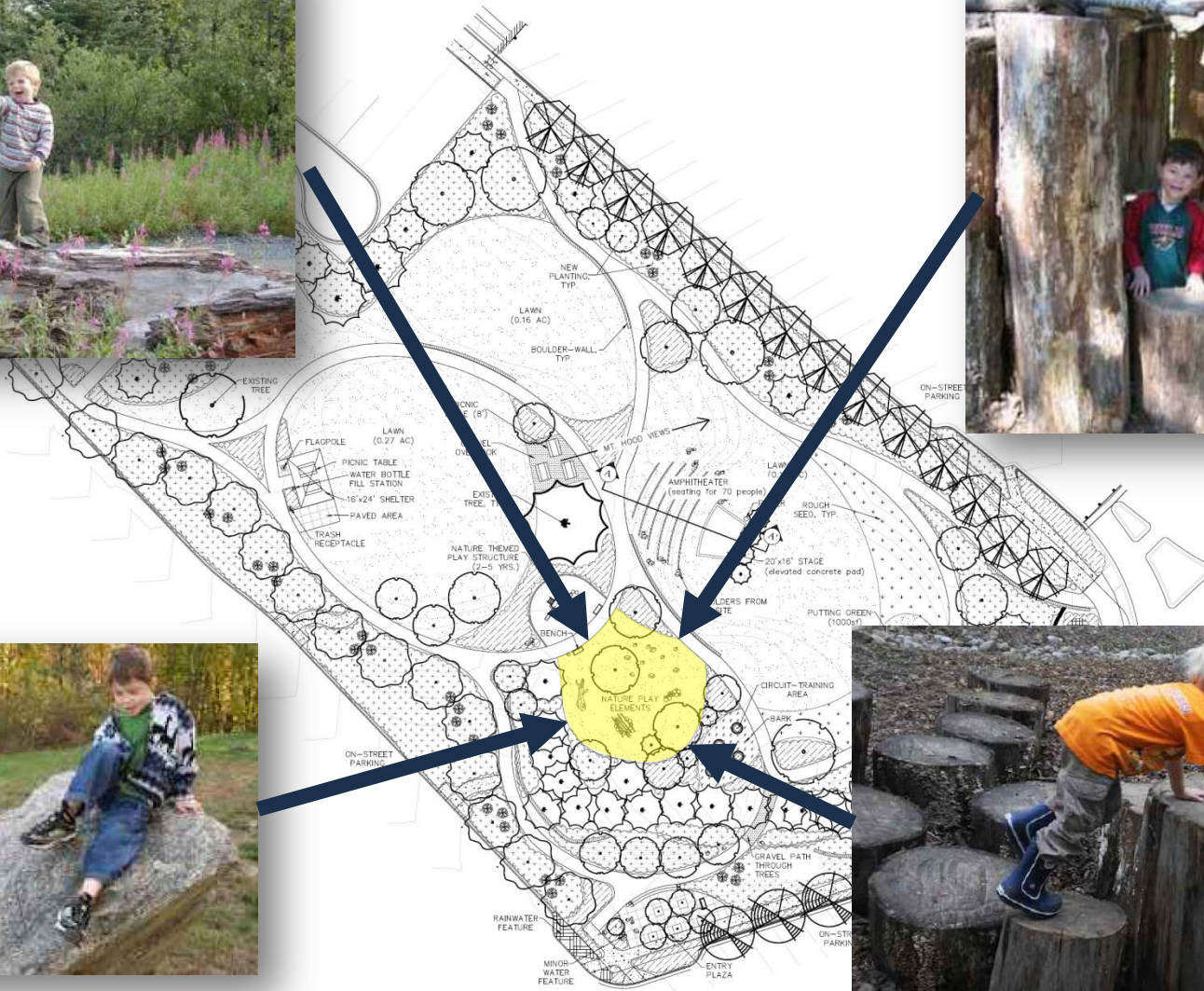


# Villebois Neighborhood Park 4 "Montague Park"





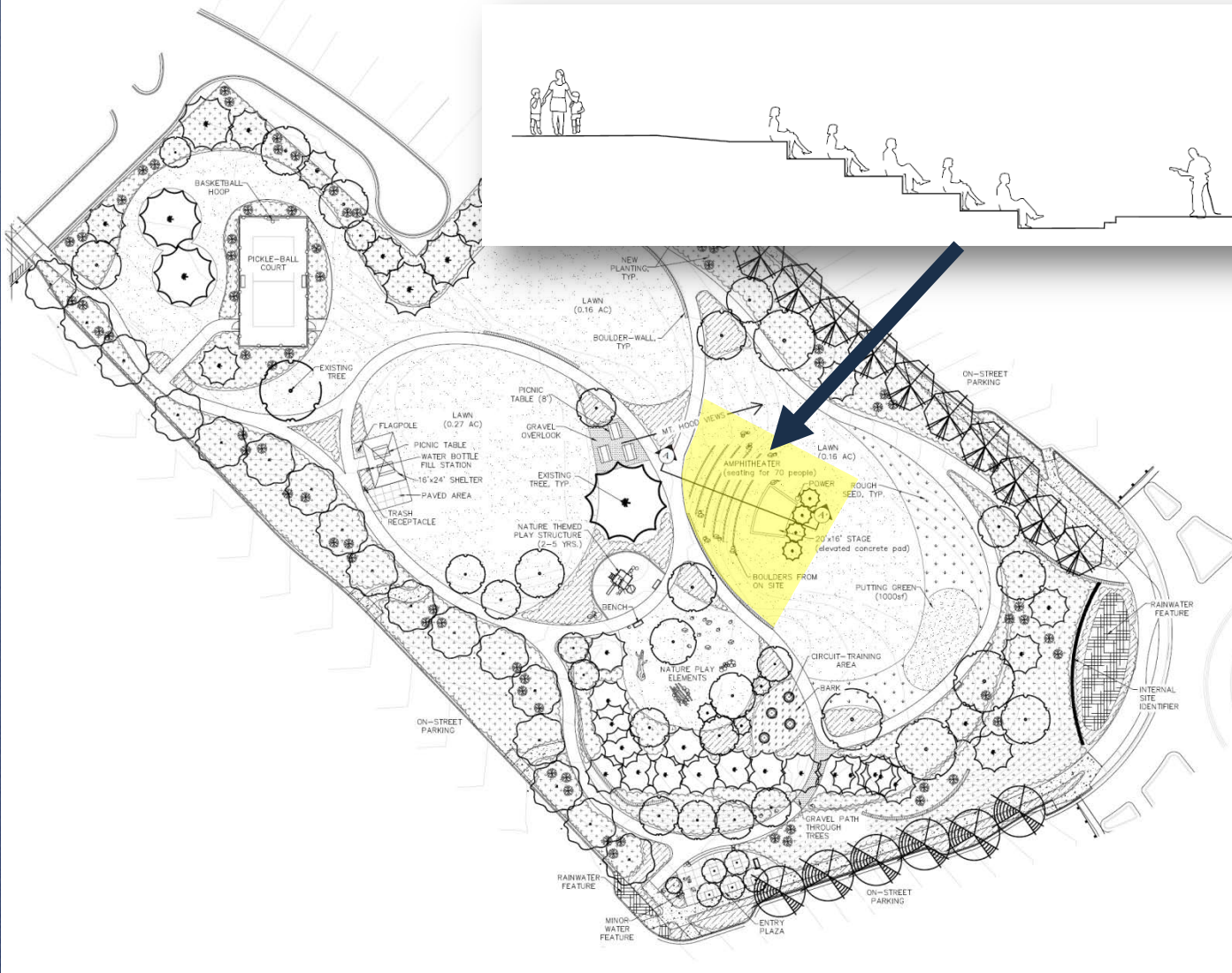
# Villebois Neighborhood Park 4 "Montague Park"



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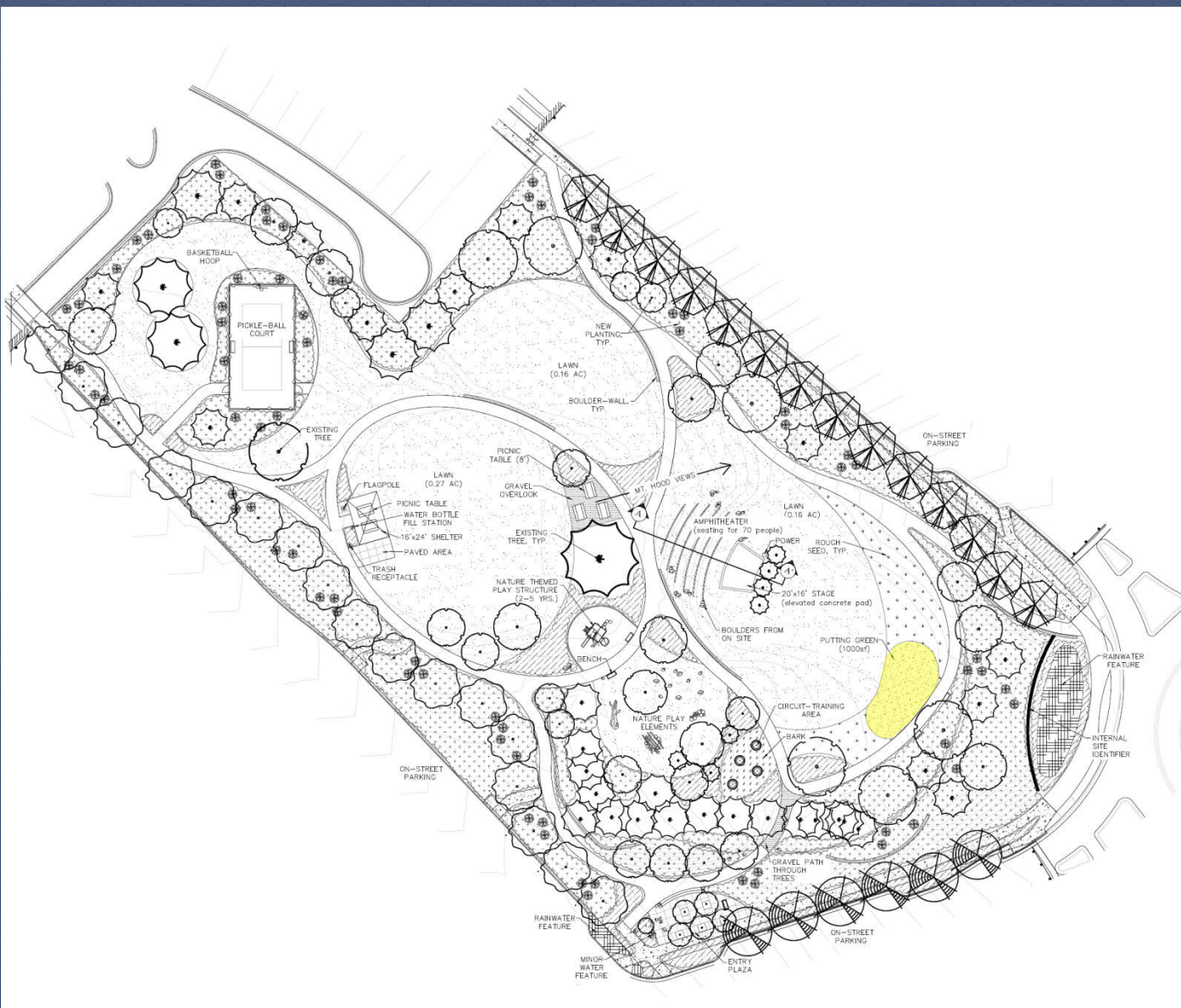


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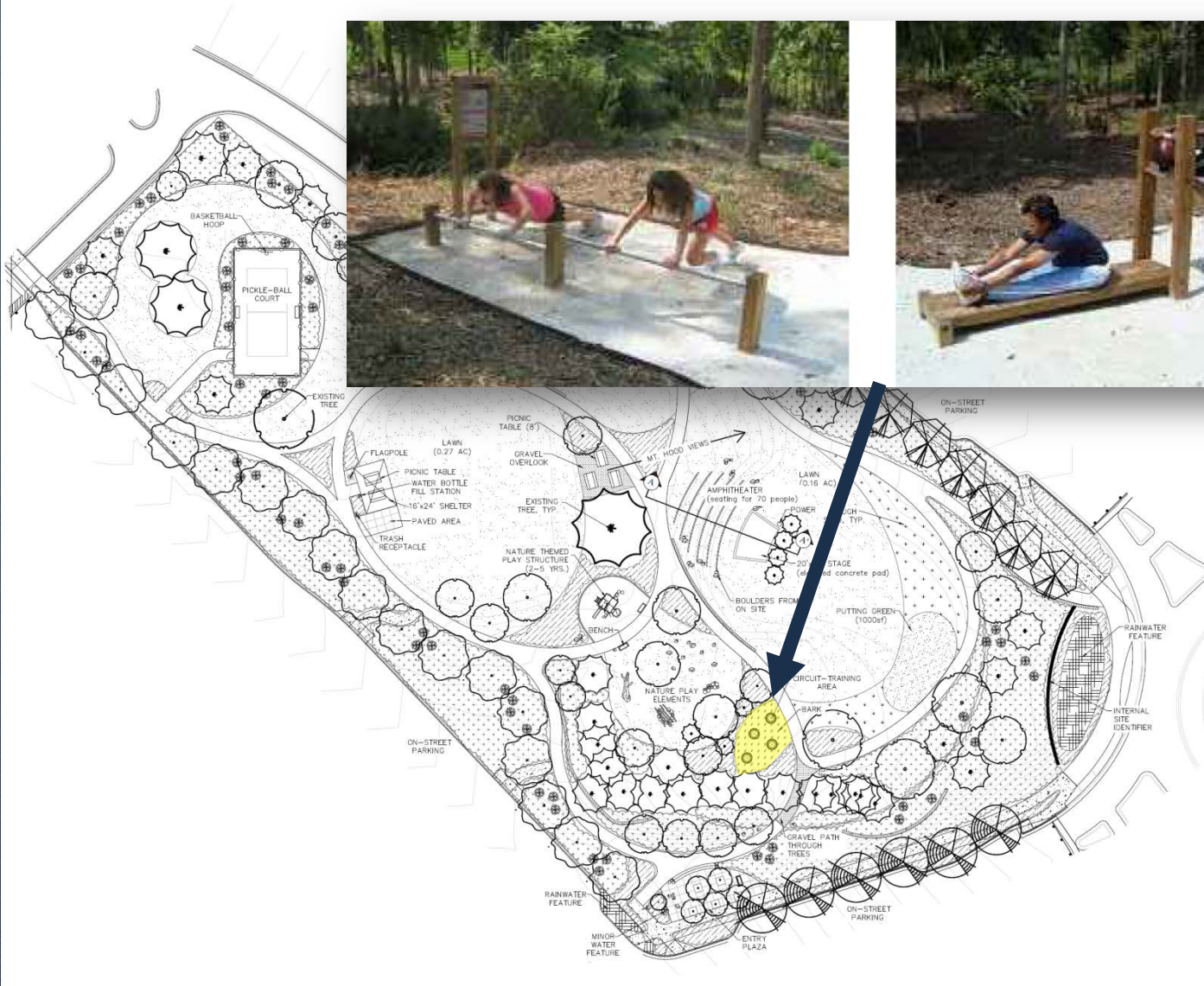


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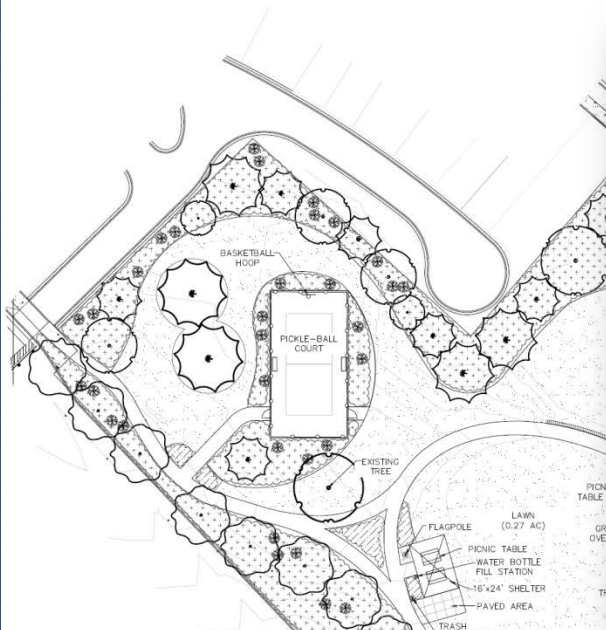


# Villebois Neighborhood Park 4 "Montague Park"

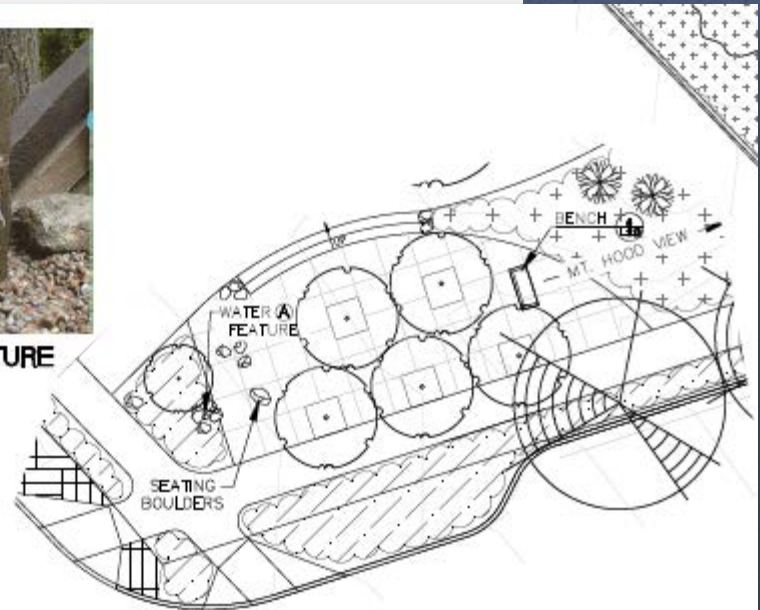




# Villebois Neighborhood Park 4 "Montague Park"



**A WATER FEATURE**





- ~~A. Zone Map Amendment~~
- ~~B. SAP-Central Modification and Master Plan Refinements (Phasing Update and Park Amenity Refinements)~~
- ~~C. Preliminary Development Plan (PDP] for PDP 5C~~
- ~~D. Final Development Plan~~
- E. Type C Tree Plan

The Requests

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# Villebois Neighborhood Park 4 "Montague Park"

**Table 1. Count of Trees by Species – Montague Park, Wilsonville, OR.**

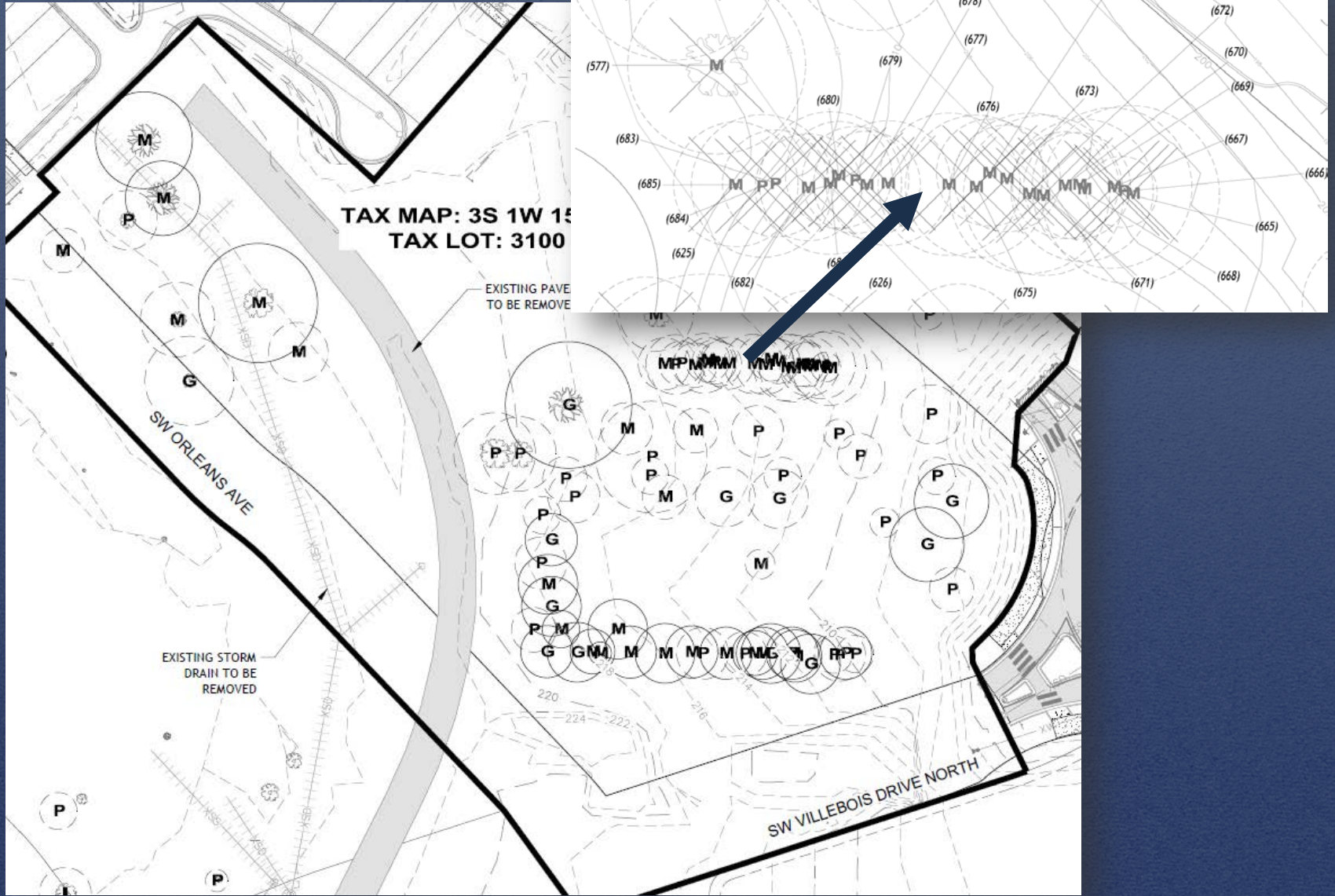
Common Name	Species Name	Total	Percent
apple	<i>Malus spp.</i>	1	1.2%
Atlas cedar	<i>Cedrus atlantica</i>	2	2.4%
bigleaf maple	<i>Acer macrophyllum</i>	2	2.4%
black cottonwood	<i>Populus trichocarpa</i>	1	1.2%
black walnut	<i>Juglans nigra</i>	1	1.2%
cherry	<i>Prunus spp.</i>	2	2.4%
Douglas-fir	<i>Pseudotsuga menziesii</i>	30	35%
English walnut	<i>Juglans regia</i>	2	2.4%
grand fir	<i>Abies grandis</i>	8	9.4%
noble fir	<i>Abies nobilis</i>	1	1.2%
Norway maple	<i>Acer platanoides</i>	1	1.2%
Norway spruce	<i>Picea abies</i>	4	4.7%
pine sp.	<i>Pinus spp.</i>	1	1.2%
red maple	<i>Acer rubrum</i>	4	4.7%
silver maple	<i>Acer saccharinum</i>	1	1.2%
western redcedar	<i>Thuja plicata</i>	24	28.2%
<b>Total</b>		<b>85</b>	<b>100%</b>

**Table 2. Count of Trees by Treatment Recommendation and General Condition Rating.**

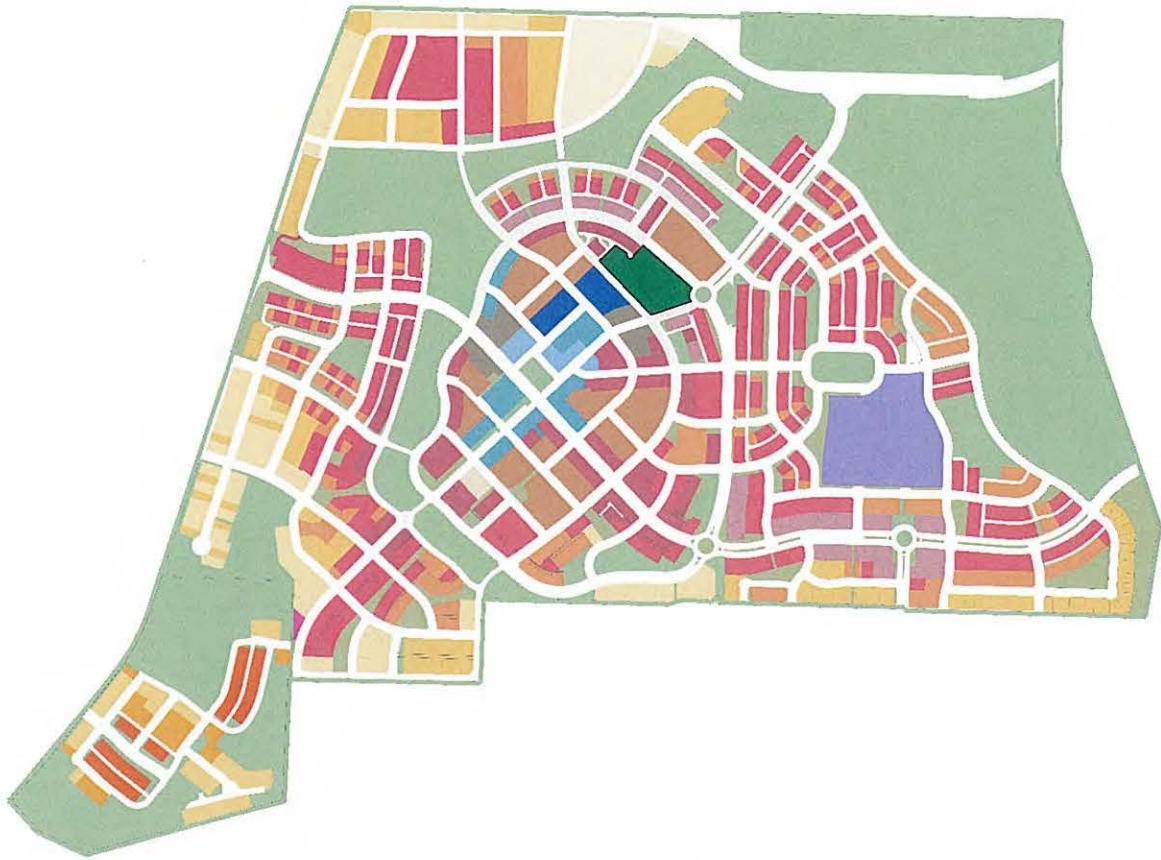
Treatment Recommendation	General Condition Rating			Total
	P	M	G	
Remove - Condition	29	5	2	36 (42.4%)
Remove - Construction	3	20	1	24 (28.2%)
Retain	0	16	9	25 (29.4%)
<b>Total</b>	<b>32</b> (38%)	<b>41</b> (48%)	<b>12</b> (14%)	<b>85 (100%)</b>



# Villebois Neighborhood Park 4 "Montague Park"







Villebois

Montague Park  
Lot 3 of Villebois Village Center No. 3  
**PDP, FDP, Zone Change,  
Tree Preservation Plan**

The City of Wilsonville, Oregon      January 21, 2015

**Applicant:**

David Nash  
**RCS - Villebois Development, LLC**  
371 Centennial Pkwy, Suite 200  
Louisville, CO 80027  
(P) 303-533-1615

**Applicant's Representative:**

Stacy Connery, AICP  
**Pacific Community Design, Inc**  
12564 SW Main Street  
Tigard, Oregon 97223  
(P) 503-941-9484



**City of Wilsonville**  
EXHIBIT B1 DB15-0001 et seq





# **Section I) General Information**

# **Section IA) Introductory Narrative**

# INTRODUCTORY NARRATIVE

## PDP/FDP (INCLUDES SAP REFINEMENT), ZONE CHANGE, TREE PRESERVATION PLAN

### *MONTAGUE PARK*

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## I. GENERAL INFORMATION

Applicant/Property Owner: **RCS - Villebois Development LLC**  
371 Centennial Pkwy. Suite 200  
Louisville, CO 80027  
Tel: (303) 535-1615  
Fax: (303) 466-4202  
Contact: **Rudy Kadlub**

Process Planner/Civil  
Engineer/Surveyor: **Pacific Community Design, Inc.**  
12564 SW Main St.  
Tigard, OR 97223  
Tel: (503) 941-9484  
Fax: (503) 941-9485  
Contact: **Stacy Connery, AICP**  
**KC Schwartzkoph, PE**  
**Jack Ross**

Landscape Architect: **Otten Landscape Architects, Inc.**  
3933 SW Kelly Ave. Suite B  
Portland, OR 97239  
Tel: (503) 972-0311  
Fax: (503) 972-0314  
Contact: **Janet Otten**  
**Kristina Durant**

Site: 3 1W 15AC, Tax Lot 3100

Size: 2.90 acres

Comprehensive Plan  
Designation: Residential Village (RV)

Existing Zone: Public Facilities (PF)

Proposed Zone: Village (V)

Specific Area Plan/  
Preliminary Development Plan: SAP - Central / PDP 5C

Proposal: PDP/FDP (Includes SAP Refinement)  
Zone Change  
Tree Removal Plan  
SAP Central Phasing Plan Update

## II. PROPOSAL

### REQUEST

This application requests approval of the following four (4) applications for Montague Park.

- Preliminary Development Plan (includes SAP Refinement and Phasing Amendment) for Montague Park - Section II of Notebook
- Final Development Plan for Montague Park - Section II of Notebook
- Zone Change to Village (V) for Montague Park - Section III of Notebook
- Tree Preservation Plan for Montague Park - Section IV of Notebook

### SITE DESCRIPTION

The subject site is identified as Tax Lot 100 on Assessor's Map 3S 1W 15AC, located in the City of Wilsonville, Oregon. The tax lot totals approximately 2.90 acres. The property is located west of SW Costa Circle East and north of SW Villebois Drive.

The subject property is currently zoned Public Facilities (PF), and is planned as a Neighborhood Park in the City of Wilsonville's Comprehensive Plan. The property is located within SAP Central in the *Villebois Village Master Plan*.

The site is currently vacant. The site generally slopes downwards from west to east. The site has street frontage onto SW Costa Circle East to the east and SW Villebois Drive to the south.

### PROPOSAL DESCRIPTION

The applicant proposes a neighborhood park on the subject site, as shown in the Villebois Village Master Plan. The application includes a PDP/FDP (includes SAP Refinement), Zone Change, Tree Removal Plan, and an update to the SAP Central Phasing Plan (included in the PDP/FDP section). The applications are arranged in the order that approval should be granted based upon provisions in the development code. Each application is placed in a separate section labeled Sections II through IV respectively, with all supporting documentation needed for that application placed in the appropriate subsection.

The following narrative generally describes each of the proposed applications. The attached Supporting Compliance Reports (see Sections IIA, IIIA, and IVA), in conjunction with the attached plan sheets and other exhibits, demonstrate compliance with the applicable review criteria.

## III. PLANNING CONTEXT

### VILLEBOIS VILLAGE MASTER PLAN

Montague Park is described as follows on Page 19 of the Villebois Village Master Plan.

#### **NP-4: Hilltop Park (2.90 acres)**

*Existing healthy cedars and firs will be incorporated into the park design. The park features a bowled space easily adapted to an amphitheater, which can be used as a gathering and neighborhood performance space. An open lawn area (180'x140') will accommodate both active and passive use while providing views*

*of Mt. hood. Hilltop Park will be developed as an urban park with a restroom and potential features such as a water feature, a putting green, a play structure, an overlook shelter with a barbeque and drinking fountain, paved walks, benches, picnic tables, and may incorporate a stormwater/rainwater feature.*

**SAP CENTRAL COMMUNITY ELEMENTS BOOK**

Montague Park is described as follows in the SAP Central Community Elements Book on Page 30.

*With views of the Cascades and Mt. Hood and a large stand of Douglas Fir and Western Red Cedar this park has the opportunity to connect people to Western Oregon’s native plant community and geographical icons. The native vegetation and external views create a unique park theme that will make Hilltop Park a “destination park” within the Villebois park and open space system. Hilltop Park will provide a network of paths, both soft and hard, that lead to picnic areas and views of Mt. Hood in a forest setting within the existing trees grove (See Diagram, p. 30). The open lawn area to the northwest will provide active and passive use with views to Mt. Hood. Small landscape walls may retain some grade and provide form to and provide informal seating within the lawn area.*

*A Community Garden for within Hilltop Park should be explored, providing gardening opportunities for Village Center inhabitants; a place where people of all ages can gather, grow food, and socialize. An amphitheater or small stage with informal landscape seating should also be explored within the existing tree grove for small performances and impromptu gatherings. If future studies conclude an amphitheater infeasible, the open area in the tree grove could be replanted into a forest meadow.*

*Opportunities for discovery within the park can be enhanced with sculpture and plant material. As an example an interpretive “Solar System Walk” could flank the lawn area next to the tree grove. This sculpture would be a scaled version of our solar system allowing one to “walk” the solar system.*

**IV. DESCRIPTION OF PDP/FDP (INCLUDES SAP REFINEMENT)**

The table below shows the differences in amenities proposed for Montague Park and the amenities described in the Villebois Village Master Plan.

<b>Master Plan</b>	<b>Proposed</b>
Stormwater/Rainwater Elements	Stormwater/Rainwater Elements
Minor Water Feature	Minor Water Feature
Benches	Benches
Picnic Table	Picnic Table
Drinking Fountain	Replaced - Water Bottle Fill Station
Restroom	Not Included
Barbecue	Not Included



Shelter	Shelter
Amphitheater	Amphitheater
Putting Green	Putting Green
Play Structure	Play Structure
Lawn Play	Lawn Play
	<b>Pickle Ball Court</b>
	<b>Basketball Hoop</b>
	<b>Circuit Training Area</b>
	<b>Nature Play Area</b>

The decision to replace the features that the Master Plan calls for was made based on recommendations by City of Wilsonville staff members. There were maintenance concerns regarding the originally proposed drinking fountain, restroom, and barbecue. The water bottle fill station will require less maintenance than a drinking fountain. The proposed park is to be owned by a HOA, who will not have the same resources to ensure regular maintenance of park amenities that a city would. Furthermore, Montague Park is intended to have a small neighborhood park feel to it. Restrooms and barbecues are elements that are typical of larger regional parks. Restrooms will be located within walking distance in Regional Park 5 and Piazza. All of the park features proposed for Montague Park are shown on the attached plans (see Section IIB).

## V. DESCRIPTION OF ZONE CHANGE

This application seeks approval of a zone change to re-zone the subject property from the current PF - Public Facilities to the V - Village Zone. The subject area is designated Residential Village on the Comprehensive Plan Map. Therefore, application of the Village Zone to the subject area is consistent with the Comprehensive Plan. This application and supporting documentation are located in Section III.

## VI. DESCRIPTION OF TREE REMOVAL PLAN

This application requests approval of a Tree Removal Plan that ultimately leads to the issuance of a Type “C” Tree Removal Permit. Trees will be retained and removed as described in the Tree Removal Plan in Section IV. The preservation of on-site trees was carefully reviewed in the design of Montague Park. Surrounding street elevations and planned park amenities have impacted the number of trees that can be retained, as well as the health and safety considerations as reviewed by the project Arborist Morgan Holen. All trees in the proposed site have been inventoried and are analyzed in the attached Tree Report. The application and supporting documentation for this application are located in Section IV.

## VIII. PROPOSAL SUMMARY & CONCLUSION

This ‘Introductory Narrative,’ in conjunction with the referenced sections, describes the proposed PDP/FDP (includes SAP Refinement), Zone Change, Tree Removal Plan, and

SAP Central Phasing Plan Update. The Supporting Compliance Reports located in Sections II through IV, respectively, support these requests for approval of the subject applications and demonstrate compliance with the applicable standards of the Wilsonville Planning and Land Development Ordinance.

**Section II) Preliminary  
Development Plan/Final  
Development Plan**

# **Section IIA) Supporting Compliance Report**

**SUPPORTING COMPLIANCE REPORT  
PDP/FDP (INCLUDES SAP REFINEMENT)  
MONTAGUE PARK**

**SECTION IIA**

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# I. WILSONVILLE PLANNING & LAND DEVELOPMENT ORDINANCE

## SECTION 4.125. VILLAGE (V) ZONE

### (.02) Permitted Uses

Examples of principle uses that typically permitted:

- H. 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.

**Response:** This application proposes a neighborhood park for recreational and neighborhood uses. The park will be owned and operated by the Villebois Village Center Home Owners Association after construction. The proposed use is permitted pursuant to this section.

### (.07) General Regulations - Off-Street Parking, Loading & Bicycle Parking

**Response:** Montague Park does not include any off-street parking, as the proposed amenities do not require it. The park is proposed to serve the surrounding neighborhood and will include pathways for pedestrians and bicycle travel.

### (.08) Open Space.

**Response:** 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 Central includes parks and open space areas consistent with *Master Plan*. Montague Park is provided as shown in the *Villebois Village Master Plan* and SAP Central.

### (.09) Street and Access Improvement Standards.

**Response:** The adjacent public streets will be built in conformance with the streets and access improvement standards as applicable. The traffic circle where Costa Circle East meets Villebois Drive has already been constructed. Nearby parts of Costa Circle East and Orleans Avenue which are not directly adjacent to Montague Park have already been constructed. This code section does not apply to the design of Montague Park, except to assure that vision clearance standards are met in proposed planting schemes. Proposed landscaping is sited to meet vision clearance standards.

### (.10) Sidewalk and Pathway Improvement Standards.

**Response:** This code section refers directly to code Section 4.176, which is addressed in subsequent sections of this report.

### (.11) Landscaping, Screening and Buffering

- A. Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:
  - 1. Streets in the Village zone shall be developed with street trees as described in the *Community Elements Book*.

**Response:** The applicable provisions of Section 4.176 are addressed in the subsequent sections of this report. This application reflects the provision of street trees consistent with that shown in the SAP Central *Community Elements Book*.



**(.12) Master Signage and Wayfinding**

**Response:** The SAP Central *Signage & Wayfinding Plan* calls for one internal site identifier in the eastern portion of Montague Park at the roundabout. This signage will face outward towards the roundabout at Villebois Drive and Costa Circle East. The proposed signage within Montague Park will comply with applicable standards in the SAP Central *Signage & Wayfinding Plan*.

**(.14) Design Standards Applying to the Village Zone**

A. The following design standards implement the Design Principles found in (.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:

2. Building and site design shall include:

b. Materials, colors and architectural details executed in a manner consistent with the methods included in an approved *Architectural Pattern Book*, *Community Elements Book* or approved *Village Center Design*.

**Response:** The materials proposed for Montague Park are consistent with the approved *Community Elements Book* as shown in the approval criteria sections of this report. The *Village Center Architectural Standards* is not applicable to the proposed park uses. Site furnishings within Montague Park will be consistent with those shown in the *Community Elements Book*.

f. The protection of existing significant trees as identified in an approved *Community Elements Book*.

**Response:** Existing trees within Montague Park will be retained as shown in the attached plans. A Tree Preservation Plan is included in this application (see Section IV).

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

**Response:** A detailed landscape plan is provided with this application in accordance with the requirements of Section 4.125 (.07) and (.11), 4.176(.09), and 4.440(.01)B (see attached plans).

3. Lighting and site furnishings shall be in compliance with the approved *Community Elements Book*.

**Response:** Lighting and site furnishings as identified in the approved *Community Elements Book* for SAP Central are addressed in the approval criteria sections of this report.

**(.16) Village Center Design Standards**

A. In addition to the design standards found in Section 4.125(.14), above, the following Design Standards are applicable to the Village Center, exclusive of single-family detached dwellings and row houses:

1. Off-street parking areas shall not be located between buildings and the street.
2. The design of off-street parking areas shall include pedestrian connections to the buildings they serve, sidewalks, and adjacent parking areas.

**Response:** Montague Park does not include any off-street parking. The proposed park uses do not require off-street parking, and are intended to be walked or biked to by the surrounding neighborhood.

3. The design of buildings and public spaces shall include interior (through-buildings) and exterior public pedestrian accessways, as required, to facilitate pedestrian connections.

**Response:** Montague Park is designed with pedestrian accessways and includes one shelter. As shown on the attached plans, accessways will connect to the shelter.

4. The design of buildings shall include rear and side entrances in addition to primary street front entrances when necessary to facilitate pedestrian connections.
5. Building facades shall be broken into multiple vertical elements.
6. Canopies and awnings should be provided as specified in the Village Center Architectural Standards.

**Response:** The only building that is proposed for Montague Park is one shelter. The above standards are not applicable to the shelter.

7. The design of buildings and landscapes shall provide opportunities for public art at a minimum of one location per block.

**Response:** Montague Park provides opportunities for public art in compliance with this standard.

**(.18) Village Zone Development Permit Process**

B. **Unique Features and Processes of the Village (V) Zone:** To be developed, there are three (3) phases of project approval. Some of these phases may be combined, but generally the approvals move from the conceptual stage through to detailed architectural, landscape and site plan review in stages. All development within the Village zone shall be subject to the following processes:

2. Preliminary Development Plan (PDP) approval by the Development Review Board, as set forth in Sections 4.125(.18)(G) through (K) (Stage II equivalent), below. Following SAP approval, an applicant may file applications for Preliminary Development Plan approval (Stage II

equivalent) for an approved phase in accordance with the approved SAP, and any conditions attached thereto. Land divisions may also be preliminarily approved at this stage. Except for land within the Central SAP or multifamily dwellings outside the Central SAP, application for a Zone Change and Final Development Plan (FDP) shall be made concurrently with an application for PDP approval. The SAP and PDP/FDP may be reviewed simultaneously when a common ownership exists.

Final Development Plan (FDP) approval by the Development Review Board or the Planning Director, as set forth in Sections 4.125(.18)(L) through (P) (Site Design Review equivalent), below, may occur as a separate phase for lands in the Central SAP or multi-family dwellings outside the Central SAP.

**Response:** Applications for a PDP and FDP are submitted concurrently, as outlined in the following sections. The PDP includes refinements to the SAP and an SAP phasing amendment.

**G. Preliminary Development Plan Approval Process (Equivalent to Stage II):**

1. An application for approval of a Preliminary Development Plan for a development in an approved SAP shall:
  - a. 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.
  - b. Be made by the owner of all affected property or the owner's authorized agent; and
  - c. 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; and
  - d. Set forth the professional coordinator and professional design team for the project; and
  - e. State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.
  - f. Include a preliminary land division (concurrently) per Section 4.200, as applicable.
  - g. Include a concurrent application for a Zone Map Amendment (i.e., Zone Change) for the subject phase.

**Response:** This application requests approval of a Preliminary Development Plan. The proposed PDP is phase 5C of SAP Central. The applicant is the owner of the

subject property. A copy of the application form is included in Section IB of this notebook. The professional coordinator and design team for the project are listed in the Introductory Narrative in Section IA. No mixed land uses or preliminary land divisions are proposed. A request for a Zone Change is included in Section III of this notebook.

2. 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. A boundary survey or a certified boundary description by a surveyor licensed in the State of Oregon.

**Response:** A survey has been completed by a surveyor licensed in the State of Oregon.

b. 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:

i. One (1) foot contours for slopes of up to five percent (5%);

ii. Two (2) foot contours for slopes of from six percent (6%) to twelve percent (12%);

iii. Five (5) foot contours for slopes of from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and

iv. Ten (10) foot contours for slopes exceeding twenty percent (20%).

**Response:** Contours as listed above are shown on the attached plans (see Section IIB).

c. 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.

**Response:** The subject area is not located within the boundaries or 50 feet from the SROZ.

d. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.

**Response:** No residential units are proposed. The only proposed use of the land is for a park.

- e. The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the SAP, 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.

**Response:** The streets, alleys, and trails are shown on the attached plans (see Section IIB).

- f. 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 Architectural Standards. [Section 4.125(.18)(G)(2)(f) amended by Ord. No. 595, 12/5/05.]

**Response:** Conceptual elevations of the shelter are included in Section IIC.

- g. A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.

**Response:** A composite utility plan is included with the attached plans (see Section IIB).

- h. If it is proposed that the Preliminary Development Plan will be executed in phases, the sequence thereof shall be provided.

**Response:** The proposed PDP will be executed in one phase.

- i. A commitment by the applicant to provide a performance bond or other acceptable security for the capital improvements required by the project.

**Response:** The applicant will provide security for the capital improvements required by the project as deemed necessary by the DRB.

- j. 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

build out of the entire SAP, and it shall meet Subsection 4.140(.09)(J)(2).

**Response:** As part of this application, a Traffic Study Waiver has been approved and is shown in Section IIE of this notebook.

**H. PDP Application Submittal Requirements:**

1. The Preliminary Development Plan shall conform with the approved Specific Area Plan, and shall include all information required by Sections 4.125(.18)(D)(1) and (2), plus the following:

a. The location of water, sewerage and drainage facilities;

**Response:** Location of water, sewage, and drainage facilities are included in the attached plans (see Section IIB).

b. Conceptual building and landscape plans and elevations, sufficient to indicate the general character of the development;

**Response:** Conceptual elevations for the shelter are included in Section IIC.

c. The general type and location of signs;

**Response:** One internal site identifier is proposed with this application, as called for in the SAP Central Master Signage & Wayfinding Plan. Location and type of the internal site identifier are shown on the attached plans (see Section IIB).

d. Topographic information as set forth in Section 4.035;

**Response:** Topographic information is shown on the attached plans (see Section IIB).

e. A map indicating the types and locations of all proposed uses; and

**Response:** The only proposed use for the subject area is for a park.

f. A grading and erosion control plan illustrating existing and proposed contours as prescribed previously in this section.

**Response:** A grading and erosion control plan is included in the attached plans (see Section IIB).

2. 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 build out of the entire PDP,

and it shall meet Subsection 4.140(.09)(J)(2) for the full development of all five SAPs.

**Response:** As part of this application, a Traffic Study Waiver has been approved and is shown in Section IIE of this notebook.

3. 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.

**Response:** A FDP is requested concurrently with the PDP for this application. The ultimate operation and appearance of Montague Park is shown in detail on the attached plans (see Section IIB).

**I. PDP Approval Procedures**

1. An application for PDP approval shall be reviewed using the following procedures:
  - a. 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.
  - b. A public hearing shall be held on each such application as provided in Section 4.013.
  - c. 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.

**Response:** A public hearing will be held in accordance with this section.

**J. PDP Refinements to an Approved Specific Area Plan**

1. 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.
  - a. Refinements to the SAP are defined as:
    - i. 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.



**Response:** No changes to the street network are proposed.

- ii. 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.

**Response:** The table below shows the differences in amenities proposed for Montague Park and the amenities described in the Villebois Village Master Plan.

Master Plan	Proposed
Stormwater/Rainwater Elements	Stormwater/Rainwater Elements
Minor Water Feature	Minor Water Feature
Benches	Benches
Picnic Table	Picnic Table
Drinking Fountain	Replaced - Water Bottle Fill Station
Restroom	Not Included
Barbecue	Not Included
Shelter	Shelter
Amphitheater	Amphitheater
Putting Green	Putting Green
Play Structure	Play Structure
Lawn Play	Lawn Play
	Pickle Ball Court
	Basketball Hoop
	Circuit Training Area
	Nature Play Area

The decision to replace the features that the Master Plan calls for was made based on recommendations by City of Wilsonville staff members. There were maintenance concerns regarding the originally proposed drinking fountain, restroom, and barbecue. The water bottle fill station will require less maintenance than a drinking fountain. The proposed park is to be owned by a HOA, who will not have the same resources to ensure regular maintenance of park amenities that a city would. Furthermore, Montague Park is intended to have a small neighborhood park feel to it. Restrooms and barbecues are elements that are typical of larger regional parks. Restrooms will be located within walking distance in Regional Park 5 and Piazza. All of the park features proposed for Montague Park are shown on the attached plans (see Section IIB).

- iii. Changes to the nature or location of utilities or storm water facilities that do not

significantly reduce the service or function of the utility or facility.

**Response:** No changes to the nature or location of utilities or storm water facilities are proposed.

- iv. 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.

**Response:** No changes to the location or mix of land uses are proposed with this application.

- v. 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.

**Response:** No changes in density are proposed with this application.

- vi. Changes that are significant under the above definitions, but necessary to protect an important community resource or substantially improve the functioning of collector or minor arterial streets. [Amended by Ord. 682, 9/9/10]

**Response:** No changes that are significant under the above definition are proposed.

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

**Response:** The proposed refinement affects the amenities provided in the park area. No quantifiable matters, requirements, or performance measures are affected by the refinement.

- ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.

**Response:** The proposed refinement to substitute and add amenities to Montague Park will enhance the character of the park and provide residents with additional opportunities for recreation.

2. **Refinements meeting the above definition may be approved by the DRB upon the demonstration and finding that:**
  - a. **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.**

**Response:** The proposed refinement to the park amenities will better meet the approved conditions of the SAP as it will enhance the function and character of the park.

The proposed refinement will also better meet the Goal, Policies and Implementation Measures of the Villebois Village Master Plan. Specifically, the Goal states that the park system shall create “a range of experiences for its residents and visitors”. This proposed refinement diversifies the amenities provided within the park, providing a greater range of experiences.

Policies 3 and 5 call for “various age-oriented facilities and activities, while maintaining adequate areas of calm” and “social interaction by adding layers of activity”. The proposed refinement will allow the park to provide a range of activities for all ages, while maintaining areas of calm such as the lawn play area. This addition in amenities will also facilitate greater social interaction by providing more opportunities for recreation in groups (e.g. basketball hoop, pickle ball court).

Implementation Measures 7 and 15 focus on opportunities to recreate year round through the provision of hard and soft surfaces, and ensuring that each child play area includes suitable uses for a range of age groups. The proposed refinement better meets Measure 7 by adding hard surfaced opportunities such as pickle ball court and basketball hoop, while maintaining soft surface areas such as the lawn play and putting green. Measure 15 will be better met through the addition of amenities such as the nature play area to accommodate younger children, and the addition of amenities such as the circuit training area to accommodate teenagers and adults.

- b. **The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area, and**

**Response:** The refinements will only affect the amenities provided within Montague Park. The change and addition in amenities will not affect tree preservation, lawn play area, scenic views of Mt. Hood, or any other significant resources any more than the original design would have.

- c. **The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.**

**Response:** The proposed PDP refinement only affects the amenities of Montague Park. No adjoining or subsequent PDP or SAP areas will be precluded from development consistent with the approved SAP or Master Plan.

3. Amendments to the SAP, not including SAP amendments for phasing, must follow the same procedures applicable to adoption of the SAP itself. Amendments are defined as changes to elements of the SAP not constituting a refinement.

**Response:** No amendments to the SAP are proposed

4. Amendments to the SAP for phasing will be processed as a Class II administrative review proposal. [Section 4.125(.18)(J)(1) amended by Ord. No.587, 5/16/05.]

**Response:** An SAP phasing amendment is proposed to update the phasing for SAP Central and is included with this request.

- K. PDP Approval Criteria. The Development Review Board may approve an application for a PDP only upon finding that the following approval criteria are met:

1. That the proposed PDP:
  - a. Is consistent with the standards identified in this section.

**Response:** The proposed PDP is consistent with the applicable standards identified in this section, addressed below.

- b. Complies with the applicable standards of the Planning and Land Development Ordinance, including Sections 4.140(.09)(J)(1) - (3).

**Response:** The proposed PDP complies with the applicable standards of the Planning and Land Development ordinance, as demonstrated in this narrative.

- c. Is consistent with the approved Specific Area Plan in which it is located.

**Response:** A refinement to SAP Central to substitute and add amenities to Montague Park is proposed with this application. The proposed PDP is consistent with all other applicable provisions of SAP Central.

- d. Is consistent with the approved Architectural Pattern Book and, where required, the approved Village Center Architectural Standards.

**Response:** No residential buildings are proposed. The Architectural Pattern Book and the Village Center Architectural Standards do not apply to Montague Park.

2. 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.

**Response:** PDP 5C will be constructed in one phase.

3. 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 the improvements shall be permitted.

**Response:** No dwelling units are proposed as part of this application. Therefore, this section does not apply.

4. In the Central SAP, parks shall be constructed within each PDP as provided above, and that pro rata portion of the estimated cost of Central SAP parks not within the PDP, calculated on a dwelling unit basis, shall be bonded or otherwise secured to the satisfaction of the city.

**Response:** No dwelling units are proposed as part of this application. Therefore this section does not apply.

5. 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. [Section 4.125(.18)(K.) amended by Ord. 607, 4/3/06]

**Response:** The applicant understands that the DRB may require modifications or conditions through the review process.

L. Final Development Plan Approval Procedures (Equivalent to Site Design Review):

1. Unless an extension has been granted by the Development Review Board as enabled by Section 4.023, within two (2) years after the approval of a PDP, an application for approval of a FDP shall:
  - a. Be filed with the City Planning Division for the entire FDP, or when submission of the PDP in phases has been authorized by the development Review Board, for a phase in the approved sequence.
  - b. Be made by the owner of all affected property or the owner's authorized agent.
  - c. 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.
  - d. Set forth the professional coordinator and professional design team for the project.

**Response:** This application has been made by the owner and applicant of the affected property and has been filed on the prescribed form and accompanied by the prescribed fee (copies of the application form and fee payment are included in Sections IB and IC, respectively, of this Notebook). The professional coordinator and

professional design team for the project are listed in the Introductory Narrative (see Section IA of this Notebook).

**M. FDP Application Submittal Requirements:**

1. An application for approval of a FDP shall be subject to the provisions of Section 4.034.

**Response:** Section 4.034(.08), states that “Applications for development approvals within the Village zone shall be reviewed in accordance with the standards and procedures set forth in Section 4.125.” The proposed FDP is reviewed in accordance with the standards and procedures set forth in Section 4.125, as demonstrated by this report.

**N. FDP Approval Procedures**

1. An application for approval of a FDP shall be subject to the provisions of Section 4.421.

**Response:** The provisions of Section 4.421 are addressed in the following sections of this report.

**O. FDP Refinements to an Approved Preliminary Development Plan**

1. In the process of reviewing a FDP for consistency with the underlying Preliminary Development Plan, the DRB may approve refinements, but not amendments, to the PDP. Refinements to the PDP may be approved by the Development Review Board, upon the applicant's detailed graphic demonstration of compliance with the criteria set forth in Section 4.125(.18)(O)(2), below.

a. Refinements to the PDP are defined as:

- i. 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.
- ii. 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 PDP.
- iii. Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.
- iv. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the affected PDP. 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. [Section 4.125(.18)(O)(1)(a)(iv) amended by Ord. No. 587, 5/16/05.]

- v. Changes that are significant under the above definitions, but necessary to protect an important community resource or substantially improve the functioning of collector or minor arterial streets. [Amended by Ord. 682, 9/9/10]

b. As used herein, “significant” means:

- i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(O)(1)(a), above, or,
- ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(F)(1)(a), above.

**Response:** No refinements to the PDP are proposed, since the FDP is submitted concurrent with the PDP.

- 3. Amendments to the PDP must follow the same procedures applicable to adoption of the PDP itself. Amendments are defined as changes to elements of the PDP not constituting a refinement.

**Response:** No amendments to the PDP are proposed.

#### P. FDP Approval Criteria

- 1. An application for approval of a FDP shall be subject to the provisions of Section 4.421.

**Response:** The provisions of Section 4.421 are addressed in the following sections of this report.

- 2. An application for an FDP shall demonstrate that the proposal conforms to the applicable Architectural Pattern Book, Community Elements Book, Village Center Design and any other conditions of a previously approved PDP.

**Response:** This application addresses Montague Park. The *Architectural Pattern Book* is not applicable to this use since it does not include residential uses. The *Village Center Architectural Standards* is also not applicable to the proposed park use. The proposed application is consistent with the conditions of the approved SAP Central. Conformance of the proposed application with the *Community Elements Book* for SAP - Central is demonstrated as follows.



### LIGHTING MASTER PLAN

**Response:** Lighting shown on the attached plans is consistent with the Lighting Master Plan Diagram shown on page 5 of the *Community Elements Book* for SAP Central.

### CURB EXTENSIONS

**Response:** SW Orleans Loop, Villebois Drive North, and SW Costa Circle East will be developed with curb extensions shown on the Curb Extension Concept Plan Diagram located on page 6 of the *Community Elements Book* for SAP - Central.

### STREET TREE MASTER PLAN

**Response:** The location and species of street trees shown on the attached plans is consistent with the Street Tree Master Plan Diagram and List shown on pages 7-10 of the *Community Elements Book*.

