



**Development Review Board
Panel A Meeting
February 14, 2022
6:30 pm**

This meeting is taking place with social distancing precautions in place:

- Board members are participating virtually, via Zoom videoconferencing
- Anyone experiencing fever or flu-like symptoms should not attend
- Council Chambers capacity is limited to 25 people and social distancing guidelines will be enforced

To Provide Public Comment

- 1) E-mail Shelley White at swhite@ci.wilsonville.or.us for Zoom login information
- 2) E-mail testimony regarding Resolution No. 399 (Frog Pond Crossing Subdivision) to Philip Bradford, Associate Planner at pbradford@ci.wilsonville.or.us by 2 pm on February 14, 2022.
- 3) In-person testimony is discouraged, but can be accommodated. Please contact Dan Pauly at pauly@ci.wilsonville.or.us by phone at 503-682-4960 for information on current safety protocols.



**Wilsonville City Hall
Development Review Board Panel A**

Monday, February 14, 2022 - 6:30 P.M.

- I. Call to order:
- II. Chairman's Remarks:
- III. Roll Call:
 - Daniel McKay Jean Svadlenka
 - Kathryn Neil Ben Yacob
 - Rachelle Barrett
- IV. Citizens' Input:
- V. Consent Agenda:
 - A. Approval of minutes of the January 10, 2022 DRB Panel A meeting
- VI. Public Hearings:
 - A. **Resolution No. 399. Frog Pond Crossing Subdivision:** AKS Engineering & Forestry, LLC – Representative for Venture Properties, LLC – Applicant and Chaney Paul C Co-Trustee – Owner. The applicant is requesting approval of an Annexation and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Residential Neighborhood (RN) for Approximately for approximately 8.46 acres of property located on the west side of Stafford Road north of SW Frog Pond Lane, and adopting findings and conditions approving a Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Plan, Waiver to Open Space location and Waiver to minimum street frontage for a 29-lot residential subdivision. The subject site is located at 27227 SW Stafford Road on Tax Lots 100, 300, and 302, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Staff: Philip Bradford

Case Files:	DB21-0036	Annexation
	DB21-0037	Zone Map Amendment
	DB21-0038	Stage I Preliminary Plan

DB21-0039	Stage II Final Plan
DB21-0040	Site Design Review of Parks & Open Space
DB21-0041	Tentative Subdivision Plat
DB21-0042	Type C Tree Plan
DB21-0043	Waiver – Open Space Location
DB21-0044	Waiver – Minimum Street Frontage

The DRB action on the Annexation and Zone Map Amendment is a recommendation to the City Council.

- VII. Board Member Communications:
A. Recent City Council Action Minutes

- VIII. Staff Communications:

- IX. Adjournment

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. The City will also endeavor to provide 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 such services, please call the Planning Assistant at 503 682-4960

DEVELOPMENT REVIEW BOARD MEETING
FEBRUARY 14, 2022
6:30 PM

- V. Consent Agenda:
 - A. Approval of minutes of January 10, 2022 DRB
Panel A meeting

**Wilsonville City Hall
29799 SW Town Center Loop East
Wilsonville, Oregon**

**Development Review Board – Panel A
Minutes– January 10, 2022 6:30 PM**

I. Call to Order

Chair Daniel McKay called the meeting to order at 6:30 p.m.

II. Chair's Remarks

The Conduct of Hearing and Statement of Public Notice were read into the record.

III. Roll Call

Present for roll call were: Daniel McKay, Jean Svadlenka, Kathryn Neil, Ben Yacob, Rachelle Barrett

Staff present: Daniel Pauly, Barbara Jacobson, Miranda Bateschell, Kimberly Rybold, and Shelley White

IV. Citizens' Input This is an opportunity for visitors to address the Development Review Board on items not on the agenda. There were no comments.

V. Election of 2022 Chair and Vice-Chair

A. Chair

Daniel McKay nominated Jean Svadlenka as 2022 DRB-Panel A Chair.

Chair McKay confirmed there were no further nominations.

Jean Svadlenka was unanimously elected 2022 DRB A Chair.

B. Vice-Chair

Kathryn Neil nominated Daniel McKay as 2022 DRB A Vice-Chair.

Chair McKay confirmed there were no further nominations.

Daniel McKay was unanimously elected 2022 DRB A Vice-Chair.

VI. Consent Agenda:

A. Approval of minutes of November 8, 2021 DRB Panel A meeting

Jean Svadlenka moved to approve the Consent Agenda. Chair McKay seconded the motion, which passed unanimously.

VII. Public Hearing

1. **Resolution No. 398. Holiday Inn Fence Appeal: D. Michael Mills Lawyer PC – Representative for Garry LaPoint, LaPoint Business Group – Appellant.** The appellant has filed an appeal of an administrative decision rendered in Case File AR21-0048 which approves construction of a fence at 25425 SW 95th Avenue. The site is located on Tax Lot 800, Section 2CA, T3S-R1W; Washington County; Wilsonville, Oregon. Staff: Philip Bradford

Case Files: DB21-0081

Chair McKay called the public hearing to order at 6:38 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

Philip Bradford, Associate Planner, announced that the criteria applicable to the application were stated starting on page 2 of the Staff report, Exhibit A, Attachment 1, which was entered into the record. Copies of the report were made available to the side of the room and on the City's website.

Mr. Bradford presented the Staff report via PowerPoint with the following comments:

- He noted the locations of the Holiday Inn, the subject property outlined in white, and the Chevron gas station and convenience store, the Appellant's property outlined in red, as well as the surrounding features. The Holiday Inn, Chevron gas station, convenience store, The Human Bean, and Carl's Jr all shared the access drive that faced SW 95th Ave. (Slide 2)
- The case file subject to appeal was AR21-0048. The Applicant had applied for a 5-ft metal fence to secure their property from the north. The height and design of the fence met the approval criteria. The proposed fence was comprised of one 8-ft long segment and one 49-ft long segment and would be located along the northern end of the Holiday Inn property. The fence segment locations were shown in an aerial photo and on the site plan, as well as a rendering of the proposed fence design. (Slide 4)
- He reviewed the key dates of the review process for the fence application which was originally submitted on October 12, 2021. Staff deemed the application complete on October 18 and the notice of pending administrative decision was sent to property owners within 250 ft on October 20. On November 7, public comment was received from Jason LaPoint and City Staff issued their decision on November 30. The appeal ended on December 14, and the appeal was received prior to the 4 p.m. deadline. (Slide 5)
 - Upon receipt of the public comment on November 7, Staff obtained a copy of the 2012 development agreement and researched surrounding land use applications that may have impacted the subject property and the surrounding properties to see whether there was a requirement to include a pedestrian access and whether approving a fence in the subject location would be an issue based on any of those previous land use decisions along with the development agreement. Staff found nothing that would prevent the installation of a fence and issued the Staff report and decision.

- He reviewed the applicable Code criteria for a fence installation. The property is zoned Plan Development Commercial (PDC), so the development standards in the PDC criteria applied. All the general development regulations applied, along with Site Design Review for the addition of the fence itself.
 - Other Code sections that impacted the proposed fence were within the Landscaping Standards 4.176.04(f) which stated, "In any zone, any fence over 6-ft high measured from soil surface at the outside of the fence line shall require Development Review Board approval." Because the proposed fence was less than 6-ft high, the application was reviewed administratively.
 - Furthermore, Subsection 4.0301(b)1(a) gave further guidelines as to what the Planning Director could approve as a Class II application, stating, "Minor alterations to existing buildings or site improvements of less than 25% of the floor area of the building not to exceed 1,250 sq ft or the addition or removal of 10 parking spaces. Modifications to approved architectural and site development plans might also be approved subject to the same standards." Given that Staff considered the proposed fence a minor alteration/site improvement, Staff processed the application as a Class II Administrative Review.
- Staff had received two public comments on the appeal application DB21-0081. The first was a letter of support for the application received on December 30 from Sungmin Park, the Applicant on the application under appeal.
 - The second comment was additional testimony received today from the Appellant's attorney, Michael Mills, which further detailed their grounds for appeal and outlined the 2000 requirement to include a sidewalk in the subject location, citing the City's rationale for the requirement was 4.154, Onsite Pedestrian Access and Circulation. Staff confirmed that chapter of Code was adopted as Ordinance 719 in 2013, which was after the land use approval and the 2000 date referenced in the testimony letter. Currently nothing in the record indicated the requirement for the subject access and thus any reason the fence should not be approved. Mr. Mills testimony was sent to the Board via email and would be entered into the record.
- In Staff's opinion, the application was under the authority of the Planning Director, and the 2012 development agreement was not part of the review criteria in the Development Code for this type of land use action. The Holiday Inn property owner had requested the proposed fence based on security, and it was reviewed as a Class II application because of the two previously mentioned Code sections.

Barbara Jacobson, City Attorney, confirmed there would be additional public testimony and advised DRB to hear that first. Afterwards, stated she would give her analysis of the legal position. She noted Mr. Bradford had covered the facts well.

Chair McKay asked Mr. Bradford to reread the Planning Director's authority to make decisions.

Mr. Bradford explained he had read an excerpt from a much longer Code section, he read, "A Class II application shall be processed as an administrative action with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up as noted below.

Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing." He noted a list of what could be processed as a Class II followed and included, "Minor alterations to existing buildings or site improvements of less than 25% of the previous floor area of the building, but not to exceed 1,250 sq ft or including the addition or removal of not more than 10 parking spaces. Minor modifications to approved architectural and Site Development Plans may also be approved subject to the same standards."

Chair McKay understood the Planning Director could make site improvement or minor site design decisions and believed the subject proposal was one of those. However, he did not understand whether that could be done outstanding any existing agreements between the City and other parties. To his knowledge, that was the crux of the issue.

Ms. Jacobson replied that was correct. There were several ways for the Applicant to appeal whether the proposed fence was built or not. As the DRB was very limited, the only item from the subject application that could be appealed to the DRB was whether or not the Planning Director followed Code requirements. Any outstanding contracts that had been entered into between the parties were outside the Code; that was contractual, and there were remedies specifically set forth in that development agreement. Additionally, a remedy could be sought through the court. Neither the Planning Director nor the DRB could interpret a development agreement as that required a judge or mediator working with the parties.

- The only item the Planning Director and DRB could look at was what the Code allowed the Planning Director to do or not do. If the Code normally allowed something, in this instance to authorize a fence in a commercial area, notwithstanding any other side agreements, past agreements, or litigation, her decision was proper and should be upheld. If the DRB found that that was not allowed by the specific language of the Code, the Board would decide that the Planning Director had exceeded her authority, rescind the application, and direct that a new application be submitted to the DRB. She empathized that the development agreement did not enter into this decision as it was a separate contractual agreement between the parties that needed to be interpreted by another body in another way.

Rachelle Barrett asked whose purview ADA compliance fell under and if that was something DRB should be discussing.

Ms. Jacobson replied that was beyond the decision that the Planning Director made. ADA compliance was required under the Code. The question before the DRB was the installation of the fence. She did not believe the issue had been raised that with the fence there was no way to comply with the ADA. The Appellant had stated that the presence of the fence would create a longer path for pedestrians to walk between the Holiday Inn and the Appellant's store. She suggested Mr. Bradford address the other ways in which the site was ADA accessible.

Daniel Pauly, Planning Manager, noted there was an ADA space still on the LaPoint site, [27:22] that was reviewed as part of the Building Code review. He did not believe there were any striped ADA parking spaces adjacent on the Holiday Inn site.

Mr. Bradford confirmed that was correct. He explained that there was a concrete public sidewalk at the Holiday Inn that transitioned to a striped pedestrian connection to the sidewalk in front of the convenience store at the gas station, so there was an ADA route to that property. (Slide 2)

Chair McKay asked Mr. Bradford to outline how somebody in a wheelchair could travel from the Holiday Inn to the convenience store following that path.

Mr. Bradford replied that the Holiday Inn was developed prior to the City's current pedestrian access standards, so there was no set-in-stone route. From the main entrance of the hotel, one would have to go around to access the sidewalk on Commerce Circle. He was unsure about other exit and entry points. He confirmed there was no pathway from the hotel entrance directly to the spot where the additional sidewalk was proposed to be blocked by the fence.

- He noted he had visited the site to view how the ADA pedestrian crossing would be installed and displayed the detail for one of the City's options for an ADA compliant pedestrian crossing. (Slide 6). It was clear that an ADA compliant ramp had a slope down to meet the crossing point at an even level. Where the sidewalk terminated at the Holiday Inn property had a hard curb, so it was not an ADA complaint connection.

Mr. Pauly clarified the enforcement of ADA policies was under the City's building official's jurisdiction.

Benjamin Yacob stated when he walked around the property, he saw three ADA ramps to access the Holiday Inn, but did not see any way for some to get from the Holiday Inn to the convenience store. He had looked at the path Mr. Bradford had referenced and also noticed a ledge. It had not looked like a path, but rather a smoking area for the gas station property similar to Holiday Inn's smoking area on the north side of their building. Even though the documentation stated it was an ADA path, it was clearly not, unless someone was brave enough to use a sidewalk that was not a sidewalk where vehicles were driving back and forth.

Ms. Jacobson replied that under ADA regulations, there was no requirement to have an ADA path between Holiday Inn and the Chevron station. There was only a requirement that the Holiday Inn and the gas station be accessible individually. There was no requirement stating that neighboring properties had to have ADA access between the properties.

Kathryn Neil asked if there was requirement for communication between the two businesses should there be any access between the gas station and Holiday Inn.

Ms. Jacobson replied that was not necessarily necessary, but the Appellant was saying that they had a development agreement that required a conversation or mediation if the agreement were to change; however, Holiday Inn might not interpret the agreement the same way. That said, the agreement was a separate contract, and the DRB did not look at or determine the legality of

a contract or interpret a contract. The contract itself stated that if the parties had a disagreement, they could attend mediation, arbitration, or go to court to resolve the matter.

Miranda Bateschell, Planning Director, noted that the City required any ADA accessibility to be developed at the time a site was being developed. The pathway cited by the Appellant was not a City ADA accessibility requirement, and Staff did not review it in terms of construction to ADA standards. If they had, the curb would not be there. Because there was no sidewalk or ADA accessible route to connect to, an ADA connection point would not be made. The City's compliance with ADA standards was done through the Engineering and Public Works departments, and the City only mandated fixes to ADA issues on public property, unless it was at the time of development. Because the subject sidewalk was on private property, the City would not mandate the upgrade to an ADA facility at just any point in time, only at time of development.

Mr. Yacob stated that while he was on the site, ~~he noticed~~ the only other fence he could see was on the west side along SW 95th that seemed to be only 4-ft high and gray in color. He asked why the proposed fence on the north side would be a different size and color.

Mr. Bradford deferred Mr. Yacob's question to the Applicant.

Ms. Bateschell requested the City Attorney's direction on the appropriate time for the Applicant to speak to that, as they were not the Applicant, to ensure the proper procedure was followed. Tonight, an Appellant was appealing a decision that had already been made on their site and they would be testifying on the appeal record.

Ms. Jacobson confirmed that because this was an appeal, if the Appellant was present and wanted to testify, the Appellant should testify, and the Applicant could respond to that testimony and address the logistics of the design and size of the proposed fence.

Chair McKay understood the fence would block the existing sidewalk end from the Chevron location that abutted the Holiday Inn property.

Ms. Jacobson replied the fence would block the top of the sidewalk at the Holiday Inn border.

Chair McKay understood if pedestrians walking from the Holiday Inn to the convenience store would have to walk out to SW 95th and cross through the front of both properties.

Mr. Bradford indicated the location of the two fence segments shown in orange. Using the aerial photo, he explained that the public sidewalk connection would require anyone from the Holiday Inn to utilize the sidewalk from SW 95th to the sidewalk connection running through the Chevron site that provided pedestrian access to the convenience store. (Slide 4)

Chair McKay understood the 8-ft section of the proposed fence would not cover the outlet to the Holiday Inn.

Mr. Bradford replied he understood the 8-ft section would cover a gap in the landscaping between the two properties, noting the Applicant could clarify that exactly.

Chair McKay called for the Appellant's presentation.

Shelley White, Planning Administrative Assistant, stated that neither the Appellant nor the Appellant's attorney were present at tonight's meeting.

Ms. Jacobson explained that she had spoken to the Appellant's attorney earlier in the day who had informed her that the testimony the Appellant had wanted to give was what he had been submitted in writing, and that he wanted to ensure it was entered into the record since neither he nor the Appellant would be in attendance. She stated Chair McKay could call for the Applicant to answer any questions.

Chair McKay understood the Appellant's appeal via written testimony was the Appellant trying to exercise their rights within the development agreement. He asked Ms. Jacobson for her opinion from the City's perspective.

Ms. Jacobson stated she had interpreted it that way as well. She reiterated that was not within the purview of the DRB. It was a binding contract with the parties to the development agreement, which included the owners of the Holiday Inn, the City, and Carl's Jr. There were avenues for them to professionally discuss, outside of litigation, the proposed fence or alternatives to the proposed fence, or to take it to court.

Chair McKay called for public testimony in favor of, opposed and neutral to the appeal.

Sungmin Park identified himself as the Applicant on behalf of Holiday Inn Portland South, which was adjacent to the Chevron station. The whole purpose of the fence was because of the effects on the hotel and its guests by the Chevron station's clientele, which included years of security issues, constant liability issues, and guest complaints about huge trucks and trailers that came in the morning and afternoon to access the convenience store. He had submitted photos of Republic garbage trucks, landscape trailers and other big trucks coming in that had complete disregard for the property itself by running over planters and crushing the Holiday Inn's curbs. The trucks put potholes all over the Holiday Inn parking lot, especially where they entered and exited. The police had records of the hotel having to deal with vagabonds and other people that frequented the convenience store to purchase drinks and then walked over to the hotel property to drink and leave their trash. Some would sleep near the entrance doors to the hotel or enter the hotel to use the bathroom and linger in the lobby.

- Hotel guests were constantly stating how insecure and unsafe they felt, especially in the parking lot due to the heavy trucks that sped through the lot. The trucks also did not park properly within the lines of the striped parking spaces but parked across them or diagonally because they were only there to run over to the convenience store. Oftentimes, they did not turn off the engines, but left the trucks running.

- After years of tolerating these issues, he had reached out to the owners of the Chevron station on multiple occasions to ask them to help get these issues under control, especially their suppliers. Because it was so cramped at the gas station where there were often lines of cars, the convenience store suppliers could not get to the area needed to park and unload goods. As a result, the suppliers used the Holiday Inn property to park and then used the access where the proposed fence would go to unload their goods and supply the Chevron station. He had complained to the gas station owners on multiple occasions. The truck drivers have been informed that they were on private property and that he was going to call their corporate office because unless they had business at the hotel, they were not to unload there.
- The other big issue was the garbage the hotel had to deal with every day from both the convenience store and Carl's Jr.
- The subject access was the main thoroughfare for all those people who were not using hotel facilities but were there solely for the gas station and convenience store. The hotel's own guests did not even use the access that much. In the development agreement, the Holiday Inn allowed the owners of the Chevron to put that access in; that access was never a part of the deal. The hotel believed it was a nice add-on because it would provide hotel guests an easy way to access the convenience store, so they allowed the gas station to put it in. The hotel would be fine with the access if the owners of the Chevron and convenience store would address the issues that continuously came up. He had asked the owner to clean up the access area, but they do not. It was a total mess. He was sure the Board members who visited had seen the garbage, beer cans, and cigarette butts around the garbage cans and all over. Just beyond that, in the parking area that faced the convenience store, there was gum and litter all over the place. Hotel staff was out there cleaning every day. Whenever he was at the hotel, he was out cleaning it up.
- He had offered to share that portion of the parking lot with the owners of the Chevron if the owners of the Chevron helped pay for landscaping, garbage removal, and keeping the area clean, but they declined. They would not talk about it, refused to cooperate with the hotel, and refused to listen to their complaints. The Chevron owners had stated that per the development agreement, the Holiday Inn had to go through mediation or discuss the proposed fence, the Holiday Inn had tried that for many years to no avail. He had had enough and now wanted to put up a fence. In the late summer of 2021, he informed the gas station owner that he was going to fence off the access, but that if they could come up with a solution other than the fence, he would listen. He received no response from the owner of the gas station, and they had not cooperated in any manner or form.
- All of these issues were affecting his business to a large extent. When inspectors came to inspect the property, they expected everything to be clean and people smoking to be confined to a designated area, but he could not control everything the patrons of the gas station and convenience store did to his property every day.
 - The DRB needed to look at the situation with that kind of perspective. The negligence of the gas station owner was affecting his business, and that was why he wanted to build a fence.
- The fence on the west side of the property was not his fence. It was built by the Oregon Department of Transportation (ODOT) and had nothing to do with him, although he

maintained the area because it was a condition of the development agreement, but ODOT controlled that fence. It was ugly and he did not want to replicate it on the other side, so he had designed his own fence.

- Another problem was that convenience store customers sometimes parked farther away from the access point and trampled through the bushes which had left a big hole. The purpose of the 8-ft portion of fence was to close the hole and allow the bushes a chance to grow back. He also wanted to install plants along the longer portion of proposed fence to block the view of the building because people routinely urinated, and even defecated against the building wall within view of this guests. He wanted a barrier, so his guests did not have to see that happening in front of the hotel. He was pleading with the DRB. He understood the fence would not eliminate all the issues, but it was a start. Eventually he wanted to install gates with a key card for access, but those were very expensive.
- He had pictures of the damage the large trucks had done when using his property to access the convenience store. He wanted to repave and re-asphalt his parking lot, but it was pointless as long as the large trucks still had access to his property. In his front parking lot, he had made it appear as if pothole repair was happening, but the trucks drove right over it. There was total disregard. This had been a long time coming, and he hoped the DRB would consider the suffering he had had to deal with over the years because of the access point and because the Chevron station's ownership was not cooperating at all with their neighbors. It had been horrendous.

Jean Svadlenka asked why only an 8-ft fence was proposed instead of installing a fence the entire length of the property because people could come through the hedges, or the hedges could eventually be destroyed over time.

Mr. Park replied that because of COVID, the hotel did not have a lot of funds and was doing its best with the limited budget it had to make this happen. He would love to have a fence all the way around, but that was quite expensive. This review cost him more than the fence materials, so they had spent a lot of money. Installing a fence all the way around the property would be his dream and would secure the area a lot better, but he did not have that luxury at this point.

Mr. Yacob stated that he had noticed a lot of large vehicles for an arborist company on the southwest side of the Holiday Inn building, as well as a lot of RVs that appeared to have people staying in them in the parking lot. There was a lot of traffic there, but good fences made for good neighbors.

Chair McKay confirmed there was no further questions for the Applicant and no further public testimony.

Ms. Barrett asked what kinds of rulings the DRB was able to make in this forum.

Ms. Jacobson responded that this was an appeal, so DRB would either deny the appeal and find that the Planning Director was within her authority to grant the application, or if the DRB disagreed and found that she was not within her authority, DRB would rescind her approval,

and direct that the Applicant file a new application to be heard by the DRB, stating the basis on which the Board found that her approval should be rescinded.

Chair McKay asked what the anticipated timeline was for the fence installation.

Mr. Park replied they already had the materials and were ready to install within a week of approval by the DRB. It could wait if DRB needed more time, but the contractor had informed him that they were ready to go.

Chair McKay understood if the DRB affirmed the decision, the Applicant would be able build the fence under the Planning Director's decision; however, if it was deemed through mediation or arbitration that the Applicant had erred in its application, or the installation of the proposed fence was in violation of the development agreement, or the City was in violation of the agreement by the Planning Director acting on the City's behalf, monetary damages could be sought or the fence could be ordered to be removed. He was afraid that if DRB upheld the Planning Director's decision and the fence was installed, there could still be an appeal that could result in a disagreement in the request for mediation.

Ms. Jacobson noted the development agreement, adding that the burden to request mediation would be on the Appellant and it would be up to the parties to the agreement to decide if there was any merit to whether the language of that development agreement even required mediation. If the parties did not agree to mediate, then the recourse of the Appellant was to file a lawsuit or go to court to ask for an injunction to stop the installation of the fence until the issue was resolved. There were many avenues. If the Applicant went forward with the fence installation, there could be some risk to the Applicant, but the Applicant was a smart businessman and understood that. It sounded like he had tried to connect with the adjoining property owner to work things out. The DRB could not make that decision for them on timing. The Board just had to decide if the Planning Director was within her authority, whether they agreed with her decision or not. If the DRB found that she was within her authority, the Board should affirm her decision. If the DRB believes she overstepped her authority, the Board should rescind her decision and direct the Applicant to reapply with the DRB.

Chair McKay confirmed there was no further Board member discussion.

Mr. Bradford entered the written testimony dated January 10, 2022 and submitted by D. Michael Mills, Lawyer PC, into the record as Exhibit B.

- He noted Mr. Sungmin's materials were identical to the ones in the packet and were therefore already accounted for.

Chair McKay closed the public hearing at 7:39.

Confirmation regarding the inclusion of Slide 6 in Staff's PowerPoint was briefly discussed.

Ms. Bateschell recommended that since the memo was Exhibit A, and Exhibit A included the Staff report and all information from Staff, the PowerPoint should be adopted as Attachment 5 to Exhibit A.

Rachelle Barrett moved to adopt the Staff report with the addition of Attachment 5 to Exhibit A and the addition of Exhibit B. The motion was seconded by Ben Yacob and passed unanimously.

The following exhibits were entered into the record:

- Exhibit B: Written testimony submitted by D. Michael Mills, Lawyer PC, dated January 10, 2022.
- Attachment 5: Staff's PowerPoint presentation.

Ben Yacob moved to adopt Resolution No. 398, affirming the Planning Director's decision. Kathryn Neil seconded the motion, which passed unanimously.

Chair McKay read the rules of appeal into the record.

VIII. Board Member Communications

A. Results of the November 21, 2021 Panel B meeting

Daniel Pauly, Planning Manager, stated that the last DRB Panel B meeting was for a Temporary Use Permit. It was also the last meeting of long-serving DRB member Samy Nada and everyone was able to say goodbye to him. He appreciated Mr. Nada's many years of service as a DRB member. Between both Development Review Boards, there was only one new member, John Andrews. Staff had met with him, and he would serve on Panel B.

B. Recent City Council Action Minutes

There were no comments.

IX. Staff Communications

Daniel Pauly, Planning Manager, stated there would be a meeting next month on February 14 because there was a matter that needed to be scheduled.

X. Adjournment

The meeting adjourned at 7:47 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, LLC. for
Shelley White, Planning Administrative Assistant

**DEVELOPMENT REVIEW BOARD MEETING
FEBRUARY 14, 2022
6:30 PM**

VI. Public Hearing:

A. Resolution No. 399. Frog Pond Crossing Subdivision: AKS Engineering & Forestry, LLC – Representative for Venture Properties, LLC – Applicant and Chaney Paul C Co-Trustee – Owner. The applicant is requesting approval of an Annexation and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Residential Neighborhood (RN) for Approximately for approximately 8.46 acres of property located on the west side of Stafford Road north of SW Frog Pond Lane, and adopting findings and conditions approving a Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Plan, Waiver to Open Space location and Waiver to minimum street frontage for a 29-lot residential subdivision. The subject site is located at 27227 SW Stafford Road on Tax Lots 100, 300, and 302, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Staff: Philip Bradford

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DB21-0044 Waiver – Minimum Street Frontage

The DRB action on the Annexation and Zone Map Amendment is a recommendation to the City Council.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 399**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION OF APPROXIMATELY 9.74 ACRES AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) FOR APPROXIMATELY 8.46 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF STAFFORD ROAD NORTH OF SW FROG POND LANE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, WAIVER TO OPEN SPACE LOCATION AND WAIVER TO MINIMUM STREET FRONTAGE FOR A 29-LOT RESIDENTIAL SUBDIVISION. THE SUBJECT SITE IS LOCATED AT 27227 SW STAFFORD ROAD ON TAX LOTS 100, 300, AND 302 AND A PORTION OF STAFFORD ROAD RIGHT-OF-WAY, SECTION 12D, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. AKS ENGINEERING & FORESTRY, LLC – REPRESENTATIVE FOR VENTURE PROPERTIES, LLC – APPLICANT AND CHANEY PAUL C CO-TRUSTEE – 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 February 7, 2022, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on February 14, 2022, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated February 7, 2022, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB21-0036 through DB21-0044; Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Class C Tree Plan, Waiver – Open Space Location, and Waiver – Minimum Street Frontage.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 14th day of February, 2022 and filed with the Planning Administrative Assistant on _____. 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)*.

