



**WILSONVILLE CITY HALL
DEVELOPMENT REVIEW BOARD PANEL B**

MONDAY, JULY 25, 2016 - 6:30 P.M.

I. **Call To Order:**

II. **Chairman's Remarks:**

III. **Roll Call:**

Aaron Woods Richard Martens Shawn O'Neil Samuel Scull Samy Nada Council Liaison Julie Fitzgerald

IV. **Citizen's Input:**

V. **City Council Liaison's Report:**

VI. **Consent Agenda:**

A. Approval of minutes of the April 25, 2016 DRB Panel B meeting

Documents:

[April 25 2016 Minutes.pdf](#)

VII. **Public Hearing:**

A. Resolution No. 330.

Mont Blanc No. 2 - Villebois Phase 10 Central: Polygon WLH, LLC -

Applicant. The applicant is requesting approval of a Zone Map Amendment from Public Facility (PF) Zone to Village (V) Zone, a Specific Area Plan - Central Refinements, Preliminary Development Plan, Tentative Subdivision Plat, Tentative Condominium Plat, Type C Tree Plan and Final Development Plan for the development of condominiums and row houses in Phase 10 of SAP-Central. The subject property is located on Tax Lot 2900 of Section 15AC, T3S, R1W, Clackamas County, Oregon. Staff: Daniel Pauly.

Case Files: DB16-0020 Zone Map Amendment
DB16-0021 SAP Central Refinements
DB16-0022 SAP Central PDP 10, Preliminary Development Plan
DB16-0023 Tentative Subdivision Plat
DB16-0024 Tentative Condominium Plat
DB16-0025 Type C Tree Plan
DB16-0026 Final Development Plan

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

Documents:

[Mont Blanc 2 SR.Exhibits.pdf](#)
[Exhibit B1 Applicant Submittal.pdf](#)
[Exhibit B2 PDP Drawings.pdf](#)
[Exhibit B3 FDP Drawings.pdf](#)
[Exhibit B5 Parking Bay Revisions 2016-07-19 \(Revising Exhibit B4\).pdf](#)
[Exhibit B6 Letter from Republic Services and Attachments \(Revision to Section VIE of Exhibit B1 and Exhibit B4\).pdf](#)

VIII. Board Member Communications:

A. Results of the May 9, 2016 DRB Panel A meeting

Documents:

[DRB-A May 9 2016 Results.pdf](#)

B. Results of the June 13, 2016 DRB Panel A meeting

Documents:

[DRB-A June 13 2016 Results.pdf](#)

C. Results of the July 11, 2016 DRB Panel A meeting

Documents:

[DRB-A July 11 2016 Results.pdf](#)

IX. Staff Communications:

X. 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

MONDAY, JULY 25, 2016

6:30 PM

VI. Consent Agenda:

- A. Approval of minutes from the April 25, 2016 DRB Panel B meeting**

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

**Development Review Board – Panel B
Minutes–April 25, 2016 6:30 PM**

I. Call to Order

Chair Shawn O’Neil 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: Shawn O’Neil, Richard Martens, Aaron Woods, Samy Nada, Samuel Scull, and Council Liaison Julie Fitzgerald

Staff present: Chris Neamtzu, Barbara Jacobson, Daniel Pauly, and Steve Adams

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. City Council Liaison Report

Councilor Fitzgerald highlighted the following City Council activities with these comments:

- The second Budget Committee meeting would be held later this month.
- At its last meeting, City Council approved the Tourism Development Strategy Plan that was developed by a citizens committee. She believed the committee had great input and the plan provided a good path forward. More details could be found in the City Council minutes.
- Also currently underway was the Transit Master Plan Update, which looked at all transit throughout the community. She suggested that the Board members review the updates to the Transit Master Plan on the City website and provide input.
- Tonight, an open house was being held on the Basalt Creek Master Plan to gather more citizen input on how the area between Wilsonville and Tualatin was being planned.

VI. Consent Agenda:

A. Approval of minutes of March 28, 2016 meeting

Aaron Woods moved to approve the March 28, 2016 DRB Panel B meeting minutes as presented.

Samy Nada seconded the motion, which passed unanimously.

VII. Public Hearing:

A. Resolution No. 324. 14-Lot Single-Family Subdivision: Beth Ann Boeckman and Karen and Marvin Lewallen – Owners. The applicant is requesting approval of a Comprehensive Plan Map Amendment from Residential 0-1 dwelling units per acre to Residential 4-5 dwelling units per acre, a Zone Map Amendment from Residential Agriculture-Holding (RA-H) to Planned Development Residential 3 (PDR-3), a Stage I Master Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, Waiver and Tentative Subdivision Plat for a 14-lot single-family subdivision located at 28500 and 28530 SW Canyon Creek Road South. The subject site is located on Tax Lots 900 and 1000 of Section 13B, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly

Case Files: DB15-0108 – Comprehensive Plan Map Amendment
DB15-0109 – Zone Map Amendment
DB15-0110 – Stage I Master Plan
DB15-0111 – Stage II Final Plan
DB15-0112 – Site Design Review
DB15-0113 – Type C Tree Plan
DB15-0114 – Waiver
DB15-0115 – Tentative Subdivision Plat

This item was continued to this date and time certain at the March 28, 2016 DRB Panel B meeting.

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

Chair O’Neil called the public hearing to order at 6:37 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.

Daniel Pauly, Associate Planner, announced that the criteria applicable to the application were stated on page 2 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

The following additional exhibits were entered into the record:

- Exhibit C6: Email dated April 20, 2016 from Frank Lonergan of Republic Service regarding garbage service for the Canyon Creek Road Subdivision.
- Exhibit C7: Memorandum from DKS Associates dated April 20, 2016 documenting typographical error.
- Exhibit D10: Email dated April 19, 2016 from Laurie Barr.

Mr. Pauly presented the Staff report displaying and reviewing several exhibits and the materials received since the March 12, 2016 DRB meeting via PowerPoint with these key comments:

- The primary revision to the Revised Site Plan was establishing the zone standard 7-ft setback for the two-story homes for all lots and doing away with the previously requested setback waiver.
 - Additionally, Lots 3 and 4 were adjusted to increase the width to accommodate the larger setbacks but still maintain the width of home buyers would prefer.
 - The waiver of average lot size was still being requested. As explained last month, Staff recommended support of the waiver as it would enable the necessary flexibility in a relatively small development to meet other Code standards, including density and open space requirements.
- All lots met the minimum lot size. The average lot size was now 5,433.9 sq ft, a small increase from the previous proposal, which was 5,389.2 square feet. He noted Finding G1 on Page 92 of the Staff report dated April 18, 2016 needed to be corrected to reflect that change.
- At the last meeting, concerns were expressed about the layout. A letter from Land Use Attorney Kelly Hosseini (Exhibit B5), who was retained by the Applicant, provided additional explanation of the site layout. As stated, the Applicant's aim was to respect the environment, be compatible with existing development and site constraints, and still meet Code requirements.
 - The letter also addressed other specific concerns raised during the hearing process and previous testimony, including the proximity to new homes to each other and the property lines, appearance of the new homes, preservation of trees, loss of open space and wildlife habitat, transportation

issues, concern about the changing neighborhood, privacy issues regarding the Kochanowski property, the impact of trees on the Kochanowski property. He deferred to the Applicant to go further into details and respond to those issues.

- An April 14, 2016 letter from the property owners (Exhibit B6) of the subject property, Karen and Marvin Lewellen and Beth Beckman outlined their time in the neighborhood and their perception of the redevelopment of 12 of the 19 Bridal Trail Ranchettes. They believed that denying the development would be changing the rules from what had previously been applied nearby without giving them their due process.

Steve Adams, Development Engineering Manager, highlighted his memorandum (Exhibit C5), which provided some traffic information that the City collected and tracked, and the attached revised Trip Generation Memorandum with these comments:

- As requested by the DRB at the last meeting, another two evenings of data were gathered with the time extended to 7:00 PM to ensure the PM Peak Hour was encapsulated. The data showed that the peak hours were between 4:00 PM to 6:00 PM in that study.
 - The additional traffic study identified one small change. The PM Peak trips did increase slightly to about 92 to 95 PM Peak Hour trips. (Table 4, Page 7, Trip Generation Memorandum) He believed there were around 76 trips in the November study, which surmised was due to traffic accessing homes that were recently built.
- He explained that a residential street was considered to be performing best if it handled fewer than 1,500 vehicles per day.
 - The short segment between Canyon Creek Rd and Morningside Ave showed a PM Peak Hour of 92 to 95 trips. A basic rule of thumb for converting PM Peak Hour trips to 24-hour trips was roughly 10 to 1, which equaled approximately 950 daily trips for that short segment. Quite a few trips turned left or right on Morningside Ave, so the three homes farther up Daybreak St that front Daybreak, as well as the swimming pool, would see considerably fewer trips for the 24-hour period.
 - The 7-day data gathered June, 2015 also supported the 10 to 1 rule. The average for all 7 days was approximately 45 vehicles during the PM Peak Hour. The totals of those actual counts equaled 504 vehicles per day, which was very close to the 10 to 1, so he was confident the 10 to 1 rule worked here.
- He noted more specific traffic questions could be directed to Scott Mansur of DKS Associates was available.
- The report included various information and along with the June 2015 studies showing the volumes of traffic done then, he was not too concerned with the additional trips the revised Trip Generation Memorandum showed. Even though only one night of counts had been done, it was within the realm of what had been seen in June, 2015 and therefore, did not raise any red flags.
 - Typically when the initial studies came back with a red flag, either due to the number of trips or intersection performance, he contacted Mr. Mansur discuss the issues, and then possibly do more studies and/or gather more information from the applicant. The reports were not simply reviewed and forwarded on.
 - Last month, the other DRB Panel had another question about traffic studies and he had discussed an August 2014 traffic study never seen by either DRB, because Staff was not comfortable proceeding with an expansion of the Fred Meyer fueling station. There were already a lot of trips there, and the study had shown more anticipated trips. The Fred Meyer proposed expansion was still on hold as more information was being gathered by both the applicant and the City and further discussion was needed.
- He noted access from Canyon Creek Rd South at Boeckman Rd had been cut off by the City's engineer in 2005 because of access spacing, not site distance. Whenever an access onto a collector or an arterial road that had less than the City's desired spacing could be eliminated, it was made a part of the development application as a condition of approval when access would be gained via the proposed

development elsewhere. Cutting off the access would not create a problem because it provided for safer and more efficient travel on the city's collectors and arterials, which handled most of the traffic.

- On the other hand, the City was presently in negotiations with the Renaissance at Canyon Creek HOA Board about whether the access from Canyon Creek Rd South at Boeckman Rd could be reopened safely. Staff was considering whether a right-in/right-out only would work to give people an extra way in and out, though it might not be in the direction they would want to travel. Currently, the agreement was that the City would do design that in-house, after which funding and a contractor would be sought. The first plan set had been reviewed by the in house design team and the project could be sent out for bids next month to see whether a right-in/right-out access would be feasible at the north end of Canyon Creek Rd South.
- He added the recent Transportation Performance Modeling Report, which was attached to his memorandum, was also provided to the Planning Commission and City Council. The Planning Commission had a lot of questions about the report and Council had reviewed it.
 - As mentioned in his memorandum, Traffic Concern 3 utilized two tables to highlight how Wilsonville was keeping ahead of the traffic count, despite increased traffic, by way of added roadway connections and signalized intersections, including Wilsonville Rd, Boones Ferry Rd, and the south on/off ramp to I-5. No intersections in the city exceeded Level of Service (LOS) D, so the delay of traffic had actually improved over the last ten years.
- He addressed comments from a citizen about site distance and the safety of vehicles entering Canyon Creek Rd from Daybreak St, noting that issue had been considered a number of times over the last few years. Intersections were designed with the Oregon State Driver's Manual in mind. The manual specifically stated that a driver must stop at either the stop bar or behind the crosswalk, and if there was not a safe view of traffic on the roadway, drivers were to pull forward and stop again. Though people did not like stopping twice, it was legal to stop in the crosswalk for the purpose of getting a better view of cross traffic, which the City did not consider a problem as the intersection met state and national site distance guidelines.

Samy Nada said he was concerned that the traffic study showed a 20 percent increase in the number of trips over three months. He understood that when the study was done in November, it was projected that when construction ended that would be the projected density/number of trips. He asked if that was normal.

Mr. Adams responded there was no normal, every subdivision and every street was different as far as what the City studied and the results. Several homes were completed. He knew eight homes were covered in the Stage II, but a handful of homes had not been constructed. A scenario where one home was removed from a lot and subsequently replaced by three homes did not always wind up in the traffic scope because, per the Development Code, anything less than a 4-lot subdivision could be considered a partition, not a subdivision, and would receive a waiver of traffic study because going from one to three homes would generate two additional PM Peak hour trips. For the days on which the 92 to 95 trips were recorded in late March, he did not know if those were better travel days or not, but that section of street could comfortably handle up to 150 trips. There was not as much traffic for the homes facing the street as there was going north and south on Morningside Ave.

Mr. Nada clarified that he was mostly concerned about the fact that it had changed. He understood this study should concern all the future development already approved, so new houses, even those with a Traffic Study waiver, should be considered. Even though the street could handle much more, he was concerned with the 20 percent jump in traffic, adding that perhaps the traffic study could not make accurate traffic predictions after all.

Chair O'Neil asked what the original minimum lot size was in the very initial the application.

Mr. Pauly responded it was approximately 3,800 sq ft. He clarified the minimum lot size was changed before it went out for community as Staff knew that lot size would not work. Based on Staff's feedback, and subsequent citizen input, lot sizes were raised.