### SITE FURNISHINGS

**Response:** The furnishings shown the attached plans were selected to maintain the identity and continuity of Villebois. The site furnishings shown are consistent with those described in the Site Furnishings Concept shown on pages 11-14 of the *Community Elements Book*.

### TREE PROTECTION

**Response:** Existing trees within Montague Park will be retained as shown in the Tree Preservation Plan (see Section IV).

### PLANT LIST

**Response:** The *Community Elements Book* for SAP Central contains a Plant List (pages 16-18) of non-native and native trees, shrubs, and herbs/grasses for species to be used within SAP Central. The attached plans list the plants that will be planted in Montague Park. The proposed plantings are consistent with the Plant List in the SAP - Central *Community Elements Book*.

### HILLTOP PARK - OUTDOOR ROOM

*With views of the Cascades and Mt. Hood and a large stand of Douglas Fir and Western Red Cedar this park has the opportunity to connect people to Western Oregon's native plant community and geographical icons. The native vegetation and external views create a unique park theme that will make Hilltop Park a "destination park" within the Villebois park and open space system. Hilltop Park will provide a network of paths, both soft and hard, that lead to picnic areas and views of Mt. Hood in a forest setting within the existing trees grove (See Diagram, p. 30). The open lawn area to the northwest will provide active and passive use with views to Mt. Hood. Small landscape walls may retain some grade and provide form to and provide informal seating within the lawn area.*

*A Community Garden for within Hilltop Park should be explored, providing gardening opportunities for Village Center inhabitants; a place where people of all ages can gather, grow food, and socialize. An amphitheater or small stage*

*with informal landscape seating should also be explored within the existing tree grove for small performances and impromptu gatherings. If future studies conclude an amphitheater infeasible, the open area in the tree grove could be replanted into a forest meadow.*

*Opportunities for discovery within the park can be enhanced with sculpture and plant material. As an example an interpretive “Solar System Walk” could flank the lawn area next to the tree grove. This sculpture would be a scaled version of our solar system allowing one to “walk” the solar system.*

#### **SITE FURNISHINGS**

##### ***Intent:***

*Site Furnishings for Hilltop Park will serve functional and aesthetic needs and aid in defining the character and use of this outdoor space. Seating and picnic tables will take advantage of external and internal views, and provide opportunities for seating in open areas with solar access and under the canopy of existing trees.*

##### ***Standards:***

###### ***Required***

- 1) Lighting***
- 2) Seating***
- 3) Trash Receptacle***

###### ***Optional***

- Sculpture***
- Drinking Fountain***
- Landscape stone seatwall in lawn area***
- Stone as seating for amphitheater***

**Response:** Lighting for Montague Park shown on the attached plans is consistent with the Lighting Master Plan Diagram shown on page 5 of the *Community Elements Book* for SAP Central. Seating will be provided on benches and picnic tables as shown on the attached plans. A trash/recycling receptacle is included as shown on the attached plans. A water bottle fill station is included in place of a drinking fountain. A landscape stone seatwall is included with the lawn area. Boulders originating from the subject site will be incorporated into seating for the amphitheater.

#### **PLANT MATERIAL**

##### ***Intent:***

*Native plant material shall be planted under the existing tree grove that will replicate a native forest understory/setting for this type of coniferous plant community.*

##### ***Standards:***

###### ***Required***

- 1) Retention of all trees as per the SAP-Central Tree Preservation Plan***
- 2) Planting native understory***

###### ***Optional***

- 3) Community Garden***
- 4) Buffer planting along northwest to buffer proposed development***

**Response:** The attached plans (see Section IVC) include a Tree Preservation Plan and a Landscape Plan which show the trees to be retained and the trees to be planted. Existing trees will be retained and incorporated into the design of Montague Park to the extent feasible given the health and condition of the trees and their relation to proposed grading and park amenities. All proposed tree plantings comply with the tree lists in the Community Elements Book.

#### **SURFACES**

##### ***Intent:***

***Hilltop shall have a combination of soft and paved paths. If an amphitheater is feasible it shall have seating that is set in lawn or crushed gravel / decomposed granite. Access to amphitheater shall be ADA compliant.***

**Response:** Both gravel and paved paths are included as part of Montague Park. The proposed seating for the amphitheater is a combination of lawn and boulders that originate from the subject site. ADA access to the amphitheater is provided with a paved path that features views of the stage.

#### **GENERAL DEVELOPMENT REGULATIONS**

##### **SECTION 4.156. SIGN REGULATIONS**

**Response:** The SAP Central *Signage & Wayfinding Plan* indicates one internal site identifier to be placed at the Costa Circle East/Villebois Drive roundabout. This internal site identifier will comply with applicable standards in the SAP Central *Signage & Wayfinding Plan*.

##### **SECTION 4.176. LANDSCAPING, SCREENING & BUFFERING**

###### **(.02) Landscaping and Screening Standards.**

**Response:** Landscaping within Montague Park includes retention of existing trees and the addition of plantings as shown on the attached plans. The applicable provisions of Section 4.176 are addressed below. This application reflects the provision of street trees consistent with that shown in the SAP Central *Community Elements Book*.

###### **(.03) Landscape Area.**

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.

**Response:** Montague Park includes more than 15% landscaping as shown in the attached plans.

**(.04) Buffering and Screening.**

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.

- A. All intensive or higher density developments shall be screened and buffered from less intense or lower density developments.
- B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas.
- 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.

**Response:** None of the above-listed areas or uses exist within Montague Park. Therefore, no buffering or screening is required in relation to the application.

**(.05) Sight-Obscuring Fence or Planting.**

The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the City. A temporary occupancy permit may be issued upon a posting of a bond or other security equal to one hundred ten percent (110%) of the cost of such fence or planting and its installation. (See Sections 4.400 to 4.470 for additional requirements.)

**Response:** No sight-obscuring fence or planting is required in this application area.

**(.06) Plant Materials.**

- A. **Shrubs and Ground Cover.** All required ground cover plants and shrubs must be of sufficient size and number to meet these standards within three (3) years of planting. Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. Surface mulch or bark dust are to be fully raked into

soil of appropriate depth, sufficient to control erosion, and are confined to areas around plantings. Areas exhibiting only surface mulch, compost or barkdust are not to be used as substitutes for plants areas.

1. Shrubs. All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.

**Response:** As shown on the attached plans any shrubs will be equal to or better than 2-gallon size with a 10 to 12 inch spread. Any shrubs will be well branched and typical of their type as described in current AAN standards.

2. Ground cover. Shall be equal to or better than the following depending on the type of plant materials used: Gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.

**Response:** As shown on the attached plans any ground covers will be at least 4" pots and spaced appropriately. These plants will be installed as required.

3. Turf or lawn in non-residential developments. Shall not be used to cover more than ten percent (10%) of the landscaped area, unless specifically approved based on a finding that, due to site conditions and availability of water, a larger percentage of turf or lawn area is appropriate. Use of lawn fertilizer shall be discouraged. Irrigation drainage runoff from lawns shall be retained within lawn areas.

**Response:** A lawn for recreation is planned as part of this development. The proposed design includes open lawn area to be 180'x140' (0.57 acres) in area, which covers 19.7% (0.59/2.90) of the subject area, which is consistent with the amount of lawn area identified in the Master Plan for this park.

4. Plant materials under trees or large shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.

**Response:** As shown on the attached plans any plant materials installed under trees or large shrubs will comply with this standard.

- B. Trees. All trees shall be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows:

1. Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of 2" caliper.
2. Secondary trees which define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame Ash, and Honeylocust, shall be a minimum of 1-3/4" to 2" caliper.
3. Accent trees which, are used to add color, variation and accent to architectural features, such as Flowering Pear and Kousa Dogwood, shall be 1-3/4" minimum caliper.
4. Large conifer trees such as Douglas Fir or Deodar Cedar shall be installed at a minimum height of eight (8) feet.
5. Medium-sized conifers such as Shore Pine, Western Red Cedar or Mountain Hemlock shall be installed at a minimum height of five to six (5 to 6) feet.

**Response:** As shown on the attached plans, any proposed tree species have been selected from the Villebois Plant List in the *Community Elements Book*. Any proposed trees meet the minimum 2" caliper code requirement or the minimum height requirement for conifers as appropriate. Any proposed trees will be well-branched, typical of their type as described in current AAN, and balled and burlapped.

- C. Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Development Review Board may require larger or more mature plant materials:

**Response:** This standard does not apply to the proposed park use.

- D. Street Trees.

**Response:** Street trees shown in the plans for this application are consistent with the Street Tree Master Plan in the SAP Central *Community Elements Book*.

- E. Types of Plant Species.

1. Existing landscaping or native vegetation may be used to meet these standards, if protected and maintained during the construction phase of the development and if the plant species do not include any that have been listed by the City as prohibited. The existing native and non-native vegetation to be incorporated into the landscaping shall be identified.

**Response:** As shown on the attached plans, existing trees will be retained and incorporated into the design of Montague Park to the extent feasible given the health and condition of the trees and their relation to proposed grading and park amenities.

2. Selection of plant materials. Landscape materials shall be selected and sited to produce hardy and drought-tolerant landscaping. Selection shall be based on soil characteristics, maintenance requirements, exposure to sun and wind, slope and contours of the site, and compatibility with other vegetation that will remain on the site. Suggested species lists for street trees, shrubs and groundcovers shall be provided by the City of Wilsonville.

**Response:** All proposed landscaping materials are selected from the Villebois Plant List in the *Community Elements Book*. Specific materials were selected to best meet the site characteristics of the property and Montague Park design.

3. Prohibited plant materials. The City may establish a list of plants that are prohibited in landscaped areas. Plants may be prohibited because they are potentially damaging to sidewalks, roads, underground utilities, drainage improvements, or foundations, or because they are known to be invasive to native vegetation.

**Response:** No plant materials listed as “Prohibited Plant Species” on the Villebois Plant List are included in the proposed landscaping.

- F. Tree Credit.

**Response:** Tree credits are not applicable to this application.

- G. Exceeding Standards. Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met.
- H. Compliance with Standards. The burden of proof is on the applicant to show that proposed landscaping materials will comply with the purposes and standards of this Section.

**Response:** The attached plans and this report demonstrate that the proposed landscaping complies with the standards of the Wilsonville Development Code and the *Community Elements Book*.

**(.07) Installation and Maintenance.**

- A. Installation. Plant materials shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement.
- B. Maintenance. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by a City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. Failure to maintain landscaping as required in this Section shall constitute a violation of this Code for



which appropriate legal remedies, including the revocation of any applicable land development permits, may result.

- C. Irrigation. The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify one of the following:
1. A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified.
  2. A permanent or temporary system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established and drought-tolerant.
  3. Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design.
  4. A temporary permit issued for a period of one year, after which an inspection shall be conducted to assure that the plants have become established. Any plants that have died, or that appear to the Planning Director to not be thriving, shall be appropriately replaced within one growing season. An inspection fee and a maintenance bond or other security sufficient to cover all costs of replacing the plant materials shall be provided, to the satisfaction of the Community Development Director. Additionally, the applicant shall provide the City with a written license or easement to enter the property and cause any failing plant materials to be replaced.

**Response:** Plants will be installed and maintained properly. An irrigation system will be installed as needed. Additional details about the irrigation system will be provided with construction plans.

- D. Protection. All required landscape areas, including all trees and shrubs, shall be protected from potential damage by conflicting uses or activities including vehicle parking and the storage of materials.

**Response:** The attached planting plans demonstrate that all landscape areas will be located off the street and protected from potential damage by vehicle travel along streets and alleys.

**(.08) Landscaping on Corner Lots.**

All landscaping on corner lots shall meet the vision clearance standards of Section 4.177. If high screening would ordinarily be required by this Code, low screening shall be substituted within vision clearance areas. Taller screening may be required outside of the vision clearance area to mitigate for the reduced height within it.

**Response:** Landscaping will meet the vision clearance standards.

**(.09) Landscape Plans.**

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. Landscape plans shall divide all landscape areas into the following categories based on projected water consumption for irrigation:

- A. High water usage areas (+/- two (2) inches per week): small convoluted lawns, lawns under existing trees, annual and perennial flower beds, and temperamental shrubs;
  - B. Moderate water usage areas (+/- one (1) inch per week): large lawn areas, average water-using shrubs, and trees;
  - C. Low water usage areas (Less than one (1) inch per week, or gallons per hour): seeded field grass, swales, native plantings, drought-tolerant shrubs, and ornamental grasses or drip irrigated areas.
  - D. Interim or unique water usage areas: areas with temporary seeding, aquatic plants, erosion control areas, areas with temporary irrigation systems, and areas with special water-saving features or water harvesting irrigation capabilities.
- These categories shall be noted in general on the plan and on the plant material list.

**Response:** The attached plans include the required information listed in Section 4.176(.09).

**(.10) Completion of Landscaping.**

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.

**Response:** The applicant does not anticipate deferring the installation of plant materials. Should it be necessary to defer installation of plant materials, the applicant will apply for a temporary permit.

**(.11) Street Trees Not Typically Part of Site Landscaping.**

Street trees are not subject to the requirements of this Section and are not counted toward the required standards of this Section. Except, however, that the Development Review Board may, by granting a waiver

or variance, allow for special landscaping within the right-of-way to compensate for a lack of appropriate on-site locations for landscaping. See subsection (.06), above, regarding street trees.

**Response:** Street trees are not counted toward the required standards of this Section.

**(.12) Mitigation and Restoration Plantings.**

**Response:** Tree mitigation plantings will conform to all standards as set forth in this section. A Tree Preservation Plan is included in Section IV.

**SECTION 4.177. STREET IMPROVEMENT STANDARDS**

**(.01) Except as specifically approved by the Development Review Board, all street and access improvements shall conform to the Street System Master Plan, together with the following standards:**

**H. Access drives and lanes.**

**Response:** Montague Park is accessible from the adjacent streets as shown on the attached plans. All streets accommodate 2-way traffic.

**I. Corner or clear vision area.**

1. A clear vision area 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. No structures, plantings, or other obstructions that would impede visibility between the height of 30 inches and 10 feet shall be allowed within said area. Measurements shall be made from the top of the curb, or, when there is no curb, from the established street center line grade. However, the following items shall be exempt:
  - a. Light and utility poles with a diameter less than 12 inches.
  - b. An existing tree, trimmed to the trunk, 10 feet above the curb.
  - c. Official warning or street sign.
  - d. Natural contours where the natural elevations are such that there can be no cross-visibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.

**Response:** Landscaping at the corners of the park will be less than 30 inches in height to assure that visibility is not blocked.

**SECTION 4.178. SIDEWALK & PATHWAY STANDARDS**

**(.01) 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.

**Response:** All sidewalks and pathways in the subject area comply with the width surface requirements of the Master Plan and the park designs for Montague Park.

**(.03) Pavement surface.**

- A. All bike paths shall be paved with asphalt to provide a smooth riding surface. Where pathways are adjacent to and accessible from improved public streets, the Public Works Director may require a concrete surface. At a minimum the current AASHTO “Guide for the Development of Bicycle Facilities” and the State “Oregon Bicycle Plan” shall be used to design all bicycle facilities within the City of Wilsonville. Any deviation from the AASHTO, ODOT, and City standards will require approval from the City Engineer prior to implementation of the design.
- B. To increase safety, all street crossings shall be marked and should be designed with a change of pavement such as brick or exposed aggregate. All arterial crossings should be signalized.
- C. All pathways shall be clearly posted with standard bikeway signs.
- D. Pedestrian and equestrian trails may have a gravel or sawdust surface if not intended for all weather use.

**Response:** The attached plans demonstrate compliance with the above standards.

**(.06) Pathway Clearance.**

- A. Vertical clearance of at least 8 feet 6 inches shall be maintained above the surface of all pathways. The clearance above equestrian trails shall be a minimum of ten feet.
- B. All landscaping, signs and other potential obstructions shall be set back at least (1) foot from the edge of the pathway surface. No exposed rock should be permitted within two (2) feet of the path pavement and all exposed earth within two (2) feet of the pavement shall be planted with grass, sod or covered with 2" of barkdust.

**Response:** As shown on the attached plans, all potential obstructions are at least one foot from the edge of the pathway surfaces, and vertical clearance will be maintained.

**SITE DESIGN REVIEW**

**SECTION 4.400. PURPOSE.**

- (.01) 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 therefore.

**Response:** Montague Park is not in the business, commercial, industrial, or residential areas of the City. The SAP Central *Master Signage & Wayfinding Plan* calls for one internal site identifier to be located at the Villebois Drive/Costa Circle East roundabout. The proposed landscaping within Montague Park is designed in compliance with the standards for Villebois, so the entire development will have a cohesive, harmonious appearance, creating a desirable place of residence and adding to the overall quality of life.

**(.02) The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:**

- A. Assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment.**

**Response:** Montague Park is designed to assure proper functioning of the site and to maintain an aesthetically pleasing environment. The proposed landscaping and park design will add to the quality of the environment as well as the functioning of the site.

- B. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;**

**Response:** The application includes landscaping as shown on the attached plans, which will enhance the visual environment of the site. Pedestrian connections to sidewalks, trails, and adjacent areas will be provided to enhance the site's connectivity to surrounding uses.

- C. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;**

**Response:** The subject area will include landscaping as shown on the attached plans. Landscaping will consist of an appropriate mixture of ground cover, shrubs, and trees selected from the Villebois Plant List to create a harmonious appearance throughout the larger Villebois development. The proposed landscaping and hardscaping will contribute to an interesting and aesthetically appealing development.

- D. Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;**

**Response:** Montague Park will incorporate landscaping that makes sense for a Pacific Northwest community, while matching the City's natural beauty and visual character.

- E. **Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;**

**Response:** Montague Park activities, along with pedestrian connections to adjacent residences and streets, will help to maintain the appeal of Villebois as a unique and attractive community in which to live, work, and recreate. Residents of Villebois will stimulate the local economy by opening new businesses and thus creating jobs and by spending money in existing businesses.

- F. **Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;**

**Response:** Montague Park will create neighborhood amenities that will help to maintain property values in this new community. The Villebois Village Center Homeowners Association will ensure that this area is properly maintained over time.

- G. **Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services.**

**Response:** The process used to plan for Villebois incorporates a tiered system that originates at the *Villebois Village Master Plan*. The *Master Plan* shows how facilities, including parks and open space, are distributed and available to residents throughout Villebois. This application is consistent with the SAP - Central and the *Villebois Village Master Plan*, and therefore, complies with this criterion.

- H. **Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior -- particularly crime;**

**Response:** The *Villebois Village Master Plan* shows that the community will include a variety of housing options (living) and the Village Center will contain places for employment (working). This application shows Montague Park which will enhance surrounding residential areas. Residents who will surround the parks and open spaces will provide on-going surveillance and control.

- I. **Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements;**

**Response:** The design of the Villebois Village has been created to develop a community that is truly unique. The City and Villebois Master Planner, as well as the Applicant, are working in partnership with nearby residents, property owners, and local and regional governments to create a complete, livable, pedestrian-oriented community that will be an asset to the City of Wilsonville and Portland region. This

partnership has generated citizen participation in the project and the unique design shall foster civic pride and community spirit amongst the residents of Villebois.

- J. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City.

**Response:** The design of the Villebois Village revolves around three guiding principles: connectivity, diversity, and sustainability. These principles are intended to sustain the comfort, health, tranquility, and contentment of Villebois residents, while also promoting and protecting the peace, health and welfare of the City. *Connectivity* refers to creating connections between Villebois neighborhoods and between Villebois and other parts of the City and region for multiple modes of transportation. *Diversity* includes multiple choices of housing styles, housing affordability, recreation, employment, goods and services, and infrastructure for transportation. *Sustainability* involves the protection of natural resources and open space, energy conservation, and storm and rainwater management.

**SECTION 4.421. CRITERIA AND APPLICATION OF DESIGN STANDARDS.**

(.01) 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. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)

- A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

**Response:** As shown in the attached plans, proposed plant materials are drawn from the Villebois Plant List, which includes native species, to ensure consistency of general appearance within the Villebois community.

- B. Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.



**Response:** Chapter 3 of the *Villebois Village Master Plan* takes into account scenic views, topography, existing vegetation, and other natural features in the design and location of parks and open spaces in the Villebois development. The application area does not include any steep slopes, wetlands, flood plains, SROZ areas, or sensitive wildlife habitat areas. Existing trees will be preserved as shown in the Tree Preservation Plan (see Section IV). The application includes all elements specified for Montague Park within the *Master Plan*, except as proposed to be refined with the PDP as described in Section 4.125(.18)(J).

- C. **Drives, Parking and Circulation.** With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

**Response:** No driveways or parking areas are proposed or required with this application. Montague Park is accessible from adjacent streets and pathways, as shown on the attached plans.

- D. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.

**Response:** The application is consistent with grading and drainage planned for Montague Park. This system has been carefully designed so as not to adversely affect neighboring properties.

- E. **Utility Service.** Any utility installations above ground shall be located so as to have an harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.

**Response:** The application is consistent with the utilities planned for Montague Park. This system has been carefully designed so as not to adversely affect neighboring properties.

- F. **Advertising Features.** In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

**Response:** No advertising features are proposed in this application.

- G. **Special Features.** Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous

with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.

**Response:** This application does not propose any exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures or other accessory areas and structures. Compliance with Section 4.176 is addressed earlier in this report.

(.02) 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.

**Response:** No accessory buildings or structures are proposed.

(.03) The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.

**Response:** Compliance with the purpose of Section 4.400 has been addressed earlier in this report.

#### **SECTION 4.440. PROCEDURE.**

(.01) **Submission of Documents.**

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:

- A. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas, and railroad tracks. The site plan shall indicate the location of entrances and exits and direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided.
- B. A Landscape Plan, drawn to scale, showing the location and design of landscaped areas, the variety and sizes of trees and plant materials to be planted on the site, the location and design of landscaped areas, the varieties, by scientific and common name, and sizes of trees and plant materials to be retained or planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials. An inventory, drawn at the same scale as the Site Plan, of existing trees of 4" caliper or more is required. However, when large areas of trees are proposed to be retained undisturbed, only a survey identifying the location and size of all perimeter trees in the mass in necessary.
- C. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures

and other improvements as they will appear on completion of construction. Floor plans shall also be provided in sufficient detail to permit computation of yard requirements based on the relationship of indoor versus outdoor living area, and to evaluate the floor plan's effect on the exterior design of the building through the placement and configuration of windows and doors.

- D. A Color Board displaying specifications as to type, color, and texture of exterior surfaces of proposed structures. Also, a phased development schedule if the development is constructed in stages.
- E. A sign plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.
- F. The required application fee.

**Response:** The plans meet the requirements of Section 4.440 (.01). A copy of the application fee submitted is included in Exhibit IB of this notebook. Architectural drawings and a color board are not required as the application proposes park use. One internal site identifier is proposed at the Villebois Drive/Costa Circle East roundabout, as called for in the SAP Central *Master Signage & Wayfinding Plan* and shown on the attached plans (see Section IIB).

#### SECTION 4.450. INSTALLATION OF LANDSCAPING.

(.01) 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.

**Response:** The applicant understands that they must provide a security to guarantee installation of the proposed landscaping.

(.02) 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.

**Response:** The applicant understands that changes to the landscape plan included in this application cannot be made without official action of the Planning Director or the Development Review Board.

(.03) 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.

**Response:** The applicant understands that they are responsible for the ongoing maintenance of the proposed landscaping.

(.04) 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.

**Response:** This application does not include any existing development; therefore this criterion does not apply.

## II. CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Planning & Land Development Ordinance for the requested PDP, SAP Refinement, and FDP. Therefore, the applicant requests approval of this application.

# **Section IIB) Plan Set**

# MONTAGUE PARK VILLEBOIS PRELIMINARY DEVELOPMENT PLAN & FINAL DEVELOPMENT PLAN

TL 3100, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SECTION 15 A.C.  
CITY OF WILSONVILLE, OREGON



RCS-VILLEBOIS  
DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC  
PACIFIC COMMUNITY DESIGN, INC

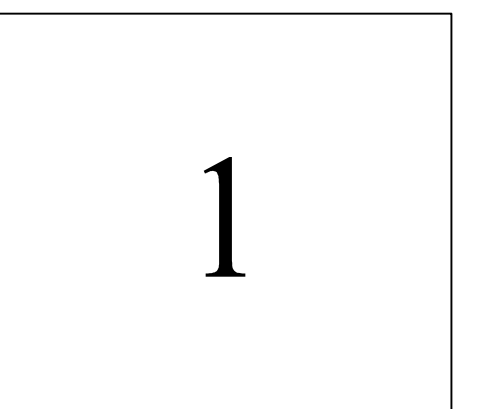


PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Cover Sheet

DATE 2/24/15



**APPLICANT/PROPERTY OWNER:**

RCS - VILLEBOIS DEVELOPMENT, LLC  
371 CENTENNIAL PARKWAY, SUITE 200  
LOUISEVILLE, CO 80027  
[P] 303-533-1615  
CONTACT: BRIAN PAUL/DAVID NASH

**PLANNER:**

PACIFIC COMMUNITY DESIGN, INC  
12564 SW MAIN STREET  
TIGARD, OR 97223  
[P] 503-941-9484  
CONTACT: STACY CONNERY, AICP

**CIVIL ENGINEER:**

PACIFIC COMMUNITY DESIGN, INC  
12564 SW MAIN STREET  
TIGARD, OR 97223  
[P] 503-941-9484  
CONTACT: KC SCHWARTZKOPH, PE

**SURVEYOR:**

PACIFIC COMMUNITY DESIGN, INC  
12564 SW MAIN STREET  
TIGARD, OR 97223  
[P] 503-941-9484  
CONTACT: TRAVIS JANSEN, PLS, PE

**LANDSCAPE ARCHITECT:**

OTTEN LANDSCAPE ARCHITECTS, INC.  
3933 SW KELLY AVE, SUITE B  
PORTLAND, OR 97239  
[P] 503-972-0311  
CONTACT: JANET OTTEN, LANDSCAPE ARCHITECT

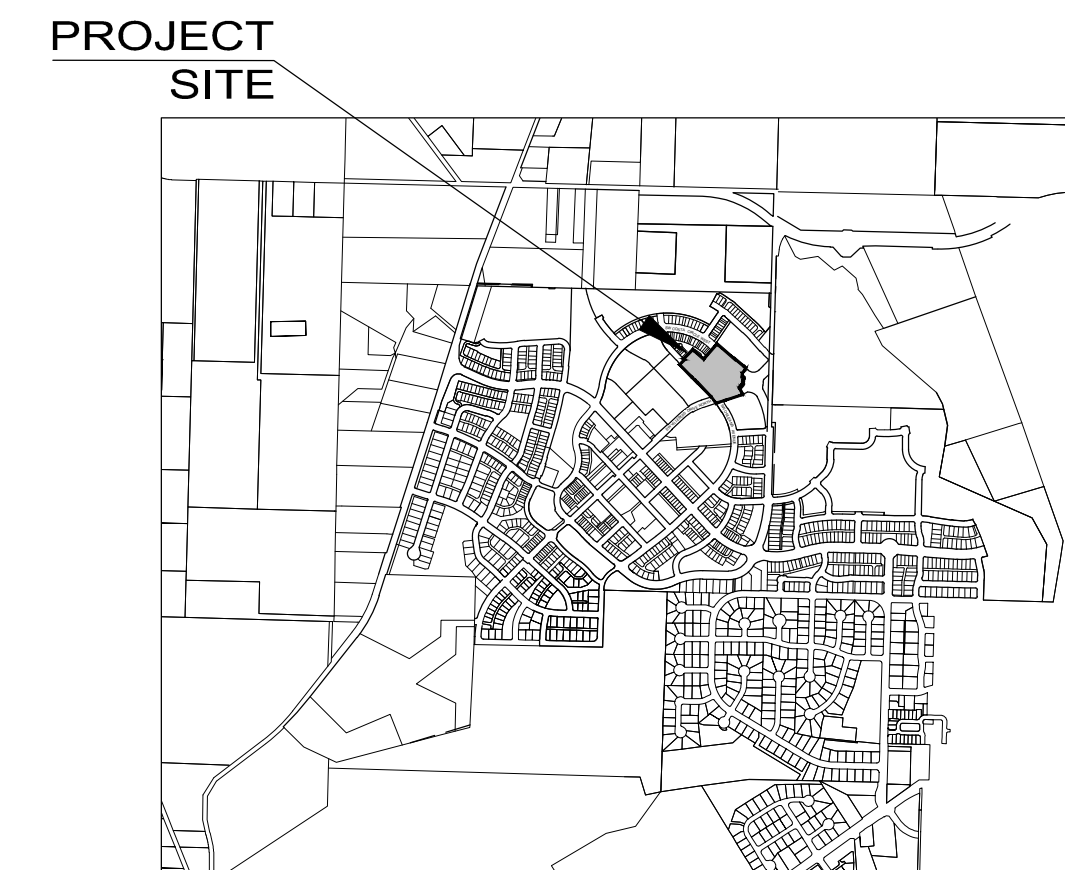
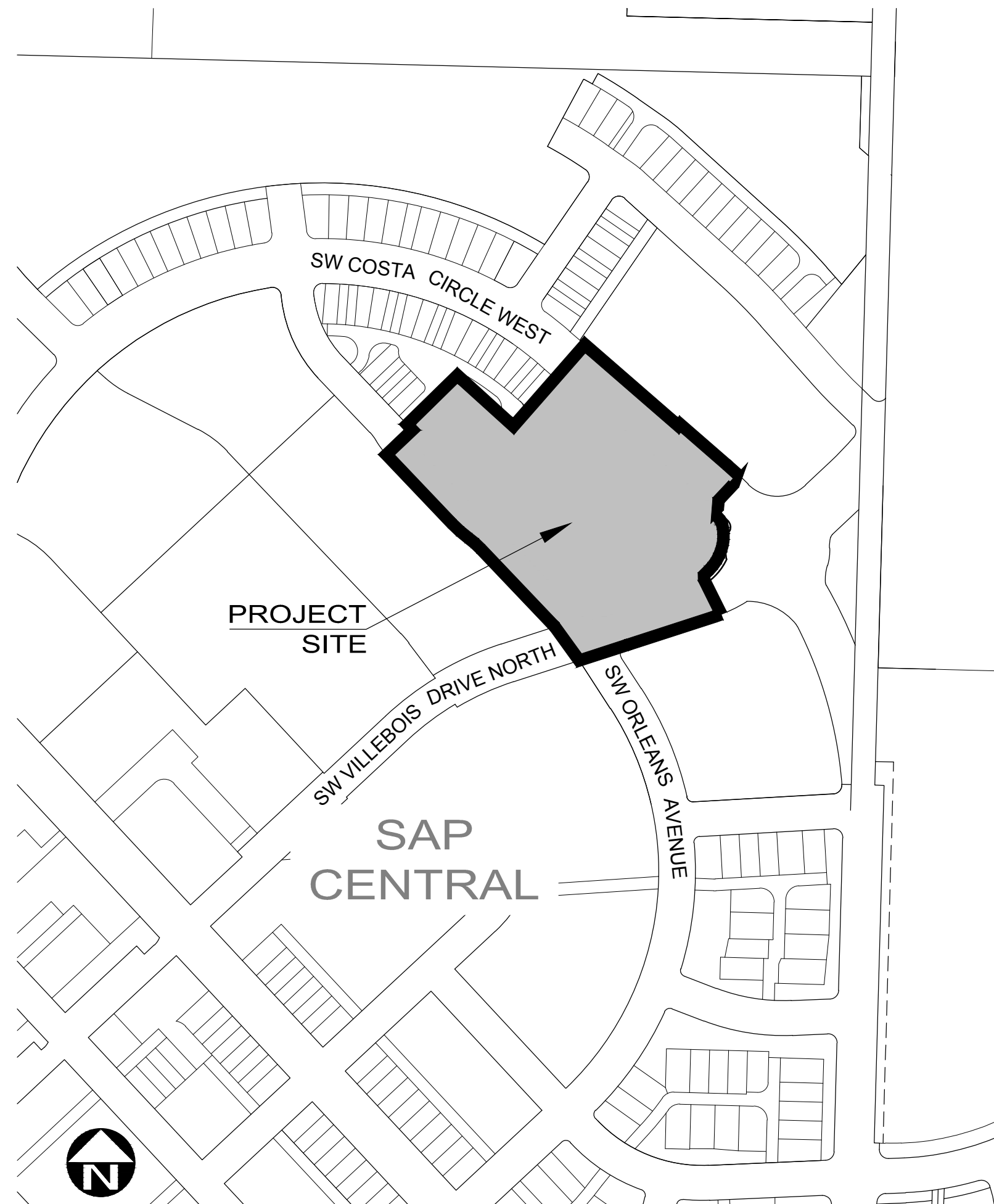
**GEOTECHNICAL ENGINEER:**

GEODESIGN, INC.  
15575 SW SEQUOIA PARKWAY, SUITE 100  
PORTLAND, OR 97224  
[P] 503-968-8787  
CONTACT: CRAIG WARE, PE

**BENCHMARK:**

OREGON STATE PLANE COORDINATE 5818 LOCATED  
IN MOMUMENT BOX IN CENTERLINE OF TOOZE ROAD  
0.2 MILES WEST OF 110TH AVE.

ELEVATION DATUM: NAVD 88, ELEVATION = 202.991



**SHEET INDEX:**

- 1 COVER SHEET
- 2 EXISTING CONDITIONS
- 3 AERIAL PHOTOGRAPH
- 4 PRELIMINARY SITE/LAND USE PLAN
- 5 PRELIMINARY GRADING/EROSION CONTROL PLAN
- 6 COMPOSITE UTILITY PLAN
- 7 CIRCULATION PLAN & STREET SECTIONS
- 8.1 TREE PRESERVATION PLAN
- 8.2 TREE PRESERVATION DETAIL
- 9 SAP CENTRAL PHASING PLAN UPDATE
- L1.0 LANDSCAPE PLAN & DETAILS
- L2.0 LANDSCAPE PLAN & DETAILS
- L3.0 LANDSCAPE PLAN & DETAILS
- L4.0 LANDSCAPE DETAILS & SPECIFICATIONS

**UTILITIES & SERVICES:**

WATER:	CITY OF WILSONVILLE
STORM:	CITY OF WILSONVILLE
SEWER:	CITY OF WILSONVILLE
POWER:	PORTLAND GENERAL ELECTRIC
GAS:	NORTHWEST NATURAL
FIRE:	TUALATIN VALLEY FIRE & RESCUE
POLICE:	CLACKAMAS COUNTY SHERIFF
SCHOOL:	WEST LINN / WILSONVILLE SCHOOL DISTRICT 3JT
PARKS:	CITY OF WILSONVILLE
PHONE:	FRONTIER
WASTE DISPOSAL:	UNITED DISPOSAL SERVICE
CABLE:	COMCAST





Villebois

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OTTEN LANDSCAPE ARCHITECTS, INC  
PACIFIC COMMUNITY DESIGN, INC



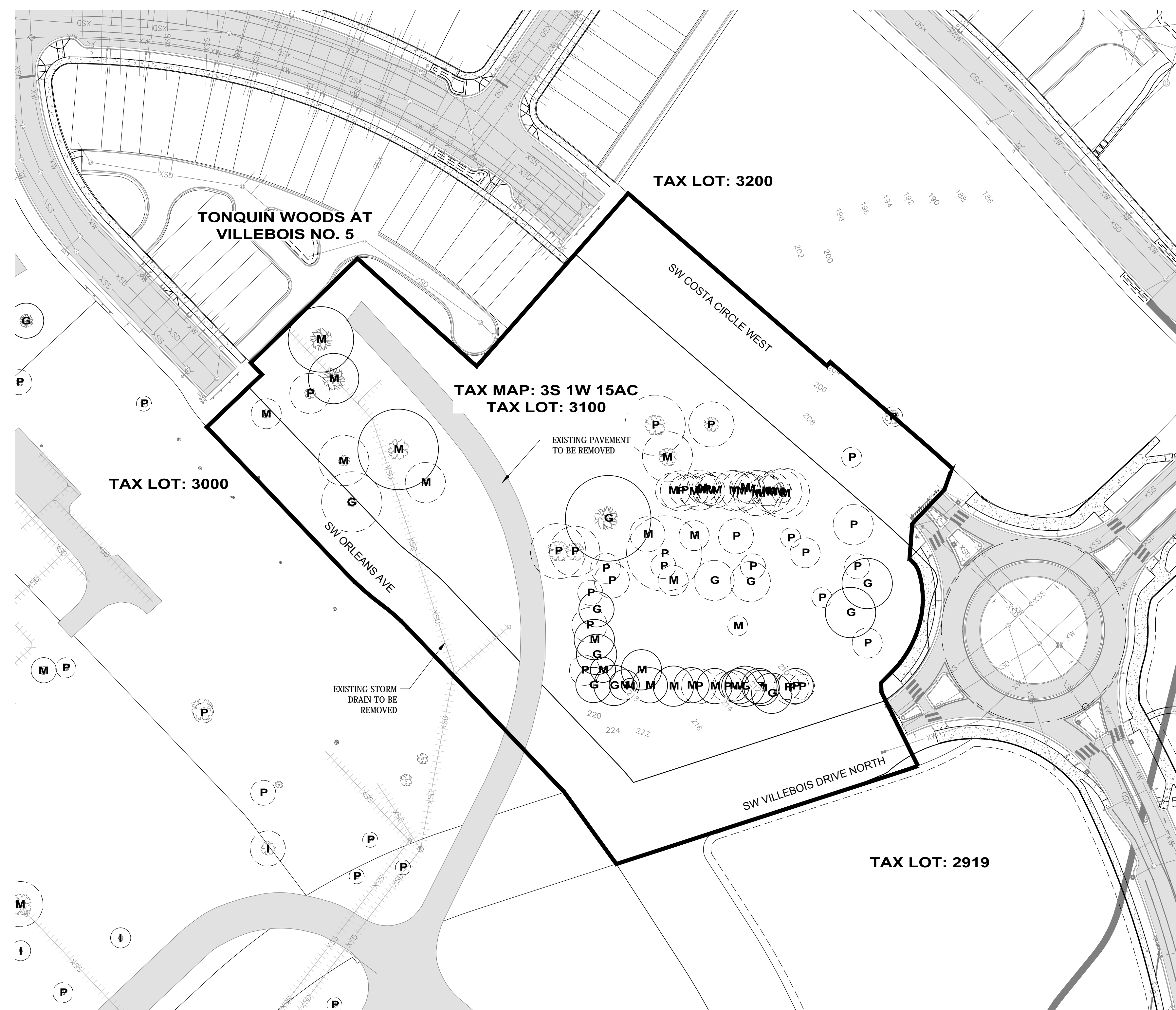
PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Existing Conditions

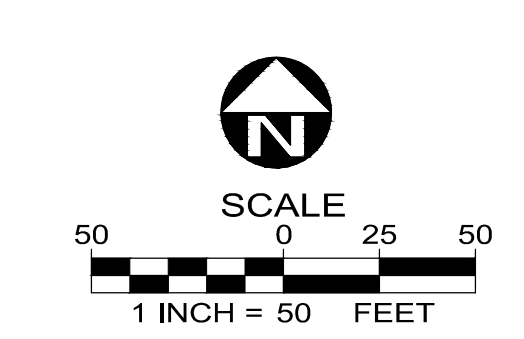
DATE 2/24/15

2



**LEGEND**

	SITE BOUNDARY
	EX 2-FT CONTOUR
	EX 10-FT CONTOUR
	EX SANITARY SEWER
	EX STORM DRAIN
	EX WATER LINE
	EX TELEPHONE LINE
	EX GAS LINE
	EX OIL LINE
	EX PAVEMENT
	EX SIDEWALK
	EX ASPHALT PAVEMENT
	EX SANITARY CLEANOUT
	EX STORM MANHOLE
	EX SANITARY MANHOLE
	EX CATCH BASIN
	EX WATER METER
	EX STORM CLEANOUT
	EX FIRE HYDRANT
	EX CURB INLET
	EX WATER VALVE
	EX BLOW-OFF
	EX ELECTRICAL BOX
	EX POWER METER
	EX PGE PADMOUNT TRANSFORMER
	EX WATER VALVE
	EX STREET LIGHT
	EX LIGHT POLE
	EX STREET SIGN
	EX FENCE
	EX TREE
	EX TREES TO REMAIN
	EX TREES TO REMOVED
<b>I</b>	IMPORTANT
<b>G</b>	GOOD
<b>M</b>	MODERATE
<b>P</b>	POOR



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Villebois

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DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC  
PACIFIC COMMUNITY DESIGN, INC



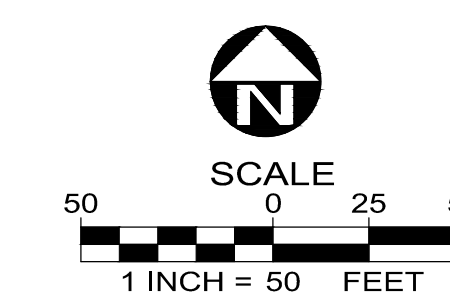
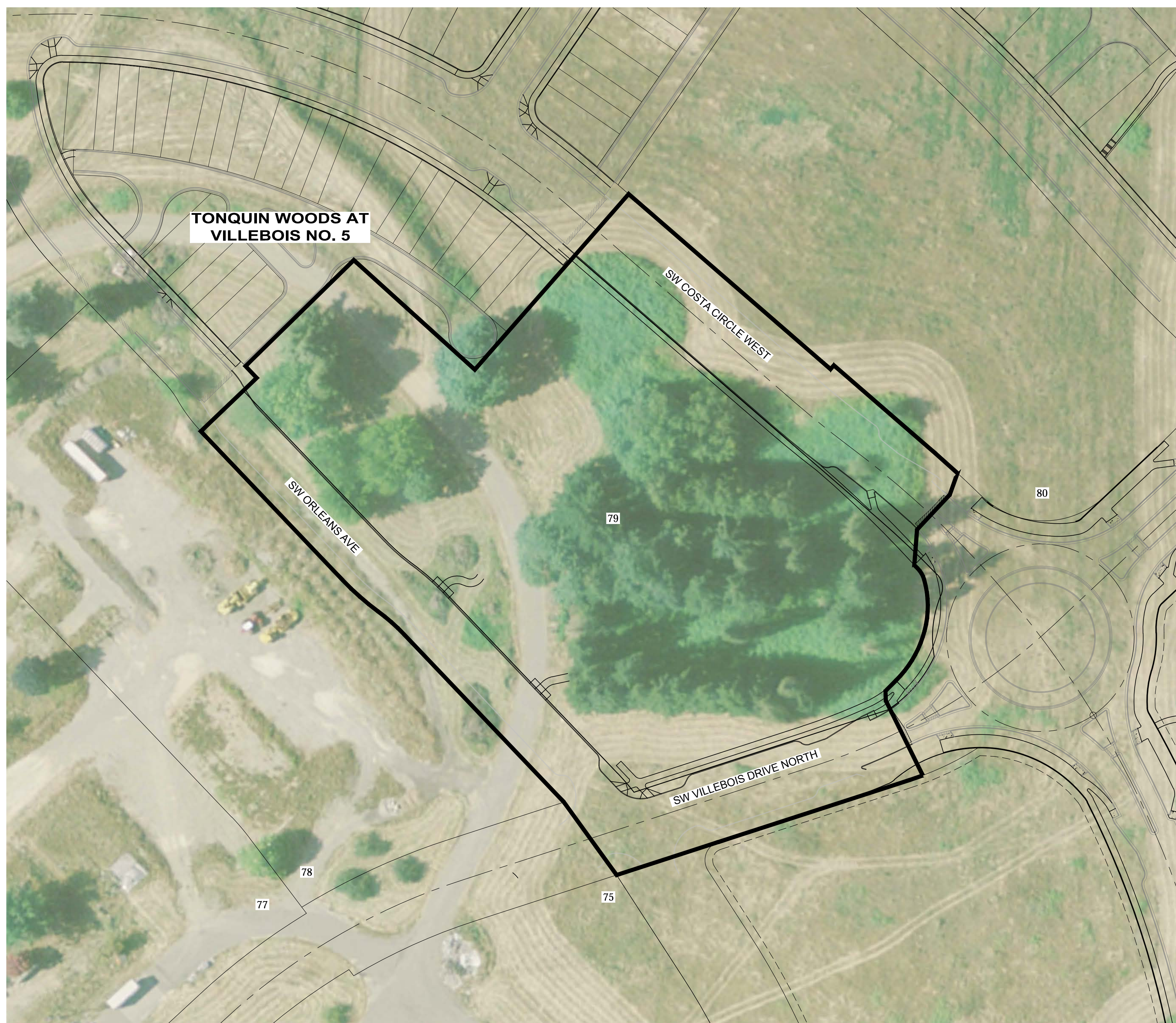
PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Aerial  
Photograph

DATE 2/24/15

3







Villebois

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DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC  
PACIFIC COMMUNITY DESIGN, INC



PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Site/Land Use  
Plan


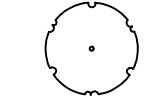



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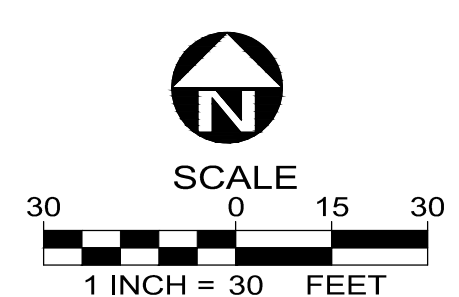
NP-4 = NEIGHBORHOOD PARK 4  
(FORMERLY NAMED HILLTOP PARK)

**LEGEND:**

-  ORNAMENTAL TREE
-  ORNAMENTAL TREE
-  CEDAR TREE
-  SHRUB
-  RAINWATER MANAGEMENT FEATURE (1320 SF TOTAL)

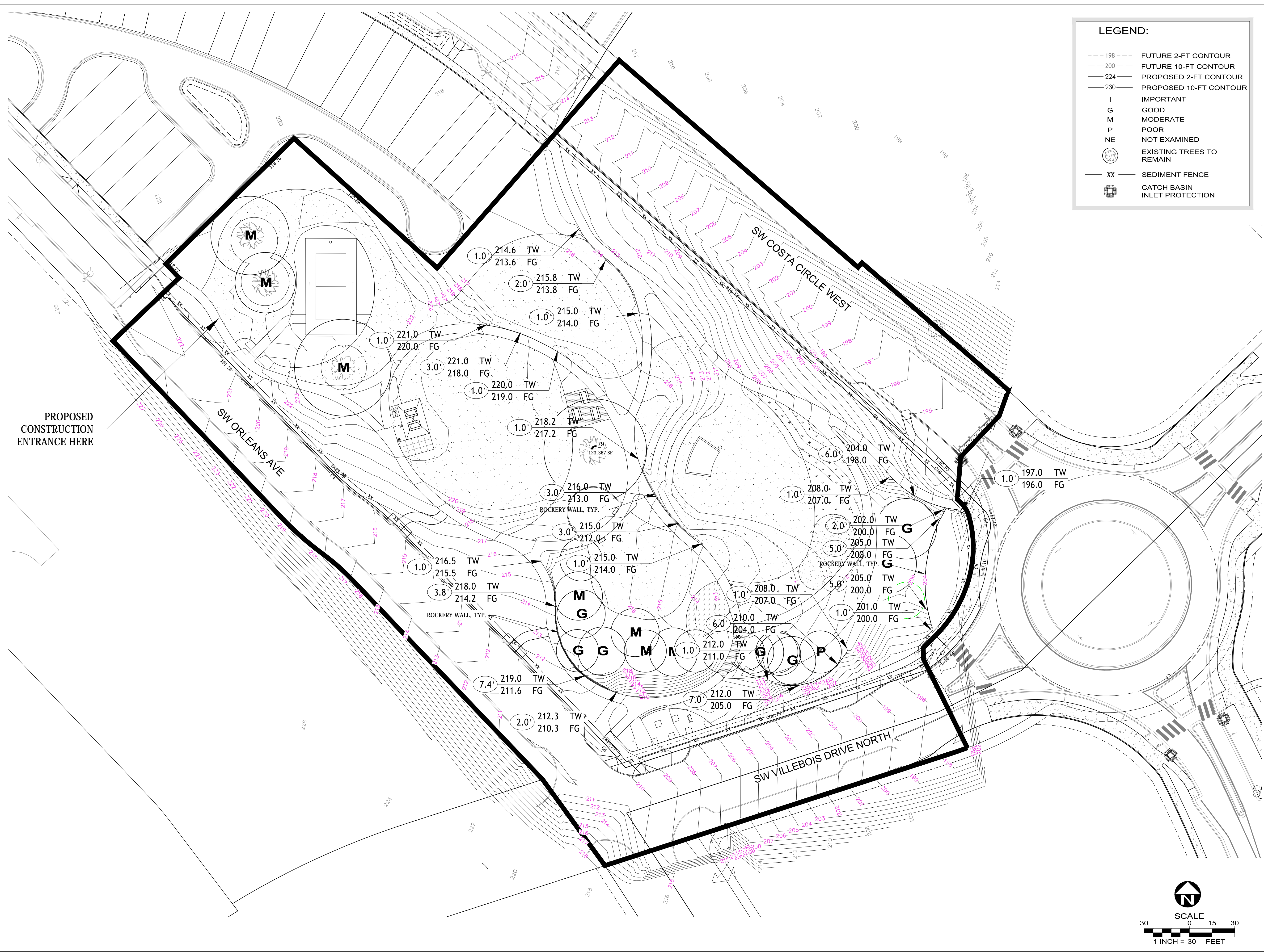
\*SEE LANDSCAPE PLANS & DETAILS L1.0-L4.0 FOR MORE INFORMATION.

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**LEGEND:**

- 198 --- FUTURE 2-FT CONTOUR
- 200 --- FUTURE 10-FT CONTOUR
- 224 --- PROPOSED 2-FT CONTOUR
- 230 --- PROPOSED 10-FT CONTOUR
- I IMPORTANT
- G GOOD
- M MODERATE
- P POOR
- NE NOT EXAMINED
- (Tree Symbol) EXISTING TREES TO REMAIN
- XX SEDIMENT FENCE
- (Square Symbol) CATCH BASIN INLET PROTECTION

PROPOSED CONSTRUCTION ENTRANCE HERE



RCS-VILLEBOIS DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC.  
PACIFIC COMMUNITY DESIGN, INC.