Jean Svadlenka, Chair – Panel A
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant



Exhibit A1
Staff Report
Frog Pond Crossing 29-Lot Subdivision
Development Review Board Panel 'A'
Quasi-Judicial Public Hearing

Hearing Date: February 14, 2022

Date of Report: February 7, 2022

Application Nos.: DB21-0036 Annexation
DB21-0037 Zone Map Amendment
DB21-0038 Stage I Preliminary Plan
DB21-0039 Stage II Final Plan
DB21-0040 Site Design Review of Parks and Open Space
DB21-0041 Tentative Subdivision Plat
DB21-0042 Type C Tree Removal Plan
DB21-0043 Waiver - Open Space Location
DB21-0044 Waiver - Minimum Street Frontage

Request/Summary: The requests before the Development Review Board include Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, Waiver – Open Space Location, and Waiver – Minimum Street Frontage

Location: 27227 SW Stafford Road. The property is specifically known as TLID 100, 300, and 302, and a portion of Stafford Road right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

Owners: Chaney Paul C Co-Trustee

Applicant: Venture Properties, LLC (Contact: Kelly Ritz)

Applicant's Rep.: AKS Engineering & Forestry, LLC (Contact: Mimi Doukas, AICP)

Comprehensive Plan Designation: Residential Neighborhood

Zone Map Classification (Current): Tax Lots 100, 300, and 302 – RRFF-5 (Clackamas County designation – Rural Residential Farm Forest 5-Acre)

Zone Map Classification (Proposed): Residential Neighborhood (RN)

Staff Reviewers: Philip Bradford, Associate Planner

Amy Pepper, PE, Development Engineering Manager
 Gordon Monro, PE, Tetra Tech
 Matt Palmer, PE, Civil Engineer

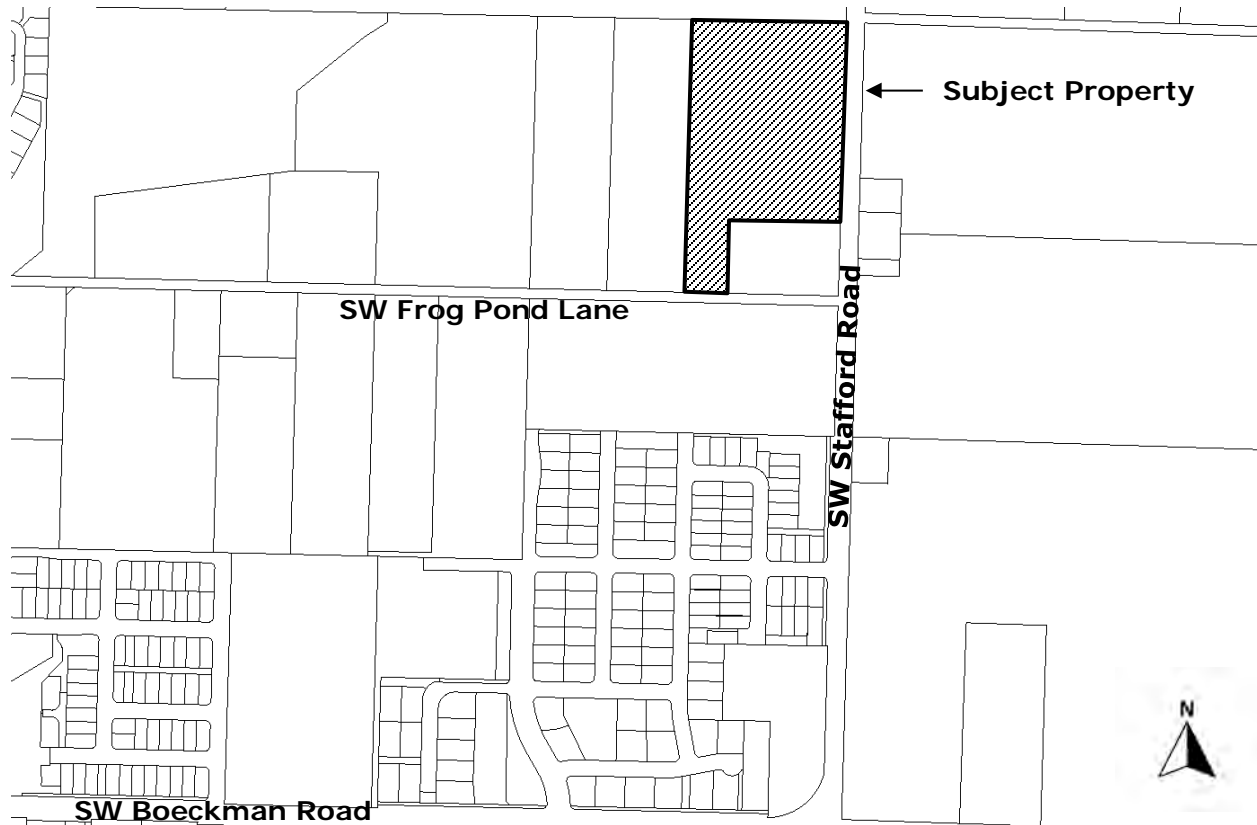
Staff Recommendation: Recommend approval to the City Council of the Annexation and Zone Map Amendment, **approve with conditions** the Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Plan, Waiver – Open Space Location, and Waiver – Minimum Street Frontage, contingent on City Council approval of the Annexation and Zone Map Amendment.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.139 through 4.139.11	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Sections 4.156.01 through 4.156.11	Signs
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 4.197	Zone Changes
Sections 4.200 through 4.290	Land Divisions
Sections 4.300 through 4.320	Underground Utilities

Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600-4.640.20	Tree Preservation and Protection
Section 4.700	Annexation
<u>Comprehensive Plan and Sub-elements:</u>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<u>Regional and State Law and Planning Documents</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by Consent Before Public Hearing or Order for Election
Statewide Planning Goals	

Vicinity Map



Background:

The subject property has long been rural/semi-rural, adjacent to the growing City of Wilsonville. Metro added the 181-acre area now known as Frog Pond West to the Urban Growth Boundary in 2002 to accommodate future residential growth. To guide development of the area and the urban reserve areas to the east and southeast, the City of Wilsonville adopted the Frog Pond Area Plan in November 2015. The Frog Pond Area Plan envisions that: "The Frog Pond Area in 2035 is an integral part of the Wilsonville community, with attractive and connected neighborhoods. The community's hallmarks are the variety of quality homes; open spaces for gathering; nearby services, shops and restaurants; excellent schools; and vibrant parks and trails. The Frog Pond Area is a convenient bike, walk, drive, or bus trip to all parts of Wilsonville."

As a follow up to the Area Plan and in anticipation of forthcoming development, in July 2017 the City of Wilsonville adopted the Frog Pond West Master Plan for the area within the UGB. To guide development and implement the vision of the Area Plan, the Master Plan includes details on land use (including residential types and unit count ranges), residential and community design, transportation, parks and open space, and community elements such as lighting, street trees, gateways, and signs. The Master Plan also lays out the infrastructure financing plan.

The proposed 29-lot subdivision is the fifth development proposal in Frog Pond West, following the 71-lot Frog Pond Ridge, 44-lot Stafford Meadows and 74-lot Frog Pond Meadows subdivisions to the south and the 78-lot Morgan Farm subdivision to the west. The subdivision will connect to the previously approved Frog Pond Ridge subdivision, blending together as one cohesive neighborhood consistent with the Frog Pond West Master Plan.

The City recently adopted local development regulations related to the allowance of middle housing types in response to state law and local equitable housing policies. As part of this work, changes were adopted to the Comprehensive Plan, Zone Map, Development Code, Villebois Village and Frog Pond West Master Plans, and Old Town Neighborhood Plan. The plan and associated Zone Map and Development Code amendments went into effect on November 18, 2021. As the subject applications were submitted to the City on July 17, 2021, the standards applicable at the time the City received the application (Section 4.127, Residential Neighborhood, see Exhibit A2) are used in determining compliance of the proposed subdivision with City standards. Construction of homes on the proposed lots will be subject to the revised Development Code standards for permitted uses and lot development standards.

Several nearby land use applications have been submitted for sites near the subject property. Frog Pond Vista (DB21-0057-0063) and Frog Pond Oaks (DB21-0072-0079) are both located to the west of Frog Pond Crossing and contain features such as street extensions, pedestrian connections, and street trees that will interface with this application. At the time of staff report publication Frog Pond Oaks has not yet been deemed complete, however, staff has reviewed this application in the context of the properties to the west to ensure all shared components are consistently applied across each subdivision.

Application Summary:

Annexation (DB21-0036)

The area proposed for annexation is contiguous to land currently in the City, within the UGB, and master planned for residential development. All property owners in TLID 100, 300, and 302 have consented in writing to the annexation. Two electors reside within the area proposed for annexation.

Zone Map Amendment (DB21-0037)

Concurrent with the adoption of the Frog Pond West Master Plan, the City added a new zoning district, Residential Neighborhood (RN), intended for application to the Master Plan area. The applicant proposes applying the RN Zone to the annexed area consistent with this intention.

Stage I Preliminary Plan (DB21-0038)

The proposed residential use, number of lots, preservation of open space, and general block and street layout are consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use unit count, the proposed Stage I Preliminary Plan area includes portions of

small lot Sub-district 10, and medium lot Sub-district 11. See Finding C17 for a more detailed discussion on how the proposal meets the required density in each sub-district consistent with the Master Plan recommendations.

The Frog Pond West Master Plan establishes range for Sub-district 10 is 30-38 lots. Approximately 14% of Sub-district 10 is within the project area and the applicant proposes five (5) lots. The established range for Sub-district 11 is 46-58 lots. Approximately 41% of Sub-district 11 is within the project area. The applicant proposes 24 lots, meeting the proportional density requirement for the site.

Development within small lot sub-districts greater than 10 acres must provide a minimum of 10% of the net developable area as open space. The open space must include at least 50% usable open space as defined by the Code. A request to waive open space location requirements is included (see DB21-0043).

Stage II Final Plan (DB21-0039)

The applicant proposes installing necessary facilities and services concurrent with development of the proposed subdivision.

Proposed lot layout and size, as well as block size and access, generally demonstrate consistency with development standards established for the Residential Neighborhood (RN) zone and in the Frog Pond West Master Plan. A request to waive minimum street frontage requirements for Lots 17-24 is included (see DB21-0044).

Regarding the protection of natural features and other resources, the project design avoids disturbance of these features and resources. The site is generally flat, varying by approximately 11 feet from northwest (253 ft. elevation) to southwest (242 ft. elevation), with a low point adjacent to SW Stafford Road and SW Frog Pond Lane.

Site Design Review (DB21-0040)

The scope of the Site Design Review request includes design of common tracts and the streetscape. Overall, the design of these spaces is consistent with the Site Design Review standards and the Frog Pond West Master Plan. In particular, the proposed streetscape design conforms or will with Conditions of Approval to the street tree and street lighting elements of the Frog Pond West Master Plan. The design also includes open space tracts consistent with the Master Plan. Among the additional specific elements reviewed is the wall and landscaping required by the Master Plan along the SW Stafford Road frontage and the landscaping and site furnishings in open space tracts.

Tentative Subdivision Plat (DB21-0041)

The proposed tentative plat meets technical platting requirements, demonstrates consistency with the Stage II Final Plan, and thus the Frog Pond West Master Plan, and does not create barriers to future development of adjacent neighborhoods and sites.

Type C Tree Removal Plan (DB21-0042)

There are 61 trees inventoried on and off-site as part of the proposed development. The majority of the tree removal on site will be along SW Stafford Road where future right-of-way improvements will take place, and toward the center of the site where trees will be removed due to construction of proposed public streets and residential lots.

Thirty-four (34) of the trees inventoried are located on the subject property. One (1) of these trees is proposed to remain in Tract A. The other trees are necessary for removal due to due to construction. Thirty-eight (38) trees are proposed for removal, including five trees in the Stafford Road right-of-way. The applicant proposes planting 51 new trees in the form of 41 street trees, 7 trees within the pedestrian connection (Tract C), and 3 trees within the open space (Tract A). The proposed mitigation (Sheets P-15- P-16) is in excess of the 1:1 mitigation requirement for tree removal.

Waiver – Open Space Location (DB21-0043)

Properties within the R-5 Small Lot Sub-districts must provide 10% of the net developable area in open space. At least 50% of the total open space area must be usable open space. The applicant requests a waiver to provide the required usable open space area outside of the R-5 Small Lot Sub-district. Development within small lot sub-districts greater than 10 acres must provide a minimum of 10% of the net developable area as open space. The open space must include at least 50% usable open space as defined by the Code. In order to meet the minimum density in the R-5 Sub-district, the entirety of the R-5 land on the subject property will be utilized for residential units. The required open space will be provided a short distance away in the R-7 Sub-district to the north.

Waiver – Minimum Street Frontage (DB21-0044)

In order to preserve a tree grove containing mature Oak trees on the adjacent property to the west, the applicant has oriented lots 17-24 to take access utilizing a private alley and fronting along either a pedestrian pathway (Lots 17-21) or the open space (Lots 22-24). This waiver is required as these lots do not have frontage on a public street.

Discussion Points – Verifying Compliance with Standards:

This section provides a discussion of key clear and objective development standards that apply to the proposed applications. The Development Review Board will verify compliance of the proposed applications with these standards. The ability of the proposed applications to meet

these standards may be impacted by the Development Review Board's consideration of discretionary review items as noted in the next section of this report.

Consistency with Statewide Planning Goals

The Statewide Planning Goals provide direction to local jurisdictions regarding the State's policies on land use. It is assumed the City's adopted Comprehensive Plan, which includes the adopted Frog Pond Area Plan and Frog Pond West Master Plan, is in compliance with the Statewide Planning Goals (specifically Goal 2, Land Use Planning), and that compliance with the Comprehensive Plan also demonstrates compliance with the Statewide Planning Goals. At the time of its adoption, the Frog Pond West Master Plan was found to be in compliance with all applicable Statewide Planning Goals, including Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14. Statewide Planning Goals particularly relevant to the Frog Pond Crossing application include Goals 10, 12, and 14.

Goal 10, Housing, identifies a need for "needed housing", which is defined for cities having populations larger than 2,500, as attached and detached single-family housing, multiple-family housing, and manufactured homes. Annexation of the subject site into the Wilsonville City limits will provide attached and detached single-family housing, which is defined as "needed housing" in the City's 2014 Residential Land Study.

Goal 12, Transportation, identifies the importance of a safe, convenient, and economic transportation system, and requires local jurisdictions to adopt a TSP. The proposed annexation area will comply with Wilsonville's TSP, which has been updated to include the Frog Pond West area. Annexation of the subject site will allow for its development, including new street connections included in the TSP.

Goal 14, Urbanization, identifies the need for orderly and efficient growth, the need to accommodate housing and employment within the UGB, and the importance of livable communities. The Frog Pond West Master Plan area was added to the UGB to accommodate residential growth. The Master Plan complied with Goal 14 and Metro Title 11, Planning for New Urban Areas, and guides the orderly annexation of the subject site, which is located in the Frog Pond West Master Plan area, development of a livable community, and provision of additional housing within the UGB.

As demonstrated above, the proposed projects are consistent with the Comprehensive Plan and Frog Pond West Master Plan, which have been found to be consistent with Statewide Planning Goals.

Traffic Impacts

The Traffic Impact Analysis (see Exhibit B1) performed by the City's consultant, DKS Associates, identifies the most probable used intersections for evaluation as:

- Boeckman Road/Parkway Avenue

- Boeckman Road/Canyon Creek Road
- Boeckman Road/Advance Road/Stafford Road/Wilsonville Road
- Stafford Road/Frog Pond Lane
- Stafford Road / SW 65th Avenue

The study intersections will continue to perform at Level of Service D or better and thus meet City standards with the exception of the intersection of SW Boeckman Road and SW Canyon Creek Road and Stafford Road and SW 65th Ave. Subsection 4.140 (.09) J. 2. allows measuring Level of Service based on existing and immediately planned streets. This subsection defines “immediately planned” as being part of the Capital Improvement Program, and being funded for completion within two years of occupancy of the development. In order to address deficiencies with the SW Boeckman Road and SW Canyon Creek Road intersection, the City has identified fully signaling this intersection as part of project Urban Upgrade-01 (UU-01) in the Transportation System Plan (TSP), which would allow the intersection to function at the required Level of Service. The City has identified funding for design and construction as CIP 4206 in the adopted Fiscal Year 2021-22 budget with construction planned to commence in 2023. Thus, the future signaled intersection can be used for the purpose of determining Level of Service (LOS) for this project and meeting City LOS standards.

The Stafford Road / SW 65th Avenue intersection is under Clackamas County jurisdiction and currently fails to meet County operating standards under 2021 conditions. In the Clackamas County 20-Year Capital Project List, a proposed future roundabout at the Stafford Road / SW 65th Ave / Elligsen Road intersection (Project ID 1079) is the recommended improvement. In the City of Wilsonville TSP, a traffic signal or roundabout has been identified as a High Priority Project Spot Improvement-03 (SI-03) at the same intersection. The City of Wilsonville’s share cost of the project is 25% of the total project cost with the County funding the remaining portion. The developer’s Transportation System Development Charge (SDC) will contribute to the City’s share of the proposed intersection improvement costs. The improvements will be constructed on the timeline set forth by the County’s 20-Year Capital Project List. In the meantime, the City’s Boeckman Creek Corridor Project, which includes improving the intersection of Canyon Creek Road and Boeckman Road, will also include temporary signalization at the Stafford Road / SW 65th Avenue intersection, which will improve the flow of traffic at this intersection.

Balancing Uses in Planter Strips

Many design elements compete for space within the planter strips between sidewalks and streets. These elements include street trees, stormwater facilities, and streetlights while accommodating appropriate spacing from underground utilities and cross access by pedestrians. For various reasons, it is not practical to place street trees and streetlights in stormwater swales. To balance these uses, the City recommends that the applicant’s plans prioritize street tree and street lighting placement with appropriate spacing from utility laterals and water meters, then placing stormwater facilities where space remains available and placement is desirable. Due to smaller lot sizes in the R-5 sub-district, curb cuts for the pedestrian connection, and driveways, several

street trees have been placed on private lots along SW Marigold Terrace, SW Windflower Street, and SW Trillium Street to allow for stormwater facilities within the planter strips.

The Frog Pond West Master Plan requires street trees to be spaced consistently along both sides of a street. Due to the presence of stormwater facilities in the planter strips, some trees in the R-7 sub-district have been placed on private lots approximately 15 feet from the sidewalk or 28 feet from the curb, which is not appropriate for a street tree and is inconsistent with the Master Plan's intent for planter strips. A condition of approval will require the applicant to apply for a Class II Administrative Review to revise street tree locations as numerous trees within the R-7 sub-district are placed too far onto private lots which leads to inconsistent spacing. The intent of the Master Plan is that street trees be placed within the planter strip or as close to the public right-of-way as possible.

SW Stafford Road Improvements

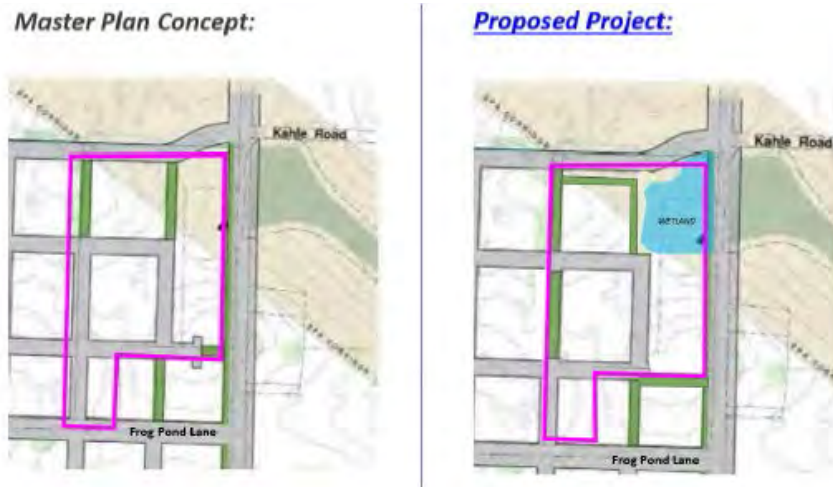
The City is responsible for reconstruction/improvements to SW Stafford Road per the Frog Pond West Master Plan. The City will undertake this construction following issuance of an appropriate number of home building permits and deposit of sufficient funding into the Infrastructure Supplemental Fee account. As part of this project, the applicant will dedicate ROW and construct a decorative wall and 12-foot planting area consistent with the Master Plan along the frontage outside the ROW.

Street Demonstration Plan Compliance

The Street Demonstration Plan (Figure 18 of the Frog Pond West Master Plan), is an illustrative layout of the desired level of connectivity in the Frog Pond West neighborhood. The Street Demonstration Plan is intended to be guiding, not binding, allowing for flexibility provided overall connectivity goals are met.

In order to preserve mature trees and wetlands onsite while providing access throughout the subdivision, the applicant proposes some limited variations from the Street Demonstration Plan that results in a modified grid configuration of streets. As shown in the illustration below, applicant proposes to eliminate a north-south street and provide a north-south pedestrian connection in the same location. The east-west streets shown in the Street Demonstration Plan are left unchanged and are shown as SW Windflower Street and SW Trillium Street. The Street Demonstration Plan includes two north-south pedestrian connections to Kahle Road. The applicant proposes two (2) pedestrian connections within Tract A that offer a comparable level of connectivity as proposed in the master plan. A condition of approval will require the easternmost pedestrian connection within Tract A to allow for future extension to the north to SW Kahle Road in order to more closely match the master plan intent. The proposed development does not contain a hammerhead near SW Stafford Road, therefore the pedestrian connection to SW Stafford Road will be shifted off-site to Tax Lot 200.

The planned right-of-way for Kahle Road will be shifted north due to several natural resources along the northern edge of Frog Pond West. As a result, the pedestrian, bike, and trail connectivity must occur within the subdivisions rather than within the right-of-way as planned. A condition of approval will ensure connectivity through Tract A to the proposed Frog Pond Oaks subdivision to the west in order to facilitate pedestrian connectivity to open spaces and the Boeckman Creek Trail further west consistent with the Frog Pond West Master Plan.



Street Length and Connectivity

The proposed modified grid pattern, as described above, provides an efficient street connection to SW Stafford Road with interior streets providing pedestrian connections through the attached sidewalks. The grid pattern with attached sidewalks provides for a substantially equivalent level of pedestrian connectivity and does not require out-of-direction pedestrian travel nor does it result in greater distances for pedestrian access to the proposed subdivision from SW Stafford Road than would otherwise be the case if the Street Demonstration Plan were adhered to.

Tree Removal and Preservation

There are 61 trees inventoried both on and off-site for the proposed development. Of the 34 on-site trees, 33 trees are proposed for removal with one (1) tree preserved. A grove of mature trees is located directly adjacent to the subject property on Tax Lot 401. Several 20-55 inch DBH Oregon white oaks are located within this grove and much of the site layout is based on preserving these trees. Of the 20 off-site trees surveyed, only five (5) are proposed for removal, for a total of 37 trees removed for development. The applicant proposes to plant 51 trees exceeding the 1:1 mitigation ratio.

Discussion Points – Discretionary Review:

This section provides a discussion of discretionary review requests that are included as part of the proposed applications. The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant.

Waiver - Open Space Location

In order to meet the required minimum and maximum density for Sub-district 10 R-5 Small Lot, the applicant is requesting a waiver to locate the required open space area for the Sub-district within the boundaries of Sub-district 11 R-7 Medium Lot. The open space area is a short walking distance away from the R-5 Sub-district. The open space requirement is 2,089 square feet based on a developable site area of 20,892 square feet. The applicant provides 109,344 square feet of open space, 57,846 of which is usable open space, well in excess of the 1,045 square foot requirement.

Waiver – Lot Frontage

To accommodate preservation of several large Oregon White Oak trees in good condition located directly off-site to the west, the applicant has replaced the northern extension of SW Marigold Terrace with a pedestrian connection. This pedestrian connection continues north to allow for the preservation of these trees. The proposed lots now front the pedestrian tract rather than a public street, which requires a waiver. Vehicular access for lots 17–24 will be provided via a private alley. The homes will front Tract A, which is an open space and pedestrian connection allowing access to the front of each home.

Public Comments and Responses:

No public comments were received during the comment period.

Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board recommend approval to City Council or approve, as relevant, the proposed application (DB21-0036 through DB21-0044) with the following conditions:

Planning Division Conditions:

Request A: DB21-0036 Annexation

This action recommends to the City Council approval of Annexation for the subject properties. The Zone Map Amendment (DB21-0036) and all approvals contingent on it are contingent on annexation.

PDA 1. Prior to issuance of any Public Works permits by the City within the annexation area: The developer shall be subject to a Development and Annexation Agreement with the City of Wilsonville as required by the Frog Pond West Master Plan. The developer shall enter into the Development and Annexation Agreement prior to issuance of any public works permits by the City within the annexation area.

Request B: DB21-0037 Zone Map Amendment

This action recommends to the City Council adoption of the Zone Map Amendment for the subject properties. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB21-0036). Case files DB21-0038, DB21-0039, DB21-0040, DB21-0041, DB21-0042, DB21-0043, and DB21--0044 are contingent on City Council action on the Zone Map Amendment request.

No conditions for this request.

Request C: DB21-0038 Stage I Preliminary Plan

Approval of DB21-0038 (Stage I Preliminary Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).

No conditions for this request

Request D: DB21-0039 Stage II Final Plan

Approval of DB21-0039 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).

PDD 1. General: The approved Stage II Final Plan (Final Plan) shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. The Planning Director through the Class I Administrative Review Process may approve minor changes to the Final Plan if such changes are consistent with the purposes and general character of the Final Plan. All other modifications shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding D4.

PDD 2.	<u>Prior to Final Plat Approval:</u> On the Final Subdivision Plat, public pedestrian and bicycle access easements, including egress and ingress, shall be established across the entirety of all pathways located in private tracts. See Finding D13.
PDD 3.	<u>General:</u> All crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast). See Finding D16.
PDD 4.	<u>General:</u> Any area, whether in a garage or in a driveway, counted as a required parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D19.
PDD 5.	<u>Prior to Final Plat Approval:</u> A tree protection easement will be provided at the front on Lots 17, 18, 19, and 20 to protect the root zone of trees in Tract E. In addition, branch and root pruning that may be needed of Trees 20128 and 20125, which have branches and limbs that extend into lots and building footprints of Lots 17, 18, and 19 that abut the RPZs of these trees, shall be supervised and conducted by an ISA Certified Arborist. See Finding D22.
PDD 6.	<u>Prior to Final Plat Approval:</u> A waiver of remonstrance against formation of a local improvement district (LID) shall be recorded in the County Recorder’s Office as well as the City’s Lien Docket as part of the recordation of the final plat. In light of the developer’s obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee in accordance with the Development and Annexation Agreement required by PDA 1, the LID Waiver for a specific parcel within the Frog Pond Crossing development shall be released upon official recording of the release of the waiver only after payment of the Infrastructure Supplemental Fee and Boeckman Bridge Fee. Further, the developer shall pay all costs and fees associated with the City’s release of the LID Waiver. See Finding D32.
PDD 7.	<u>General:</u> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D28.
PDD 8.	<u>Prior to Issuance of the Public Works Permit:</u> Provide a pedestrian connection to Tax Lot 401, the property to the west of this site. Coordinate with the design engineer for that project to identify the best connection point from either Path A or Path B. The applicant shall also provide a pedestrian connection from the northeastern corner of Path B to the north to facilitate a future extension similar to the design of Path A. See Finding D13.

Request E: DB21-0040 Site Design Review of Parks and Open Space

Approval of DB21-0040 (Site Design Review of Parks and Open Space) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).	
PDE 1.	<u>General:</u> Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding E3.

PDE 2.	<p><u>Prior to Final Plat Approval:</u> All landscaping and site furnishings required and approved by the Development Review Board for common tracts shall be installed prior to Final Plat Approval 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 Final Plat Approval. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, an irrevocable letter of credit, 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 installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, 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 will be returned to the applicant/owner. See Finding E13.</p>
PDE 3.	<p><u>Prior to Final Plat Approval:</u> The applicant shall either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping. See Finding E13.</p>
PDE 4.	<p><u>Ongoing:</u> The approved landscape plan is binding upon the applicant/owner. 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, pursuant to the applicable sections of Wilsonville's Development Code. See Finding E14.</p>
PDE 5.	<p><u>Ongoing:</u> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered as allowed by Wilsonville's Development Code. See Findings E15 and E16.</p>
PDE 6.	<p><u>General:</u> The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings. • 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-inch to 12-inch spread. • Shrubs shall reach their designed size for screening within three (3) years of planting. • 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

	<p>minimum, 4-inch pot spaced 2 feet on center minimum, 2-1/4-inch pots spaced at 18-inch on center minimum.</p> <ul style="list-style-type: none"> • 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. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. • Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding E20.
PDE 7.	General: All trees shall be balled and burlapped and conform in size and grade to “American Standards for Nursery Stock” current edition. See Finding E20.
PDE 8.	Ongoing: Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. See Finding E21.
PDE 9.	<p>Prior to issuance of any Public Works permits: The applicant / owner shall install LED street lighting in compliance with the Public Works Standards and Frog Pond West Master Plan. The street lighting shall be Westbrook style streetlights.</p> <p>The applicant/owner 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. See Finding E24.</p>
PDE 10.	Prior to issuance of any Public Works permits: Consistent with the Frog Pond West Master Plan, which includes a Public Lighting Plan and recommended lighting plan hierarchy, and recommends that pedestrian connections, trailheads and paths be uniformly illuminated to define a hierarchy of travel routes, and that such illumination follow the Public Works Standards for Shared-Use Path Lighting, the applicant shall, in consultation with the City Engineer, determine if additional pedestrian-scale lighting is warranted along the pathways in Tracts A and C and install any warranted lighting in compliance with these standards. See Finding E26.
PDE 11.	Prior to issuance of any Public Works permits: The applicant shall submit a revised street tree plan through a Class II Administrative Review application to relocate street trees closer to the public right-of-way consistent with the Frog Pond Master Plan. Additionally, the applicant shall revise the street trees selected for SW Frog Pond Lane to match the Tulip trees established with the Frog Pond Ridge Subdivision. The applicant shall also revise the street tree selected for SW Marigold Terrace to match the American Yellowwood established by the Frog Pond Ridge Subdivision. See Finding E26.
PDE 12.	Prior to Final Plat Approval: All street signs shall be installed and utilize the City-approved sign cap on street name signs throughout the entirety of the subdivision, matching the design used in the Frog Pond Ridge, Frog Pond Meadows, Stafford

Meadows and Morgan Farm subdivisions. The developers will buy the signs from the City. See Finding E28.