Chair O'Neil asked if the traffic study was the only objective standard the City and Board had to assess citizens' concerns. He clarified that, subjectively, neighborhood residents complained based upon their personal perceptions or opinions about traffic conditions, whereas objective standards involved traffic patterns being studied from an objective basis by someone independent of the neighborhood. He asked if there were any other ways to assess traffic studies other than how it was currently done by the City.

Mr. Adams deferred the question to Mr. Mansur, who performed the traffic studies. He noted the City had always done objective studies of what was actually happening, but the data regarding the traffic and speed counts, much more often than not, did not support the concerns raised in the city. He was not saying that citizens did not have legitimate concerns. However, traffic studies consistently showed that while an occasional car might be speeding down a given street, the majority were not.

Chair O'Neil confirmed that the person conducting the study did not live in the neighborhood, so a traffic study was an objective standard based on statistics and the observations and opinions of the particular person conducting the study.

Mr. Adams noted a traffic study was a professional opinion based on that person's education and knowledge. He confirmed that the City relied on all consultants' expertise in designing projects.

Chair O'Neil emphasized the importance of accuracy in those reports, including accurate dates and times regarding when traffic studies were conducted.

Mr. Adams responded any question brought up with sufficient time to respond with an answer or any knowledge gaps would be addressed. The existing and projected counts were the most important aspect of the traffic reports, which was what he looked at the closest. He then added those counts together and made sure they made sense and that there were no addition errors. In 10.5 years of doing this job, he had never checked to make sure the date matched the day of the week. In his opinion, it was not a red flag.

Chair O'Neil clarified he was not concerned with whether Mr. Adams looked at dates or whether he was responsible. Rather, he was concerned about whether the traffic study was being conducted during a time period that would address the traffic concerns of the citizens. If it was not accurate, he would side with citizen testimony because, in his opinion, the only objective evidence Staff had was not credible.

Mr. Adams noted that this was not a court and scrivener's errors occurred. As mentioned last month, traffic studies were done on Tuesdays, Wednesdays, Thursdays, or during a seven-day period. To his knowledge, from his professional experience and from speaking with Mr. Mansur that was the way it was set up. The date was a Tuesday and it was the 17th, so someone had dropped a 1 from the 17 and he had mistakenly written "Wednesday". Despite reading through the report numerous times, he did not catch the error. However, the importance was that the study was done midweek, not during a holiday or school break period, so an accurate representation could be determined. When these studies were set up for all development in the City, he worked with Mr. Mansur and his staff and often discussed what days the study would be conducted to make sure they chose the correct week, and they were not out of sequence or picking up something unusual.

Chair O'Neil reminded that as a quasi-judicial body, the Board had to rely on the evidence being presented being accurate.

Scott Mansur, DKS Associates, responded to the concern about the 20 percent trip increase, stating that when counting on lower volume local streets, it was very common to have a larger 10 to 20 percent variation in traffic, just for the number of residential subdivisions and homes, because traffic volumes were already pretty low. Collectors and arterials had much higher volumes, so when doing a count, the variation would typically fall between a 1 and 3 percent change.

- He apologized for the error on the traffic study referenced by Chair O'Neil, and the confusion it created. However, they had looked at the volumes and analysis, and had even conducted some additional counts, all of which had verified the original assumptions of the analysis.

Chair O'Neil asked if Mr. Mansur, based on how DKS did the reports, believed he was using the standard established within his expertise and his community to give an assessment on traffic within the City of Wilsonville.

Mr. Mansur responded that was correct.

Chair O'Neil asked if Mr. Mansur understood the importance of the report being accurate for the person who was reviewing and evaluating it.

Mr. Mansur responded absolutely. He added the most important things were safety and operations and that the reports were accurate and gave a clear understanding of whether Code standards were met from a safety and operational mobility standpoint.

Mr. Pauly continued his presentation, noting the additional exhibits received since the March 12, 2016 hearing with additional comments:

- A memorandum from DKS Associates dated April 20, 2016 correcting the typographical error to Tuesday, November 17th. (New Exhibit C7)
- A letter with accompanying pictures from George Johnston regarding concerns about site distance and access to the neighborhood, which was included in the meeting packet. (Exhibit D8) He noted Mr. Adams had addressed those concerns in his presentation.
- An email received April 20, 2016 from Republic Services discussing how trash and recycling could be collected in the neighborhood. (New Exhibit C6) Though this had been discussed with Republic Services previously, nothing was formally in the record. Republic Services had also discussed delivery trucks, like UPS and FedEx, but the primary focus was on trash collection.
 - He had spoken with the local operations manager, who spoke with the supervisor and route drivers, who described how they would service the area and confirmed they were comfortable serving the development.
 - Extending McGraw Ave would eliminate some of these issues, but the timing of the extension, if it even occurred, was uncertain, and would be up to the property owners there.
- An email from the property owner to the north discussing concerns about density and, specifically, about having a home next to them, having a buffer, and a preference to eliminate Lot 1. There was also discussion about another nearby development Mr. Miller was involved in, comments on the real estate information provided in the last hearing, and comments on Villebois. (New Exhibit D10)

Chair O'Neil called for the Applicant's presentation.

Kelly Hossaini, Land Use Attorney, Miller Nash, 111 SW 5th Ave, Suite 3400, Portland, OR 97204, introduced herself and her colleagues, noting that she was available to answer questions or offer rebuttal, if necessary.

Annemarie Skinner, Director of Planning, Emerio Deign, 8285 SW Nimbus Avenue, Suite 180, Beaverton, OR 97008, gave the Applicant's presentation with the following comments:

- At the last hearing, two specific mandates were given as part of the continuance. One mandate was from Chair O’Neil regarding the traffic study. Additional counts were taken by DKS, and Mr. Adams and DKS just gave a thorough presentation, which she believed addressed all those questions.
- The second mandate related to the side setback waiver request and came from Commissioners Scull and Nada. In response, the Applicant completely eliminated the side setback waiver; therefore, all setback requirements, all minimum lot size requirements, and all minimum lot frontage width requirements had been met.
- No specific mandate was given regarding the layout, but Commissioner Woods had expressed some concern about the layout. She explained that from the very beginning of the project, the first thing that was done when putting together the layout was putting the park immediately adjacent to the Significant Resource Overlay Zone (SROZ) and aligning the street with that park. This was done specifically to create a feel and look that would preserve the natural beauty of the SROZ with an expansion of the park. The park would remain as a forested, natural area and would not be graded and landscaped with a standard lawn, which was done on purpose, in order to extend the feel of the SROZ area.
 - A further extension of that area was the natural manmade pathway that would be constructed out of bark and extend through the park and SROZ, and become part of the City’s planned pathway along that area.
 - The lot layout stemmed from the park and resource area. To get the number of lots to meet the City’s minimum density requirement, which could not be waived, it was by necessity that three of the lots had to run east to west rather than north to south, which had caused some concern.
 - She noted the lots on the west side of Canyon Creek Rd all ran east to west and took direct access from Canyon Creek Rd. There were also three Bridle Trail Ranchettes lots to the south of the subject property that ran east to west that took direct access off of Canyon Creek Rd, as did two lots immediately north of the subject property.
 - The three lots that were part of this development that ran east to west, and specifically, the one that took access from Canyon Creek Rd, was no different from the original development of the Bridle Trail Ranchettes. Therefore, nothing different was being proposed than what was already there. The existing lot took access from Canyon Creek Rd.
 - The layout as presented now, and as had been addressed in the findings and supplement responses that were submitted, met all of the Code’s development standards. No waivers were being requested with the exception of the average lot size. That average lot size waiver was necessary because of the significant amount of SROZ that had to be retained and a waiver of minimum density could not be requested.

Mr. Nada asked if there would still be parking on the Public Street A after the modification.

Ms. Skinner confirmed there would be parking on one side of the street, but she did not know how many spaces there would be and offered to get back to Mr. Nada with that information. The Applicant had not determined which side of the street parking would be allowed, but she did not believe there was any significance either way.

Richard Martens asked if the houses had to be redesigned in order to meet the side setback of 7-ft versus the initial request of a waiver of 5-ft, and if so, how many had to be redesigned.

Ms. Skinner replied the Applicant had not decided on a specific house design yet, so no redesigning was necessary. The houses on the narrower lots would simply need to be designed to be narrower.

Samuel Scull asked if the private street would have open parking or if there would be restrictions.

Ms. Skinner replied she was not aware of any parking restrictions. The fire department would determine whether they had enough room to get through if parking were allowed, but Jason Arn of the fire department had not provided any feedback one way or the other regarding parking.

Scott Miller, 10211 SW Barber St, Wilsonville, OR clarified that Ms. Skinner had stated Canyon Creek Rd but Lot 1 would actually take access Canyon Creek Rd South, as did the existing other lots. Any new development from Renaissance would take access directly onto Canyon Creek Rd South as well. Therefore, the Applicant was not setting precedence by having Lot 1 take access off of Canyon Creek Rd South. It was already being done and would continue to be done with the new development occurring across the street and most likely as other lots eventually developed over time in the area.

- The layout was driven strictly from the fact that the Applicant had to meet all of the different requirements, namely the requirement to have a quarter-acre park as part of the development, which was the only time in the recent development of the area where a developer had been taxed with having to provide that park and still try to meet all of the other Development Code items. The Applicant was able to achieve that, and based on where they had located the park and how it would interact and interplay with the SROZ area, their planners had done a marvelous job laying that out. This amenity would be directly accessible to all the homes the Applicant was developing and to all the homes in the existing neighborhood. It would be a great amenity for the city over time.
- He noted the letter sent by Mrs. Barr (Exhibit D10) had some incorrect information. He clarified that he did not develop Oak Patch Court or have anything to do with the design. That was Doris Wehler. He simply bought a lot and built a home, adding that he had lived there for 15 years quite happily with great neighbors. It was a great private community that was well done. There were shortcomings, but he believed that overall they had done a pretty good job with the layout, especially having had to deal with an SROZ area.

Chair O'Neil called for public testimony in favor of, opposed, and neutral to the application.

George Johnston, 7897 SW Daybreak St., Wilsonville, OR, 97070 verified that everyone had received his pictures of the site. He noted an incident that occurred in the city of Newberg where a motorcyclist was hit and seriously injured by a vehicle whose sight was blocked by a power pole. The vehicle owner's insurance company sued PGE, the property owner, and the city of Newberg and everyone settled out of court.

- There was enough sight distance at the intersection of Daybreak St and SW Canyon Creek Rd. A vehicle would need to enter the crosswalk in order to attain sufficient sight distance; however, if someone stepped into the crosswalk, the driver would be cited because it is illegal for a vehicle to be in the crosswalk when a pedestrian was there.
- He noted the first traffic study stated each single-family home would only generate one trip and asked if that was correct.
- He also wanted to know when the 9th Manual the traffic engineer referenced was published because he had a neighbor who had three generations of people living in his house and seven cars that parked mostly on the street. He questioned how one trip per single-family home had been predicted.
- He believed there was some misunderstanding regarding what the traffic engineer called a trip. In his opinion, one trip was going somewhere and coming back; however, the traffic engineer defined a trip as one way. Did 90 trips mean in and out or one trip times ten, which would be 900 trips.
- He reiterated that the intersection of Daybreak St and SW Canyon Creek Rd was very unsafe.

Michelle Zalec, 7901 SW Cinnabar St, Wilsonville, OR, 97070, believed development was important for any part of the area; however, adding more homes to this area would make it unsafe. Since Canyon Creek Rd had opened, traffic had become incredible. There were a lot of people who crossed that road, and although there were crosswalks, vehicles were not slowing down; 35 mph was not safe for that area,

and vehicles were traveling much faster than that. She lived at the corner of Canyon Creek Rd and Boeckman Rd and vehicles drove by at all kinds of speeds.

- The realignment at Morningside Ave in Canyon Creek had not done much to help the situation as vehicles were still going out using that left turn only area. As far as having two separate entrances and exits to that area, Renaissance had not done its due diligence. She was told that they had looked at a map to determine if there was enough room for vehicles to see before coming out of the area, but there was not due to the presence of a fence.
- If this developer was allowed to put in 14 more homes, possibly resulting in 28 additional vehicles, more development would follow that would keep adding to the issue. There was already not enough room for vehicles going in and out, and there was no outlet for traffic.
- Currently, there was only one outlet for traffic, and it was based on another 11 homes by Renaissance that just went in, plus the five homes that would be going in on Canyon Creek Rd South. These additional 14 new homes would cause a traffic and safety issue as far as trying to keep it a nice neighborhood.
- In her opinion, everyone would like to see the area developed, but with a smaller number of homes because 14 homes was a bit ridiculous and would look too crowded. She and her neighbors had moved there for the premium value of their homes. As these large areas were being developed, the values of their homes were going down, which she understood was their problem. But Wilsonville was a beautiful area and attracting huge developments. If this developer was able to do this, what would stop someone else from doing it?

Kristen Colyer noted here address was on record. She appreciated that the increase in traffic had been noted. She also had believed the 11 homes that were built were included in the traffic study and was shocked to see the 20 percent increase. She wondered if Renaissance's five to six new homes that would be built across from Mr. Miller's proposed development were taken into account in the traffic study.

- She pointed out that the simple traffic just coming in and out was not covered in the study during that time. Her home was on the corner of Canyon Creek S and Summerton St, and it was a speed zone with cars flying in and out. As a Wilsonville citizen, she did not believe the citizens of Wilsonville had representation from Mr. Pauly or Mr. Adams from that respect.
- There was a time and place when citizens needed to be listened to and given the number of citizens present and arguing, they were done with the traffic and did not want anymore. She understood development, but what was proposed was too much for the neighborhood. Even an additional exit and/or entrance would not change the number of vehicles coming in and out of the area.