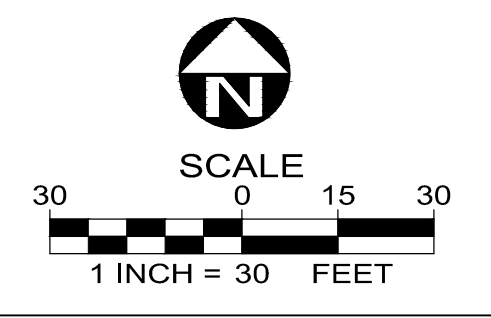


PDP 5C/FDP VILLEBOIS  
Montague Park

Preliminary Development Plan & Final Development Plan

Preliminary Grading/ Erosion Control Plan

DATE 2/24/15



5





Villebois

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DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC  
PACIFIC COMMUNITY DESIGN, INC



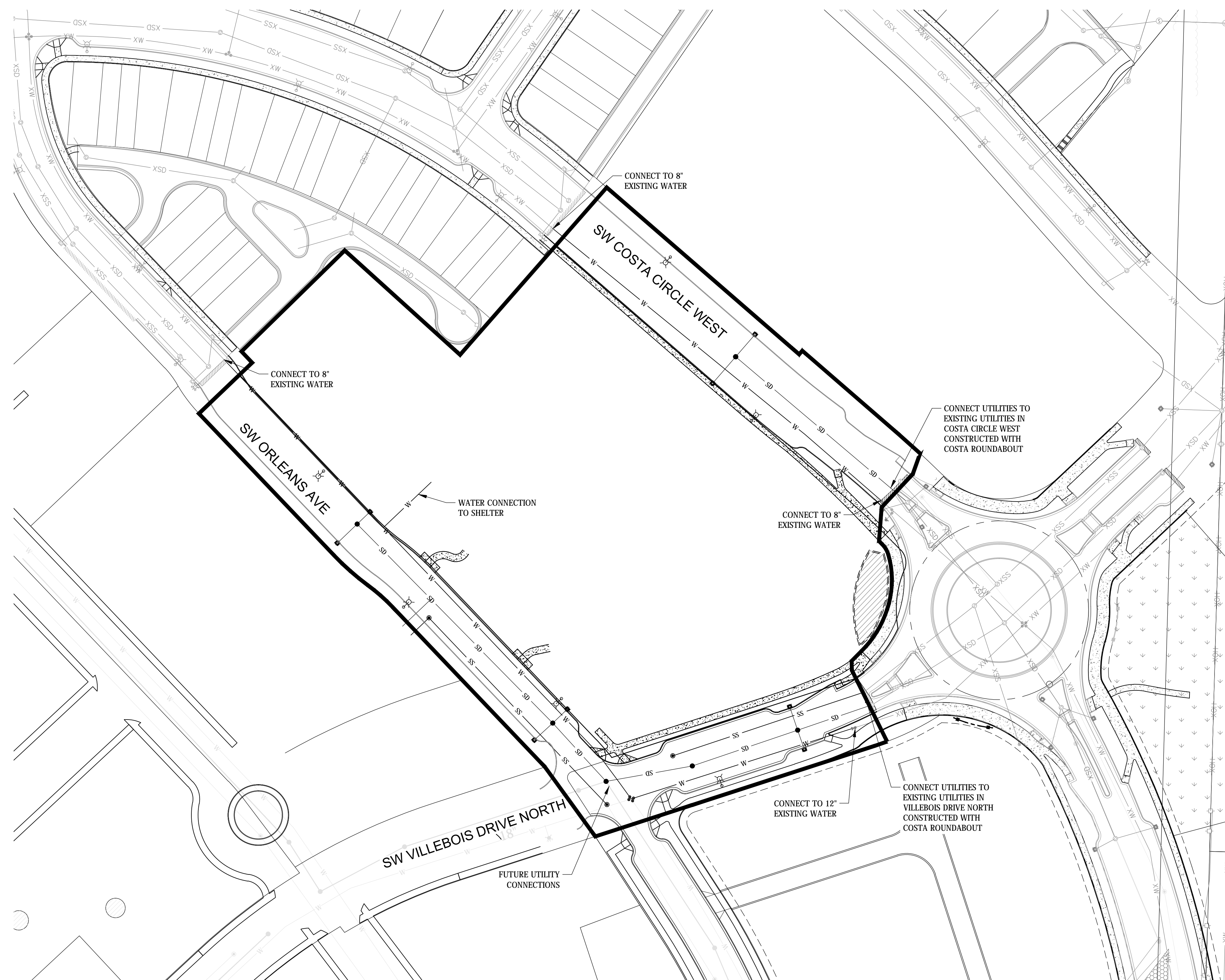
PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Composite  
Utility Plan

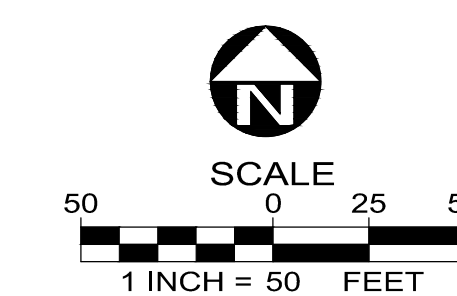
DATE 2/24/15

6



**LEGEND:**

SS	PROPOSED SANITARY SEWER
XSS	EX SANITARY SEWER
SD	PROPOSED STORM DRAIN
XSD	EX STORM DRAIN
W	PROPOSED WATER LINE
XW	EX WATER LINE
○	PROPOSED SANITARY MANHOLE
●	PROPOSED STORM MANHOLE
■	PROPOSED CATCH BASIN
⊕	PROPOSED FIRE HYDRANT
▨	PROPOSED RAIN-WATER FEATURE
⊙	PROPOSED LIGHT POLE







Villebois

RCS-VILLEBOIS  
DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC  
PACIFIC COMMUNITY DESIGN, INC



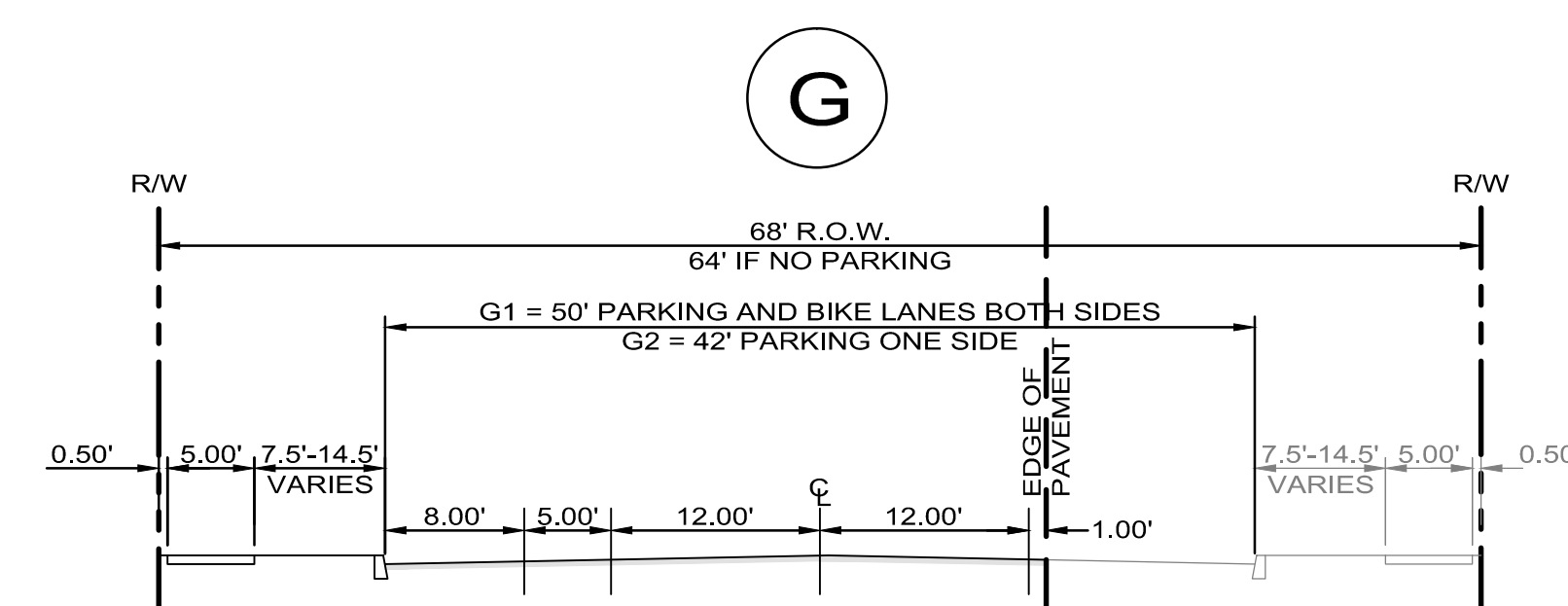
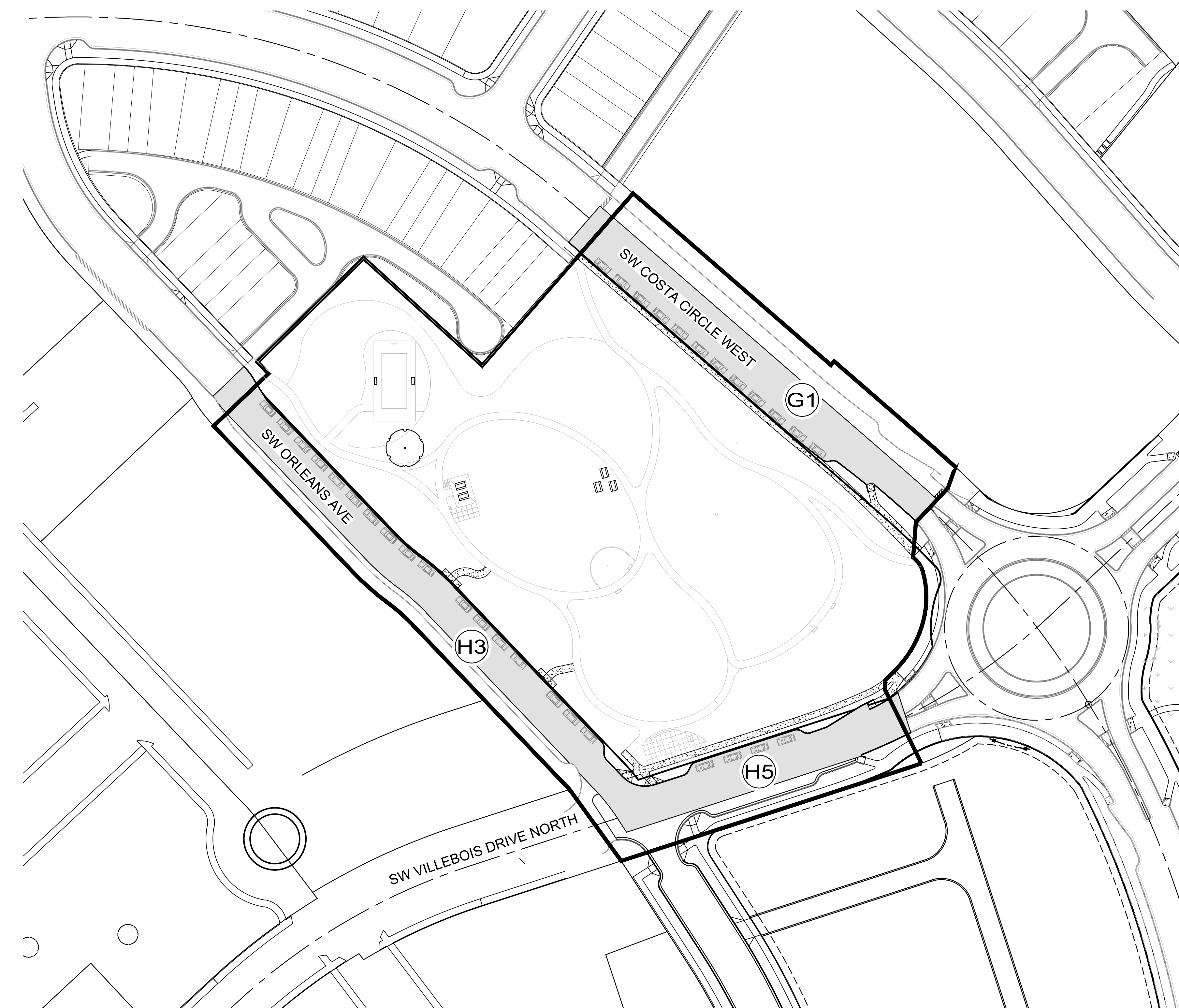
PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

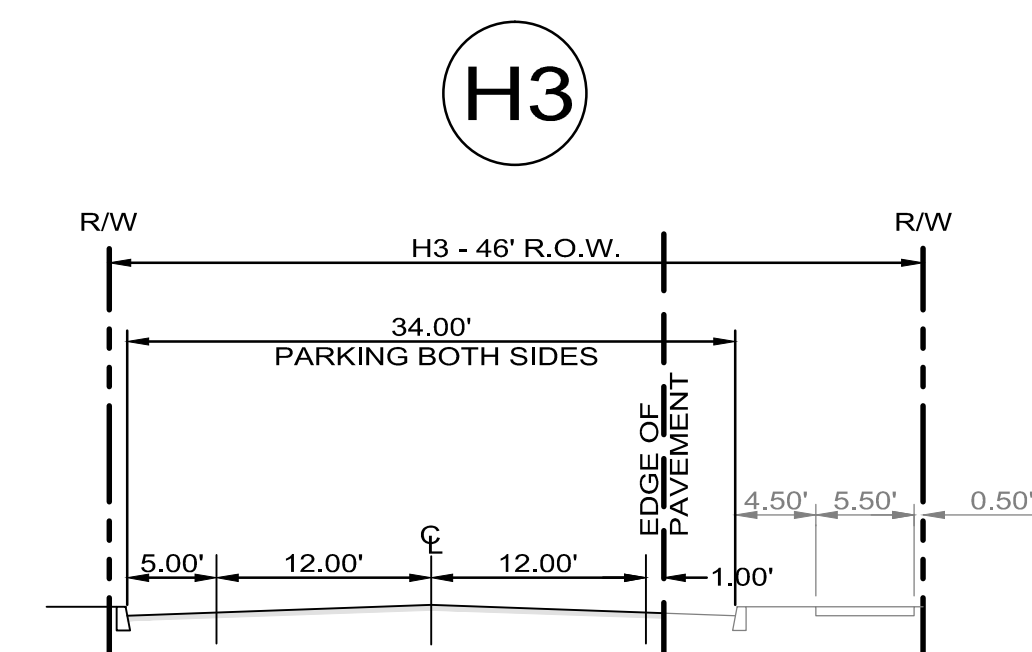
Circulation  
Plan &  
Street Sections

DATE 2/24/15

7

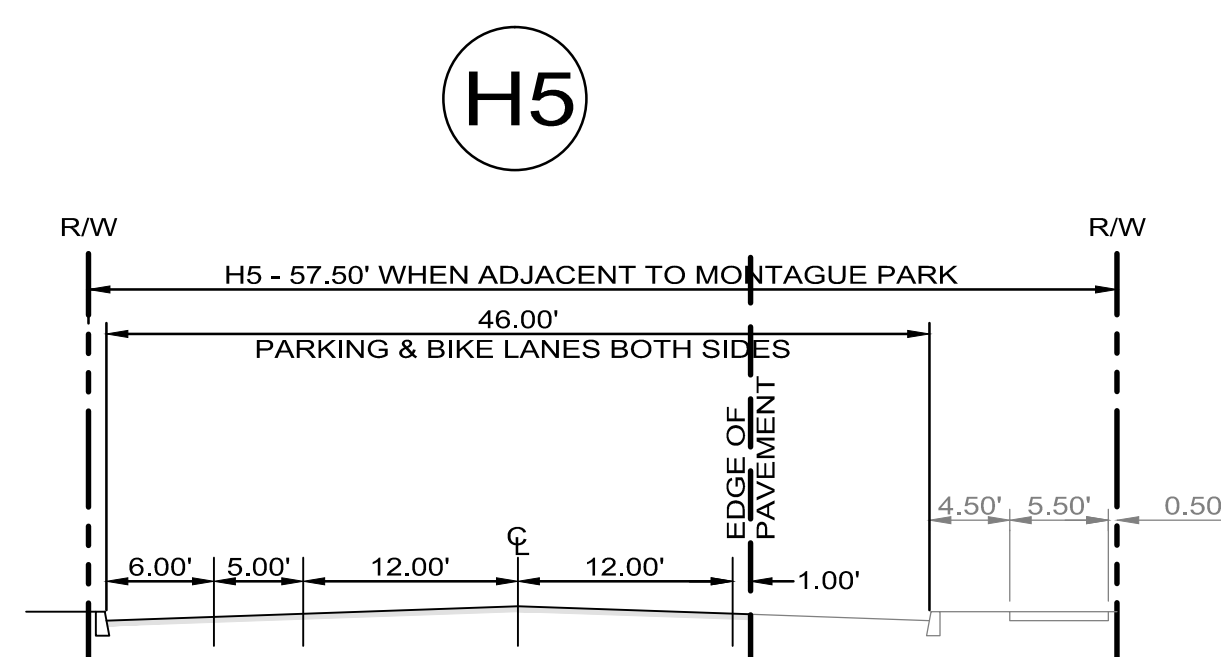


RESIDENTIAL - VILLAGE LOOP  
SCALE: 1"=10'

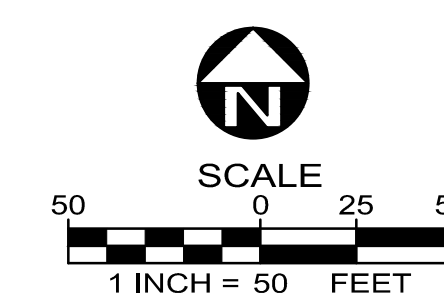


RESIDENTIAL  
VILLAGE CENTER  
SCALE: 1"=10'

\*PARKING ON ONE SIDE AS SHOWN  
DURING INTERIM 3/4-STREET STATE.  
PARKING ON BOTH SIDES AFTER  
FULL BUILD-OUT.



RESIDENTIAL  
VILLAGE CENTER  
SCALE: 1"=10'



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Villebois

RCS-VILLEBOIS  
DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC.  
PACIFIC COMMUNITY DESIGN, INC



PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Tree Preservation  
Plan

DATE 2/24/15

8.1

**LEGEND:**

- 224 — PROPOSED 2-FT CONTOUR
- 230 — PROPOSED 10-FT CONTOUR
- I IMPORTANT
- G GOOD
- M MODERATE
- P POOR
- NE NOT EXAMINED
- EXISTING TREES TO REMAIN
- EXISTING TREES TO REMOVED

**NOTES**

ALL CONSTRUCTION AND GRADING WITHIN TREE PROTECTION ZONE IS TO BE COMPLETED UNDER DIRECT SUPERVISION OF PROJECT ARBORIST. CONTACT: MORGAN HOLAN PHONE: 503-646-4349

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

**CLASSIFICATION METHOD:**

TREES WERE RATED BASED ON THE FOLLOWING CONSIDERATIONS:

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

TREES RANKED AS IMPORTANT WERE RATED HIGH IN ALL FOUR AREAS.

TREES IN THE GOOD CATEGORY HAD GOOD HEALTH AND WERE A DESIRABLE SPECIES, BUT HAD IRREGULAR FORM OR LESS COMPATIBILITY WITH DEVELOPMENT.

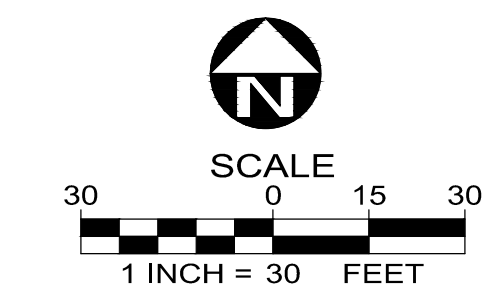
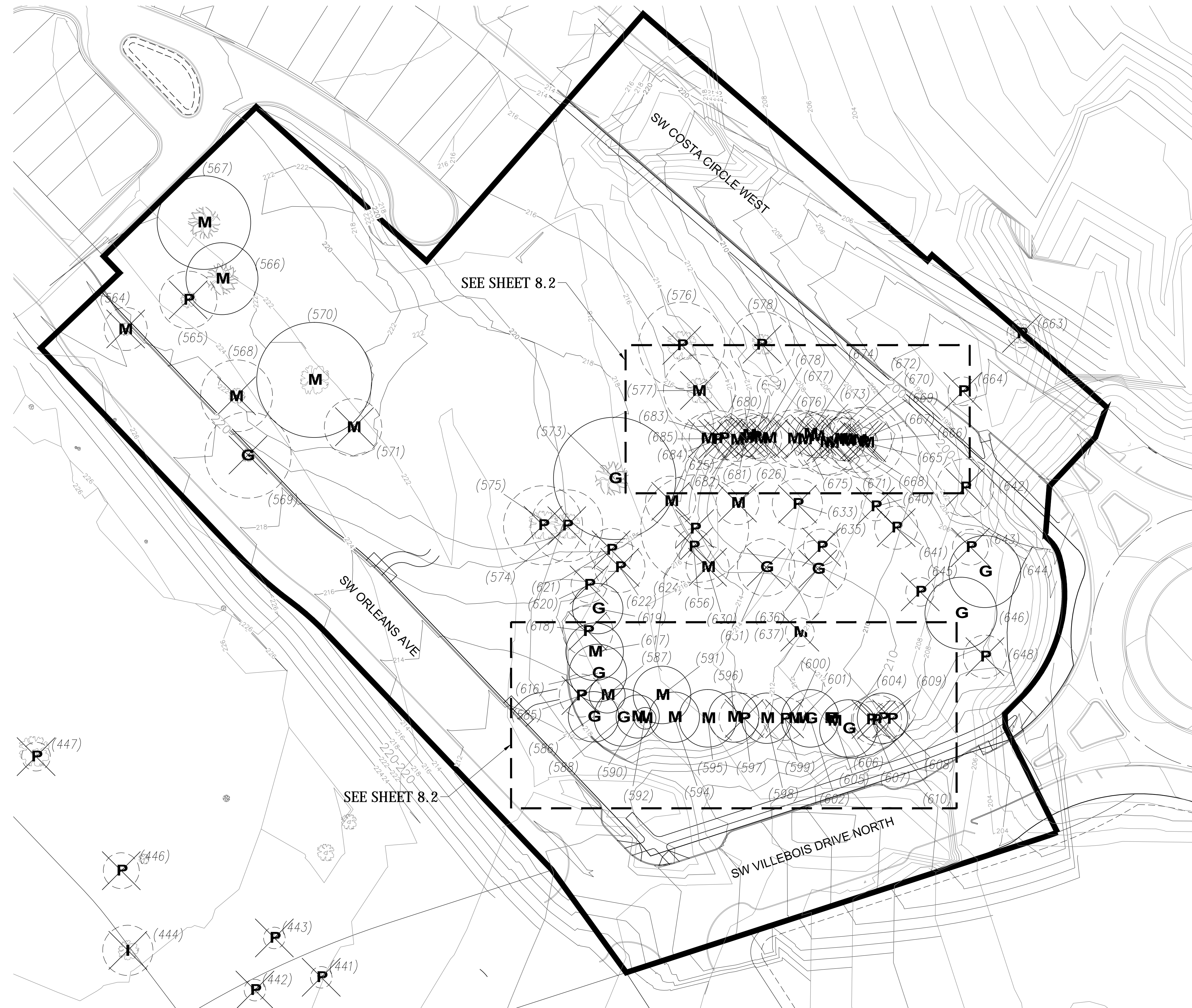
TREES IN THE MODERATE CATEGORY HAD GOOD TO MODERATE HEALTH AND FORM, BUT WERE A LESS DESIRABLE SPECIES OR MAY BE LESS COMPATIBLE WITH DEVELOPMENT.

TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

**NOTES:**

1. THE INFORMATION PROVIDED WITHIN THE PROJECT BOUNDARY IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST MORGAN HOLAN AND WAS PROVIDED IN A TREE REPORT INCLUDED WITH THE PDP 5C APPLICATION MATERIALS.

N:\pro\398-054\09 Drawings\03 Planning\Sheets\PDP\398054\_81\TREE.dwg - SHEET: 8.1 Feb. 24, 15 - 10:36 AM Bob







Villebois

RCS-VILLEBOIS  
DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC.  
PACIFIC COMMUNITY DESIGN, INC



PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Tree Preservation  
Detail

DATE 2/24/15

8.2

**LEGEND:**

— 224 —	PROPOSED 2-FT CONTOUR
— 230 —	PROPOSED 10-FT CONTOUR
I	IMPORTANT
G	GOOD
M	MODERATE
P	POOR
NE	NOT EXAMINED
	EXISTING TREES TO REMAIN
	EXISTING TREES TO REMOVED

**NOTES**

ALL CONSTRUCTION AND GRADING WITHIN TREE PROTECTION ZONE IS TO BE COMPLETED UNDER DIRECT SUPERVISION OF PROJECT ARBORIST. CONTACT: MORGAN HOLAN PHONE: 503-646-4349

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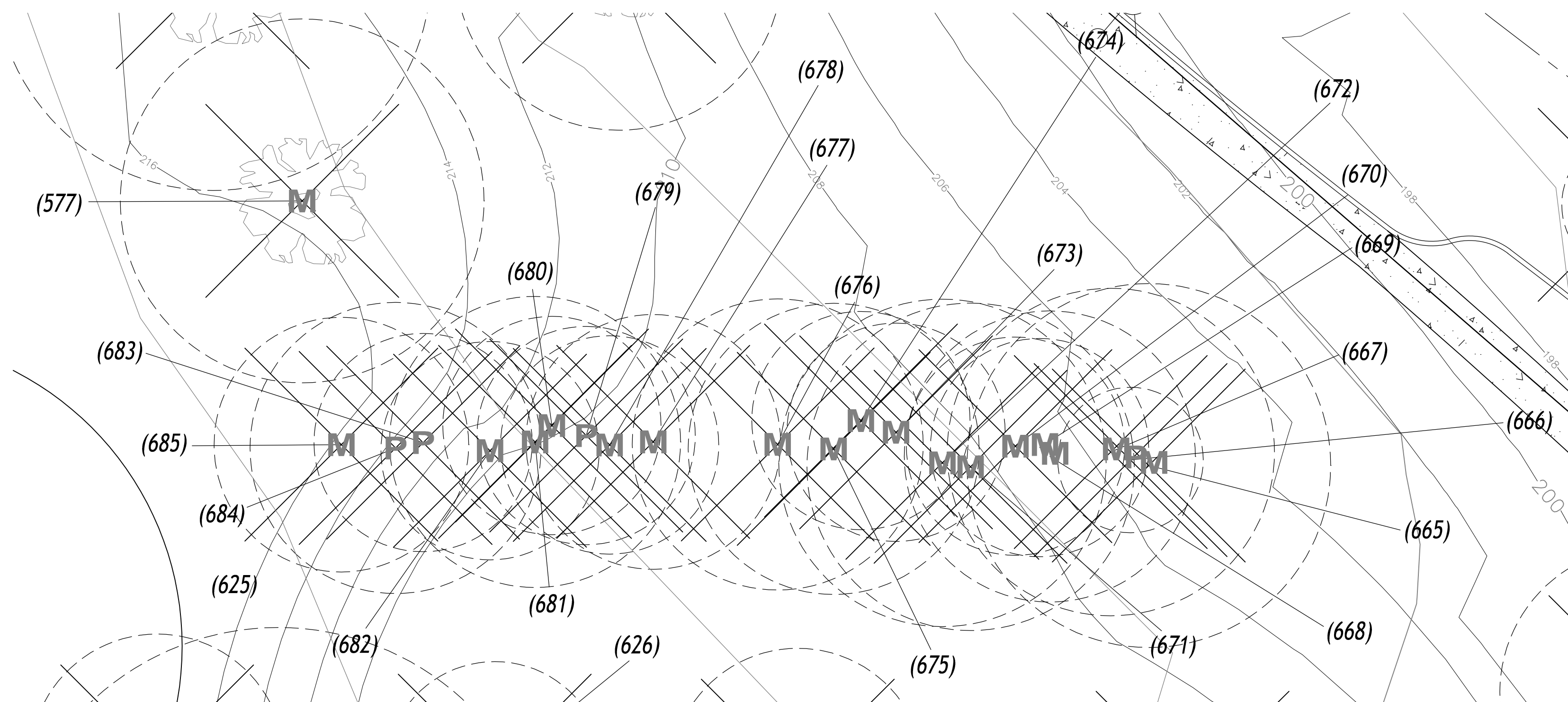
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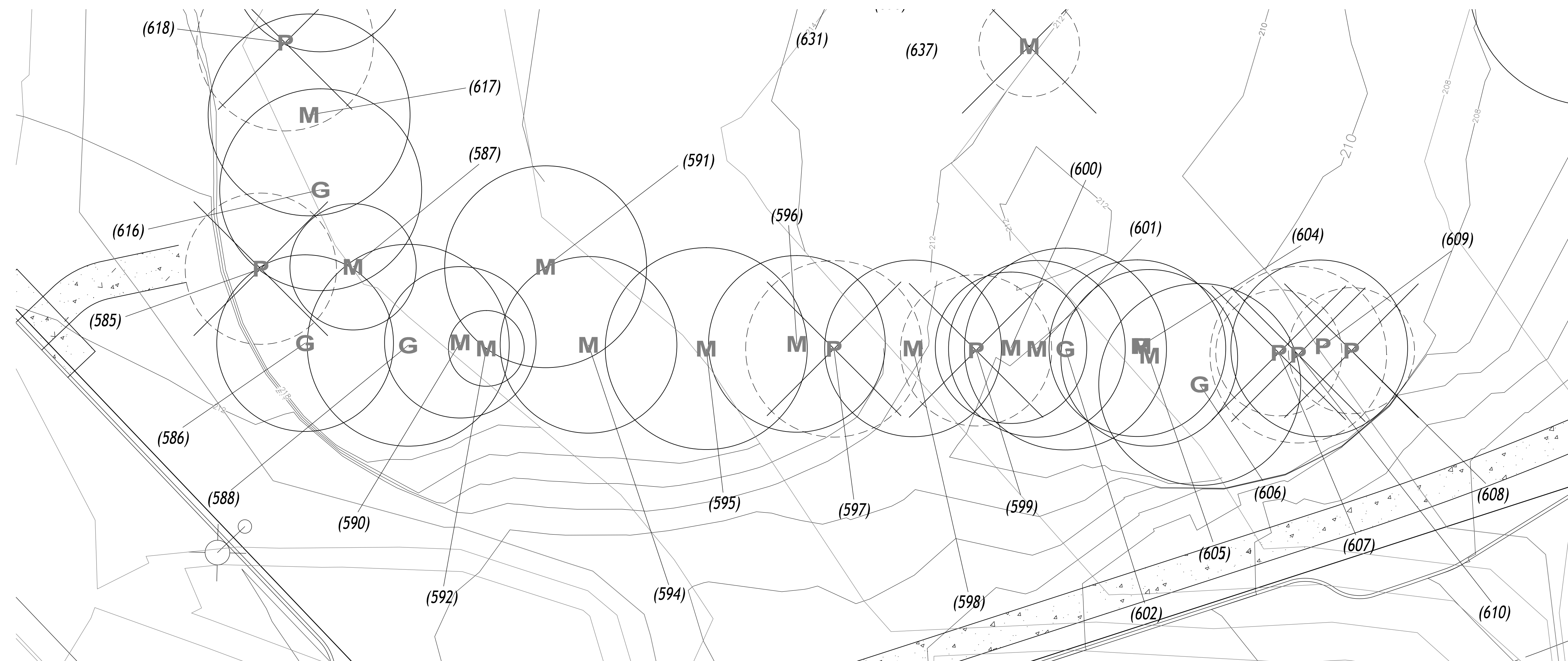
TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

**NOTES:**

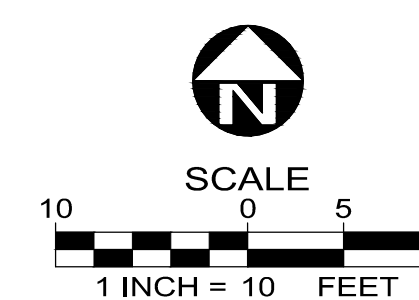
1. THE INFORMATION PROVIDED WITHIN THE PROJECT BOUNDARY IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST MORGAN HOLAN AND WAS PROVIDED IN A TREE REPORT INCLUDED WITH THE PDP 5C APPLICATION MATERIALS.



AREA "A" - PLAN  
SCALE: 1" = 10'



AREA "B" - PLAN  
SCALE: 1" = 10'







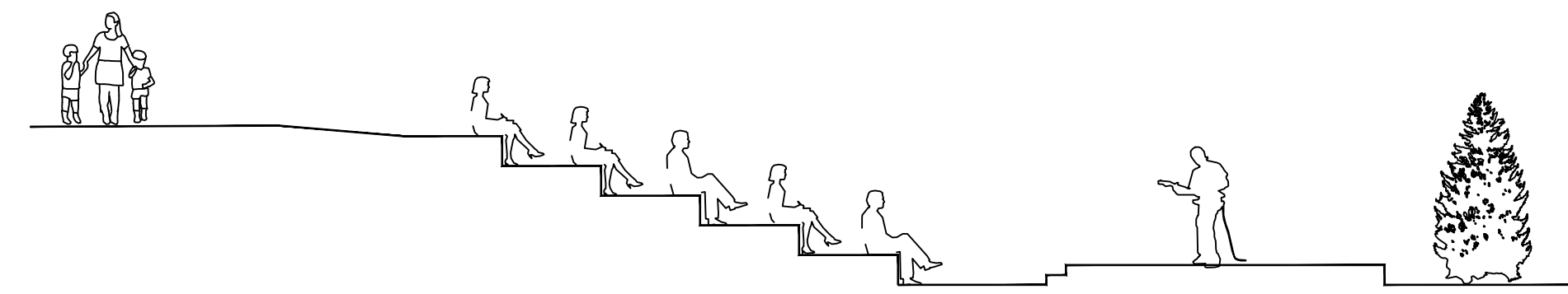


**SUGGESTED PLANT LIST**

SYM.	LATIN NAME/ Common Name	SIZE	SPACING
<b>STREET TREES</b>			
	ACER PLATANOIDES 'EZESTRE' Easy Street Maple	2" cal.	25' o.c.
	LIRIODENDRON TULIPIFERA Tulip Tree	2 1/2" cal.	25' o.c.
	TILIA X EUCLORA Crimean Linden	2 1/2" cal.	25' o.c.
	Shade Tree Quercus rubra Quercus frainetto 'Schmidt' Acer rubrum	2" cal.	As shown
	Small Columnar or Ornamental Trees Malus 'Snowdrift' Stewartia pseudocamellia Magnolia stellata 'Royal Star' Acer circinatum	2" cal.	As shown
	Conifer Tree Pseudotsuga menziesii Calocedrus decurrens	8' ht. 5-6' ht.	As shown
	Large Flowering Deciduous Shrubs Hamamelis mollis 'Coombe Wood' Viburnum plic. tom. 'Mariesii' Syringa microphylla 'Superba' Hydrangea macrophylla 'Nikko Blue'	5 gal.	5-6' o.c.
	Medium Ornamental Shrubs Abelia grandiflora 'Edward Goucher' Berberis thunbergii Ilex crenata Euonymus japonica 'Silver Princess' Lonicera nitida Rhododendron spp. Mahonia aquifolium	2-5 gal.	3-4' o.c.
	Groundcover Fragaria chiloensis Rubus calycynoides Arctostaphylos uva-ursi Cotoneaster horizontalis	1 gal.	18"-3' o.c.
	Small Ornamental Shrubs Cornus stolonifera 'Kelsey' Rosa spp. Loropetalum chinense 'Orimson Fire' Spirea nipponica 'Snowmound'	2 gal.	30" o.c.
	Groundcover Fragaria chiloensis Rubus calycynoides Arctostaphylos uva-ursi Cotoneaster horizontalis	1 gal.	18"-3' o.c.
	Lawn Fine Seed Lawn	Seed	5 lbs./1,000 sq.ft.
	Water Quality Facilities To be Planted per City of Wilsonville Standards: 3 Evergreen trees/ 1,000 SF 2 Deciduous trees/ 1,000 SF 30 Shrubs/ 1,000 SF 1 Wetland Plant/ 2 SF Pond Emergent Zone	Trees - 6' ht./1.5" cal. Shrubs - 1 gal. Aquatic Plants- Plugs	As shown As shown As shown
	Rough Seed		
	Existing Trees To Remain		

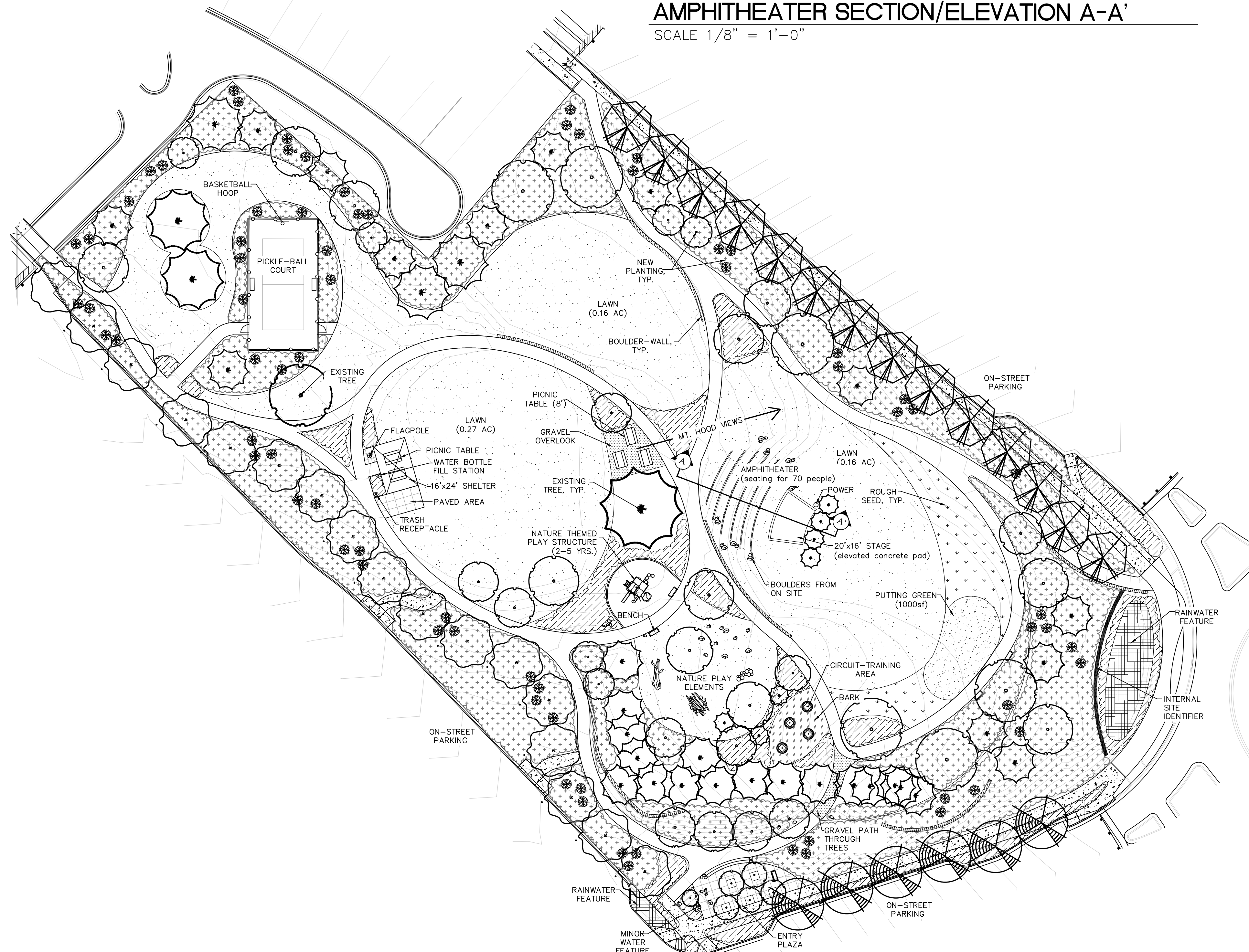
**GENERAL NOTES:**

- Contractor is to verify all plant quantities.
- Adjust plantings in the field as necessary.
- 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. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
- All plants are to be fully foliated, well branched and true to form.



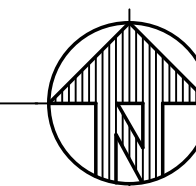
**AMPHITHEATER SECTION/ELEVATION A-A'**

SCALE 1/8" = 1'-0"



**OVERALL LANDSCAPE PLAN**

SCALE 1" = 30'-0"



NO.	DATE	REVISIONS

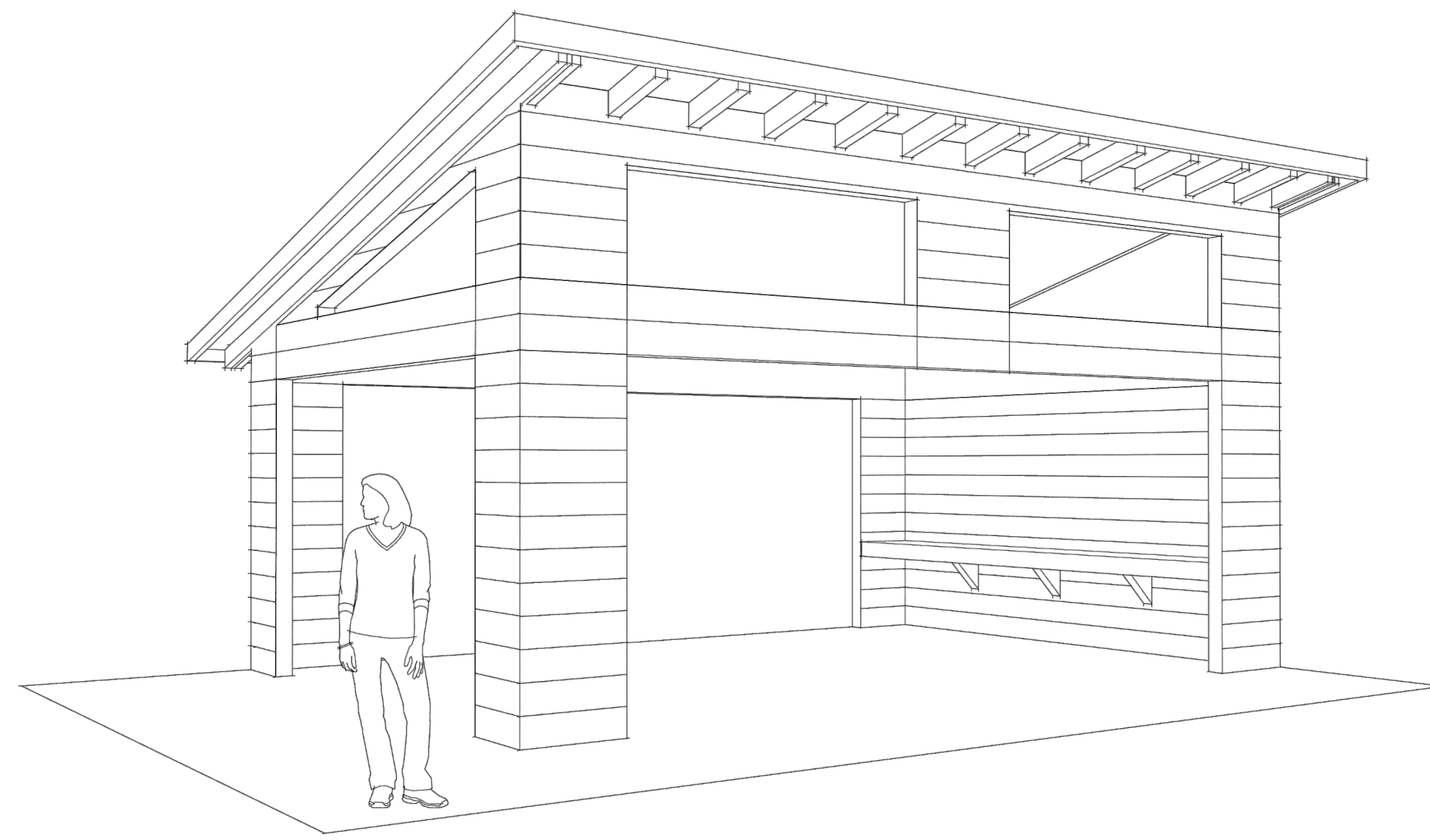
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**OTTEN LANDSCAPE ARCHITECTS inc.**  
 3933 SW Kelly Avenue • Suite B • Portland, Oregon 97239-4393  
 Phone (503) 972-0311 • Fax (503) 972-0314 • www.ottenla.com

**MONTAGUE PARK**  
 WILLEBOIS  
 WILSONVILLE, OR  
 LANDSCAPE PLAN

DATE	1-9-15
SCALE	NOTED
DRAWN	CHECKED
KD	JLO
SHEET NO	L1.0
	1 OF 4





Shelter Concept-right front horizontal siding

### 1 CONCEPTUAL SHELTER

Siding: Haida Forest Products, Ltd.  
 Model: Haida Skirl Wavy Edge Cedar Siding  
 Finish: Transparent finish, staining not recommended.  
 Roof Shingles: GAF 25 Year Royal Sovereign Stone Gray Shingles, or approved equal



### 2 TRASH/RECYCLING RECEPTACLE

Manufacturer: Landscape Forms  
 Model: Plainwell Trash Receptacle  
 Material: Steel  
 Finish: Black and powdercoated.  
 Sizes: 30"Diameter 38"Height; 35 gallon capacity



### 3 PICNIC TABLE

Manufacturer: Old Growth Again Restoration Forestry  
 Model: Forever Six Foot, Forever Eight Foot  
 Material: Recycled Old-Growth Redwood  
 Finish: Linseed oil/Turpentine Finish  
 Sizes: Length: 5'-10" or 7'-10"; Width: 5'-7"; Height 2'-6"



### 4 BENCH

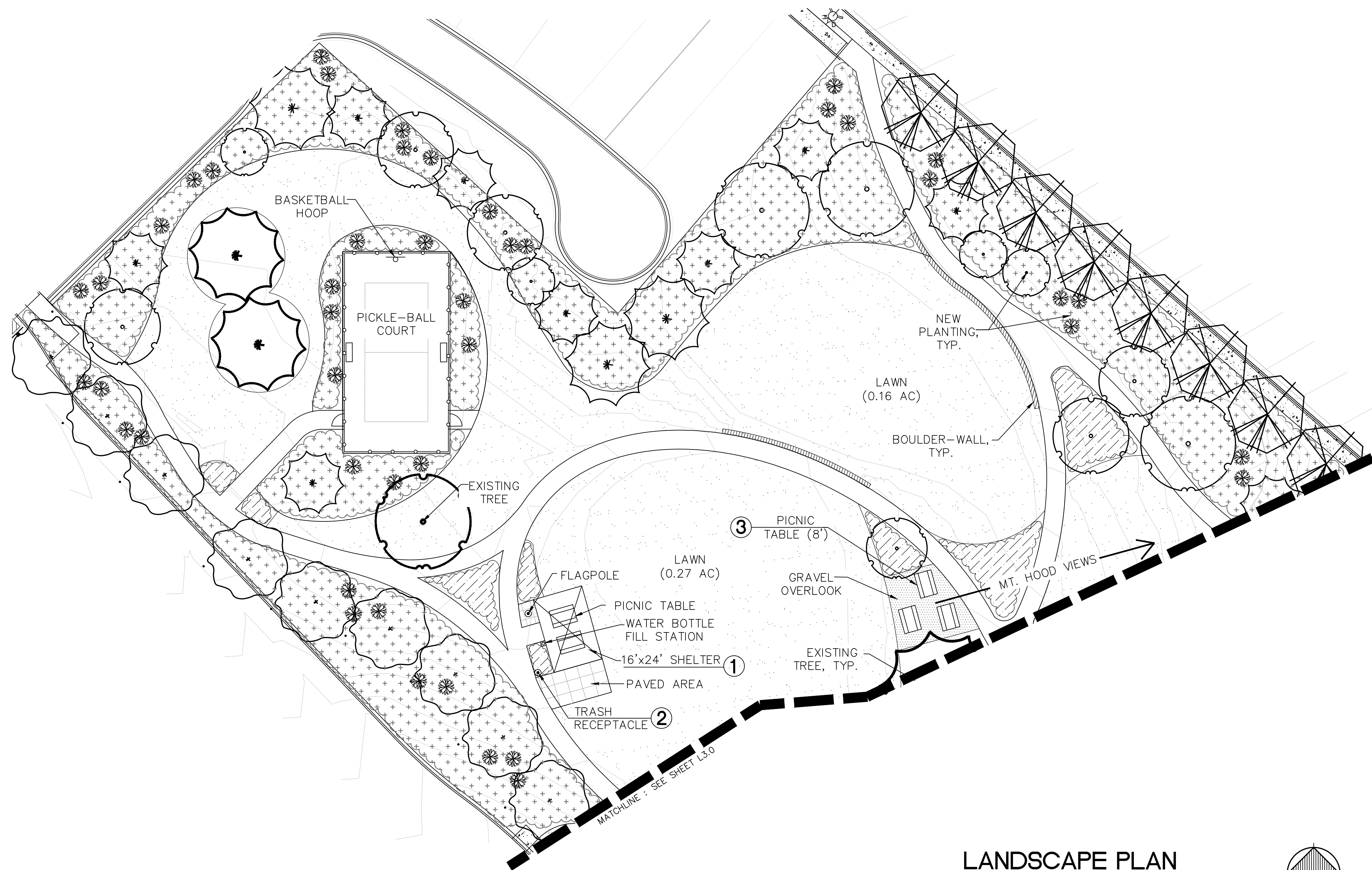
Manufacturer: Landscape Forms  
 Model: The Plainwell Series  
 Material: Sustainably harvested 1pe' wood, certified by the Forestry Stewardship Council  
 Finish: No finish required for wood.  
 Staining not recommended.  
 Size: 72" or 96"Length

### 5 INTERNAL SITE IDENTIFIER

NTS

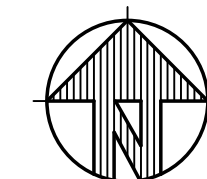


PORCELAIN ENAMEL DEVELOPMENT/COMMUNITY SIGN PANEL, 2.0 S.F. MAX, PROVIDE FINISHED RECESS TO ACCOMMODATE.



## LANDSCAPE PLAN

SCALE 1" = 20'-0"



NO.	DATE	REVISIONS

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 3933 SW Kelly Avenue • Suite B • Portland, Oregon 97239-4393  
 Phone (503) 972-0311 • Fax (503) 972-0314 • www.ottenla.com

MONTAGUE PARK  
 WILLEBOIS  
 WILSONVILLE, OR  
 LANDSCAPE PLAN

DATE	1-13-15
SCALE	NOTED
DRAWN	CHECKED
KD	JLO
SHEET NO	L2.0
	2 OF 4

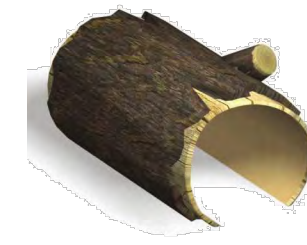




**A** CLIMBING BOULDERS



**B** STUMP CLIMBER



**3** NATURE THEMED PLAY STRUCTURE  
NTS



**4** CIRCUIT TRAINING AREA ELEMENTS  
NTS



**C** LOG CLIMBER

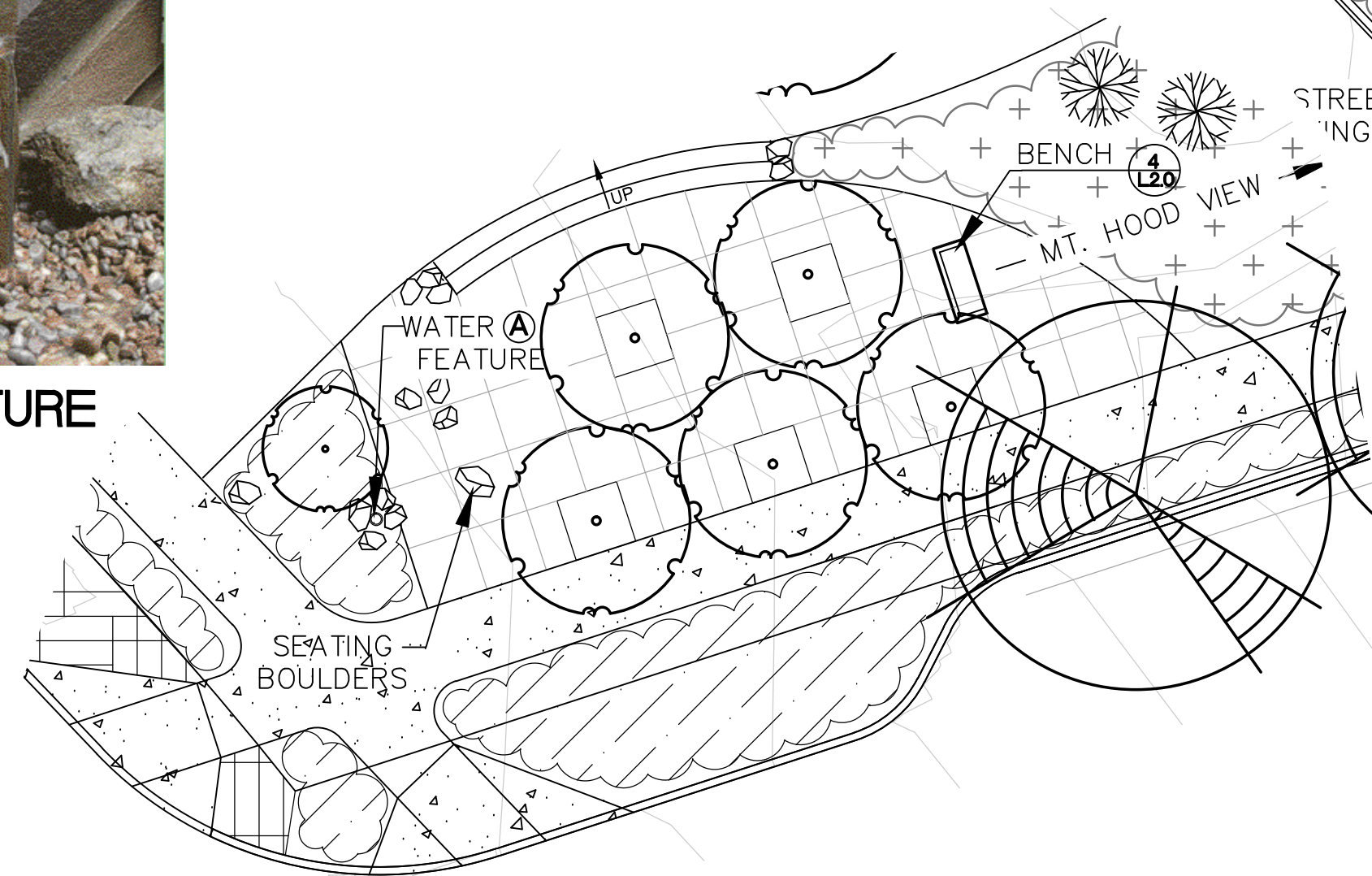


**D** LOG FORT

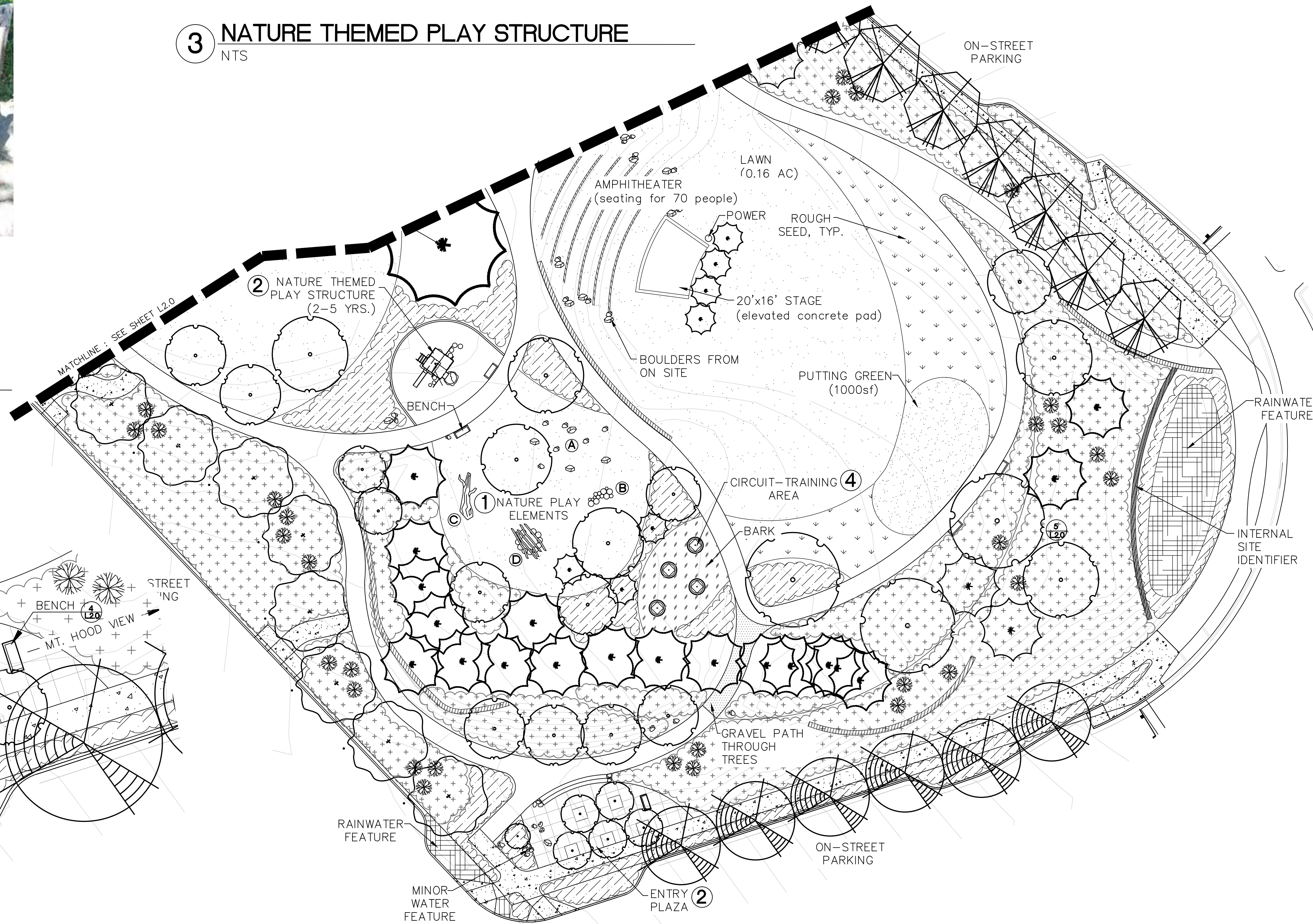
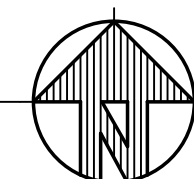
**1** NATURE PLAY ELEMENTS  
NTS



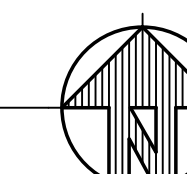
**A** WATER FEATURE



**2** ENTRY PLAZA PLAN ENLARGEMENT  
SCALE 1" = 10'-0"



LANDSCAPE PLAN ENLARGEMENT  
SCALE 1" = 20'-0"



NO.	DATE	REVISIONS

**OTTEN LANDSCAPE ARCHITECTS inc.**  
 3933 SW Kelly Avenue • Suite B • Portland, Oregon 97239-4393  
 Phone (503) 972-0311 • Fax (503) 972-0314 • www.ottenla.com

**MONTAGUE PARK**  
 WILLEBOIS  
 WILSONVILLE, OR  
 LANDSCAPE PLAN

DATE	1-13-15
SCALE	NOTED
DRAWN	CHECKED
KD	JLO
SHEET NO	L3.0
	3 OF 4





# **Section IIC) Utility and Drainage Report**



## MEMORANDUM

DATE: January 19, 2015  
TO: City of Wilsonville  
FROM: KC Schwartzkoph, PE  
Pacific Community Design  
RE: Montague Park (PDP 5C) Storm Analysis  
Job No. 398-054

This memorandum is to address the utility connections for the Montague Park (PDP 5C) development portion of Villebois SAP Central. This phase is located to the west of the roundabout intersection of SW Villebois Drive and SW Costa Circle. This memo will be divided into three sections: Water, Storm Sewer and Rainwater Management.

### Water

SAP Central defined the land use for this area to be Neighborhood Park. SAP Central also outlined the water system plan for this area. The proposed development conforms to the defined land use, and therefore complies with the design intent of SAP Central.

### Storm Sewer

SAP Central defined the land use for this area to be Neighborhood Park. The water quality and detention facilities were designed to provide treatment for this land use. The proposed development conforms to the defined land use, with predominately pervious surface characteristics. Based on this information the current facilities are adequately sized to provide treatment per the City of Wilsonville Public Works Standards.

### Rainwater Management

The SAP Central plan identified four bio-retention cells capable of treating 43,128-sf of impervious area. The current park design provides two bio-retention cells, one at the southern corner of the site and one at the eastern corner near the roundabout. Street and site runoff from roughly 44,000-sf of impervious area will be conveyed to these facilities. The bio-retention cells will total approximately 1320-sf, using a sizing factor of 0.03. These facilities will treat more square footage than the SAP application, therefore the rainwater management plan meets the previously proposed conditions.

Thank you.



# **Section IID) Traffic Report**



Community Development  
29799 SW Town Center Loop East  
Wilsonville, OR 97070  
Phone 503-682-4960  
Fax 503-682-7025  
TDD 503-682-0843  
Web [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

October 31, 2014

Attn: Jack Ross  
Pacific Community Design, Inc.  
12564 SW Main Street  
Tigard, Oregon 97223

RE: *Villebois Central – Montague Park  
Request for Waiver of Traffic Study*

Dear Ms. Connery,

This letter is in response to your request for approval of a waiver of the requirement for a traffic impact study in association with the development of *Montague Park* in *Villebois SAP Central* (Tax Lot 3100, Map 31W15AC).

In your application request dated October 1, 2014 you have indicated that the development is a proposed neighborhood park with no residential construction proposed. As such the majority of visits are expected to be pedestrians or pass-by with little to no vehicle use occurring or new PM Peak Hour trips being added to the City street system. Additionally, other parks in Villebois have been exempted from having traffic impact studies prepared.

Based on the above findings, a recommendation to waive the Study will be forwarded to the Development Review Board (DRB). Irrespective of the Staff recommendation to waive the analysis, the DRB may determine that a Study is necessary to make a recommendation or decision concerning the proposed project. A copy of this letter is being forwarded to the Planning Division and will be entered into the land partition application.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Kraushaar".