Request F: DB21-0041 Tentative Subdivision Plat

Approval of DB21-0041 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).

- PDF 1. Prior to Final Plat Approval:** Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
- PDF 2. Prior to Final Plat Approval:** The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for the Stage II Final Plan or the Tentative Plat.
- PDF 3. Prior to Final Plat Approval:** Where any street will be extended signs stating “street to be extended in the future” or similar language approved by the City Engineer shall be installed. See Finding D33 and F13.
- PDF 4. Prior to/concurrent with Recording of Final Plat:** The applicant/owner shall dedicate any necessary additional right-of-way for planned improvements on SW Stafford Road and SW Frog Pond Lane. See Finding F14.
- PDF 5. Prior to Final Plat Approval:** The applicant/owner shall submit for review and approval by the City Attorney CC&R’s, bylaws, etc. related to the maintenance of the open space tracts. Such documents shall assure the long-term protection and maintenance of the open space tracts.
- PDF 6. Prior to Final Plat Approval:** For all public pipeline easements, public access easements, and other easements, as required by the city, shown on the Final Subdivision Plat, the applicant/owner and the City shall enter into easement agreements on templates established by the City specifying details of the rights and responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County. See Finding F17.
- PDF 7. Prior to Final Plat Approval:** A street tree easement shall be granted for any lots with street trees as shown on the street tree plan, along the public streets as modified by Condition of Approval PDD 11, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees located on private property. See Finding F20.

Request G: DB21-0042 Type C Tree Plan

Approval of DB21-0042 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).

- PDG 1. General:** This approval for removal applies only to the 38 trees identified in the applicant’s submitted Tree Maintenance and Protection Plan, see Exhibit B2 All other trees on the property shall be maintained unless removal is approved through separate application.

PDG 2.	<u>Prior to Grading Permit Issuance:</u> The applicant/owner shall submit an application for a Type 'C' Tree Removal Permit on the Planning Division's Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant/owner shall provide the City's Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant/owner shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff. See Finding G19.
PDG 3.	The applicant/owner shall install the required 38 mitigation trees, as shown in the applicant's sheets P-12, P-15, and P-16 per Section 4.620 WC.
PDG 4.	<u>General:</u> The permit grantee or the grantee's successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during the two (2) years after planting shall be replaced.
PDG 5.	<u>Prior to Commencing Site Grading:</u> The applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. See Finding G25.

Request H: DB21-0043 Waiver

Approval of DB21-0043 – (Waiver: Minimum Open Space Location, is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).
No conditions for this request.

Request I: DB21-0044 Waiver

Approval of DB21-0043 – DB21-0044 (Waivers:, Minimum Lot Frontage) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).
No conditions for this request.

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 D: DB21-0039 Stage II Final Plan

PFD 1.	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1 and to specifics as found in the Frog Pond West Mater Plan (July 17, 2017).
PFD 2.	<p>General: Streets shall be primarily constructed per the street type and cross-section as show in the Frog Pond West Master Plan.</p> <p>The cross-section for Stafford Road is incorrectly shown in the Frog Pond West Master Plan. The City’s intent and preference is to have a 10-foot Public Utility Easement located adjacent to the street right-of-way and within the 12-foot landscape buffer.</p>
PFD 3.	Prior to issuance of a Public Works permit: Applicant shall be required to enter into a Development and Annexation Agreement with the City.
PFD 4.	Prior to Issuance of Public Works Permit: Submit site plans to Engineering showing street improvements including pavement, curb, planter strip, street trees, sidewalk, and driveway approaches along site frontage on Frog Pond Lane and the proposed new public street. Street improvements shall be constructed in accordance with the Public Works Standards. The eyebrow corners shall be designed with minimum centerline radii to allow fire, utility, moving trucks turnaround.
PFD 5.	Prior to Issuance of Public Works Permit: A final stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment and flow control requirements. The stormwater report shall also include conveyance calculations to demonstrate that any downstream impacts can be mitigated.
PFD 6.	Prior to Issuance of Public Works Permit: Provide appropriate documentation allowing facilities (storm water pond, storm pipe and access trails) to be located within the existing BPA easement.
PFD 7.	Prior to Issuance of Public Works Permit: Submit a wetlands delineation report, obtain concurrence from the regulatory agency and obtain a permit as required by the regulatory agency.
PFD 8.	Prior to Issuance of Public Works Permit: The construction drawings shall depict the water line in SW Trillium Street on the south side of the street per the construction standards. The construction drawings shall depict the sanitary sewer line in SW Trillium on the north side of the street per the construction standards.
PFD 9.	Prior to the Issuance of the Public Works Permit: The construction drawings shall depict a 4” temporary water line loop through Trace C, connecting the dead end water mains located in SW Trillium Street to SW Marigold Terrace.
PFD 10.	Prior to the Issuance of the Public Works Permit: The applicant shall obtain an NPDES 1200C permit from the Oregon Department of Environmental Quality and a Local Erosion Control Permit from the City of Wilsonville. All erosion control measures shall be in place prior to starting any construction work, including any demolition work. Permits shall remain active until all construction work is complete

	and the site has been stabilized. Permits will be closed out when home construction is completed and final certificates of occupancy have been issued for all homes in the subdivision.
PFD 11.	<u>Prior to Issuance of the Public Works Permit:</u> Provide “no parking” signs along SW Marigold Terrace and SW Windflower Street where the pavement width is less than 28-feet.
PFD 12.	<u>Prior to Issuance of the Public Works Permit:</u> The applicant shall provide to the City a copy of correspondence that plans have been distributed to the franchise utilities. The applicant shall have coordinated the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easement or right-of-way be required to construct or relocate a franchise utility, the applicant shall provide a copy of the recorded documents.
PFD 13.	<u>Prior to final completeness of the Public Works Permit:</u> Submit documentation that the existing on-site septic system was properly decommissioned per the requirements of OAR 340-071-0185.
PFD 14.	<u>Prior to final completeness of the Public Works Permit:</u> Submit documentation that the existing well serving this property was either properly abandoned in accordance with OAR 690-240 and the Water Resources Department requirements or the water line properly abandoned at the property line of Tax Lot 200 in accordance with the requirements of the Oregon Plumbing Code and OAR 690-240.

Request F: DB21-0041 Tentative Subdivision Plat

	The following conditions are in addition to the dedications and easements shown on the Tentative Subdivision Plat
PFF 1.	<u>Prior to Final Plat Approval:</u> Record a shared 10-foot private water easement on Tract A for water services serving lots 22 through 24.
PFF 2.	<u>Prior to Final Plat Approval:</u> Record a 15-foot public utility easement for storm pipe on Tract A from the stormwater pond to SW Stafford Road.
PFF 3.	<u>Prior to Final Plat Approval:</u> Record a 15-foot public utility easement for the water line on Tract C.
PFF 4.	<u>Prior to Final Plat Approval:</u> All public infrastructure improvements including but not limited to street, stormwater drainage, water quality and flow control, sanitary sewer, and water facilities shall be substantially complete with approval from the Community Development Director pursuant to Section 4.220 of the Development Code.

Building Division Conditions:

All Requests

BD1.	<p>Prior to construction of the subdivision's residential homes, designated through approved planning procedures, the following conditions must be met and approved through the Building Official:</p> <ul style="list-style-type: none">a. Street signs shall be installed at each street intersection and approved per the public works design specifications and their required approvals.b. All public access roads and alleys shall be complete to "Base Lift" for access to the residential home sites.c. All public and service utilities to the private building lots must be installed, tested and approved by the City of Wilsonville's Engineering/Public Works Department or other service utility designee.d. All required fire hydrants and the supporting piping system shall be installed, tested, and approved by the Fire Code Official prior to model home construction. (OFC 507.5).
BD2.	<p>New and existing buildings shall have approved address numbers. Building numbers or approved building identification shall be placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1) Provide a physical address on the new home, as well as at the intersection of the alley (Tract B) and SW Trillium Street.</p>

Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB21-0036 through DB21-0044. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Development Code Section 4.127 as adopted at time of submittal prior to changes per Ordinance No. 851, effective 11/15/2021.
- A3. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

Materials from Applicant

B1. Applicant's Narrative and Materials – Available Under Separate Cover

- Exhibit A: Preliminary Plans (Reduced Plan Sets)
- Exhibit B: Land Use Application Forms
- Exhibit C: Title Report
- Exhibit D: Clackamas County Assessor's Map
- Exhibit E: Traffic Impact Study
- Exhibit F: SROZ Verification Report
- Exhibit G: Preliminary Stormwater Report
- Exhibit H: Geotechnical Report
- Exhibit I: Draft CC&R's
- Exhibit J: Annexation Petition and Certification
- Exhibit K: Annexation Legal Description Exhibit and Certification
- Exhibit L: Zoning Change Legal Description and Exhibit
- Exhibit M: Preliminary Conceptual Elevations
- Exhibit N: 250 Foot Radius Notification Labels
- Exhibit O: BPA Easement
- Exhibit P: TVF&R Service Provider Letter
- Exhibit Q: Fire Truck Turning Exhibit
- Exhibit U: Republic Services Site Plan Approval

B2. Full Size Drawings and Plans – Available Under Separate Cover

- P-01 Cover Sheet Legend, Vicinity and Site Maps
- P-02 Zoning Map
- P-03 Annexation Map

- P-04 Preliminary Existing Conditions Plan
- P-05 Preliminary Aerial Photograph Plan
- P-06 Preliminary Dimensioned PUD Plan
- P-07 Preliminary Grading and Erosion Control Plan
- P-08 Preliminary Composite Utility Plan
- P-09 Preliminary Street Plan
- P-10 Preliminary Street Cross Sections
- P-11 Preliminary Street Profiles
- P-12 Preliminary Tree Preservation and Removal Plan
- P-13 Preliminary Tree Preservation and Removal Table
- P-14 Preliminary Demolition Plan
- P-15 Preliminary Street Tree Planting Plan
- P-16 Preliminary Tract C and D Planting Plans
- P-17 Preliminary Frontage Wall Details
- P-18 Preliminary Stormwater Details
- B3. Incompleteness Response Letter Dated September 10, 2021
- B4. Incompleteness Response Letter Dated November 15, 2021

Development Review Team Correspondence

- C1. Clackamas County Comments and Conditions and City Response
- C2. Engineering Division Conditions
- C3. ODOT Comments and City Response

Other Correspondence

- D1. Metro Annexation Public Hearing Notice Proposal No. AN0821

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on July 14, 2021. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on August 12, 2021. The applicant submitted additional material on September 10, 2021. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on October 8, 2021. The applicant submitted a revised submittal package on November 15, 2021 including a request from the application to deem the application complete per ORS 227.178(2)(b). Based on this request the application was deemed complete on November 15, 2021. The City must render a final decision for the request, including any appeals, by March 15, 2022.

2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North	EFU	Rural Residential/Agriculture
East	EFU and RRF-5	SW Stafford Road, Rural Residential/Agriculture
South	RN and RRF-5	Single-family Residential (Frog Pond Ridge, under construction) Rural Residential/Agriculture
West	RRF-5	Rural Residential/Agriculture

3. Previous City Planning Approvals: None

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.

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.

General Information

Application Procedures-In General Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application Section 4.009

The owners of all property included in the application signed the application forms. Venture Properties, Inc. initiated the application with their approval.

Pre-Application Conference Subsection 4.010 (.02)

Following a request from the applicant, the City held a pre-application conference for the proposal on December 12, 2019 (PA19-0022), in accordance with this subsection.

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

No applicable liens exist for the subject property. The application can thus move forward.

General Submission Requirements Subsection 4.035 (.04) A.

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

Zoning-Generally Section 4.110

This proposed development is in conformity with the applicable zoning district and general development regulations listed in Sections 4.150 through 4.199, applied in accordance with this Section.

Request A: DB21-0036 Annexation

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Comprehensive Plan-Annexation and Boundary Changes

Consistent with Future Planned Public Services

Implementation Measure 2.2.1.a.

- A1.** The Frog Pond West Master Plan establishes the future planned public services and funding plan for the subject property. The development of public services and funding will be consistent with the Frog Pond West Master Plan thus allowing the annexation to proceed. Venture Properties, Inc. and the City will enter into a Development and Annexation Agreement detailing provision and development of public services as required by Conditions of Approval.

Demonstrated Need for Immediate Urban Growth

Implementation Measure 2.2.1.a.

- A2.** Metro brought the subject area into the Urban Growth Boundary (UGB) in 2002 to meet demonstrated regional housing needs. With adoption for the Frog Pond West Master Plan the subject area is now primed for development to help meet regional housing needs.

Adherence to State and Metro Annexation Laws and Standards

Implementation Measure 2.2.1.e.

- A3.** This review applies all applicable Metro and State rules, regulations, and statutes as seen in findings below.

Orderly, Economic Provision of Public Facilities and Services

Implementation Measure 2.2.1.e. 1.

- A4.** The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant proposes site development with concurrent applications for Stage I and Stage II Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the Frog Pond Crossing site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

Availability of Sufficient Land for Uses to Insure Choices over 3-5 Years

Implementation Measure 2.2.1.e. 2.

- A5.** The inclusion of the Frog Pond area within the UGB and the adoption of the Frog Pond Area Plan demonstrate the need for residential development in the Frog Pond area. Annexation of the subject site will allow development of the uses envisioned by the adopted Frog Pond West Master Plan.

Wilsonville Development Code-Annexation

Authority to Review Quasi-Judicial Annexation Requests

Subsections 4.030 (.01) A, 11, 4.031 (.01) K, 4.033 (.01) F., and 4.700 (.02)

- A6.** The review of the quasi-judicial annexation request by DRB and City Council is consistent with the authority established in the Development Code.

Procedure for Review, Etc.

Subsections 4.700 (.01). and (.04)

- A7.** The submission materials from the applicant include an annexation petition signed by the necessary parties, a legal description and map of the land to be annexed, and a narrative describing conformance with applicable criteria. City Council, upon recommendation from the DRB, will declare the subject property annexed.

Adoption of Development Agreement with Annexation

Subsection 4.700 (.05)

- A8.** Subject to requirements in this subsection and the Frog Pond West Master Plan, Conditions of Approval require the necessary parties enter into a Development and Annexation Agreement with the City covering the annexed land.

Metro Code

Local Government Boundary Changes

Chapter 3.09

- A9.** The request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, and is consistent with both the Comprehensive Plan and the Frog Pond West Master Plan.

Oregon Revised Statutes (ORS)

Authority and Procedure for Annexation

ORS 222.111

- A10.** The request meets the applicable requirements in State statute including the facts that the subject property is within the UGB and is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and a majority of electors within the annexed area consent in writing to the annexation.

Procedure Without Election by City Electors

ORS 222.120

- A11.** The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and the request meets the applicable requirements in State statute including the facts that all property owners and a majority of

electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

Annexation by Consent of All Owners and Majority of Electors
ORS 222.125

A12. All property owners and a majority of electors within the annexed area have provided their consent in writing. However, the City is following a public hearing process as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

Planning Goals – Generally
Goals 1, 2, 5, 6, 8, 9, 11, 12, 13, 14

A13. The area proposed for annexation will be developed consistent with the City's Comprehensive Plan and the Frog Pond West Master Plan, both of which have been found to meet the Statewide Planning Goals.

Housing
Goal 10

A14. The proposed Comprehensive Plan map amendments will continue to allow the City to meet its housing goals and obligations reflected in the Comprehensive Plan. Specifically:

- The City has an existing Housing Needs Analysis and Buildable Lands Inventory adopted in 2014 collectively known as the Wilsonville Residential Land Study. The key conclusions of this study are that Wilsonville: (1) may not have a 20-year supply of residential land and (2) the City's residential policies meet Statewide Planning Goal 10 requirements.
- Under the Metro forecast, Wilsonville is very close to having enough residential land to accommodate expected growth. Wilsonville could run out of residential land by 2032.
- If Wilsonville grows faster than the Metro forecast, based on historic City growth rates, the City will run out of residential land before 2030.
- Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community, and others. The City has started the master planning process for Frog Pond East and South neighborhoods to ensure that additional residential land is available within the City. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill

opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.

- Wilsonville is meeting Statewide Planning Goal 10 requirements to “provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing” and to “provide for an overall density of 8 or more dwelling units per net buildable acre.”
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Rezoning the subject property to a higher density zone consistent with the Comprehensive Plan will ensure related zone map amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing urban growth boundary and improving the capacity identified in the 2014 study. The type of housing is anticipated to be single-family; however, the approval will allow middle housing consistent with House Bill 2001 and newly implemented City code to allow middle housing types.
- The proposal directly impacts approximately 1.7% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 8.46 of 477 acres).

Request B: DB21-0037 Zone Map Amendment

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Comprehensive Plan

“Residential Neighborhood” on Comprehensive Plan Map, Purpose of “Residential Neighborhood” Designation

Policy 4.1.7.a.

- B1.** The subject area has a Comprehensive Plan Map Designation of “Residential Neighborhood”. The designation enables development of the site consistent with the purpose of this designation as set forth in the legislatively adopted Frog Pond West Master Plan, resulting in an attractive, cohesive and connected residential neighborhood with high quality architecture and community design, transportation choices, and preserved and enhanced natural resources.

“Residential Neighborhood” Zone Applied Consistent with Comprehensive Plan
Implementation Measure 4.1.7.c.

- B2.** The applicant requests the subject area receive the zoning designation of Residential Neighborhood (RN) as required for areas with the Comprehensive Plan Map Designation of “Residential Neighborhood”.

Safe, Convenient, Healthful, and Attractive Places to Live
Implementation Measure 4.1.4.c.

- B3.** The proposed RN zoning allows the use of planned developments consistent with the legislatively adopted Frog Pond West Master Plan, enabling development of safe, convenient, healthful, and attractive places to live.

Residential Density
Implementation Measure 4.1.4.u.

- B4.** The subject area will be zoned RN allowing application of the adopted residential densities of the Frog Pond West Master Plan. The sub-districts established in the Frog Pond West Master Plan govern the allowed residential densities. See also Request C, Stage I Preliminary Plan.

Development Code

Zoning Consistent with Comprehensive Plan
Section 4.029

- B5.** The applicant requests a zone change concurrently with a Stage I Preliminary Plan, Stage II Final Plan, and other related development approvals. The proposed zoning designation of RN is consistent with the Comprehensive Plan “Residential Neighborhood” designation. See also Finding B2 above.

Base Zones
Subsection 4.110 (.01)

- B6.** The requested zoning designation of RN is among the base zones identified in this subsection.

Residential Neighborhood (RN) Zone

Purpose of the Residential Neighborhood (RN) Zone
Subsection 4.127 (.01)

- B7.** The request to apply the RN Zone on lands designated “Residential Neighborhood” on the Comprehensive Plan Map enables a planned development process implementing the “Residential Neighborhood” policies and implementation measures of the Comprehensive Plan and the Frog Pond West Master Plan.

Permitted Uses in the Residential Neighborhood (RN) Zone
Subsection 4.127 (.02)

- B8.** Concurrent with the zone map amendment request the applicant requests approval of a twenty nine (29)-lot residential subdivision. Single-family dwelling units, Duplex, Triplex, Quadplex, Cluster Housing, Cohousing, Cluster Housing (Frog Pond West Master Plan), open space, and public and private parks are among the permitted uses in the RN Zone.

Residential Neighborhood (RN) Zone Sub-districts and Residential Density
Subsection 4.127 (.05) and (.06)

- B9.** The proposed uses, number of lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use lot count, the proposed Stage I area includes portions of medium lot Sub-districts 11 and small lot Sub district 10. A full discussion of compliance with the sub-districts and residential density is included under Request C, Stage I Preliminary Plan.

Request C: DB21-0038 Stage I Preliminary Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Comprehensive Plan

City Supports Development of Land within City Consistent with Land Use Designation
Goal 2.1, Policy 2.1.1., Implementation Measure 2.1.1.a., Policy 2.2.1.

- C1.** The City's Comprehensive Plan, Frog Pond Area Plan, and Frog Pond West Master Plan designate the subject property for residential use. The Frog Pond West Master Plan specifically identifies procedures for development of the subject and surrounding land, thus supporting its development for residential lots so long as proposed development meets applicable policies and standards.

Urbanization for Adequate Housing for Workers Employed in Wilsonville, Jobs and Housing Balance
Implementation Measures 2.1.1.b., 4.1.4.l., 4.1.4.p.

- C2.** The proposal provides for urbanization of an area planned for residential use to provide additional housing within the City available to workers employed within the City. However, no special provisions or programs target the units to workers employed within the City.

Encouraging Master Planning of Large Areas
Implementation Measure 2.1.1.f.2.

- C3.** The proposed development is part of a larger area covered by the Frog Pond West Master Plan consistent with the City's policies and encouragement related to master planning.

City Obligated to do its Fair Share to Increase Development Capacity within UGB
Implementation Measure 2.2.1.b.

- C4. The property is within the urban growth boundary and available for use consistent with its residential designation. Allowing development of the property for additional residential lots supports the further urbanization and increased capacity of residential land within the UGB.

Urban Development Only Where Necessary Facilities can be Provided
Implementation Measure 3.1.2.a.

- C5. As can be found in the findings for the Stage II Final Plan, the proposed development provides all necessary facilities and services consistent with the Frog Pond West Master Plan.

Provision of Usable Open Space
Implementation Measures 3.1.11.p., 4.1.5.kk.

- C6. The proposal provides usable open space throughout the subdivision as required by the Frog Pond Master Plan for small lot sub-districts. Findings related to Section 4.127 of the Development Code and Findings H1 and H2 for the waiver request offer additional details related to provision of usable open space.

Consistency with Street Demonstration Plans May Be Required
Implementation Measure 3.2.2.

- C7. Section 4.127 requires the area subject to the Stage I Preliminary Plan be consistent with the street demonstration plan in Figure 18 of the Frog Pond West Master Plan. The proposed street layout is generally consistent with the street demonstration plan with variations as noted in Finding D15.

Wide Range of Housing Choices, Planning for a Variety of Housing
Policy 4.1.4., Implementation Measures 4.1.4.b., 4.1.4.c., 4.1.4.d., 4.1.4.j., 4.1.4.o.

- C8. The Frog Pond Area Plan and the Frog Pond West Master Plan identify a variety of single-family homes and middle housing as the appropriate housing types for the subject area as part of the broader mix of housing in Wilsonville.

Accommodating Housing Needs of Existing Residents
Implementation Measure 4.1.4.f.

- C9. The applicant intends to provide a housing product attractive to existing residents of the City as a whole, including current homeowners and current renters looking to purchase in a medium to high price range, similar to other nearby homes. The applicant proposes small and medium-sized lots to accommodate detached dwelling units. Within the Residential Neighborhood zone a variety of middle housing types are also permitted.

Planned Development Regulations

Planned Development Lot Qualifications

Subsection 4.140 (.02)

C10. The planned 29-lot subdivision will accommodate residential building lots, provide functional public streets, and be surrounded by open space and recreational opportunities consistent with the purpose of Section 4.140. The proposed subdivision is 8.46 acres and is suitable for planning and development. The property is not currently nor is it proposed to be zoned “PD” (Planned Development). Concurrently with the request for a Stage I Preliminary Plan, the applicant proposes to rezone the property to RN (Residential Neighborhood). Pursuant to the Frog Pond West Master Plan development in the RN zone follows the same planned development procedure as PDR zones.

Ownership Requirements

Subsection 4.140 (.03)

C11. The owners of the subject property have signed an application form included with the application.

Professional Design Team

Subsection 4.140 (.04)

C12. Mimi Dougkas, AICP, of AKS Engineering & Forestry is the coordinator of a professional design team with all the necessary disciplines including engineers, a landscape architect, and a planner, among other professionals.

Planned Development Application Requirements

Subsection 4.140 (.07)

C13. Review of the proposed Stage I Preliminary Plan has been scheduled for a public hearing before the DRB in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:

- The property affected by the Stage I Preliminary Plan is under an application by the property owners.
- The applicant submitted a Stage I Preliminary Plan request on a form prescribed by the City.
- The applicant identified a professional design team and coordinator. See Finding C12.
- The applicant has stated the uses involved in the Stage I Preliminary Plan and their locations.
- The applicant provided boundary information.
- The applicant has submitted sufficient topographic information.
- The applicant provided a tabulation of the land area to be devoted to various uses.
- The applicant proposes up to three phases of development dependent on roadway and utility access as shown in Exhibit B2.
- Any necessary performance bonds will be required.

Standards for Residential Development in Any Zone

Outdoor Recreational Area and Open Space Land Area Requirements Subsection 4.113 (.01)

C14. The Frog Pond West Master Plan controls outdoor recreational area and open spaces for the subject and surrounding areas. The amount of open space in the proposed development is consistent with the Frog Pond West Master Plan. The applicant requests a waiver on the location of the required open space in the R-5 sub-district. For additional information see Findings H1 and H2.

Residential Neighborhood Zone

Permitted Uses Subsection 4.127 (.02)

C15. The applicant proposes residential lots and open spaces, which are or will accommodate allowed uses in the RN Zone.

Residential Neighborhood Sub-districts Subsection 4.127 (.05)

C16. The proposed Stage I Preliminary Plan area includes portions of small lot Sub-district 10 and medium lot Sub-district 11.

Minimum and Maximum Residential Lots Subsection 4.127 (.06)

C17. The proposed number of residential lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential lot count, the proposed Stage I area includes portions of small lot Sub-district 10 and medium lot Sub-district 11. The following table summarizes how the proposed residential lots in each Sub-district are consistent with the Master Plan recommendations. The configuration of lots as proposed will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

Subdistrict and Land Use Designation	Gross Site Area (ac)	Percent of Sub-district	Established lot range for Sub-district	Lot Range for Site	Proposed Lots	Total lots within Sub-district - Approved and Proposed
10 – R-5	.8	14%	30-38	4-5	5	0 Approved 5 Proposed 5 Total
11 – R-7	5.2	41%	46-58	19-24	24	0 Approved 24 Proposed 24 Total
Total	6			23-29	29	

Parks and Open Space beyond Master Planned Parks
Subsection 4.127 (.09) B.

C18. The proposed Stage I Preliminary Plan area includes residential land designated R-5 in Sub-district 10 in the Frog Pond West Master Plan, thus the code requires 10% of the net developable area within this sub-district to be in open space. Net developable area does not include land for nonresidential uses, SROZ-regulated lands, streets and private drives, alleys and pedestrian connections. Of this open space, 50% is to be usable open space. Open space is provided in accordance with this criterion, as noted in Finding D14. Due to the small portion of R-5 small lot Sub district 10 owned by the applicant, the required open space is provided within the R-7 medium lot Sub-district 11. See Request H for additional discussion regarding the waiver request.

Request D: DB21-0039 Stage II Final Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Stage II Final Plan Submission Requirements and Process

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

D1. As demonstrated in Findings C1 through C9 under the Stage I Preliminary Plan the project is consistent with the Comprehensive Plan. This review includes review for consistency with the Frog Pond West Master Plan.

Traffic Concurrency
Subsection 4.140 (.09) J. 2.

D2. The Traffic Impact Analysis (see Exhibit B1) performed by the City’s consultant, DKS Associates, identifies the most probable used intersections for evaluation as:

- Boeckman Road/Parkway Avenue
- Boeckman Road/Canyon Creek Road
- Boeckman Road/Advance Road/Stafford Road/Wilsonville Road
- Stafford Road/Frog Pond Lane
- Stafford Road / SW 65th Avenue

The Boeckman Road/Parkway Avenue, Boeckman Road/Advance Road/Stafford Road/Wilsonville Road intersections continue to perform at Level of Service D or better and thus meet City standards. Two intersections as described below do not meet the Level of Service standards required by the City.

The intersection of SW Boeckman and SW Canyon Creek Road will fall to a Level of Service E without any improvements made. Subsection 4.140 (.09) J. 2. allows measuring Level of

Service based on existing and immediately planned streets. This subsection defines immediately planned as being part of the Capital Improvement Program, and being funded for completion within two years of occupancy of the development. The City has identified fully signalizing this intersection as part of project Urban Upgrade-01 (UU-01) in the Transportation System Plan (TSP), which would allow the intersection to function at the required Level of Service. The City has identified funding for design and construction as CIP 4206 in the adopted Fiscal Year 2021-22 budget, with construction planned to commence in 2023. Thus, the future signalized intersection can be used for the purpose of determining Level of Service (LOS) for this project and meeting City LOS standards.

The SW Stafford Road and SW 65th Avenue intersection is under Clackamas County jurisdiction and currently fails to meet County operating standards under existing 2021 conditions. The Clackamas County 20-year Capital Project List a proposed future roundabout at the Stafford Road / SW 65th Ave / Elligsen Road intersection (Project ID 1079) is the recommended improvement. In the City of Wilsonville TSP, a traffic signal or roundabout has been identified as a High Priority Project Spot Improvement-03 (SI-03) at the same intersection. The City's cost share of the project is 25% of the total project cost with the County funding the remaining portion. The transportation SDC's collected as part of this development will contribute toward the City's share of the proposed intersection improvement costs. As the Stafford Road / SW 65th Avenue intersection is outside the City's jurisdiction, it is not possible to require the completion of these improvements within the specified timeframe. The improvements will be constructed on the timeline set forth by the County's 20-Year Capital Project List. In the meantime, the City's Boeckman Creek Corridor Project, which includes improving the intersection of Canyon Creek Road and Boeckman Road, will also include temporary signalization at the Stafford Road / SW 65th Avenue intersection, which will improve the flow of traffic at this intersection.

Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

- D3.** The applicant proposes sufficient facilities and services, including utilities, concurrent with development of the residential subdivision.

Adherence to Approved Plans

Subsection 4.140 (.09) L.

- D4.** Conditions of Approval ensure adherence to approved plans except for minor revisions approved by the Planning Director.

General Residential Development Standards

Effects of Compliance Requirements and Conditions on Cost of Needed Housing Subsection 4.113 (.13)

D5. No parties have presented evidence nor has staff discovered evidence that provisions of this section are such that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type.

Underground Utilities Required Subsection 4.118 (.02) and Sections 4.300 to 4.320

D6. The applicant proposes installation of all new utilities underground. Besides high voltage power lines unable to be undergrounded within the Bonneville Power Administration (BPA) Easement, the applicant or City will underground all existing utility lines fronting the subject properties.

Habitat Friendly Development Practices to be Used to the Extent Practicable Subsection 4.118 (.09)

D7. The applicant has designed the project to minimize grading to only what is required to install site improvements and build homes. The applicant has designed, and will construct, water, sewer, and stormwater infrastructure in accordance with the applicable City requirements in order to minimize adverse impacts on the site, adjacent properties, and surrounding resources. The project avoids impacts to the existing on-site wetland, which is not deemed locally significant or found within the Significant Resource Overlay Zone (SROZ). The applicant has included the SROZ Verification Report in Exhibit B1.

Residential Neighborhood (RN) Zone

General Lot Development Standards Subsection 4.127 (.08) Table 2.

D8. The applicant proposes lots reviewed for consistency with applicable development code standards and the Frog Pond West Master Plan. The proposed lots meet or exceed the standards of Table 2, or the applicant can meet or exceed the standards with final design, as follows:

Standard	R-7 Medium Lot Sub-district 11		R-5 Small Lot Sub-district 10		Compliance Notes
	Required	Proposed	Required	Proposed	
Min. Lot Size	6,000 sf	4,842-6,600 sf	4,000 sf	4,039-4,096	Lots 6,7,15, and 16 do not meet this standard. Lots may be reduced up to 80% of the minimum lot size (4,800 sq ft) to preserve

					natural resources. The applicant is protecting an off-site grove of Oregon white oaks. ¹
Min. Lot Depth	60 ft	91.32-120 ft	60 ft	92-101.5 ft	Standard is met.
Min. Lot Width	35 ft	48.43 – 67.36 ft	35 ft	40-56.1 ft	Standard is met.
Max. Lot Coverage	45%	45% max	60%	60% max	Standard can be met. Example floor plan footprints range from 1,405 to 1,732 sq ft. One or more could be placed on each proposed lot without exceeding max. lot coverage.
Max. Bldg Height	35 ft	35 ft max	35 ft	35 ft max	Standard can be met. Per applicant's materials, houses will be max 35 ft height.
Min. Front Setback	15 feet	15 ft min	12 ft	12 ft min	Standard can be met.
Min. Rear Setback	15 feet	15 ft min	15 ft	15 ft min	Standard can be met.
Min. Side Setback	5 feet (10 feet for corner lots)	5 ft min (10 ft min on corner lots)	5 feet (10 feet for corner lots)	5 ft min (10 ft min on corner lots)	Standard can be met.
Min. Garage Setback from Alley	18 ft	18 ft. min	18 ft	18 ft. min	Standard can be met.
Min. Garage Setback from Street	20 ft	20 ft min	20 ft	20 ft min	Standard can be met.
¹ In order to preserve the trees directly on the property line between the subject property and the property to the west, the applicant revised the location of SW Trillium Street further south to avoid impacts to Tree No. 20128, a 55 DBH Oregon White Oak in good condition. The location of SW Trillium reduces lot depth and necessitates the lot size reduction.					

Frog Pond West-Specific Lot Development Standards
Subsection 4.127 (.08) C. and D.

D9. The proposed lots meet standards specific to Frog Pond West, or the applicant can meet or the standards with final design, as follows:

Standard				Compliance Notes	
Small-lot Subdistricts (include at least one element)	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	N/A		Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Wall and landscaping for lots adjacent to Stafford and Boeckman Road	Provided	Not Provided	N/A		Standard is met.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
No driveway access to collectors for small and medium lots	Met	Not Met	N/A		Standard is met.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Open Space Requirements
Subsection 4.127 (.09)

D10. As stated in Subsection 4.127 (.09) B. 2., R-5 sub-districts require 10% of the net developable area to be in open space. Net developable area does not include land for nonresidential uses, SROZ-regulated lands, streets and private drives, alleys and pedestrian connections. Of this open space, 50% is to be usable open space. The project contains a relatively small portion of the R-5 sub-district, resulting in a smaller square footage open space requirement. Due to the large area that includes the wetland where the open space has been incorporated all of the square footage minus the fenced area of the storm water facility counts toward the proposed open space, which is why the proposed percentage is appears so high in the table below. While the applicant greatly exceeds the required minimum open space and minimum usable open space requirements, the open space (Tract A) is located outside the R-5 sub-district. The applicant has requested a waiver (Request H) to locate the open space outside of the R-5 sub-district boundaries in the R-7 sub-district portion of the site consistent with the provisions of this subsection. Compliance with the size requirements is as follows:

Net Developable Area in Small Lot Subdistricts	Minimum Open Space		Minimum Usable Open Space		Compliance Notes
	Required (10%)	Proposed (523%)	Required (50% of min. open space)	Proposed (52% of min. open space)	
20,892 sf	2,089 sf	109,344 sf	1,045 sf	57,846 sf	Standard is met through waiver request.

Block, Access, and Connectivity Consistent with Frog Pond West Neighborhood Plan Subsection 4.127 (.10) and Figure 18. Frog Pond West Master Plan

D11. The Street Demonstration Plan is an illustrative layout of the desired level of connectivity in the Frog Pond West neighborhood and is intended to be guiding, not binding, allowing for flexibility provided that overall connectivity goals are met. The block size and shape, access, and connectivity of the proposed subdivision complies with Figure 18 of the Frog Pond West Master Plan or is an allowed variation as follows:

Street Segment	Generally Consistent with Figure 18	Allowed Variation	Explanation of Variation
SW Frog Pond Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SW Marigold Terrace	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SW Windflower Street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The applicant provides this alignment generally consistent with Figure 18, however this alignment terminates in a hammerhead and pedestrian connection to SW Stafford Road. The applicant states this will be provided by the developer of Tax Lot 200 to align with the proposed sidewalk on the south side of Windflower Street.
SW Yarrow Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SW Trillium Street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Tract A and Tract C Pedestrian Connections, Tract B Private Alley:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A condition of approval has been added to require a secondary northern connection via the easternmost pedestrian connection within Tract A toward SW Kahle Rd.

The proposed modified grid pattern provides an efficient street connection to SW Stafford Road with interior streets providing efficient pedestrian connections through the attached sidewalks. The grid pattern with attached sidewalks provides for a substantially equivalent level of pedestrian connectivity and does not require out-of-direction pedestrian travel nor does it result in greater distances for pedestrian access to the proposed subdivision from SW Stafford Road than would otherwise be the case if the Street Demonstration Plan were adhered to.

Main Entrance, Garage, Residential Design, and Building Orientation Standards
Subsections 4.127 (.14-.18)

D12. The proposed subdivision provides lots of sufficient size and of a typical orientation to meet the RN zone design standards, or the applicant can meet the standards at the time of building permit review, as follows:

Standard			Compliance Notes
Main Entrance Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Width Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met. Subdivision includes a mix of lots greater and less than 50 feet at the front lot line.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Orientation Towards Alley or Shared Driveway	Alleys or Shared Driveways in Subdivision	No Alleys or Shared Driveways in Subdivision	Standard can be met. Lots 17-24 abut Private Alley Tract B; orientation of garages to alleys to be verified at building permit review.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Residential Design Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Small-Lot Subdistricts – House Plan Variety	Required Duplex/Attached Units	Provided Duplex/Attached Units	Small lot area less than 10 acres
	0	0	

Fences	Sufficient Information Provided to Determine Compliance <input type="checkbox"/>	Compliance to be Determined at Building Permit Review <input checked="" type="checkbox"/>	Standard can be met. Columns for the Stafford Road wall are located at property corners.
Homes Adjacent to School and Parks and Public Open Spaces	Schools or Parks adjacent to Lots <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Lots 17-24 abut private open space in Tract A and are not subject to these standards.

On-site Pedestrian Access and Circulation

Continuous Pathway System

Section 4.154 (.01) B. 1.

D13. The submitted plans show sidewalks along the frontages of all lots providing a continuous pathway system throughout the proposed subdivision. In addition to the sidewalk system, pedestrian/bicycle connections are proposed through Tract C and through Tract A. These additional connections are consistent with Figure 18 of the Frog Pond West Master Plan. The proposal also enables connections to future adjacent development. To ensure full access and function of the planned pathway system for the public, a Condition of Approval PDD 2 requires public access easements across all pathways within private tracts. Condition of Approval PDD 8 requires the provision of a pedestrian connection to Tax Lot 401 and to the north via Path B to the future SW Kahle right-of-way to ensure a continuous pathway system to adjacent properties.

Safe, Direct, and Convenient

Section 4.154 (.01) B. 2.

D14. The submitted plans show sidewalks and pathways providing safe, direct, and convenient connections consistent with Figure 18 of the Frog Pond West Master Plan.

Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

D15. The proposed design vertically and or horizontally separates all sidewalks and pathways from vehicle travel lanes except for driveways and crosswalks. The connection between Tract C / Path C is indicated with continental crosswalk striping where it crosses SW Windflower Street. The connection to Path A/B in Tract A is also indicated utilizing continental crosswalk striping as it crosses SW Trillium Street.

Crosswalks Delineation
Section 4.154 (.01) B. 4.

D16. A Condition of Approval requires all crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast).

Pathway Width and Surface
Section 4.154 (.01) B. 5.

D17. The applicant proposes all pathways to be concrete, asphalt brick/masonry pavers, or other durable surface, and at least 5 feet wide, meeting or exceeding the requirement.

Parking Area Design Standards

Minimum and Maximum Parking
Subsection 4.155 (.03) G.

D18. Each dwelling unit requires one parking space. Between garages and driveways, each home will have at least two parking spaces.

Other Parking Area Design Standards
Subsections 4.155 (.02) and (.03)

D19. The applicable standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for parking	☒	Though final design of garages and driveways is not part of current review they are anticipated to meet minimum dimensional standards to be considered a parking space as well as fully accessible. A Condition of Approval requires the dimensional standards to be met.
I. Surfaced with asphalt, concrete or other approved material	☒	Garages and driveways will be surfaced with concrete.
Drainage meeting City standards	☒	Drainage is professionally designed and being reviewed to meet City standards.
Subsection 4.155 (.03) General Standards		
A. Access and maneuvering areas adequate	☒	Parking areas will be typical residential design adequate to maneuver vehicles and serve needs of homes.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated	☒	Pursuant to Section 4.154, pedestrian circulation is separate from vehicle circulation by vertical separation except at driveways and crosswalks.

Other General Regulations

Access, Ingress and Egress Subsection 4.167 (.01)

D20. Planned access points are typical of local residential streets. The City will approve final access points for individual driveways at the time of issuance of building permits.

Protection of Natural Features and Other Resources

General Terrain Preparation Section 4.171 (.02)

D21. The site has been planned and designed to avoid the natural features on the site, including a tree grove and a wetland. Grading, filling, and excavating will be conducted in accordance with the Uniform Building code. The site will be protected with erosion control measures and the delineated wetland on site will be staked prior to commencement of site work to avoid damage to vegetation or injury to habitat. The removal of trees is necessary for site development, but replacement trees will be planted per the provisions of this code.

Trees and Wooded Areas Section 4.171 (.04)

D22. Existing vegetation will not be disturbed, injured or removed prior to land use and permit approvals. Existing trees have been retained wherever possible; however, trees will need to be removed to provide area for home construction. The existing grove of trees along the property line in the northwestern portion of the site has been prioritized for protection and incorporated into a pedestrian connection that has been configured to allow for the preservation of these trees. The finished pathway will be built on grade according to the construction plan specified in the Arborist Report, and its location within the grove will be somewhat flexible to allow the project arborist and construction crew to preserve large roots that may be encountered.

Lots 17 and 18 encroach into the root protection zone (RPZ) of protected trees in the grove. A condition of approval will require the lots to be subject to a tree protection easement so that building footprints are outside RPZs. Alternative construction techniques will be used where intrusion into the RPZs cannot be avoided. Branch and root pruning that may be needed for these trees will be supervised and conducted by an ISA Certified Arborist.

Trees identified to be retained will be protected during site preparation and construction according to the City Public Works design specifications as outlined in the Arborist Report and a Condition of Approval.

Earth Movement Hazard Area
Subsection 4.171 (.07)

D23. The applicant performed geotechnical investigations on all of the subject properties and found no earth movement hazards. A geotechnical report is provided in Exhibit B1.

Historic Resources
Subsection 4.171 (.09)

D24. Neither the applicant nor the City have identified any historic, cultural, or archaeological items on the sites, nor does any available information on the history of the site compel further investigation.

Public Safety and Crime Prevention

Design for Public Safety, Addressing, Lighting to Discourage Crime
Section 4.175

D25. The design of the Frog Pond Crossing development deters crime and ensures public safety. The lighting of the streets and pedestrian connections allow for visibility and safety. The orientation of homes toward streets provides “eyes on the street.” All dwellings will be addressed per Building and Fire Department requirements to allow identification for emergency response personnel. Dwellings will have exterior porch lighting, which will support the streetlights to provide safety and visibility.

Landscaping Standards

Intent and Required Materials
Subsections 4.176 (.02) C. through I.

D26. Planting areas along the street and open spaces within the subdivision are generally open and are not required to provide any specific screening, thus the design of the landscaping follows the general landscaping standards. The plantings include a mixture of ground cover, shrubs, trees, and stormwater swale plantings. Conditions of approval will ensure the planting of street trees consistent with the Frog Pond West Master Plan. Ground cover and shrubs cover the non-tree landscape areas.

Types of Plant Material, Variety and Balance, Use of Natives When Practicable
Subsection 4.176 (.03)

D27. The applicant proposes a professionally designed landscape using a variety of plant material. There are no parking areas proposed and no parking area landscaping is required. The landscape plans included in the applicant’s materials (Sheets P15 - P18) illustrate the location and type of landscaping within public rights-of-way and tracts. The design includes a variety of native plants, particularly in the open space area.

Street Improvement Standards

Conformance with Standards and Plan

Subsection 4.177 (.01), Figures 19-27 Frog Pond West Master Plan

D28. The proposed streets appear to meet the City's Public Works Standards and Transportation System Plan. Further review of compliance with Public Works Standards and Transportation System Plan will occur with review and issuance of the Public Works construction permit.

Street Design Standards-Future Connections and Adjoining Properties

Subsection 4.177 (.02) A.

D29. The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. Future connections to adjacent sites are anticipated to the west. The proposed design provides for continuation of streets with Frog Pond Ridge to the south. SW Marigold Terrace is extended north, consistent with the Frog Pond West Master Plan. SW Yarrow Street provides a north south street consistent with the Street Demonstration Plan. SW Trillium is the east west continuation of SW Yarrow and provides future connections to Frog Pond Oaks proposed for the property to the west. SW Trillium contains connections to two pedestrian connections generally consistent with the pedestrian connections shown in these locations on the Street Demonstration Plan.

City Engineer Determination of Street Design and Width

Subsection 4.177 (.02) B.

D30. The City Engineering Division has preliminarily found the street designs and widths as consistent with the cross sections shown in the Frog Pond West Master Plan with the modifications as noted in Finding D29, above, and in Exhibits C2. The Engineering Division will check final conformance with the cross sections shown in the Frog Pond West Master Plan during review of the Public Works permit.

Right-of-Way Dedication

Subsection 4.177 (.02) C. 1.

D31. The tentative subdivision plat shows right-of-way dedication. See Request F.

Waiver of Remonstrance Required

Subsection 4.177 (.02) C. 2.

D32. This Subsection requires that a waiver of remonstrance against formation of a local improvement district (LID) be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of recordation of a final plat. This requirement is contained in the Development and Annexation Agreement and notes that in light of the developer's obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee, release of the LID Waiver for a specific parcel within the Frog Pond Crossing development may occur

upon official recording of the release of the waiver only after payment of these fees, and will require the developer to pay all costs and fees associated with the City's release of the waiver. A Condition of Approval PDD 6 outlines the process to be followed with respect to the required LID Waiver and its release for a specific parcel.

Dead-end Streets Limitations

Subsection 4.177 (.02) D.

D33. The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. No permanent dead end streets are proposed by the applicant. The applicant proposes SW Marigold Terrace, SW Windflower Street, and SW Yarrow Lane that will connect to SW Frog Pond Lane. The applicant proposes one temporary dead end street, SW Trillium Street, pending extension to the west with future development. The street is approximately 350 feet long past its intersection with SW Yarrow Lane and serves 4 lots directly and provides access to Tract B a private alley that serves an additional 8 lots. The number of homes accessed by this street is less than the maximum allowed for a dead end street. Notification of extension will be posted on the end of this street as required by Condition of Approval PDF 3.

Corner Vision Clearance

Subsection 4.177 (.02) E.

D34. Street locations and subdivision design allow the meeting of vision clearance standards.

Vertical Clearance

Subsection 4.177 (.02) F.

D35. Nothing in the proposed subdivision design would prevent the meeting of vertical clearance standards.

Interim Improvement Standards

Subsection 4.177 (.02) G.

D36. The City Engineer has or will review all interim improvements to meet applicable City standards.

Sidewalks Requirements

Subsection 4.177 (.03)

D37. The applicant proposes sidewalks along all public street frontages abutting proposed lots, except along SW Stafford Road, where the City will develop the sidewalks with planned street improvements.

Bicycle Facility Requirements

Subsection 4.177 (.04)

D38. The proposed cross-section for Frog Pond Lane shown on Sheet P-10 does not comply with the master plan cross-section for this section of right-of-way as it does not include the buffered bike lanes. Condition of Approval PFD 2 requires all cross-sections to comply with the Frog Pond West Master Plan requirements prior to Final Plat approval. See Exhibit C2.

Pathways in Addition to, or in Lieu of, a Public Street

Subsection 4.177 (.05)

D39. Pedestrian and bicycle accessways are proposed through Tract A, connecting to proposed SW Trillium Street and to the that will continue off-site to Frog Pond Oaks. An interior pedestrian pathway is proposed at a mid-block crossing between SW Trillium Street and SW Windflower Street, where the Frog Pond West Master Plan envisions a public street. Since the proposed street network within the subdivision does not exactly match the conceptual Street Demonstration Plan, the proposed pathway achieves a similar level of connectivity desired for this particular block. Conditions of approval have been added to ensure connectivity to the north at the easternmost pedestrian connection located in Tract A and to ensure connectivity to the west via the east west pedestrian connection in Tract A. See Finding D13 and Condition of Approval PDD 8 for further discussion.

Transit Improvements Requirements

Subsection 4.177 (.06)

D40. The applicant does not propose any transit improvements within the proposed subdivision or the SW Stafford Road frontage. There is not currently transit service along SW Stafford Road; however, as the Frog Pond area develops, additional transit service may be added. Any transit improvements would be addressed at the time the need for additional transit service is identified.

Intersection Spacing

Offset Intersections Not Allowed

Subsection 4.177 (.09) A.

D41. The applicant does not propose any offset intersections.

Minimum Street Intersection Spacing in Transportation System Plan Table 3-2

Subsection 4.177 (.09) B.

D42. Streets within the development are local streets, with the exception of SW Frog Pond Lane, which is a Collector. Per Table 3-2 of the Transportation System Plan, the minimum access spacing standard along a Collector is 100 ft., and the desired access spacing is 300 ft. The proposed extension of SW Marigold Terrace connects to SW Frog Pond Lane at the location of the existing intersection, which exceeds the minimum access spacing standard of 100 ft.

No individual lot accesses are proposed to SW Frog Pond Lane, and access to each lot is proposed from local streets. Other streets within the subdivision are local streets, which are not subject to minimum spacing standards.

Request E: DB21-0040 Site Design Review of Parks and Open Space

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Objectives of Site Design Review

Proper Functioning of the Site, High Quality Visual Environment Meets Objectives
Subsections 4.400 (.02) A., 4.400 (.02) C.-J., and Subsection 4.421 (.03)

E1. Project elements subject to Site Design Review include: tracts and their landscaping; landscaping in the public right-of-way; the brick wall along SW Stafford Road; retaining walls; and park or open space furnishings. The proposed development is intended to advance the vision for Frog Pond West by incorporating the natural areas on site, providing attractive streetscapes, and enhancing the existing neighborhood to the south and the future neighborhoods to the west and north. The proposed professionally designed landscaping provides stormwater, air quality, and other site functions while demonstrating consistency with the Frog Pond West Master Plan. The landscaping also adds to the high quality visual environment. By functioning properly and contributing to a high quality visual environment, the proposed design fulfills the objectives of Site Design Review.

Encourage Originality, Flexibility, and Innovation
Subsection 4.400 (.02) B. and Subsection 4.421 (.03)

E2. The City code affords the applicant's design team flexibility to create an original design appropriate for the site while ensuring consistency with the Frog Pond West Master Plan, particularly for street trees and the plantings along SW Stafford Road.

Jurisdiction and Power of the DRB for Site Design Review

Development Review Board Jurisdiction
Section 4.420

E3. A Condition of Approval ensures landscaping is carried out in substantial accord with the DRB-approved plans, drawings, sketches, and other documents. The City will issue no building permits prior to approval by the DRB. The applicant has not requested variances from site development requirements.

Design Standards

Preservation of Landscaping

Subsection 4.421 (.01) A. and Section 4.171

- E4. The site layout takes into consideration existing landscaping and preserving it where possible. A grove of large Oregon white oak trees exists directly off-site, with the drip lines and root zones of the trees located on the subject property. The applicant has included a pedestrian connection and open space (Tract A) that allows for the preservation of these healthy significant trees.

Relation of Proposed Buildings to Environment

Subsection 4.421 (.01) B.

- E5. Structures proposed for the site include a brick wall along the SW Stafford Road frontage. The brick wall along SW Stafford Road was designed in accordance with the Frog Pond West Master Plan and consists of a 4-ft wall with a 2-ft wrought iron fence on top (see Sheet L3.00). Brick columns with concrete caps are placed at regular intervals along the site frontage. The wall is placed at the rear of lots 25-29 and ends north of Lot 25 in order to provide views and avoid impacts to the existing wetland located in Tract A.

Surface Water Drainage

Subsection 4.421 (.01) D.

- E6. As demonstrated in the applicant's plans, attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. The location of LIDA facilities within the planter strips of the public streets, stormwater facilities within tracts, and details of LIDA facility planting are shown in Sheets P-09 and P-15 and P-18. Appendix G in Exhibit B1 includes the Preliminary Stormwater Report Plan.

Above Ground Utility Installations

Subsection 4.421 (.01) E.

- E7. The applicant proposes no above ground utility installations. Existing overhead lines will be undergrounded except for high voltage power lines not technically feasible to underground along SW Stafford Road and the BPA easement. Each lot will be served by a sanitary sewer line (see Sheet P-08). Storm sewage disposal is provided by a storm drain system connecting to each on-site stormwater facility.

Screening and Buffering of Special Features

Subsection 4.421 (.01) G.

- E8. No exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures exist or are proposed that require screening.

Applicability of Design Standards
Subsection 4.421 (.02)

- E9. This review applies the design standards to the proposed streetscape and open space areas, which are the portions of the proposed development subject to Site Design Review.

Conditions of Approval Ensuring Proper and Efficient Functioning of Development
Subsection 4.421 (.05)

- E10. Staff recommends no additional conditions of approval to ensure the proper and efficient functioning of the development.

Site Design Review Submission Requirements

Submission Requirements
Section 4.440

- E11. The applicant has provided a sufficiently detailed landscape plan and street tree plan to review the streetscape and open space areas subject to Site Design Review.

Time Limit on Site Design Review Approvals

Void after 2 Years
Section 4.442

- E12. The applicant has indicated that they will pursue development within two years. The approval will expire after two years if not vested, or an extension is not requested and granted, consistent with City Code.

Installation of Landscaping

Landscape Installation or Bonding
Subsection 4.450 (.01)

- E13. A Condition of Approval ensures all landscaping in common tracts shall be installed shall be installed prior to Final Plat Approval, 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, irrevocable letter of credit, 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 installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, 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. A Condition of Approval further requires that the applicant, prior

to Final Plat Approval, either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping.

Approved Landscape Plan

Subsection 4.450 (.02)

E14. A Condition of Approval ensures the approved landscape plan is binding upon the applicant/owner. It prevents substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan without official action of the Planning Director or DRB, as specified in this Code.

Landscape Maintenance and Watering

Subsection 4.450 (.03)

E15. A Condition of Approval ensures continual maintenance of the landscape, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered with appropriate City approval.

Modifications of Landscaping

Subsection 4.450 (.04)

E16. A Condition of Approval provides ongoing assurance by preventing modification or removal without the appropriate City review.

Natural Features and Other Resources

Protection

Section 4.171

E17. The proposed design of the site provides for protection of natural features and other resources consistent with the proposed Stage II Final Plan for the site as well as the purpose and objectives of Site Design Review. See Findings D21 through D24 under Request D.

Landscaping

Landscape Standards Code Compliance

Subsection 4.176 (.02) B.

E18. The applicant requests no waivers or variances to landscape standards. Thus all landscaping and screening must comply with standards of this section.

Intent and Required Materials

Subsections 4.176 (.02) C. through I.

E19. The general landscape standard applies throughout different landscape areas of the site and the applicant proposes landscape materials to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which

includes an analysis of the functional application of the landscaping standards. See Finding D28 under Request D.

Quality and Size of Plant Material Subsection 4.176 (.06)

E20. The quality of the plant materials must meet American Association of Nurserymen (AAN) standards as required by this Subsection. Trees as shown on the applicant's plans are specified at 2-inch caliper or greater than 6 feet for evergreen trees. Shrubs are specified 2 gallon or greater in size. Ground cover is specified as greater than 4 inches. Turf or lawn is used for a minimal amount of the proposed public landscape area. Conditions of Approval ensure the requirements of this subsection are met including use of native topsoil, mulch, and non-use of plastic sheeting.

Landscape Installation and Maintenance Subsection 4.176 (.07)

E21. Installation and maintenance standards are or will be met by Conditions of Approval 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.
- Preliminary Landscape Notes No. 6 on the applicant's sheet P-15 provides for irrigation during the establishment period.

Landscape Plans Subsection 4.176 (.09)

E22. The applicant's submitted landscape plans, Sheets P-15 and P-16, provide the required information.

Completion of Landscaping Subsection 4.176 (.10)

E23. The applicant has not requested to defer installation of plant materials.

Public Lighting Plan

Lighting of Local Streets Local Street, page 78 and Figure 42 of Frog Pond West Master Plan

E24. As Shown on Sheet P-08 in Exhibit B2 show proposed street lights on local streets. The Frog Pond Master Plan requires PGE Option 'B' LED with Westbrook 35W LED and 18' decorative aluminum pole (20-foot mounting height with 4 foot mast arm). These are dark sky friendly and located with a professionally designed layout to minimize negative effects on future homes, provide for safety, and use a consistent design established by the Frog

Pond West Master Plan. The applicant’s materials do not specify a fixture; therefore Condition of Approval PDE 9 shall require the applicant to include the specified fixture for the Frog Pond West Neighborhood.

Lighting of Pathways

Pedestrian Connections, Trailheads and Paths, page 80 and Figure 42 of Frog Pond West Master Plan

E25. The applicant’s plans show lighting along the pedestrian paths in Tract A and Tract C. The Frog Pond West Master Plan requires a Public Lighting Plan and recommended light plan hierarchy to define various travel routes within Frog Pond. Pedestrian connections, trailheads, and paths are required to be uniformly illuminated and shall follow the Public Works Standards for Shared Use Path Lighting. A Condition of Approval PDE9 requires the applicant to coordinate with the City to determine if any additional pedestrian scale lighting is warranted along the proposed pathways in Tract A and Tract C.

Street Tree Plan

Tree Lists for Primary Streets, Neighborhood Streets, and Pedestrian Connections
Pages 81-83 and Figure 43 of Frog Pond West Master Plan

E26. The Street Tree Plan provides guidance tied to the street typology for Frog Pond West, with an overall intent to beautify and unify the neighborhood while providing a variety of tree species. The Frog Pond West Master Plan intends to achieve continuity through consistent tree types and consistent spacing along both sides of a street. The following lots contain trees located within easements or on private lots: Lots 1-5, 6-8, 10, 12, 14, 15, 17, 24, 25, 26, 28, and 29. This does not meet the intent of the Master Plan as the spacing is inconsistent with trees properly placed within the planter strip within the public right-of-way. Condition of Approval PDE 11 requires the applicant to submit a revised street tree plan that provides more consistent street tree placing, and revise the tree selections that conflict with previously established tree species in adjacent subdivisions.