Pompy Goswami, 28592 SW Morningside Ave, Wilsonville, OR said she had been a resident of Wilsonville since 2006 having moved into one of the new Renaissance homes. She had been extremely happy in her home up until about one year ago when many changes started to happen. For instance, the entrances and exits to the community had been very difficult, at one point it was blocked off and then having had to be extra careful. Currently, drivers had to inch forward to ensure there were no pedestrians and see if the road was clear in order to proceed, which created traffic backups.

- She noted that when the road opened up, crime in the area had increased slightly. Suspicious-looking people were seen driving around, and some homes had been broken into. The new development had brought a lot of new anxiety and stress to the community about the future.
- She had walked through the back of the neighborhood and was surprised that so many homes would be built in such a small place. She wondered what the impact would be to the overall neighborhood.
- Residents in the neighborhood were at different stages of life, but everyone wanted children to be safe, to be able to walk to the bus stop without worrying about the cars speeding by on Daybreak St. The kids were trained, but as a community, they should be able to go as they wanted. There were so many cars and it had been a problem.
- From her point of view, too many new people coming in would cause disparity and emotional distress. Wilsonville was a nice community, but there would be a lot of tension in a situation where

there were too many homes cramped together in one small area versus other homes in a nicer location and situation. This stress was not something that citizens wanted in a neighborhood that had been so peaceful, had grown together, and that had lived in harmony and were doing well.

- Development was important, but it should also be for people to enjoy, not for people to just move in and have a certain intention, rather than looking at the beauty of the neighborhood and the neighbors were proud of that. Wilsonville had a lot of spaces where there was more road access and easier traffic, and this place did not have that.
- She was concerned that the neighborhood's small community feel would go away if this development happened.

Mark Kochanowski, 28450 SW Canyon Creek Rd South, Wilsonville, OR 97070, noted the SROZ and that five homes would get folded back into the development and create a new magical number of 14 homes. He asked the Board to forget about waivers, variances, or whatever else they wanted to call it, if the minimum lot size was not met; he asked that the Board not approve it, if that was his only means.

- He said he would not cuss about livability and noise. He did not think the seven two-acre parcels deserved to be cookie-cuttered up into 14 home parcels for every four acres available.
- He would not go back to his photos showing the three houses that ran along the property line. It did not fit.
- Of the other 12 developments Ms. Boeckman pointed out in her letter, he wanted to see the SROZ that was impacted. There were none, as far as he knew, of this significance. The City was playing a game with the SROZ. The Applicant did not meet the minimum lot size. He did not know if it was 7,000, 5,000, or 3,800 sq ft; he got a different story each time he had called Mr. Pauly every week or two, so the lot size was a moving target.
- He noted his dissatisfaction with the Board. At the last meeting one Board member had stated, "It is not our job to stop development," and he wanted to know why not. If it did not fit, it should not be let through. He was not in favor of hearing that comment. It was just another dart on the board that gave him a bias about this whole process. He hoped the five citizens of the Board could make a good judgment on this proposal. The way he had heard Richard Martens' comment was that it was not the job of the Board to stop development. Ultra high density greed, whatever it was called, he did not think it fit into one of seven lots.
- He concluded that this process had been an ugly one for Mr. Kochanowski.

Chair O'Neil confirmed there was no additional public testimony and called for the Applicant's rebuttal.

Ms. Hossaini stated that with respect to traffic, the new homes would be part of the neighborhood. The people living in them would be part of the neighborhood and would use the streets in the same manner as everyone else in the neighborhood, to get to and from their houses, the grocery store, work, or wherever they needed to go. There was no reason to expect that they would drive recklessly or be problematic as she was sure many would have children just as the existing residents had children. They would not be cut through traffic like folks running through the neighborhood trying to get from Point A to Point B.

- The traffic study found that the transportation system was more than adequate to accommodate the development and that it was safe. She understood that people living on a street would have a different perception as to how many cars were driving by and at what speed they were traveling; however, the traffic study done for this neighborhood, like other larger studies in Wilsonville, did not bear out that tons of traffic were speeding by and using these streets.
- To Mr. Kochanowski's concern, the minimum lot size had been met, so the Applicant was not asking for a waiver. As stated in the letter, if Mr. Pauly wanted to add another condition of approval to the application to add some additional screening, fencing, trees, and shrubs to provide enhanced privacy between the Kochanowski property and the proposed new properties, the Applicant was happy to provide that.

- She noted Cross Creek also had to work with the existing SROZ area, as would most all of the lots on that side of Canyon Creek South.

Ms. Skinner reiterated that the Cross Creek Subdivision did have the SROZ and had 13 lots. The Applicant's proposed development had 14 lots. She confirmed with Mr. Pauly that Cross Creek also had to have some type of average minimum density requirement waiver and noted that the proposed development was almost identical to Cross Creek. A lot had been said about the number of homes being put into a small area, but when looking at the tax map for this section, all of the people living in those developments were in the same squozen in area being proposed here, so the Applicant was not breaking any new ground.

Mr. Miller added there had been a lot of comments suggesting the proposed development would be a subquality insertion of homes in what was currently a Canyon Creek, Renaissance, and Cross Creek development; however, the truth was that these homes would be the same distance apart, the same height, and the same size as existing homes in the area. And, they would sell at the same price point. These were not Villebois homes, nor would it be like Villebois from a density standpoint. That was not the Applicant's intent. The intent was to blend in with the existing community and what had already been approved and was being constructed, which was why the Applicant laid it out in a way to provide an amenity, such as a park for kids to play in.

- The quality, the size, and the colors would be no different than any Renaissance home an existing resident would see to the right or the left. He did not want to do anything that did not blend in with the community. He was not that type of developer.
- As stated previously, his hope was to buy a home for himself and his family and as such, he wanted the proposed new development to be just as good as everything else already present, which he believed they had achieved that with their site layout, home design and quality, and everything else.
- He noted that of the existing Renaissance and Cross Creek homes, a majority had a 5-ft setback because they had a waiver and the new homes had a 7-ft setback. The Applicant's current proposal was also a 7-ft setback, providing a total of 14 ft in between homes. Mr. Kochanowski's home was 10 ft from his property line. The Applicant's new proposed home would be 7 ft from the property line, resulting in a total of 17 ft, giving him more space between his home and the home being developed south of his property than any other home currently in that neighborhood that had been built since 2004.

Chair O'Neil confirmed there were no questions for the Applicant and asked Staff to address some questions that had been raised.

Mr. Pauly noted the questions about the standardization of calculating trips for single-family homes and the ITE Manual.

Mr. Mansur clarified that the one trip generated for each dwelling unit was only in the PM Peak Hour from 4:00 pm to 6:00 pm. Each dwelling unit would generate about 10 trips per day on average; average meaning that in one home, the main owner might ride their bike or use transit, whereas another home might generate three trips; however, it averaged out to about 10 trips per day, per single-family home. He also clarified that a trip was defined as one way, either coming or going, but not both. He noted the 9th Edition Institute of Transportation Engineers Manual (ITE) that was referenced was documented in 2012.

Aaron Woods confirmed that leaving home would be one trip and returning home would be trip two.

Mr. Nada asked what parameters the City used to determine if a speed limit should be changed and what could lead to a speed limit being changed.

Mr. Adams replied speed limits were an interesting topic and that most citizens did not understand how they were developed. The State Highway Engineer set two speed limits for cities to consider: 25 mph or 55 mph, which was the default. Anything between 25 mph and 55 mph required a speed study, with photographs and a detailed report, to be submitted to the State Highway Engineer. His staff would look over the data, photographs, average speed, and the speed limit being requested, and then a letter was sent to the City stating what the speed limit would be set at.

- The City had asked for particular speeds on certain streets, but had been told the speed had to be higher or lower than requested. The City did not always get what it asked for from the State.
- He and Community Development Director Nancy Kraushaar would love to see slower speeds on many city streets. They received complaints on Boeckman Rd and Graham's Ferry Rd by Villebois. Canyon Creek Rd was 30 mph between Vlahos and Boeckman Rd, and 35 mph between Boeckman Rd and Elligsen Rd; however, the City did not control the speeds.
- If a speed limit was arbitrarily set by the City and not mandated by the State Highway Engineer, the police department could not legally enforce speeding. The only way the police could issue a speeding citation was if the speed limit on a given street matched what was determined by the State Highway Engineer and provided to the City.

Chair O'Neil stated it was imperative to him to treat every person fairly. He took his quasi-judicial role seriously. When he made his personal decision, he wanted to be sure he was making a decision that could be considered fair as another developer who had come earlier that had a similar traffic study and was approved, as opposed to one that might have an anomaly. He asked if the traffic study, and the impact it might have on this size of a community, was fairly consistent with other neighborhoods of a similar size.

Mr. Adams responded the traffic studies had been consistent throughout his 10½ years in his current role with the City. Mr. Mansur had been the main person at DKS for that entire time. He and Mr. Mansur had developed a good rapport with each other. It was not uncommon to have concerned citizens when new development occurred, but they did traffic studies, looked at the intersections, and DKS made recommendations based on trying to make the city as safe as possible within the existing Code and laws.

Mr. Nada asked if part of the process included conducting a follow up traffic study after construction had been done to see if the projections had been met or not.

Mr. Mansur replied on the subdivision side, a lot of follow up was done. As an example, a full traffic study was done for Villebois and numerous different subdivisions in Wilsonville were counted to determine whether the ITE Manual was consistent with subdivisions within Wilsonville. When DKS had gone back after those subdivisions were built and compared the counts to the ITE data, it was very close.

Mr. Adams added the City tried to look at a lot of the intersections and streets within the city and make sure the data was accurate within the last two to three years, which had been a more recent push by the Ms. Kraushaar to ensure the City could stay on top of it.

- The Transportation Performance Modeling Report that was completed in January 2016 was instituted namely to see how well the City's intersections were performing. Were all the trips being captured? Were the intersections handling the traffic coming through the city? Were there any unforeseen trip increases in certain intersections that were not captured? After building on Day Rd, the traffic trips were much, much higher than was anticipated in the initial studies. The general belief was that a lot of drivers did not want to deal with Tualatin Sherwood Highway and were Day Rd as a back way in and out, although he did not know if that had actually been determined. He explained the modeling report enabled Staff to do a better job of tracking where they were at [LOS] on the intersections throughout the city.

Mr. Nada asked with regard to consistency with the projection, what range did the follow up show.

Mr. Mansur responded about 3 percent to 5 percent.

Chair O'Neil noted there had been some testimony tonight about stopping development because of density issues or traffic concerns, which, as a citizen of the community, he understood. He understood that the DRB was charged with evaluating the Applicant and the evidence that was properly before the Board, and that any broader discussions of traffic concerns or stopping development in a larger scale were specifically reserved by the Planning Commission and City Council.

Barbara Jacobson, City Attorney, explained that the Board would be deciding tonight whether or not to recommend the zone change to allow the 14 lots. The Board's decision was not final; it would forward a recommendation either for or against. The Board made final decisions on peripheral items such as the layout, park plan, etc., but the decision regarding density fell to the City Council, so there would be another hearing on that issue.

Chair O'Neil did not believe some of the issues were within the purview of the DRB. He was sympathetic to some testimony regarding citizens' concerns about the way the city had grown and traffic issues, but that did not necessarily address the specific Applicant's area but, rather, a broader scheme of policy judgments that were reserved either by the Planning Commission or City Council, and were not a part of the DRB's deliberations tonight.

Ms. Jacobson confirmed that was correct, adding the Board was concentrating on one unique development. Any density or traffic issues were broader issues than this specific development alone and should be addressed by the City Council. She believed Staff heard the citizens' comments and any comments about a certain intersection was a good indicator for Staff to take a look at that intersection and note those comments.

Chair O'Neil confirmed the Board had sufficient information in front of them from the Applicant, citizens' viewpoints, and Staff to formulate an opinion. He closed the public hearing at 7:54 pm.

Richard Martens moved to approve Resolution No. 324. Aaron Woods seconded the motion.

Chair O'Neil believed it was important that the DRB make consistent decisions; however, over the years in his personal observations, both as a lawyer and a citizen, he had seen that traffic studies and the use of traffic engineers sometimes have inadvertent problems.

- Historically, there were assessments done years ago that the studies were at one point utilized to further the desires of developers and the desires of public entities to gain more tax revenue. He had concerns personally when listening to citizens who work fulltime and took the time to come in and testify about traffic concerns and when the traffic study was not accurate –and he believed a date was important. He understood a typographical error on other matters, but when the Board was evaluating when the study was actually taken in a neighborhood, and it was only done once and there were a bunch of citizens coming forward to present evidence that suggested otherwise, it raised concerns.
- As a citizen, he would also be concerned if someone was building in his neighborhood and probably would not want the development either. He would be concerned about traffic and everything else. He also understood the City's position of having DKS operate in an independent way to give an objective assessment outside the neighborhood, and it could not always be perfect of what the concerns were.
- The need to have consistency in DRB decisions, that the developer and owner of the property were treated equally as well as any other developer, was important as well.
- His had received some chagrin and tension in his exchange with the City, typographical errors on a traffic study when everyone in the community and city knew there was a problem with traffic was unacceptable to himself as an individual Board member. It was not the City's fault. It was the traffic

engineer they had relied on. He believed it was very helpful to hold this application over and he appreciated DKS coming forward and that Staff took another look at the traffic. It was helpful.

Mr. Martens thanked Chair O'Neil for his comments and his earlier clarification regarding the role of the DRB. He was also sensitive to the concerns of citizens and also shared many of the concerns about development, density, traffic, etc. He took his role on the Board very seriously when considering what the Board could and should appropriately be asked to do. Last month, a representative of the Planning Commission seemed to be asking the Board to perform a role that was properly that of the Planning Commission and City Council. With regard to this application, he was sympathetic to the various concerns; however, he also saw that it was consistent with the surrounding development and met the very rigid and exact criteria of the City Planning Department; therefore, he believed it was incumbent upon the Board to move forward and approve the application.