Nancy Kraushaar, P.E.  
Community Development Director

cc: Chris Neamtzu, Planning Director  
Steve Adams, Development Engineer Manager

# **Section IIE) Tree Report**



**Montague Park, Wilsonville, Oregon  
Tree Maintenance and Protection Plan  
November 7, 2014**

MHA1436

**Purpose**

This Tree Maintenance and Protection Plan for the Montague Park project located in Wilsonville, Oregon, is provided pursuant to the City of Wilsonville Development Code, Section 4.610.40. This arborist report describes the existing trees located on the project site and recommendations for tree removal, retention, protection, and mitigation. This report is based on observations made by International Society of Arboriculture (ISA) Certified Arborist and Qualified Tree Risk Assessor Morgan Holen (PN-6145A) during site visits conducted on May 21 and 30, 2014, and October 16, 2014. A complete description of individual trees is provided in the enclosed tree data.

**Scope of Work and Limitations**

Morgan Holen & Associates, LLC, was contracted by Costa Pacific Communities to inventory individual trees measuring six inches and larger in diameter and to develop a tree maintenance and protection plan for the project. The site is planned for development of a public park, which includes an amphitheater, play structure, natural play area, pickle-ball court, and grassy open space. A site survey was provided prior to the tree inventory illustrating the location of existing trees and tree survey point numbers.

Visual Tree Assessment (VTA) was performed on individual trees located within and adjacent to the project boundaries. VTA is the standard process whereby the inspector visually assesses the tree from a distance and up close, looking for defect symptoms and evaluating overall condition and vitality on individual trees. Inventory data was collected including point number, species, size, general condition, comments, and treatment recommendations. Following the inventory fieldwork, we coordinated with Pacific Community Design to provide recommendations aimed to preserve the best existing tree features during the design phase.

The client may choose to accept or disregard the recommendations contained herein, or seek additional advice. Neither this author nor Morgan Holen & Associates, LLC, have assumed any responsibility for liability associated with the trees on or adjacent to this site.

**General Description**

The site has been unmaintained in recent years and is overgrown with invasive Himalayan blackberries (*Rubus discolor*) and some English ivy (*Hedera helix*). Existing trees are scattered across the site and also located in two dense rows near the northern and southern boundaries. In all, 85 trees measuring 6-inches and larger in diameter were inventoried including 16 tree species. Table 1 provides a summary of the count of trees by species.

**Table 1. Count of Trees by Species – Montague Park, Wilsonville, OR.**

Common Name	Species Name	Total	Percent
apple	<i>Malus spp.</i>	1	1.2%
Atlas cedar	<i>Cedrus atlantica</i>	2	2.4%
bigleaf maple	<i>Acer macrophyllum</i>	2	2.4%
black cottonwood	<i>Populus trichocarpa</i>	1	1.2%
black walnut	<i>Juglans nigra</i>	1	1.2%
cherry	<i>Prunus spp.</i>	2	2.4%
Douglas-fir	<i>Pseudotsuga menziesii</i>	30	35%
English walnut	<i>Juglans regia</i>	2	2.4%
grand fir	<i>Abies grandis</i>	8	9.4%
noble fir	<i>Abies nobilis</i>	1	1.2%
Norway maple	<i>Acer platanoides</i>	1	1.2%
Norway spruce	<i>Picea abies</i>	4	4.7%
pine sp.	<i>Pinus spp.</i>	1	1.2%
red maple	<i>Acer rubrum</i>	4	4.7%
silver maple	<i>Acer saccharinum</i>	1	1.2%
western redcedar	<i>Thuja plicata</i>	24	28.2%
<b>Total</b>		<b>85</b>	<b>100%</b>

No Oregon white oak (*Quercus garryana*), native yews (*Taxus spp.*), or any species listed by either the state or federal government as rare or endangered were found on the site. A complete description of existing trees is included in the enclosed tree data.

**Tree Plan Recommendations**

As described in the enclosed tree data, individual trees were assigned a general condition rating of:

- P – Poor;
- M – Moderate;
- G – Good; or
- I – Important.

Table 2 provides a summary of the number of trees by general condition rating and treatment recommendation. None of the inventoried trees were classified as Important.

**Table 2. Count of Trees by Treatment Recommendation and General Condition Rating.**

Treatment Recommendation	General Condition Rating			Total
	P	M	G	
Remove - Condition	29	5	2	36 (42.4%)
Remove - Construction	3	20	1	24 (28.2%)
Retain	0	16	9	25 (29.4%)
<b>Total</b>	<b>32</b> (38%)	<b>41</b> (48%)	<b>12</b> (14%)	<b>85 (100%)</b>

Of the 85 inventoried trees, 25 (29.4%) are recommended for retention and may require special protection during construction, including 16 trees in moderate condition and nine trees in good condition.

The remaining 60 trees are recommended for removal, including 36 (42.4%) trees recommended for removal because of condition and 24 (28.2%) trees recommended for removal for the purposes of construction.

The 36 trees recommended for removal because of condition include 29 trees in poor condition, as well as five trees in moderate condition and two trees in generally good condition.

- Trees in poor condition are not suitable for retention with site development because they are dead or declining and not viable.
- Of the five trees noted as being in moderate condition yet recommended for removal because of condition, four have less than ideal structure that will present an increased risk for failure with exposure from adjacent tree removal (trees 577, 625, 626 and 630) and one appears to be infested with an insect that is likely to impact its long-term viability and decrease the aesthetic value of the tree (tree 637).
- Of the two trees noted in generally good condition yet recommended for removal because of condition, one is a Douglas-fir without major defects, but it has grown up competing with and adapting to shelter from adjacent trees (tree 631); removal of the adjacent trees because of poor condition and for the purposes of construction necessitates the removal of this tree which would present an increased risk for failure with exposure from adjacent tree removal. The other is a large Douglas-fir (*Pseudotsuga menziesii*) with a relatively vigorous crown, but with basal swelling and mushrooms at the base of the tree which were positively identified as *Phaeolus schweinitzii*, the velvet-top fungus (tree 636). This fungus causes extensive butt rot in infected trees and extreme decay may result in stem breakage or windthrow. Infected trees should be removed from areas with target potential because of hazardous condition.

While these trees are not directly impacted by the proposed construction, they are not suitable for retention with development because of disease, infestation, structure, and impacts from adjacent tree removal.

The 24 trees recommended for removal because of construction include three trees in poor condition, 20 trees in moderate condition, and one tree in good condition.

- The three trees in poor condition are all small diameter western redcedars (*Thuja plicata*) located in a dense row of planted trees near the northern boundary of the development site (trees 679, 683 and 684). These trees are heavily suppressed by the adjacent trees and not viable. However, they are largely unnoticeable in the dense group of trees and do not present high risk potential. Therefore, removal is not recommended because of condition, but is necessitated by proposed construction.
- Seventeen of the 20 trees in moderate condition are also western redcedars located in this densely planted row; these trees were likely planted for screening. Overall, these trees appear in good condition as an intact group, but individual trees have structural defects including large diameter scaffold branches, codominant stems, and poor stem structure which lessens the condition rating for individual trees. This intact row of trees is physiologically sustainable, but adequate tree protection is not possible because of site grading and proposed construction. Retention of this row of cedars would compromise the design of the park, particularly the functionality of the amphitheater. Additionally, removal of the cedars will open desirable views

from the park to the northwest and west. The remaining three trees in moderate condition recommended for removal include two red maples (*Acer rubrum*) and one invasive Norway maple (*Acer platanoides*) (trees 564, 568 and 571). Adequate protection is also not feasible and these trees are recommended for removal because of proposed grading.

- Removal of one tree in good condition is also necessary to accommodate grading that needs to occur for construction of the street, SW Orleans Avenue (tree 569); this is a 20-inch diameter red maple with no major defects.

### Mitigation Requirements

All 85 inventoried trees are greater than 6-inches in diameter. Twenty-five trees are recommended for retention with protection measures during construction and 60 trees are recommended for removal because of condition or for the purposes of construction. Removal of these 60 trees requires mitigation per Section 4.620.00; removed trees shall be replaced on a basis of one tree planted for each tree removed. Therefore, 60 trees measuring at least 2-inches in diameter should be planted as mitigation for tree removal.

### Tree Protection Standards

Trees designated for retention will need special consideration to assure their protection during construction. We highly recommend a preconstruction meeting with the owner, contractors, and project arborist to review tree protection measures and address questions or concerns on site.

Tree protection measures include:

1. **Fencing.** Trees to remain on site shall be protected by installation of tree protection fencing to prevent injury to tree trunks or roots, or soil compaction within the root protection area, which generally coincides with protected tree driplines. Fences shall be 6-foot high steel on concrete blocks or orange plastic construction fencing on metal stakes. The project arborist shall determine the exact location and type of tree protection fencing. Trees located more than 30-feet from construction activity shall not require fencing.
2. **Tree Protection Zone.** Without authorization from the Project Arborist, none of the following shall occur beneath the dripline of any protected tree:
  - a. Grade change or cut and fill;
  - b. New impervious surfaces;
  - c. Utility or drainage field placement;
  - d. Staging or storage of materials and equipment; or
  - e. Vehicle maneuvering.

Root protection zones may be entered for tasks like surveying, measuring, and, sampling. Fences must be closed upon completion of these tasks.

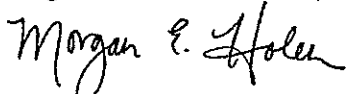
3. **Soil Protection.** The stripping of topsoil around retained trees shall be restricted, except under the guidance of the project arborist. No fill (including temporary storage of spoils) shall be placed beneath the dripline of protected trees, except as otherwise directed by the project arborist.



4. **Excavation.** The project arborist shall provide on-site consultation during all excavation activities beneath the dripline of protected trees. Excavation immediately adjacent to roots larger than 2-inches in diameter within the root protection zone of retained trees shall be by hand or other non-invasive techniques to ensure that roots are not damaged. Where feasible, major roots shall be protected by tunneling or other means to avoid destruction or damage. Exceptions can be made if, in the opinion of the project arborist, unacceptable damage will not occur to the tree. Where soil grade changes affect the root protection area, the grade line should be meandered wherever practicable. This will require on-site coordination to ensure a reasonable balance between engineering, construction, and the need for tree protection.
5. **Pruning.** Some of the trees may require pruning for safety, clearance, and to avoid crown damage prior to construction. The project arborist can help identify where pruning is necessary once trees recommended for removal have been removed and the site is staked and prepared for construction. Pruning should be performed by a Qualified Tree Service.
6. **Landscaping.** Following construction, apply approximately 3-inches of mulch beneath the dripline of protected trees, but not directly against tree trunks. Shrubs and ground covers may be planted within tree protection areas. If irrigation is used, use drip irrigation only beneath the driplines of protected trees.
7. **Quality Assurance.** The project arborist should supervise proper execution of this plan during construction activities that could encroach on retained trees. Tree protection site inspection monitoring reports should be provided to the Client and City as needed throughout construction.

Thank you for choosing Morgan Holen & Associates, LLC, to provide consulting arborist services for the Montague Park project. Please contact us if you have questions or need additional information.

Thank you,  
Morgan Holen & Associates, LLC



Morgan E. Holen, Owner  
ISA Certified Arborist, PN-6145A  
ISA Tree Risk Assessment Qualified  
Forest Biologist

Enclosures: Tree Data 5-21-14



Tree No.	Common Name	Species Name	DBH*	C-Rad^	Cond#	Condition & Comments	Treatment	Arborist Recommendations
564	red maple	<i>Acer rubrum</i>	18	12	M	no major defects	remove - construction	
565	red maple	<i>Acer rubrum</i>	28	16	P	major scaffold branch failure, large wound, dead branches	remove - condition	
566	Atlas cedar	<i>Cedrus atlantica</i>	49	20	M	multiple leaders	retain	
567	Atlas cedar	<i>Cedrus atlantica</i>	47	26	M	multiple leaders	retain	
568	red maple	<i>Acer rubrum</i>	25	20	M	dead branches, moderate vigor	remove - construction	
569	red maple	<i>Acer rubrum</i>	20	24	G	no major defects	remove - construction	
570	silver maple	<i>Acer saccharinum</i>	40	32	M	multiple attachments at 3', good vigor	retain	prune
571	Norway maple	<i>Acer platanoides</i>	16	16	M	Verticillium, few dead branches, large diameter lateral branches	remove - construction	
573	Douglas-fir	<i>Pseudotsuga menziesii</i>	44	34	G	growing out and up forming separate leaders; moderate risk potential	retain	aerial inspection, pruning
574	bigleaf maple	<i>Acer macrophyllum</i>	37	20	P	stem decay with hollows	remove - condition	
575	bigleaf maple	<i>Acer macrophyllum</i>	41	22	P	cavity, basal decay, stem decay	remove - condition	
576	English walnut	<i>Juglans regia</i>	40	24	P	branch decay	remove - condition	
577	black walnut	<i>Juglans nigra</i>	29	20	M	increased risk with exposure from adjacent tree removal	remove - condition	
578	English walnut	<i>Juglans regia</i>	30	18	P	mostly dead	remove - condition	
585	grand fir	<i>Abies grandis</i>	15	12	P	dead	remove - condition	
586	Douglas-fir	<i>Pseudotsuga menziesii</i>	24	14	G	dead branches	retain in group	prune
587	Douglas-fir	<i>Pseudotsuga menziesii</i>	16	10	M	dead and broken branches, some epicormics	retain in group	prune
588	Douglas-fir	<i>Pseudotsuga menziesii</i>	25	16	G	dead and broken branches	retain in group	prune
590	Douglas-fir	<i>Pseudotsuga menziesii</i>	14	12	M	poor structure	retain in group	
591	Douglas-fir	<i>Pseudotsuga menziesii</i>	20	16	M	crown asymmetry, ivy up trunk	retain in group	remove ivy
592	grand fir	<i>Abies grandis</i>	10	6	M	poor structure	retain in group	
594	Douglas-fir	<i>Pseudotsuga menziesii</i>	21	14	M	dead and broken branches	retain in group	prune
595	Douglas-fir	<i>Pseudotsuga menziesii</i>	24	16	M	dead and broken branches	retain in group	prune



Tree No.	Common Name	Species Name	DBH*	C-Rad^	Cond#	Condition & Comments	Treatment	Arborist Recommendations
596	Douglas-fir	<i>Pseudotsuga menziesii</i>	22	14	M	dead and broken branches	retain in group	prune
597	Douglas-fir	<i>Pseudotsuga menziesii</i>	18	14	P	suppressed, not viable	remove - condition	
598	Douglas-fir	<i>Pseudotsuga menziesii</i>	24	14	M	some twig dieback	retain in group	prune
599	grand fir	<i>Abies grandis</i>	10	12	P	suppressed, poor structure	remove - condition	
600	Douglas-fir	<i>Pseudotsuga menziesii</i>	14	12	M	intermediate crown class	retain in group	
601	Douglas-fir	<i>Pseudotsuga menziesii</i>	20	14	M	dead and broken branches	retain in group	prune
602	Douglas-fir	<i>Pseudotsuga menziesii</i>	20	16	G	dead branches	retain in group	prune
604	Douglas-fir	<i>Pseudotsuga menziesii</i>	14	14	M	poor crown structure	retain in group	prune
605	Douglas-fir	<i>Pseudotsuga menziesii</i>	16	14	M	poor crown structure	retain in group	prune
606	western redcedar	<i>Thuja plicata</i>	29	16	G	no major defects	retain	
607	grand fir	<i>Abies grandis</i>	10	10	P	mostly dead	remove - condition	
608	grand fir	<i>Abies grandis</i>	10	10	P	poor structure and condition	remove - condition	
609	grand fir	<i>Abies grandis</i>	17	14	P	windsnap, snag, good habitat value	remove - condition	
610	Douglas-fir	<i>Pseudotsuga menziesii</i>	17	14	P	poor crown structure, dead and broken branches	remove - condition	
616	Douglas-fir	<i>Pseudotsuga menziesii</i>	19	16	G	no major defects	retain in group	
617	Douglas-fir	<i>Pseudotsuga menziesii</i>	22	16	M	long lateral limbs, epicormic sprouts	retain in group	
618	grand fir	<i>Abies grandis</i>	22	14	P	dead	remove - condition	
619	western redcedar	<i>Thuja plicata</i>	16	14	G	no major defects	retain	
620	Norway spruce	<i>Picea abies</i>	14	10	P	broken top, not viable	remove - condition	
621	western redcedar	<i>Thuja plicata</i>	20	12	P	cavity, stem decay	remove - condition	
622	Douglas-fir	<i>Pseudotsuga menziesii</i>	16	14	P	severe decline	remove - condition	
624	black cottonwood	<i>Populus trichocarpa</i>	52	30	P	poor structure, history of large branch failure, stem decay, inherent species limitations, high risk	remove - condition	
625	Douglas-fir	<i>Pseudotsuga menziesii</i>	17	14	M	intermediate crown class, dead branches, small live crown	remove - condition	



Morgan Holen  
— & — ASSOCIATES, LLC

Tree No.	Common Name	Species Name	DBH*	C-Rad^	Cond#	Condition & Comments	Treatment	Arborist Recommendations
626	Douglas-fir	<i>Pseudotsuga menziesii</i>	15	12	M	dead branches, not suitable for retention with adjacent clearing	remove - condition	
630	Douglas-fir	<i>Pseudotsuga menziesii</i>	20	20	M	dead branches, not suitable for retention with adjacent clearing	remove - condition	
631	Douglas-fir	<i>Pseudotsuga menziesii</i>	26	16	G	old broken top, few dead branches, not suitable for retention with adjacent clearing	remove - condition	
633	Douglas-fir	<i>Pseudotsuga menziesii</i>	22	14	P	history of branch failure, poor crown structure, high risk	remove - condition	
635	Norway spruce	<i>Picea abies</i>	14	10	P	poor structure, numerous dead branches	remove - condition	
636	Douglas-fir	<i>Pseudotsuga menziesii</i>	30	16	G	<i>Phaeolous schweinitzii</i> at base of tree, some basal swelling	remove - condition	
637	grand fir	<i>Abies grandis</i>	25	8	M	suspect adelgid infestation, dead branches, twig dieback	remove - condition	
640	pine sp.	<i>Pinus</i> spp.	10	8	P	small high live crown, dead branches	remove - condition	
641	Norway spruce	<i>Picea abies</i>	18	12	P	forked top, included bark, pitch flow	remove - condition	
642	western redcedar	<i>Thuja plicata</i>	46	16	P	broken top, included bark, stem decay, high risk	remove - condition	
643	Norway spruce	<i>Picea abies</i>	15	10	P	codom leaders at 15'	remove - condition	
644	Douglas-fir	<i>Pseudotsuga menziesii</i>	27	20	G	few dead branches	retain	prune
645	noble fir	<i>Abies nobilis</i>	10	8	P	mostly dead	remove - condition	prune
646	Douglas-fir	<i>Pseudotsuga menziesii</i>	24	20	G	few dead branches	retain	
648	Douglas-fir	<i>Pseudotsuga menziesii</i>	13	12	P	dead	remove - condition	
656	Douglas-fir	<i>Pseudotsuga menziesii</i>	14	10	P	dead	remove - condition	
663	cherry	<i>Prunus</i> spp.	6	8	P	covered in blackberries	remove - condition	
664	apple	<i>Malus</i> spp.	9	8	P	dead	remove - condition	
665	western redcedar	<i>Thuja plicata</i>	46	20	M	candelabra structure	remove - construction	



Tree No.	Common Name	Species Name	DBH*	C-Rad <sup>^</sup>	Cond <sup>#</sup>	Condition & Comments	Treatment	Arborist Recommendations
666	cherry	<i>Prunus spp.</i>	6	8	P	dead	remove - condition	
667	western redcedar	<i>Thuja plicata</i>	18	18	M	dense spacing	remove - construction	
668	western redcedar	<i>Thuja plicata</i>	12	16	M	dense spacing	remove - construction	
669	western redcedar	<i>Thuja plicata</i>	6	12	M	dense spacing	remove - construction	
670	western redcedar	<i>Thuja plicata</i>	7	12	M	dense spacing	remove - construction	
671	western redcedar	<i>Thuja plicata</i>	20	18	M	dense spacing	remove - construction	
672	western redcedar	<i>Thuja plicata</i>	20	18	M	dense spacing	remove - construction	
673	western redcedar	<i>Thuja plicata</i>	11	12	M	dense spacing	remove - construction	
674	western redcedar	<i>Thuja plicata</i>	12	12	M	dense spacing	remove - construction	
675	western redcedar	<i>Thuja plicata</i>	18	16	M	dense spacing	remove - construction	
676	western redcedar	<i>Thuja plicata</i>	35	16	M	dense spacing	remove - construction	
677	western redcedar	<i>Thuja plicata</i>	27	14	M	dense spacing	remove - construction	
678	western redcedar	<i>Thuja plicata</i>	9	12	M	dense spacing	remove - construction	
679	western redcedar	<i>Thuja plicata</i>	10	12	P	dense spacing	remove - construction	
680	western redcedar	<i>Thuja plicata</i>	19	12	M	dense spacing	remove - construction	
681	western redcedar	<i>Thuja plicata</i>	16	16	M	dense spacing	remove - construction	
682	western redcedar	<i>Thuja plicata</i>	19	12	M	dense spacing	remove - construction	
683	western redcedar	<i>Thuja plicata</i>	13	12	P	dense spacing	remove - construction	
684	western redcedar	<i>Thuja plicata</i>	13	16	P	dense spacing	remove - construction	
685	western redcedar	<i>Thuja plicata</i>	46	14	M	dense spacing	remove - construction	

\*DBH: Diameter at Breast Height (measured 4.5-feet above ground level in inches); trees with multiple trunks splitting below DBH are measured separately and individual trunk measurements are separated by a comma, except multiple trunks of the same size are indicated with an asterisk (quantity \* size).  
<sup>^</sup>C-Rad: Crown Radius, the distance from the center of the tree to the edge of the dripline (measured in feet).  
<sup>#</sup>Condition Rating: I-Important; G-Good; M-Moderate; P-Poor.



## **Section III) Zone Change**

# **Section IIIA) Supporting Compliance Report**

**SUPPORTING COMPLIANCE REPORT  
ZONE CHANGE  
MONTAGUE PARK**

**SECTION IIIA**

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## I. CITY OF WILSONVILLE COMPREHENSIVE PLAN

### RESIDENTIAL DEVELOPMENT - IMPLEMENTATION MEASURES

#### IMPLEMENTATION MEASURE 4.1.4

**Response:** The subject site is part of the *Villebois Village Master Plan*, which is comprised of a variety of housing opportunities of varying densities. There are 13 different housing types within Villebois Village, ranging from apartments to estate lots. Villebois Village includes opportunities for affordable, senior and community housing. Compliance with this Implementation Measures was addressed with the *Villebois Village Master Plan*. The land use plan for the subject area was determined to be consistent with the *Villebois Village Master Plan*.

### COMPACT URBAN DEVELOPMENT - IMPLEMENTATION MEASURES

#### IMPLEMENTATION MEASURE 4.1.6.A

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.

**Response:** This application is submitted along with a PDP/FDP (includes SAP Refinement) for Montague Park. Specific Area Plan - Central is compliant with the *Villebois Village Master Plan*. Section I of this report demonstrates compliance with the City of Wilsonville’s Comprehensive Plan and Section II demonstrates compliance with Wilsonville’s Land Development Code.

#### IMPLEMENTATION MEASURE 4.1.6.C

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

**Response:** The application proposes a zone change to “Village” for the subject property area, which is included in the “Residential-Village” Comprehensive Plan Map Designation (Area B).

#### IMPLEMENTATION MEASURE 4.1.6.D

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

**Response:** This application seeks zone change approval from PF - Public Facilities to V - Village Zone for Montague Park in Villebois. The subject property is approximately 2.90 acres. The plan for subject property is a neighborhood park. The proposed land use in this area is consistent with what is portrayed in the *Villebois Village Master Plan*, which this regulation is intended to implement.

## II. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

### SECTION 4.029 ZONING CONSISTENT WITH THE COMPREHENSIVE PLAN

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.

**Response:** This application is being requested concurrent with a PDP/FDP application for the site in conformance with the code. The PDP/FDP application materials are provided in Section II of this Notebook.

### SECTION 4.110 ZONING - ZONES

(.01) The following Base Zones are established by this Code:

- H. Village, which shall be designated “V” [per Section 4.125 enabling amendments (File No. 02PC08)]

**Response:** The subject property is within the city limits of Wilsonville. The area has a City of Wilsonville Comprehensive Plan designation of “Residential - Village.” The site is currently zoned Public Facilities. This request is for a zone change to “Village,” which is permitted within the area designated “Residential - Village” on the Comprehensive Plan Map.

### SECTION 4.125 VILLAGE (V) ZONE

(.01) 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 designation as described in the Comprehensive Plan.

**Response:** The subject property lies within the area designated “Residential - Village” on the Comprehensive Plan Map. This request is for a zone change to “V - Village.”

(.02) Permitted Uses

**Response:** The proposed development is a neighborhood park. This use is permitted under the Village zone.

(.18) Village Zone Development Permit Process

- B. Unique Features and Processes of the Village (V) Zone

- 2. ...Application for a zone change shall be made concurrently with an application for PDP approval...

**Response:** The application for a zone change is being made concurrent with an application for PDP/FDP approval (see Notebook Section II).



SECTION 4.197 ZONE CHANGES AND AMENDMENTS TO THIS CODE - PROCEDURES.

(.02) In recommending approval or denial of a proposed zone map amendment, the Planning Commission or Development Review Board shall at a minimum, adopt findings addressing the following criteria:

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

**Response:** This application has been submitted in accordance with the procedures set forth in Section 4.140, which requires that:

- *All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of building permit: 1. Be zoned for planned development; and*
- *Zone change and amendment to the zoning map are governed by the applicable provisions of the Zoning Sections, inclusive of Section 4.197.*

This zone change application will establish the appropriate zone for this development and will be governed by the appropriate Zoning Sections.

- B. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan Text; and

**Response:** The subject area is designated Residential Village on the Comprehensive Plan Map. Therefore, application of the Village Zone is consistent with the Comprehensive Plan. Compliance with the Comprehensive Plan is addressed in Section I of this Report.

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

**Response:** Compliance with Implementation Measure 4.1.4 is addressed in Section I of this Report.

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

**Response:** The Preliminary Development Plan compliance report and the attached plans (see Notebook Section II) demonstrate that the primary public facilities are available and can be provided in conjunction with the project. Section IID of this

Notebook includes supporting utility and drainage reports. A Traffic Impact Analysis is attached in Notebook Section IIE.

- E. That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or 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; and

**Response:** The subject site is not located on the SROZ, natural hazards, or geologic hazards. Therefore, this standard does not apply.

- F. 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; and

**Response:** The applicant is committed to a schedule demonstrating that the development of the subject property is reasonably expected to commence within two (2) years of the initial approval of the zone change.

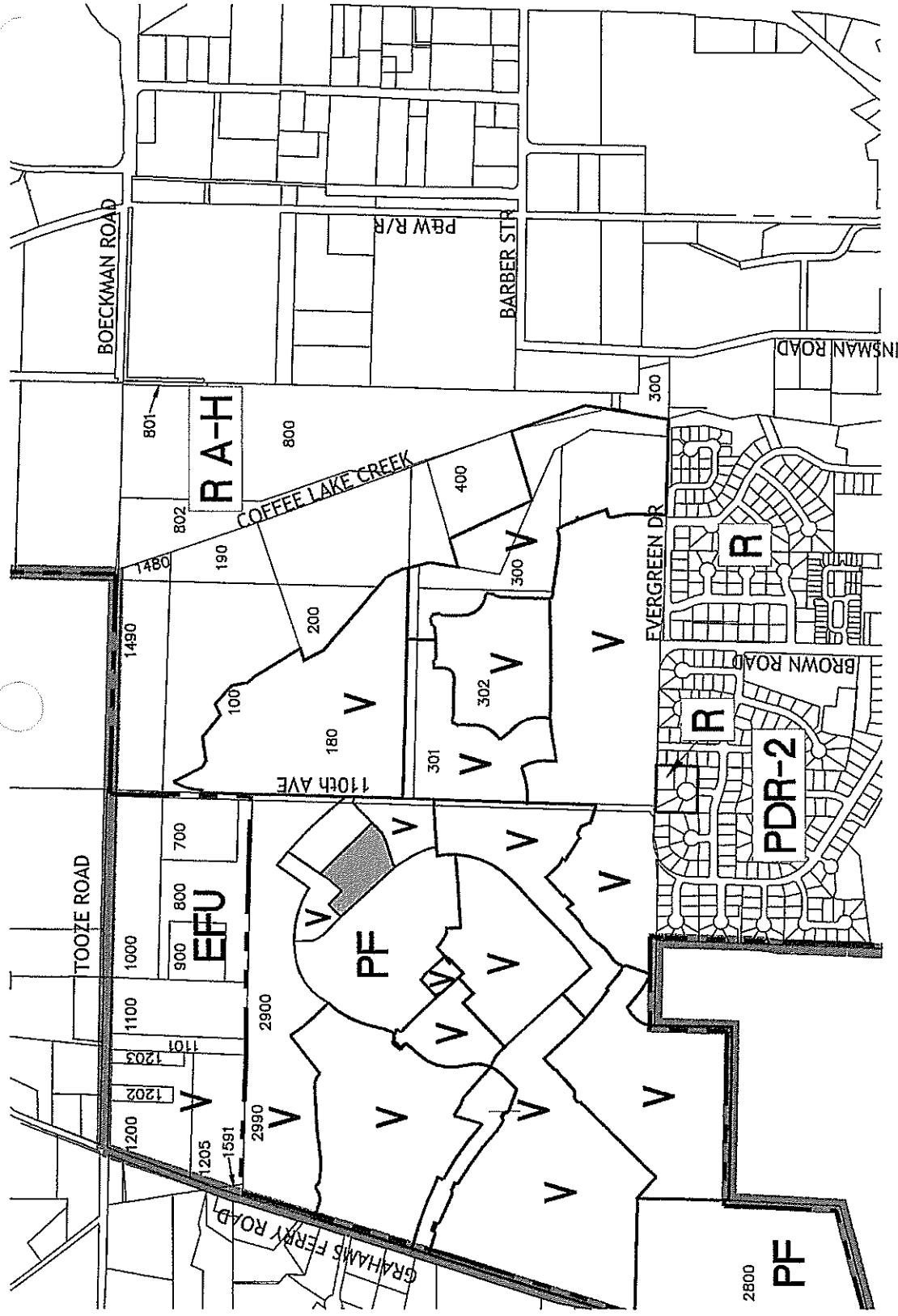
- G. That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards.

**Response:** The proposed development can be developed in compliance with the applicable development standards, as demonstrated by this report and the Preliminary Development Plan (Notebook Section II) application.


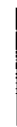



### III. PROPOSAL SUMMARY & CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Planning & Land Development Ordinance for the requested Zone Change. Therefore, the applicant requests approval of this application.

# **Section IIIB) Zone Change Map**



1" = 1000'

- LEGEND**
-  SUBJECT AREA - PROPOSED VILLAGE (V) ZONE (3.58 AC)
  -  ZONE LINE
  -  EXISTING UGB
  -  EXISTING CITY BOUNDARY
  -  EXISTING ZONING DESIGNATION

**PROPOSED ZONE MAI  
AMENDMENT**

# **Section IIIC) Legal Description & Sketch**





EXHIBIT A

October 3, 2014

LEGAL DESCRIPTION

Job No. 398-054

A parcel of land being Lot 79, plat of "Villebois Village Center No. 3", Clackamas County Plat Records, and public Right-of-Way, situated in the Northwest and Northeast Quarters of Section 15, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the most northerly corner of said Lot 79;

thence along the northerly plat boundary of said plat, North 31°30'05" East, a distance of 26.36 feet to a point on the centerline of SW Costa Circle West;

thence along said centerline, South 49°03'27" East, a distance of 319.46 feet to a point of curvature;

thence continuing along said centerline, along a 746.00 foot radius tangential curve to the right, arc length of 79.46 feet, central angle of 06°06'11", chord distance of 79.42 feet, and chord bearing of South 46°00'21" East to a point of tangency;

thence continuing along said centerline and its extension, South 42°57'16" East, a distance of 78.58 feet to a point on the southeasterly plat line of said plat;

thence along said southeasterly plat line, South 45°34'29" West, a distance of 80.51 feet to an angle point;

thence continuing along said southeasterly plat line, South 63°29'14" West, a distance of 61.38 feet to an angle point;

thence continuing along said southeasterly plat line and its extension, South 72°02'29" West, a distance of 219.06 feet to a point on the centerline of SW Orleans Avenue;

thence along said centerline for the following 7 courses:

North 32°57'14" West, a distance of 6.39 feet to a point of curvature,

along a 188.00 foot radius tangential curve to the left, arc length of 35.00 feet, central angle of 10°39'55", chord distance of 34.94 feet, and chord bearing of North 38°17'12" West to a point of tangency,

North 43°37'09" West, a distance of 194.08 feet to a point of curvature,

along a 185.00 foot radius tangential curve to the left, arc length of 31.96 feet, central angle of 09°53'51", chord distance of 31.92 feet, and chord bearing of North 48°34'05" West to a point of reverse curvature,

along a 185.00 foot radius reverse curve to the right, arc length of 31.96 feet, central angle of 09°53'51", chord distance of 31.92 feet, and chord bearing of North 48°34'05" West to a point of tangency,

North 43°37'09" West, a distance of 161.26 feet to a point of curvature,

along a 100.00 foot radius tangential curve to the right, arc length of 12.20 feet, central angle of 06°59'22", chord distance of 12.19 feet, and chord bearing of North 40°07'28" West,

thence leaving said centerline, North 45°36'51" East, a distance of 151.05 feet to an angle point on the northerly line of said Lot 79;

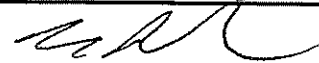
thence along said northerly line, South 47°50'26" East, a distance of 127.82 feet to an angle point;

thence continuing along said northerly line, North 41°14'03" East, a distance of 118.86 feet to the POINT OF BEGINNING.

Containing 3.58 acres, more or less.

Basis of bearings per plat of "Villebois Village Center No. 3", Clackamas County Plat Records.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

N:\proj\398-C Drawings\06 Survey\Legals\398064.Montague Park.Zone Change.dwg - SHEET: Legal Desc Oct. 22 PM ct

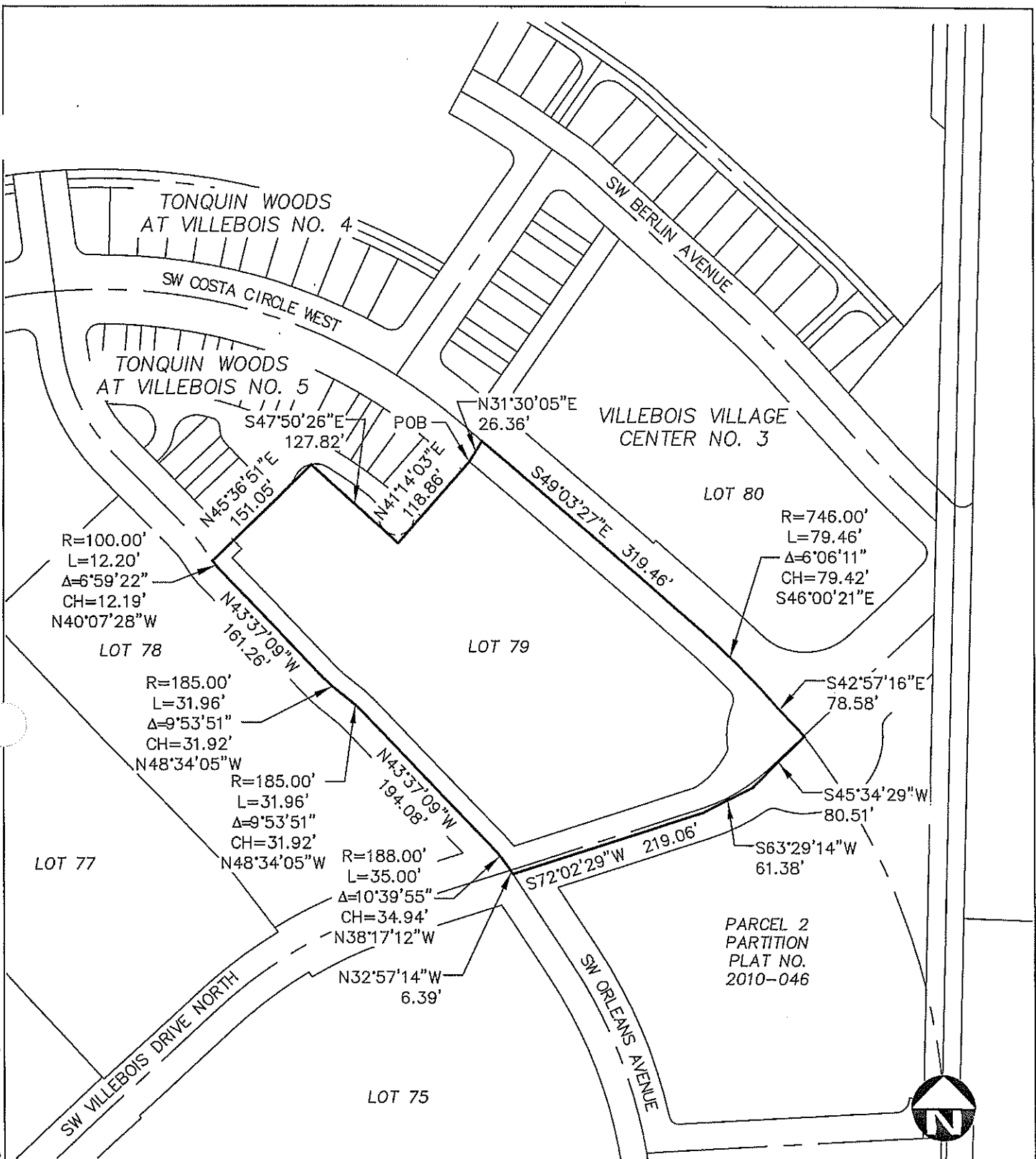


EXHIBIT A

DRAWN BY: CLL DATE: 10/3/14

REVIEWED BY: TCJ DATE: 10/3/14

PROJECT NO.: 398-054

SCALE: 1"=150'

PAGE 3 OF 3



12564 SW Main St  
 Tigard, OR 97223  
 [T] 503-941-9484  
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# **Section IV) Tree Preservation Plan**

# **Section IVA) Supporting Compliance Report**



**SUPPORTING COMPLIANCE REPORT  
TREE PRESERVATION PLAN  
MONTAGUE PARK**

**SECTION IVA**

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# I. WILSONVILLE PLANNING AND LAND DEVELOPMENT ORDINANCE

## SECTION 4.610.10. STANDARDS FOR TREE REMOVAL, RELOCATION OR REPLACEMENT

(.01) Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:

- A. **Standard for the Significant Resource Overlay Zone.** The standard for tree removal in the Significant Resource Overlay Zone shall be that removal or transplanting of any tree is not inconsistent with the purposes of this chapter.

**Response:** The proposed planned development is not located within a Significant Resource Overlay Zone. Therefore, this standard does not apply.

- B. **Preservation and Conservation.** No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a principle shall be equal in concern and importance as other design principles.

**Response:** The preservation of on-site trees was an important factor in the design of Montague Park. The site was specifically planned in a location that includes many existing trees. All trees in the proposed site have been inventoried.

The attached Tree Report (see Notebook Section IVB), prepared by Morgan Holen of Morgan Holen & Associates LLC, includes a tree inventory indicating the common and species names, DBH, condition, and recommended treatment of on-site trees. Proposed tree removal is shown on the *Tree Preservation Plan* (see Notebook Section IVC). The *Tree Preservation Plan* depicts the ranking of existing trees and whether they will be retained, removed, or likely removed.

The intent of the plan is as follows: “Parks and open space areas shall incorporate existing trees where feasible and large shade trees shall be planted in appropriate locations in parks and open spaces” per *Villebois Village Master Plan* Chapter 3, Policy 1. The attached Tree Report (see Section IVB) demonstrates that most of the inventoried trees are in “Poor” condition (38%) or “Moderate” condition (48%). Of trees inventoried, (14%) are rated in “Good” condition and (0%) are rated in “Important” condition. Relative to the total number of trees, a small percentage of “Good” trees are proposed for removal. Three (3) “Good” trees are proposed for removal, which is only 3% of the total number of trees inventoried. The determination to remove these three (3) trees was based upon an assessment that one is necessary to remove due to fungus infection that will cause rotting and decay, one’s health will be interfered with by the removal of surrounding unhealthy trees, and one’s removal is necessary for grading of SW Orleans Avenue. Twenty (20) “Moderate” trees are proposed for removal due to construction. Seventeen (17) of these trees are in a densely planted row on the space proposed to be used for the amphitheater. If these trees were retained, the entire design of the park and functionality of the amphitheater would be compromised. Removal of these trees also opens up the views from the park to the northwest and west. Two (2) other “Moderate” trees are proposed for removal to accommodate the grading of SW Orleans Avenue, and one (1) “Moderate” is proposed for removal to accommodate paving of a path.

- C. Development Alternatives.** Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements.

**Response:** As described above, the preservation and conservation of trees was carefully considered during the planning for on-site improvements. The *Tree Preservation Plan* (see Section IVC) depicts the trees that are to be retained, to be removed, and likely to be removed during construction due to health. Three (3) trees with a condition rating of “Good” are proposed for removal. Tree 569 is located in an area where improvements must be made for grading of SW Orleans Avenue. Tree 636 is infected with velvet-top fungus, which causes extensive rotting and extreme decay. Tree 631 has grown up competing with and adapting to shelter from adjacent trees, and is susceptible to increased risk of failure due to the planned removal of adjacent trees. Twenty (20) “Moderate” trees are proposed for removal due to construction. Trees 665, 667-678, 680-682, and 685 are in a densely planted row on the space proposed to be used for the amphitheater. If these trees were retained, the entire design of the park and functionality of the amphitheater would be compromised. Removal of these trees also opens up the views from the park to the northwest and west. Trees 564 and 568 are proposed for removal to accommodate the grading of SW Orleans Avenue, and tree 571 is proposed for removal to accommodate paving of a path.

- D. Land Clearing.** Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements.

**Response:** The attached plans in Notebook Section IIB depict the extent of grading activities proposed on the site.

- E. Residential Development.** Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.

**Response:** No residential units are planned with this development; the proposed use is a park.

- F. Compliance with Statutes and Ordinances.** The proposed activity shall comply with all applicable statutes and ordinances.

**Response:** The park will comply with all applicable statutes and ordinances.

- G. Relocation or Replacement.** The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not removed, in accordance with WC 4.620.10.

**Response:** No relocation of trees is proposed. Tree replacement will occur in accordance with the necessary provisions from WC 4.620.00 and WC 4.620.10, as addressed below. As shown in the Tree Report prepared by Morgan Holen of Morgan

Holen & Associates LLC (see Section IVB), as well as the attached plans (see Section IIB), sixty (60) trees are to be removed, twenty-five (25) trees are to be retained, and ninety-nine (99) are to be planted. The tree mitigation proposed with the planting of street trees and trees within park and open space areas exceeds the required amount of mitigation of one (1) tree replanted for each tree removed.

**H. Limitation.** Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.

1. **Necessary for Construction.** Where the applicant has shown to the satisfaction of the reviewing authority that removal or transplanting is necessary for the construction of a building, structure or other site improvement and that there is no feasible and reasonable location alternative or design option on-site for a proposed building, structure or other site improvement; or a tree is located too close to an existing or proposed building or structures, or creates unsafe vision clearance.
2. **Disease, Damage, or Nuisance, or Hazard.** Where the tree is diseased, damaged, or in danger of falling, or presents a hazard as defined in WC 6.208, or is a nuisance as defined in WC 6.200 it seq., or creates unsafe vision clearance as defined in this code.
3. **Interference.** Where the tree interferes with the healthy growth of other trees, existing utility service or drainage, or utility work in a previously dedicated right-of-way, and it is not feasible to preserve the tree on site.
4. **Other.** Where the applicant shows that tree removal or transplanting is reasonable under the circumstances.

**Response:** Morgan Holen of Morgan Holen & Associates LLC has prepared a Tree Report (see Notebook Section IVB) for Specific Area Plan - Central. The attached Tree Report includes a tree inventory, which indicates the tree common name and species name, DBH, condition, and recommended treatment (i.e. retain or remove). The determination to remove trees was based upon an assessment of what trees were necessary to remove due to the poor health or construction.

The attached plans (see Notebook Section IIB) illustrate trees proposed to be removed, likely to be removed, and to be retained, and their respective rating of important, good, moderate, or poor condition. Where tree removal is “necessary for construction,” tree removal is needed for site grading in areas where park facilities or adjacent street and sidewalk improvements are planned (see the attached plans in Notebook Section IIB). Three (3) trees with a condition rating of “Good” are proposed for removal. Tree 569 is located in an area where improvements must be made for grading of SW Orleans Avenue. Tree 636 is infected with velvet-top fungus, which causes extensive rotting and extreme decay. Tree 631 has grown up competing with and adapting to shelter from adjacent trees, and is susceptible to increased risk of failure due to the planned removal of adjacent trees. Twenty (20) “Moderate” trees are proposed for removal due to construction. Trees 665, 667-678, 680-682, and 685 are in a densely planted row on the space proposed to be used for the amphitheater. If these trees were retained, the entire design of the park and functionality of the

amphitheater would be compromised. Removal of these trees also opens up the views from the park to the northwest and west. Trees 564 and 568 are proposed for removal to accommodate the grading of SW Orleans Avenue, and tree 571 is proposed for removal to accommodate paving of a path.

**I. Additional Standards for Type C Permits.**

1. **Tree Survey.** For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40 , and provide a Tree Maintenance and Protection Plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.

**Response:** The Tree Preservation Plan (see Notebook Section IVC) and the Tree Report (see Notebook Section IVB) provide a tree survey with the location, species and health of each tree in the proposed planned development area.

2. **Platted Subdivisions.** The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.

**Response:** The proposed development does not include any further subdivision of Lot 79 of “Villebois Village Center No. 3” (the subject site).

3. **Utilities.** The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.

**Response:** The attached plans (see Notebook Section IIB) for the site have been designed to minimize the impact upon the environment to the extent feasible given existing conditions and proposed uses. Any trees to be removed due to the proposed construction will be replaced and/or mitigated in accordance with the provisions in this subchapter.

**J. Exemption.** Type D permit applications shall be exempt from review under standards D, E, H and I of this subsection.

**Response:** This application requests Type C Plan Approval; therefore this standard is not applicable.

**SECTION 4.610.40. TYPE C PERMIT**

- (.01) Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of the subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section



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

**Response:** This application includes a request for approval of a Type “C” Tree Removal Plan for approval by the Development Review Board so that a Tree Removal Permit may be issued. Proposed tree removal is identified on the *Tree Preservation Plan* (see Notebook Section IVC).

(.02) The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:

A. A plan, including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:

1. Property Dimensions. The shape and dimensions of the property, and the location of any existing and proposed structure or improvement.

2. Tree Survey. The survey must include:

a) An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch (1”) equals one hundred feet (100’) and which provides a) the location of all trees having six inches (6”) or greater d.b.h. likely to be impacted, b) the spread of canopy of those trees, c) the common and botanical name of those trees, and d) the approximate location and name of any other trees on the property.

b) A description of the health and condition of all trees likely to be impacted on the site property. In addition, for trees in a present or proposed public street or road right-of-way that are described as unhealthy, the description shall include recommended actions to restore such trees to full health. Trees proposed to remain, to be transplanted or to be removed shall be so designated. All trees to remain on the site are to be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.

- c) Where a stand of twenty (20) or more contiguous trees exist on a site and the applicant does not propose to remove any of those trees, the required tree survey may be simplified to accurately show only the perimeter area of that stand of trees, including its drip line. Only those trees on the perimeter of the stand shall be tagged, as provided in “b”, above.
  - d) All Oregon white oaks, native yews, and any species listed by either the state or federal government as rare or endangered shall be shown in the tree survey.
3. **Tree Protection.** A statement describing how trees intended to remain will be protected during development, and where protective barriers are necessary, that they will be erected before work starts. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute “barriers”.
  4. **Easements and Setbacks.** Location and dimension of existing and proposed easements, as well as all setback required by existing zoning requirements.
  5. **Grade Changes.** Designation of grade proposed for the property that may impact trees.
  6. **Cost of Replacement.** A cost estimate for the proposed tree replacement program with a detailed explanation including the number, size, and species.
  7. **Tree Identification.** A statement that all trees being retained will be identified by numbered metal tags, as specified in subsection “A,” above in addition to clear identification on construction documents.

**Response:** The *Tree Preservation Plan* (see Notebook Section IVC) identifies trees proposed for removal. The *Tree Preservation Plan* provides information required by WC 4.610.40(.02). In addition, Morgan Holen of Morgan Holen & Associates LLC has prepared a Tree Report (see Notebook Section IVB) that provides information required by WC 4.610.40(.02).

**SECTION 4.620.00. TREE RELOCATION, MITIGATION, OR REPLACEMENT**

**(.01) Requirement Established.** A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.

**Response:** No relocation of trees is proposed. Tree replacement will occur in accordance with the necessary provisions from WC 4.620.00 and WC 4.620.10. The tree mitigation proposed with the planting of street trees and trees within park and open space areas exceeds the required amount of mitigation.

**(.02) Basis For Determining Replacement.** The permit grantee shall replace removed trees on a basis of one (1) tree replaced for each tree removed. All replacement trees must measure two inches (2”) or more in diameter. Alternatively, the Planning Director or Development Review board may

require the permit grantee to replace removed trees on a per caliper inch basis, based on a finding that the large size of the trees being removed justifies an increase in the replacement trees required. Except, however, that the Planning Director or Development Review Board may allow the use of replacement Oregon white oaks and other uniquely valuable trees with a smaller diameter.

**Response:** Trees to be removed will be replaced in accordance with this criterion. The attached Tree Report (see Notebook Section IVB) indicates that approximately 60 trees are proposed to be removed. The attached plans (see Notebook Section IIB) show 38 street trees to be planted, in addition to 61 trees to be planted within the park. The total number of trees to be planted is at least 99, which exceeds the required amount of tree mitigation.

**(.03) Replacement Tree Requirements.** A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.

- A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture nursery Grade No. 1 or better.
- B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date.
- C. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced.
- D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.

**Response:** The attached Tree Report (see Notebook Section IVB), prepared by Morgan Holen of Morgan Holen & Associates LLC, includes mitigation analysis for planting replacement trees. All trees to be planted will meet the requirements of this standard.

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

**Response:** All trees to be planted will meet the requirements of this standard.

**(.05) Replacement Tree Location.**

- A. **City Review Required.** The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation, and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed
- B. **Relocation or Replacement Off-Site.** When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location - approved by the city.

**Response:** Trees will be replaced on-site within the same general area as the trees removed. Tree replacement areas are shown on the attached plans (see Notebook Section IIB). 31 street trees are to be planted, in addition to 61 trees to be planted within the park area.

**(.06) City Tree Fund.** Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the Tree Removal Permit grantee shall pay into the City Tree Fund, which fund is hereby created, an amount of money approximately the value as defined by this subchapter, of the replacement trees that would otherwise be required by this subchapter. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City.

**Response:** All trees removed will be replaced on greater than a 1 for 1 basis. Therefore, payment to the City Tree Fund is not necessary.

**(.07) Exception.** Tree replacement may not be required for applicants in circumstances where the Director determines that there is good cause to not so require. Good cause shall be based on a consideration of preservation of natural resources, including preservation of mature trees and diversity of ages of trees. Other criteria shall include consideration of terrain, difficulty of replacement and impact on adjacent property.

**Response:** No exception to the tree replacement requirements is requested with this application.

#### **SECTION 4.620.10. TREE PROTECTION DURING CONSTRUCTION**

- (.01)** Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:
- A.** All trees required to be protected must be clearly labeled as such.
  - B.** **Placing Construction Materials Near Tree.** No person may conduct any construction activity likely to be injurious to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or depositing soil, or placing irrigated landscaping, within the drip line, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist.
  - C.** **Attachments to Trees During Construction.** Notwithstanding the requirement of WC 4.620.10(1)(A), no person shall attach any device or wire to any protected tree unless needed for tree protection.
  - D.** **Protective Barrier.** Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable barriers as identified by an arborist to protect remaining trees. Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Barriers shall be sufficiently substantial to withstand nearby construction

activities. Plastic Tape or similar forms of markers do not constitute “barriers”. The most appropriate and protective barrier shall be utilized. Barriers are required for all trees designated to remain, except in the following cases.

1. Rights-of-ways and Easements.
2. Any property area separate from the construction or land clearing area onto which no equipment may venture.

**Response:** Trees to be retained will be protected to the greatest extent possible during construction as described in the attached Tree Report (see Notebook Section IVB). Additional details about tree protection during construction will be provided with the construction drawings.

#### **SECTION 4.620.20. MAINTENANCE AND PROTECTION STANDARDS**

(.01) The following standards apply to all activities affecting trees, including, but not limited to, tree protection as required by a condition of approval on a site development application brought under this chapter or as required by an approved Tree Maintenance and Protection Plan.

- A. Pruning activities shall be guided by the most recent version of the ANSI 300 Standards for Tree, Shrub and Other Woody Plant Maintenance.
- B. Topping is prohibited
  1. Exception from this section may be granted under a Tree Removal Permit if necessary for utility work or public safety.

**Response:** The attached Tree Report (see Notebook Section IVB) addresses tree protection standards. If pruning or topping is determined to be necessary in the future, it will occur in accordance with WC 4.620.20.

#### **SECTION 4.640.00. APPLICATION REVIEW PROCEDURES**

(.03) Reviewing Authority

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

**Response:** This application includes a Tree Preservation Plan, located in Notebook Section IVC for review by the Development Review Board. The Applicant is requesting that the Development Review Board approve this plan so that a Tree Removal Permit may be issued.

## **II. CONCLUSION**

This Supporting Compliance Report demonstrates compliance with the applicable criteria of the City of Wilsonville Land Development Ordinance for the requested review of the Type “C” Tree Removal Plan. Therefore, the applicant respectfully requests approval of this application.



# **Section IVB) Tree Report**



**Montague Park, Wilsonville, Oregon  
Tree Maintenance and Protection Plan  
November 7, 2014**

MHA1436

**Purpose**

This Tree Maintenance and Protection Plan for the Montague Park project located in Wilsonville, Oregon, is provided pursuant to the City of Wilsonville Development Code, Section 4.610.40. This arborist report describes the existing trees located on the project site and recommendations for tree removal, retention, protection, and mitigation. This report is based on observations made by International Society of Arboriculture (ISA) Certified Arborist and Qualified Tree Risk Assessor Morgan Holen (PN-6145A) during site visits conducted on May 21 and 30, 2014, and October 16, 2014. A complete description of individual trees is provided in the enclosed tree data.

**Scope of Work and Limitations**

Morgan Holen & Associates, LLC, was contracted by Costa Pacific Communities to inventory individual trees measuring six inches and larger in diameter and to develop a tree maintenance and protection plan for the project. The site is planned for development of a public park, which includes an amphitheater, play structure, natural play area, pickle-ball court, and grassy open space. A site survey was provided prior to the tree inventory illustrating the location of existing trees and tree survey point numbers.

Visual Tree Assessment (VTA) was performed on individual trees located within and adjacent to the project boundaries. VTA is the standard process whereby the inspector visually assesses the tree from a distance and up close, looking for defect symptoms and evaluating overall condition and vitality on individual trees. Inventory data was collected including point number, species, size, general condition, comments, and treatment recommendations. Following the inventory fieldwork, we coordinated with Pacific Community Design to provide recommendations aimed to preserve the best existing tree features during the design phase.

The client may choose to accept or disregard the recommendations contained herein, or seek additional advice. Neither this author nor Morgan Holen & Associates, LLC, have assumed any responsibility for liability associated with the trees on or adjacent to this site.

**General Description**

The site has been unmaintained in recent years and is overgrown with invasive Himalayan blackberries (*Rubus discolor*) and some English ivy (*Hedera helix*). Existing trees are scattered across the site and also located in two dense rows near the northern and southern boundaries. In all, 85 trees measuring 6-inches and larger in diameter were inventoried including 16 tree species. Table 1 provides a summary of the count of trees by species.