The proposed street tree species comply with the Frog Pond West Master Plan or will with a condition of approval as follows:

Street Name	Street Type	Proposed Species	Compliance Notes
SW Frog Pond Lane	Primary	Scarlet Oak	On approved list; Tulip Tree established with Frog Pond Ridge Subdivision Condition of Approval requires revision to be consistent with this tree species.
SW Marigold Terrace	Neighborhood	Skyline Thornless Honey Locust	On approved list; American Yellowwood established with Frog Pond Ridge

			Subdivision Condition of Approval requires revision to be consistent with this tree species.
SW Windflower Street	Neighborhood	Chinese Pistache	
SW Yarrow Lane	Neighborhood	Skyline Honey Locust	
SW Trillium Street	Neighborhood	Accolade Elm	
Tract C Pedestrian Connection	Pedestrian Connection	Common Hornbeam	

Gateways, Monuments and Signage

Unifying Frog Pond Name, Gateway Signs, Prohibition on Individual Subdivision Signs
Page 92 of the Frog Pond West Master Plan

E27. There are no neighborhood gateways planned within the area of Frog Pond Crossing; therefore, no monument signs or other permanent subdivision identification signs are permitted.

Unifying Frog Pond Name, Sign Caps on Street Signs
Page 92 of the Frog Pond West Master Plan

E28. As required by a Condition of Approval, all street name signs will be installed prior to Final Plat approval and utilize the City-approved sign cap throughout the subdivision, matching the design used in the Frog Pond Ridge, Frog Pond Meadows, Stafford Meadows, and Morgan Farm subdivisions. The developers will buy the signs from the City to ensure uniformity throughout the Frog Pond West neighborhood.

Request F: DB21-0041 Tentative Subdivision Plat

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Land Division Authorization

Plat Review Authority
Subsection 4.202 (.01) through (.03)

F1. The DRB is reviewing the tentative subdivision plat according to this subsection. The Planning Division will review the final plat under the authority of the Planning Director to ensure compliance with the DRB review of the tentative subdivision plat.

Undersized Lots Prohibited
Subsection 4.202 (.04) B.

- F2. The proposed lots meet the dimensional standards of the RN zone and the R-7 and R-5 sub-districts. See Finding D8 under Request D.

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

- F3. The applicant requested and attended a pre-application conference in accordance with this subsection.

Tentative Plat Preparation
Subsection 4.210 (.01) A.

- F4. Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm, AKS Engineering & Forestry, Inc. prepared the tentative plat.

Tentative Plat Submission
Subsection 4.210 (.01) B.

- F5. The applicant has submitted a tentative plat with all the required information.

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

- F6. The applicant is proposing to construct the development in one phase and does not include a phasing plan along with the application materials.

Remainder Tracts
Subsection 4.210 (.01) E.

- F7. The tentative plat accounts for all land within the plat area as lots, tracts, or right-of-way.

Street Requirements for Land Divisions

Master Plan or Map Conformance
Subsection 4.236 (.01)

- F8. As found in other findings in this report, the land division conforms with the Transportation System Plan, Frog Pond West Master Plan, and other applicable plans.

The 2006 Bicycle and Pedestrian Master Plan identifies an improvement, Community Walkway/Bikeway C10, within the site area. The 2017 Frog Pond West Master Plan incorporates a Bicycle and Pedestrian Framework (Figure 17), which identifies bicycle lanes and sidewalks along SW Frog Pond Lane and SW Stafford Road adjacent to the project frontage. The development will construct interim improvements on SW Frog Pond Lane

due to the short frontage of the subject property and will dedicate adequate right-of-way for full buildout of these improvements, which will be constructed when Tax Lot 200 develops (see finding D11). The SW Stafford Road facilities will be constructed as part of the City's SW Stafford Road project.

Adjoining Streets Relationship

Subsection 4.236 (.02)

F9. The proposed plat enables the extension of streets consistent with the Frog Pond West Master Plan.

Streets Standards Conformance

Subsection 4.236 (.03)

F10. As part of the Stage II Final Plan approval, the streets conform with Section 4.177 and generally conform with block sizes established in the Frog Pond West Master Plan. See Request D.

Topography

Subsection 4.236 (.05)

F11. The street layout recognizes topographical conditions, including the location of the SROZ on site and no street alignment adjustments from the Frog Pond West Master Plan are necessary.

Reserve Strips

Subsection 4.236 (.06)

F12. The City is not requiring any reserve strips for the reasons stated in this subsection.

Future Street Expansion

Subsection 4.236 (.07)

F13. Where the Frog Pond West Master Plan shows street extensions, the tentative plat extends the right-of-way to the edge of the plat. A Condition of Approval requires signs stating "street to be extended in the future" or similar language approved by the City Engineer.

Additional Right-of-Way

Subsection 4.236 (.08)

F14. Condition of Approval PFF 1 ensures dedication of sufficient right-of-way for planned improvements along Stafford Road.

Street Names

Subsection 4.236 (.09)

F15. SW Frog Pond Lane has been identified by the Frog Pond West Master Plan as a Gateway Collector from SW Willow Creek Drive east to SW Stafford Road. The proposed

development continues SW Marigold Terrace, which was established by previous development applications in the Frog Pond neighborhood to the south. The applicant proposes SW Windflower Street, SW Yarrow Lane, and SW Trillium Street. These proposed street names will be subject to approval by the City Engineer who will check all street names to not be duplicative of existing street names and other wise conform to the City's street name system at the time of Final Plat review.

General Land Division Requirements-Blocks

Blocks for Adequate Building Sites in Conformance with Zoning
Subsection 4.237 (.01)

F16. The proposed blocks substantially conform to Figure 18 of the Frog Pond West Master Plan. The proposed blocks allow for lots meeting the minimum size and other dimensional standards for the relevant sub-districts of the Frog Pond West Master Plan. See Finding D11 under Request D.

General Land Division Requirements-Easements

Utility Line Easements
Subsection 4.237 (.02) A.

F17. As will be further verified during the Public Works Permit review and Final Plat review, public utilities will be placed within public rights-of-way or within public utility easements (PUE) adjacent to the public streets. Stormwater facility easements are proposed where these facilities are located on private property and are intended to be shared between more than one lot. Franchise utility providers will install their lines within public utility easements established on the plat.

Water Courses
Subsection 4.237 (.02) B.

F18. No water courses exist on the subject property, therefore this standard is not applicable.

General Land Division Requirements-Pedestrian and Bicycle Pathways

Mid-block Pathways Requirement
Subsection 4.237 (.03)

F19. The proposed development includes two proposed pedestrian and bicycle pathways as required by the Frog Pond West Master Plan. These pathways are located in Tracts A and C and meet the cross-section requirements of the Master Plan. Conditions of Approval ensure public access to these paths. See Finding D22.

General Land Division Requirements-Tree Planting

Tree Planting Plan Review and Street Tree Easements
Subsection 4.237 (.04)

F20. The City is reviewing the tree planting plan concurrently with the tentative plat, see Requests D and E.

General Land Division Requirements-Lot Size and Shape

Lot Size and Shape Appropriate
Subsection 4.237 (.05)

F21. The size, width, shape, and orientation of lots comply with the identified sub-districts in the Frog Pond West Master Plan, with a lot frontage waiver requested for Lots 17-24. See Finding D11 in Request D, and Request I.

General Land Division Requirements-Access

Minimum Street Frontage
Subsection 4.237 (.06)

F22. The full width of the front lot line of each lot fronts a public street or private drive, except for Lots 17-24 which front Tract A and are accessed via Private Alley (Tract B). The applicant has requested a waiver to minimum street frontage standards for Lots 17-24. See Finding D11 and Request H. All other lots meet or exceed the minimum lot width at the front lot line.

General Land Division Requirements-Other

Lot Side Lines
Subsection 4.237 (.08)

F23. All side lot lines run at a 90-degree angle to the front line.

Corner Lots
Subsection 4.237 (.13)

F24. All corner lots have radii exceeding the 10-foot minimum.

Lots of Record

Lots of Record
Section 4.250

F25. The applicant provided documentation all subject lots are lots of record.

Request G: DB21-0042 Type C Tree Removal Plan

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Type C Tree Removal

Review Authority When Site Plan Review Involved

Subsection 4.610.00 (.03) B.

- G1.** The requested tree removal is connected to Site Plan Review by the DRB and, thus, is under their authority.

Reasonable Timeframe for Removal

Subsection 4.610.00 (.06) B.

- G2.** It is understood that tree removal will be completed by the time the applicant completes construction of all houses and other improvements in the subdivision, which is a reasonable time frame for tree removal.

Security for Permit Compliance

Subsection 4.610.00 (.06) C.

- G3.** As allowed by Subsection 1, the City is waiving the bonding requirement as the application is required to comply with WC 4.264 (.01).

General Standards for Tree Removal, Relocation or Replacement

Preservation and Conservation

Subsection 4.610.10 (.01)

- G4.** Proposed land clearing is limited to designated street rights-of-way and areas necessary for construction of homes. Homes will be designed and constructed, as much as possible, to blend into the natural areas on the site.

Per the arborist's report included on Sheet P-13 in Exhibit B2, there are 34 trees on site. One (1) tree will be preserved on site with 33 trees proposed for removal. Five (5) additional trees located off-site within Stafford Road ROW will be removed for an overall total of thirty-eight (38) trees proposed for removal. In addition, 20 trees not located on site will require tree protection to ensure off-site tree health. Of the trees to be preserved on-site, 20 are part of the oak grove located within Tract E and one is located within the SW Willow Creek Drive median.

As shown on Sheet P-07, most of the trees to be removed are located within the grading limits of SW Marigold Terrace, SW Windflower Street, SW Yarrow Lane, and SW Trillium Street or within the building envelope of the proposed lots. The location of those streets was determined by the Frog Pond West Master Plan and the City's block length and

perimeter standards. Removal of the trees is necessary for construction of site improvements, including utilities, streets, and detached residential dwellings. In addition, grading of each lot is needed to accommodate residential development and associated site improvements (driveways and walkways, stormwater management, outdoor yard areas, etc.). Reducing building footprints by increasing height is not a viable alternative as the height limit in the RN zone is 35 ft., or 2.5 stories.

Development Alternatives

Subsection 4.610.10 (.01) C.

- G5.** The Frog Pond West Master Plan provides clear direction for street connections, residential densities, and preservation of the SROZ. Preservation and conservation of one (1) out of 34 trees on site is proposed. There are additional off-site trees being preserved on Tax Lot 401, and the applicant proposes tree protection fencing near the property line in order to ensure their preservation during construction. Conditions of Approval ensure this criterion is met.

Land Clearing Limited to Right-of-Way and Areas Necessary for Construction

Subsection 4.610.10 (.01) D.

- G6.** The proposed clearing is necessary for streets, alleys, houses, and related improvements.

Residential Development to Blend into Natural Setting

Subsection 4.610.10 (.01) E.

- G7.** New tree plantings, preservation of an existing tree, and new native ground cover are proposed within Tract A which allows the development to blend with the natural elements of the property. The project area is otherwise relatively flat land without significant natural features with which to blend.

Compliance with All Applicable Statutes and Ordinances

Subsection 4.610.10 (.01) F.

- G8.** As found elsewhere in this report, the City is applying the applicable standards.

Tree Relocation and Replacement, Protection of Preserved Trees

Subsection 4.610.10 (.01) G.

- G9.** Reviews of tree removal, replacements, and protection is in accordance with the relevant sections of the Code.

Tree Removal Limitations

Subsection 4.610.10 (.01) H.

- G10.** The proposed tree removal is due to health or necessary for construction.

Additional Standards for Type C Permits

Tree Survey and Tree Maintenance and Protection Plan to be Submitted
Subsection 4.610.10 (.01) I. 1.-2.

G11. The applicant submitted the required Tree Survey, and Tree Maintenance and Protection Plan (see Exhibit B2 and Sheets P-12 and P-13).

Utilities Locations to Avoid Adverse Environmental Consequences
Subsection 4.610.10 (.01) I. 3.

G12. The Utility Plan (Sheet P-08) shows a design to minimize impact on the environment to the extent feasible given existing conditions, particularly the natural drainage area. The City will further review utility placement in relation to the drainage area and preserved trees during review of construction drawings and utility easement placement on the final plat.

Type C Tree Plan Review

Tree Removal Related to Site Development at Type C Permit
Subsection 4.610.40 (.01)

G13. Review of the proposed Type C Tree Plan is concurrent with other site development applications.

Standards and Criteria of Chapter 4 Applicable
Subsection 4.610.40 (.01)

G14. As found elsewhere in this report, the City's review applies applicable standards.

Application of Tree Removal Standards Can't Result in Loss of Development Density
Subsection 4.610.40 (.01)

G15. The proposed subdivision allows residential lot counts consistent with the Frog Pond West Master Plan.

Development Landscape Plan and Type C Tree Plan to be Submitted Together
Subsection 4.610.40 (.01)

G16. The applicant submitted the Type C Tree Plan concurrently with the landscape plan for the proposed development.

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

G17. Review of the proposed Type C Tree Plan is concurrent with the Stage II Final Plan. See Request D.

Required Mitigation May Be Used to Meet Landscaping Requirements
Subsection 4.610.40 (.01)

G18. The applicant proposes counting the proposed street trees and other landscaping trees as mitigation for removal.

No Tree Removal Before Decision Final
Subsection 4.610.40 (.01)

G19. Review of the proposed Type C Tree Plan is concurrent with other necessary land use approvals. The City will not issue any tree removal permit prior to final approval of concurrent land use requests and annexation into the City. While the land is currently under jurisdiction of Clackamas County, a Condition of Approval binds the applicant to no tree removal on the properties, except for hazardous situations unrelated to development, prior to issuance of the post-annexation tree removal permit by the City.

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

G20. The applicant submitted the necessary copies of a Tree Maintenance and Protection Plan.

Tree Relocation, Mitigation, or Replacement

Tree Replacement Required
Subsection 4.620.00 (.01)

G21. Consistent with the tree replacement requirements for Type C Tree Removal Permits established by this subsection, the applicant proposes to plant mitigation trees consistent with Subsection 4.620.00 (.06).

Replacement Requirement: 1 for 1, 2-inch Caliper
Subsection 4.620.00 (.02)

G22. The applicant proposes mitigating removed trees on a basis well in excess of one tree for each tree removed, proposing 51 replacement trees (see Sheet P-15 Preliminary Street Tree Planting Plan). Three (3) trees are proposed within Tract A, seven (7) trees within Tract C, and another 41 trees are provided as street trees. Tract A also contains Vine Maples, Oregon Crab Apples, Osoberry, and Serviceberry plantings, however, due to their size and growing habit these tree do not qualify as mitigation trees as they are more similar to a shrub. For mitigation purposes, only the three (3) Oregon White Oaks within Tract A have been counted toward the total. Staff does not recommend any inch per inch mitigation. Sheets P-15 through P-16 show all trees proposed for planting as mitigation as 2-inch caliper, or the equivalent 6- to 8-foot for conifer trees.

Replacement Plan and Tree Stock Requirements
Subsections 4.620.00 (.03) and (.04)

G23. Review of the Tree Replacement and Mitigation Plan is prior to planting and in accordance with the Tree Ordinance, as established by other findings in this request. The applicant's landscape plans show tree stock meeting the tree stock requirements.

Replacement Trees, City Tree Fund
Subsection 4.620.00 (.05)

G24. As shown on the Street Tree Planting Plan (Sheet P-15), some of these replacement trees consist of street trees. Trees will likely be planted on the individual dwelling lots at the time of site development but are not proposed to be included in the replacement tree plans. The applicant does not propose to pay into the City Tree Fund.

Protection of Preserved Trees

Tree Protection During Construction
Section 4.620.10

G25. A Condition of Approval ensures tree protection measures including fencing are in place consistent with Public Works Standards Detail Drawing RD-1240.

Request H: DB21-0043 Waiver

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Waiver: Small Lot Sub-district Open Space Location

Waiver of Typical Development Standards
Subsection 4.118 (.03) A. and Subsection 4.127(.09)B.2.

H1. The applicant requests a waiver to locate the required open space in the R-5 small lot sub-district within the R-7 medium lot-sub-district. This standard is not typically permitted to be waived by the Development Review Board, however as the proposed development is within the Residential Neighborhood zone, the DRB may waive or reduce open space requirements when considering substantial evidence regarding the following factors: the walking distance to usable open space adjacent to the subject property or within 500 feet of it; the amount and type of open space available and adjacent or within 500 feet of the subject property, including facilities which support creative play.

Purpose and Objectives of Planned Development Regulations
Subsection 4.140 (.01) B.

H2. The proposed development includes properties within the R-7 medium lot sub-district, which is except from open space requirements, and .5 AC in the R-5 small lot sub-district.

The applicant proposes 109,344 square feet of open space well in excess of the requirement of 2,089 square feet. Due to site constraints such as the small overall portion of R-5 designated land and the right-of-way dedication for SW Marigold Terrace, the applicant is requesting a waiver to satisfy the open space requirement in the R-7 medium lot sub-district, which is between approximately 430 and 490 feet away from the 5 lots located in the R-5 small lot sub-district depending on which route is utilized to access the open space. The proposal by the applicant provides a higher quality uninterrupted open space area that will serve future residents well. The waiver would meet the purpose of this subsection by providing flexibility and allowing a site design that is able to respond to site characteristics.

Request I: DB21-044 Waiver

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Waiver: Minimum Street Frontage

Waiver of Typical Development Standards
Subsection 4.118 (.03) A.

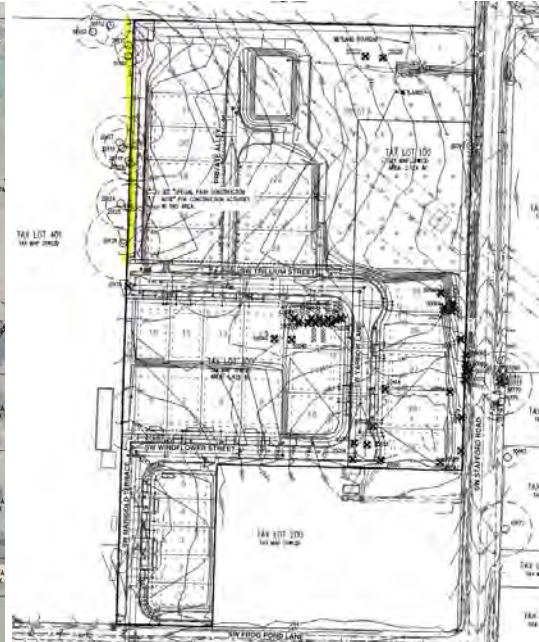
- I1. While the proposed development meets the applicable requirements for lot dimensional standards, including lot area, width, depth, and lot coverage, the application includes a request for a lot frontage waiver. Eight (8) lots (Lots 17-24) within R-7 medium lot Sub-district 11 front a shared open space with pedestrian access, and take vehicular access from a private alley (Tract B).

Purpose and Objectives of Planned Development Regulations
Subsection 4.140 (.01) B.

- I2. The applicant initially studied an alternative site layout with public street connections as envisioned by the plan below:



Original Layout



Current Layout

This previously studied layout resulted in greater impact on the natural resources on and immediately off-site to the west including large Oregon white oaks in good condition. The image on the left shows that future street extension to the west would have resulted in the removal of the high value tree species. The proposed reconfiguration shown on the right shows the trees preserved as the inclusion of a pedestrian connection and residential lots accessed via a private alley at the rear enables the applicant to meet the required number of lots while preserving the adjacent trees. The location of the trees on the current site plan is shown on the right in yellow, and now results in the preservation of all the healthy high value tree species that are located on the property line.

Section 4.127 Residential Neighborhood (RN) Zone.

(.01) Purpose.

The Residential Neighborhood (RN) zone applies to lands within Residential Neighborhood Comprehensive Plan Map designation. The RN zone is a Planned Development zone, subject to applicable Planned Development regulations, except as superseded by this section or in legislative master plans. The purposes of the RN Zone are to:

- A. Implement the Residential Neighborhood policies and implementation measures of the Comprehensive Plan.
- B. Implement legislative master plans for areas within the Residential Neighborhood Comprehensive Plan Map designation.
- C. Create attractive and connected neighborhoods in Wilsonville.
- D. Regulate and coordinate development to result in cohesive neighborhoods that include: walkable and active streets; a variety of housing appropriate to each neighborhood; connected paths and open spaces; parks and other non-residential uses that are focal points for the community; and, connections to and integration with the larger Wilsonville community.
- E. Encourage and require quality architectural and community design as defined by the Comprehensive Plan and applicable legislative master plans.
- F. Provide transportation choices, including active transportation options.
- G. Preserve and enhance natural resources so that they are an asset to the neighborhoods, and there is visual and physical access to nature.

(.02) Permitted uses:

- A. Open Space.
- B. Single-Family Dwelling Unit.
- C. Attached Single-Family Dwelling Unit. In the Frog Pond West Neighborhood, a maximum of 2 dwelling units, not including ADU's, may be attached.
- D. Duplex.
- E. Multiple-Family Dwelling Units, except when not permitted in a legislative master plan, subject to the density standards of the zone. Multi-family dwelling units are not permitted within the Frog Pond West Master Plan area.
- F. Cohousing.
- G. Cluster Housing.
- H. Public or private parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming

pool shall be located not less than forty-five (45) feet from any other lot.

- I. Manufactured homes.
- (.03) Permitted accessory uses to single family dwellings:
- A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.
 - B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.
 - C. Accessory Dwelling Units, subject to the standards of Section 4.113 (.10).
 - D. Home occupations.
 - E. A private garage or parking area.
 - F. Keeping of not more than two (2) roomers or boarders by a resident family.
 - G. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - H. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
 - I. Livestock and farm animals, subject to the provisions of Section 4.162.
- (.04) Uses permitted subject to Conditional Use Permit requirements:
- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
 - B. Commercial Recreation, including public or private clubs, lodges or meeting halls, golf courses, driving ranges, tennis clubs, community centers and similar commercial recreational uses. Commercial Recreation will be permitted upon a finding that it is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of Section 4.124(.04)(D) (Neighborhood Commercial Centers).
 - C. Churches; public, private and parochial schools; public libraries and public museums.
 - D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents.

Neighborhood Commercial Centers are only permitted where designated on an approved legislative master plan.

- (.05) Residential Neighborhood Zone Sub-districts:
 - A. RN Zone sub-districts may be established to provide area-specific regulations that implement legislative master plans.
 - 1. For the Frog Pond West Neighborhood, the sub-districts are listed in Table 1 of this code and mapped on Figure 6 of the Frog Pond West Master Plan. The Frog Pond West Master Plan Sub-District Map serves as the official sub-district map for the Frog Pond West Neighborhood.

- (.06) Minimum and Maximum Residential Units:
 - A. The minimum and maximum number of residential units approved shall be consistent with this code and applicable provisions of an approved legislative master plan.
 - 1. For the Frog Pond West Neighborhood, Table 1 in this code and Frog Pond West Master Plan Table 1 establish the minimum and maximum number of residential units for the sub-districts.
 - 2. For parcels or areas that are a portion of a sub-district, the minimum and maximum number of residential units are established by determining the proportional gross acreage and applying that proportion to the minimums and maximums listed in Table 1. The maximum density on a parcel may be increased, up to a maximum of 10% of what would otherwise be permitted, based on an adjustment to an SROZ boundary that is consistent with 4.139.06.
 - B. The City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions.

Table 1. Minimum and Maximum Dwelling Units by Sub-District in the Frog Pond West Neighborhood

Area Plan Designation	Frog Pond West Sub-district	Minimum Dwelling Units in Sub-district	Maximum Dwelling Units in Sub-district
R-10 Large Lot Single Family	3	26	32
	7	24	30
	8	43	53
R-7 Medium Lot Single Family	2	20	25
	4	86	107
	5	27	33
	9	10	13
R-5 Small Lot Single Family	11	46	58
	1	66	82
	6	74	93
Civic	10	30	38
	12	0	7 ^a
Public Facilities (PF)	13	0	0

a These metrics apply to infill housing within the Community of Hope Church property, should they choose to develop housing on the site. Housing in the Civic sub-district is subject to the R-7 Medium Lot Single Family regulations.

(.07) Development Standards Generally

- A. Unless otherwise specified by this the regulations in this Residential Development Zone chapter, all development must comply with Section 4.113, Standards Applying to Residential Development in Any Zone.

(.08) Lot Development Standards:

- A. Lot development shall be consistent with this code and applicable provisions of an approved legislative master plan.
- B. Lot Standards Generally. For the Frog Pond West Neighborhood, Table 2 establishes the lot development standards unless superseded or supplemented by other provisions of the Development Code.
- C. Lot Standards for Small Lot Sub-districts. The purpose of these standards is to ensure that development in the Small Lot Sub-districts includes varied design that avoids homogenous street frontages, creates active pedestrian street frontages and has open space that is integrated into the development pattern.

Standards. Planned developments in the Small Lot Sub-districts shall include one or more of the following elements on each block:

1. Alleys.
2. Residential main entries grouped around a common green or entry courtyard (e.g. cluster housing).
3. Four or more residential main entries facing a pedestrian connection allowed by an applicable legislative master plan.
4. Garages recessed at least 4 feet from the front façade or 6 feet from the front of a front porch.

Table 2: Neighborhood Zone Lot Development Standards

Neighborhood Zone Sub-District	Min. Lot Size (sq.ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (%)	Min. Lot Width ^{G, H, J} (ft.)	Max. Bldg. Height ^F (ft.)	Setbacks ^H				
						Front Min. (ft.)	Rear Min. (ft.)	Side Min. (note)	Garage Min Setback from Alley (ft.)	Garage Min Setback from Street ^K (ft.)
R-10 Large Lot Single Family	8,000 ^A	60'	40% ^B	40	35	20 ^C	20	I	18 ^D	20
R-7 Medium Lot Single Family	6,000 ^A	60'	45% ^B	35	35	15 ^C	15	I	18 ^D	20
R-5 Small Lot Single Family	4,000 ^A	60'	60% ^B	35	35	12 ^C	15	I	18 ^D	20

- Notes: A May be reduced to 80% of minimum lot size where necessary to preserve natural resources (e.g. trees, wetlands) and/or provide active open space. Cluster housing may be reduced to 80% of minimum lot size. Duplexes in the R-5 Sub-District have a 6,000 SF minimum lot size.
- B On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.
- C Front porches may extend 5 feet into the front setback.
- D The garage setback from alley shall be minimum of 18 feet to a garage door facing the alley in order to provide a parking apron. Otherwise, the rear or side setback requirements apply.
- F Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
- G May be reduced to 24' when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive or a public pedestrian access in a cluster housing development.
- H 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.
- I On lots greater than 10,000 SF with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 20 ft. with a minimum of 10 ft. On other lots, minimum side setback shall be 5 ft. On a corner lot, minimum side setbacks are 10 feet.
- J 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.
- K Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.

D. Lot Standards Specific to the Frog Pond West Neighborhood.

1. Lots adjacent to Boeckman Road and Stafford Road shall meet the following standards:
 - a. Rear or side yards adjacent to Boeckman Road and Stafford Road shall provide a wall and landscaping consistent with the standards in Figure 10 of the Frog Pond West Master Plan.
2. Lots adjacent to the collector-designated portions of Willow Creek Drive and Frog Pond Lane shall not have driveways accessing lots from these streets, unless no practical alternative exists for access. Lots in Large Lot Sub-districts are exempt from this standard.

(.09) Open Space:

A. Purpose. The purposes of these standards for the Residential Neighborhood Zone are to:

1. Provide light, air, open space, and useable recreation facilities to occupants of each residential development.
2. Retain and incorporate natural resources and trees as part of developments.
3. Provide access and connections to trails and adjacent open space areas.

For Neighborhood Zones which are subject to adopted legislative master plans, the standards work in combination with, and as a supplement to, the park and open space recommendations of those legislative master plans. These standards supersede the Outdoor Recreational Area requirements in WC Section 4.113 (.01).

B. Within the Frog Pond West Neighborhood, the following standards apply:

1. Properties within the R-10 Large Lot Single Family sub-districts and R-7 Medium Lot Single Family sub-districts are exempt from the requirements of this section. If the Development Review Board finds, based upon substantial evidence in the record, that there is a need for open space, they may waive this exemption and require open space proportional to the need.
2. For properties within the R-5 Small Lot Single Family sub-districts, Open Space Area shall be provided in the following manner:
 - a. Ten percent (10%) of the net developable area shall be in open space. Net developable area does not include land for non-residential uses, SROZ-regulated lands, streets and private drives, alleys and pedestrian connections. Open space must include at least 50% usable open space as defined by this Code and other like space that the Development Review Board finds will meet the purpose of this section.
 - b. Natural resource areas such as tree groves and/or wetlands, and

unfenced low impact development storm water management facilities, may be counted toward the 10% requirement at the discretion of the Development Review Board. Fenced storm water detention facilities do not count toward the open space requirement. Pedestrian connections may also be counted toward the 10% requirement.