Chair O'Neil added he had served on the Board with Mr. Martens for more than a year and a half and had always believed that he and everyone else on the Board took the time to evaluate the evidence that was presented. Although it was not a courtroom, it was in a sense an evidentiary presentation that was important and as such, the Board took the time to review it. He appreciated Mr. Martens' service and believed that Mr. Martens had always made decisions based on what he thought was right.

Mr. Pauly noted Line 7 of the resolution title needed to be corrected, changing "WAIVERS" to "WAIVER".

Chair O'Neil moved to amend the Staff report to include Exhibits C6, C7, and D10 and correct Finding G1 to reflect the average lot size as follows, "~~5389.2~~ 5433.9 square feet." **Samy Nada seconded the motion, which passed unanimously.**

Chair O'Neil restated the main motion and read the full title of Resolution No 324 into the record, correcting Line 7 to state, "**TYPE C TREE PLAN, WAIVERS AND TENTATIVE SUBDIVISION PLAT ...**"

Motion to approve Resolution No. 324 as corrected was unanimously approved.

Chair O'Neil read the rules of appeal into the record.

Chair O'Neil called for a brief recess and reconvened the DRB Panel B meeting at 8:14 pm.

VIII. Board Member Communications

A. Results of the April 11, 2016 DRB Panel A meeting
There were none.

IX. Staff Communications

Daniel Pauly, Associate Planner, commended the Board on a great job communicating to the audience that was present this evening and how they handled a tough situation.

Chair O'Neil asked if the Board had any comments regarding the DRB training session that was to follow the meeting.

Chair Woods asked if the training session was really needed. He had reviewed the traffic analysis in depth and had heard a lot of what was stated, so he was unsure what else would be in the training piece.

Chair O'Neil said he felt personally responsible for the training based on the concern regarding the evaluation of evidence that was before the Board. He did not want other Board members to feel training was warranted because of his individual assessment of what he believed was sufficient evidence presented before the Board in the first meeting. He was personally very familiar with traffic studies, as he had used them in litigation. He admitted he did need motion practice. He meant no disrespect toward DKS. He understood and appreciated what DKS did, but did not see why they needed to be present for the training.

Mr. Pauly added there had been some discussion about training after the last meeting that was further reinforced after DRB-Panel A. There had been a warehouse expansion that added essentially no additional trips, maybe six trips, so a traffic waiver was issued, yet there was still a lot of discussion about traffic, and there would continue to be regarding future projects. He noted the traffic training could be adapted to whoever elected to stay, which was why Staff recommended having the motion making training first.

Chair O'Neil confirmed DRB Panel A was scheduled to do the traffic training on May 9, 2016. His concern was that there would be future testimony regarding traffic and parking on a recurring basis. He reiterated the need for accuracy in the testimony presented from all sources, including the City, so that when the Board needed to address citizens' concerns they had some comfort zone.

Mr. Martens asked how the Board should use a traffic study. Assuming everything presented was accurate, it seemed to be background and in most cases would not be a red light/green light kind of situation for the Board.

Mr. Mansur explained the two most important items in the traffic study would be related to the criteria, as well as safety and concurrency, which was whether the project met the mobility standards of the City. The 14-lot subdivision had been a very small traffic study. Larger impact studies, such as for Fred Meyer or Argyle Square that analyzed huge traffic generators, involved more complexity. The number one item was safety. From a sight distance and circulation standpoint: were pedestrians coming to/from the site; were there conflict areas between motor vehicles, pedestrians, and bikes. Number two was concurrency. Did the study intersections meet the City's standards or not. He confirmed all of that would typically be vetted at the Staff level before it reached the Board. He was sympathetic to citizen concerns, noting everyone had perceptions about what was an impact to their neighborhood. Having 140 additional cars added to a neighborhood with kids playing in the street was a concern, but the issue was meeting the safety and concurrency standards.

Chair O'Neil added that even though City Staff reviewed the traffic study, ultimately, as the quasi-judicial reviewing body, the Board had to evaluate what was presented. As an individual member, he had to make a decision about the evidence presented in the hearing to make that decision. He did not believe the Board could rubber stamp a traffic study just because Staff reviewed it. The Board's obligation was to stand back and look at it, and 99 percent of the time, Staff's review would likely be fine, but when there were disparities, the Board had to make a judgment on the evidence.

Mr. Woods commented that the Board had heard a lot of testimony this evening from residents who said there was a lot of traffic. While that was subjective, the Staff's information was based upon a study where DKS had seen cars. As a quasi-judicial body, the Board also had to consider what the residents were saying, even though in that context, it was somewhat subjective because emotions were involved. Mr. Martens had raised a good point with regard to how the Board should use the traffic study information. As an analytical person, he clearly understood the information; however, the testimony from residents did weigh in, even though some of it might be subjective.

Mr. Mansur noted that in most other jurisdictions in Oregon, the developer hired the traffic engineer who then did a traffic study on their behalf which was then reviewed by the city. Due to prior experience,

Wilsonville found it was better to hire one consultant that reviewed traffic on behalf of the City. The developer submitted their plan and discussed their desire, and then DKS provided the traffic study on behalf of the City, so it was a third party evaluation.

Chair O'Neil appreciated that the City had that, although it was not a perfect system because there would be citizens that would come before the Board and testify that the City itself had a desire to develop to gain tax revenue and therefore, the City was also paying DKS' bill to make those assessments. So, there could be a question about the objectivity of the traffic reports, which was another reason for the reports to be accurate and thoughtful, and when there was testimony from the City that the reports were not rubber-stamped, but discussed. Without that, citizens would not trust the Board or the City. He did not want that to happen as he was very proud of the City of Wilsonville and its employees.

- He cited a memorandum dated April 2008 from former Assistant City Attorney Paul Lee that the Board had been given regarding training for land use decision making. He read, "When evidence is evaluated it does not matter how many people testify or how much paper is submitted. The decision maker," which was the entire Board, "should look at the type and quality of the evidence submitted, not the quantity. If there is a competing expert testimony, it is sufficient if a reasonable person would accept the testimony the Board chooses to credit."
- A comment had been made that this was not a court room, but the Board still evaluated and weighed evidence, and that was consistent with a statute that governed the Board, which he took very seriously. Therefore, when he saw a mistake that he believed was critical to an expert's position on things, he would bring it up.
- He reiterated that he appreciated DKS being present for the training, but if he was responsible, he believed that was unfair to the rest of the Board members.

Ms. Jacobson suggested adjourning the meeting, and, rather than have a traffic study training, the Board could have a roundtable discussion with Staff to brainstorm some ideas that would be helpful.

X. Adjournment

The meeting adjourned at 8:27 p.m.

➤ Development Review Board Training Session

- Traffic Study Analysis by Steve Adams
- Motion Making training by Barbara Jacobson

Respectfully submitted,

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

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JULY 25, 2016

6:30 PM

VII. Public Hearing:

A. Resolution No. 330. Mont Blanc No. 2 – Villebois Phase 10 Central: Polygon WLH, LLC – Applicant.

The applicant is requesting approval of a Zone Map Amendment from Public Facility (PF) Zone to Village (V) Zone, a Specific Area Plan – Central Refinements, Preliminary Development Plan, Tentative Subdivision Plat, Tentative Condominium Plat, Type ‘C’ Tree Plan and Final Development Plan for the development of condominiums and row houses in Phase 10 of SAP-Central. The subject property is located on Tax Lot 2900 of Section 15AC, T3S, R1W, Clackamas County, Oregon. Staff: Daniel Pauly.

Case Files: DB16-0020 Zone Map Amendment
DB16-0021 SAP Central Refinements
DB16-0022 SAP Central PDP 10, Preliminary
Development Plan
DB16-0023 Tentative Subdivision Plat
DB16-0024 Tentative Condominium Plat
DB16-0025 Type C Tree Plan
DB16-0026 Final Development Plan

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

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 330**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM PUBLIC FACILITY (PF) ZONE TO VILLAGE (V) ZONE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A SPECIFIC AREA PLAN – CENTRAL REFINEMENTS, PRELIMINARY DEVELOPMENT PLAN, TENTATIVE SUBDIVISION PLAT, TENTATIVE CONDOMINIUM PLAT, TYPE ‘C’ TREE PLAN AND FINAL DEVELOPMENT PLAN FOR THE DEVELOPMENT OF CONDOMINIUMS AND ROW HOUSES IN PHASE 10 OF SAP-CENTRAL. THE SUBJECT PROPERTY IS LOCATED ON TAX LOTS 2900 OF SECTION 15AC, T3S, R1W, CLACKAMAS COUNTY, OREGON. POLYGON WLH, LLC, APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated July 18, 2016, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on July 25, 2016, 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 July 18, 2016, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to City Council approval of the Zone Map Amendment Request (DB16-0020), for:

DB16-0021 through DB16-0026 SAP Central Refinements, Preliminary Development Plan for Phase 10 Central, Final Development Plan, Tentative Subdivision Plat, Tentative Condominium Plat, and Type C Tree Plan for a 92-unit condo and row house development, and associated parks and open space and other improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 25th day of July, 2016 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)*.

Shawn O'Neil, Chair - Panel B
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant

Exhibit A1
Staff Report
Wilsonville Planning Division

Polygon Homes-Mont Blanc No. 2

Development Review Board Panel 'B'
Quasi-Judicial Public Hearing

Hearing Date: July 25, 2016

Date of Report: July 18, 2016

Application Nos.: DB16-0020 Zone Map Amendment
DB16-0021 SAP-Central Refinements
DB16-0022 SAP-Central PDP 10, Preliminary Development Plan
DB16-0026 Final Development Plan
DB16-0023 Tentative Subdivision Plat
DB16-0024 Tentative Condominium Plat
DB16-0025 Type C Tree Plan

Request/Summary: The applicant request the Development Review Board review a Quasi-judicial Zone Map Amendment, Villebois Specific Area Plan Central Refinements, Preliminary Development Plan, Final Development Plan, Tentative Subdivision Plat, Tentative Condominium Plat, and Type C Tree Plan for a 92-unit residential development, associated parks and open space and other improvements.

Location: Villebois Village Center, West of Villebois Drive North, South of future SW Paris Avenue. The property is specifically known as Tax Lot 2900, Section 15AC, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

Owner: Sharon Eshima, RCS- Villebois LLC

Applicant: Fred Gast, Polygon WLH LLC

Applicant's Rep.: Stacy Connery, AICP
Pacific Community Design, Inc.

Comprehensive Plan Designation: Residential-Village
Zone Map Classification (Current): PF (Public Facility)
Zone Map Classification (Proposed): V (Village)

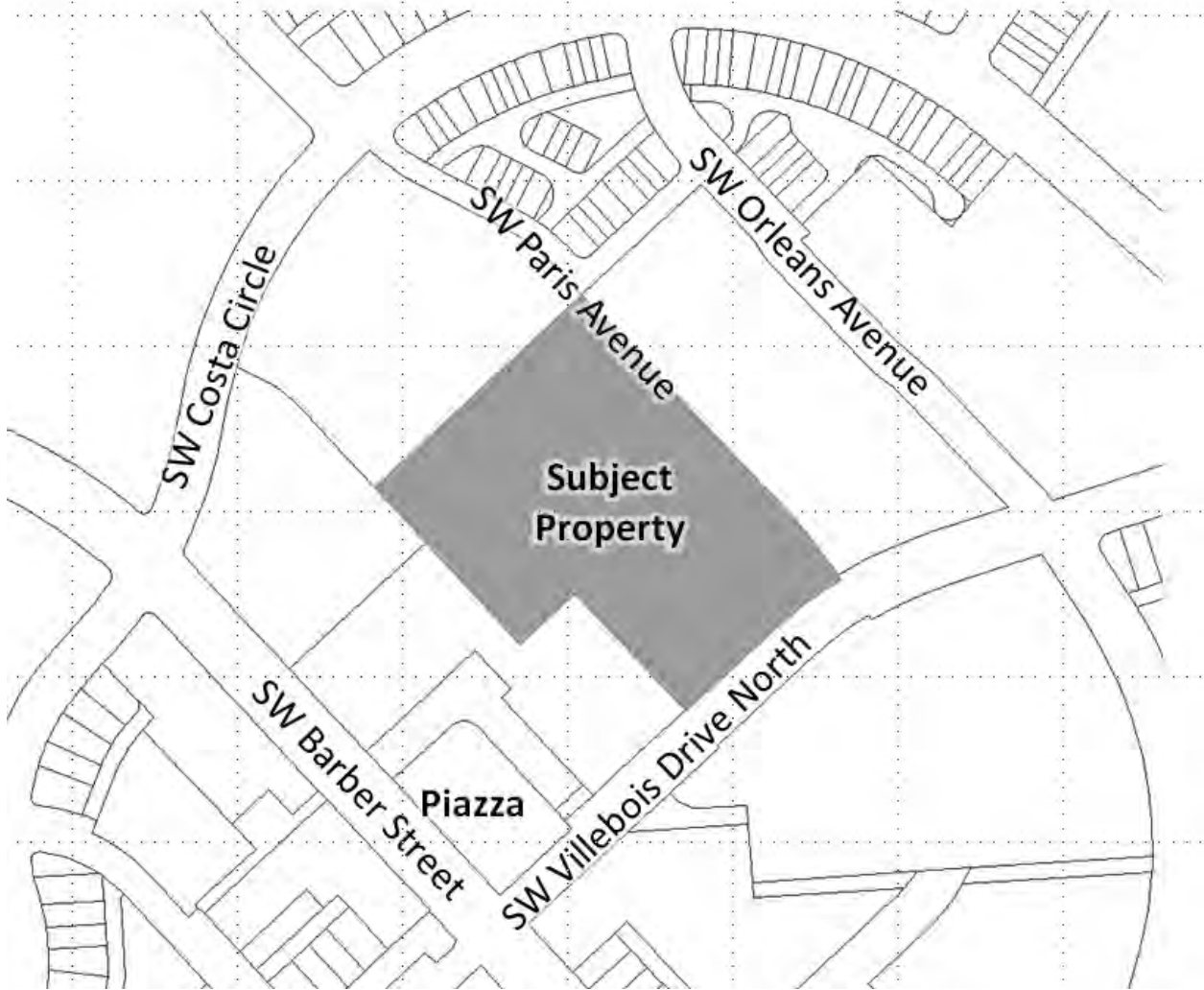
Staff Reviewers: Daniel Pauly AICP, Associate Planner
Steve Adams PE, Development Engineering Manager
Kerry Rappold, Natural Resource Program Manager