**Table 1. Count of Trees by Species – Montague Park, Wilsonville, OR.**

Common Name	Species Name	Total	Percent
apple	<i>Malus spp.</i>	1	1.2%
Atlas cedar	<i>Cedrus atlantica</i>	2	2.4%
bignone maple	<i>Acer macrophyllum</i>	2	2.4%
black cottonwood	<i>Populus trichocarpa</i>	1	1.2%
black walnut	<i>Juglans nigra</i>	1	1.2%
cherry	<i>Prunus spp.</i>	2	2.4%
Douglas-fir	<i>Pseudotsuga menziesii</i>	30	35%
English walnut	<i>Juglans regia</i>	2	2.4%
grand fir	<i>Abies grandis</i>	8	9.4%
noble fir	<i>Abies nobilis</i>	1	1.2%
Norway maple	<i>Acer platanoides</i>	1	1.2%
Norway spruce	<i>Picea abies</i>	4	4.7%
pine sp.	<i>Pinus spp.</i>	1	1.2%
red maple	<i>Acer rubrum</i>	4	4.7%
silver maple	<i>Acer saccharinum</i>	1	1.2%
western redcedar	<i>Thuja plicata</i>	24	28.2%
<b>Total</b>		<b>85</b>	<b>100%</b>

No Oregon white oak (*Quercus garryana*), native yews (*Taxus spp.*), or any species listed by either the state or federal government as rare or endangered were found on the site. A complete description of existing trees is included in the enclosed tree data.

**Tree Plan Recommendations**

As described in the enclosed tree data, individual trees were assigned a general condition rating of:

- P – Poor;
- M – Moderate;
- G – Good; or
- I – Important.

Table 2 provides a summary of the number of trees by general condition rating and treatment recommendation. None of the inventoried trees were classified as Important.

**Table 2. Count of Trees by Treatment Recommendation and General Condition Rating.**

Treatment Recommendation	General Condition Rating			Total
	P	M	G	
Remove - Condition	29	5	2	36 (42.4%)
Remove - Construction	3	20	1	24 (28.2%)
Retain	0	16	9	25 (29.4%)
<b>Total</b>	<b>32</b> (38%)	<b>41</b> (48%)	<b>12</b> (14%)	<b>85 (100%)</b>

Of the 85 inventoried trees, 25 (29.4%) are recommended for retention and may require special protection during construction, including 16 trees in moderate condition and nine trees in good condition.

The remaining 60 trees are recommended for removal, including 36 (42.4%) trees recommended for removal because of condition and 24 (28.2%) trees recommended for removal for the purposes of construction.

The 36 trees recommended for removal because of condition include 29 trees in poor condition, as well as five trees in moderate condition and two trees in generally good condition.

- Trees in poor condition are not suitable for retention with site development because they are dead or declining and not viable.
- Of the five trees noted as being in moderate condition yet recommended for removal because of condition, four have less than ideal structure that will present an increased risk for failure with exposure from adjacent tree removal (trees 577, 625, 626 and 630) and one appears to be infested with an insect that is likely to impact its long-term viability and decrease the aesthetic value of the tree (tree 637).
- Of the two trees noted in generally good condition yet recommended for removal because of condition, one is a Douglas-fir without major defects, but it has grown up competing with and adapting to shelter from adjacent trees (tree 631); removal of the adjacent trees because of poor condition and for the purposes of construction necessitates the removal of this tree which would present an increased risk for failure with exposure from adjacent tree removal. The other is a large Douglas-fir (*Pseudotsuga menziesii*) with a relatively vigorous crown, but with basal swelling and mushrooms at the base of the tree which were positively identified as *Phaeolus schweinitzii*, the velvet-top fungus (tree 636). This fungus causes extensive butt rot in infected trees and extreme decay may result in stem breakage or windthrow. Infected trees should be removed from areas with target potential because of hazardous condition.

While these trees are not directly impacted by the proposed construction, they are not suitable for retention with development because of disease, infestation, structure, and impacts from adjacent tree removal.

The 24 trees recommended for removal because of construction include three trees in poor condition, 20 trees in moderate condition, and one tree in good condition.

- The three trees in poor condition are all small diameter western redcedars (*Thuja plicata*) located in a dense row of planted trees near the northern boundary of the development site (trees 679, 683 and 684). These trees are heavily suppressed by the adjacent trees and not viable. However, they are largely unnoticeable in the dense group of trees and do not present high risk potential. Therefore, removal is not recommended because of condition, but is necessitated by proposed construction.
- Seventeen of the 20 trees in moderate condition are also western redcedars located in this densely planted row; these trees were likely planted for screening. Overall, these trees appear in good condition as an intact group, but individual trees have structural defects including large diameter scaffold branches, codominant stems, and poor stem structure which lessens the condition rating for individual trees. This intact row of trees is physiologically sustainable, but adequate tree protection is not possible because of site grading and proposed construction. Retention of this row of cedars would compromise the design of the park, particularly the functionality of the amphitheater. Additionally, removal of the cedars will open desirable views

from the park to the northwest and west. The remaining three trees in moderate condition recommended for removal include two red maples (*Acer rubrum*) and one invasive Norway maple (*Acer platanoides*) (trees 564, 568 and 571). Adequate protection is also not feasible and these trees are recommended for removal because of proposed grading.

- Removal of one tree in good condition is also necessary to accommodate grading that needs to occur for construction of the street, SW Orleans Avenue (tree 569); this is a 20-inch diameter red maple with no major defects.

### Mitigation Requirements

All 85 inventoried trees are greater than 6-inches in diameter. Twenty-five trees are recommended for retention with protection measures during construction and 60 trees are recommended for removal because of condition or for the purposes of construction. Removal of these 60 trees requires mitigation per Section 4.620.00; removed trees shall be replaced on a basis of one tree planted for each tree removed. Therefore, 60 trees measuring at least 2-inches in diameter should be planted as mitigation for tree removal.

### Tree Protection Standards

Trees designated for retention will need special consideration to assure their protection during construction. We highly recommend a preconstruction meeting with the owner, contractors, and project arborist to review tree protection measures and address questions or concerns on site.

Tree protection measures include:

1. **Fencing.** Trees to remain on site shall be protected by installation of tree protection fencing to prevent injury to tree trunks or roots, or soil compaction within the root protection area, which generally coincides with protected tree driplines. Fences shall be 6-foot high steel on concrete blocks or orange plastic construction fencing on metal stakes. The project arborist shall determine the exact location and type of tree protection fencing. Trees located more than 30-feet from construction activity shall not require fencing.
2. **Tree Protection Zone.** Without authorization from the Project Arborist, none of the following shall occur beneath the dripline of any protected tree:
  - a. Grade change or cut and fill;
  - b. New impervious surfaces;
  - c. Utility or drainage field placement;
  - d. Staging or storage of materials and equipment; or
  - e. Vehicle maneuvering.

Root protection zones may be entered for tasks like surveying, measuring, and, sampling. Fences must be closed upon completion of these tasks.

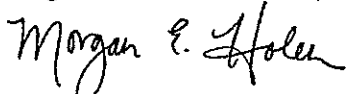
3. **Soil Protection.** The stripping of topsoil around retained trees shall be restricted, except under the guidance of the project arborist. No fill (including temporary storage of spoils) shall be placed beneath the dripline of protected trees, except as otherwise directed by the project arborist.



4. **Excavation.** The project arborist shall provide on-site consultation during all excavation activities beneath the dripline of protected trees. Excavation immediately adjacent to roots larger than 2-inches in diameter within the root protection zone of retained trees shall be by hand or other non-invasive techniques to ensure that roots are not damaged. Where feasible, major roots shall be protected by tunneling or other means to avoid destruction or damage. Exceptions can be made if, in the opinion of the project arborist, unacceptable damage will not occur to the tree. Where soil grade changes affect the root protection area, the grade line should be meandered wherever practicable. This will require on-site coordination to ensure a reasonable balance between engineering, construction, and the need for tree protection.
5. **Pruning.** Some of the trees may require pruning for safety, clearance, and to avoid crown damage prior to construction. The project arborist can help identify where pruning is necessary once trees recommended for removal have been removed and the site is staked and prepared for construction. Pruning should be performed by a Qualified Tree Service.
6. **Landscaping.** Following construction, apply approximately 3-inches of mulch beneath the dripline of protected trees, but not directly against tree trunks. Shrubs and ground covers may be planted within tree protection areas. If irrigation is used, use drip irrigation only beneath the driplines of protected trees.
7. **Quality Assurance.** The project arborist should supervise proper execution of this plan during construction activities that could encroach on retained trees. Tree protection site inspection monitoring reports should be provided to the Client and City as needed throughout construction.

Thank you for choosing Morgan Holen & Associates, LLC, to provide consulting arborist services for the Montague Park project. Please contact us if you have questions or need additional information.

Thank you,  
Morgan Holen & Associates, LLC



Morgan E. Holen, Owner  
ISA Certified Arborist, PN-6145A  
ISA Tree Risk Assessment Qualified  
Forest Biologist

Enclosures: Tree Data 5-21-14



Tree No.	Common Name	Species Name	DBH*	C-Rad^	Cond#	Condition & Comments	Treatment	Arborist Recommendations
564	red maple	<i>Acer rubrum</i>	18	12	M	no major defects	remove - construction	
565	red maple	<i>Acer rubrum</i>	28	16	P	major scaffold branch failure, large wound, dead branches	remove - condition	
566	Atlas cedar	<i>Cedrus atlantica</i>	49	20	M	multiple leaders	retain	
567	Atlas cedar	<i>Cedrus atlantica</i>	47	26	M	multiple leaders	retain	
568	red maple	<i>Acer rubrum</i>	25	20	M	dead branches, moderate vigor	remove - construction	
569	red maple	<i>Acer rubrum</i>	20	24	G	no major defects	remove - construction	
570	silver maple	<i>Acer saccharinum</i>	40	32	M	multiple attachments at 3', good vigor	retain	prune
571	Norway maple	<i>Acer platanoides</i>	16	16	M	Verticillium, few dead branches, large diameter lateral branches	remove - construction	
573	Douglas-fir	<i>Pseudotsuga menziesii</i>	44	34	G	growing out and up forming separate leaders; moderate risk potential	retain	aerial inspection, pruning
574	bigleaf maple	<i>Acer macrophyllum</i>	37	20	P	stem decay with hollows	remove - condition	
575	bigleaf maple	<i>Acer macrophyllum</i>	41	22	P	cavity, basal decay, stem decay	remove - condition	
576	English walnut	<i>Juglans regia</i>	40	24	P	branch decay	remove - condition	
577	black walnut	<i>Juglans nigra</i>	29	20	M	increased risk with exposure from adjacent tree removal	remove - condition	
578	English walnut	<i>Juglans regia</i>	30	18	P	mostly dead	remove - condition	
585	grand fir	<i>Abies grandis</i>	15	12	P	dead	remove - condition	
586	Douglas-fir	<i>Pseudotsuga menziesii</i>	24	14	G	dead branches	retain in group	prune
587	Douglas-fir	<i>Pseudotsuga menziesii</i>	16	10	M	dead and broken branches, some epicormics	retain in group	prune
588	Douglas-fir	<i>Pseudotsuga menziesii</i>	25	16	G	dead and broken branches	retain in group	prune
590	Douglas-fir	<i>Pseudotsuga menziesii</i>	14	12	M	poor structure	retain in group	
591	Douglas-fir	<i>Pseudotsuga menziesii</i>	20	16	M	crown asymmetry, ivy up trunk	retain in group	remove ivy
592	grand fir	<i>Abies grandis</i>	10	6	M	poor structure	retain in group	
594	Douglas-fir	<i>Pseudotsuga menziesii</i>	21	14	M	dead and broken branches	retain in group	prune
595	Douglas-fir	<i>Pseudotsuga menziesii</i>	24	16	M	dead and broken branches	retain in group	prune



Tree No.	Common Name	Species Name	DBH*	C-Rad^	Cond#	Condition & Comments	Treatment	Arborist Recommendations
596	Douglas-fir	<i>Pseudotsuga menziesii</i>	22	14	M	dead and broken branches	retain in group	prune
597	Douglas-fir	<i>Pseudotsuga menziesii</i>	18	14	P	suppressed, not viable	remove - condition	
598	Douglas-fir	<i>Pseudotsuga menziesii</i>	24	14	M	some twig dieback	retain in group	prune
599	grand fir	<i>Abies grandis</i>	10	12	P	suppressed, poor structure	remove - condition	
600	Douglas-fir	<i>Pseudotsuga menziesii</i>	14	12	M	intermediate crown class	retain in group	
601	Douglas-fir	<i>Pseudotsuga menziesii</i>	20	14	M	dead and broken branches	retain in group	prune
602	Douglas-fir	<i>Pseudotsuga menziesii</i>	20	16	G	dead branches	retain in group	prune
604	Douglas-fir	<i>Pseudotsuga menziesii</i>	14	14	M	poor crown structure	retain in group	prune
605	Douglas-fir	<i>Pseudotsuga menziesii</i>	16	14	M	poor crown structure	retain in group	prune
606	western redcedar	<i>Thuja plicata</i>	29	16	G	no major defects	retain	
607	grand fir	<i>Abies grandis</i>	10	10	P	mostly dead	remove - condition	
608	grand fir	<i>Abies grandis</i>	10	10	P	poor structure and condition	remove - condition	
609	grand fir	<i>Abies grandis</i>	17	14	P	windsnap, snag, good habitat value	remove - condition	
610	Douglas-fir	<i>Pseudotsuga menziesii</i>	17	14	P	poor crown structure, dead and broken branches	remove - condition	
616	Douglas-fir	<i>Pseudotsuga menziesii</i>	19	16	G	no major defects	retain in group	
617	Douglas-fir	<i>Pseudotsuga menziesii</i>	22	16	M	long lateral limbs, epicormic sprouts	retain in group	
618	grand fir	<i>Abies grandis</i>	22	14	P	dead	remove - condition	
619	western redcedar	<i>Thuja plicata</i>	16	14	G	no major defects	retain	
620	Norway spruce	<i>Picea abies</i>	14	10	P	broken top, not viable	remove - condition	
621	western redcedar	<i>Thuja plicata</i>	20	12	P	cavity, stem decay	remove - condition	
622	Douglas-fir	<i>Pseudotsuga menziesii</i>	16	14	P	severe decline	remove - condition	
624	black cottonwood	<i>Populus trichocarpa</i>	52	30	P	poor structure, history of large branch failure, stem decay, inherent species limitations, high risk	remove - condition	
625	Douglas-fir	<i>Pseudotsuga menziesii</i>	17	14	M	intermediate crown class, dead branches, small live crown	remove - condition	



Morgan Holen  
— & — ASSOCIATES, LLC

Tree No.	Common Name	Species Name	DBH*	C-Rad^	Cond#	Condition & Comments	Treatment	Arborist Recommendations
626	Douglas-fir	<i>Pseudotsuga menziesii</i>	15	12	M	dead branches, not suitable for retention with adjacent clearing	remove - condition	
630	Douglas-fir	<i>Pseudotsuga menziesii</i>	20	20	M	dead branches, not suitable for retention with adjacent clearing	remove - condition	
631	Douglas-fir	<i>Pseudotsuga menziesii</i>	26	16	G	old broken top, few dead branches, not suitable for retention with adjacent clearing	remove - condition	
633	Douglas-fir	<i>Pseudotsuga menziesii</i>	22	14	P	history of branch failure, poor crown structure, high risk	remove - condition	
635	Norway spruce	<i>Picea abies</i>	14	10	P	poor structure, numerous dead branches	remove - condition	
636	Douglas-fir	<i>Pseudotsuga menziesii</i>	30	16	G	<i>Phaeolous schweinitzii</i> at base of tree, some basal swelling	remove - condition	
637	grand fir	<i>Abies grandis</i>	25	8	M	suspect adelgid infestation, dead branches, twig dieback	remove - condition	
640	pine sp.	<i>Pinus</i> spp.	10	8	P	small high live crown, dead branches	remove - condition	
641	Norway spruce	<i>Picea abies</i>	18	12	P	forked top, included bark, pitch flow	remove - condition	
642	western redcedar	<i>Thuja plicata</i>	46	16	P	broken top, included bark, stem decay, high risk	remove - condition	
643	Norway spruce	<i>Picea abies</i>	15	10	P	codom leaders at 15'	remove - condition	
644	Douglas-fir	<i>Pseudotsuga menziesii</i>	27	20	G	few dead branches	retain	prune
645	noble fir	<i>Abies nobilis</i>	10	8	P	mostly dead	remove - condition	prune
646	Douglas-fir	<i>Pseudotsuga menziesii</i>	24	20	G	few dead branches	retain	
648	Douglas-fir	<i>Pseudotsuga menziesii</i>	13	12	P	dead	remove - condition	
656	Douglas-fir	<i>Pseudotsuga menziesii</i>	14	10	P	dead	remove - condition	
663	cherry	<i>Prunus</i> spp.	6	8	P	covered in blackberries	remove - condition	
664	apple	<i>Malus</i> spp.	9	8	P	dead	remove - condition	
665	western redcedar	<i>Thuja plicata</i>	46	20	M	candelabra structure	remove - construction	



Tree No.	Common Name	Species Name	DBH*	C-Rad <sup>^</sup>	Cond <sup>#</sup>	Condition & Comments	Treatment	Arborist Recommendations
666	cherry	<i>Prunus spp.</i>	6	8	P	dead	remove - condition	
667	western redcedar	<i>Thuja plicata</i>	18	18	M	dense spacing	remove - construction	
668	western redcedar	<i>Thuja plicata</i>	12	16	M	dense spacing	remove - construction	
669	western redcedar	<i>Thuja plicata</i>	6	12	M	dense spacing	remove - construction	
670	western redcedar	<i>Thuja plicata</i>	7	12	M	dense spacing	remove - construction	
671	western redcedar	<i>Thuja plicata</i>	20	18	M	dense spacing	remove - construction	
672	western redcedar	<i>Thuja plicata</i>	20	18	M	dense spacing	remove - construction	
673	western redcedar	<i>Thuja plicata</i>	11	12	M	dense spacing	remove - construction	
674	western redcedar	<i>Thuja plicata</i>	12	12	M	dense spacing	remove - construction	
675	western redcedar	<i>Thuja plicata</i>	18	16	M	dense spacing	remove - construction	
676	western redcedar	<i>Thuja plicata</i>	35	16	M	dense spacing	remove - construction	
677	western redcedar	<i>Thuja plicata</i>	27	14	M	dense spacing	remove - construction	
678	western redcedar	<i>Thuja plicata</i>	9	12	M	dense spacing	remove - construction	
679	western redcedar	<i>Thuja plicata</i>	10	12	P	dense spacing	remove - construction	
680	western redcedar	<i>Thuja plicata</i>	19	12	M	dense spacing	remove - construction	
681	western redcedar	<i>Thuja plicata</i>	16	16	M	dense spacing	remove - construction	
682	western redcedar	<i>Thuja plicata</i>	19	12	M	dense spacing	remove - construction	
683	western redcedar	<i>Thuja plicata</i>	13	12	P	dense spacing	remove - construction	
684	western redcedar	<i>Thuja plicata</i>	13	16	P	dense spacing	remove - construction	
685	western redcedar	<i>Thuja plicata</i>	46	14	M	dense spacing	remove - construction	

\*DBH: Diameter at Breast Height (measured 4.5-feet above ground level in inches); trees with multiple trunks splitting below DBH are measured separately and individual trunk measurements are separated by a comma, except multiple trunks of the same size are indicated with an asterisk (quantity \* size).  
<sup>^</sup>C-Rad: Crown Radius, the distance from the center of the tree to the edge of the dripline (measured in feet).

<sup>#</sup>Condition Rating: I-Important; G-Good; M-Moderate; P-Poor.

**Section IVC) Tree Preservation  
Plan**





Villebois

RCS-VILLEBOIS  
DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC.  
PACIFIC COMMUNITY DESIGN, INC



PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Tree Preservation  
Plan

DATE 2/24/15

8.1

LEGEND:

- 224 — PROPOSED 2-FT CONTOUR
- 230 — PROPOSED 10-FT CONTOUR
- I IMPORTANT
- G GOOD
- M MODERATE
- P POOR
- NE NOT EXAMINED
- EXISTING TREES TO REMAIN
- EXISTING TREES TO REMOVED

NOTES

ALL CONSTRUCTION AND GRADING WITHIN TREE PROTECTION ZONE IS TO BE COMPLETED UNDER DIRECT SUPERVISION OF PROJECT ARBORIST. CONTACT: MORGAN HOLAN PHONE: 503-646-4349

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

CLASSIFICATION METHOD:

TREES WERE RATED BASED ON THE FOLLOWING CONSIDERATIONS:

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

TREES RANKED AS IMPORTANT WERE RATED HIGH IN ALL FOUR AREAS.

TREES IN THE GOOD CATEGORY HAD GOOD HEALTH AND WERE A DESIRABLE SPECIES, BUT HAD IRREGULAR FORM OR LESS COMPATIBILITY WITH DEVELOPMENT.

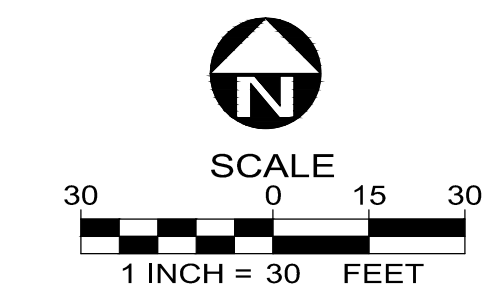
TREES IN THE MODERATE CATEGORY HAD GOOD TO MODERATE HEALTH AND FORM, BUT WERE A LESS DESIRABLE SPECIES OR MAY BE LESS COMPATIBLE WITH DEVELOPMENT.

TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

NOTES:

1. THE INFORMATION PROVIDED WITHIN THE PROJECT BOUNDARY IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST MORGAN HOLAN AND WAS PROVIDED IN A TREE REPORT INCLUDED WITH THE PDP 5C APPLICATION MATERIALS.

N:\pro\398-054\09 Drawings\03 Planning\Sheets\PDP\398054\_81\TREE.dwg - SHEET: 8.1 Feb. 24, 15 - 10:36 AM Bob







Villebois

RCS-VILLEBOIS  
DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC.  
PACIFIC COMMUNITY DESIGN, INC



PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Tree Preservation  
Detail

DATE 2/24/15

8.2

**LEGEND:**

— 224 —	PROPOSED 2-FT CONTOUR
— 230 —	PROPOSED 10-FT CONTOUR
I	IMPORTANT
G	GOOD
M	MODERATE
P	POOR
NE	NOT EXAMINED
	EXISTING TREES TO REMAIN
	EXISTING TREES TO REMOVED

**NOTES**

ALL CONSTRUCTION AND GRADING WITHIN TREE PROTECTION ZONE IS TO BE COMPLETED UNDER DIRECT SUPERVISION OF PROJECT ARBORIST. CONTACT: MORGAN HOLAN PHONE: 503-646-4349

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

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  3. COMPATIBILITY WITH DEVELOPMENT
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TREES RANKED AS IMPORTANT WERE RATED HIGH IN ALL FOUR AREAS.

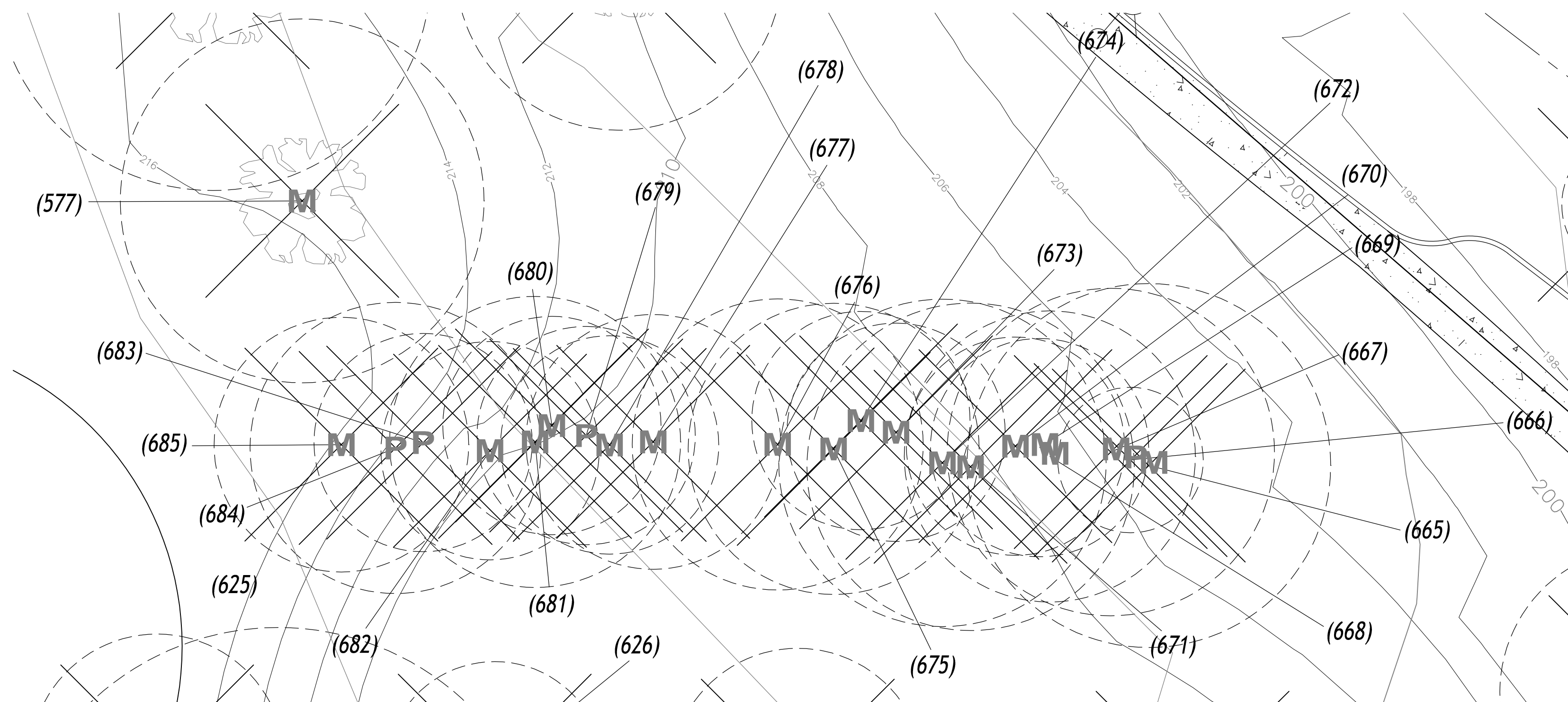
TREES IN THE GOOD CATEGORY HAD GOOD HEALTH AND WERE A DESIRABLE SPECIES, BUT HAD IRREGULAR FORM OR LESS COMPATIBILITY WITH DEVELOPMENT.

TREES IN THE MODERATE CATEGORY HAD GOOD TO MODERATE HEALTH AND FORM, BUT WERE A LESS DESIRABLE SPECIES OR MAY BE LESS COMPATIBLE WITH DEVELOPMENT.

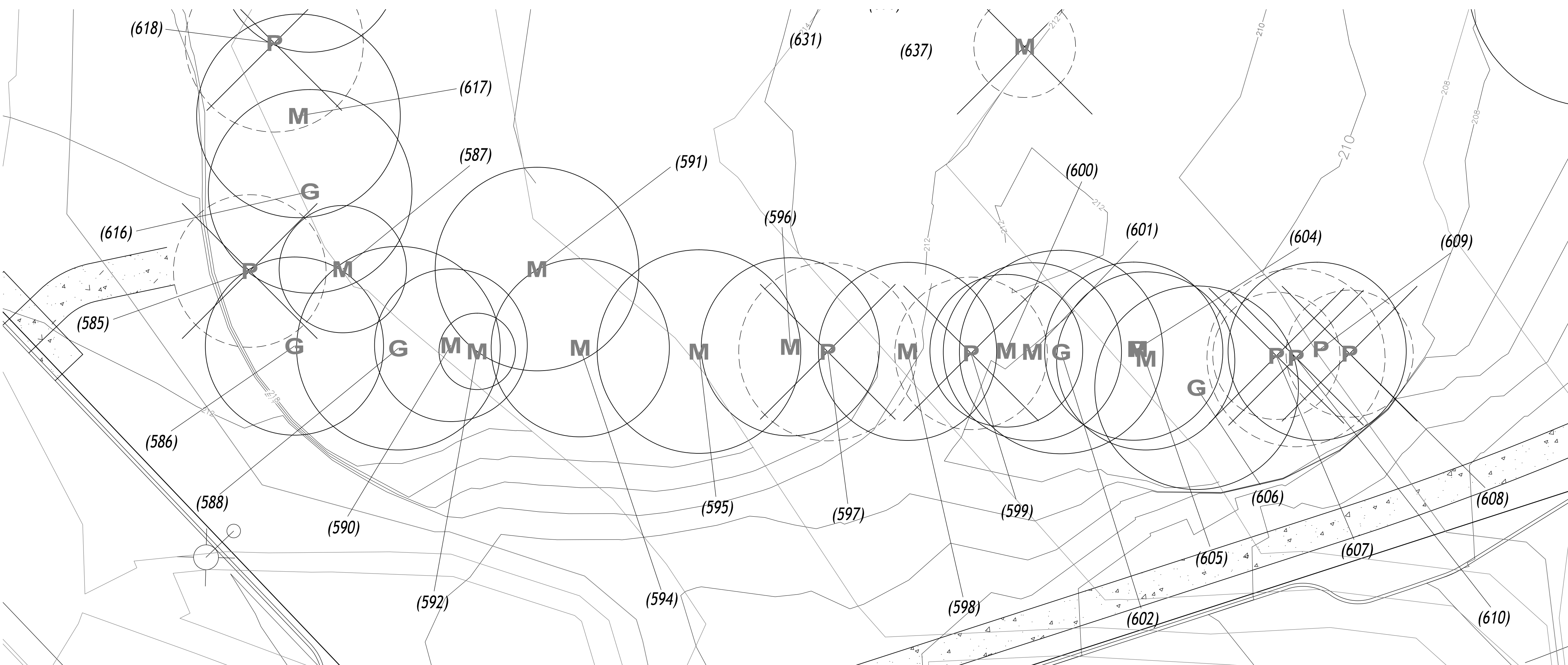
TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

**NOTES:**

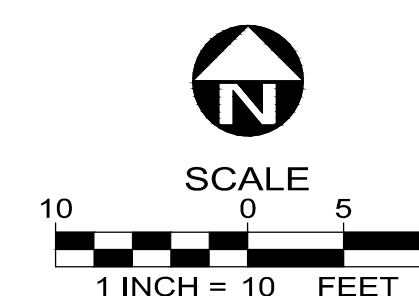
1. THE INFORMATION PROVIDED WITHIN THE PROJECT BOUNDARY IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST MORGAN HOLAN AND WAS PROVIDED IN A TREE REPORT INCLUDED WITH THE PDP 5C APPLICATION MATERIALS.



AREA "A" - PLAN  
SCALE: 1" = 10'



AREA "B" - PLAN  
SCALE: 1" = 10'





# MONTAGUE PARK VILLEBOIS PRELIMINARY DEVELOPMENT PLAN & FINAL DEVELOPMENT PLAN

TL 3100, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SECTION 15 A.C.  
CITY OF WILSONVILLE, OREGON

## APPLICANT/PROPERTY OWNER:

RCS - VILLEBOIS DEVELOPMENT, LLC  
371 CENTENNIAL PARKWAY, SUITE 200  
LOUISEVILLE, CO 80027  
[P] 303-533-1615  
CONTACT: BRIAN PAUL/DAVID NASH

## PLANNER:

PACIFIC COMMUNITY DESIGN, INC  
12564 SW MAIN STREET  
TIGARD, OR 97223  
[P] 503-941-9484  
CONTACT: STACY CONNERY, AICP

## CIVIL ENGINEER:

PACIFIC COMMUNITY DESIGN, INC  
12564 SW MAIN STREET  
TIGARD, OR 97223  
[P] 503-941-9484  
CONTACT: KC SCHWARTZKOPH, PE

## SURVEYOR:

PACIFIC COMMUNITY DESIGN, INC  
12564 SW MAIN STREET  
TIGARD, OR 97223  
[P] 503-941-9484  
CONTACT: TRAVIS JANSEN, PLS, PE

## LANDSCAPE ARCHITECT:

OTTEN LANDSCAPE ARCHITECTS, INC.  
3933 SW KELLY AVE, SUITE B  
PORTLAND, OR 97239  
[P] 503-972-0311  
CONTACT: JANET OTTEN, LANDSCAPE ARCHITECT

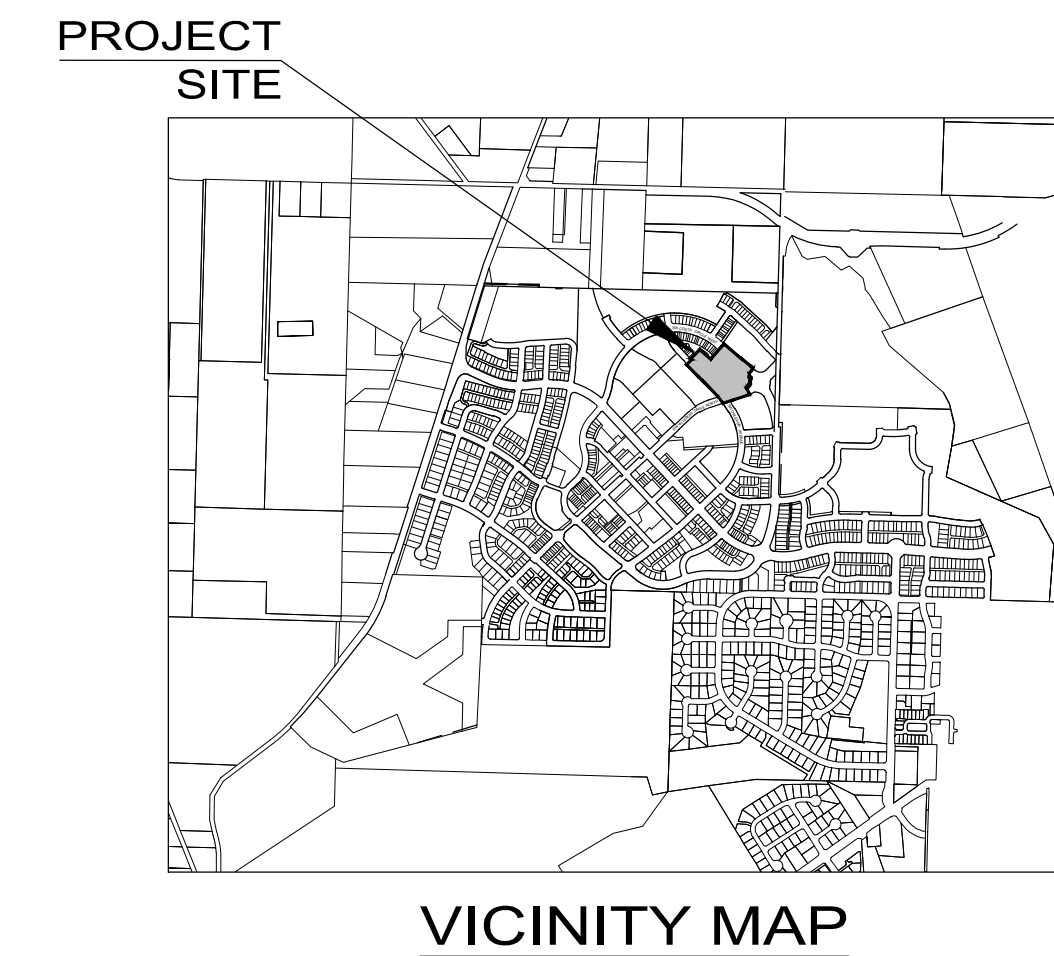
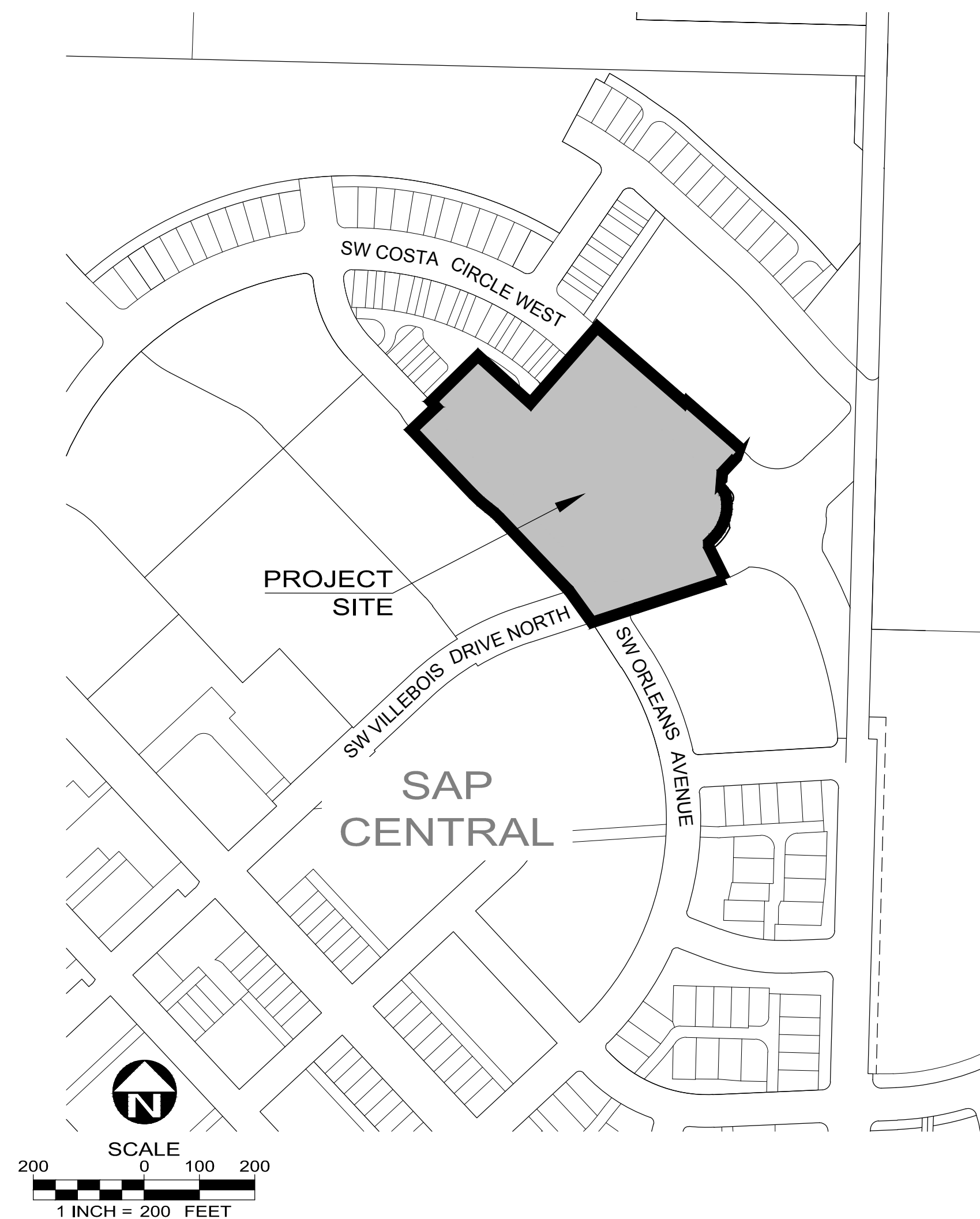
## GEOTECHNICAL ENGINEER:

GEODESIGN, INC.  
15575 SW SEQUOIA PARKWAY, SUITE 100  
PORTLAND, OR 97224  
[P] 503-968-8787  
CONTACT: CRAIG WARE, PE

## BENCHMARK:

OREGON STATE PLANE COORDINATE 5818 LOCATED  
IN MOMUMENT BOX IN CENTERLINE OF TOOZE ROAD  
0.2 MILES WEST OF 110TH AVE.

ELEVATION DATUM: NAVD 88, ELEVATION = 202.991



## SHEET INDEX:

- 1 COVER SHEET
- 2 EXISTING CONDITIONS
- 3 AERIAL PHOTOGRAPH
- 4 PRELIMINARY SITE/LAND USE PLAN
- 5 PRELIMINARY GRADING/EROSION CONTROL PLAN
- 6 COMPOSITE UTILITY PLAN
- 7 CIRCULATION PLAN & STREET SECTIONS
- 8.1 TREE PRESERVATION PLAN
- 8.2 TREE PRESERVATION DETAIL
- 9 SAP CENTRAL PHASING PLAN UPDATE
- L1.0 LANDSCAPE PLAN & DETAILS
- L2.0 LANDSCAPE PLAN & DETAILS
- L3.0 LANDSCAPE PLAN & DETAILS
- L4.0 LANDSCAPE DETAILS & SPECIFICATIONS

## UTILITIES & SERVICES:

WATER:	CITY OF WILSONVILLE
STORM:	CITY OF WILSONVILLE
SEWER:	CITY OF WILSONVILLE
POWER:	PORTLAND GENERAL ELECTRIC
GAS:	NORTHWEST NATURAL
FIRE:	TUALATIN VALLEY FIRE & RESCUE
POLICE:	CLACKAMAS COUNTY SHERIFF
SCHOOL:	WEST LINN / WILSONVILLE SCHOOL DISTRICT 3JT
PARKS:	CITY OF WILSONVILLE
PHONE:	FRONTIER
WASTE DISPOSAL:	UNITED DISPOSAL SERVICE
CABLE:	COMCAST



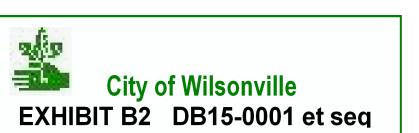
RCS-VILLEBOIS  
DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC  
PACIFIC COMMUNITY DESIGN, INC



PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Cover Sheet



DATE 2/24/15





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OTTEN LANDSCAPE ARCHITECTS, INC  
PACIFIC COMMUNITY DESIGN, INC



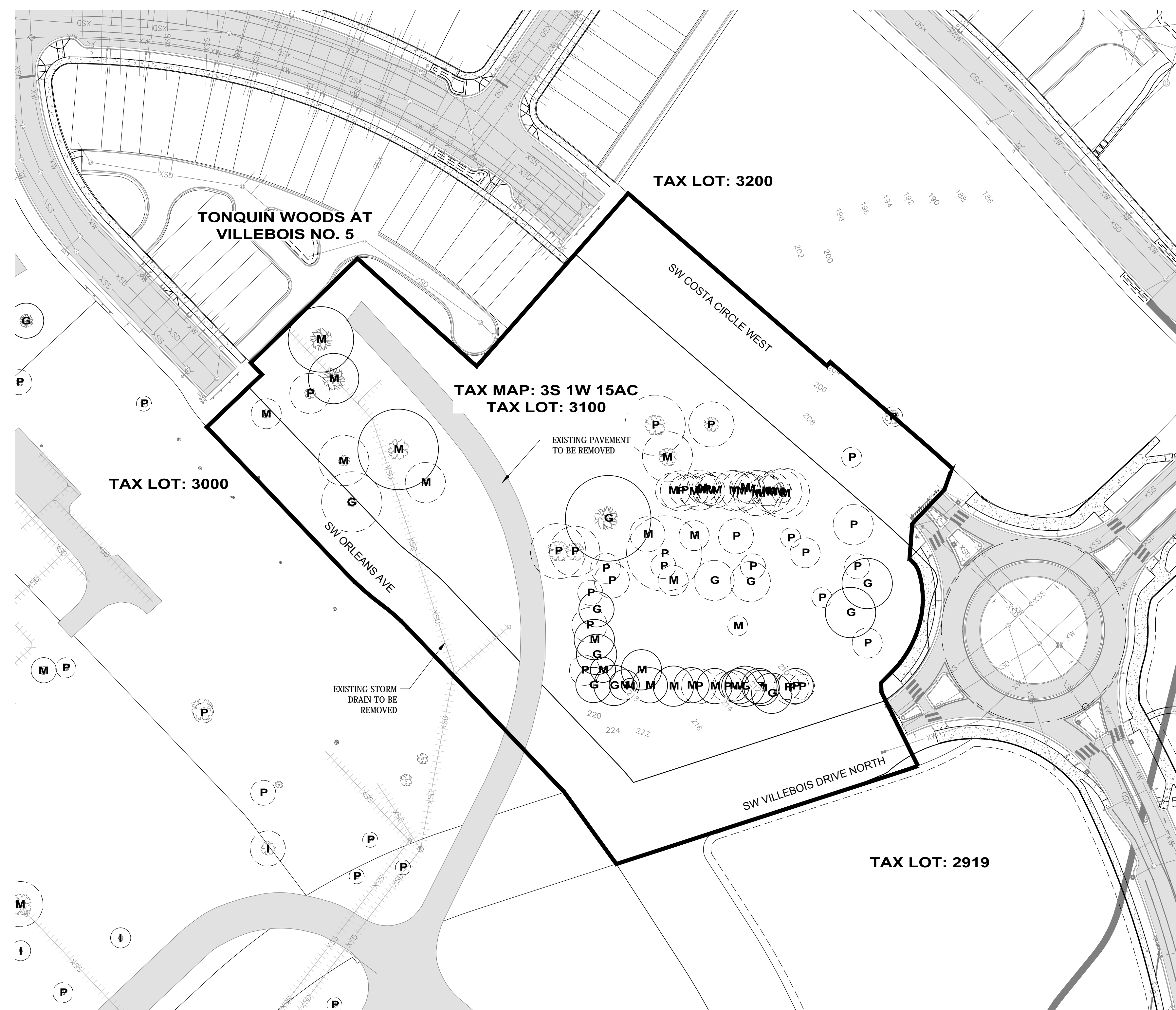
PDP 5C/FDP  
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Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Existing Conditions

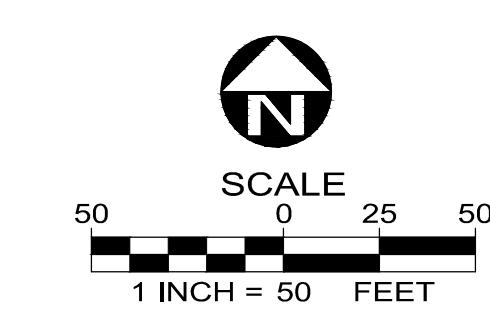
DATE 2/24/15

2



**LEGEND**

	SITE BOUNDARY
	EX 2-FT CONTOUR
	EX 10-FT CONTOUR
	EX SANITARY SEWER
	EX STORM DRAIN
	EX WATER LINE
	EX TELEPHONE LINE
	EX GAS LINE
	EX OIL LINE
	EX PAVEMENT
	EX SIDEWALK
	EX ASPHALT PAVEMENT
	EX SANITARY CLEANOUT
	EX STORM MANHOLE
	EX SANITARY MANHOLE
	EX CATCH BASIN
	EX WATER METER
	EX STORM CLEANOUT
	EX FIRE HYDRANT
	EX CURB INLET
	EX WATER VALVE
	EX BLOW-OFF
	EX ELECTRICAL BOX
	EX POWER METER
	EX PGE PADMOUNT TRANSFORMER
	EX WATER VALVE
	EX STREET LIGHT
	EX LIGHT POLE
	EX STREET SIGN
	EX FENCE
	EX TREE
	EX TREES TO REMAIN
	EX TREES TO REMOVED
<b>I</b>	IMPORTANT
<b>G</b>	GOOD
<b>M</b>	MODERATE
<b>P</b>	POOR



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PACIFIC COMMUNITY DESIGN, INC



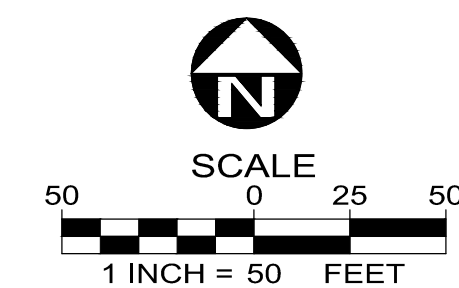
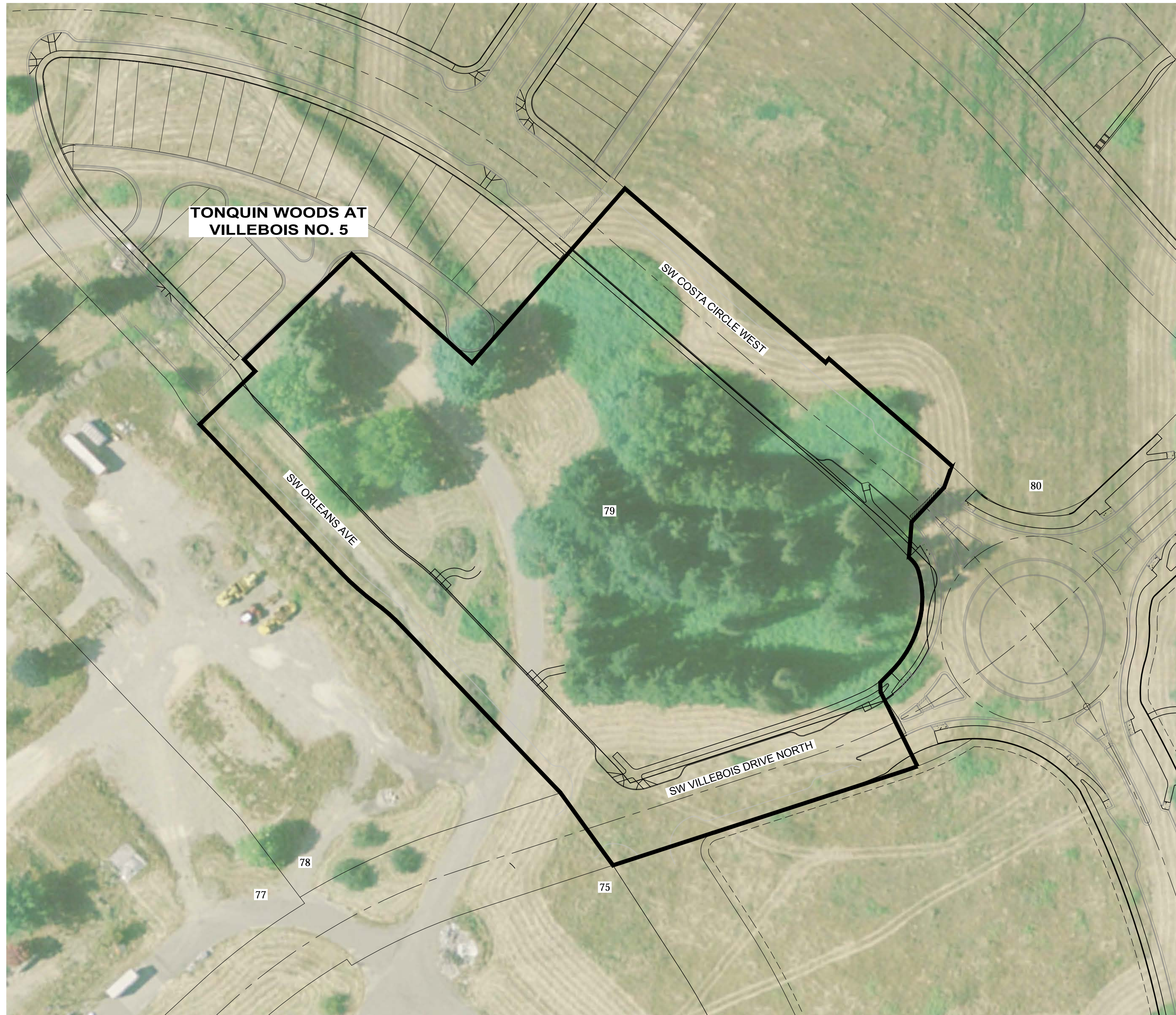
PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Aerial  
Photograph

DATE 2/24/15

3







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PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Site/Land Use  
Plan

DATE 2/24/15

4



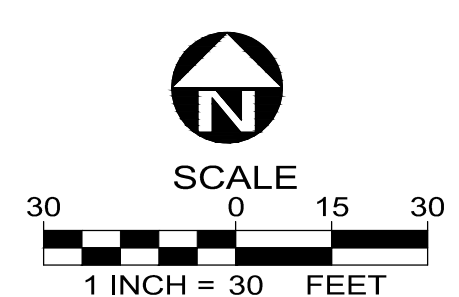
NP-4 = NEIGHBORHOOD PARK 4  
(FORMERLY NAMED HILLTOP PARK)

**LEGEND:**

- ORNAMENTAL TREE
- ORNAMENTAL TREE
- CEDAR TREE
- SHRUB
- RAINWATER MANAGEMENT FEATURE (1320 SF TOTAL)

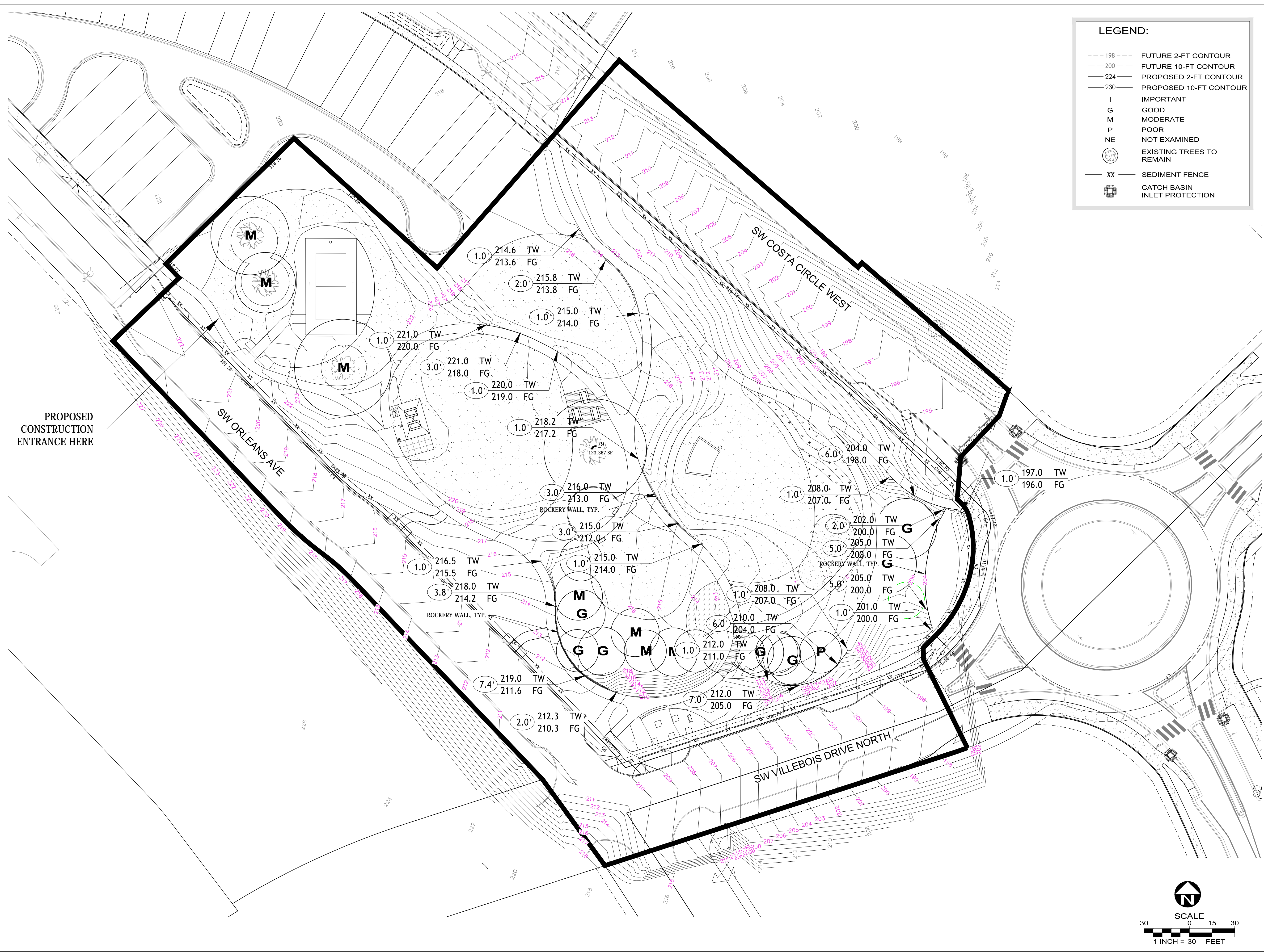
\*SEE LANDSCAPE PLANS & DETAILS L1.0-L4.0 FOR MORE INFORMATION.