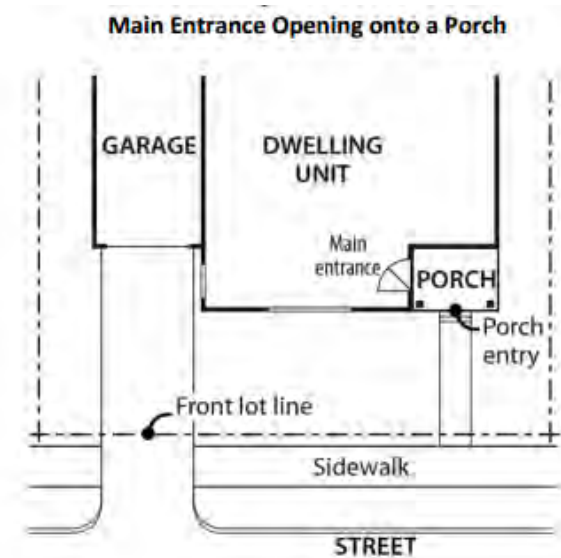
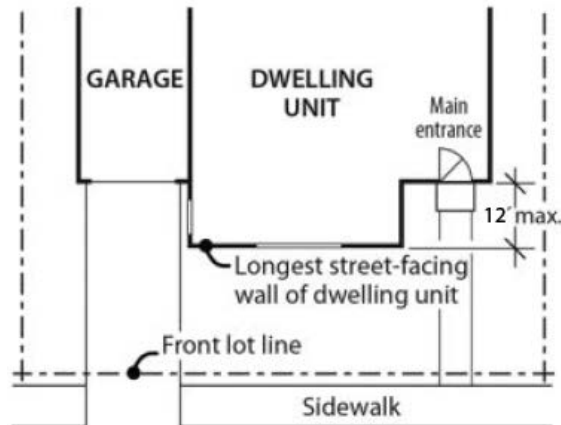
- c. The minimum land area for an individual open space is 2,000 square feet, unless the Development Review Board finds, based on substantial evidence in the record, that a smaller minimum area adequately fulfills the purpose of this Open Space standard.
- d. The Development Review Board may reduce or waive the usable open space requirement in accordance with Section 4.118(.03). The Board shall consider substantial evidence regarding the following factors: the walking distance to usable open space adjacent to the subject property or within 500 feet of it; the amount and type of open space available adjacent or within 500 feet of the subject property, including facilities which support creative play.
- e. 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 any pertinent bylaws, covenants or agreements prior to recordation.

(.10) Block, access and connectivity standards:

- A. Purpose. These standards are intended to regulate and guide development to create: a cohesive and connected pattern of streets, pedestrian connections and bicycle routes; safe, direct and convenient routes to schools and other community destinations; and, neighborhoods that support active transportation and Safe Routes to Schools.
- B. Blocks, access and connectivity shall comply with adopted legislative master plans.
 - 1. Within the Frog Pond West Neighborhood, streets shall be consistent with Figure 18, Street Demonstration Plan, in the Frog Pond West Master Plan. The Street Demonstration Plan is intended to be guiding, not binding. Variations from the Street Demonstration Plan may be approved by the Development Review Board, upon finding that one or more of the following justify the variation: barriers such as existing buildings and topography; designated Significant Resource Overlay Zone areas; tree groves, wetlands or other natural resources; existing or planned parks and other active open space that will serve as pedestrian connections for the public; alignment with property lines and ownerships that result in

efficient use of land while providing substantially equivalent connectivity for the public; and/or site design that provides substantially equivalent connectivity for the public.

2. If a legislative master plan does not provide sufficient guidance for a specific development or situation, the Development Review Board shall use the block and access standards in Section 4.124 (.06) as the applicable standards.
- (.11) Signs. Per the requirements of Sections 4.156.01 through 4.156.11 and applicable provisions from adopted legislative master plans.
- (.12) Parking. Per the requirements of Section 4.155 and applicable provisions from adopted legislative master plans.
- (.13) Corner Vision Clearance. Per the requirements of Section 4.177.
- (.14) Main Entrance Standards
- A. Purpose. These standards:
 1. Support a physical and visual connection between the living area of the residence and the street;
 2. Enhance public safety for residents and visitors and provide opportunities for community interaction;
 3. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
 4. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
 - B. Location. At least one main entrance for each structure must:
 1. Be within 12 feet of the longest street-facing front wall of the dwelling unit; and
 2. Either:
 - a. Face the street
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a porch. The porch must:
 - (i) Be at least 6 feet deep
 - (ii) Have at least one entrance facing the street; and
 - (iii) Be covered with a roof or trellis



(.15) Garage Standards

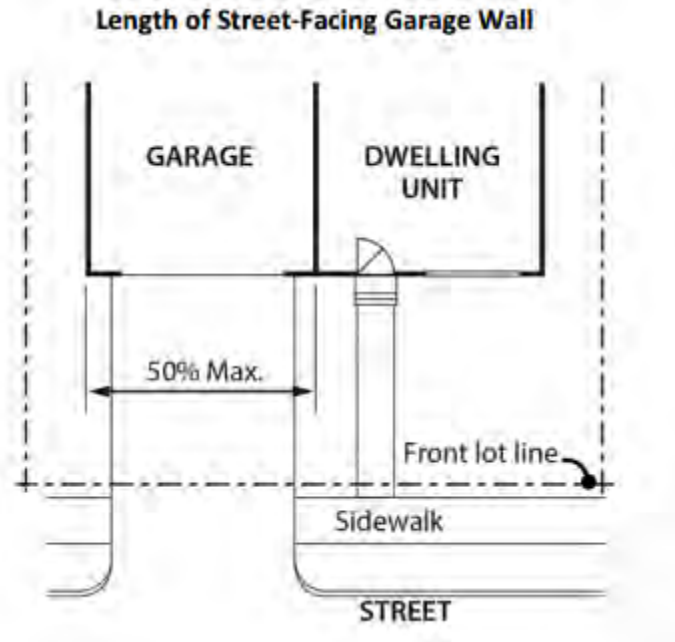
A. Purpose. These standards:

1. Ensure that there is a physical and visual connection between the living area of the residence and the street;
2. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
3. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
4. Provide for a pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
5. Enhance public safety by preventing garages from blocking views of the

street from inside the residence.

B. Street-Facing Garage Walls

1. Where these regulations apply. Unless exempted, the regulations of this subsection apply to garages accessory to residential units.
2. Exemptions:
 - a. Garages on flag lots.
 - b. Development on lots which slope up or down from the street with an average slope of 20 percent or more.
3. Standards.
 - a. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. For duplexes, this standard applies to the total length of the street-facing façades. For all other lots and structures, the standards apply to the street-facing façade of each unit. For corner lots, this standard applies to only one street side of the lot. For lots less than 50 feet wide at the front lot line, the standard in (b) below applies.
 - b. For lots less than 50 wide at the front lot line, the following standards apply:
 - (i) The width of the garage door may be up to 50 percent of the length of the street-facing façade.
 - (ii) The garage door must be recessed at least 4 feet from the front façade or 6 feet from the front of a front porch.
 - (iii) The maximum driveway width is 18 feet.
 - c. Where a dwelling abuts a rear or side alley or a shared driveway, the garage shall orient to the alley or shared drive.
 - d. Where three or more contiguous garage parking bays are proposed facing the same street, the garage opening closest to a side property line shall be recessed at least two feet behind the adjacent opening(s) to break up the street facing elevation and diminish the appearance of the garage from the street. Side-loaded garages, i.e., where the garage openings are turned away from the street, are exempt from this requirement.
 - e. A garage entry that faces a street may be no closer to the street than the longest street facing wall of the dwelling unit. There must be at least 20 feet between the garage door and the sidewalk. This standard does not apply to garage entries that do not face the street.



(.16) Residential Design Standards

A. Purpose. These standards:

1. Support consistent quality standards so that each home contributes to the quality and cohesion of the larger neighborhood and community.
2. Support the creation of architecturally varied homes, blocks and neighborhoods, whether a neighborhood develops all at once or one lot at a time, avoiding homogeneous street frontages that detract from the community's appearance.

B. Applicability. These standards apply to all façades facing streets, pedestrian connections, or elsewhere as required by this Code or the Development Review Board. Exemptions from these standards include: (1) Additions or alterations adding less than 50% to the existing floor area of the structure; and, (2) Additions or alterations not facing a street.

C. Windows. The standards for minimum percentage of façade surface area in windows are below. These standard apply only to facades facing streets and pedestrian connections.

1. For two-story homes:
 - a. 15% - front facades
 - b. 12.5% – front facades if a minimum of six (6) design elements are provided per Section 4.127 (0.15) E, Design Menu.
 - c. 10% - front facades facing streets if a minimum of seven (7) design elements are provided per Section 4.127 (0.15) E, Design Menu.

2. For one-story homes:
 - a. 12.5% - front facades
 - b. 10 % – front facades if a minimum of six (6) design elements are provided per Section 4.127 (0.15) E, Design Menu.
 3. For all homes: 5% for street-side facades.
 4. Windows used to meet this standard must provide views from the building to the street. Glass block does not meet this standard. Windows in garage doors and other doors count toward this standard.
- D. Articulation. Plans for residential buildings shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30 feet on façades facing streets, pedestrian connections, or elsewhere as required by this Code or the Development Review Board. Where a façade governed by this standard is less than 30 feet in length, at least one of the above-cited features shall be provided.
- E. Residential Design Menu. Residential structures shall provide a minimum of five (5) of the design elements listed below for front facades, unless otherwise specified by the code. For side facades facing streets or pedestrian connections, a minimum of three (3) of the design elements must be provided. Where a design features includes more than one element, it is counted as only one of the five required elements.
1. Dormers at least three (3) feet wide.
 2. Covered porch entry – minimum 48 square foot covered front porch, minimum six (6) feet deep and minimum of a six (6) foot deep cover. A covered front stoop with minimum 24 square foot area, 4 foot depth and hand rails meets this standard.
 3. Front porch railing around at least two (2) sides of the porch.
 4. Front facing second story balcony – projecting from the wall of the building a minimum of four (4) feet and enclosed by a railing or parapet wall.
 5. Roof overhang of 16 inches or greater.
 6. Columns, pillars or posts at least four (4) inches wide and containing larger base materials.
 7. Decorative gables – cross or diagonal bracing, shingles, trim, corbels, exposed rafter ends or brackets (does not include a garage gable if garage projects beyond dwelling unit portion of street façade).

8. Decorative molding above windows and doors.
 9. Decorative pilaster or chimneys.
 10. Shakes, shingles, brick, stone or other similar decorative materials occupying at least 60 square feet of the street façade.
 11. Bay or bow windows – extending a minimum of 12 inches outward from the main wall of a building and forming a bay or alcove in a room within the building.
 12. Sidelight and/or transom windows associated with the front door or windows in the front door.
 13. Window grids on all façade windows (excluding any windows in the garage door or front door).
 14. Maximum nine (9) foot wide garage doors or a garage door designed to resemble two (2) smaller garage doors and/or windows in the garage door (only applicable to street facing garages).
 15. Decorative base materials such as natural stone, cultured stone or brick extending at least 36 inches above adjacent finished grade occupying a minimum of 10 % of the overall primary street facing façade.
 16. Entry courtyards which are visible from, and connected directly to, the street. Courtyards shall have a minimum depth of 10 feet and minimum width of 80% of the non-garage/driveway building width to be counted as a design element.
- F. House Plan Variety. No two directly adjacent or opposite dwelling units may possess the same front or street-facing elevation. This standard is met when front or street-facing elevations differ from one another due to different materials, articulation, roof type, inclusion of a porch, fenestration, and/or number of stories. Where façades repeat on the same block face, they must have at least three intervening lots between them that meet the above standard. Small Lot developments over 10 acres shall include duplexes and/or attached 2-unit single family homes comprising 10% of the homes – corner locations are preferred.
- A. Prohibited Building Materials. The following construction materials may not be used as an exterior finish:
1. Vinyl siding.
 2. Wood fiber hardboard siding.
 3. Oriented strand board siding.
 4. Corrugated or ribbed metal.
 5. Fiberglass panels.

(.17) Fences

- A. Within Frog Pond West, fences shall comply with standards in 4.113 (.07) except as follows:
 - 1. Columns for the brick wall along Boeckman Road and Stafford Road shall be placed at lot corners where possible.
 - 2. A solid fence taller than 4 feet in height is not permitted within 8 feet of the brick wall along Boeckman Road and Stafford Road, except for fences placed on the side lot line that are perpendicular to the brick wall and end at a column of the brick wall.
 - 3. Height transitions for fences shall occur at fence posts.

(.18) Homes Adjacent to Schools, Parks and Public Open Spaces

- A. Purpose. The purpose of these standards is to ensure that development adjacent to schools and parks is designed to enhance those public spaces with quality design that emphasizes active and safe use by people and is not dominated by driveways, fences, garages, and parking.
- B. Applicability. These standards apply to development that is adjacent to or faces schools and parks. As used here, the term adjacent includes development that is across a street or pedestrian connection from a school or park.
- C. Development must utilize one or more of the following design elements:
 - 1. Alley loaded garage access.
 - 2. On corner lots, placement of the garage and driveway on the side street that does not face the school, park, or public open space.
 - 3. Recess of the garage a minimum of four feet from the front façade of the home. A second story above the garage, with windows, is encouraged for this option.
- D. Development must be oriented so that the fronts or sides of homes face adjacent schools or parks. Rear yards and rear fences may generally not face the schools or parks, unless approved through the waiver process of 4.118 upon a finding that there is no practicable alternative due to the size, shape or other physical constraint of the subject property.

[4.127 Residential Neighborhood Zone Section updated by Ord. No. 806, July 2017]

September 10, 2021



Kimberly Rybold
City of Wilsonville
Community Development
29799 SW Town Center Loop East
Wilsonville, OR 97070

RE: Case File DB21-0036 through DB21-0044, Frog Pond Crossing

Dear Kimberly:

Thank you for reviewing Frog Pond Crossing PUD application. This letter and accompanying information respond to your request for additional information in the letter dated August 12, 2021, attached. The list of additional information requested is shown in *italics*, with the Applicant's response directly below.

Completeness Items:

1. *General location and type/purpose of all existing and anticipated easements to be shown on Preliminary Plat. Among the various easements, include public access easements over tracts and lots with bicycle and pedestrian facilities, as well as any pipeline easements for public utilities in tracts. As improvements are shown within the existing BPA easement, provide a copy of this easement to determine what can be constructed in this area. See Subsection 4.210 (.01) B. 16. WC.*

Response: The Preliminary Plat has been updated with existing and proposed easements. Please refer to the Notes and the Easement Legend on Sheet P-06. A copy of BPA easement is included with the application package as Exhibit O.

2. *Traffic report prepared consistent with City standards by DKS Associates.*

Response: Traffic report was completed by the DKS on August 27, 2021 and is included with the revised submittal as Exhibit E.

3. *Insufficient findings to demonstrate the necessity of minimum lot size reductions for Lots 6, 7, 15, and 16. These lots are not adjacent to the Oregon White Oak grove, which is predominantly offsite, and it is unclear how the reduction in the size of these lots enables the trees to be preserved. See additional comments on the relationship between lot size and density calculations in compliance comment A. below.*

Response: The narrative has been updated with additional evidence to support the finding that lot size reduction for lots 6, 7, 15, and 16 is necessary to preserve the trees. Please refer to the updated response under Section 4.127(.08)D on page 24.

4. *Insufficient findings to explain deviations from the Street Demonstration Plan, particularly relating to the following (see Figure 18 of the Frog Pond West Master Plan and Subsection 4.127 (.10) WC.):*
 - *A missing Pedestrian Connection from Local Street A to Stafford Road in the eastern portion of the site.*



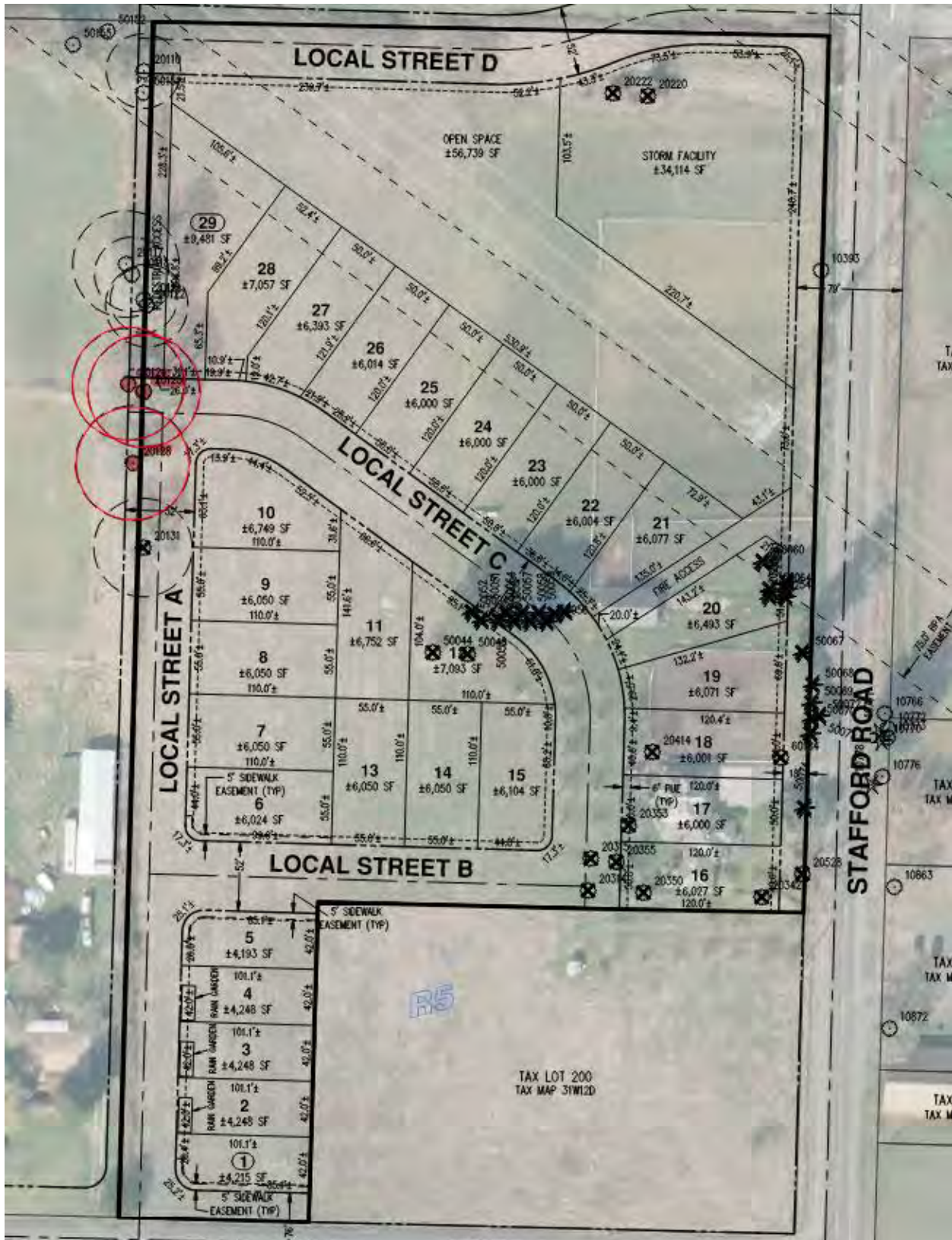
City of Wilsonville
Exhibit B3 DB21-0036 et al

Response: A pedestrian connection is proposed through Tax Lot 200, where it aligns with the southern sidewalk on Windflower Street, allowing pedestrian access without crossing a street.

- *Substitution of a Pedestrian Connection for a Public Street in Tract C. While it is noted that this provides an equivalent level of pedestrian connectivity, the provided finding incorrectly identifies the location of the oak tree grove relative to this connection and the provided path and tract do not meet the cross section requirements, including minimum path and planter strip width, identified for Pedestrian Connections as illustrated in Figure 25 of the Frog Pond West Master Plan.*

Response: The narrative has been updated to identify the location of the oak tree grove relative to the pedestrian connection. The Applicant initially studied the site layout with a public street connection as envisioned by the Street Demonstrated Plan. That layout was submitted to City staff for review prior to the preapplication conference. As shown on Figure 1 below, the site design with the public street would require removal of three mature oak trees, which the proposed layout manages to preserve (20128 – 55” DBH, 20125 – 34” DBH, and 20124 – 36” DBH). Because Trillium Street is moved further to the south to avoid impacting the oak trees, the middle block area becomes smaller and lots 6, 7, 15 and 16 are affected. Although not directly in the path of the trees that are being preserved, reducing lot sizes in the middle block enables tree preservation immediately to the north.

Figure 1. Alternative Street Layout from Preapplication Meeting



In order to achieve the target residential density of 29 lots and provide needed housing while avoiding environmental impact to the onsite wetland and preserving the mature oak trees, the 26-foot width of the pedestrian right-of-way is required to be reduced. The proposed pedestrian connections in Frog Pond Crossing provide a minimum eight-foot paved path. The width of pedestrian right-of-way (ROW) in Tract A is ±21 feet. The paved path is aligned along the eastern edge of the ROW to minimize any impact to the oak tree root system. Based on staff comments, pedestrian connection width in Tract C has been increased to ±16.25 feet, which represents two thirds of the typical section. The remaining width can be accommodated in the adjacent Tax Lot 401, as tree preservation achieved through this layout benefits both properties.

It should be noted that reduced pedestrian sections have been previously approved in Frog Pond Ridge and in Frog Pond Meadows subdivisions. North-south connection through Tact E in Frog Pond Ridge is 18.46 feet wide. The same path continuing southerly through Tract H in Frog Pond Meadows is 17 feet wide. The east-west pedestrian connection through Tract M in Frog Pond Meadows was replaced with a five-foot sidewalk in a private drive.

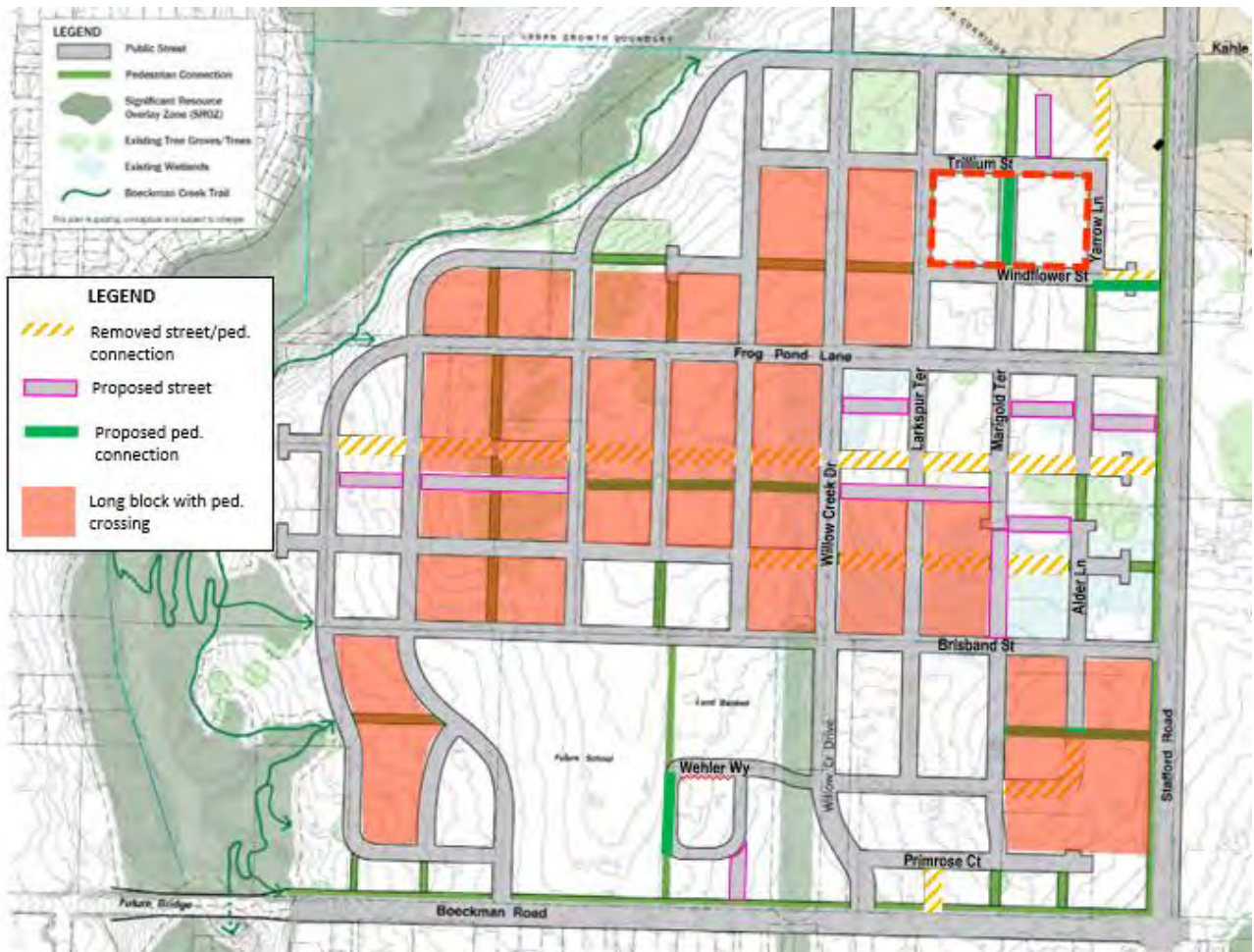
As proposed, pedestrian connections in Frog Pond Crossing are in substantial consistency with the intent of the Master Plan. They offer direct, convenient, and comfortable walking routes and complete the street grid where vehicular connections are not attainable.

- *Demonstration that the proposed deviations from the Street Demonstration Plan will not prevent adjacent properties from meeting the Street Demonstration Plan.*

Response:

The Applicant has been coordinating site planning with the owner of the adjacent property, therefore the proposed deviations from the Street Demonstration Plan in Frog Pond Crossing will not encumber the adjacent property. Furthermore, the proposed pedestrian connection mid-block does not create an unusual condition. As highlighted on Figure 2 below, Frog Pond West street network is not a fully conventional grid pattern. There are at least twelve long blocks with mid-block pedestrian connection that were either originally envisioned on Figure 18 in Frog Pond West Master Plan, or subsequently approved by the City through a modification. In Frog Pond Crossing, the proposed substitution of a street with a pedestrian connection in Tract C is justified by the preservation of three mature Oregon White Oak trees.

Figure 2. Street Demonstration Plan



5. Information on proposed pathway lighting for Pedestrian Connections consistent with the Frog Pond West Master Plan. See Public Lighting Plan beginning on page 77, and Figure 42 of the Frog Pond West Master Plan and Subsection 4.034 (.05) WC.

Response: Pedestrian lights were added to the Preliminary Composite Utility Plan and Preliminary Landscape Plan (Exhibit A). Lighting is not proposed along the wetland to avoid undesirable light impacts to the habitat.

6. A description of and justification for what appear to be temporary stormwater planters within Local Street B right-of-way in the stormwater report. It is unclear how the stormwater treated within these facilities will be accommodated onsite upon full buildout of the roadway.

Response: The temporary LIDA facilities are intended to be relocated to the seven-foot planters on the west side of Marigold Terrace upon full buildout of the street and become permanent LIDA stormwater features. The relocation would be completed by the owner of Tax Lot 401.

7. A downstream analysis of capacity for both discharge locations in the preliminary stormwater report.

Response: As shown in Section 6.5 of the Preliminary Stormwater Report (Exhibit G), the stormwater discharge from the project at full build-out is projected to be at or below the pre-development runoff condition; therefore, a downstream analysis is not required since there is no increase in runoff.

8. *Information on the size of existing and proposed water pipes on Sheet P-08 to demonstrate the project will be adequately served by water, sanitary sewer, and storm sewer pipes.*

Response: The Preliminary Composite Utility Plan (Sheet P-08 in Exhibit A) has been updated. Existing water main size is 8". Proposed water main size is 8", proposed sanitary sewer size is 8", proposed storm drainage line size is 12".

9. *Clarify if fencing is proposed around the stormwater pond in Tract A and if so, provide information on design and materials of the fence.*

Response: Yes, a black vinyl chain-link fence is proposed around the stormwater pond in tract A. The preliminary plans (Exhibit A) have been updated with this information.

Planning Comments

A. *The project narrative indicates a proportional dwelling unit range for Subdistrict 11 of 19- 24 units. The narrative response to Subsection 4.127 (.06) indicates that the portion of the project within this subdistrict is 41% of the overall net subdistrict area of 10.2 acres (which excludes the BPA easement area). This reference is incorrect, as per this subsection the minimum and maximum range is calculated based on the proportional amount of the gross development area of the subdistrict and site (excluding the BPA easement area). Per the submitted plans, it appears that the project's gross development area within Subdistrict 11 (excluding the BPA easement area) is approximately 5.1 acres. With an identified gross subdistrict area of 12.7 acres (excluding the BPA easement area), the proportion of the project within this subdistrict is 40.2% of the overall subdistrict area. This results in a maximum of 23.3 units allowed in the project area, which would equate to a maximum of 23 since it is not possible to allow a fraction of a dwelling unit. Even if the 41% figure stated in the narrative is used, this still results in 23.8 units allowed in the project area, equating to a maximum of 23 units in this portion of the subdistrict.*

Given this, among other factors, it is difficult to demonstrate the necessity of the requested lot size reductions as noted in incompleteness item 2. It is also noted that while there is a stated density range within the Frog Pond West Master Plan, projects requesting the maximum density range must continue to meet other minimum requirements to support development.

Response: The proposed density is based on 12.7 acres in subdistrict 11. Although the narrative used the term "net" since the area does not include BPA easement, the Applicant's calculations are based on the same area as instructed by staff in the comment above. The narrative has been updated to clarify that density calculation is based on "gross acreage, after subtracting out BPA easement". As stated in the narrative, the Applicant's portion of Subdistrict 11 comprises 41%. Accordingly, 41% of 58 maximum allowed units in Subdistrict 11 equals 23.8, which rounds up to 24 units. Based on the past precedent

of City of Wilsonville rounding up fractions over 0.5 in the previously approved subdivisions within Frog Pond West, the same method should be applied to this project. For example, Frog Pond Ridge subdivision (DB20-007 – DB20-0014) staff report dated August 10, 2020 rounds up 16.9 fractional density to 17 whole dwelling units in Subdistrict 4, 10.7 fractional density to 11 units in Subdistrict 5, and 35.7 fractional density to 36 units in Subdistrict 6.