Staff Recommendation: Approve with conditions the requested SAP Refinements, Preliminary Development Plan, Final Development Plan, Tentative Subdivision Plat, Tentative Condominium Plat, Type C Tree Plan, and Final Development Plan. Recommend approval of the requested Zone Map Amendment to City Council.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Residential Development in Any Zone
Section 4.125	V-Village Zone
Section 4.154	Bicycle, Pedestrian, and Transit Facilities
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.169	General Regulations-Double Frontage Lots
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.179	Mixed Solid Waste and Recyclables Storage
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
Sections 4.200 through 4.220	Land Divisions
Sections 4.236 through 4.270	Land Division Standards
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600 through 4.640.20 as applicable	Tree Preservation and Protection
<u>Other City Planning Documents:</u>	
Comprehensive Plan	
Villebois Village Master Plan	
SAP Central Approval Documents	

Vicinity Map



Background/Summary:

Zone Map Amendment (DB16-0020)

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

SAP Central Refinements (DB16-0021)

Density and Land Use Mix

As part of the PDP request the applicant can request a density change for the SAP of up to 10%. The original SAP Central unit count used for density calculations is 1,010 units reflective of Figure 1 of the Villebois Village Master Plan. The 1,010 unit count for SAP Central assumed varying percentages of different unit types would be built including: 53.1% for Mixed-use Condos, 80.9% for Village Apartments, 86.1% for Condos, 93.5% for Rowhouses, 90% for Urban Apartments, and 97.7% for Specialty Condos. Based on these percentages the number of units for PDP 10 reflective of the original SAP Central unit count table is 98 units. The difference from the proposed 92 units is 6 units. The current SAP unit count, including PDP 8 and 9 Central, is 1,011 units. The proposed unit count is 1,005 units, 0.59% below the most recent SAP unit count and 0.5% below the original SAP Central unit count. The change is within the 10% cumulative density change allowed from the original SAP approval. The change would result in 2,587 units in Villebois, which would continue to exceed the required 2,300 units.

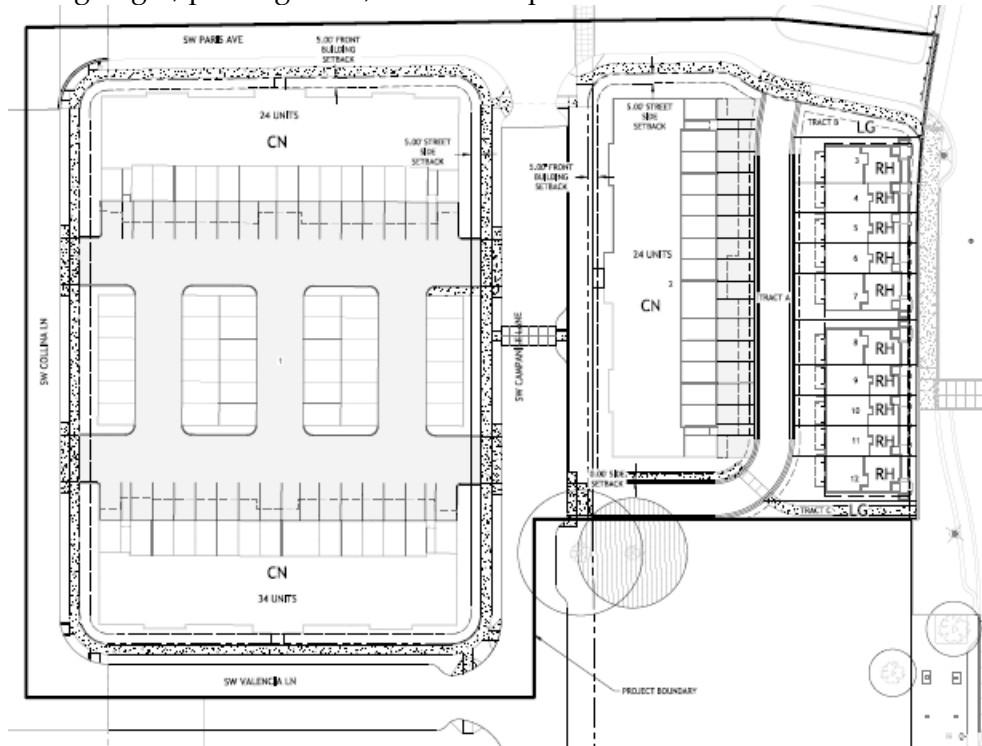
For the housing type refinement housing types are grouped into two aggregate land use categories with medium lot single-family and larger single-family homes in one category and small lot single-family and all attached units in a second category. The previous unit types shown in the Villebois Village Master Plan and SAP Central approval (Village Apartments, Specialty Condos, Mixed Use Condos, and Condos) and the proposed condos and row houses are within the same aggregate land use category, making the change not quantitatively significant. However, the qualitative test of diversity of unit types also needs to be considered, especially in terms of urban design. The proposed condo and row house buildings would be a similar size and bulk as 2-3 story apartment or condo buildings previously planned thus providing for a substantially similar urban landscape as previously planned.

Parks and Open Space

The Master Plan and SAP Central do not show any parks within the subject area. PDP 10 Central proposes the continuation of a pedestrian corridor along Campanile Lane that connects the Piazza to the south and Montague Park to the north. PDP 10 also adds linear greens on both sides of the row homes. The increase of park amenities satisfies the refinement criteria.

PDP 3N Preliminary Development Plan (DB16-0022)

The proposed Preliminary Development Plan 10 of Specific Area Plan Central (also known as Mont Blanc No. 2) comprises 3.2 acres. The applicant proposes development of two 24-unit condominium buildings, one 34-unit condominium building, and 10 row houses (92 units total) and associated garages, parking areas, streets and parks.



Proposed Housing Type	Number of Units
Condos	82
Row Houses	10
Total	92

Parking

The 10 row houses require 10 vehicle spaces and no bicycle parking. As shown on Sheet 10 of the PDP Plan Set, Exhibit B2, 20 off-street vehicle spaces are provided, 10 in garages and 10 in driveways behind the garages.

The 82 Condos require 118 vehicle spaces (14 for the 14 one-bedroom units, 93 for the 62 two-bedroom units, and 11 for the 6 three-bedroom units). In addition the 24-unit condo buildings each require 2 short-term bicycle spaces and 6 long-term bicycle spaces. The 34-unit condo building requires 2 short-term bicycle spaces and 9 long-term bicycle spaces. As shown on Sheet 10 of the PDP Plan Set, Exhibit B2, 132 off-street spaces are provided, 84 in garages, and 48 in driveways behind garages.

As the parking requirements for the Condos could not be met without use of garages for vehicle parking instead of non-vehicle storage or other uses a Condition of Approval requires a

covenant restriction be recorded for the Condos requiring all garage spaces meet the minimum dimensional requirements for parking spaces, defined by Wilsonville Code, and are kept “usable and accessible for parking”. Exhibit B4 demonstrates how this can be met even when storing waste and recycling bins and bicycles in the garages.

Traffic

The location, design, size and uses are such that traffic generated within the proposed development at the most heavily used intersection(s) can be accommodated safely and without congestion in excess of the City’s standard of Level of Service D. The proposed plan is expected to generate 1 less p.m. peak hour trip than anticipated for SAP Central in previous traffic studies.

Final Development Plan (DB16-0026)

Details have been provided for all the public spaces consistent with the Community Elements Book, including the pedestrian alley on east side of Campanile Lane. Street trees, curb extensions, and street lights are also shown conforming to the Community Elements Book. The proposed architecture is consistent with the Village Center Architectural Standards.

Tentative Subdivision Plat (DB16-0023)

The proposed subdivision includes row house lots, lots for condominium purposes (see DB16-0024), alley and open space tracts, and the necessary right-of-way dedications. The subdivision will create 10 row house lots and 2 lots for condominium purposes.

Tentative Condominium Plat (DB16-0024)

The proposed condominium plat sets the stage for selling of individual units as condos consistent with local and state law.

Type C Tree Plan (DB16-0025)

The arborist inventoried 6 trees on the site, and 2 additional trees immediately adjacent to the site, to the southwest. The applicant proposes removal of all 6 on-site trees, and retention of the 2 adjacent trees. Of the 6 trees proposed for removal 1 is in good condition, and 5 are in moderate condition. According to the applicant, construction necessitates removal as tree protection during the planned improvements is not feasible. The removed trees are not of a significant value, in terms of species, age, or condition, making them especially desirable to retain.

Discussion Topics:

Defining Housing Types

Villebois has been planned for a wide variety of housing types, with the largest variety in the Village Center. A number of these housing types are affected by the density and housing type refinement proposed. To better understand the refinement the following are the definitions of the affected unit types per the Villebois Concept Plan.

Condo: This multi-family land use designation accommodates ownership units at an urban density. Buildings will be mostly two or three stories fronting the street with modest setbacks. Parking is located at the center of the parcel in the form of surface lots and tuck-under garages.

Specialty Condo: This land use designation is linked to specific blocks with existing Dammasch Hospital buildings. Adaptive re-use of these structures will accommodate small loft-style ownership units in an urban setting. The intensive land use will depend upon off-site parking strategies. No specialty condos have or will be built as all the Dammasch Hospital buildings ended up being demolished.

Mixed Use: This mixed-use land use designation is the most urban in character, accommodating rental and ownership residences, offices, and retail uses. Buildings will be mostly three or four stories fronting the Plaza or Main Street with substantial coverage along the street frontage. As the most intensive land use, parking will be satisfied through shared garages, surface lots, and street parking within walking distance.

Townhomes (or rowhouses): This land use designation allows for a single-family dwelling type with common sidewalls and continuous front facades. Townhomes are the highest density housing type that provides yards and fee-simple ownership. Alleys provide parking access.

Village Apartments: The multi-family land use designation accommodates rental units in a village setting. Less dense than Urban Apartments, parcels will likely be arranged as multiple two or three story buildings around a shared green and surface parking. Building will have more generous setbacks to provide privacy for ground level residences.

Housing Diversity

In considering a refinement to change unit types, the change must be considered against the Villebois Village Master Plan policy of “a complete community with a wide range of living choices.” Limited guidance is provided as to the flexibility of placement of uses within a single aggregate land use category as it relates to this range of living choices policy. It is clear the intent of the aggregation of land uses would not allow a wholesale switch of all attached units to small lot single-family because they are in the same aggregate land use category. The guidance provided and historically used in reviewing requests to modify land uses within an aggregate category is the general idea of a transect of residential uses, in terms of both density per acre and urban form. The densest residential uses with the largest and most urban buildings

are focused around the piazza in the Village Center with the least dense and largest lots with single-family homes on the edge of the master plan area.

With the above guidance in mind, the proposed condos and row houses are a similar density as the previously planned units remaining consistent with the general Villebois density transect. For urban design, the proposed buildings continue to provide a variety of linear multi-story buildings along the streets in the Village Center creating a feel of a dense urban location

Understanding SAP Central Density Calculations

The original SAP Central approval showed density in two manners. One is a table reflective of Figure 1 of the Villebois Village Master Plan, the other is a map showing minimum and maximum unit count by unit type on each block or sub block. The density numbers in the table are the ones used to calculate density for purposes of refinements. However, the map is important to track the change in the table numbers over time. Of most importance is the relationship between the minimums and maximums shown on the map and the single number shown in the table. The number in the table assumes a certain unit count within the range, which overall is about 81.3% of the maximum unit count shown on the map. However, the percentage of maximum is not the same across all unit types, varying widely from 53.1% to 97.7%. Table 1 below shows the percent of max unit count for each unit type. The number is calculated by dividing the unit number for each unit type in the original SAP table by the sum of all the maximum numbers for each unit type on the original map.

Table 1 Percent of Max Unit Count by Unit Type

Unit Type	% of Max Unit Count Reflected in Original SAP Central Land Use Table
Village Apartment	80.9%
Condo	86.1%
Rowhouse	93.5%
Mixed-Use Condo	53.1%
Urban Apartment	90%
Small Lot Single-family	90%
Specialty Condo	97.7%

To calculate the change to the SAP unit count over time staff has first applied the percentages in Table 1 to the maximum of each unit type in each PDP. For example the maximum number of Rowhouses in PDP 7 shown in the original is 46, 93.5% of which is 43. The maximum number of urban apartments in PDP 7 shown in the original is 24, 90% of which is 22. Summing these two numbers is 65, which is the unit number for PDP 7 reflective of the original SAP table. For the cumulative unit count for PDP 6 and below this number reflective of the original table is used. For the cumulative unit count calculation for PDP 7 and above the PDP approved unit number of 68 units is used. Table 2 below shows the change of unit count over time. PDP 1 and 2 are grouped for simplicity. All the cumulative changes over time are within 10% of the original 1,010 unit count. Note the mixed use unit count for PDP 1 and 2 has not been approved. Also,

the small amount of mixed-use condos shown in PDP 7 was included with PDP 1 and 2 as the number appears on the map within PDP 1. PDP 3 and 5 are parks and do not have any units.