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**LEGEND:**

- 198 --- FUTURE 2-FT CONTOUR
- 200 --- FUTURE 10-FT CONTOUR
- 224 --- PROPOSED 2-FT CONTOUR
- 230 --- PROPOSED 10-FT CONTOUR
- I IMPORTANT
- G GOOD
- M MODERATE
- P POOR
- NE NOT EXAMINED
- (M) EXISTING TREES TO REMAIN
- XX SEDIMENT FENCE
- (CB) CATCH BASIN INLET PROTECTION

PROPOSED CONSTRUCTION ENTRANCE HERE



RCS-VILLEBOIS DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC.  
PACIFIC COMMUNITY DESIGN, INC

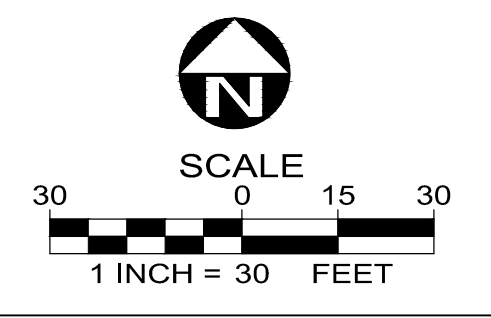


PDP 5C/FDP VILLEBOIS  
Montague Park

Preliminary Development Plan & Final Development Plan

Preliminary Grading/ Erosion Control Plan

DATE 2/24/15



5





Villebois

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DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC  
PACIFIC COMMUNITY DESIGN, INC



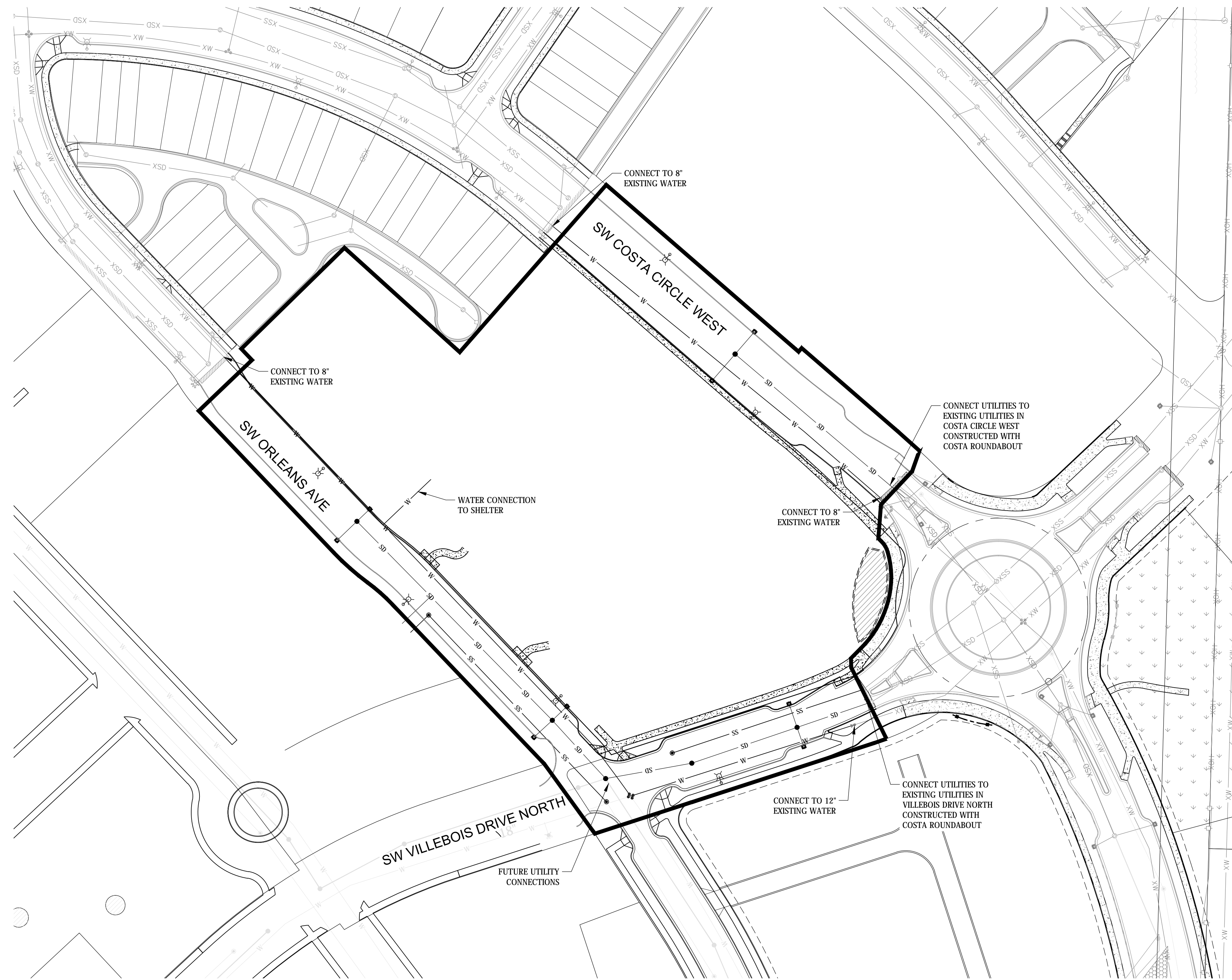
PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Composite  
Utility Plan

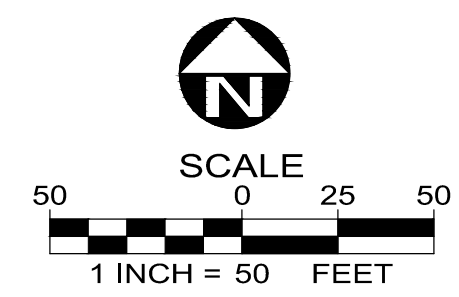
DATE 2/24/15

6



**LEGEND:**

- SS — PROPOSED SANITARY SEWER
- - - XSS — EX SANITARY SEWER
- SD — PROPOSED STORM DRAIN
- - - XSD — EX STORM DRAIN
- W — PROPOSED WATER LINE
- - - XW — EX WATER LINE
- PROPOSED SANITARY MANHOLE
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- ⊕ PROPOSED FIRE HYDRANT
- ▨ PROPOSED RAIN-WATER FEATURE
- ⊙ PROPOSED LIGHT POLE



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DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC  
PACIFIC COMMUNITY DESIGN, INC

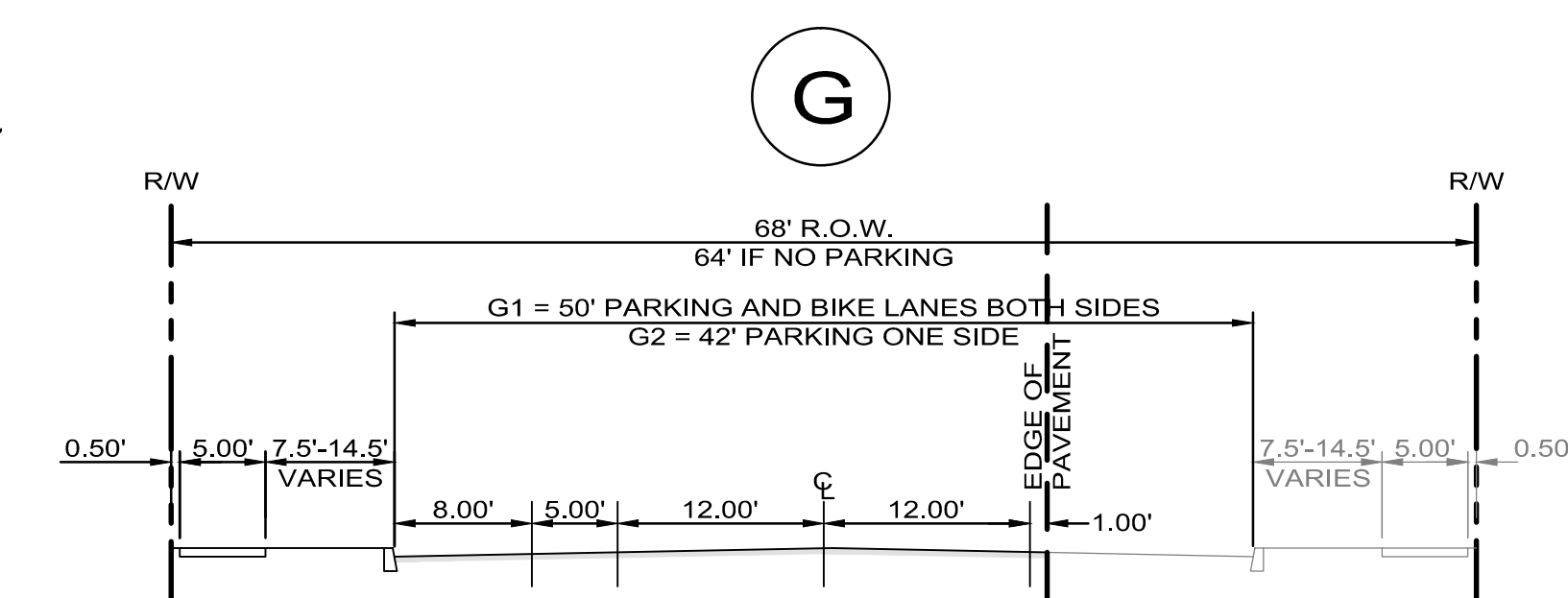
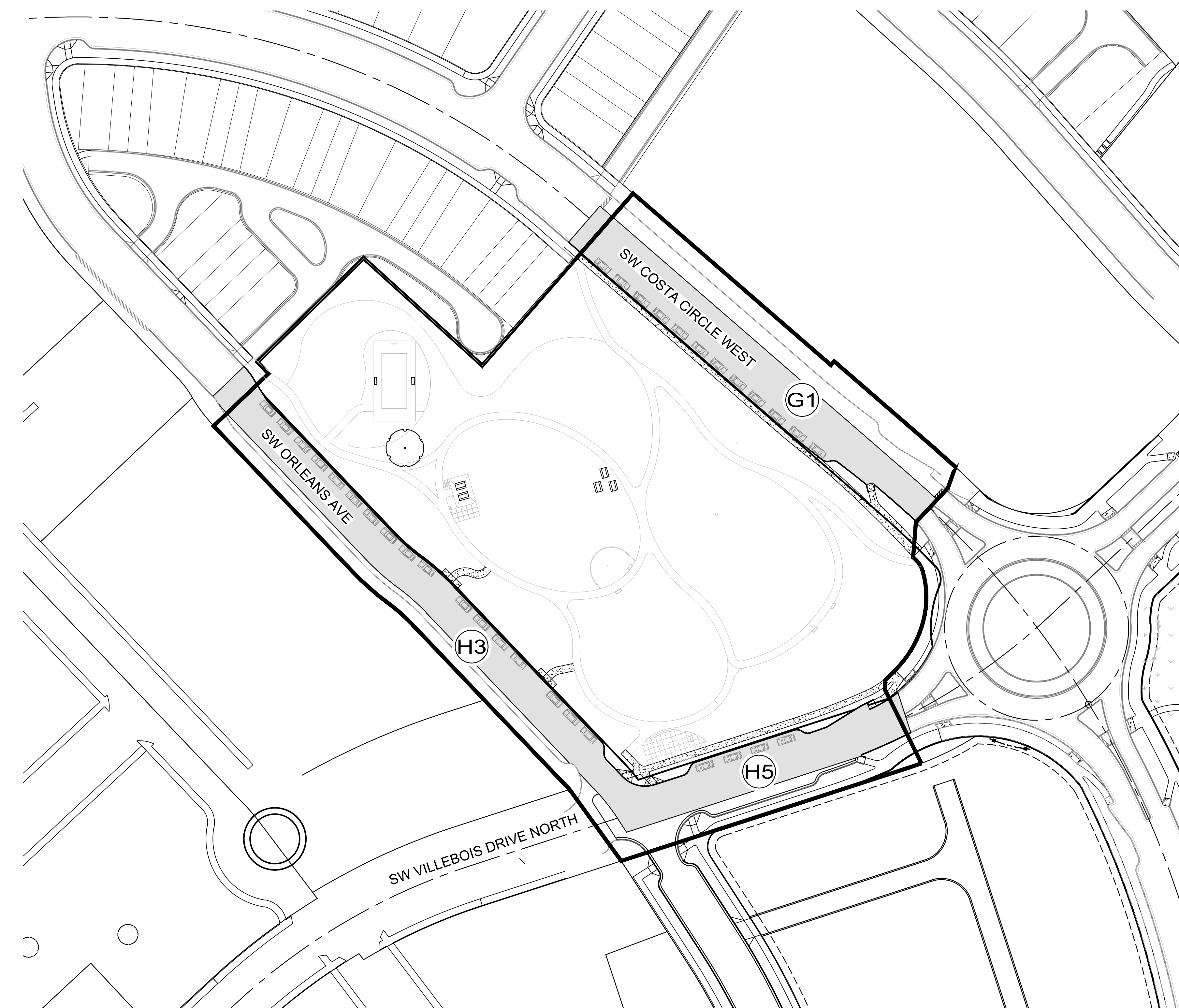


PDP 5C/FDP  
VILLEBOIS  
Montague Park

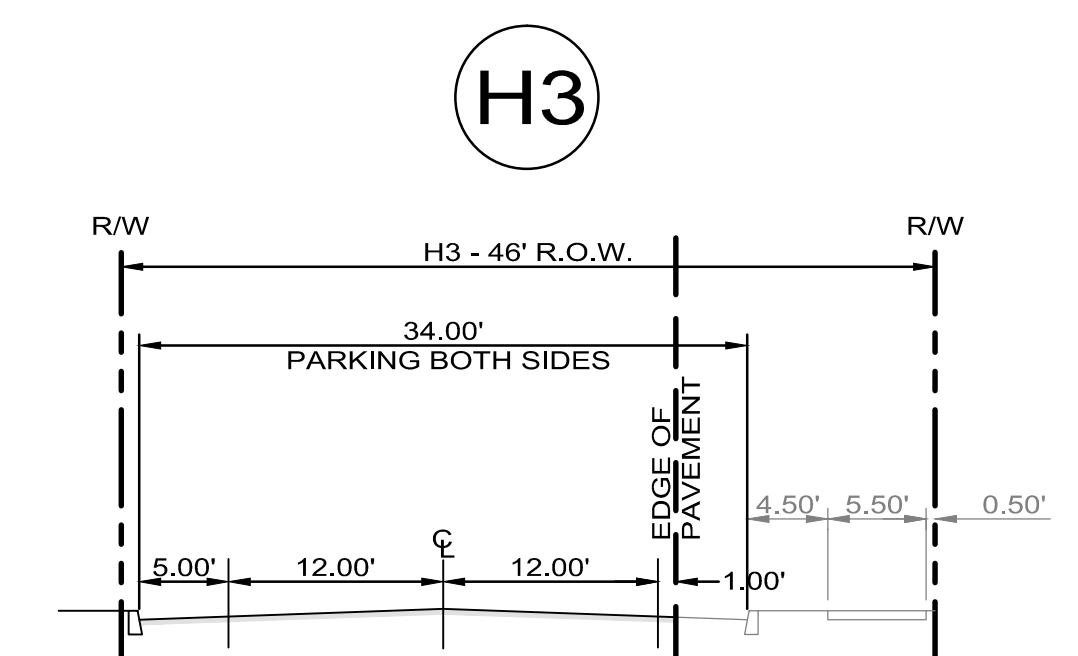
Preliminary  
Development Plan  
&  
Final Development  
Plan

Circulation  
Plan &  
Street Sections

DATE 2/24/15

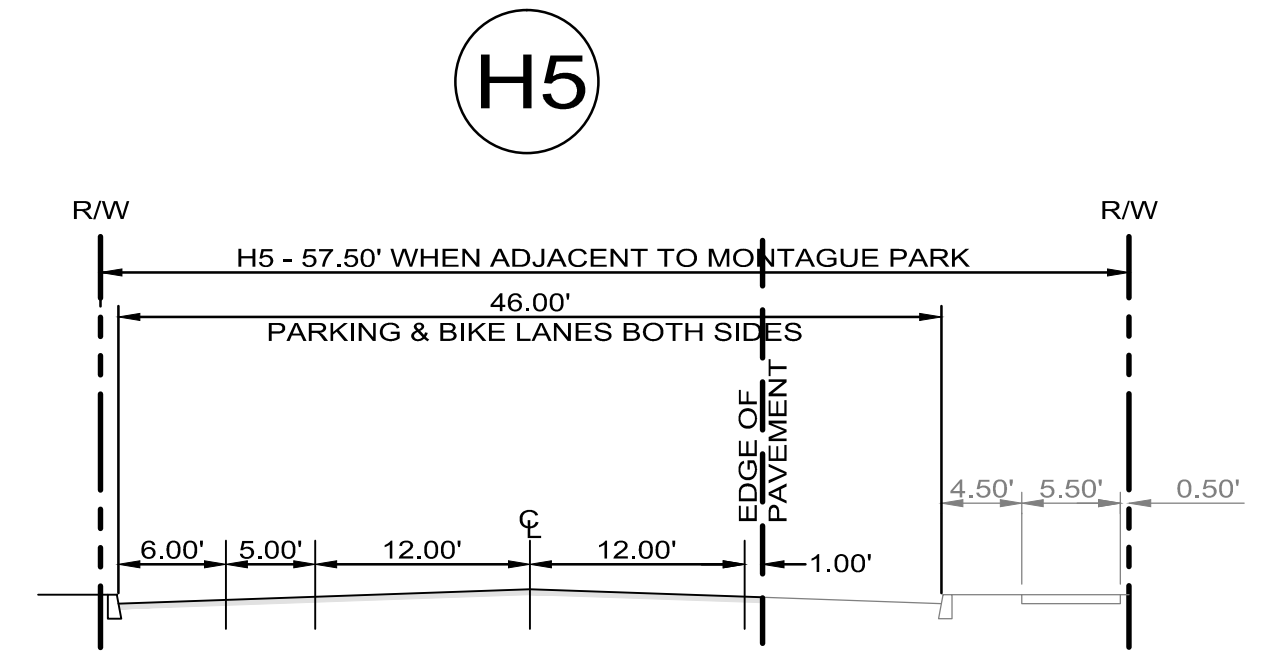


RESIDENTIAL - VILLAGE LOOP  
SCALE: 1"=10'

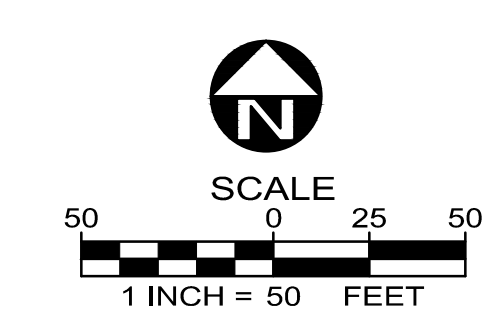


RESIDENTIAL  
VILLAGE CENTER  
SCALE: 1"=10'

\*PARKING ON ONE SIDE AS SHOWN  
DURING INTERIM 3/4-STREET STATE.  
PARKING ON BOTH SIDES AFTER  
FULL BUILD-OUT.



RESIDENTIAL  
VILLAGE CENTER  
SCALE: 1"=10'



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OTTEN LANDSCAPE ARCHITECTS, INC.  
PACIFIC COMMUNITY DESIGN, INC



PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Tree Preservation  
Plan

DATE 2/24/15

8.1

**LEGEND:**

- 224 — PROPOSED 2-FT CONTOUR
- 230 — PROPOSED 10-FT CONTOUR
- I IMPORTANT
- G GOOD
- M MODERATE
- P POOR
- NE NOT EXAMINED
- EXISTING TREES TO REMAIN
- EXISTING TREES TO REMOVED

**NOTES**

ALL CONSTRUCTION AND GRADING WITHIN TREE PROTECTION ZONE IS TO BE COMPLETED UNDER DIRECT SUPERVISION OF PROJECT ARBORIST. CONTACT: MORGAN HOLAN PHONE: 503-646-4349

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

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

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

TREES RANKED AS IMPORTANT WERE RATED HIGH IN ALL FOUR AREAS.

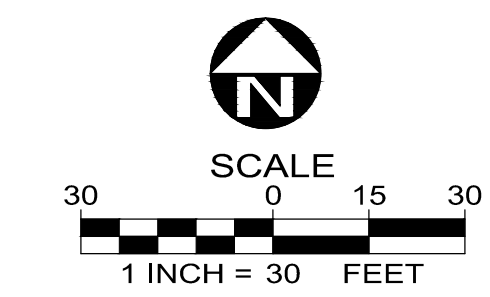
TREES IN THE GOOD CATEGORY HAD GOOD HEALTH AND WERE A DESIRABLE SPECIES, BUT HAD IRREGULAR FORM OR LESS COMPATIBILITY WITH DEVELOPMENT.

TREES IN THE MODERATE CATEGORY HAD GOOD TO MODERATE HEALTH AND FORM, BUT WERE A LESS DESIRABLE SPECIES OR MAY BE LESS COMPATIBLE WITH DEVELOPMENT.

TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

**NOTES:**

1. THE INFORMATION PROVIDED WITHIN THE PROJECT BOUNDARY IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST MORGAN HOLAN AND WAS PROVIDED IN A TREE REPORT INCLUDED WITH THE PDP 5C APPLICATION MATERIALS.



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Villebois

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DEVELOPMENT, LLC  
OTTEN LANDSCAPE ARCHITECTS, INC.  
PACIFIC COMMUNITY DESIGN, INC



PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Tree Preservation  
Detail

DATE 2/24/15

8.2

**LEGEND:**

— 224 —	PROPOSED 2-FT CONTOUR
— 230 —	PROPOSED 10-FT CONTOUR
I	IMPORTANT
G	GOOD
M	MODERATE
P	POOR
NE	NOT EXAMINED
	EXISTING TREES TO REMAIN
	EXISTING TREES TO REMOVED

**NOTES**

ALL CONSTRUCTION AND GRADING WITHIN TREE PROTECTION ZONE IS TO BE COMPLETED UNDER DIRECT SUPERVISION OF PROJECT ARBORIST. CONTACT: MORGAN HOLAN PHONE: 503-646-4349

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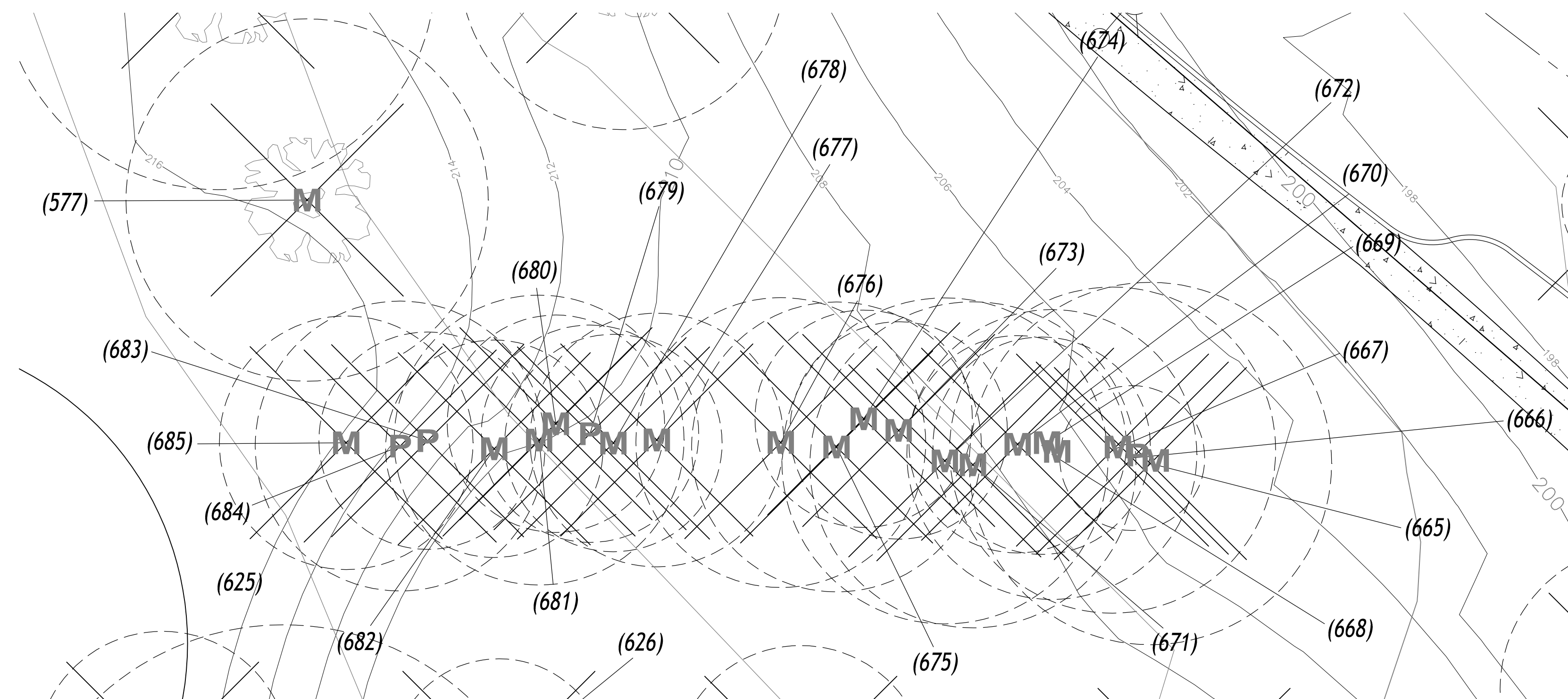
TREES IN THE GOOD CATEGORY HAD GOOD HEALTH AND WERE A DESIRABLE SPECIES, BUT HAD IRREGULAR FORM OR LESS COMPATIBILITY WITH DEVELOPMENT.

TREES IN THE MODERATE CATEGORY HAD GOOD TO MODERATE HEALTH AND FORM, BUT WERE A LESS DESIRABLE SPECIES OR MAY BE LESS COMPATIBLE WITH DEVELOPMENT.

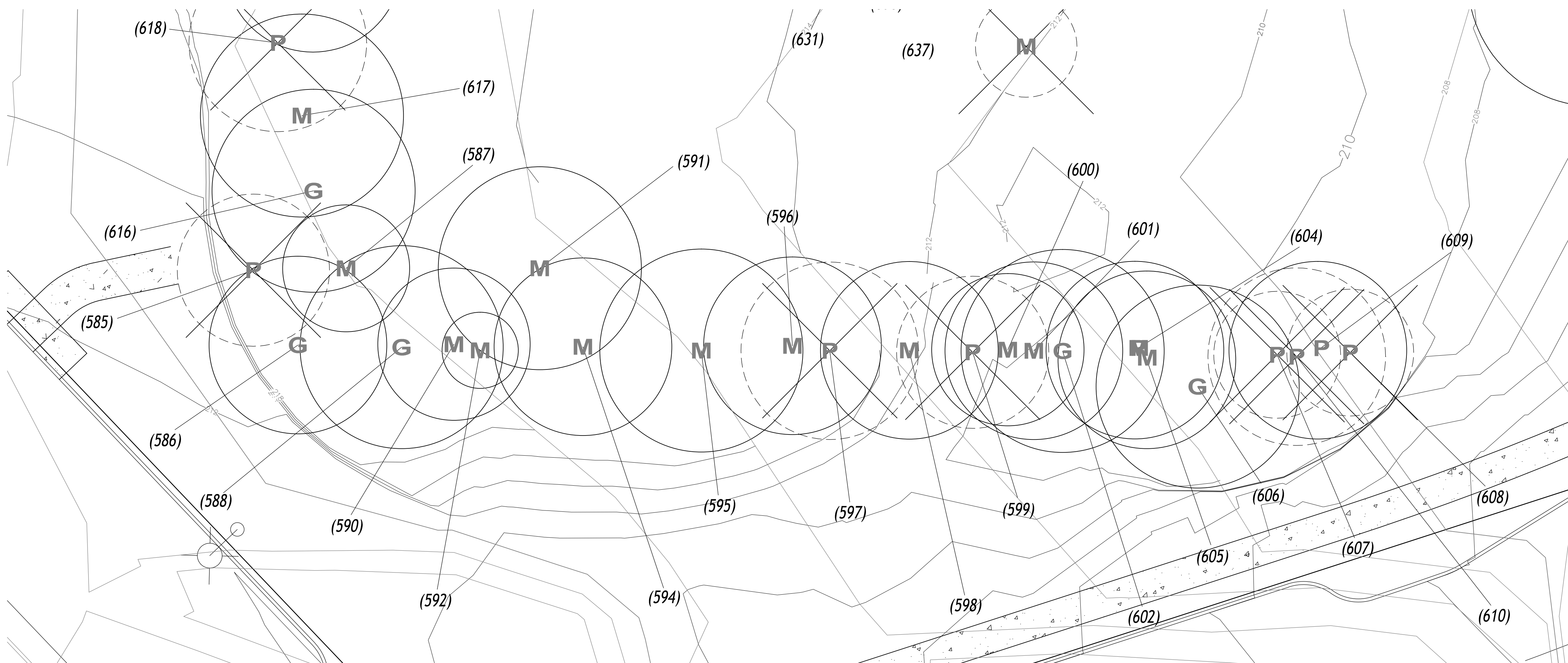
TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

**NOTES:**

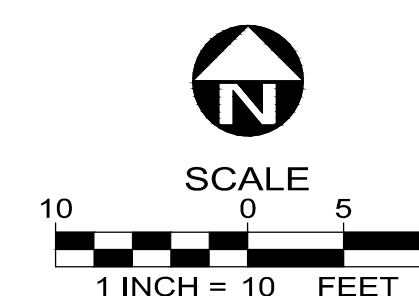
1. THE INFORMATION PROVIDED WITHIN THE PROJECT BOUNDARY IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST MORGAN HOLAN AND WAS PROVIDED IN A TREE REPORT INCLUDED WITH THE PDP 5C APPLICATION MATERIALS.



AREA "A" - PLAN  
SCALE: 1" = 10'



AREA "B" - PLAN  
SCALE: 1" = 10'





THIS PAGE REPLACED BY EXHIBIT B3

SAP NORTH

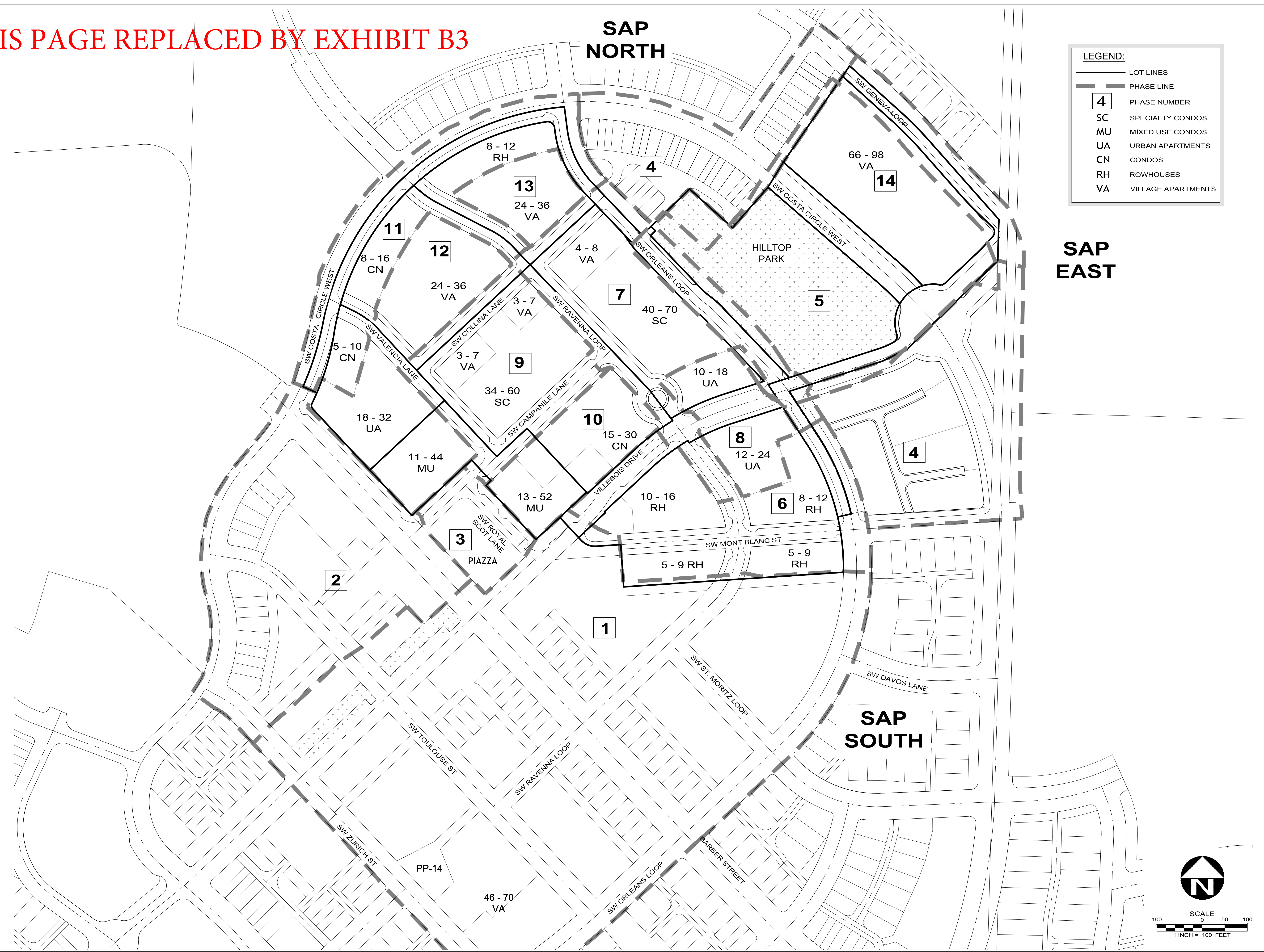
LEGEND:

—	LOT LINES
- - -	PHASE LINE
4	PHASE NUMBER
SC	SPECIALTY CONDOS
MU	MIXED USE CONDOS
UA	URBAN APARTMENTS
CN	CONDOS
RH	ROWHOUSES
VA	VILLAGE APARTMENTS

SAP EAST

SAP SOUTH

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PACIFIC COMMUNITY DESIGN, INC

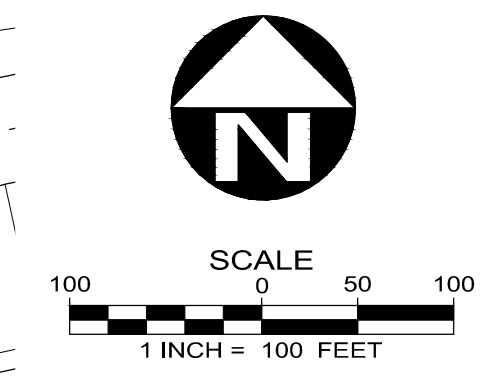


PDP 5C/FDP  
VILLEBOIS  
Montague Park

Preliminary  
Development Plan  
&  
Final Development  
Plan

Phasing Plan  
Update

DATE 2/24/15



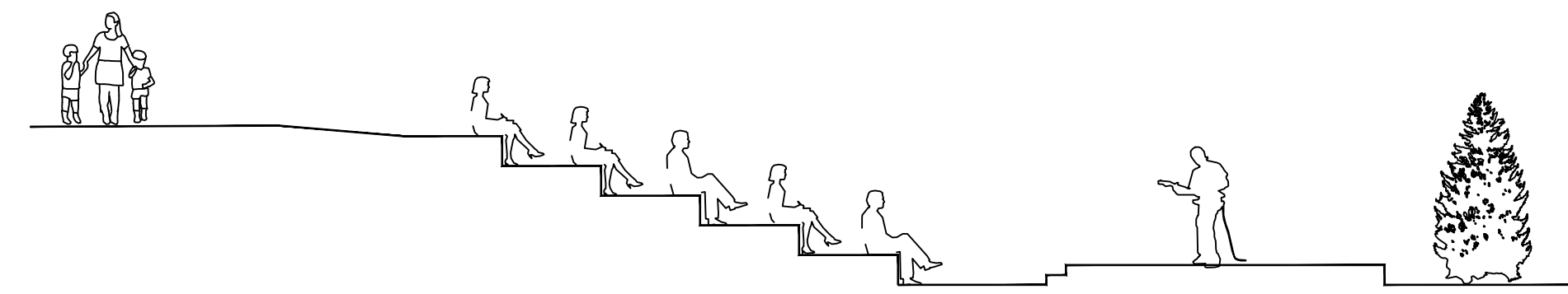


**SUGGESTED PLANT LIST**

SYM.	LATIN NAME/ Common Name	SIZE	SPACING
<b>STREET TREES</b>			
	ACER PLATANOIDES 'EZESTRE' Easy Street Maple	2" cal.	25' o.c.
	LIRIODENDRON TULIPIFERA Tulip Tree	2 1/2" cal.	25' o.c.
	TILIA X EUCLORA Crimean Linden	2 1/2" cal.	25' o.c.
	Shade Tree Quercus rubra Quercus frainetto 'Schmidt' Acer rubrum	2" cal.	As shown
	Small Columnar or Ornamental Trees Malus 'Snowdrift' Stewartia pseudocamellia Magnolia stellata 'Royal Star' Acer circinatum	2" cal.	As shown
	Conifer Tree Pseudotsuga menziesii Calocedrus decurrens	8' ht. 5-6' ht.	As shown
	Large Flowering Deciduous Shrubs Hamamelis mollis 'Coombe Wood' Viburnum plic. tom. 'Mariesii' Syringa microphylla 'Superba' Hydrangea macrophylla 'Nikko Blue'	5 gal.	5-6' o.c.
	Medium Ornamental Shrubs Abelia grandiflora 'Edward Goucher' Berberis thunbergii Ilex crenata Euonymus japonica 'Silver Princess' Lonicera nitida Rhododendron spp. Mahonia aquifolium	2-5 gal.	3-4' o.c.
	Groundcover Fragaria chiloensis Rubus calycynoides Arctostaphylos uva-ursi Cotoneaster horizontalis	1 gal.	18"-3' o.c.
	Small Ornamental Shrubs Cornus stolonifera 'Kelsey' Rosa spp. Loropetalum chinense 'Orimson Fire' Spirea nipponica 'Snowmound'	2 gal.	30" o.c.
	Groundcover Fragaria chiloensis Rubus calycynoides Arctostaphylos uva-ursi Cotoneaster horizontalis	1 gal.	18"-3' o.c.
	Lawn Fine Seed Lawn	Seed	5 lbs./1,000 sq.ft.
	Water Quality Facilities To be Planted per City of Wilsonville Standards: 3 Evergreen trees/ 1,000 SF 2 Deciduous trees/ 1,000 SF 30 Shrubs/ 1,000 SF 1 Wetland Plant/ 2 SF Pond Emergent Zone	Trees - 6' ht./1.5" cal. Shrubs - 1 gal. Aquatic Plants- Plugs	As shown As shown As shown
	Rough Seed		
	Existing Trees To Remain		

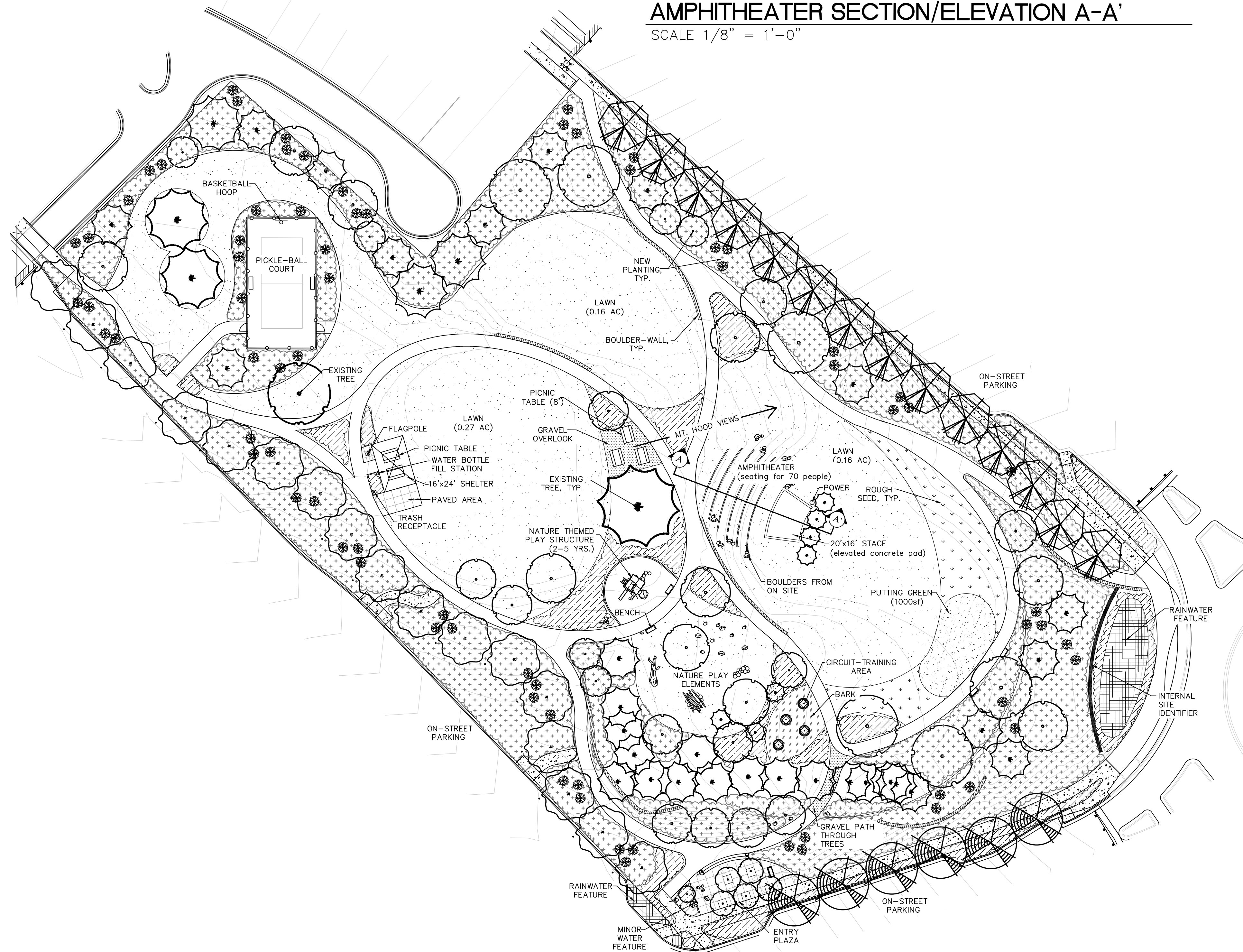
**GENERAL NOTES:**

- Contractor is to verify all plant quantities.
- Adjust plantings in the field as necessary.
- 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. Guarantee system for a minimum one year. Show drip systems as alternate bid only.
- All plants are to be fully foliated, well branched and true to form.



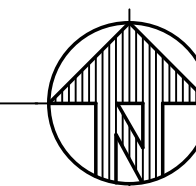
**AMPHITHEATER SECTION/ELEVATION A-A'**

SCALE 1/8" = 1'-0"



**OVERALL LANDSCAPE PLAN**

SCALE 1" = 30'-0"



NO.	DATE	REVISIONS

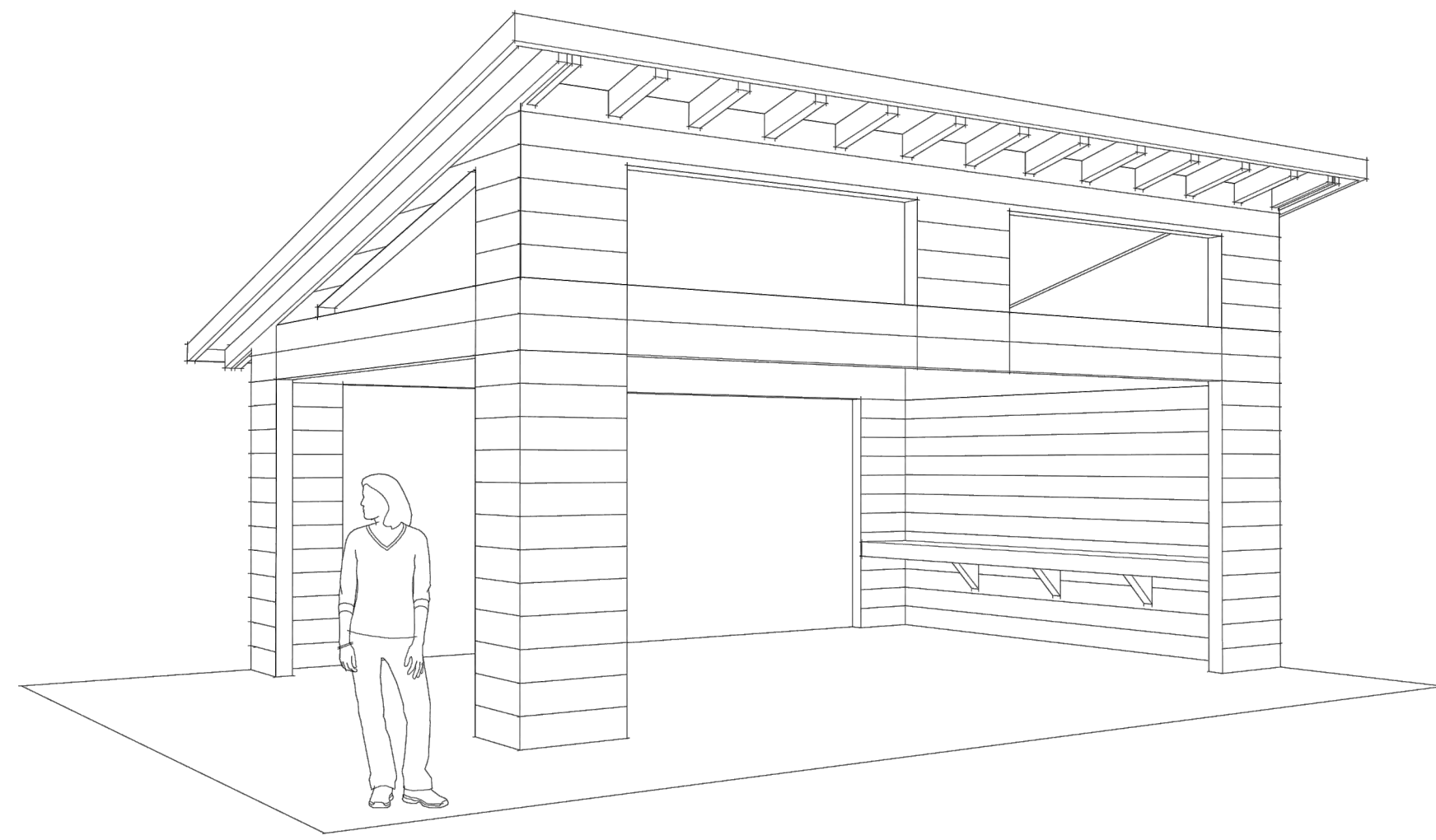
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**OTTEN LANDSCAPE ARCHITECTS inc.**  
 3933 SW Kelly Avenue • Suite B • Portland, Oregon 97239-4393  
 Phone (503) 972-0311 • Fax (503) 972-0314 • www.ottenla.com

**MONTAGUE PARK**  
 WILLEBOIS  
 WILSONVILLE, OR  
 LANDSCAPE PLAN

DATE	1-9-15
SCALE	NOTED
DRAWN	CHECKED
KD	JLO
SHEET NO	L1.0
	1 OF 4





Shelter Concept-right front horizontal siding

### 1 CONCEPTUAL SHELTER

Siding: Haida Forest Products, Ltd.  
 Model: Haida Skirl Wavy Edge Cedar Siding  
 Finish: Transparent finish, staining not recommended.  
 Roof Shingles: GAF 25 Year Royal Sovereign Stone Gray Shingles, or approved equal



### 2 TRASH/RECYCLING RECEPTACLE

Manufacturer: Landscape Forms  
 Model: Plainwell Trash Receptacle  
 Material: Steel  
 Finish: Black and powdercoated.  
 Sizes: 30"Diameter 38"Height; 35 gallon capacity



### 3 PICNIC TABLE

Manufacturer: Old Growth Again Restoration Forestry  
 Model: Forever Six Foot, Forever Eight Foot  
 Material: Recycled Old-Growth Redwood  
 Finish: Linseed oil/Turpentine Finish  
 Sizes: Length: 5'-10" or 7'-10"; Width: 5'-7"; Height 2'-6"



### 4 BENCH

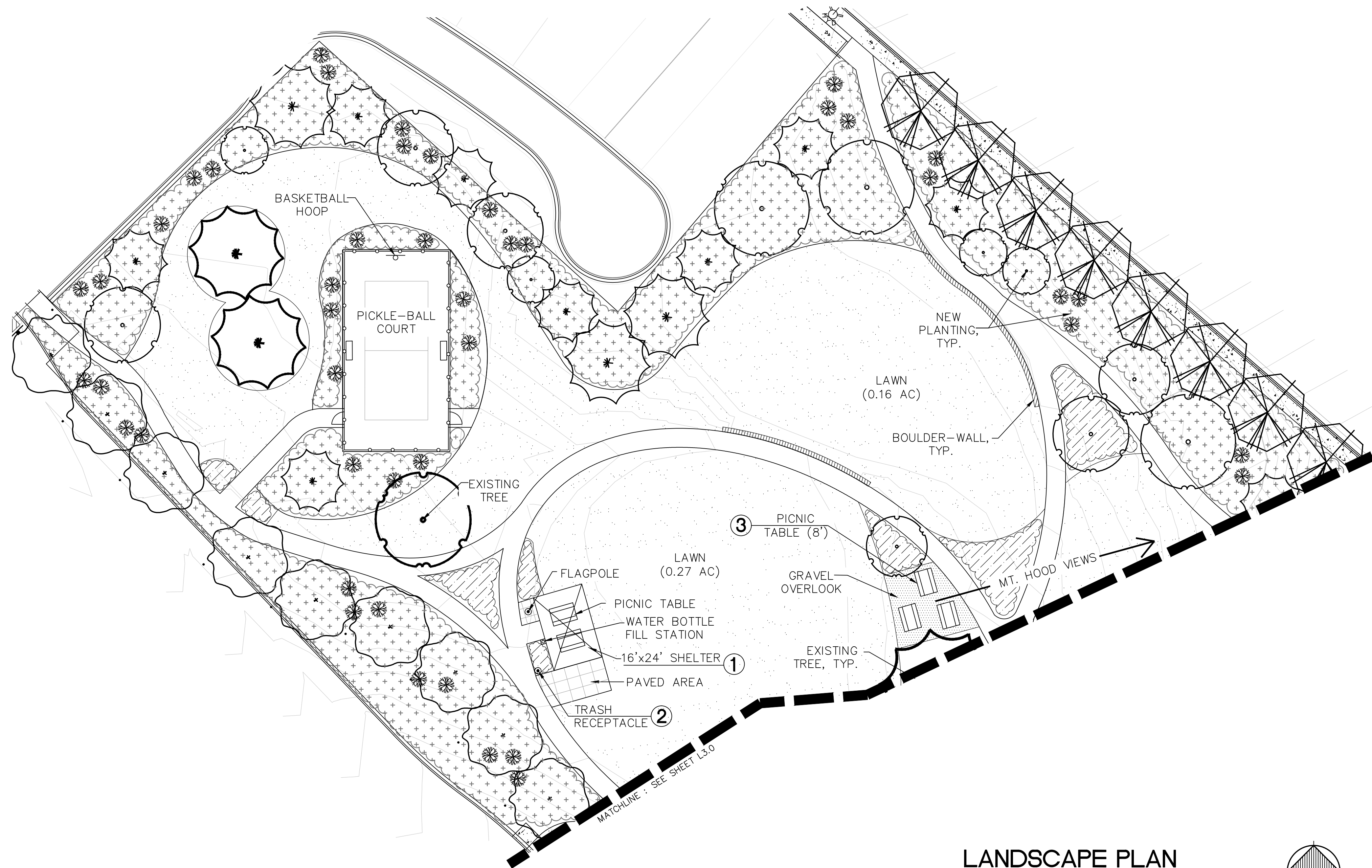
Manufacturer: Landscape Forms  
 Model: The Plainwell Series  
 Material: Sustainably harvested 1pe' wood, certified by the Forestry Stewardship Council  
 Finish: No finish required for wood.  
 Staining not recommended.  
 Size: 72" or 96"Length

### 5 INTERNAL SITE IDENTIFIER

NTS

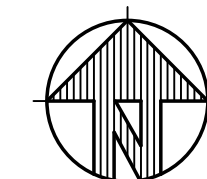


PORCELAIN ENAMEL DEVELOPMENT/COMMUNITY SIGN PANEL, 2.0 S.F. MAX, PROVIDE FINISHED RECESS TO ACCOMMODATE.