B. Clarify why no street trees are shown along Local Street B (Lots 1-5) on Sheet P-15. Utilization of planter strips for stormwater management must be balanced with the provision of street trees consistent with Figure 43 of the Frog Pond West Master Plan and Subsection 4.176 (.06).

Response: The project site north of Windflower Street slopes toward the northeast. That area is served by a detention pond in Tract A. The portion of the site south of Windflower Street is sloped toward the southwest and drains in the opposite direction. The Applicant's portion of the site is only wide enough to accommodate a three-quarter width of the street and one row of lots. There is no remaining area available for a stormwater basin. Therefore, for the southern portion of the property, stormwater planters, vegetated swales, and rain gardens provide flow control management for stormwater runoff. Due to physical site constraints, it is not feasible to accommodate street trees while meeting the City of Wilsonville Stormwater & Surface Water Design & Construction Standards.

C. The proposed Pedestrian Connections in Tracts A and C do not meet the cross section requirements, including minimum path and/or planter strip width, identified for Pedestrian Connections as illustrated in Figure 25 of the Frog Pond West Master Plan. The presence of the Oregon White Oak grove to the west of Path A may substitute for some of the required Pedestrian Connection street trees in this area.

Response: Please refer to response to comment # 4 under Completeness Items, above.

D. Cross sections illustrated on Sheet P-10 are not consistent with Figure 22 of the Frog Pond West Master Plan. While wider planting strips may be needed in select areas to support the construction of stormwater facilities, the submitted design results in an overreliance on the use of private lots to support critical elements of the public realm (particularly sidewalks in private easements for the full extent of several lot frontages) as identified in the cross sections.

Response: While on a portion of the project site, the sidewalks are proposed within a public access easement on certain private lots, the project aims to balance efficient site utilization, minimize impact to the onsite wetland and mature trees and provide a highly functional and convenient circulation system to the greatest extent possible. On those lots where the sidewalk is provided within an easement, the garage setback will be measured from the back of sidewalk, not from the property line. The City of Wilsonville previously approved sidewalks located partially or entirely within an easement in other Frog Pond West subdivisions which are currently under construction, including Frog Pond Ridge and Frog Pond Meadows. The proposed design is in line with similar approvals within the same PUD.

E. Tualatin Valley Fire and Rescue now requires a service provider permit as part of the land use submission to the City. Please visit the TVF&R's online portal to obtain this permit: <https://www.tvfr.com/399/Service-Provider-Permit> and include it with the next submission.

Response: TVF&R service provider permit is included in this submittal package as Exhibit P.

Engineering Comments

F. Per the Frog Pond Master Plan, Frog Pond Lane is a gateway collector and the section includes a 6' sidewalk, 8' planter strip, 8' buffered bike lane, 12' travel lane and 8' median. The proposed improvements do not match this.

Response: The Preliminary Street Plan and Preliminary Street Cross Sections (Sheets P-09 and P-10 of Exhibit A) have been updated to indicate that Frog Pond Lane frontage along the project site will be constructed to an interim condition until the street is widened to the east and to the west. The Applicant will construct full pavement width; however, due to a very short length of the site's frontage on Frog Pond Lane (± 142 feet), only temporary striping is proposed in place of the future road improvements to allow for continuous traffic flow on Frog Pond Lane. The adjacent property to the west (Tax Lot 200) is still undeveloped and has frontage on existing narrow road. It is not practical to build the roadway to the final design along just the Applicant's frontage. As the narrow road along Tax Lot 200 transitions to the full width along the project site, the median would be located in the driving lane. Construction to the final design should occur when the adjacent property is developed.

G. The water pipe needs to be stubbed to the west on Wildflower Street with a tee and valve cluster.

Response: The preliminary plans (Exhibit A) have been updated to show the water pipe stubbed on Windflower Street, as requested.

H. There will be 10 pipes in the alley (8 water service lines, storm and sanitary sewer) and it is only 20' wide. This is insufficient to provide future access to the public storm and sanitary pipes for operations and maintenance. An alternative would be to provide a 6" public water line in the alley that loops around lots 22, 23 and 24 back to Trillium Street.

Response: The pipes have been relocated out of the private alley. They will be routed underneath the pathways in tract A on east and on the west sides of lots 17 – 24. Please refer to the updated Preliminary Composite Utility Plan (Exhibit A).

I. The entrance to the subdivision is shown as 20' wide pavement & part of Wildflower is also shown as 20' wide. Given that this is the only access point to the subdivision it is unclear if this will provide sufficient access and maneuverability for emergency services and solid waste collection.

Response: The updated application package includes a Fire Truck Turning Exhibit (Exhibit Q) which demonstrates that the proposed pavement width can accommodate sufficient access and maneuverability for emergency services and solid waste collection vehicles.

J. Low points in the streets need a way to catch storm water to avoid ponding (sta 11+50 on Marigold Terrace, 17+50 on Trillium Street).

Response: The storm facilities on Marigold Terrace and Trillium Street have been moved to the low points. Please refer to the updated Preliminary Grading and Erosion Control Plan (Exhibit A).

K. *The ROW dedication at the intersection of Yarrow Lane and Trillium Street has an odd layout that should be smoothed out.*

Response: The Applicant coordinated the geometry of this particular intersection with the former Development Engineering Manager, Khoi Le. The proposed design was agreed upon as the most practical layout which avoids impact to the existing onsite wetland immediately to the north of this intersection. The Applicant is willing to study this area further if City staff believes a more efficient design alternative is available.

Incompleteness items 1-9 need addressing in order to complete the applications. Please provide 3 copies of the revised project narrative, findings, and reduced 11" by 17" plans, full sheet plans drawn to scale and folded plus an electronic copy of the project narrative, findings, and plans. When you have resubmitted the application materials, staff will have up to 30 days to determine whether the application is complete. ORS 227.178. Upon determination the application is complete please provide 7 additional copies of the materials listed above. If there are revisions please provide 10 copies of the final set of plans and other materials, both paper copies and cd's.

Response: The requested materials are included with this submittal.

The intent of this letter and the attached material is to provide all the missing information addressed in your letter of August 12, 2021. In accordance with ORS 227.178(2), our application should be deemed complete and scheduled for a hearing.

Thank you for reviewing this information and please let us know if you have further questions.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Mimi Doukas, AICP, RLA - Associate
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
503-563-6151 | mimid@aks-eng.com

Enclosures

1. Incompleteness Letter dated August 12, 2021
2. Updated Land Use Application (includes the following)
 - Updated Narrative
 - Exhibit A: Updated Preliminary Plans
 - Exhibit B: Land Use Application Forms
 - Exhibit C: Title Report
 - Exhibit D: Clackamas County Assessor's Map



Exhibit E: Traffic Impact Study
Exhibit F: SROZ Verification Report
Exhibit G: Updated Preliminary Stormwater Report
Exhibit H: Geotechnical Report
Exhibit I: Draft CC&Rs
Exhibit J: Annexation Petition and Certification
Exhibit K: Annexation Legal Description, Exhibit, and Certification
Exhibit L: Zoning Change Legal Description and Exhibit
Exhibit M: Preliminary Conceptual Elevations
Exhibit N: 250-Foot Radius Notification Labels
Exhibit O: BPA Easement
Exhibit P: TVF&R Service Provider Letter
Exhibit Q: Fire Truck Turning Exhibit



Incompleteness Letter dated August 12, 2021



August 12, 2021

Kelly Ritz
Venture Properties, Inc.
4230 Galewood Street, Suite 100
Lake Oswego, OR 97135

Application Numbers: DB21-0036 through DB21-0044 Frog Pond Crossing
Legal: The property described as Tax Lots 100, 300, 302, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

Status: Notice that Your Application IS NOT COMPLETE.

Dear Ms. Ritz:

You are listed as the applicant on a City of Wilsonville Site Development Application form submitted regarding the property described above. The city received your applications on July 14, 2021 for Annexation, a Zone Map Amendment, Stage I Master Plan, Stage II Final Plan, Site Design Review, Tentative Subdivision Plat, Type C Tree Plan, and Waivers to Open Space Location and Minimum Street Frontage.

The applications submitted are incomplete, based on the applicable provisions of ORS 227.178(2) and Subsection 4.035(.05) Wilsonville Code ("WC"), due to the following missing items 1-9:

1. General location and type/purpose of all existing and anticipated easements to be shown on Preliminary Plat. Among the various easements, include public access easements over tracts and lots with bicycle and pedestrian facilities, as well as any pipeline easements for public utilities in tracts. As improvements are shown within the existing BPA easement, provide a copy of this easement to determine what can be constructed in this area. See Subsection 4.210 (.01) B. 16. WC.
2. Traffic report prepared consistent with City standards by DKS Associates.
3. Insufficient findings to demonstrate the necessity of minimum lot size reductions for Lots 6, 7, 15, and 16. These lots are not adjacent to the Oregon White Oak grove, which is predominantly offsite, and it is unclear how the reduction in the size of these lots enables

the trees to be preserved. See additional comments on the relationship between lot size and density calculations in compliance comment A. below.

4. Insufficient findings to explain deviations from the Street Demonstration Plan, particularly relating to the following (see Figure 18 of the Frog Pond West Master Plan and Subsection 4.127 (.10) WC.):
 - A missing Pedestrian Connection from Local Street A to Stafford Road in the eastern portion of the site.
 - Substitution of a Pedestrian Connection for a Public Street in Tract C. While it is noted that this provides an equivalent level of pedestrian connectivity, the provided finding incorrectly identifies the location of the oak tree grove relative to this connection and the provided path and tract do not meet the cross section requirements, including minimum path and planter strip width, identified for Pedestrian Connections as illustrated in Figure 25 of the Frog Pond West Master Plan.
 - Demonstration that the proposed deviations from the Street Demonstration Plan will not prevent adjacent properties from meeting the Street Demonstration Plan.
5. Information on proposed pathway lighting for Pedestrian Connections consistent with the Frog Pond West Master Plan. See Public Lighting Plan beginning on page 77, and Figure 42 of the Frog Pond West Master Plan and Subsection 4.034 (.05) WC.
6. A description of and justification for what appear to be temporary stormwater planters within Local Street B right-of-way in the stormwater report. It is unclear how the stormwater treated within these facilities will be accommodated onsite upon full buildout of the roadway.
7. A downstream analysis of capacity for both discharge locations in the preliminary stormwater report.
8. Information on the size of existing and proposed water pipes on Sheet P-08 to demonstrate the project will be adequately served by water, sanitary sewer, and storm sewer pipes.
9. Clarify if fencing is proposed around the stormwater pond in Tract A and if so, provide information on design and materials of the fence.

In addition to the incompleteness items 1-9 listed above, the following questions and comments regarding compliance came to City staff's attention while reviewing the materials for completeness. This list is not intended to be a comprehensive review of potential compliance issues, which will occur upon receipt of a completed application. Please respond and/or incorporate into updated materials as appropriate.

Planning Comments

- A. The project narrative indicates a proportional dwelling unit range for Subdistrict 11 of 19-24 units. The narrative response to Subsection 4.127 (.06) indicates that the portion of the

project within this subdistrict is 41% of the overall net subdistrict area of 10.2 acres (which excludes the BPA easement area). This reference is incorrect, as per this subsection the minimum and maximum range is calculated based on the proportional amount of the gross development area of the subdistrict and site (excluding the BPA easement area). Per the submitted plans, it appears that the project's gross development area within Subdistrict 11 (excluding the BPA easement area) is approximately 5.1 acres. With an identified gross subdistrict area of 12.7 acres (excluding the BPA easement area), the proportion of the project within this subdistrict is 40.2% of the overall subdistrict area. This results in a maximum of 23.3 units allowed in the project area, which would equate to a maximum of 23 since it is not possible to allow a fraction of a dwelling unit. Even if the 41% figure stated in the narrative is used, this still results in 23.8 units allowed in the project area, equating to a maximum of 23 units in this portion of the subdistrict.

Given this, among other factors, it is difficult to demonstrate the necessity of the requested lot size reductions as noted in incompleteness item 2. It is also noted that while there is a stated density range within the Frog Pond West Master Plan, projects requesting the maximum density range must continue to meet other minimum requirements to support development.

- B. Clarify why no street trees are shown along Local Street B (Lots 1-5) on Sheet P-15. Utilization of planter strips for stormwater management must be balanced with the provision of street trees consistent with Figure 43 of the Frog Pond West Master Plan and Subsection 4.176 (.06).
- C. The proposed Pedestrian Connections in Tracts A and C do not meet the cross section requirements, including minimum path and/or planter strip width, identified for Pedestrian Connections as illustrated in Figure 25 of the Frog Pond West Master Plan. The presence of the Oregon White Oak grove to the west of Path A may substitute for some of the required Pedestrian Connection street trees in this area.
- D. Cross sections illustrated on Sheet P-10 are not consistent with Figure 22 of the Frog Pond West Master Plan. While wider planting strips may be needed in select areas to support the construction of stormwater facilities, the submitted design results in an overreliance on the use of private lots to support critical elements of the public realm (particularly sidewalks in private easements for the full extent of several lot frontages) as identified in the cross sections.
- E. Tualatin Valley Fire and Rescue now requires a service provider permit as part of the land use submission to the City. Please visit the TVF&R's online portal to obtain this permit: <https://www.tvfr.com/399/Service-Provider-Permit> and include it with the next submission.

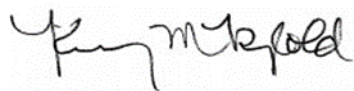
Engineering Comments

- F. Per the Frog Pond Master Plan, Frog Pond Lane is a gateway collector and the section includes a 6' sidewalk, 8' planter strip, 8' buffered bike lane, 12' travel lane and 8' median. The proposed improvements do not match this.
- G. The water pipe needs to be stubbed to the west on Wildflower Street with a tee and valve cluster.
- H. There will be 10 pipes in the alley (8 water service lines, storm and sanitary sewer) and it is only 20' wide. This is insufficient to provide future access to the public storm and sanitary pipes for operations and maintenance. An alternative would be to provide a 6" public water line in the alley that loops around lots 22, 23 and 24 back to Trillium Street.
- I. The entrance to the subdivision is shown as 20' wide pavement & part of Wildflower is also shown as 20' wide. Given that this is the only access point to the subdivision it is unclear if this will provide sufficient access and maneuverability for emergency services and solid waste collection.
- J. Low points in the streets need a way to catch storm water to avoid ponding (sta 11+50 on Marigold Terrace, 17+50 on Trillium Street).
- K. The ROW dedication at the intersection of Yarrow Lane and Trillium Street has an odd layout that should be smoothed out.

Incompleteness items 1-9 need addressing in order to complete the applications. Please provide 3 copies of the revised project narrative, findings, and reduced 11" by 17" plans, full sheet plans drawn to scale and folded plus an electronic copy of the project narrative, findings, and plans. When you have resubmitted the application materials, staff will have up to 30 days to determine whether the application is complete. ORS 227.178. Upon determination the application is complete please provide 7 additional copies of the materials listed above. If there are revisions please provide 10 copies of the final set of plans and other materials, both paper copies and cd's.

If you have any questions, please contact me at 503-682-4960, or at rybold@ci.wilsonville.or.us.

Sincerely,



Kimberly Rybold, AICP
Senior Planner
City of Wilsonville

cc via email

Mimi Doukas, AKS Engineering and Forestry, LLC



August 12, 2021

Dear Ms. Ritz:

As indicated in the attached correspondence, your applications:

Case File DB21-0036 through DB21-0044 Frog Pond Crossing

have been deemed incomplete.

You must acknowledge, in writing, your intent to provide the material required to complete the application, as identified in the attached correspondence, dated August 12, 2021. To do this, please sign below and return this acknowledgment by August 26, 2021, to:

Kimberly Rybold
City of Wilsonville Planning Division
29799 SW Town Center Loop Drive E
Wilsonville, OR 97070

If you indicate your intent to complete the application, you will have 180 days from the date of the submittal (July 14, 2021) to provide the required material. If you fail to submit the required material within 180 days (January 10, 2022), your application will be deemed void. The case files regarding the applications will then be closed.

If you do not return this acknowledgment, such action will be considered a refusal under the meaning accorded in ORS 227.178(2). Your applications will then be processed based upon the information you have previously submitted. Note that failure to submit sufficient evidence or material to demonstrate compliance with the applicable criteria is grounds for denial of the application.

Acknowledgement

I (intend / refuse) to provide the additional material identified as incompleteness items in correspondence from the Planning Division, dated August 12, 2021.

Signed and Acknowledged (Applicant)

Date

November 15, 2021



Kimberly Rybold
City of Wilsonville
Community Development
29799 SW Town Center Loop East
Wilsonville, OR 97070

RE: Case File DB21-0036 through DB21-0044, Frog Pond Crossing

Dear Kimberly:

Thank you for reviewing the revised Frog Pond Crossing PUD application. This letter and accompanying information respond to your request for additional information in the letter dated October 8, 2021, attached. The list of additional information requested is shown in *italics*, with the Applicant's response directly below.

Completeness Items:

- 1. A downstream analysis of capacity for both discharge locations in the preliminary stormwater report. The completeness response included with the September 10 resubmission indicated that stormwater discharge from the project at full build-out is projected to be at or below the pre-development runoff condition so a downstream analysis is not required since there is no increase in runoff. Stormwater facilities only account for flows up to the 10-year event, but Section 301.5.01 of the City's Public Works Construction Standards requires applicants for new development to conduct a downstream analysis to assess the capacity of the downstream stormwater system for conveying the 25-year event. Without this analysis in the stormwater report, it is not possible to determine if the proposed stormwater management facilities are adequately sized to support the proposed development, which may affect overall subdivision layout.*

Response: A downstream analysis has been completed for the north basin and is now included as Appendix I to the Preliminary Stormwater Report (Exhibit G). Per the downstream analysis, the existing downstream culvert and channel has the capacity to convey the 25-year storm from this developed basin. For the south basin, stormwater will discharge to the new stormwater conveyance systems that are being installed with Frog Pond Ridge subdivision. The Frog Pond Ridge Stormwater Management Plan includes an approved downstream analysis. The report demonstrates that this project will not negatively impact downstream capacity.

Planning Comments

A. The proposed Pedestrian Connections in Tracts A and C do not meet the cross section requirements, including minimum path and/or planter strip width, identified for Pedestrian Connections as illustrated in Figure 25 of the Frog Pond West Master Plan as noted below:

***Tract A** – The updated plans continue to illustrate an eight-foot-wide walkway on the west side of the tract, serving as the primary frontage for Lots 17-21. Consistent with the approach taken in established tree groves in the Frog Pond Meadows and Frog Pond Ridge subdivisions, the*



City of Wilsonville
Exhibit B4 DB21-0036 et al

overall Pedestrian Connection cross section may be reduced as the presence of the Oregon White Oak grove to the west of the path may substitute for the required Pedestrian Connection street trees and planter strips in this area. The path width through this area must be ten feet consistent with this cross section to allow for safe pedestrian and bicycle access to these lots.

Response: The path in Tract A has been revised to a 10-foot width. Please refer to the updated cross section G on the Preliminary Street Cross Sections Plan (Exhibit A).

***Tract C** – The updated plans illustrate a proposed cross section consisting of an eight-foot-wide path with a 5.5-foot planting strip that does not include street trees as required by the Frog Pond West Street Tree Plan (see page 83 of the Frog Pond West Master Plan). A desire to reach the maximum allowed density for the subject property is not justification for failing to meet other Master Plan and Development Code requirements, such as the minimum required Pedestrian Connection cross section, particularly as this Pedestrian Connection serves as an alternative to the local street shown at this location in the Street Demonstration Plan. This tract must include an eight-foot planter strip on the east side of the path, as shown in Figure 25, and must include street trees consistent with the Street Tree Plan. The tract must include a 10-foot walkway consistent with this cross section to accommodate bicycle and pedestrian traffic. The planting strip on the west side of the pedestrian connection may be installed with development of Tax Lot 401 to the west.*

Response: The pedestrian path in Tract C has been revised. The updated Preliminary Street Cross Sections Plan (Exhibit A) now shows a 10-foot-wide paved path with an 8-foot-wide planter strip on the east side of the path to be constructed by the Applicant in Frog Pond Crossing neighborhood. An 8-foot-wide planter strip to the west of the path is shown to be completed by the adjacent lot, whose residents will be sharing the use of this amenity. A planting detail showing street trees, shrubs, and groundcover is now also included on the Preliminary Tract C and D Planting Plans (Exhibit A).

In addition to the above noted modifications, revised plans must also demonstrate a direct and safe connection between these two tracts across SW Trillium Street, along with a direct and accessible bicycle and pedestrian access point to the Tract C Pedestrian Connection from SW Marigold Terrace.

Response: As shown on the updated Preliminary Street Plan (Exhibit A), a well-defined, safe, and direct pedestrian connection between Tracts A and C, as well as between Tract C and public sidewalks on Windflower Street and Marigold Street will be achieved by striping the street crossings as continental crosswalks and providing curb ramps that are aligned and are wide enough to ensure safe bicycle access.

B. The revised plans still do not include street trees along SW Marigold Terrace. Utilization of planter strips for stormwater management must be balanced with the provision of street trees consistent with Figure 43 of the Frog Pond West Master Plan and Subsection 4.176 (.06). As noted in review of previous Frog Pond West land use applications, many design elements compete for space within the planter strips between sidewalks and streets. In review of these subdivisions, the City directed applicants to give priority to laying out street trees and street lighting keeping appropriate spacing from utility laterals and water meters, and then placing stormwater facilities where space remains available and placement is desirable. If, due to driveway location, lot frontage width, and need to

provide stormwater management facilities, it is not practical to provide street trees within the SW Marigold Terrace planting strip then the applicant should explore alternative methods of providing street trees in this area, including on private lots, to ensure the requirements of the Street Tree Plan and Subsection 4.176 (.06) are met.

Response: Based on coordination of this item with City staff, street trees will be provided in the front yards adjacent to those locations where planter strips must be utilized entirely for stormwater management. Please refer to the updated Preliminary Landscape Plan (Exhibit A).

C. *The submitted plan set does not show the location of proposed driveways serving individual lots. Based on an examination of the site plan, proposed utilities, and street trees, it is unclear how access to Lots 7, 8, 9, and 14 will be provided. Inclusion of driveways within the plan set is critical in determining if driveway width standards, off-street parking requirements, and street tree requirements are met.*

Response: The updated preliminary plans reflect the proposed driveway locations. As demonstrated in the plans, driveway width standards, off-street parking requirements, and street tree requirements are met.

D. *The revised site plans continue to illustrate two temporary stormwater management facilities that, according to the applicant's completeness response letter, will be relocated offsite to the west side of SW Marigold Terrace by the developer of the subdivision to the west of the subject property. The City cannot make findings that the proposed temporary facilities are adequate to serve the proposed development if they are reliant upon a future developer to relocate them offsite to a permanent location. If the applicant wishes to pursue this, evidence of a recorded agreement with the property owner to the west that runs with the land must be provided to ensure that the current and any future property owner or developer is aware of the obligation to reconstruct and accommodate stormwater management needs generated by this project. Alternatively, the applicant may choose to relocate the proposed stormwater management facilities to ensure that all stormwater management needed to support this development is accommodated in perpetuity on this site.*

Response: Per conversation with Matt Palmer, the stormwater swales originally proposed on the west side of Marigold Terrace have been removed from the plans. A catch basin with snout will be used to pick up the stormwater temporarily for Frog Pond Crossing. The future ultimate construction of Marigold Terrace will construct the stormwater swales in the ultimate locations.

E. *The submitted completeness response provides a clearer explanation of how the dimensions for Lots 6, 7, 15, and 16 are affected by preservation of the trees located along the property line further north. Further, page 24 of the applicant's narrative notes that "A reduction up to 80% in lot size is allowed by Code for tree preservation." While there is an allowance for lot size reductions in this instance, it is notable that the code states this reduction may be applied "where necessary" to preserve resources such as these. In staff's interpretation of this code provision, the necessity of this request does not appear to be met, as lots meeting the minimum lot size could be provided within this block and the subdivision would still fall at the higher end of the allowed density range. While this project is requesting the maximum density allowed on the subject property, it must continue to meet other minimum requirements to support development consistent with the Frog Pond West Master Plan and Development Code.*

Response: With the above revisions incorporated into Frog Pond Crossing site design, the project fully meets all of the minimum requirements and is consistent with the Frog Pond West Master Plan and Development Code, while setting aside land to preserve mature Oak trees and a wetland. The City staff and DRB members have substantial evidence in the record to make a finding that a minor lot size reduction on four lots is necessary to preserve natural resources and provide a valuable benefit to the community. Moreover, providing homes to twenty-nine families, as permitted by this subdistrict, supports the City of Wilsonville's goal of accommodating 3,794 new households by 2034.

Additional Items

Republic Services has reviewed the site layout and provided recommendations for an interim bin pickup location until Trillium Street can be connected further west, eliminating the temporary dead-end in Frog Pond Crossing neighborhood. With the interim solution, Republic Services can service the proposed layout. The Applicant agrees with the proposed temporary cart placement locations identified by Republic Services; and that configuration can be incorporated as a condition of approval. Please refer to Exhibit U in the revised application package.

The intent of this letter and the attached material is to provide all the missing information addressed in your letter of October 8, 2021. With this resubmittal, we believe the application is now complete. Due to project time constraints, we respectfully request per ORS 227.178.2.b that the subject application be deemed complete with this resubmittal so that the land use review process may proceed. We will not be submitting additional information.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

Thank you for reviewing this information and please let us know if you have further questions.



Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Mimi Doukas, AICP, RLA - Associate
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
503-563-6151 | mimid@aks-eng.com

Enclosures

1. Incompleteness Letter dated October 8, 2021
2. Updated Application Packet, including:
 - Narrative
 - Exhibit A: Preliminary Plans
 - Exhibit B: Land Use Application Forms
 - Exhibit C: Title Report
 - Exhibit D: Clackamas County Assessor's Map
 - Exhibit E: Traffic Impact Study
 - Exhibit F: SROZ Verification Report
 - Exhibit G: Preliminary Stormwater Report
 - Exhibit H: Geotechnical Report
 - Exhibit I: Draft CC&Rs
 - Exhibit J: Annexation Petition and Certification
 - Exhibit K: Annexation Legal Description, Exhibit, and Certification
 - Exhibit L: Zoning Change Legal Description and Exhibit
 - Exhibit M: Preliminary Conceptual Elevations
 - Exhibit N: 250-Foot Radius Notification Labels
 - Exhibit O: BPA Easement
 - Exhibit P: TVF&R Service Provider Letter
 - Exhibit Q: Fire Truck Turning Exhibit
 - Exhibit U: Trash/Recycling Pickup Exhibit



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

TO: City of Wilsonville Planning
FROM: Kenneth Kent, Clackamas County Engineering
DATE: January 19, 2022
RE: DB231-0036, Frog Pond Crossing
31W12D 00100, 00300 and 00302

This office has the following comments pertaining to this proposal:

FACTS AND FINDINGS

1. The proposed land use application for a 29-lot subdivision includes frontage on the west side of SW Stafford Road, which is a roadway under the jurisdiction of Clackamas County. Approval of a Development Permit from Clackamas County for access and frontage improvements on SW Stafford Road will be required with development of the proposed subdivision.
2. SW Stafford Road is classified as a minor arterial roadway by Clackamas County. Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths and access standards for arterial roads. The one half right-of-way width of SW Stafford Road along the project site frontage appears to be 30 feet. The minimum one half right-of-way for a 3-lane arterial roadway is 40 feet. The applicant will be required to dedicate approximately 10 feet of right-of-way to provide a minimum 40-foot one half right-of-way width.
3. The minimum improvements on the SW Stafford Road frontage consistent with the Clackamas County Roadway Standards include, but are not necessarily limited to, up to a one half-street improvement, with a pavement width of 27 feet from the centerline of the right-of-way, standard 6-inch wide curb, 5-foot wide landscape strip with street trees, and a 5-foot wide unobstructed sidewalk.
4. Under *Clackamas County Roadway Standards*, Section 220.5, access is limited on arterial roadways, when access is available from a lower functional classification roadway. The preliminary plan appears consistent with this standard, with access provided from SW Frog Pond Lane.
5. *Clackamas County's Roadway Standards* indicate that arterial roadways shall have an 8-foot wide public easement for sign, slope, and public utilities on each side of the roadway.

6. The City of Wilsonville is the surface water management authority for the area including the subject site. The proposed subdivision will be required to comply with the rules and regulations of the City and Chapter 4 of the Clackamas County Roadway Standards.

CONCLUSION

Although the County does not have land use jurisdiction over the proposed subdivision, the County does have jurisdiction over access and improvements along SW Stafford Road. However, the following recommended conditions reflect the County's minimum standards. Where the City's standards are greater, and do not otherwise conflict with the County's access, storm drainage standards and maintenance practices, the City's standards are acceptable.

If the City of Wilsonville approves the request, the following conditions of approval are recommended. If the applicant is advised to or chooses to modify the proposal in terms of access location and/or design following the preparation of these comments, this office requests an opportunity to review and comment on such changes prior to a decision being made.