Table 2 Cumulative Unit Count Over Time and % Change from Original

Approval Phase	Cumulative Unit Count (sum of approved unit counts and original unit counts for unapproved phases)	% Difference from original 1,010 SAP Unit Count
PDP 1 and 2	1097	8.62% increase
PDP 4	1098	8.75% increase
PDP 6	1089	7.82% increase
PDP 7	1092	8.16% increase
PDP 8	1063	5.26% increase
PDP 9	1011	0.12% increase
PDP 10	1005	0.50% decrease

Conclusion and Conditions of Approval:

Staff has reviewed the applicant’s analysis of compliance with the applicable criteria. This Staff report adopts the applicant’s responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends the Development Review Board approve the proposed applications (DB16-0021, DB16-0022, DB16-0023, DB16-0024, DB16-0025, and DB16-0026) and recommend approval of the zone map amendment to City Council (DB16-0020) with the following conditions:

The Developer is working with the City to reach agreement on the apportionment of fair and equitable exactions for the subject applications through a Development Agreement. Such agreement is subject to approval by the City Council by resolution.

Planning Division Conditions:

Request A: DB16-0020 Zone Map Amendment

This action recommends adoption of the Zone Map Amendment to the City Council for the subject property. Case files DB16-0021, DB16-0022, DB16-0023, DB16-0024, and DB16-0025 are contingent upon City Council’s action on the Zone Map Amendment request.

Request B: DB16-0021 SAP-Central Refinements

PDB 1. Approval of DB16-0021 SAP Central Refinements is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) to Village (V) (Case File DB16-0020).

Request C: DB16-0022 SAP-Central PDP 10, Preliminary Development Plan

PDC 1. Approval of DB16-0022 SAP-Central PDP 10, Preliminary Development Plan is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) to Village (V) (Case File DB16-0020).

PDC 2. All park and open space improvements approved by the Development Review Board shall be completed prior the issuance of the building permit for the

	construction of the (46th) residential unit in PDP 10 Central. If weather or other special circumstances prohibit completion, bonding for the improvements will be permitted. See Finding C55.
PDC 3.	The applicant/owner shall enter into an Operations and Maintenance Agreement for the subdivision that clearly identifies ownership and maintenance for parks, open space, and paths. Such agreement shall ensure maintenance in perpetuity and shall be recorded with the subdivision for 'Mont Blanc No. 2'. Such agreement shall be reviewed and approved by the City Attorney prior to recordation.
PDC 4.	Where a building foundation is exposed in the public view shed more than would be typical on a level lot, the foundation shall have a brick or stone façade matching the design of the house.
PDC 5.	A waiver of remonstrance against formation of a local improvement district shall be recorded in the County Recorder's Office as well as the City's Lien Docket, as a part of the recordation of a final plat. See Finding C80.
PDC 6.	A covenant restriction shall be recorded with the Final Condominium Plat requiring all garage spaces for the Condominiums to meet the minimum dimensional requirements for parking spaces, defined by Wilsonville Code, and be kept "usable and accessible for parking". Each garage shall have a sign interior to the garage that is clearly visible reading "9 foot by 18 foot minimum area to be kept clear for vehicle parking" or where a spaces is among the 40% allowed to be compact "Compact Vehicles Only: 7.5 foot by 15 foot minimum area to be kept clear for vehicle parking" or substantially similar language approved in writing by the City. Reasonable temporary use of garage spaces, i.e. storage while actively moving, can be approved by the homeowners association without further approval by the City. See Finding C5.
PDC 7.	All fire lanes shall be dedicated public access easements which include emergency access. See Finding C92.

Request D: DB16-0026 Final Development Plan

PDD 1.	Approval of DB16-0026 Final Development Plan is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) to Village (V) (Case File DB16-0020).
PDD 2.	All plant materials shall be installed consistent with current industry standards.
PDD 3.	All 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 alterations may be approved by the Planning Division through the Class I Administrative Review process. See Finding D18.
PDD 4.	All retaining walls within the public view shed shall be a decorative stone or brick construction or veneer. Final color and material for the retaining walls shall be approved by the Planning Division through the Class I Administrative Review Process.
PDD 5.	All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board. See Finding D13, D26 through D28.

PDD 6.	The applicant shall submit final parks, landscaping and irrigation plans to the City prior to construction of parks. The irrigation plan must be consistent with the requirements of Section 4.176(.07)C. See Finding D19.
PDD 7.	Soil preparation shall meet the Villebois Rainwater Management Standards. See Finding D19.

Request E DB16-0023 Tentative Subdivision Plat

PDE 1.	Approval of DB16-0023 Tentative Subdivision Plat is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) to Village (V) (Case File DB16-0020).
PDE 2.	Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
PDE 3.	Alleyways shall remain in private ownership and be maintained by the Homeowner's Association established by the subdivision's CC&Rs.
PDE 4.	The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for PDP-10C or the Tentative Plat.
PDE 5.	A non-access reservation strip shall be applied on the final plat to those lots with access to a public street and an alley. All lots with access to a public street and an alley must take vehicular access from the alley to a garage or parking area. A plat note effectuating that same result can be used in the alternative. The applicant shall work with the County Surveyor and City Staff regarding appropriate language. See Finding E3.
PDE 6.	All reserve strips and street plugs shall be detailed on the Final Subdivision Plat. See Finding E3.
PDE 7.	All tracts shall include a public access easement across their entirety.
PDE 8.	The applicant/owner shall submit subdivision bylaws, covenants, and agreements to the City Attorney prior to recordation. See Finding E6.
PDE 9.	Being located within the Villebois Village Center Boundary, the proposed lots shall be part of the Villebois Village Center Master Association and shall contribute an equitable amount to the maintenance of the parks and other facilities owned by the Villebois Village Center Master Association. Such relationship shall be reflected in the subdivision's CC&R's.

Request F DB16-0024 Tentative Condominium Plat

PDF 1.	Approval of DB16-0024 Tentative Condominium Plat is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) to Village (V) (Case File DB16-0020).
PDF 2.	The subdivision plat for Mont Blanc No. 2 shall be recorded prior to the submittal for the Final Plat for the Condominium Plat.
PDF 3.	Any necessary easements or dedications shall be identified on the Final Plat.
PDF 4.	The Final Plat shall indicate dimensions of all condo units, area, easements, and any other information that may be required as a result of the hearing process for PDP-10C or the Tentative Plat.

PDF 5.	All access drive areas shall have a public access easement across their entirety.
PDF 6.	The applicant/owner shall submit bylaws, covenants, and agreements to the City Attorney prior to recordation.
PDF 7.	Being located within the Villebois Village Center Boundary, the proposed condominiums shall be part of the Villebois Village Center Master Association and shall contribute an equitable amount to the maintenance of the parks and other facilities owned by the Villebois Village Center Master Association. Such relationship shall be reflected in the CC&R's.

Request G: DB16-0025 Type C Tree Plan

PDG 1.	Approval of DB16-0025 Type C Tree Plan is contingent upon City Council approval of the Zone Map Amendment from Public Facility (PF) to Village (V) (Case File DB16-0020).
PDG 2.	Trees planted as replacement of removed trees shall be, state Department of Agriculture Nursery Grade No. 1. or better, shall meet the requirements of the American Association of Nursery Men (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade, shall be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced. See Findings G25 and G26.
PDG 3.	Solvents, building material, construction equipment, soil, or irrigated landscaping, shall not be placed within the drip line of any preserved tree, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist. See Finding G29.
PDG 4.	Before and during development, land clearing, filling or any land alteration the applicant shall erect and maintain suitable tree protective barriers which shall include the following: <ul style="list-style-type: none"> • 6' high fence set at tree drip lines. • Fence materials shall consist of 2 inch mesh chain links secured to a minimum of 1 ½ inch diameter steel or aluminum line posts. • Posts shall be set to a depth of no less than 2 feet in native soil. • Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. • Tree protection fences shall be maintained in a full upright position. • See Findings G30.

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 C: DB16-0022 Preliminary Development Plan

PFC 1.	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1.
PFC 2.	<p>At the request of Staff, DKS Associates completed a Transportation Review Memorandum dated June 9, 2016. The project is hereby limited to no more than the following impacts.</p> <p>Estimated New PM Peak Hour Trips 48</p> <p>Estimated Weekday PM Peak Hour Trips 13 Through Wilsonville Road Interchange Area</p>
PFC 3.	Consistent with other development within Villebois Village, the applicant shall be required to complete design and construction for full street improvements through the far curb and gutter, and far corner radii of intersections, for the new extensions of Campanile Lane and Valencia Lane as shown in plans dated 5/9/2016 submitted with the DRB application. To provide additional connectivity Campanile Lane shall be designed and constructed curb-to-curb to connect to its current terminus at Royal Scot Lane. Design and improvements shall include street lighting on both sides of the streets.
PFC 4.	Development of the land southwest of Valencia Lane and southeast of Campanile Lane (south of Tract A) is unknown at this time. Therefore these segments of Valencia Lane and Campanile Lane will be allowed to be designed for a 5” section of asphalt; both segments shall be paved with a single 3” base lift; 2” top lift to be completed by adjacent development when it occurs. Streets shall be designed in conformance to the applicable street type as shown in the Villebois Village Master Plan.
PFC 5.	Applicant shall install the 2” top lift of asphaltic concrete on the sections of Collina Lane, Paris Avenue and Villebois Drive North adjacent to the development through the far curb and intersections.
PFC 6.	The proposed project lies adjacent to two other subdivision developments that have been approved by the City but not yet constructed: Villebois SAP Central PDP 7 and PDP 9. With these subdivisions PF conditions require and it has been assumed that the adjacent streets Villebois Drive N (PDP 7), Collina Lane and Paris Avenue (PDP 9, Lot 82 and Lot 78 respectively) will be constructed through the base lift of asphalt prior to this proposed project. However, should the developer choose to construct

	<p>Villebois SAP Central PDP 10 ahead of one or both of the other approved projects then this project would be responsible to construct the full street improvements through the far curb and gutter, and far corner radii of intersections and the developer of Villebois SAP Central PDP 7 and/or PDP 9 would be responsible for installing the 2" top lift of asphalt on these streets.</p>
PFC 7.	<p>From the alley in Tract A to Paris access shall be constrained to right-in / right-out. This will be accomplished by either extending the planned but not yet constructed landscape island in Paris to the west or installing a concrete median (minimum 20 feet long) west of this landscape island to discourage illegal left turns from exiting this driveway.</p>
PFC 8.	<p>Alley in Tract A – developer shall construct the full 20-ft width. Vehicular and pedestrian ingress and egress from this alley to the undeveloped lot south of Tract A shall be allowed.</p>
PFC 9.	<p>The pervious paver sidewalk shown on the east side of Campanile lane shall be constructed with a similar look and structural section as was done with Villebois SAP Central PDP 1, with the exception that the polymeric sand compound used with PDP 1 will not be required with this development.</p>
PFC 10.	<p>The applicant shall provide a ‘stamped’ engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.</p> <p>The street lighting shall be Acorn style street lights in conformance to the current edition of the Villebois SAP Central Community Elements Book Lighting Master Plan. At this time the City is investigating changing lighting standards to LED style street lights. City staff shall work to identify an acceptable LED substitute luminaire. Additional costs associated with construction of an independent power system and LED luminaires shall be approved by the City prior to construction, and such costs reimbursed by the City upon receipt and approval of contractor bid costs for the work.</p>
PFC 11.	<p>Per the Villebois Village SAP Central Master Signage and Wayfinding plan all regulatory traffic signage in Villebois Central shall be finished black on the back sides.</p>
PFC 12.	<p>Developer shall connect onto and extend the SS, SD and water in Campanile Lane, Valencia Lane and Paris Avenue to provide service to this development and upstream, undeveloped property.</p>
PFC 13.	<p>From storm basin plans previously submitted it appears that all of the proposed development lies within the Arrowhead Creek basin. Stormwater detention and water quality for the development is already provided by existing storm facilities located in Pond F.</p>
PFC 14.	<p>Rainwater management components will be allowed to be located in the public right-of-way, however such components shall be maintained by the Applicant, or subsequent HOA, and this shall be included in the Ownership and Maintenance agreement as required by Condition of Approval PDC 3.</p>

PFC 15.	The Villebois Sanitary Sewer (SS) Master Plan shows the proposed development included in the south sanitary sewer trunk line. Applicant shall design and construct the sanitary system to connect to the existing system that is part of the south sanitary trunk line.
PFC 16.	City Public Works Standards specify that water mains are to be installed on the south and east sides of roadways and sanitary sewer mains are to be installed on the north and west sides of roadways. Location of utilities shall be in compliance with City Standards.
PFC 17.	Project area lies in the former location of the Dammasch State Hospital buildings. All older utilities installed with the Dammasch buildings shall be completely removed or abandoned in compliance with the Public Works Standards. Developer shall provide documentation that all fill in the right-of-way has been properly placed and compacted per recommendations of the geotechnical engineer.

Request E: Tentative Subdivision Plat DB16-0023

PFD 1.	Paper copies of all proposed subdivision/partition plats shall be provided to the City for review. Once the subdivision/partition plat is approved, applicant shall have the documents recorded at the appropriate County office. Once recording is completed by the County, the applicant shall be required to provide the City with a 3 mil Mylar copy of the recorded subdivision/partition plat.
PFD 2.	All newly created easements shown on a subdivision or partition plat shall also be accompanied by the City's appropriate Easement document (on City approved forms) with accompanying survey exhibits that shall be recorded immediately after the subdivision or partition plat.
PFD 3.	Consistent with other development within Villebois Village the applicant shall dedicate full right-of-way full street improvements through the far curb and gutter for the extension of Campanile Lane and Valencia Lane.