## LANDSCAPE PLAN

SCALE 1" = 20'-0"



NO.	DATE	REVISIONS

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 3933 SW Kelly Avenue • Suite B • Portland, Oregon 97239-4393  
 Phone (503) 972-0311 • Fax (503) 972-0314 • www.ottenla.com

MONTAGUE PARK  
 WILLEBOIS  
 WILSONVILLE, OR  
 LANDSCAPE PLAN

DATE	1-13-15
SCALE	NOTED
DRAWN	CHECKED
KD	JLO
SHEET NO	L2.0
	2 OF 4

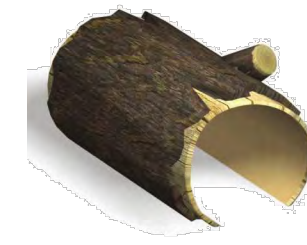




**A** CLIMBING BOULDERS



**B** STUMP CLIMBER



**3** NATURE THEMED PLAY STRUCTURE  
NTS



**4** CIRCUIT TRAINING AREA ELEMENTS  
NTS



**C** LOG CLIMBER

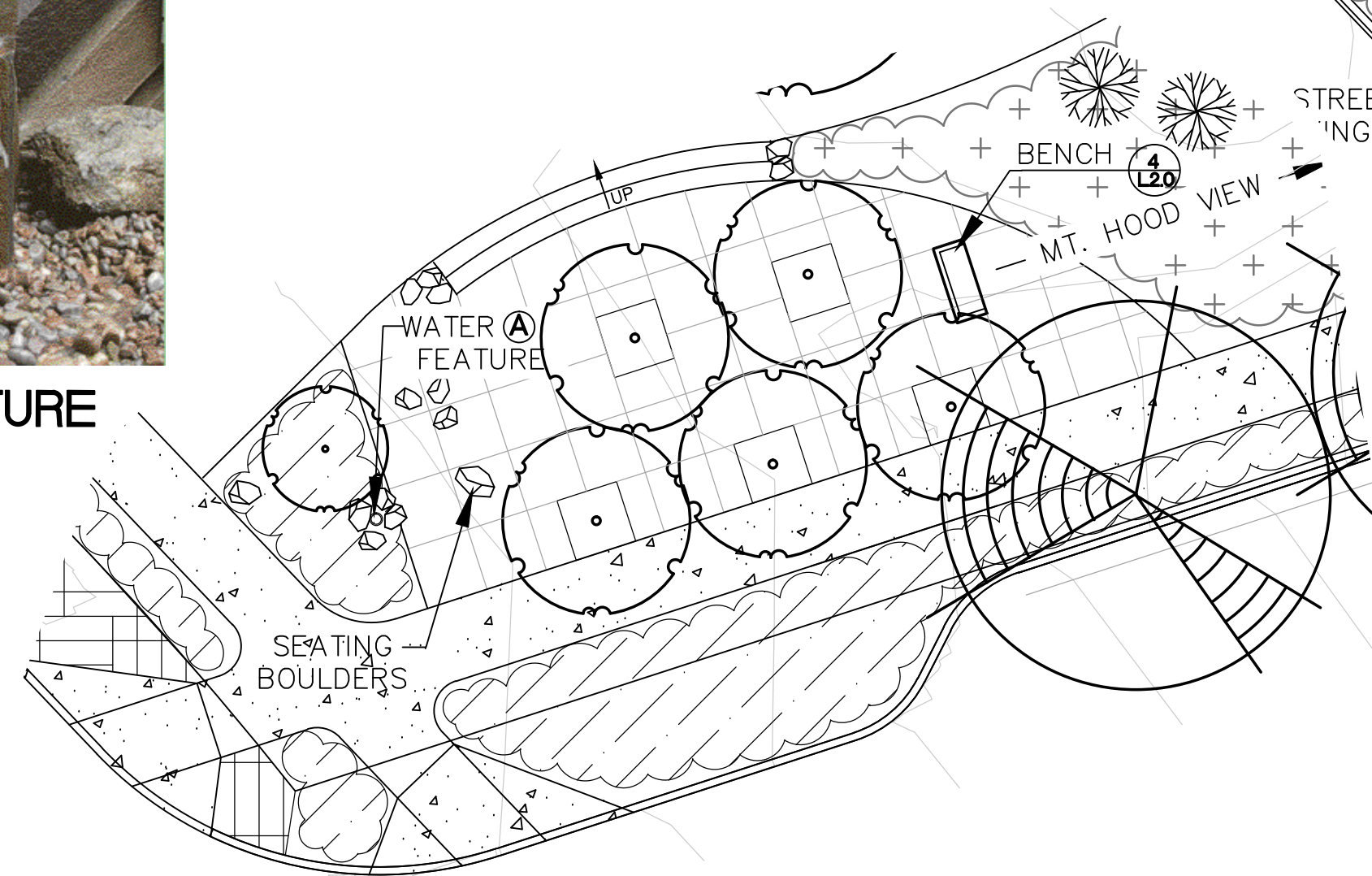


**D** LOG FORT

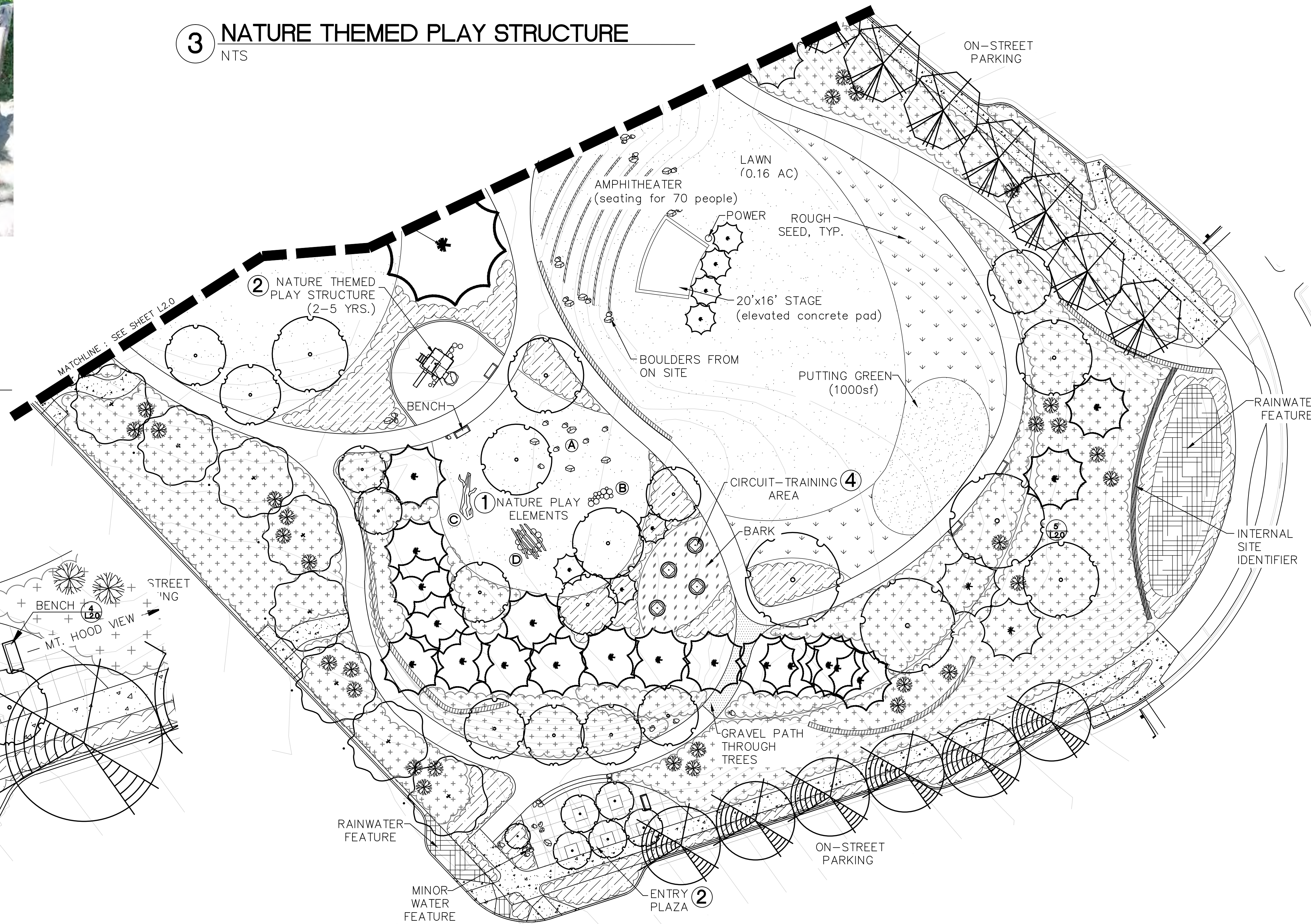
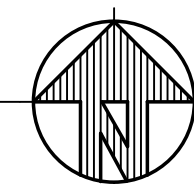
**1** NATURE PLAY ELEMENTS  
NTS



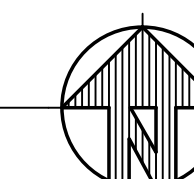
**A** WATER FEATURE



**2** ENTRY PLAZA PLAN ENLARGEMENT  
SCALE 1" = 10'-0"



LANDSCAPE PLAN ENLARGEMENT  
SCALE 1" = 20'-0"



NO.	DATE	REVISIONS

**OTTEN LANDSCAPE ARCHITECTS inc.**  
 3933 SW Kelly Avenue • Suite B • Portland, Oregon 97239-4393  
 Phone (503) 972-0311 • Fax (503) 972-0314 • www.ottenla.com

**MONTAGUE PARK**  
 WILLEBOIS  
 WILSONVILLE, OR  
 LANDSCAPE PLAN

DATE	1-13-15
SCALE	NOTED
DRAWN	CHECKED
KD	JLO
SHEET NO	L3.0
	3 OF 4



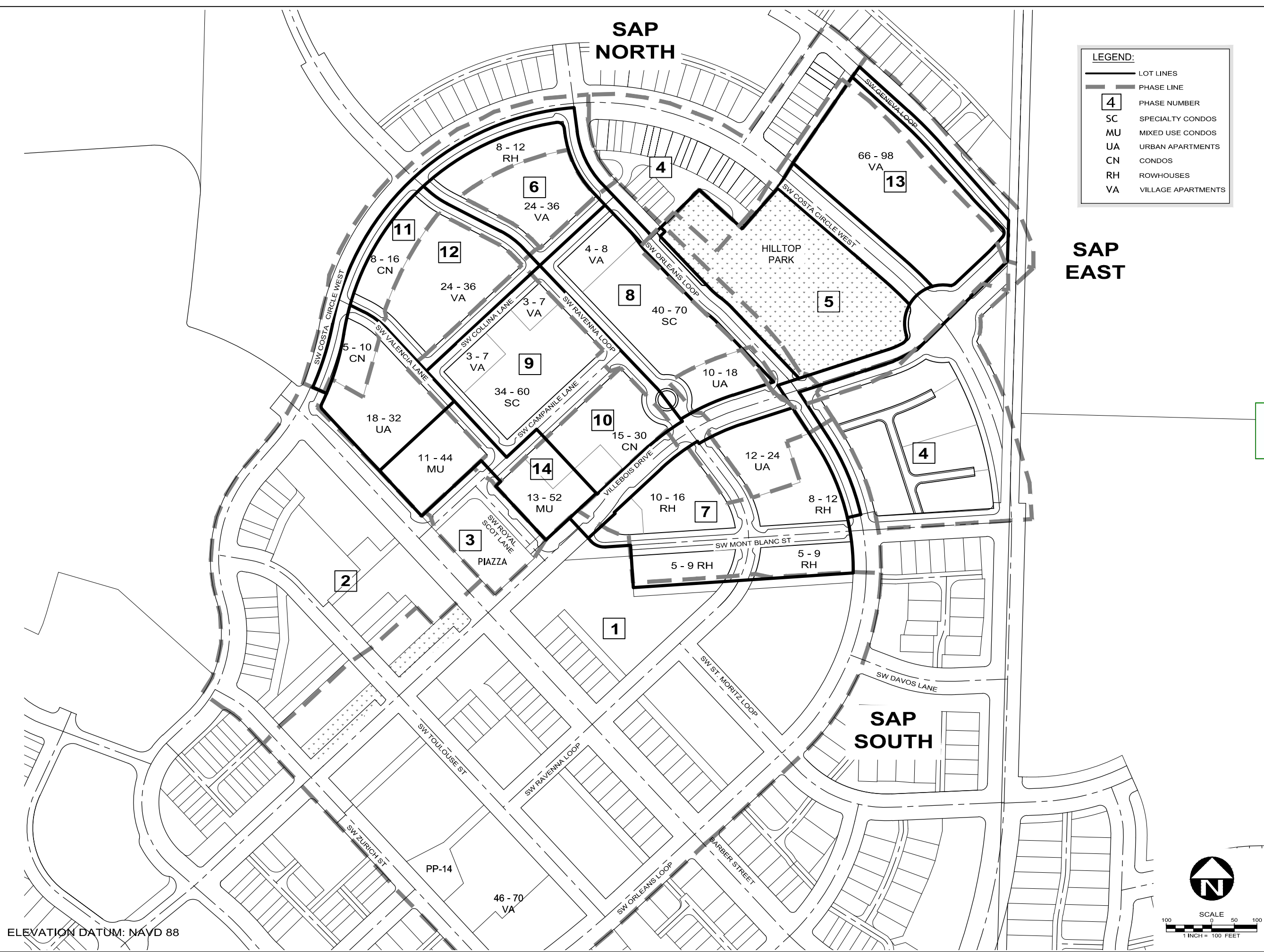


**SAP NORTH**

**LEGEND:**

- LOT LINES
- PHASE LINE
- 4** PHASE NUMBER
- SC SPECIALTY CONDOS
- MU MIXED USE CONDOS
- UA URBAN APARTMENTS
- CN CONDOS
- RH ROWHOUSES
- VA VILLAGE APARTMENTS

**SAP EAST**



ELEVATION DATUM: NAVD 88

**City of Wilsonville**  
EXHIBIT B3 DB15-0001 et seq



OTTEN LANDSCAPE ARCHITECTS, INC  
GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

**PDP 6C/FDP  
VILLEBOIS  
ROW HOMES**

Preliminary Development Plan & Final Development Plan

**SAP CENTRAL  
PHASING PLAN  
UPDATE**

1ST SUBMITTAL DATE 3/23/2015

N:\proj\395-058\_09 Drawings\03 Planning Sheets - Planning Submittal\395058\_09\PHASE.dwg - SHEET: 22x34 Mar. 18. 15 - 9:42 AM jk

**EXHIBIT C1  
PLANNING DIVISION  
STAFF REPORT**

**VILLEBOIS CENTRAL – MONTAGUE PARK**

**DEVELOPMENT REVIEW BOARD PANEL ‘A’  
QUASI JUDICIAL HEARING**

---

**Public Hearing Date:**

**Date of Report:**

**Application Numbers:**

**Request B: DB15-0002 Prelim. Development Plan**

**Property**

**Owners/Applicants:**

**PD = Planning Division conditions**

**BD – Building Division Conditions**

**PF = Engineering Conditions.**

**NR = Natural Resources Conditions**

**TR = SMART/Transit Conditions**

**FD = Tualatin Valley Fire and Rescue Conditions**

**Standard Comments:**

**PFB 1.** All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards - 2014.

**PFB 2.** Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

<i>Coverage (Aggregate, accept where noted)</i>	<i>Limit</i>
Commercial General Liability	
General Aggregate (per project)	\$ 3,000,000
General Aggregate (per occurrence)	\$ 2,000,000
Fire Damage (any one fire)	\$ 50,000
Medical Expense (any one person)	\$ 10,000
Business Automobile Liability Insurance	
Each Occurrence	\$ 1,000,000
Aggregate	\$ 2,000,000
Workers Compensation Insurance	\$ 500,000

**PFB 3.** No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.





**PFB 4.** All public utility/improvement plans submitted for review shall be based upon a 22"x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.

**PFB 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 utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
- 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 printed to PDF, combined to a single file, stamped and digitally signed by a Professional Engineer registered in the State of Oregon.
- l. All plans submitted for review shall be in sets of a digitally signed PDF and three printed sets.

**PFB 6.** Submit plans in the following general format and order for all public works construction to be maintained by the City:

- a. Cover sheet
- b. City of Wilsonville construction note sheet
- c. General construction 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

	<p>(existing/proposed), and sidewalk and road connections to adjoining properties.</p> <ul style="list-style-type: none"> <li>g. Grading plan, with 1-foot contours.</li> <li>h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.</li> <li>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'.</li> <li>j. Street plans.</li> <li>k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference</li> <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. Note that although storm water detention facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set.</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>
<b>PFB 7.</b>	Design engineer shall coordinate with the City in numbering the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to City's numbering system.
<b>PFB 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.
<b>PFB 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.
<b>PFB 10.</b>	The applicant shall be in conformance with all stormwater and flow control requirements for the proposed development per the Public Works Standards.
<b>PFB 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>PFB 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>PFB 13.</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>PFB 14.</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>PFB 15.</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>PFB 16.</b>	No surcharging of sanitary or storm water manholes is allowed.
<b>PFB 17.</b>	The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
<b>PFB 18.</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>PFB 19.</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. As part of Villebois Central all street lighting shall be the approved Hadco acorn style lights.
<b>PFB 20.</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>PFB 21.</b>	Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.
<b>PFB 22.</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.
<b>PFB 23.</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. Stormwater or rainwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.
<b>PFB 24.</b>	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 Collectors.
<b>PFB 25.</b>	For any new public easements created with the project the Applicant shall be required to produce the specific survey exhibits establishing the easement and shall provide the City with the appropriate Easement document (on City approved forms).
<b>PFB 26.</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, and a digitally signed PDF.</p>
<b>PFB 27.</b>	<p>Subdivision or Partition Plats:</p> <p>Paper copies of all proposed subdivision/partition plats shall be provided to the City for review. Once the subdivision/partition 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/partition plat.</p>
<b>PFB 28.</b>	<p>Subdivision or Partition Plats:</p> <p>All newly created easements shown on a subdivision or partition plat shall also be accompanied by the City's appropriate Easement document (on City approved forms) with accompanying survey exhibits that shall be recorded immediately after the subdivision or partition plat.</p>
<b>Specific Comments:</b>	
<b>PFB 29.</b>	A Request for Waiver of Traffic Study has been granted by the City Community Development Director, dated October 31, 2014. The applicant has indicated that the project is a neighborhood park, with no residential construction, with the majority of visits being pedestrian or pass-by trips

	with little to no vehicle use occurring or new PM Peak Hour trips being created.
<b>PFB 30.</b>	No parking shall be allowed at any time within 100 feet of the splitter islands on the legs of the roundabout (at Villebois Drive/Costa Circle). These areas shall be clear of conflict to allow motorists to focus on pedestrians, bicyclists, and merging into the circulating traffic.
<b>PFB 31.</b>	Applicant shall be required to complete design for full street improvements through the far curb and gutter for the extension of Costa Circle West northeast of the proposed park and Orleans Loop southwest of the proposed park. Design and improvements shall include street lighting on both sides of the streets. Presently Villebois Drive N. southeast of the proposed park is not constructed; however construction of this section of road is included in recently submitted plans by Polygon for construction of the Tonquin Meadows Phase 2 subdivision.
<b>PFB 32.</b>	Development of the land north of Costa Circle West and south of Orleans Loop is unknown at this time. Therefore this segment of Costa Circle West will be allowed to be designed for a 5" section of asphalt; this segment of Orleans Loop will be allowed to be designed for a 4½" section of asphalt; all segments paved with a single 3" base lift; top lift to be completed by adjacent development when it occurs.. Streets shall be designed in conformance to the applicable street type as shown in the Villebois Village Master Plan.
<b>PFB 33.</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. Secondarily, the street lighting style shall be in conformance to the current edition of the Villebois SAP South Community Elements Book.
<b>PFB 34.</b>	Due to the steep topography along the northeast side of the park, applicant has requested and has been granted a modification of the street section to allow for a curb-tight sidewalk along this portion of Costa Circle West.
<b>PFB 35.</b>	Per City Ordinance 608 storm water detention is not required for this project due to its proximity to the Coffee Creek wetlands.
<b>PFB 36.</b>	Applicant shall install a looped water system by connecting to the existing dead end extensions in Costa Circle West and Orleans Loop.
<b>PFB 37.</b>	All construction traffic shall access the site via Grahams Ferry Road to Barber Street to Costa Circle or via Tooze Road to Villebois Drive N. No construction traffic will be allowed on Brown Road or Barber Street east of Costa Circle West, or on other residential roads.

## COMMUNITY DEVELOPMENT MEMORANDUM

To: Daniel Pauly, Associate Planner

From: Kerry Rappold, Natural Resources Program Manager

Date: March 19, 2015

**RE: Villebois Village SAP Central, Montague Park (DB15-0002 and 0003)**

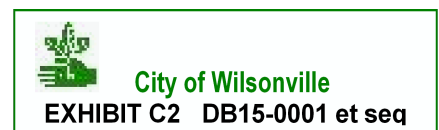
This memorandum includes staff conditions of approval. The conditions are based on the Preliminary and Final Development Plans for Montague Park. The conditions of approval apply to the applicant's submittal of construction plans (i.e. engineering drawings).

### **Rainwater Management**

- NR1. Provide a rainwater analysis for the PDP that demonstrates the proposed rainwater management components are consistent with the rainwater management components proposed in the SAP.
- NR2. All rainwater management components in private areas shall comply with the plumbing code.
- NR3. Pursuant to the City of Wilsonville Public Works Standards, access shall be provided to all areas of the proposed rainwater management components. At a minimum, at least one access shall be provided for maintenance and inspection.
- NR4. Plantings in rainwater management components located in private areas shall comply with the Plant List in the Rainwater Management Program or Community Elements Plan.
- NR5. The rainwater management components shall comply with the requirements of the Oregon DEQ UIC (Underground Injection Control) Program.

### **Other**

- NR6. The applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g. DEQ NPDES #1200-CN permit).





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**From:** Ramsey, Douglas [<mailto:douglas.ramsey@nwnatural.com>]

**Sent:** Tuesday, March 31, 2015 7:16 AM

**To:** White, Shelley

**Cc:** Young, Andrew F.

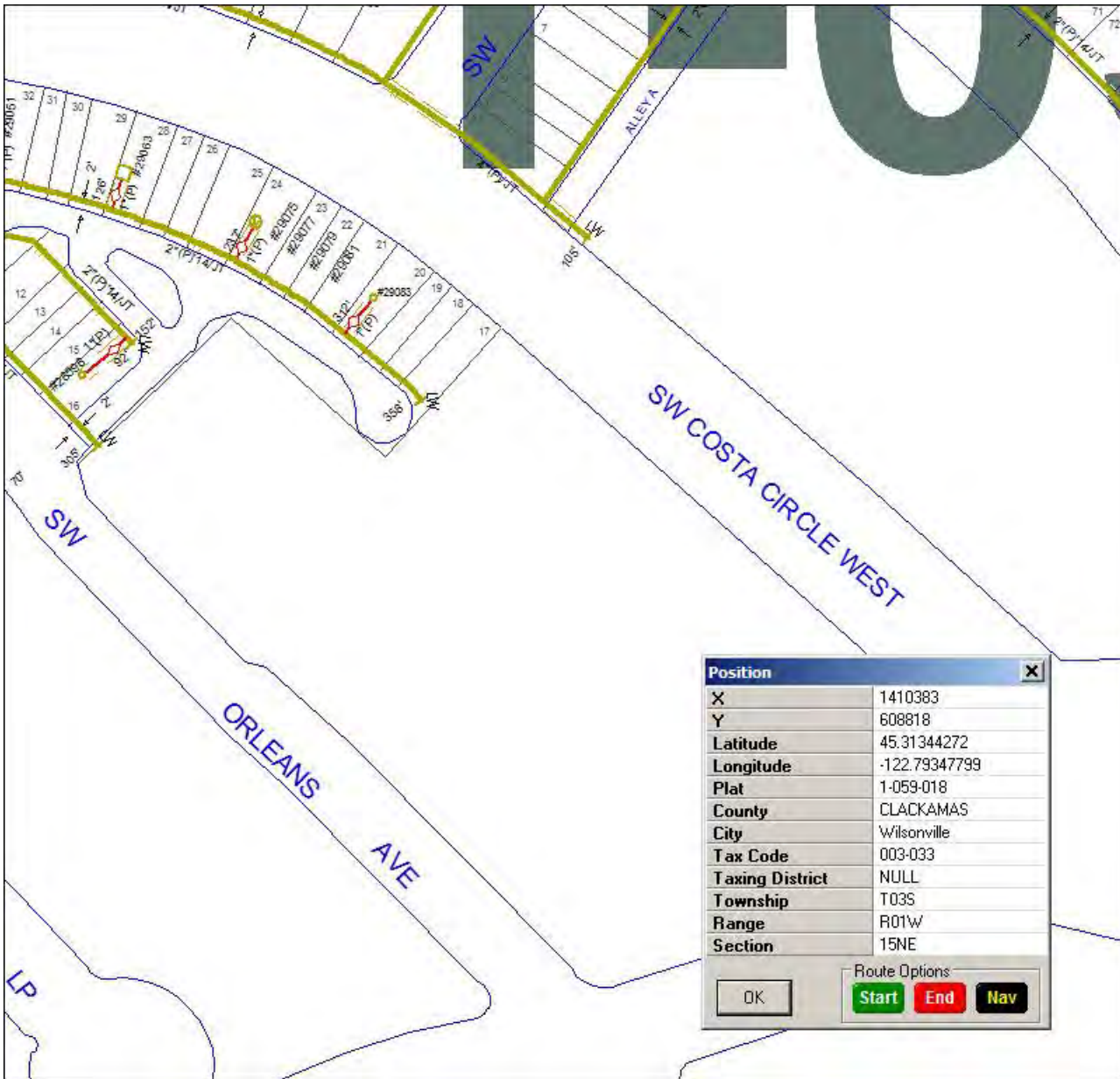
**Subject:** FW: Wilsonville Public Hearing Notice - 4/13 DRB-A & 5/4 City Council (Montague Park)

Per NW Natural records and the proposed project information provided, the project should not impact existing facilities. See Drawing below.



City of Wilsonville

EXHIBIT C3 DB15-0001 et seq

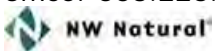


If you have any questions or comments please contact me or Andrew Young (office: 503.226.4211 ext. 2980|cell: 360.281.6169 |email: [Andrew.Young@nwnatural.com](mailto:Andrew.Young@nwnatural.com))

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From: Young, Andrew F.  
 Sent: Friday, March 20, 2015 12:52 PM  
 To: Ramsey, Douglas  
 Subject: FW: Wilsonville Public Hearing Notice - 4/13 DRB-A & 5/4 City Council (Montague Park)

Thank you.  
**Andrew F. Young, P.E.**  
 Engineering Supervisor – Field Services  
 NW Natural | 220 NW 2<sup>nd</sup> Avenue | Portland, Oregon 97209  
 office: 503.226.4211 ext. 2980|cell: 360.281.6169 |email: [Andrew.Young@nwnatural.com](mailto:Andrew.Young@nwnatural.com)



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**From:** White, Shelley [<mailto:swhite@ci.wilsonville.or.us>]

**Sent:** Thursday, March 19, 2015 3:47 PM

**To:** Young, Andrew F.; Andy Back; Brian Harper ([brian.harper@oregonmetro.gov](mailto:brian.harper@oregonmetro.gov)); Mike McCallister ([mikem@co.clackamas.or.us](mailto:mikem@co.clackamas.or.us)); Ward, Mike; Region 1 Development Review Applications; [CopperstoneP@Metro.Dst.Or.Us](mailto:CopperstoneP@Metro.Dst.Or.Us); Keller, Robert; Adams, Steve

**Subject:** Wilsonville Public Hearing Notice - 4/13 DRB-A & 5/4 City Council (Montague Park)

Please find the attached public hearing notice for the April 13 DRB-A meeting and May 4 City Council meeting for your review.

[DB15-0001 thru DB15-0005 – Montague Park](#)

*\*Please note that comments are due to Daniel Pauly by April 3, 2015 for inclusion in the Staff Report.*

Thank you,

*Shelley White*

Administrative Assistant  
City of Wilsonville  
Ph: 503 570-1575  
[swhite@ci.wilsonville.or.us](mailto:swhite@ci.wilsonville.or.us)

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**From:** erlapp@comcast.net  
**Sent:** Friday, March 20, 2015 12:01 PM  
**To:** Pauly, Daniel  
**Cc:** Neamtzu, Chris; Julie Fitzgerald; Nathan & Diane Knight  
**Subject:** Re: Montague Park  
**Attachments:** 2015-VEC-Events-Calendar-Final 02-08-2015.pdf

Mr Pauly:

I want to thank you for your prompt and complete response. I do however take some exception to some of your comments.

First I must explain that the Villebois Community, is not your typical City of Wilsonville neighborhood. I believe that it is the only planned development community, perhaps with the exception of Charbonneau, in the City of Wilsonville. But beyond that, due to some very involved Villebois residents, the whole Villebois Community, living in Arbor, Legend, Polygon, Lennar, and Costa Pacific built homes participate in a variety of annual events, please see the Villebois Events Calendar in the attached file. Some of these events bring together up to 700 people, and with the continued growth of the Villebois Community to potentially 2500+ residential units, the use of the parks in Villebois, both City, and privately owned/maintained, need to be prepared to handle this number of people. The understanding that Montague Park will "[primarily cater to nearby residents in the Village Center rather than Villebois and the community as a whole](#)" needs to be modified.

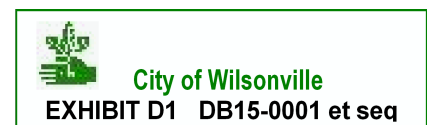
The City needs to be more responsive to its residents than catering to the desires of the builders. Yes, the Piazza was built without facilities because the builder did not want to have to build those facilities and therefore take away space from the Piazza. So now they have permanently setup very unappealing port a potties. This in a planned development community where all residential units have to comply with some pretty rigid design standards.

As to your comment about the facilities in the future RP5 being only 1000 yards from Montague, I think you are being too conservative and looking at the distance from the eastern edge of Montague. Even so that is almost 1/4 mile, quite a stretch from a picnic grounds to a restroom.

I am curious that if this is considered a "private park" then why was \$256,000 in Urban Renewal Funds diverted away from Montague to RP5 due to the down-scaling of the amphitheater.

I am currently encouraging all Villebois residents to be present at both of the scheduled Public Hearings on Montague Park. I just hope that we are not too late to see a change made in the final requirements. BTW, on what date were the facilities removed from the initial plans? I guess that was made by the Parks and Recreation Advisory Board at their 3/12 meeting, but the minutes of that meeting have not yet been posted on the City's website.

Very best regards,



Everett R Lapp  
Phone: 503-781-5944  
11192 SW Barber Street  
Wilsonville, OR 97070

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**From:** "Daniel Pauly" <pauly@ci.wilsonville.or.us>  
**To:** erlapp@comcast.net  
**Cc:** "Chris Neamtzu" <neamtzu@ci.wilsonville.or.us>  
**Sent:** Friday, March 20, 2015 10:48:38 AM  
**Subject:** RE: Montague Park

Mr. Lapp

Good to hear from you. Restrooms is certainly a key discussion point as we review this park and hold the public hearings at DRB and City Council. Thus far the Parks and Recreation Advisory Board has supported the change to remove the restroom (by a vote at their 3/12 meeting), and staff is recommending the DRB and City Council support the change. Below is a bit of an explanation of why staff has recommended support of no restrooms at Montague Park. Feel free to contact me if you have further questions regarding this park. Please note Chris and I will both be out of the office next week Mar. 23 to Mar. 27.

1. The park is private and expected to remain private and primarily cater to nearby residents in the Village Center rather than Villebois and the community as a whole like. These residents have facilities nearby in their homes. While it is open to the public, there is not an expectation for the HOA to build and maintain facilities to specifically cater to the broader public.
2. There are no privately owned and maintained public restrooms in parks throughout the City. All current park restrooms are publicly owned and maintained. The exception is the Piazza, which as you noted has restrooms available in connection to events.
3. Restrooms were master planned in Montague Park at least in part due to support events at the amphitheater. While an amphitheater is still planned it is more at a neighborhood scale which would not support larger events.
4. Public Park restrooms are being built nearby. Restrooms are planned for, and staff is fully expecting to be built, in the next public park in the Villebois Greenway (Regional Park 5) northeast of Edelweiss Park. They are likely to be located near the center of the planned park, so they would be north of the newly paved SW Berlin Avenue about half way between SW Paris Ave. (currently named Ravenna Loop but the segment is planned to be renamed) and SW Orleans Avenue. This will be about 1000 feet walking distance from Montague Park. See attached slide from the Parks Board presentation.

Also drinking fountain and/or water bottle filling station is planned for Montague Park. One is also being installed soon in Edelweiss Park.



Daniel Pauly, AICP | Associate Planner | City of Wilsonville | Planning Division  
29799 SW Town Center Loop East | Wilsonville OR 97070 | ☎: 503.682.4960 | ✉: [pauly@ci.wilsonville.or.us](mailto:pauly@ci.wilsonville.or.us)

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

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**From:** erlapp@comcast.net [mailto:erlapp@comcast.net]  
**Sent:** Thursday, March 19, 2015 11:09 PM  
**To:** Pauly, Daniel  
**Cc:** Neamtzu, Chris; dianneandnathan@gmail.com; ulieafitzgerald@gmail.com; rudy@costapacific.com  
**Subject:** Montague Park

Dear Mr Pauly:

It appears that in the planning of the new park in Villebois, Montague, that is being brought up for public hearings, Public Hearing Notice (April 13 DRB & May 4 City Council), is lacking any restroom facilities. As I am sure that you are fully aware that the location of this park site is somewhat removed from any type of public restrooms, in fact the closest restrooms are portable toilets that Costa Pacific is renting and they are located at the Villebois Piazza but are only accessible to those who wish to "rent" the Piazza from the Costa Pacific HOA/The Management Group, and they are located over a block from this park site.

The people who are responsible for planning the Villebois Parks have already built two parks without restroom and/or water fountains, Piccadilly and Edelweiss. Obviously if these parks are meant for people to use then these types of facilities should be included. Since these parks are meant to be open to all, where would the participants be expected to relieve themselves, or their thirst.

Thank you for taking this matter into consideration. I would expect to be hearing of some plan changes regarding this issue.

Very best regards,

Everett R Lapp  
Phone: 503-781-5944  
11192 SW Barber Street  
Wilsonville, OR 97070



Members of the board,

My name is Bob Dorband, I live at 29085 SW Costa Circle West, in the row houses directly adjacent to the proposed park. I would like to comment on Resolution 301, Montague Park.

I have only one concern: the advisability of locating the proposed pickleball court so close to numerous residential units. As you can see from the exhibits, there are approximately four buildings, each containing four homes, within close proximity of the proposed court. I should point out that this proximity to residential units is unprecedented in any other park in Villebois, and probably the entire City of Wilsonville. The distance from my unit, for example, to the court is less than 60 feet. This essentially places the court "in my backyard," as well as the backyard of the other numerous residents of the adjacent rowhouses.

My specific concern about the court is the prospect of it becoming a nuisance to the nearby residents. While most people aren't aware of what pickleball is, I think it is important to understand what this game is and how the noises it generates could become a nuisance, unless it is relocated to another, more removed, area of the park. The game is played with a perforated plastic baseball, similar to a wiffle ball, and solid wood paddles that resemble large table tennis paddles. There is considerable noise resulting from the "smashing" of the ball back and forth. As described in one lawsuit, the ball hitting the paddle "sounds like a hammer blow on a blacksmith's anvil." Yes, there has been litigation over pickleball. In one case, a homeowners association found that the noise level exceeded the county's allowed decibel level and imposed restrictions that effectively shut down the game.

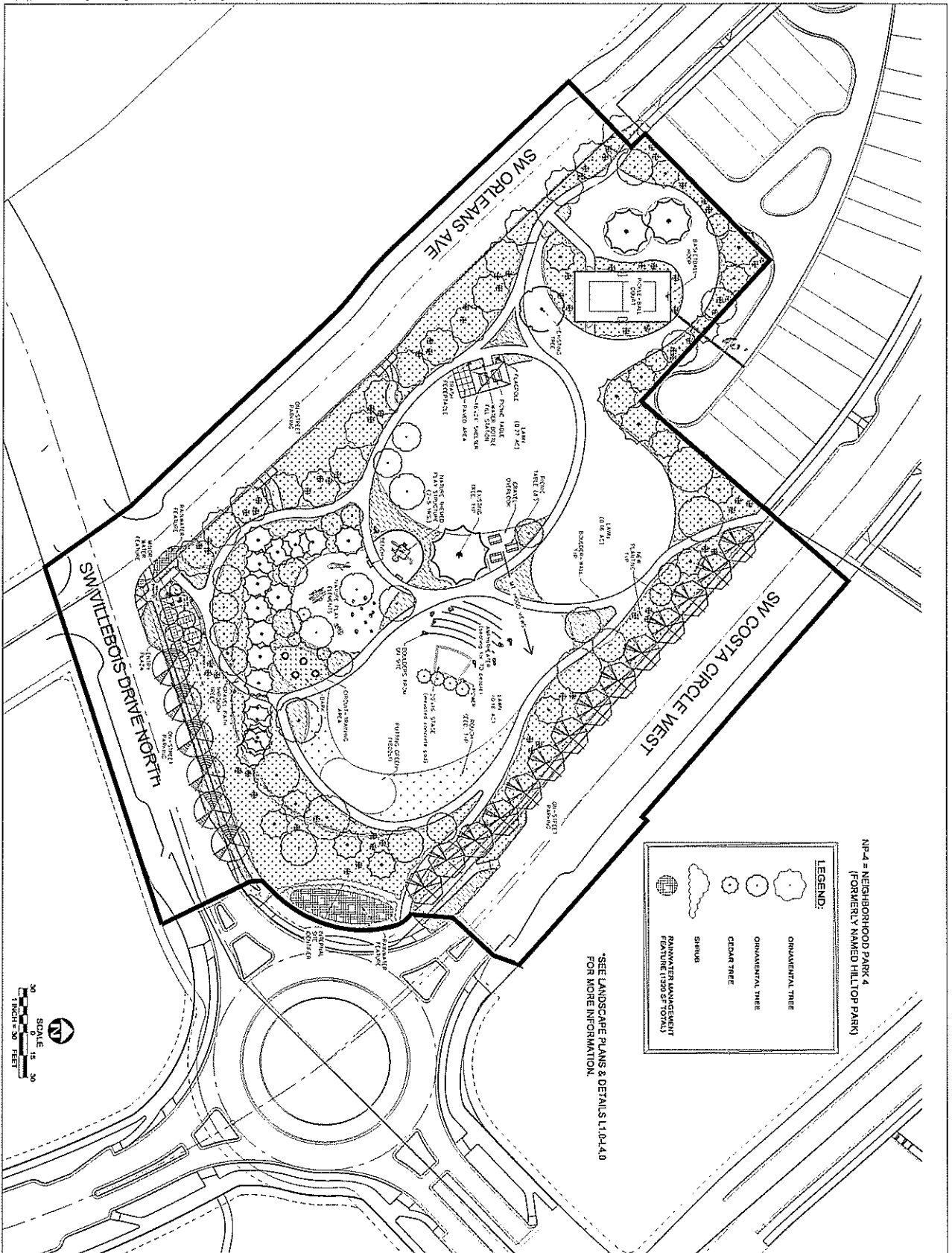
I would like to point out that there is a pickleball court, and basketball court, literally within eyesight of this new park. Both of these courts are far removed from the surrounding residential units.

Given that this game is likely to generate higher levels of noise than other activities in the park, it is imperative that the court's location be carefully selected to minimize potential nuisance issues arising in the future. Locating the court within 60 feet of residential units, when other courts in Villebois and Wilsonville are well over 250 feet from existing homes, is simply not wise. It will be more cost effective for all parties involved to address the issue now, rather than face potentially expensive remedial and legal issues in the future.

I thank you for your time and consideration of my comments.



Exh. 1



Ex 2



Existing Courts  
Proposed

Figure 5B

Exh 3



## Acoustiblok Soundproofing Blog Articles

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### Pickleball "Racket" Needs a Soundproofing Solution to Calm Neighbors

Posted by Thomas Wiseman on Fri, Feb 08, 2013 @ 04:02 PM



Picklers can now be found in most states across America. Picklers have even made their way across the border to Canada, Singapore, and India. Pickler fever, like Bieber fever, has gone viral and mainstream. So don't be offended if someone asks you to "get your pickle on" sometime because if you haven't heard about the sport of pickleball by now, you probably will soon. The sport has officially arrived in the United States and may be coming to a neighborhood near you.

Pickleball is one of the fastest-growing sporting craves in America and has even begun to spread overseas. While pickleball is an inter-generational sport for players ranging in age from 6 to 70-plus, it's the 55-plus year-old demographic that is driving the recent fast-rising popularity of the sport.

Some describe pickleball as a dwarf version of tennis. Others describe it as an over-grown version of ping pong (table tennis). It's played like tennis and scored like badminton. Regardless of what you think it is, the pickleball phenomenon has taken hold.

For decades, the game was little known outside the Pacific Northwest United States. Since its inception in 1965 as a backyard pastime, Pickleball has seen significant growth in the United States over the past decade. It is now an organized sport



represented by national and international governing bodies. According to the USA Pickleball Association, the sport boasts an estimated 100,000 adult players in the United States now, more than triple the number in 2003, and there are about 2,500 public courts, versus just 150 that year.

Pickleball has seen an explosion of sort in Florida, especially in Central Florida, which is considered by many to be the pickleball capital of the world now. The Villages, a popular retirement community located near Orlando Florida, hosts more than 108 courts alone.

More and more pickleball courts are being built in new 55-plus communities and are being added to existing communities all over the United States and in other countries too. Del Webb, the United States' largest builder of active-adult communities, had pickleball courts in fewer than one in five of its developments in 2006. Now, says Jacque Petroulakis, spokeswoman for parent company PulteGroup Inc., the figure is above 50 percent, and Del Webb incorporates pickleball into almost everything it builds. "It's the hottest craze sweeping our communities," she says.

Pickleball has spread across the United States and into Canada. It is now beginning to spread around the world. The United States Pickleball Association estimates there are more than 100,000 active picklers. In Canada, where the game is still relatively new, there are already more than 5,000 players in just four provinces: British Columbia, Alberta, Quebec, and Ontario. Meanwhile new organizations like the Singapore Pickleball Association and the All India Pickleball Association are bringing the game to Asia and beyond.

For pickleball players, the sport is a way to exercise, burn calories, be social, and get outdoors. The sport is easy to learn, even for those without much athletic experience. For all of these reasons, players find pickleball addictive, with demand for court time often exceeding available space. And in case you were wondering exactly what the term "pickler" means. According to the World Pickleball Federation (yes there is one), a pickler is a certified pickleball player who may or may not become addicted in the next 10 minutes or less. The sport with a whimsical name also has some whimsical terms and definitions. While many picklers play the game for fun, many play it competitively in regional, national and international singles and doubles tournaments.



According to the website of the USA Pickleball Association, which officially took over the sport in 2005, pickleball is played on a badminton-size court with the net lowered to 34 inches at the center. It is played with a perforated plastic baseball (similar to a Wiffle Ball) and solid wooden, composite, graphite or aluminum paddles that resemble large table tennis paddles. The game was invented by a man in Washington state in 1965, and is named after his dog Pickles who used to chase balls all over a court.

### The Pickleball "Racket" - Ping, Pop, Thwack

As picklers get excited about their smashes, rallies, put aways, serves, and volleys on the court, some residents off the court living within earshot are crying foul. Even as momentum for the sport builds, the game has left a trail of detractors and spawned studies to determine if the sport meets noise regulations. When the pickleball paddle hits the hard plastic ball it makes a unique "pop" or "ping" sound that is louder and sharper to the ear and registers 3-5 decibels higher on a sound meter than the "thwack" heard when a tennis racquet hits the softer tennis ball. Regulation games are played to 11 points (a team must win by two points). Some local games are played to 15 points so the ball may strike the paddles hundreds of times in a game. This constant hard sharp sound can be bothersome to some residents living near the courts if the sound is not blocked by natural barriers of some type or by acoustical material hung on the fence that surrounds the court.

You can hear the sound for yourself by watching the YouTube video of a tournament match.

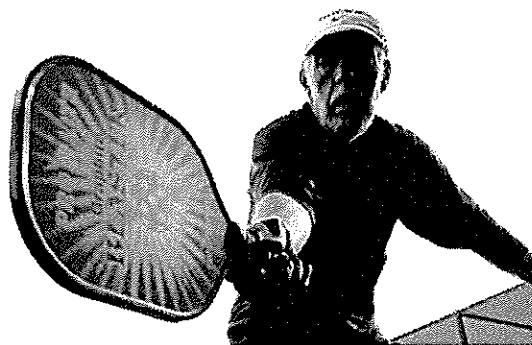
<http://www.youtube.com/watch?v=pdVMclDQJIA>

While the sport of pickleball is growing with new fans every day, it's also faulting with some neighbors and communities who don't want pickleball courts in their area because of the unwanted sounds and continuous racket/noise. In some communities, the divisions have prompted heated meetings among property owners, calls for noise studies and even claims that pickleball is destroying property values.

### Increasing Number of Courts Could Lead to More Noise Issues

#### KEY POINTS OF ARTICLE

- Pickleball is one of the fastest-growing sporting craves in America, boasting an estimated 100,000 adult players in the U.S. now, more than triple the number in 2003. There are about 2,500 public courts, versus just 150 in 2003. Courts are full. The 55-plus demographic is driving the growth.
- Some people living close to courts claim it is a noisy sport and is a nuisance. A sharp "pop" sound is made when the paddle hits the hard plastic ball. On a sound meter, this noise registers about 64.2–71.8 decibels. The sound is louder than the softer "thwack" sound made in tennis.
- Acoustiblok's Acoustifence soundproofing material placed around a pickleball court can reduce noise by 10-12 decibels according to a sound meter test conducted by USA Pickleball Association president Bill Booth. This represents a 50 percent reduction in sound as perceived by the human ear.
- Some law suites have been filed to stop new courts from being built. Some neighborhood associations are receiving increasingly more complaints.





According to the USA Pickleball Association (USAPA), the number of places to play pickleball nationwide has grown in the past 12 years from just 37 to nearly 1400. In Mission Royale, a 55-plus community in Casa Grande, Ariz., the local pickleball club is trying to secure courts of its own. Partly in response to noise complaints, the community's developer, Meritage Homes Corp., recently said it would be willing to spend "significant dollars" to relocate pickleball from a converted tennis court, says Jeff Grobstein, desert region president for Meritage.

Ron Heymann, 65, whose home is about 100 feet from the existing courts, says he won't be sorry to see pickleball go. The noise from games—that of a "hard plastic ball thunk-thunking repetitively on a hard wooden paddle"—is "akin to a toothache that won't go away."

Pickleball players in Mission Royale dispute such claims—for the most part. "There is a constant 'ping, ping,'" concedes John Grasso, 61, president of the local pickleball club. In March, Mr. Grasso says the club purchased a decibel meter from RadioShack. The findings: Tennis reached about 58 decibels while pickleball hit about 60. "There really was no difference. It's just a different sound."

The difference was enough to evict the sport from its home in SaddleBrooke near Tampa, FL. In 2008, residents there first asked pickleball players to switch to a rubber ball to cut back on noise. Pickleball players passed. Many feel like the sound is an integral part of the game and the experience.

"Ask golfers to use a different kind of ball, and see what they say," says John Benter, 69, local pickleball president.

A \$4,500 noise study found that sounds from pickleball play were spiking above the county's 60-decibel limit, which applies to ongoing noise. As a result, the homeowners' association banned use of standard pickleball paddles and balls on the courts, effectively shutting down play.

### **Pickleball-related lawsuits**

Pickleball has also sparked lawsuits throughout the United States from people concerned and irritated about game noise that has intruded into their homes and personal outdoor spaces.

A November 15, 2012 Rockford Register Star article states that a lawsuit filed to stop pickleball from being played in Sinnissippi Park could be settled with additional noise control efforts from the Rockford Park District. In Winnebago County, Illinois, two people filed a complaint to the Winnebago County court asking for an injunction to stop play at the six courts at the Sinnissippi Pickleball Center. The complaint said the "pop" the ball makes as it flies off the paddle sounds "like a hammer blow on a blacksmith's anvil" and "the noise filters into every part of their property and household."

An article found on AzCentral.com website said Otis and Jean Vaughn thought the active lifestyle and peaceful setting of Venture Out RV Resort were the perfect ticket for retirement when they bought a home in the east Mesa community. For much of the past two decades, they played tennis, exercised at the community pool and traveled. But the Vaughns said that tranquility ended when the "pinging and popping" sounds of pickleball erupted on badminton-size courts that were built last year about 30 feet from their driveway.

"It's absolutely deafening," he said of the hard-surface paddles striking perforated plastic balls. The Vaughns' protest is among a chorus of objections to noise generated by the game in at least four Arizona retirement communities and several other states.

### **Noise Mitigation Solutions**

Some of the noise problems for pickleball are not just because of the racquets and ball used. There are other issues. Some pickleball courts were built too close to homes. Also, most courts have chain link fencing around them which doesn't block any noise. Some courts have tried using screen meshing on the chain link fence but it is porous and does not block noise well. Other developments have used trees and landscaping as a way to block noise during matches. These natural barriers are seldom effective.

There are other more modern acoustical solutions to the pickleball noise that can be used and are currently being used by pickleball associations and builders. Acoustifence is a modern day acoustical soundproofing product that just happens to be developed and sold by the owner of this blog - Tampa, Fla. -based Acoustiblok, Inc.

Acoustifence is an advanced material sound barrier that is placed between a noise source and the noise receiver. The Acoustifence material easily attaches to chain link fences and comes in large sheets and in custom made sizes, making it ideal. In a sound meter test conducted by USA Pickleball Association president Bill Booth on April 17, 2012 at the Country Roads RV Village pickleball courts in Yuma, Arizona, Acoustifence soundproofing material placed around a pickleball court reduced noise by 10-12 decibels. This represents a 50 percent reduction in sound as perceived by the human ear the report concludes.

### Let's Google That Pickle Word

Today, if you Google the word pickleball, it receives about 212,000 results. Google the word ping pong and you get 90 million results. Google Google badminton and you get 27.5 million with volleyball yielding 171 million results. America's current most popular sport, NFL football yielded 335 million results. So pickleball, while gaining popularity, is still finding its way into the cyberworld compared to



other popular recreational activities. Google the word "pickleball noise" and you'll get 22,000 results, probably much more than the sports governing bodies feels good about.

Despite a few small bumps in the road, pickleball is finding its way into the hearts of many.

###

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### Pickleball Links

United States of America Pickleball Association  
<http://www.usapa.org/>

International Federation of Pickleball  
<http://ipickleball.org/>

### Overview of Pickleball Rules



Exh 4

**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b>  May 4, 2015	<b>Subject: Resolution No. 2529</b> Community Development Planning Fees  <b>Staff Member:</b> Susan Cole <b>Department:</b> Finance	
<b>Action Required</b> <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<b>Advisory Board/Commission Recommendation</b> <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable  <b>Comments:</b>  	
<b>Staff Recommendation:</b> Staff recommends Council adopt Resolution No. 2529.		
<b>Recommended Language for Motion:</b> I move to approve Resolution No. 2529.		
<b>PROJECT / ISSUE RELATES TO:</b> <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

**ISSUE BEFORE COUNCIL:**

Whether to increase planning fees in two phases beginning on July 1, 2015 and again on January 15, 2016.

**EXECUTIVE SUMMARY:**

The Community Development (CD) Fund resources are falling behind the fund’s requirements. Staff recommends increasing the Land Use Development and Planning Review Fees to catch up with price changes according to changes in the Consumer Price Index, from 2007 and through Fiscal Year 2015-16. Staff recommends increasing these fees in two stages: First, an 8 percent increase on July 1, 2015, followed by an additional 10 percent increase on January 15, 2016.

Following the Council Work Session on April 6, 2015 on this topic, staff reviewed various stair-step approaches to increasing these fees. The Land Use Development and Planning Review Fees are expansive and complex, many layering onto others as a project proceeds through the process,



and many have a formula component based upon units, acres, and the like. The complexity of these fees hampers simple explanations to the public, and a two-step approach to increasing the fees is recommended to balance the City's need while minimizing confusion by the public, and spacing the increase to give applicants a chance to absorb the additional increases over a reasonable timeframe.

Staff was asked to obtain the City of Portland Land Use fee schedule, and to compare that city's fees to Wilsonville. A table comparing sample fees to Wilsonville's current fee structure, as well as to the ultimate increased fee structure, is attached.

**EXPECTED RESULTS:**

Land Use Development and Planning Review Fees would be increased in two phases; an 8 percent increase effective July 1, 2015, and a 10 percent increase effective January 15, 2106.

**TIMELINE:**

Under the recommendation, fee increases will become effective July 1, 2015 and January 15, 2016.

**CURRENT YEAR BUDGET IMPACTS:**

Any fee changes will become effective with the new Fiscal Year 2015-16 and not impact the current year budget.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: SCole Date: 4/16/15

**LEGAL REVIEW / COMMENT:**

Reviewed by: MEK Date: 4/20/2015  
Resolution approved as to form.

**COMMUNITY INVOLVEMENT PROCESS:**

Informational articles will be included in the Boones Ferry Messenger and the city website. Letters will be sent to developers who are active in Wilsonville.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY**

None

**ALTERNATIVES:**

Not Applicable

**CITY MANAGER COMMENT:**

**ATTACHMENTS**

- A. Resolution No. 2529
- B. Table comparing sample fees

## Planning Fee Comparison

	Sherwood	Tualatin	Tigard	Oregon City	Beaverton	Clackamas County	Washington County (Urban)	Portland	Wilsonville Current	Wilsonville 17.9% Increase
Appeals	\$250 or 50% of original fees	\$135 to \$1,425	\$292 to \$3,234	\$50 to \$3,426 + actual City Attorney fees	\$250 to \$1,463	\$250	\$250 to \$3,096	\$250	\$400 to \$960	\$472 to \$1,132
Architectural/Site Design Reviews	\$661	\$55 to \$5,040		\$812	\$115 to \$4,051	\$135 to \$36,835			\$80 to \$320	\$94 to \$377
Change of non-conforming use	\$1,000	\$1,425	\$701	\$812 or per pulic request form		\$635	\$635 to \$2,756	\$1,323 to \$4,620	\$560	\$660
Comprehensive Plan Admendment		\$2,090	\$10,755	\$4,332	\$5,333	\$3,945		\$6,500 to \$18,900 (includes zone map adj)	\$2,400 to \$5,920	\$2,830 to \$6,980
Conditional use permits	\$2,072 to \$4,145	\$1,425	\$701 to \$6,404	\$3,724	\$700 to 2,922	\$3,945 to \$10,400		\$2,835 to \$14,700	\$560 to \$1,920	\$660 to \$2,264
Expedited Land Division	\$550 to \$2,205	\$300	\$5,407	\$4,062 +407/lot	\$6,766		\$2,337		\$960 +\$16/lot to \$1,920 +\$32/lot	\$1,132 + \$19/lot to \$2,264 + \$38/lot
Final Plat Review partition	\$550		\$1,076		\$897			\$800	\$160	\$189
Final Plat Review Subdivision	\$1,102		\$2,169		\$1,090			\$800/lot +\$600 if new street is added	\$640	\$755
Planned Unit Development Stage I	\$2,205		\$9,068				\$112 to \$4,737	\$2,756 to \$4,515	\$1,280 to \$1,920	\$1,509 to \$2,264
Planned Unit Development Stage II	\$6,222 + \$100/10,000sq ft.		SDR fee or Subsidivision Fee +\$439 to \$2,706	\$2,031 to \$11,510; +.007, .005 or .003x project cost (max fee \$53,989)			\$426 to \$41,206		\$1,920 +\$240/net acre + \$16/unit or \$.024/sq ft	\$2,264 + \$283/net acre + \$19/unit or \$.028/sq ft
Stage II PDP Modification (Minor)	\$276		\$701	\$348			\$426	\$2,415 to \$4,095	\$1,920	\$2,264
Stage II PDP Modification (Major)	\$1,010 to \$2,675		\$5,434 or \$7,059 +\$6/\$10k over						\$2,700	\$3,183
Subdivision	\$6,222 + \$20/lot	\$2,700 +\$135 to \$340	\$6,273 +\$93/lot; \$2,169 to \$8,682	\$4,064 +\$338/lot	\$4,276 +\$98/lot	\$2,600 or \$5,090 +\$45/lot	\$1,320 to \$70,351	\$2,200 +\$500/lot +\$1,200 for new street; \$2,900 + \$1,500/lot + \$1,800 for new street	\$1,280 +\$240/net acre +\$ 16/lot	\$1,509 +283/net acre + \$19/lot
Tree Removal Permit	\$50 to \$107; \$25 + \$10/additional tree	\$290 to \$315	\$675 to \$2,602	\$303 per tree	\$49 to \$1,463		\$213 to \$2,124	\$1,365 to \$4,410	\$16 to \$560 and \$80 + \$8/tree to \$160 + \$8/tree	\$19 to \$660 and \$94 + \$9/ree to \$189 + \$9/tree
Signs Permits and Review (Except Temporary Signs)	\$150	\$8 to \$675	\$61 to \$92	\$172 +5% sign construction cost	\$83			\$157 to \$468 or \$1.01/sq ft.	\$80 to \$960	\$94 to \$1,132
Temporary Use and Sign Permits	\$335	\$50 to \$1,530	\$61 to \$343		\$36 to \$702	\$125 to \$504	\$213 to \$1,586	\$33 to \$69	\$50 to \$800	\$59 to \$943

**RESOLUTION NO. 2529**

**A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING A NEW FEE SCHEDULE FOR LAND USE DEVELOPMENT AND PLANNING REVIEW FEES, AND REPEALING RESOLUTION NO. 2050.**

WHEREAS, the Wilsonville City Council finds it necessary and reasonable to establish fees for the purpose of defraying actual costs for Land Use and Development Planning reviews; and

WHEREAS, Land Use Development fees associated with development (those that are project driven and benefit a specific party) were last increased in 2007 (Resolution No. 2050) with authorization to impose an annual CPI adjustment; and

WHEREAS, although previously authorized, Staff has found that fees were not adjusted by the CPI adjustment during the ensuing recessionary period and therefore have not kept pace with actual costs adjusted for inflationary increases; and

WHEREAS, the Wilsonville City Council finds that Oregon state law allows the City to recover its actual costs; and

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

Section 1. The City Council finds the proposed recovery of administrative costs for planning review and land use development services are actual, reasonable and necessary, therefore, the Planning fees are hereby established as set out in Exhibit "A", which is attached to this resolution and incorporated by reference as if fully set forth herein.

Section 2. The fee schedule as proposed shall become effective in two stages; first on July 1, 2015 and second, on January 15, 2016.

Section 3. These fees may be adjusted annually to reflect the increase in the Portland/Salem area consumer price index.

Section 3. Resolution No. 2050 is hereby repealed and this Resolution takes effect upon adoption

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4<sup>th</sup> day of May, 2015, and filed with the Wilsonville City Recorder this date.