1. All required street, street frontage and related improvements shall comply with the standards and requirements of the Clackamas County Zoning and Development Ordinance and the Clackamas County Roadway Standards unless otherwise noted herein.
2. Prior to commencement of site work and recording of the plat the applicant shall obtain a Development Permit from this office for design and construction of required improvements to SW Stafford Road. To obtain the Permit, the applicant shall submit plans prepared and stamped by an Engineer registered in the State of Oregon, provide a Performance Guarantee, and pay an Inspection Fee. The Performance Guarantee is 125% of the approved Engineer's cost estimate for the required improvements.
3. The applicant shall dedicate approximately 10 feet of right-of-way along the entire site frontage on SW Stafford Road and verify by a professional survey that a 40-foot wide, one-half right-of-way width exists.
4. The applicant shall grant an 8-foot wide public easement for sign, slope and public utilities along the entire frontage of SW Stafford Road.
5. The applicant shall design and construct improvements along the entire site frontage of SW Stafford Road up to the northern boundary of the project site, to the arterial road standard, per Clackamas County Roadway Standards, Standard Drawing C140. These improvements shall consist of:
 - a. A 27-foot wide half-street improvement for an arterial roadway. The structural section shall be designed per Clackamas County Roadway Standards Standard Drawing C100 for an arterial roadway.
 - b. Inbound and outbound tapers shall be provided per Section 250.6.4 of the Clackamas County Roadway Standards.
 - c. Standard curb, or curb and gutter if curblin slope is less than one percent, and pavement with the face of the new curb located 27 feet from right-of-way centerline.

- d. Adjacent to the back of curb, a 5-foot wide landscape strip, including street trees and ground cover shall be constructed along the entire site frontage. Where adjacent to a wetland, the landscape strip can be eliminated, if sidewalk would encroach into the wetland, based on wetland delineation
 - e. A minimum 5-foot wide unobstructed sidewalk shall be constructed along the entire site frontage, per Standard Drawing S960.
 - f. Curb ramps shall be constructed at the north and south ends of the sidewalk, per Oregon standard drawing, RD900 series.
 - g. A storm water management plan shall be provide, and storm drainage facilities shall be constructed along the SW Stafford Road frontage in conformance with *Clackamas County Roadway Standards* Chapter 4. Positive drainage and adequate conveyance of surface water shall be provided to an appropriate discharge point.
6. Utility installation plans for work within the SW Stafford Road right-of-way shall be submitted as part of the Development Permit. Utility installations shall be in compliance with Chapter 7 of the *Clackamas County Roadway Standards*. Pavement restoration shall be in accordance with, Roadway Standard Drawings U275 through U290.
7. **Prior to the Issuance of a Development Permit:** The applicant shall submit to Clackamas County Engineering, a set of detailed street construction plans for review, in conformance with *Clackamas County Roadway Standards* Section 140, to Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.
- a. The permit fee is based on the engineer's cost estimate for the project and the current fee structure for development at the time of the Development Permit application.
 - b. The applicant shall have an Engineer, registered in the state of Oregon, design and stamp construction plans for all required improvements. Plans shall include right of way lines, edge of pavement, curbs and existing structures verified by professional survey.
 - c. The applicant shall enter into a Developer/Engineer Agreement for primary inspection services per Section 180 of the *Roadway Standards*. This form will be provided to the applicant and shall be signed and returned to County Plans Reviewer.
8. **Prior to Final Plat:**
- a. The applicant shall provide a Certificate of Compliance signed by the Engineer of Record stating all materials and improvements have been installed per approved plans and manufacture's specifications.
 - b. Substantial Completion shall be met, per *Roadway Standards* Section 190.2. For any other unfinished improvements required by conditions of approval, a performance surety shall be provided per *Roadway Standards* Section 190.3, based on an Engineer's cost estimate. The estimate shall be submitted for review and approval of quantities of asphalt concrete, aggregates, curbs, sidewalks and any other required improvements and associated construction costs.

From: Pepper, Amy
Sent: Thursday, January 27, 2022 9:00 AM
To: kenken@clackamas.us
Cc: Rybold, Kim; Bradford, Philip; Bateschell, Miranda
Subject: RE: DB21-0036 Frog Pond Crossing - County Engineering

Kenneth ~

I'm following up on the voicemail I just left for you this morning regarding comments provided on the Frog Pond Crossing subdivision. In your memo dated January 19, 2022, six conditions were included related to improvements along Stafford Road. The City is currently pursuing annexation and jurisdictional transfer of Stafford Road, in addition to other roads in the City. That work is being coordinated between Michael Bays at the County and Zach Weigel, City Engineer. Upon transfer of jurisdiction, the City's frontage improvements and permitting processes will apply to Stafford Road and exclusively under our road authority.

Please let me know if you would like to discuss this issue further.

Thank you!

Amy

Amy Pepper
Development Engineering Manager
City of Wilsonville
503.570.1566
apepper@ci.wilsonville.or.us
www.ci.wilsonville.or.us
[Facebook.com/CityofWilsonville](https://www.facebook.com/CityofWilsonville)



29799 SW Town Center Loop East, Wilsonville, OR 97070

Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.

From: Kent, Ken <KenKen@clackamas.us>
Sent: Wednesday, January 19, 2022 11:20 AM
To: Bradford, Philip <pbradford@ci.wilsonville.or.us>
Subject: DB21-0036 Frog Pond Crossing - County Engineering

Hi Philip,

Here are comments from County Engineering for the Frog Pond Crossing project.

Thanks,

Ken

Kenneth Kent

Senior Planner, Development Engineering

Clackamas County Engineering Division

503-742-4673

kenken@clackamas.us

Development Services Building

150 Beavercreek Road, Oregon City, OR 97045

Hours: 7:00 AM - 6 PM M-TH. I am in the office on Thursdays.

Note: Most business with our division can be conducted online at <https://www.clackamas.us/engineering>.

Our Development Services lobby is open Monday through Thursday from 9 am - 4 pm and closed on Friday.

Engineering Conditions and Requirements for Proposed Development

From: Amy Pepper, PE Development Engineering Manager

To: Phillip Bradford, AICP, Associate Planner

Date: February 1, 2022

Proposal: Frog Pond Crossing 29 lot subdivision

Engineering Division Conditions:

Request: DB21-0036 Preliminary Development Plan

PFA 1.	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1 and to specifics as found in the Frog Pond West Mater Plan (July 17, 2017).
PFA 2.	The City is responsible for the actual reconstruction/improvement to Stafford Road per the Frog Pond West Master Plan and Transportation System Plan (Project UU-06). This construction will be undertaken when an appropriate number of home building permits have been issued and sufficient funding has been deposited into the infrastructure supplemental fee account.
PFA 3.	The Traffic Impact Study for the project (DKS, July 2021) indicates that with the proposed development the level of service (LOS) at the intersection of Boeckman Road and Canyon Creek Road will fall below LOS D. The City has identified fully signaling this intersection as part of project UU-01 in the Transportation System Plan. The City has identified funding for design and construction as CIP 4206 in the proposed budget for FY 2023 and construction is anticipated to commence in 2023.
PFA 4.	The Traffic Impact Study for the project (DKS, July 2021) indicates that with the proposed development, the level of service (LOS) at the intersection of Stafford Road and 65 th Avenue is expected to fail to meet Clackamas County Standards (LOS E) The County has identified installing a roundabout or traffic signal at this intersection. The City’s Transportation System Plan identifies this as a high priority project (Project SI-03) under the jurisdiction of Clackamas County. Clackamas County’s Transportation Plan identifies this project as number 1079 on its Preferred Capital Projects list.
PFA 5.	Streets shall be primarily constructed per the street type and cross-section as show in the Frog Pond West Master Plan. The cross-section for Stafford Road is incorrectly shown in the Frog Pond West Master Plan. The City’s intent and preference is to have a 10-foot Public Utility Easement located adjacent to the street right-of-way and within the 12-foot landscape buffer.
PFA 6.	<u>Prior to issuance of a Public Works permit:</u> Applicant shall be required to enter into a Development and Annexation Agreement with the City.
PFA 7.	<u>Prior to Issuance of Public Works Permit:</u> Submit site plans to Engineering showing street improvements including pavement, curb, planter strip, street trees, sidewalk, and driveway approaches along site frontage on Frog Pond Lane and the proposed new public street. Street improvements shall be constructed in accordance with the



	Public Works Standards. The eyebrow corners shall be designed with minimum centerline radii to allow fire, utility, moving trucks turnaround.
PFA 8.	<u>Prior to Issuance of Public Works Permit:</u> A final stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment and flow control requirements. The stormwater report shall also include conveyance calculations to demonstrate that any downstream impacts can be mitigated.
PFA 9.	<u>Prior to Issuance of Public Works Permit:</u> Provide appropriate documentation allowing facilities (storm water pond, storm pipe and access trails) to be located within the existing BPA easement.
PFA 10.	<u>Prior to Issuance of Public Works Permit:</u> Submit a wetlands delineation report, obtain concurrence from the regulatory agency and obtain a permit as required by the regulatory agency.
PFA 11.	<u>Prior to Issuance of Public Works Permit:</u> The construction drawings shall depict the water line in SW Trillium Street on the south side of the street per the construction standards. The construction drawings shall depict the sanitary sewer line in SW Trillium on the north side of the street per the construction standards.
PFA 12.	<u>Prior to the Issuance of the Public Works Permit:</u> The construction drawings shall depict a 4" temporary water line loop through Trace C, connecting the dead end water mains located in SW Trillium Street to SW Marigold Terrace.
PFA 13.	<u>Prior to the Issuance of the Public Works Permit:</u> The applicant shall obtain an NPDES 1200C permit from the Oregon Department of Environmental Quality and a Local Erosion Control Permit from the City of Wilsonville. All erosion control measures shall be in place prior to starting any construction work, including any demolition work. Permits shall remain active until all construction work is complete and the site has been stabilized. Permits will be closed out when home construction is completed and final certificates of occupancy have been issued for all homes in the subdivision.
PFA 14.	<u>Prior to Issuance of the Public Works Permit:</u> Provide pedestrian connection to Tax Lot 401, the property to the east of this site. Coordinate with the design engineer for that project to identify the best connection point from either Path A or Path B.
PFA 15.	<u>Prior to Issuance of the Public Works Permit:</u> Provide "no parking" signs along SW Marigold Terrace and SW Wildflower Street where the pavement width is less than 28-feet.
PFA 16.	<u>With the Public Works Permit:</u> The applicant shall provide to the City a copy of correspondence that plans have been distributed to the franchise utilities. <u>Prior to the issuance of the Public Works Permit:</u> The applicant shall have coordinate the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easement or right-of-way be required to construct or relocate a franchise utility, the applicant shall provide a copy of the recorded documents.

PFA 17.	<u>Prior to final completeness of the Public Works Permit:</u> Submit documentation that the existing on-site septic system was properly decommissioned per the requirements of OAR 340-071-0185.
PFA 18.	<u>Prior to final completeness of the Public Works Permit:</u> Submit documentation that the existing well serving this property was either properly abandoned in accordance with OAR 690-240 and the Water Resources Department requirements or the water line properly abandoned at the property line of Tax Lot 200 in accordance with the requirements of the Oregon Plumbing Code and OAR 690-240.

Tentative Subdivision Plat

The following conditions are in addition to the dedications and easements shown on the Tentative Subdivision Plat	
PFA 1.	<u>Prior to Final Plat Approval:</u> Record a shared 10-foot private water easement on Tract A for water services serving lots 22 through 24.
PFA 2.	<u>Prior to Final Plat Approval:</u> Record a 15-foot public utility easement for storm pipe on Tract A from the stormwater pond to SW Stafford Road.
PFA 3.	<u>Prior to Final Plat Approval:</u> Record a 15-foot public utility easement for the water line on Tract C.
PFA 4.	<u>Prior to Final Plat Approval:</u> All public infrastructure improvements including but not limited to street, stormwater drainage, water quality and flow control, sanitary sewer, and water facilities shall be substantially complete with approval from the Community Development Director pursuant to Section 4.220 of the Development Code.

Exhibit C1
Public Works Plan Submittal Requirements
and Other Engineering Requirements

1. All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards - 2017.
2. Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

Coverage (<i>Aggregate, accept where noted</i>)	Limit
<u>Commercial General Liability:</u>	
▪ 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
<u>Business Automobile Liability Insurance:</u>	
▪ Each Occurrence	\$1,000,000
▪ Aggregate	\$2,000,000
<u>Workers Compensation Insurance</u>	\$500,000

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.
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.
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.
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 (existing/proposed), and sidewalk and road connections to adjoining properties.
 - g. Grading plan, with 1-foot contours.
 - h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
 - i. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
 - j. Street plans.
 - k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference.
 - l. Stormwater LIDA facilities (Low Impact Development): provide plan and profile views of all LIDA facilities.
 - m. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.

- n. Where depth of water mains are designed deeper than the 3-foot minimum (to clear other pipe lines or obstructions), the design engineer shall add the required depth information to the plan sheets.
 - o. 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.
 - p. 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.
 - q. Composite franchise utility plan.
 - r. City of Wilsonville detail drawings.
 - s. Illumination plan.
 - t. Striping and signage plan.
 - u. Landscape plan.
7. 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.
 8. The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
 9. Applicant shall work with City Engineering 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.
 10. The applicant shall be in conformance with all stormwater and flow control requirements for the proposed development per the Public Works Standards.
 11. A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City.
 12. 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.

13. 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.
14. 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.
15. 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.
16. Streetlights shall be in compliance with City dark sky, LED, and PGE Option C requirements.
17. Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
18. No surcharging of sanitary or storm water manholes is allowed.
19. 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.
20. 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.
21. 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.
22. 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.
23. Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.

24. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.
25. The applicant shall provide adequate sight distance at all project street intersections, alley intersections and commercial driveways by properly designing intersection alignments, establishing set-backs, driveway placement and/or vegetation control. Coordinate and align proposed streets, alleys and commercial driveways with existing streets, alleys and commercial driveways located on the opposite side of the proposed project site existing roadways. Specific designs shall be approved by a Professional Engineer registered in the State of Oregon. As part of project acceptance by the City the Applicant shall have the sight distance at all project intersections, alley intersections and commercial driveways verified and approved by a Professional Engineer registered in the State of Oregon, with the approval(s) submitted to the City (on City approved forms).
26. Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections.
27. Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.
28. The applicant shall provide the City with a Stormwater Maintenance and Access Easement Agreement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall provide City with a map exhibit showing the location of all stormwater facilities which will be maintained by the Applicant or designee. 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.
29. The applicant shall "loop" proposed waterlines by connecting to the existing City waterlines where applicable.
30. 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. A 10-ft PUE shall be provided along Minor and Major Arterials.
31. 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).

32. Mylar Record Drawings:

At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, and a digitally signed PDF.



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

February 2, 2022

ODOT #8827

ODOT Response

Project Name: Frog Pond Crossing	Jurisdiction Case #: DB21-0036, DB21-0037, DB21-0038, DB21-0021-0040
Jurisdiction: City of Wilsonville	State Highway: I 5
Site Address: 7035 SW Boeckman Rd; 27657-27817 SW Stafford Rd;, Wilsonville, OR	

The site of this proposed land use action is in the vicinity of I-5 interchanges at Wilsonville Rd and Elligsen Rd. ODOT has permitting authority for these facilities and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

COMMENTS/FINDINGS

In January 2019, ODOT submitted the comments below to the city requesting the traffic impact analysis be updated to include the two I-5 interchanges for the Frog Pond Meadows development. ODOT has not received an updated analysis, so we are under the assumption that this work has not yet been performed. Because this new proposed subdivision is in the vicinity of the interchange, ODOT is once again requesting a traffic impact analysis to ensure that the State highway system is adequate to serve the proposed growth we respectfully submit our request for consideration.

January 2019 Comments

ODOT has reviewed the traffic impact analysis (TIA) for this annexation, zone change and development which includes all phases of development. The TIA does not include the I-5 interchanges at Wilsonville Rd or Elligsen Rd. The analysis includes the intersection of Wilsonville Rd and Town Center Loop W which is just east of the Wilsonville Rd interchange. Based on our review of the TIA, we recommend that the I-5/Wilsonville Rd interchange ramp intersections be analyzed and that the trip distribution analysis show the trips going to the I-5/Elligsen Rd intersection.

Please contact Avi Tayar PE, ODOT Development Review Engineer Lead at 503-731-8258 or Abraham.tayar@odot.state.or.us for scoping the analysis.

Please send a copy of the Notice of Decision including conditions of approval to:

Region1_DEVREV_Applications@odot.oregon.gov

Development Review Planner: Marah Danielson	503.731.8258, marah.b.danielson@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221



From: [Bradford, Philip](#)
To: Marah.b.danielson@odot.oregon.gov
Cc: [Rybold, Kim](#); [Pepper, Amy](#); [White, Shelley](#)
Subject: Re: ODOT Case #38827 Frog Pond Crossing
Date: Thursday, February 3, 2022 4:56:47 PM
Attachments: [image003.png](#)

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Marah.b.danielson@odot.oregon.gov rybold@ci.wilsonville.or.us apecpper@ci.wilsonville.or.us swhite@ci.wilsonville.or.us.

File(s):

Frog Pond Crossing Traffic Impact Analysis.pdf

Hi Marah,

Please see Page 13 of the attached TIS completed by DKS for the proposed subdivision. This section contains information regarding the trips through City of Wilsonville I-5 interchange areas. If you have any additional questions or concerns regarding the analysis, please let us know.

Thanks,

Philip Bradford
Associate Planner
City of Wilsonville

503.570.1623
pbradford@ci.wilsonville.or.us
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29799 SW Town Center Loop East, Wilsonville, OR 97070

Disclosure Notice: Messages to and from this e-mail address may be subject to the Oregon Public Records Law.



PAULEY DAN CTY OF WILSN
29799 SW TOWN CENTER LP E
WILSONVILLE OR 97070

NOTICE IS HEREBY GIVEN THAT AT 10:30 AM ON THURSDAY JANUARY 27, 2022 THERE SHALL BE A VIRTUAL PUBLIC HEARING CONDUCTED BY THE METRO COUNCIL. INTERESTED PERSONS MAY APPEAR AND WILL BE PROVIDED A REASONABLE OPPORTUNITY TO BE HEARD.

Proposed action: Venture Properties, Inc. proposes to annex four parcels totaling approximately 21.41 acres to the Metro Jurisdictional Boundary for the purpose of urbanization.

Case No. AN-0821 The parcels are within the urban growth boundary and are located generally west of SW Stafford Road and north of SW Frog Pond Lane in Wilsonville (see attached map).

Applicable Criteria: The criteria for annexations to the Metro boundary are listed in the Metro Code, Chapter 3.09: Local Government Boundary Changes.

(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

1. The affected territory lies within the UGB;
2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and
3. The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.

Hearing Procedure: The Metro Council will conduct a public hearing on Ordinance No. 22-1474 on January 27, 2022 at 10:30 a.m. The exact time of the hearing is dependent upon the final meeting agenda. Failure to raise an issue with sufficient specificity at the public hearing orally or in writing to afford the Metro Council an opportunity to respond to the issue may preclude the issue from being raised on appeal to the Oregon Land Use Board of Appeals. **This meeting will be held virtually. Attend the meeting from your computer or smart phone using the following link: <https://www.oregonmetro.gov/events/metro-council-meeting/2022-01-27>.**

Staff Report: A staff report for Ordinance No. 22-1474 applying the criteria to the proposal will be available on January 21, 2022 as part of the published packet for the January 27, 2022 Metro Council meeting and can be found at www.oregonmetro.gov/agenda. A copy of the application, all documents and all evidence submitted by or on behalf of the applicant, and the applicable criteria are available for inspection at no cost.

For additional information please contact Tim O'Brien, Metro Planning, Development and Research at tim.o'brien@oregonmetro.gov

DEVELOPMENT REVIEW BOARD MEETING
FEBRUARY 14, 2022
6:30 PM

- VII. Board Member Communications:
 - A. Recent City Council Action Minutes

City Council Meeting Action Minutes
December 20, 2021

City Council members present included:

Mayor Fitzgerald
Council President Akervall
Councilor Lehan
Councilor West
Councilor Linville

Zoe Mombert, Assistant to the City Manager
Mark Ottenad, Public/Government Affairs Director
Martin Montalvo, Public Works Ops. Manager
Delora Kerber, Public Works Director
Dustin Schull, Parks Supervisor
Tommy Reeder, Parks Maintenance Specialist
Kerry Rappold, Natural Resources Manager
Mike Nacrelli, Civil Engineer
Zack Morse, Parks Maintenance Specialist
Ryan Adams, Assistant City Attorney
Bill Evans, Communications & Marketing Manager
Katherine Smith, Assistant Finance Director

Staff present included:

Bryan Cosgrove, City Manager
Kimberly Veliz, City Recorder
Jeanna Troha, Assistant City Manager
Beth Wolf, Senior Systems Analyst
Keith Katko, Assistant Finance Director

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:00 p.m.
A. Public Works Complex Financing Plan	Staff presented a few preliminary options to finance construction cost of a new seismically resilient Public Works operations complex.
B. Clackamas County Climate Action Plan	Council heard details of the City of Wilsonville’s role in the development and implementation of the Clackamas County Climate Action Plan to reach countywide carbon neutrality by 2050.
C. City Hall Renovation Project	Staff presented on Resolution No. 2937, which authorizes the City Manager to execute a contractors contract with 2KG Contractors, Inc. to construct the City Hall Renovation Project.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.
B. Reappointments / Appointment	<u>Budget Committee Appointments</u> Appointment of Sam Scull and Alicia Moulton to the Budget Committee for a term beginning 1/1/2022 to 12/31/2024. Passed 5-0.

Development Review Board Panel A - Reappointment

Reappointment of Kathryn Neil to the Development Review Board Panel A for a term beginning 1/1/2022 to 12/31/2023. Passed 5-0.

Development Review Board Panel B - Reappointment

Reappointment of Nicole Hendrix to the Development Review Board Panel B for a term beginning 1/1/2022 to 12/31/2023. Passed 5-0.

Development Review Board Panel B - Appointment

Appointment of John Andrews to the Development Review Board Panel B for a term beginning 1/1/2022 to 12/31/2023. Passed 5-0.

Kitakata Sister City Advisory Board - Reappointments

Reappointment of Aaron Reyna and Kevin Stewart to the Kitakata Sister City Advisory Board for a term beginning 1/1/2022 to 12/31/2024. Passed 5-0.

Kitakata Sister City Advisory Board - Appointment

Appointment of Samuel Scarpone to the Kitakata Sister City Advisory Board for a term beginning 1/1/2022 to 12/31/2024. Passed 5-0.

Parks and Recreation Advisory Board - Appointment

Appointment of John (Steve) Werts to the Parks and Recreation Advisory Board for a term beginning 1/1/2022 to 12/31/2023. Passed 5-0.

Planning Commission - Reappointment

Reappointment of Ronald Heberlein to the Planning Commission for a term beginning 1/1/2022 to 12/31/2025. Passed 5-0.

Planning Commission - Appointment

Appointment of Andrew Karr to the Planning Commission for a term beginning 1/1/2022 to 12/31/2025. Passed 5-0.

C. Municipal Court Judge Employment Agreement

The Employment Agreement was approved 5-0.

<p><u>Communications</u></p> <p>A. Diversity, Equity and Inclusion (DEI) Committee Mission and Vision</p> <p>B. Memorial Park Nature Play Update</p>	<p>Council heard a presentation on the mission and vision statement crafted by the Diversity, Equity and Inclusion Committee to guide their future work.</p> <p>Staff presented on the new Nature Play Area at Memorial Park, which was designed and built in-house to provide meaningful interaction with nature and to spark imaginative play.</p>
<p><u>Consent Agenda</u></p> <p>A. <u>Resolution No. 2940</u> A Resolution And Order Amending Resolution No. 2915 To Further Extend The Local State Of Emergency And Emergency Measures, As Authorized By Resolution No. 2803.</p> <p>B. <u>Resolution No. 2943</u> A Resolution Of The City Of Wilsonville, Acting In Its Capacity As The Local Contract Review Board, Authorizing The City Manager To Execute A Contract With Invoice Cloud, Inc.</p> <p>C. <u>Resolution No. 2945</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Murraysmith To Provide Phase 1 – Preliminary Engineering Consulting Services For The Charbonneau Lift Station Rehabilitation Project (Capital Improvement Project #2106).</p> <p>D. <u>Resolution No. 2946</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Goods And Services Contract With Peterson Power Systems, Inc. For Annual Generator Maintenance.</p> <p>E. Minutes of the December 6, 2021 City Council Meeting.</p>	<p>The Consent Agenda was approved 5-0.</p>
<p><u>New Business</u></p> <p>A. <u>Resolution No. 2941</u> A Resolution Of The City Of Wilsonville City Council Creating The Arts, Culture, And Heritage Commission.</p>	<p>Resolution No. 2941 was adopted 5-0.</p>

<p>B. <u>Resolution No. 2937</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Contractors Contract With 2KG Contractors, Inc. To Construct The City Hall Renovation Project.</p>	Resolution No. 2936 was adopted 4-1.
<p><u>Continuing Business</u> A. <u>Ordinance No. 853</u> An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Residential Agricultural-Holding (RA-H) Zone (Renamed By Ordinance No. 851 To Future Development Agricultural-Holding (FDA-H) Effective November 18, 2021) To The Planned Development Residential-4 (PDR-4) Zone On Approximately 2.39 Acres Comprising Tax Lot 5500, Section 13AA, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Meridian United Church Of Christ, Applicant/Owner.</p>	Ordinance No. 853 was adopted on second reading by a vote of 4-0-1.
<p><u>Public Hearing</u> A. <u>Resolution No. 2942</u> A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2021-22.</p>	After a public hearing was conducted, Resolution No. 2942 was approved by a vote of 5-0.
<p><u>City Manager’s Business</u></p>	Wished Council a happy and a safe holiday and New Year. He then thanked Council for the good work they do in the community.
<p><u>Legal Business</u></p>	Echoed the comments made by the City Manager.
<p>URBAN RENEWAL AGENCY</p>	
<p><u>URA Consent Agenda</u> A. Minutes of the November 1, 2021 URA Meeting.</p>	The URA Consent Agenda was approved 5-0.
<p><u>New Business</u> A. None.</p>	
<p><u>Continuing Business</u> A. None.</p>	
<p><u>URA Public Hearing</u> A. <u>URA Resolution No. 323</u> A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2021-22.</p>	After a public hearing was conducted, URA Resolution No. 323 was approved 5-0.
<p>ADJOURN</p>	9:53 p.m.

City Council Meeting Action Minutes
January 20, 2022

City Council members present included:

Mayor Fitzgerald
Council President Akervall
Councilor Lehan - Excused
Councilor West – Arrived 5:45 p.m.
Councilor Linville

Jeanna Troha, Assistant City Manager
Dan Pauly, Planning Manager
Keith Katko, Assistant Finance Director
Zoe Mombert, Assistant to the City Manager
Mark Ottenad, Public/Government Affairs Director
Robert Wurpes, Chief of Police
Shasta Sasser, Operations Manager
Steven Engelfried, Library Services Manager
Delora Kerber, Public Works Director

Staff present included:

Bryan Cosgrove, City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder

AGENDA ITEM	ACTIONS
WORK SESSION	
START: 5:02 p.m.	
A. Library’s Strategic Plan Update	Staff shared the draft Library Strategic Plan, a five-year plan that outlines strategies to achieve six primary Library objectives: enhance services and resources, raise awareness of the library and its services, extend access to more community members, improve physical spaces, add resources and support City initiatives.
B. Frog Pond East and South	City Council provided input to inform the affordable housing component of the Frog Pond East and South Master Plan being developed.
C. Clackamas County Behavioral Health Discussion	City Council heard details of a plan to increase support for mental health crises by adding of a full-time behavioral health specialist to the City Wilsonville staff.
REGULAR MEETING	
<u>Mayor’s Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.
B. Celebrations and Proclamations	Details were presented of a plan developed to establish clear, transparent guidelines to govern how and when proclamations are written, reviewed and/or read aloud at City Council meetings.

<p><u>Communications</u></p> <p>A. Republic Services Annual Report</p>	<p>Republic Services shared their annual report, which detailed operation costs, new and temporary services, sustainability goals and customer satisfaction data.</p>
<p><u>Consent Agenda</u></p> <p>A. <u>Resolution No. 2944</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With JayRay Ads & PR, Inc, For ‘Explore Wilsonville’ Tourism Promotion And Development And Destination Marketing Services.</p> <p>B. Minutes of the December 20, 2021 City Council Meeting.</p>	<p>The Consent Agenda was approved 4-0.</p>
<p><u>New Business</u></p> <p>A. <u>Resolution No. 2947</u> A Resolution Of The City Of Wilsonville Authorizing A Financing Plan For The Construction Of The Public Works Complex.</p> <p>B. <u>Resolution No. 2948</u> A Resolution Of The City Of Wilsonville, Oregon Authorizing A Full Faith And Credit Borrowing Related To Providing A Complex To House Operations For The Public Works Department.</p> <p>C. <u>Resolution No. 2949</u> A Resolution Authorizing A Four-Year Capital Interfund Loan From The Water Operating Fund To The General Fund.</p>	<p>Resolution No. 2947 was adopted 3-1.</p> <p>Resolution No. 2948 was adopted 3-1.</p> <p>Resolution No. 2949 was adopted 3-1.</p>
<p><u>Continuing Business</u></p>	
<p><u>Public Hearing</u></p>	
<p><u>City Manager’s Business</u></p> <p>A. Global Settlement for the National Opioid Settlement Agreement</p>	<p>Council moved to authorize the City Manager or designee to join with other Oregon cities to join the national settlement. Passed 4-0.</p>
<p><u>Legal Business</u></p>	<p>There was none.</p>
<p>ADJOURN</p>	<p>8:13 p.m.</p>