Natural Resources Division Conditions:

All Requests

NR 1.	Natural Resource Division Requirements and Advisories listed in Exhibit C3 apply to the proposed development.
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Master Exhibit List:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case Files DB16-0020 through DB16-0026.

- A1. Staff report and findings (this document)
- A2. Slides and notes for Staff's Public Hearing Presentation (*available at Public Hearing*)
- B1. Applicant's Notebook: *Under separate cover*
 - Section I: General Information
 - IA) Introductory Narrative
 - IB) Form/Ownership Documentation
 - IC) Fee Calculation
 - ID) Mailing List *This information has been revised*
 - IE) Updated SAP Central Unit Count
 - Section II: Preliminary Development Plan (Includes SAP Refinements)
 - IIA) Supporting Compliance Report
 - IIB) Reduced Drawings
 - IIC) Utility & Drainage Reports
 - IID) Traffic Analysis
 - IIE) Tree Report
 - Section III: Tentative Subdivision Plat
 - IIIA) Supporting Compliance Report
 - IIIB) Tentative Plat
 - IIIC) Draft CC&R's
 - IIID) Copy of Certification of Assessments and Liens
 - IIIE) Subdivision Name Approval
 - Section IV: Zone Change
 - IVA) Supporting Compliance Report
 - IVB) Zone Change Map
 - IVC) Legal Description & Sketch
 - Section V: Tree Removal Plan
 - VA) Supporting Compliance Report
 - VB) Tree Report
 - VC) Tree Preservation Plan
 - Section VI: Final Development Plan
 - VIA) Supporting Compliance Report
 - VIB) Reduced Plans
 - VIC) Elevations & Floor Plans
 - VID) Condominium Elevations & Floor Plans
 - Section VII Tentative Condominium Plat
 - VIIA) Supporting Compliance Report
 - VIIB) Tentative Plat
 - VIIC) Draft CC&R's

- B2.** Applicant's Large Format Plans for PDP (Smaller 11x17 plans included in Sections IIB, and IIIB of the applicant's notebook Exhibit B1.) *Under separate cover.*
- Sheet 1 Cover Sheet
 - Sheet 2 Existing Conditions
 - Sheet 3 Site/Land Use Plan
 - Sheet 4 Condo Site Plan
 - Sheet 5 Preliminary Plat
 - Sheet 6 (not used)
 - Sheet 7 Preliminary Grading and Erosion Control Plan
 - Sheet 8 Preliminary Composite Utility Plan
 - Sheet 9 Circulation Plan and Street Sections
 - Sheet 10 Parking Plan
 - Sheet 11 Tree Preservation Plan
 - Sheet 12 Street Tree Plan
- B3.** Large Format Plans for Final Development Plan(Smaller 11x17 plans included in Section VIB of the applicant's notebook, Exhibit B1.)
- Sheet L1 Layout Plan
 - Sheet L2 Street Tree Planting Plan
 - Sheet L3 Planting Plan
 - Sheet L4 Landscape Details and Notes
 - Sheet L5 Landscape Details and Notes
- B4.** Materials regarding redesign to accommodate trash and recycling container storage
- C1.** Comments and Conditions from Engineering Division
- C2.** Comments, Findings, and Conditions from Natural Resources

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on May 16, 2016. On June 15, 2016, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on July 14, 2016, the Applicant submitted new materials. On July 15, 2016 the application was deemed complete. The City must render a final decision for the request, including any appeals, by November 12, 2016
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
Northeast:	V	SW Paris Avenue (planned, not constructed), Row Houses (approved, not built)
Northwest	V	SW Collina Lane (planned, not constructed), Row Houses (approved not built)
Southwest:	PF	vacant
Southeast	V	SW Villebois Drive North (planned, not constructed), Row Houses (approved, not built)

3. Prior land use actions include:

Legislative:

- 02PC06 - Villebois Village Concept Plan
- 02PC07A - Villebois Comprehensive Plan Text
- 02PC07C - Villebois Comprehensive Plan Map
- 02PC07B - Villebois Village Master Plan
- 02PC08 - Village Zone Text
- 04PC02 – Adopted Villebois Village Master Plan
- LP-2005-02-00006 – Revised Villebois Village Master Plan
- LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)
- LP09-0003 – Zone text amendment to allow for detached row houses
- LP10-0001 – Amendment to Villebois Village Master Plan (School Relocation from SAP North to SAP East)
- LP13-0005 – Amendment to Villebois Village Master Plan (Future Study Area)

Quasi Judicial:

- DB06-0005 -
 - Specific Area Plan (SAP) – Central.
 - Village Center Architectural Standards.
 - SAP-Central Architectural Pattern Book.
 - Master Signage and Wayfinding Plan.

- Community Elements Book Rainwater Management Program and Plan
DB06-0012 - DB06-0012-Tentative Subdivision Plat (Large Lot)
DB09-0037 & 38 – Modification to the Village Center Architectural Standards (VCAS) to
change/add provision for detached row houses.
DB13-0015 – SAP Central Phasing Amendment
DB13-0043 – Tentative Subdivision Plat for Villebois Village Center No. 3 (large lot
subdivision, includes subject properties.
DB15-0005 – SAP Refinements and Central Phasing Amendment
DB15-0064 and DB15-0069 – SAP Central Refinements and Phasing Amendments

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.
5. Required and other notices to the public and other agencies have been sent as follows:

Notice of A Proposed Change to a Comprehensive Plan or Land Use Regulation was sent to the Oregon Department of Land Conservation and Development (DLCD) on June 16, 2016, more than 35 days prior to the first evidentiary hearing scheduled July 25, 2016.

A Development Review Team notice soliciting comments was sent July 7, 2016 requesting submittal of comments by July 14, 2016. This notice was sent to City staff and other agencies, franchise utilities, etc. who have requested this type of notice from the City.

A Public Hearing Notice was mailed and posted on July 5, 2016, 20 days prior to the first hearing. The Public Hearing Notice included information on the dates and location of the Development Review Board and City Council Hearings, information on how to comment on the application, and the nature of the application.

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

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

Finding: These criteria are met.

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

Initiating Application Section 4.009

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

Finding: This criterion is satisfied.

Explanation of Finding: The applications have been submitted on behalf of contract purchaser Polygon Homes, and is signed by the property owners, RCS Villebois LLC.

Pre-Application Conference Subsection 4.010 (.02)

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Explanation of Finding: A pre-application conference was held on March 31, 2016 in accordance with this subsection.

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

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

Finding: This criterion is satisfied.

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

General Submission Requirements

Subsection 4.035 (.04) A.

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

Finding: These criteria are satisfied.

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

Zoning-Generally

Section 4.110

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

Finding: These criteria are satisfied.

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

Request A: DB16-0020 Zone Map Amendment

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

Comprehensive Plan

Development per Villebois Village Concept Plan
Implementation Measure 4.1.6.a

- A1. Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

Finding: These criteria are satisfied.

Details of Finding: The subject area is within SAP-Central, which was previously approved as part of case file DB06-0005 et. seq. and found to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance.

Elements of Villebois Village Master Plan
Implementation Measure 4.1.6.b.

- A2. Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

Finding: These criteria are not applicable

Details of Finding: The current proposal is for residential development implementing the elements as outlined by the Villebois Village Master Plan, as previously approved.

Application of "Village" Zone District
Implementation Measure 4.1.6.c.

- A3. Review Criterion:** "The "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation."

Finding: This criterion is satisfied.

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

Uses Supporting "Urban Village"
Implementation Measure 4.1.6.d.

- A4. Review Criterion:** "The "Village" Zone District shall allow a wide range of uses that benefit and support an "urban village," including conversion of existing structures in the core

area to provide flexibility for changing needs of service, institutional, governmental and employment uses.”

Finding: This criterion is satisfied.

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

Planning and Land Development Ordinance

General

Zoning and Comprehensive Plan

Section 4.029

A5. Review Criterion: “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”

Finding: This criterion is satisfied.

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

Base Zones

Subsection 4.110 (.01)

A6. Review Criterion: This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

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

Village Zone

Village Zone Purpose

Subsection 4.125 (.01)

A7. Review Criteria: “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”

Finding: These criteria are satisfied.

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

Village Zone Uses
Subsection 4.125 (.02)

- A8. Review Criteria:** This subsection lists the uses permitted in the Village Zone.
Finding: These criteria are satisfied.
Details of Finding: The proposed residential uses are consistent with the Village Zone designation and Villebois Village Master Plan.

Concurrency with PDP
Subsection 4.125 (.18) B. 2.

- A9. Review Criterion:** "... Application for a zone change shall be made concurrently with an application for PDP approval..."
Finding: This criterion is satisfied.
Details of Finding: A zone map amendment is being requested concurrently with a request for PDP approval. See Request. C.

Zone Change Review

Zone Change Procedures
Subsection 4.197 (.02) A.

- A10. Review Criteria:** "That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;"
Finding: These criteria are satisfied.
Details of Finding: The request for a zone map amendment has been submitted as set forth in the applicable code sections.

Comprehensive Plan Conformity, etc.
Subsection 4.197 (.02) B.

- A11. Review Criteria:** "That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;"
Finding: These criteria are satisfied.
Details of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings A1 through A4 substantially comply with applicable Comprehensive Plan text.

Residential Designated Lands
Subsection 4.197 (.02) C.

- A12. Review Criteria:** "In the event that the subject property, or any portion thereof, is designated as "Residential" on the City's Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text;"
Finding: These criteria are satisfied.

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

Public Facility Concurrency

Subsection 4.197 (.02) D.

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

Finding: These criteria are satisfied.

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

SROZ Impacts

Subsection 4.197 (.02) E.

A14. Review Criteria: “That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;”

Finding: These criteria are satisfied.

Details of Finding: The subject property does not involve land in the SROZ or contain any inventoried hazards identified by this subsection.

Development within 2 Years

Subsection 4.197 (.02) F.

A15. Review Criterion: “That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

Finding: This criterion is satisfied.

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

Development Standards Conformance
Subsection 4.197 (.02) F.

A16. Review Criteria: “That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards.”

Finding: These criteria are satisfied.

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

Request B: DB16-0021 SAP-Central Refinements

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

Refinements Generally

Refinement Process

Subsection 4.125 (.18) J. 1.

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

Finding: These criteria are satisfied.

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

Refinement Request Land Use Mix and Density

SAP Refinements: Mix of Land Use/Density

Subsection 4.125 (.18) J. 1. a. iv. and v.

B2. Review Criteria: “Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan. For purposes of this subsection, “land uses” or “uses” are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.” “A change in density that does not exceed ten percent, provided such density

change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village.”

Finding: These criteria are satisfied.

Details of Finding: The Village Apartments, Specialty Condos, Mixed Use Condos, and Condos shown in the Master Plan and SAP are in the same aggregate land use category as the proposed condos and row houses. Therefore, there is no significant change to the mix of land uses.

The original SAP Central unit count used for density calculations is 1,010 units reflective of the Figure 1 of the Villebois Village Master Plan. The 1,010 unit count for SAP Central assumed varying percentages of different unit types would be built including: 53.1% for Mixed-use Condos, 80.9% for Village Apartments, 86.1% for Condos, 93.5% for Rowhouses, 90% for Urban Apartments, and 97.7% for Specialty Condos. Based on these percentages the number of units for PDP 10 reflective of the original SAP Central unit count table is 98 units. The difference from the proposed 92 units is 6 units. The current SAP unit count, including PDP 8 and 9 Central, is 1,011 units. The proposed unit count is 1,005 units, 0.59% below the most recent SAP unit count and 0.5% below the original SAP Central unit count. The change is within the 10% cumulative density change allowed from the original SAP approval. The change would result in 2,587 units in Villebois, which would continue to exceed the required 2,300 units.

Quantifiable Significance

Subsection 4.125 (.18) J. 1. b. i.

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

Finding: These criteria are satisfied.

Details of Finding: Quantifiable measures related to this refinement include 1. The number of units within the aggregate land use category, which is not changing as both apartments and row houses are in the same aggregate land use category. For density the quantifiable measure is total units. As discussed in Finding B2 the proposed density reduction of units is well below 10% both for this application alone and cumulatively over time for SAP Central.

Qualitative Significance

Subsection 4.125 (.18) J. 1. b. ii.

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

Finding: These criteria are satisfied.

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

guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Findings B5-B10 below, the proposed refinements do not significantly affect land use mix or density in a qualitative sense.

Refinements and Master Plan Implementation-Generally

Subsection 4.125 (.18) J. 2. a.

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

Finding: These criteria are satisfied.

Details of Finding: No specific conditions of approval from SAP Central have been identified in relation to the proposed changes so this finding focuses on better or equally meeting the affected goals, policies, and implementation measures of the Villebois Village Master Plan as follows:

Refinements and Master Plan- Range of Living Choices

Subsection 4.125 (.18) J. 2. a. and Villebois Village Master Plan General Land Use Plan Policy 1

B6. Review Criterion: “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.” “The Villebois Village shall be a complete community with a wide range of living choices, transportation choices, and working and shopping choices. Housing shall be provided in a mix of types and densities resulting in a minimum of 2,300 dwelling units within the Villebois Village Master Plan area.”

Finding: These criteria are satisfied.