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TIM KNAPP, MAYOR

ATTEST:

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Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Tim Knapp

Councilor Starr

Councilor Fitzgerald

Councilor Stevens

Councilor Lehan



**City of Wilsonville**  
**Planning Division Fees Increase Schedule**

	Current	Increase	
		8% Effective July 1, 2015	10% Effective January 15, 2016
<b>Administrative Review</b>			
Class I	\$160	\$173	\$190
Class II	\$560	\$605	\$666
<b>Annexation (+Metro)</b>	\$2,400	\$2,592	\$2,851
<b>Appeals</b>			
Administrative Decision or Interpretation	\$400	\$432	\$475
DRB or Planning Commission Action	\$800	\$864	\$950
Referee Decision (expedited land division)	\$960	\$1,037	\$1,141
<b>Architectural Review (Villebois)</b>			
Single Family	\$320	\$346	\$381
Multi-family per Unit	\$80	\$86	\$95
<b>Change of non-conforming use</b>	\$560	\$605	\$666
<b>Comprehensive Plan Amendment</b>			
Legislative text	\$3,200	\$3,456	\$3,802
Legislative text with BM 56 notice	\$5,920	\$6,394	\$7,033
Legislative map	\$3,200	\$3,456	\$3,802
Legislative map with BM 56 notice	\$5,920	\$6,394	\$7,033
Quasi-judicial map	\$2,400	\$2,592	\$2,851
Quasi-judicial map with BM 56 notice	\$5,120	\$5,530	\$6,083
<b>Conditional use permit</b>			
Accessory Use to SFD in Wilamette River Greenway	\$560	\$605	\$666
All Others	\$1,920	\$2,074	\$2,281
<b>Expedited Lan Division</b>			
Under ORS 197	\$960	\$1,037	\$1,141
+per lot	\$16	\$17	\$19
Villebois	Double regular fee	Double regular fee	Double regular fee
<b>Final Plat Review Fee</b>			
Partition	\$160	\$173	\$190
Subdivision	\$640	\$691	\$760
<b>Parks Plan Review Fee</b>	\$500	\$540	\$594
<b>Planned Unit Development</b>			
Stage I Residential	\$1,280	\$1,382	\$1,520
Stage I Commercial	\$1,280	\$1,382	\$1,520
Stage I Industrial	\$1,280	\$1,382	\$1,520
Stage I Public	\$1,280	\$1,382	\$1,520
Stage I Villebois SAP (Per Resolution 1896)	\$1,920	\$2,074	\$2,281
Stage I Villebois SAP Modification	\$1,280	\$1,382	\$1,520
Stage II Residential Base	\$1,920	\$2,074	\$2,281
Stage II Residential additional per net acre for all sites >2acres	\$240	\$259	\$285
+ per unit	\$16	\$17	\$19
Stage II Commercial Base	\$1,920	\$2,074	\$2,281
Stage II Commercial additional per net acre for all sites >1acres	\$240	\$259	\$285
+ per sq ft for all bldgs >5000 sq ft	\$0.024	\$0.026	\$0.029
Stage II Industrial Base	\$1,920	\$2,074	\$2,281
Stage II Industrial additional per net acre for all sites > 2 acres	\$240	\$259	\$285
+ per sq. ft. for all bldgs > 10,000 sq. ft.	\$0.024	\$0.026	\$0.029
Stage II Public Base	\$1,920	\$2,074	\$2,281
Stage II Public additional per net acre for all sites > 5 acres	\$240	\$259	\$285
+ per sq. ft for all bldgs > 25,000 sq. ft.	\$0.024	\$0.026	\$0.029
Stage II Villebois PDP Base	\$1,920	\$2,074	\$2,281
Stage II Villebois PDP additional per net acre for all sites > 2 acres	\$240	\$259	\$285

**City of Wilsonville**  
**Planning Division Fees Increase Schedule**

	Current	Increase	
		8% Effective July 1, 2015	10% Effective January 15, 2016
+ per lot	\$16	\$17	\$19
Stage II PDP Modification (Minor)	\$1,920	\$2,074	\$2,281
Stage II PDP Modification (Major)	\$2,700	\$2,916	\$3,208
Stage II Mixed Use Bldgs Base	\$1,920	\$2,074	\$2,281
Stage II Mixed Use Bldgs Additional	formula	formula	formula
<b>Preapplication Conference</b>			
Residential <50 lots/units	\$160	\$173	\$190
Residential =to of >50 lots/units	\$320	\$346	\$381
Other Signs only	\$160	\$173	\$190
Other Single bldg, <100,000 sq ft.	\$400	\$432	\$475
All Others	\$640	\$691	\$760
<b>Request for special meeting</b>			
Staff	\$240	\$259	\$285
DRB or Planning Commission	\$960	\$1,037	\$1,141
City Council	\$1,920	\$2,074	\$2,281
<b>Request for Time Extension</b>			
Administrative	\$80	\$86	\$95
DRB Review: First Extension	\$400	\$432	\$475
DRB Review: Second Extension	\$800	\$864	\$950
DRB Review: Third Extension	\$1,600	\$1,728	\$1,901
<b>Request to Modify Conditions of Approval</b>			
Administrative	\$400	\$432	\$475
DRB Review	\$960	\$1,037	\$1,141
City Council	\$960	\$1,037	\$1,141
<b>Review of Bldg Permit Application</b>			
	\$100	\$108	\$119
All other Residential	\$160	\$173	\$190
All other	\$518	\$559	\$615
or % of value of bldg, whichever is greater	0.0064	0.0069	0.0076
not to exceed	\$12,000	\$12,960	\$14,256
<b>SROZ Review</b>			
Verification of Boundary Abbreviated	\$80	\$86	\$95
Verification of Boundary Standard	\$160	\$173	\$190
SRIR Review Abbreviated	\$480	\$518	\$570
SRIR Review Standard	\$1,200	\$1,296	\$1,426
Review Mitigation Monitoring Report	\$120	\$130	\$143
<b>Signs Permits and Review (Except Temporary Signs)</b>			
Class I Sign Permit	\$160	\$173	\$190
Minor Adjustment as Part of Class I Sign Permit	\$80	\$86	\$95
Class II Sign Permit	\$400	\$432	\$475
Class III Sign Permit	\$560	\$605	\$666
Master Sign Plan	\$960	\$1,037	\$1,141
<b>Site Design Review</b>	\$1,280	\$1,382	\$1,520
<b>Staff interpretation (written)</b>			
Without public notice (including zone compliance letter)	\$160	\$173	\$190
With public notice	\$560	\$605	\$666
<b>Street Vacation</b>	\$1,920	\$2,074	\$2,281
<b>Temporary Use and Sign Permits</b>			
Class I < 15 days	\$80	\$86	\$95
Class I 15 - 30 days	\$160	\$173	\$190
Class I Annual Event Signs	\$50	\$54	\$59
Class II 31-60 days	\$240	\$259	\$285

**City of Wilsonville**  
**Planning Division Fees Increase Schedule**

	Current	Increase	
		8% Effective July 1, 2015	10% Effective January 15, 2016
Class II 61-120 days (signs only)	\$320	\$346	\$381
Class II 61-120 days (other temporary uses, may incorporate concurrent sign review)	\$800	\$864	\$950
DRB Review more than 120 days (non-sign temporary uses only)	\$800	\$864	\$950
<b>Tentative Plat Review</b>			
Partition Administrative Review	\$560	\$605	\$666
Partition DRB Review	\$1,280	\$1,382	\$1,520
Subdivision Residential Base	\$1,280	\$1,382	\$1,520
Subdivision Residential additional per net acre for all sites > 2 acres	\$240	\$259	\$285
+ per lot	\$16	\$17	\$19
Subdivision Commercial Base	\$1,280	\$1,382	\$1,520
Subdivision Commercial additional per net acre for all sites > 1 acre	\$240	\$259	\$285
+ per lot	\$16	\$17	\$19
Subdivision Industrial Base	\$1,280	\$1,382	\$1,520
Subdivision Industrial additional per net acre for all sites > 5 acres	\$240	\$259	\$285
+ per lot	\$16	\$17	\$19
Subdivision Public Base	\$1,280	\$1,382	\$1,520
Subdivision Public additional per net acre for all sites > 10 acres	\$240	\$259	\$285
+ per lot	\$16	\$17	\$19
<b>Tree Permit</b>			
Type A 3 or fewer	\$16	\$17	\$19
Type B or C 3 or fewer	\$80	\$86	\$95
Type B or C 4-10	\$80	\$86	\$95
+ per tree	\$8	\$9	\$10
Type B or C 11-25	\$120	\$130	\$143
+ per tree	\$8	\$9	\$10
Type B or C 26 or more	\$160	\$173	\$190
+ per tree	\$8	\$9	\$10
Type D	\$800	\$864	\$950
DRB Review of Type C Removal Plan	\$560	\$605	\$666
<b>Variance</b>			
Administrative	\$560	\$605	\$666
DRB Review	\$1,920	\$2,074	\$2,281
<b>Waiver (per waiver)</b>	\$160	\$173	\$190
	Double applicable fee	Double applicable fee	Double applicable fee
<b>Villebois Expedited Review</b>			
<b>Villebois FDP</b>	\$1,280	\$1,382	\$1,520
<b>Zone Change</b>			
Legislative text	\$3,200	\$3,456	\$3,802
Legislative text with BM 56 notice	\$5,920	\$6,394	\$7,033
Legislative Map	\$3,200	\$3,456	\$3,802
Legislative Map with BM 56 notice	\$5,920	\$6,394	\$7,033
Quasi-judicial Map	\$1,280	\$1,382	\$1,520

**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b>  May 4, 2015	<b>Subject: Resolution No. 2530</b> Interagency Agreement – City and URA to lend and repay up to \$3.0 million  <b>Staff Member:</b> Susan Cole <b>Department:</b> Finance	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable  <b>Comments:</b> Action provides resources to fund Urban Renewal projects underway in FY 2014-15 and continuing into FY 2015-16.	
<b>Staff Recommendation:</b> Staff recommends adoption of Resolution No. 2530.		
<b>Recommended Language for Motion:</b> I move to approve Resolution No. 2530.		
<b>PROJECT / ISSUE RELATES TO:</b> <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

**ISSUE BEFORE COUNCIL:** Whether to authorize an overnight loan between the City and the Urban Renewal Agency.

**EXECUTIVE SUMMARY:** Both the Year 2000 Plan and West Side districts each have a capital projects that are under construction. Short-term borrowing is necessary to complete these projects. Both districts have sufficient cash balances in their debt service funds to allow for repayment of borrowing on a short term basis – short term being defined as “over-night.”

Previously, the Urban Renewal Agency would enter into an agreement with a financial institution for these types of transactions. The City’s general fund has the capacity to loan the funds on a short term basis. The Urban Renewal Agency is now able to borrow from the City’s



General Fund provided both the City and Agency agree to the terms of the borrowing and it serves a public purpose. The terms of the borrowing are as follows:

- City lends to Agency \$3,000,000 at 1.5 percent (1.5%).
- The Agency repays the amount from tax increment funds on hand the day after receipt of the loan.
- Total interest to the General Fund, therefore, will be approximately \$123.
- The borrowing is subordinate to outstanding senior lien debt.

By borrowing from City funds the Agency is able to avoid loan origination fees and legal costs associated with borrowing from a financial institution, estimated to be more than \$10,000 for this type of financing. The public purpose is to fund projects authorized in the urban renewal plans for the two respective districts.

**EXPECTED RESULTS:** That authorizing the IGA by the respective Resolution of the City and the Agency will provide cash resources of \$2.0 million to pay for costs associated with Canyon Creek Road between Boeckman Road and Vlahos Drive within the Year 2000 Plan district, as well as Murase Park improvements and preliminary work on the Old Town Escape project. It will also provide \$1 million to pay for costs associated with extending Barber Road west into Villebois within the West Side district, as well as park improvements within the district.

**TIMELINE:** Borrowing and repayment will occur within the month of May 2015. The IGA anticipates the loan and repayment occurring on May 18 and May 19, respectively.

**CURRENT YEAR BUDGET IMPACTS:** A separate supplemental budget adjustment is necessary to complete this transaction within Local Budget Law constraints.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: \_\_\_SC\_\_\_\_\_ Date: \_\_\_4/15/15\_\_\_\_\_

**LEGAL REVIEW / COMMENT:**

Reviewed by: \_ \_\_\_MEK\_\_\_\_\_ Date: \_\_\_4/15/15\_\_\_\_\_

The form of the Resolutions and IGA are approved. The City is a home rule city and as such under its Charter it has the authority to act in ways that are necessary and convenient under the laws and Constitution of the State of Oregon. The Oregon Constitution, Article XI, Section 9 limits the powers of cities to loan its credit to private corporations. The Agency is not a private corporation, but is a unit of local government as is the City. Specifically, the laws in ORS Chapter 190 provide for intergovernmental agreements between units of local governments to provide for functions or activities which they are authorized to do (building road projects are such functions or activities) and to provide for apportioning the responsibility for providing funds to pay for the expenses incurred in the performance of the functions or activities, which is what is occurring in this IGA.

Further, the only current general obligation bond outstanding for the City is for library purposes and has an outstanding principal balance of \$355,000, due to paid off by January 1, 2016. The overall debt capacity of the City is estimated to be \$104 million, hence the City is well within its

overall debt capacity.

**COMMUNITY INVOLVEMENT PROCESS:** There has been no specific community outreach or involvement pertaining to this borrowing.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY** (businesses, neighborhoods, protected and other groups): The borrowing will not directly impact local businesses or neighborhoods, however, the construction projects to be funded will have significant positive impact on both.

**ALTERNATIVES:** Engage in borrowing from a financial institution. Using this process would take more time and cost the Urban Renewal Agency significantly more money.

**CITY MANAGER COMMENT:**

**ATTACHMENTS**

- A. Resolution No. 2530
- B. Intergovernmental Agreement between the City and the Urban Renewal Agency.

**RESOLUTION NO. 2530**

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE PERTAINING TO SHORT TERM SUBORDINATE URBAN RENEWAL DEBT FOR BOTH THE YEAR 2000 PLAN AND WEST SIDE DISTRICTS.**

WHEREAS, the City of Wilsonville finds it desirable to authorize an intergovernmental agreement with the Urban Renewal Agency (the "Agency") of the City of Wilsonville, Oregon which is to lend money to the Agency on a short term basis in an amount of not more than \$2,000,000 for the Agency's Year 2000 Plan district and \$1,000,000 for the Agency's West Side district (the "District"); and

WHEREAS, ORS 190.010 provides legal authority for the two entities to enter into a binding intergovernmental agreement (the "Agreement"); and

WHEREAS, the use of an Agreement is efficient and less costly than other means of obtaining financing for the Agency; and

WHEREAS, ORS 294.468 allows a city to loan money from one fund to another fund of the municipal corporation provided the loan is authorized by official resolution and states the terms of the loan; and

WHEREAS, both the Year 2000 Plan and West Side districts debt service funds have sufficient cash balances to allow for repayment of the amounts borrowed without violation of terms of outstanding senior debt liens.

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

1. To enter into the Agreement with the Urban Renewal Agency of the City of Wilsonville to lend from the City's General Fund to the Agency's capital project funds and receive repayment from the Agency back into the General Fund of up to \$3,000,000 together with interest of 1.5 percent per annum on a 365 day year basis in accordance with the terms specified in the Agreement.

2. To authorize the City Manager, or designee, to negotiate any and all documents to complete the Agreement and transactions related to the borrowing and repayment.
3. Effective Date of this Resolution shall be immediately upon its adoption.

ADOPTED by the City of Wilsonville at a regular meeting thereof this 4<sup>th</sup> day of May, 2015 and filed with Wilsonville City Recorder this same date.

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Tim Knapp, Mayor

ATTEST:

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Sandra C. King, MMC, City Recorder

**SUMMARY OF VOTES:**

Mayor Knapp  
Councilor Starr  
Councilor Fitzgerald  
Councilor Stevens  
Councilor Lehan



**INTERGOVERNMENTAL LOAN AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$3,000,000, FROM THE CITY OF WILSONVILLE TO THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE FOR THE PURPOSE OF FUNDING APPROVED PROJECTS IN THE YEAR 2000 PLAN AND WEST SIDE DISTRICTS**

**THIS INTERGOVERNMENT AGREEMENT** entered into between the City of Wilsonville, an Oregon municipal corporation (the City), and the Urban Renewal Agency of the City of Wilsonville, Oregon, Oregon quasi-municipal corporation (the Agency),

**RECITALS**

**WHEREAS**, the Agency is a public body, corporate and politic, duly activated by the City, exercising its powers to engage in urban renewal activity as authorized by ORS Chapter 457; and

**WHEREAS**, the Year 2000 Plan district (the “District“) was duly established on May 4, 1992, and the Year 2000 Plan (the “Plan”) was adopted on August 29, 1990, setting out goals, objectives and projects (the “Projects”) for the Area; and

**WHEREAS**, the West Side district (the “District“) was duly established on November 3, 2003, and the West Side Plan (the “Plan”) was adopted on November 3, 2003, setting out goals, objectives and projects (the “Projects”) for the Area; and

**WHEREAS**, the Board of the Urban Renewal Agency has determined that a need exists to borrow funds for the Projects, to be repaid with tax increment financing; and

**WHEREAS**, Oregon Revised Statutes 457 and Oregon Constitution Article IX, Section 1(c) authorizes the Urban Renewal Agency to incur debt for the purpose of financing projects of an urban renewal plan, and to repay the debt and related costs with tax increment revenue; and

**WHEREAS**, the City of Wilsonville has approved a maximum indebtedness for the Year 2000 Plan District of \$92,687,423. The Agency has previously issued \$77,385,000 of long and short term indebtedness that is subject to the maximum indebtedness limitation, and there is no other indebtedness outstanding for the District to which the maximum indebtedness limitation applies. As a result the Agency has \$15,302,423 of capacity (before issuance of the referenced borrowing of this Agreement) to incur indebtedness for the District, and

**WHEREAS**, the City of Wilsonville has approved a maximum indebtedness for the West Side District of \$40,000,000. The Agency has previously issued \$34,000,000 of long and short term indebtedness that is subject to the maximum indebtedness limitation, and there is no other indebtedness outstanding for the District to which the maximum indebtedness limitation applies. As a result the Agency has \$6,000,000 of capacity (before issuance of the referenced borrowing of this Agreement) to incur indebtedness for the District, and

**WHEREAS**, ORS 294.468 authorizes a municipality to lend unrestricted money from its general fund to other funds of the municipal corporation if authorized by resolution of the governing body, and

**WHEREAS**, the City and Agency have determined that financing the Projects through an intergovernmental agreement as allowed by ORS 190.010, is more cost efficient than external financing methods, is financially feasible, and is in the best interest of both parties.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**Section 1: Term and Termination.** This agreement shall become effective upon the date of the last signature hereon, and shall continue in full force and effect until the loan is paid in full.

**Section 2: Delegation.** The Designated Representatives, or a person(s) assigned by the Designated Representatives, may, on behalf of the City or Agency, act without further action by the Council, to establish the final principal amounts.

**Section 3: Duties of the City.** The City shall authorize all actions and execute all documents necessary or desirable to loan up to \$3,000,000 from the City's General Fund to the Agency's capital project funds as delineated in Section 5, and comply with the laws of the State of Oregon, including the terms and conditions contained within this Agreement. The Agency shall reimburse the City for its expenses incurred in the performance of this Agreement.

**Section 4: Duties of the Agency.** The Agency shall authorize all actions and execute all documents necessary or desirable to accept the loan, authorize repayment of the loan under the terms and conditions stated herein, and comply with the laws of the State of Oregon, applicable Urban Renewal Plans. The Agency shall be responsible for its expenses incurred in the performance of this agreement and of its activities contemplated herein.

**Section 5: Loan Terms.** The Loan shall be made from the City’s General Fund to the Agency’s Year 2000 plan and West Side Capital Improvement Funds in the principal amount as noted below. The City shall transfer up to \$3,000,000 in aggregate on or before May 18, 2015, as follows:

Year 2000 Plan Capital Improvement Fund	\$2,000,000
West Side Capital Improvement Fund	<u>\$1,000,000</u>
Total	\$3,000,000

Interest on the loan, at a rate of 1.50 percent (1.5%) shall begin to accrue on the date of transfer and the corresponding loan plus accrued interest shall be repaid by each District not later than May 19, 2015.

**Section 6: Consideration.** In consideration of the terms and conditions set forth herein, the City agrees to loan up to \$3,000,000 in exchange for the Agency’s obligation to repay the loan solely from the tax increment revenues of the corresponding urban renewal Districts. The lien of this pledge shall be subordinate to the lien of any currently outstanding senior lien bonds and to any requirement to fund or maintain debt service funds, reserve funds or similar funds or as part of minim balances or similar requirements for those senior lien bonds.

**Section 7: Indemnification.** Subject to the limitations in the Oregon Constitution and the Oregon Tort Claims Act, the parties agree to defend, indemnify and hold each other, its officers, agents and employees harmless from all claims, suits, or actions of whatsoever hind, which arise out of or result from the transfer of funds.

**Section 8: Modification.** This agreement may not be altered, modified, supplemented or amended in any manner whatsoever except by mutual agreement of the parties in writing. Any such alteration, modification, supplementation, or amendment, if made, shall be effective only in the specific instance and for the specific purpose given, and shall be valid and binding only if signed by the parties.

**Section 9: Waiver.** No provision of the agreement may be waived except in writing by the party waiving compliance. No waiver of any provision of the Agreement shall constitute waiver of any

other provision, whether similar or not, nor shall any one waiver constitute a continuing waiver. Failure to enforce any provision of this Agreement shall not operate as a waiver of such provision or of any other provision.

**Section 10: Severability.** The parties agree that if any term or provision of the Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term and provision held to be invalid.

**Section 11: Designated Representative.** The City authorizes the City Manager or the City Manager’s designee to act on behalf of the City under this agreement. The Agency authorizes the Executive Director of the Agency or the Executive Director’s designee to act on behalf of the Agency under this Agreement.

IN WITNESS WHEREOF, the execution of which having been first duly authorized according to law.

CITY OF WILSONVILLE

\_\_\_\_\_  
Bryan Cosgrove  
City Manager of the City of Wilsonville, Oregon

\_\_\_\_\_  
Date

URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE, OREGON

\_\_\_\_\_  
Bryan Cosgrove  
Executive Director of the Urban Renewal  
Agency of the City of Wilsonville, Oregon

\_\_\_\_\_  
Date



**Wilsonville Planning Division  
2015 First Quarter Report  
January through March**

<b>City Council Activities January through March 2015</b>			
<b>Permit Number</b>	<b>Permit Description</b>	<b>Applicant/Staff</b>	<b>Meeting Date(s) / Actions</b>
<b>Work Session</b>	<b>BASALT CREEK CONCEPT PLAN UPDATE</b>	Neamtzu	Dec 1
<b>Ordinance No. 763</b>	<b>CITY OF WILSONVILLE</b> Class 3 Annexation: Quasijudicial Review Annexation for Tooze Road and Grahams Ferry Properties 11650 SW TOOZE RD	CITY OF WILSONVILLE Pauly	<b>Council Work Session:</b> Dec 1 <b>City Council Hearings</b> Dec. 1 Jan 5 <b>Ord No. 763 Adopted</b>
<b>Ordinance No. 764</b>	<b>CITY OF WILSONVILLE</b> Quasijudicial-Zone Map Amendment Tooze Rd and Grahams Ferry Properties, Zone Map Amendment 11650 SW TOOZE RD	CITY OF WILSONVILLE Pauly	<b>Council Work Session:</b> Dec 1 <b>City Council Hearings</b> Dec. 1 Jan 5 <b>Ord No. 764 Adopted</b>
<b>Work Session</b>	<b>JOINT MEETING WITH THE PLANNING COMMISSION FOR THE FROG POND AREA PLAN</b>	Neamtzu	Jan 22
<b>Ordinance No. 766</b>	Sanitary Sewer Collection System Master Plan	Kraushaar Ward Pauly	<b>PC Recommendation</b> Dec. 10 <b>City Council Hearings:</b> Feb. 2 Feb. 29 <b>Ord. No. 766 Adopted</b>
<b>Resolution No. 2517</b>	A Resolution revising the Metro "Local Share" Project List Substituting the Memorial Parks Trail Project with Willamette Riverfront Property Acquisition	Neamtzu	<b>Res. No. 2517 Adopted</b> March 2

<b>Planning Commission Activities January through March 2015</b>			
<b>Permit Number</b>	<b>Project Description</b>	<b>Applicant/Staff</b>	<b>Meeting Date(s) / Actions</b>
<b>Work Session</b>	Climate Smart Communities	Kraushaar	Jan 14
<b>Work Session</b>	Joint Meeting with the Planning Commission for the Frog Pond Area Plan	Neamtzu	Jan 22
<b>Work Session</b>	Communications Plan	Gail	March 11
<b>Work Session</b>	2014 Housing Report	Bateschell/Scola	March 11

**Wilsonville Planning Division  
2015 First Quarter Report  
January through March**

**Development Review Board Panel A Activities  
January through March 2015**

<b>Permit Number</b>	<b>Permit Description</b>	<b>Applicant/Staff</b>	<b>Hearing Date(s) / Actions</b>
<b>DB14-0066</b>	<b>RIDDER HOUSE OFFICES:</b> Conditional Use Permit to use Residential Facilities as light duty professional office space for family business (Wilsonville Concrete, Bernert Nursery, Marine Industrial Constructino and KJD Properties)	KJD PROPERTIES	Dec 8 Continued to Feb. 9 <b>Approved</b> February 9
<b>DB14-0067</b>	<b>VILLEBOIS SAP CENTRAL PDP 2: CARVALHO ROW HOUSES</b> Villebois Final Development Plan (FDP)	J.T. ROTH CONSTRUCTION INC.	<b>Approved</b> February 9
<b>DB14-0068</b>	<b>VILLEBOIS SAP CENTRAL PDP 2: SEVILLE ROW HOUSES</b> Villebois Final Development Plan (FDP) Seville Row Houses	J.T. ROTH CONSTRUCTION INC.	<b>Approved</b> February 9

**Development Review Board Panel B Activities  
January through March 2015**

<b>Permit Number</b>	<b>Permit Description</b>	<b>Applicant</b>	<b>Hearing Date(s) / Actions</b>
<b>DB14-0069</b>	<b>CALAIS AT VILLEBOIS LLC (POLYGON)</b> Class 3 Temporary Use Permit-DRB Review 5 Year Temporary Use Permit for Calais Sales Office and Model Home Complex 11800 SW TOOZE RD	POLYGON WLH, LLC OREGON PERMIT	<b>Approved</b> January 26
<b>DB15-0006</b>	<b>RONALD DOWNS</b> Class 3 - Appeal of Class II Admin Decision: Tentative Partition Plat. *See AR14-0077 28205 SW CANYON CREEK RD	RONALD DOWNS	<b>Administrative Review Decision Upheld</b> February 23 CC Hrg Scheduled: April 6
<b>DB15-0007</b>	<b>BRENCHLEY ESTATES NORTH SUBDIVISION</b> Class 3 Temporary Use Permit Five (5) Year Temporary Use Permit for a model home/sales office and signs.	LENNAR NORTHWEST INC	<b>Approved</b> March 23

**Wilsonville Planning Division  
2015 First Quarter Report  
January through March**

<b>Pending City Council Activities</b>			
<b>Planning Projects Scheduled for Hearings / Work Sessions during 2015 Second Quarter</b>			
<b>Permit Number</b>	<b>Permit Description</b>	<b>Applicant</b>	<b>Hearing Date(s) / Actions</b>
Work Session	<b>BASALT CREEK CONCEPT PLAN UPDATE</b>	Neamtzu	TBD
Work Session	<b>BASALT CREEK CONCEPT PLAN</b> – Joint Wilsonville City Council/Tualatin City Council work session		June 17
<b>DB15-0006</b>	<b>RONALD DOWNS</b> Class 3 - Appeal of DRB Decision of Tentative Partition Plat. *See AR14-0077 28205 SW CANYON CREEK RD	RONALD DOWNS	April 6
Work Session	<b>COFFEE CREEK INDUSTRIAL AREA FORM-BASED CODE</b>	Neamtzu	TBD
<b>DB15-0001</b>	<b>MONTAGUE PARK</b> Quasijudicial-Zone Map Amendment Montague Park Zone Map Amendment <b>DB15-0002</b> - Villebois PDP AND PDP Modification <b>DB15-0003</b> - Villebois Final Development Plan (FDP) <b>DB15-0004</b> - Class 3 Tree Removal Plan <b>DB15-0005</b> - Villebois SAP and SAP Amendment	COSTA VILLEBOIS LLC Owner: RCS-Villebois Development LLC	May 4

<b>Pending Planning Commission/CCI Activities</b>			
<b>Planning Projects Scheduled for Hearings/Work Sessions during 2015 Second Quarter</b>			
<b>Permit Number</b>	<b>Project Description</b>	<b>Staff</b>	<b>Work Sessions/ Public Hearings</b>
<b>LP15-0001</b>	<b>Memorial Park Master Plan Update</b>	Sherer	<b>Work Session</b> April 8 <b>Public Hearing</b> May 13
<b>LP15-0002</b>	<b>Frog Pond Area Plan</b>	Neamtzu/Bateschell	<b>CCI Hosted Open House</b> April 2 <b>Public Hearing:</b> June 10
Work Sessions	<b>Coffee Creek Industrial Area Form-based Code</b> <b>Transportation Performance Measures</b>		May 13
Work Sessions	<b>Projects being actively worked on in preparation for future PC Work Sessions:</b> <ul style="list-style-type: none"> <li>• Basalt Creek Concept Planning</li> <li>• Climate Smart Communities</li> <li>• Density Inconsistency Code Amendments</li> <li>• Frog Pond Area Plan</li> <li>• Coffee Creek Industrial Area Form-based Code</li> <li>• Code amendments relating to Statewide Planning Goal 10 Residential Land Study</li> <li>• French Prairie Bicycle/Pedestrian Bridge</li> <li>• Transportation Performance Measures</li> </ul>		

**Wilsonville Planning Division  
2015 First Quarter Report  
January through March**

**Pending Development Review Board Activities  
Planning Projects Scheduled for Hearings / Work Sessions during 2015 Second Quarter**

Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
<b>DB15-0001</b>	<b>MONTAGUE PARK</b> Quasijudicial-Zone Map Amendment Montague Park Zone Map Amendment <b>DB15-0002</b> - Villebois PDP AND PDP Modification <b>DB15-0003</b> - Villebois Final Development Plan (FDP) <b>DB15-0004</b> - Class 3 Tree Removal Plan <b>DB15-0005</b> - Villebois SAP and SAP Amendment	COSTA VILLEBOIS LLC Owner: RCS-Villebois Development LLC	April 13
<b>DB15-0009</b>	<b>TONKIN AUDI</b> Class 3 Planned Development Stage 2 Stage II Final Plan <b>DB15-0010</b> - Class 3 Site Design Review Wilsonville Audi Expansion:	DENNIS BANKS CONSTRUCTION CO	April 27
<b>DB15-0011</b>	<b>VB SAP CENTRAL PDP 6</b> Villebois SAP Central PDP-6 Rowhomes Villebois SAP and SAP Amendment: SAP Modification (Refinement) <b>DB15-0012</b> - Villebois PDP and PDP Modification: Preliminary Development Plan (PDP) <b>DB15-0013</b> - Quasijudicial-Zone Map Amendment <b>DB15-0014</b> - Class 3 Tentative Subdivision Plat Review <b>DB15-0015</b> - Type C Tree Removal Plan <b>DB15-0016</b> - Villebois Final Development Plan (FDP)	POLYGON WLH LLC	Pending
<b>DB15-0017</b>	<b>TONQUIN MEADOWS HOA</b> Villebois SAP East Swim Center SAP Amendment and Master Plan Refinement, PDP Modification, FDP Modification for NP-5 <b>DB15-0018</b> - PDP Modification for Adding Swim Center to NP-5 <b>DB15-0019</b> - Revised Villebois Final Development Plan (FDP) for NP-5 to Add Swim Center	POLYGON WLH LLC	May 11 (Tentative)
<b>DB15-0020</b>	<b>RUPP FAMILY BUILDERS INC</b> Brock Ludlow/Rupp Family Builders: Quasijudicial-Zone Map Amendment <b>DB15-0022</b> - Waiver <b>DB15-0023</b> - Site Design Review <b>AR15-0021</b> - Partition 31020 SW BOONES FERRY RD	RUPP FAMILY BUILDERS INC	Pending

**Scheduled Pre-Application Meetings  
January through March 2015**

Number	Description
<b>PA15-0001</b>	Conversion of portion of property to gravel storage yard
<b>PA15-0002</b>	Tonquin Meadows HOA: Club House/Swim Center in NP-5
<b>PA15-0003</b>	RCS Villebois: Lot 75 Village Center No. 3 - 67 Row Houses

**Wilsonville Planning Division  
2015 First Quarter Report  
January through March**

**Scheduled Pre-Application Meetings  
January through March 2015**

<b>PA15-0004</b>	RCS Villebois: Lot 83 Village Center No. 3 - 31 Row Houses
<b>PA15-0005</b>	Property line adjustment
<b>PA15-0006</b>	Pre-app meeting on concrete building built in 1990s
<b>PA15-0007</b>	Ash Meadows: Redevelopment of unfinished lots (38-51)

Last: PA14-0018

**Administrative Reviews  
January through March 2015**

<b>Permit Number</b>	<b>Permit Description</b>	<b>Applicant</b>	<b>Hearing Date(s) / Actions</b>
<b>AR14-0038</b>	<b>GRANDE POINTE AT VILLEBOIS</b> Planning Class I Review Final plat review 29500 SW GRAHAMS FERRY RD	POLYGON PAYMASTER, LLC	Pending
<b>AR14-0062</b>	<b>VILLEBOIS VILLAGE CENTER NO. 4 - SEVILLES</b> Planning Class I Review Final Plat Review For Lots 44-51 11375 SW BARBER ST	RCS-VILLEBOIS DEVELOPMENT LLC	Final
<b>AR14-0063</b>	<b>VILLEBOIS VILLAGE CENTER NO. 5 - CARVALHO</b> Planning Class I Review Final Plat Review of Lots 5 & 6	RCS-VILLEBOIS DEVELOPMENT LLC	Issued
<b>AR14-0064</b>	<b>VILLEBOIS VILLAGE CENTER NO. 6 - CARVALHO</b> Planning Class I Review Final Plat Review for Lot 4	RCS-VILLEBOIS DEVELOPMENT LLC	Pending
<b>AR14-0068</b>	<b>HYDRO-TEMP</b> Planning Class I Review Final Partition Plat property 28465 SW BOBERG RD	KENNETH TROYER	Issued
<b>AR14-0073</b>	Planning Class I Review Final Plat Review 7525 SW SCHROEDER WAY	FIRENZE DEVELOPMENT, INC	Pending
<b>AR14-0074</b>	Planning Class I Review Final Plat Review 7525 SW SCHROEDER WAY	FIRENZE DEVELOPMENT, INC	Pending
<b>AR14-0078</b>	Planning Class I Review Class I AR: Reduced Setback Agreement 28205 SW CANYON CREEK RD	RONALD DOWNS	Issued with Conditions
<b>AR14-0079</b>	Planning Class I Review Zoning Verification Letter 8750 SW ASH MEADOWS RD	ZONING-INFO, INC	Issued
<b>AR14-0080</b>	Planning Class I Review Zoning Verification Letter 32200 SW FRENCH PRAIRIE RD	ZONING-INFO, INC	Issued
<b>AR14-0082</b>	<b>RENAISSANCE CUSTOM HOMES, LLC</b> Planning Class I Review Final Plat for Canyon Creek II Subdivision 28325 SW CANYON CREEK RD S	RENAISSANCE CUSTOM HOMES, LLC	Pending



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<b>Permit Number</b>	<b>Permit Description</b>	<b>Applicant</b>	<b>Hearing Date(s) / Actions</b>
<b>AR14-0083</b>	<b>CALAIS AT VILLEBOIS LLC (POLYGON NW)</b> Planning Class I Review Minor Park Revisions for Calais FDP (DB14-0015) 11800 SW TOOZE RD	ACCOUNT POLYGON WLH, LLC OREGON PERMIT	Issued
<b>AR15-0001</b>	<b>TONQUIN WOODS NO. 6</b> Planning Class I Review Reduced Setback Agreement Lot 258 28451 SW ORLEANS AVE	POLYGON AT VILLEBOIS III LLC: ANGELA GRAJEWSKI POLYGON	Issued
<b>AR15-0002</b>	<b>TONQUIN WOODS NO. 6</b> Planning Class I Review Reduced Setback Agreement Lot 251 11498 SW BERLIN AVE	POLYGON AT VILLEBOIS III LLC: ANGELA GRAJEWSKI POLYGON	Issued
<b>AR15-0003</b>	<b>PORTERA AT THE GROVE</b> Formerly: Active Adult At The Grove Planning Class I Review Landscape Island Revision. Convert planned landscape island to concrete walkway outside south entrance between carports 3 & 4. 8945 SW ASH MEADOWS CIR	BRENCHLEY EST PARTNERS PH 3 LP	Issued
<b>AR15-0004</b>	<b>VANGUARD BREWING COMPANY</b> Planning Class I Review Brewery and tasting room in Wilsonville Business Center 27501 SW 95TH AVE	VANGUARD BREWING COMPANY	Issued
<b>AR15-0005</b>	<b>CITY OF WILSONVILLE</b> Planning Class I Review Concrete flat work at the Stein-Boozier barn gathering area. 29600 SW PARK PL	CITY OF WILSONVILLE	Issued
<b>AR15-0006</b>	<b>RENAISSANCE AT CANYON CREEK SOUTH</b> Planning Class I Review Final Partition Plat 28375 SW CANYON CREEK RD S	RENAISSANCE CUSTOM HOMES, LLC	Pending
<b>AR15-0007</b>	<b>AUTUMN PARK APARTMENTS</b> Planning Class II Review Addition of a small 1,200 SF community building 10922 SW WILSONVILLE RD	NORTHWEST HOUSING ALTERNATIVES	Issued
<b>AR15-0008</b>	<b>COCA-COLA REFRESHMENTS</b> Planning Class II Review Installation of an underground equalization tank for the existing industrial waste discharge. 9750 SW BARBER ST	RINDT-MCDUFF ASSOCIATES	issued
<b>AR15-0009</b>	<b>BRENCHLEY GROVE 27 SF HOMES</b> Planning Class I Review Brenchley Estates North 30-day Temporary Use Permit for a real estate sales office and two (2) temporary signs. This application is for the period preceeding a pending quasi-judicial application (DB15-0007) for a five-year TUP for the same temporary function 8730 SW VALE CT	LENNAR NORTHWEST INC	Issued
<b>AR15-0010</b>	<b>VILLEBOIS NEIGHBORHOOD PARK 6</b> Planning Class II Review Extension No. 1 of NP-6 FDP DB13-0001	POLYGON WLH LLC	Issued

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AR15-0011	<b>PORTERA AT THE GROVE</b> Formerly: Active Adult At The Grove Planning Class I Review Revisions to landscape plan 8945 SW ASH MEADOWS CIR	BRENCHLEY EST PARTNERS PH 3 LP	Issued
AR15-0012	<b>TONQUIN MEADOWS</b> Planning Class I Review Class I Review of Retaining Walls in Tract 'B' per Condition of Approval PDG 5 of Case File DB12-0048	SPARROW CREEK LLC POLYGON	Issued
AR15-0013	Planning Class I Review Zoning Verification Letter 8755 SW ILLAHEE CT	ZONING-INFO, INC	Issued
AR15-0014	<b>VILLAGE AT MAIN</b> Planning Class II Review Partition of Lot 2 into two parcels. One parcel containing the building in the SE corner of the property, and the other containing the remaining parking and remaining building. 30050 SW TOWN CTR LOOP W	VILLAGE COMMERCIAL LLC	Issued
AR15-0015	<b>VILLAGE AT MAIN</b> Planning Class I Review Property line adjustment on the south line of Lot 2. 1,000 SF of Lot 4 to Lot 2 in order to satisfy setbacks. 30050 SW TOWN CTR LOOP W	VILLAGE COMMERCIAL LLC	Issued
AR15-0016	<b>GRANDE POINTE AT VILLEBOIS</b> Planning Class II Review Class II Update of Type C Tree Permit 29500 SW GRAHAMS FERRY RD	GRANDE POINTE LLC: ANGELA GRAJEWSKI POLYGON	issued
AR15-0017	<b>BEST WESTERN</b> Planning Class I Review Zoning verification letter 29769 SW BOONES FERRY RD	PLANNING & ZONING RESOURCE COR	Issued
AR15-0018	<b>RED, WHITE, AND BLUE BBQ</b> Planning Class I Review Temporary Use Permit for 2015 " Red, White, and Blue BBQ " located in the Fred Meyer parking lot on 05/24/2015 from 1 PM to 5 PM. 30300 SW BOONES FERRY RD	RETAIL SPORTS MARKETING	Pending
AR15-0019	<b>LOWRIE PRIMARY SCHOOL</b> Planning Class II Review Class II Review for proposed enclosing of two existing outdoor learning areas on the second floor of the school, totaling less than 1,800 SF. 28995 SW BROWN RD	TIM WOODLEY WEST LINN-WILSONVILLE SCHOOL DISTRICT	Pending
AR15-0020	<b>TONQUIN MEADOWS NO. 2</b> Planning Class I Review Final Plat Review (PDP 4C, Phase 2)	POLYGON WLH LLC	Pending
AR15-0021	<b>RUPP FAMILY BUILDERS INC</b> Brock Ludlow/Rupp Family Builders Planning Class II Review Class II Partition 31020 SW BOONES FERRY RD	RUPP FAMILY BUILDERS INC	Pending

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**Sign Reviews  
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<b>Permit Number</b>	<b>Permit Description</b>	<b>Applicant</b>	<b>Hearing Date(s) / Actions</b>
SR14-0003	<b>MILEX &amp; MR. TRANSMISSION</b> Planning Class 1 Sign Review Temporary Banner 9760 SW WILSONVILLE RD	SECURITY SIGNS INC	Pending
SR14-0020	<b>GREAT CLIPS</b> Planning Class 1 Sign Review Temporary Sign Permit for less than 15 days: April 23 - May 2, 2014. Two (2) vinyl banners; one on each tenant frontage. 30060 SW BOONES FERRY RD	DENISE LEGRANDE	Pending
SR15-0001	<b>STATE FARM</b> Planning Class 1 Sign Review Replacement of signs 30775 SW BOONES FERRY RD	HANNAH SIGN COMPANY	Issued
SR15-0002	<b>GREAT CLIPS</b> Planning Class 1 Sign Review Temporary banner for a duration of 10 days. 30060 SW BOONES FERRY RD	GREAT CLIPS	Issued
SR15-0003	<b>PORTERA AT THE GROVE</b> Planning Class 1 Sign Review Temporary Sign. Sign Area: 24 square feet vinyl banner Duration: 2/17/2015 - 3/19/2015 8945 SW ASH MEADOWS CIR	BRENCHLEY EST PARTNERS PH 3 LP	Issued
SR15-0004	<b>PORTERA AT THE GROVE</b> Planning Class 1 Sign Review Temporary Sign. Sign Area: 24 square feet vinyl banner Duration: 3/20/2015 - 4/19/2015 8945 SW ASH MEADOWS CIR	BRENCHLEY EST PARTNERS PH 3 LP	Issued
SR15-0005	<b>AMERICA'S TIRE</b> Planning Class 1 Sign Review Replacing signs 8675 SW ROBERT BURNS DR	VANCOUVER SIGN COMPANY INC	Issued
SR15-0006	<b>PALM BEACH TAN</b> Planning Class 1 Sign Review Replacing signs 30060 SW BOONES FERRY RD	PLUMB SIGNS	Issued
SR15-0007	<b>WASHINGTON FEDERAL BANK</b> Planning Class 1 Sign Review Addition of ATM identification sign 29028 SW TOWN CENTER LOOP E	ZCS ENGINEERING INC.	Issued
SR15-0008	<b>NOODLES AND COMPANY</b> Planning Class 1 Sign Review Tenant Sign Permit 29991 SW Town Center Loop W	RUDNICK ELECTRIC SIGNS LLC	Issued
SR15-0009	<b>TCMS</b> Planning Class 1 Sign Review Replacing signage 29755 SW BOONES FERRY RD	S2 IMAGING	Issued

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Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
SR15-0010	<b>BRIDGE CREEK APARTMENTS</b> Planning Class 1 Sign Review One temporary banner (30 days max) 29697 SW ROSE LN	BC-GFS BRIDGE CREEK LLC	Issued
SR15-0011	<b>CHIPOTLE</b> Planning Class 1 Sign Review Tenant Signs 29991 SW TOWN CENTER LOOP W	SECURITY SIGNS INC	Issued

**Tree Reviews  
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Permit Number	Permit Description	Applicant	Hearing Date(s) / Actions
TR14-0035	Type A Class 1 Tree Removal Permit One Cherry Tree. 29600 SW MONTEBELLO DR	MILLER ROBERT W	Pending
TR14-0070	Type A Class 1 Tree Removal Permit Split trunk close to the house with a split trunk in danger of falling in a wind storm. 31305 SW KENSINGTON DR	MITCHELL TERRY	Pending
TR14-0081	Type A Class 1 Tree Removal Permit Three birch trees 7355 SW MONTGOMERY WAY	CHARLES JOHNSON	Pending
TR14-0178	Type B Class II Tree Removal Permit Retroactive: One cherry has already fallen. Other cherry is a hazard. Street trees. 10872 SW ARTHUR CT	KENYON KATHERINE ANNE	Pending
TR14-0196	<b>PDP 3 NORTH CALAIS AT VILLEBOIS</b> Type C or Type D Class 1 Tree Removal Permit Supplemental Tree Removal to TR14-0103. 7 trees in upland forest preserve for development of playground; 6 are invasive trees in the natural area. 1 dead/dying white oak being removed due to condition.	ACCOUNT POLYGON WLH, LLC OREGON PERMIT	Issued
TR15-0001	<b>BERKSHIRE COURT APARTMENTS</b> Type B Class II Tree Removal Permit Removal of 11 trees 29252 SW TAMI LOOP	ERNSTROM LANDSCAPE MANAGEMENT	Issued
TR15-0002	Type A Class 1 Tree Removal Permit Removal of one evergreen in front yard (not street tree), and two trees in rear yard. 7662 SW WIMBLEDON CIR S	OLSZEWSKI-ADAMS ADAMS NORMAN F & LYNN	Issued
TR15-0003	Type A Class 1 Tree Removal Permit Removal of one side yard tree damaging roof. 6750 SW FERNBROOK CT	MOORE CHRISTOPHER P	Issued
TR15-0004	<b>STAFFORD DISTRIBUTION CENTER</b> Type B Class II Tree Removal Permit Removal of six columnar maples 9325 SW RIDDER RD	TRUGREEN LANDCARE LLC	Issued

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<b>Permit Number</b>	<b>Permit Description</b>	<b>Applicant</b>	<b>Hearing Date(s) / Actions</b>
<b>TR15-0005</b>	Type A Class 1 Tree Removal Permit Removal of one juniper planted too close to the house. 31464 SW ORCHARD DR	VICKI SCHAUR	Issued
<b>TR15-0006</b>	Type B Class II Tree Removal Permit Removal of two katsura street trees that are affecting the sidewalk, utility box, and sprinklers. 26879 SW MCLEOD ST	MARSHALL LYNDA HUBER	Pending
<b>TR15-0007</b>	Type A Class 1 Tree Removal Permit Remove one (1) 8-inch Plum Tree. 28012 SW MORGAN ST	CONDON ROBERT J & LINDA R	Issued
<b>TR15-0008</b>	Type A Class 1 Tree Removal Permit Remove one (1) 12-inch Pine Tree. 10898 SW PARKWOOD CT	TIM MANN	Issued
<b>TR15-0009</b>	Type A Class 1 Tree Removal Permit Remove one (1) 14-inch Cedar Tree. 10886 SW MERLIN CT	DAVID HORCH	Issued
<b>TR15-0010</b>	Type A Class 1 Tree Removal Permit Remove one (1) 22-inch Pine Tree. 30927 SW KENSINGTON DR	LARRY PORTER	Issued
<b>TR15-0011</b>	Type B Class II Tree Removal Permit Remove two (2) 14-inch Ash Trees (i.e., street trees). Replacement trees proposed. 28519 SW CASCADE LOOP	CITY WIDE TREE SERVICE	Issued
<b>TR15-0012</b>	Type B Class II Tree Removal Permit Removal of two street trees 26938 SW MCLEOD ST	JOHN BURKE	Issued
<b>TR15-0013</b>	Type A Class 1 Tree Removal Permit Removal of three trees in backyard 7670 SW WIMBLEDON CIR S	BLANCHARD LUIS R & LOREEN W	Issued
<b>TR15-0014</b>	Type A Class 1 Tree Removal Permit Removal of one maple tree in side yard - too close to house. 11161 SW MATZEN DR	POWELSON JEFFREY B & TRACY A	Issued
<b>TR15-0016</b>	<b>CITY OF WILSONVILLE</b> Type B Class II Tree Removal Permit Remove One (1) Douglas Fir and One (1) Big Leaf Maple due to condition and hazard potential.	CITY OF WILSONVILLE	issued
<b>TR15-0017</b>	Type A Class 1 Tree Removal Permit Removal of one London Plane 10900 SW WILSONVILLE RD	NORTHWEST HOUSING ALTERNATIVES	Issued
<b>TR15-0018</b>	<b>SUMMIT APARTMENTS</b> Type B Class II Tree Removal Permit Remove one (1) 20-inch Douglas-fir tree. 25800 SW CANYON CREEK RD N	WILSONVILLE SUMMIT APARTMENTS	Issued
<b>TR15-0019</b>	Type B Class II Tree Removal Permit Removal of one street tree (maple) 11445 SW PAULINA DR	PETERSON, KAYLI	Issued
<b>TR15-0020</b>	Type A Class 1 Tree Removal Permit Removal of two douglar fir in poor health, located in backyard 10252 SW MADRID LOOP	LENNAR NORTHWEST INC	Issued



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<b>Permit Number</b>	<b>Permit Description</b>	<b>Applicant</b>	<b>Hearing Date(s) / Actions</b>
<b>TR15-0023</b>	Type A Class 1 Tree Removal Permit Removal of one ornamental pear tree in backyard. 30828 SW ORCHARD DR	PELLATZ PAUL R & PATRICIA L	Issued
<b>TR15-0024</b>	Type A Class 1 Tree Removal Permit Removal of two trees, one Elm in the front yard (not street tree) and one Oak in the backyard. 30960 SW SANDY CT	LING ROBERT C & LAURA L C	Issued
<b>TR15-0025</b>	Type A Class 1 Tree Removal Permit Remove two (2) evergreen trees in front yard 30888 SW SALMON ST	EDWIN & JOCELYN FRITZLER	Issued
<b>TR15-0026</b>	Type A Class 1 Tree Removal Permit Removal of one evergreen in side yard. 32036 SW GUISS WAY	STAUFFER DONALD S	Issued
<b>TR15-0027</b>	Type A Class 1 Tree Removal Permit Removal of one cedar in backyard 28540 SW SANDALWOOD CT	COOPER MITCHELL E & EILEEN J	Issued
<b>TR15-0028</b>	Type B Class II Tree Removal Permit Removal of one street tree. 28329 SW WILLOW CREEK DR	MYERS SCOTT J & TAMMY L	Issued
<b>TR15-0029</b>	Type A Class 1 Tree Removal Permit Removal of three flowering plum trees in backyard. 31421 SW OLYMPIC DR	HARTMAN WILLIAM & MAUREEN	Issued
<b>TR15-0030</b>	Type A Class 1 Tree Removal Permit Removal of three trees in back & side yard. 7034 SW ALDERCREST CT	CASHMAN JOSEPH & GAYLEN	Issued
<b>TR15-0031</b>	Type A Class 1 Tree Removal Permit Removal of two birch trees of declining health in the backyard. 7720 SW WIMBLEDON CIR N	BRUCK EARL R TRUSTEE	Issued
<b>TR15-0032</b>	Type A Class 1 Tree Removal Permit Removal of three fir trees located in backyard--too close to fence line. 30636 SW KENSINGTON DR	SEDLAK RICHARD J & ROBERTA K	Issued
<b>TR15-0033</b>	<b>TONQUIN WOODS AT VILLEBOIS NO. 7</b> Type A Class 1 Tree Removal Permit Tract "III" - Remove Young Oregon Ash Trees per Arborist Recommendation See Also TR15-0034 and TR15-0035	TONQUIN WOODS II HOA: ANGELA GRAJEWSKI POLYGON	Issued
<b>TR15-0034</b>	<b>TONQUIN WOODS AT VILLEBOIS NO. 7</b> Type A Class 1 Tree Removal Permit Lot 284 Remove Young Oregon Ash Trees per Arborist Recommendation	TONQUIN WOODS II HOA: ANGELA GRAJEWSKI POLYGON	Issued
<b>TR15-0035</b>	<b>CITY OF WILSONVILLE</b> Type A Class 1 Tree Removal Permit Lot 1503 (Triangular parcel along Grahams Ferry Road) Remove English Hawthorne and Scoulers Willows per Arborist Recommendation See Also TR15-0033 and TR15-0034	ANGELA GRAJEWSKI POLYGON	Issued
<b>TR15-0036</b>	Type B Class II Tree Removal Permit Removal of two Red Maple street trees. 28611 SW CRESTWOOD DR	TRUNFIO KLYNN TRUSTEE	Issued

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<b>Permit Number</b>	<b>Permit Description</b>	<b>Applicant</b>	<b>Hearing Date(s) / Actions</b>
<b>TR15-0037</b>	Type B Class II Tree Removal Permit Removal of two sweetgum street trees. 7251 SW LYNNWOOD CT	BUNN PAUL E & KATHERINE A KUBI	Issued
<b>TR15-0038</b>	Type A Class 1 Tree Removal Permit Removal of one birch tree in the backyard. 28793 SW MEADOWS LOOP	DEVINCENZI CHRISTOPHER E & S J	Issued
<b>TR15-0039</b>	Type A Class 1 Tree Removal Permit Removal of three evergreen trees in backyard. 29460 SW SERENITY WAY	STUBB JUDITH L	Issued
<b>TR15-0040</b>	Type A Class 1 Tree Removal Permit Removal of three trees on property (two in back and one in side). 7278 SW BOUCHAINE CT	JOHN BUDIAO	Issued
<b>TR15-0041</b>	<b>CITY OF WILSONVILLE</b> Type A Class 1 Tree Removal Permit Located in ROW at the SW corner of Boeckman and Parkway. Removal of 4 doug firs, 2 norway maples, 1 cherry, and 1 cedar tree all previously topped due to high voltage power line overhead. 20, more site appropriate trees will be planted in the ROW.	CITY OF WILSONVILLE	Issued
<b>TR15-0042</b>	Type A Class 1 Tree Removal Permit Street tree removal paired with sidewalk replacement/repair. 28497 SW MEADOWS LOOP	STEVEN PLASS	Issued
<b>TR15-0043</b>	Type A Class 1 Tree Removal Permit Remove (1) tree. 7609 SW THORNTON DR	JAMES P. MARTIN	Issued
<b>TR15-0044</b>	Type A Class 1 Tree Removal Permit Remove one (1) dead Cedar tree. 30480 SW BOONES FERRY RD	TRUGREEN LANDCARE LLC	Issued
<b>TR15-0045</b>	<b>VILLAGE AT MAIN STREET</b> Type A Class 1 Tree Removal Permit Remove one (1) hazardous tree. Location: Northwest of 30050 SW Town Center Loop West, at the intersection of SW Jessica Street and easternmost drive aisle of adjacent parking lot. 30050 SW TOWN CENTER LOOP W	TRUGREEN LANDCARE LLC	Pending
<b>TR15-0046</b>	Type A Class 1 Tree Removal Permit Removal of one evergreen in side yard and one deciduous tree in front (not street tree). 29652 SW YOUNG WAY	LEINEN RICHARD A & DEBORAH E	Issued
<b>TR15-0047</b>	<b>WILSONVILLE MEADOWS HOA</b> Type B Class II Tree Removal Permit To be completed over a 5 year period 28440 SW MEADOWS LOOP	WILSONVILLE MEADOWS OWNERS	Pending
<b>TR15-0048</b>	Type A Class 1 Tree Removal Permit Removal of two evergreen trees in front yard, and one evergreen in rear yard. 29322 SW COURTSIDE DR	GRAHAM LAURA J	Issued
<b>TR15-0049</b>	Type B Class II Tree Removal Permit Removal of two trees in the SROZ 6903 SW CEDAR POINTE DR	BOWMAN CHRIS	Pending

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TR15-0051	Type A Class 1 Tree Removal Permit Remove three (3) trees. 28375 SW CANYON CREEK RD S	RENAISSANCE CUSTOM HOMES, LLC	Issued
TR15-0052	Type A Class 1 Tree Removal Permit Remove Three (3) Trees in side yard 31070 SW NEHALEM CT	WARZYNSKI STEPHEN A	Pending

**Code Enforcement  
January through March**

Permit Number	Code Enforcement Description	Action
CE15-0001	Letter sent regarding the brightness of monument sign on property.	Resolved
CE15-0002	Notice sent informing ROIC that Tech New signage is unapproved and non conforming	Resolved
CE15-0003	Notice sent regarding large pile of yard debris in back yard	Resolved
CE15-0004	Open Storage of Junk	Resolved

**Planning Staff Activities, Projects and Meetings  
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**Recurring Activities**

Archiving/Purging of Planning Records	Frog Pond Area Planning
Basalt Creek Area Planning Meetings with Tualatin City Staff	Metro Committee meetings
Building Permit Plans Review	Posting of Public Notices on project sites
Clackamas County Planning Director Meetings	Pre-Construction meetings
Counter and Telephone Customer Service	Project Site Visits/inspections
Conditions of Approval Tracking	Public Works/Engineering Permit Plans Review
Current Planning Application Tracking	Updating of Planning's web pages
Development Coordination Meetings	Villebois Meetings
Eden Permit Tracking	Washington County Planning Directors meetings