Details of Finding: The language regarding a wide range of living choices is the portion of the policy relevant to the proposed refinement. A wide range of living choices is fundamental to the diversity of the Villebois neighborhood. The policy of a wide range of living choices has been implemented by a variety of residential land uses indicated on Figure 1-Land Use Plan, and subsequently in SAP and PDP approvals. The residential land uses in Figure 1 are grouped into two aggregate land use categories, with medium-lot single-family and larger in one category and small-lot single family and smaller in the second, including all attached products ranging from apartments to row houses. No differentiation is made between for sale and for rent unit types in description of units. The aggregation of the residential land uses into two categories recognized a need for flexibility over time to respond to various market and other factors. The Master Plan and other implementing language provides limited guidance as to the flexibility of placement of uses within a single aggregate land use category as it relates to the range of living choices. The guidance provided and historically used in reviewing requests to modify land uses within an aggregate category is the general idea of a transect of residential uses. In the transect the densest residential uses are focused around the piazza in the Village Center with the least dense and largest lots on the edge of the Villebois Village Master

Plan area. The transect can be understood from both a pure residential density perspective, but also an urban design perspective.

With the above guidance in mind, a number of conclusions can be made supporting a finding that the proposal equally meets this Master Plan Policy. First, the proposed row houses are a similar density remaining consistent with the general Villebois density transect. The Condo buildings, at the center of Villebois will provide some of the densest housing in the Master Plan. For urban design, the proposed buildings continue to provide a variety of linear multi-story buildings along the streets in the Village Center creating a feel of a dense urban location.

Refinements and Master Plan – Wide Variety of Neighborhood Housing

Subsection 4.125 (.18)J.2. a. & Villebois Village Master Plan Residential Neighborhood Housing Policy 1

- B7. Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.” “Each of the Villebois Village’s neighborhoods shall include a wide variety of housing options and shall provide home ownership options ranging from affordable housing to estate lots.”

Finding: These criteria are satisfied.

Details of Finding: A wide variety of housing options is fundamental to the diversity of the Villebois. Pursuant to the explanation in Finding B6, the proposed row houses are within the same aggregate land use category as land uses they are replacing, have a similar density, and at 2-3 stories with multiple attached units the row house buildings have a similar size and bulk as buildings that would house Master Plan and SAP designated apartments or condos. Thus by providing a land use choice that is not significantly, as defined by Wilsonville’s Code, different than the previously planned apartments and condos the proposal equally contributes the variety of housing the central neighborhood of Villebois. While the diversity of units in the Village Center is decreased slightly, the differentiation of end of middle units for the row house and the variety of unit sizes in the condos continue to provide a variety of unit sizes and price points. The use of multiple architectural styles, provide a variety of architectural options.

Refinements and Master Plan -Minimum Density and Unit Count

Subsection 4.125 (.18) J. 2. a. and Villebois Village Master Plan Residential Neighborhood Housing Policies 3 and 4.

- B8. Review Criterion:** “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.” “The mix of housing shall be such that the Village development provides an overall average density of at least 10 dwelling units per net residential acre.” “The Villebois Village shall accommodate a total of at least 2,300 dwelling units within the boundary of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposal, together with another previously approved development and planned development, will result in a total Villebois unit count of 2,587

units, or 13.14 units per acre.

Refinements and Master Plan –Mix of Housing Types

Subsection 4.125 (.18) J. 2. a. and Villebois Village Master Plan Residential Neighborhood Housing Policies 3 and 4.

B9. Review Criterion: “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.” “The Villebois Village shall provide a mix of housing types within each neighborhood and on each street to the greatest extent practicable.”

Finding: These criteria are satisfied.

Details of Finding: A mix of housing types is fundamental to the diversity of the Villebois. However, determining the greatest extent of housing mix practicable is unclear. The subject property was previously planned for Village Apartments, Specialty Condos, Condos, and Mixed-use Condos. . The current proposal has Condos and Row Houses. Both the condo buildings and the row house buildings include a variety of units. With the variety of unit types and sizes the proposal will provide a substantially equal amount of housing mix as previously proposed.

Refinements and Master Plan –Scale and Design of High Density Housing

Subsection 4.125 (.18) J. 2. a. and Villebois Village Master Plan Residential Neighborhood Housing Policy 9

B10. Review Criterion: “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.” “Higher density residential uses shall be of a scale and design in keeping with the desired vision for Villebois as expressed in the Villebois Village Concept Plan and in the Policies and Implementation Measures of the Villebois Village Master Plan.

Finding: These criteria are satisfied.

Details of Finding: The scale and design of the proposed condo row house buildings are a scale and similar design as previously planned buildings, with the exception of the planned retention of an existing building which has been demolished for years. Thus the design equally reflects this master plan policy.

Refinements and Resource Impacts

Subsection 4.125 (.18) J. 2. b.

B11. Review Criterion: “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

Finding: These criteria are satisfied.

Details of Finding: The proposed refinement does not negatively impact any identified environmental or scenic resources.

Refinements Impacting Subsequent PDP's and SAP's Impact
Subsection 4.125 (.18) J. 2. c.

B12. Review Criteria: “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposed refinements do not preclude an adjoining or subsequent PDP or SAP area from developing consistent with the approved SAP or Master Plan.

Refinement Request Parks, Trails, and Open Space

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

B13. Review Criteria: “Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Preliminary Development Plan.”

Finding: These criteria are satisfied.

Details of Finding: The Master Plan and SAP Central do not show any parks within the subject area. PDP 10C proposes the continuation of a pedestrian corridor along Campanile Lane that connects The Piazza to the south and Montague Park to the north. PDP 10 also adds linear greens on both sides of the rowhomes.

Quantifiable Significance
Subsection 4.125 (.18) J. 1. b. i.

B14. Review Criteria: “As used herein, “significant” means: More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above,”

Finding: These criteria are satisfied.

Details of Finding: The quantifiable measures related to this refinement include the number of parks and open spaces as well as the park and open space acreage and number of amenities, all of which are increasing, thus not creating a significant, or any reduction, as it relates to the refinement criteria.

Qualitative Significance
Subsection 4.125 (.18) J. 1. b. ii.

B15. Review Criteria: “As used herein, “significant” means: That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.”

Finding: These criteria are satisfied.

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

measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding B16 below, the proposed refinements do not significantly affect parks in a qualitative sense.

Refinements and Master Plan Implementation-Generally

Subsection 4.125 (.18) J. 2. a.

B16. Review Criterion: “The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: All the related goals, policies, and implementation measures are better met by increasing the recreational opportunities in the community.

Refinements and Resource Impacts

Subsection 4.125 (.18) J. 2. b.

B17. Review Criterion: “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area”

Finding: These criteria are satisfied.

Details of Finding: The proposed refinement does not negatively impact any identified environmental or scenic resources.

Refinements Impacting Subsequent PDP’s and SAP’s Impact

Subsection 4.125 (.18) J. 2. c.

B18. Review Criterion: “The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposed refinements do not preclude an adjoining or subsequent PDP or SAP area from developing consistent with the approved SAP or Master Plan.

Request C: DB16-0022 SAP-Central PDP 10, Preliminary Development Plan

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

Village Zone

Permitted Uses

Subsection 4.125 (.02)

C1. Review Criteria: This subsection lists the uses typically permitted in the Village Zone, including single-family detached dwellings, row houses, and non-commercial parks, playgrounds, and recreational facilities.

Finding: These criteria are satisfied.

Explanation of Finding: The uses proposed includes condos, row homes, parking areas, and open space, which are permitted in the Village Zone.

Development Standards Applying to All Development in the Village Zone

Block, Alley, Pedestrian, and Bicycle Standards

Subsection 4.125 (.05) A.

C2. Review Criteria: This subsection lists the block, alley, pedestrian, and bicycle standards applicable in the Village Zone.

Finding: These criteria are satisfied.

Explanation of Finding: The Preliminary Development Plan drawings, Exhibit B2, shows blocks, alleys, pedestrian, and bicycle paths consistent with this subsection and the SAP.

Access

Subsection 4.125 (.05) B.

C3. Review Criterion: "All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer."

Finding: This criterion is satisfied.

Explanation of Finding: A condition of approval for the Tentative Subdivision Plat will ensure compliance with this standard. See Request D.

Development Standards
Subsection 4.125 (.05) Table V-1

C4. Review Criteria:

Table V-1: Development Standards												
Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width ^{10, 12} (%age)	Max. Bldg. Height ⁹ (ft.)	Setbacks ^{10, 13, 20}				Alley-Loaded Garage (note)	Street-Loaded Garage (note)
							Front Min. (ft.)	Front Max. (ft.)	Rear Min. (ft.)	Side Min. (ft.)		
Multi-Family Dwellings - Village Center 14	NR	NR	NR	1	80	45	5 ³	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	10	NR	NR	NR	NA
Notes:	<p>NR No Requirement</p> <p>NA Not Allowed</p> <p>1 Lot < 8000sf: NR; Lot >8000sf: 80% (Max. Lot Coverage)</p> <p>3 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.</p> <p>4 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.</p> <p>5 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.</p> <p>7 The garage setback from alley shall be between 3 and 5 foot or, when as optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.</p> <p>9 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.</p> <p>10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.</p> <p>11 Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB.</p> <p>12 See Definitions, 4.125.01, for measurement of Minimum Frontage Width.</p> <p>13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.</p> <p>14 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.</p> <p>16 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.</p> <p>19 Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements.</p>											

Finding: These criteria are satisfied.

Explanation of Finding: The proposed building types are Multi-family Village Center and Row Houses-Village Center. The PDP enables all development standards in Table V-1 to be met.

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

C5. Review Criteria:

Table V-2: Off Street Parking Requirements				
	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short-term (Spaces)	Bicycle Long-term (Spaces)
Permitted or Conditional Use				
Permitted Uses				
Multi-family Dwellings	1.0/1 Bdr 1.5/2 Bdr 1.75/3 Bdr.	NR	1 per 20 units Min of 2	1 per 4 units Min of 2
Row Houses	1.0/DU	NR	NR	NR

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

Explanation of Finding: The 10 Row Houses require 10 vehicle spaces and no bicycle parking. As shown on Sheet 10 of the PDP Plan Set, Exhibit B2, 20 off-street vehicle spaces are provided, 10 in garages and 10 in driveways behind the garages.

The 82 Condos require 118 vehicle spaces (14 for the 14 one-bedroom units, 93 for the 62

two-bedroom units, and 11 for the 6 three-bedroom units). In addition the 24-unit condo buildings each require 2 short-term bicycle spaces and 6 long-term bicycle spaces. The 34-unit condo building requires 2 short-term bicycle spaces and 9 long-term bicycle spaces. As shown on Sheet 10 of the PDP Plan Set, Exhibit B2, 132 off-street spaces are provided, 84 in garages, and 48 in driveways behind garages.

In addition, 36 vehicle spaces are provided on adjacent streets, again as shown on Sheet 10.

As the parking requirements for the Condos could not be met without use of garages for vehicle parking instead of non-vehicle storage or other uses a Condition of Approval requires a covenant restriction be recorded for the Condos requiring all garage spaces meet the minimum dimensional requirements for parking spaces, defined by Wilsonville Code, and are kept “usable and accessible for parking”. Each garage shall have a sign interior to the garage that is clearly visible reading “9 foot by 18 foot minimum area to be kept clear for vehicle parking” or where a spaces is among the 40% allowed to be compact “Compact Vehicles Only: 7.5 foot by 15 foot minimum area to be kept clear for vehicle parking” or substantially similar language approved in writing by the City. Temporary use of garage spaces, i.e. storage while actively moving, can be approved by the homeowners association without further approval by the City.

Parks & Open Space

Subsection 4.125 (.08)

C6. Review Criteria: This subsection prescribes the open space requirement for development in the Village Zone.

Finding: These criteria are satisfied.

Explanation of Finding: Figure 5 Parks & Open Space Plan of the Villebois Village Master Plan states that there are a total of 159.73 acres within Villebois, which is approximately 33% of Villebois. The proposed PDP does not reduce the amount of dedicated open space, and actually adds open space tracts not shown in the Master Plan.

Villebois Street Alignment and Access Improvements

Conformity with Master Plan, etc.

Subsection 4.125 (.09) A. 1. a.

C7. Review Criterion: “All street alignment and access improvements shall conform to the Villebois Village Master Plan, or as refined in the Specific Area Plan, Preliminary Development Plan, or Final Development Plan . . .”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed PDP includes the construction of SW Campanile Lane between SW Valencia Lane and SW Paris Avenue as well as SW Valencia Lane between SW Collina Avenue and SW Campanile Lane. The proposed alignments match the SAP Approval.

Public Works Standards and Continuation of Streets

Subsection 4.125 (.09) A. 1. a. i.

C8. Review Criteria: “All street improvements shall conform to the Public Works Standards and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: Consistent with the SAP Central approvals, the new streets will be built for future continuation, where planned.

Streets and Master Plan

Subsection 4.125 (.09) A. 1. a. ii.

C9. Review Criterion: “All streets shall be developed according to the Master Plan.”

Finding: This criterion is satisfied.

Explanation of Finding: All planned streets are planned consistent with the Master Plan and SAP Central approvals.

Street Intersection Angles

Subsection 4.125 (.09) A. 2. a. & b.

C10. Review Criteria:

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

Finding: These criteria are satisfied.

Explanation of Finding: Intersection are designed at right angles.

Street Intersection Offsets

Subsection 4.125 (.09) A. 2. c.

C11. Review Criterion: “Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:

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

Finding: These criteria are satisfied.

Explanation of Finding: No intersections proposed violate these offset standards.

Curb Extensions

Subsection 4.125 (.09) A. 2. d.

C12. Review Criteria: “Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F) below, and shall:

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

Finding: These criteria are satisfied.

Explanation of Finding: All curb extensions shown in the SAP Central Community Elements Book are proposed and provide the 20 foot minimum clearance.

Street Grades

Subsection 4.125 (.09) A. 3.

C13. Review Criteria: “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

Finding: These criteria are satisfied.

Explanation of Finding: No streets are proposed that would exceed the grades listed in this subsection.

Centerline Radius Street Curves

Subsection 4.125 (.09) A. 4.

C14. Review Criterion: “The minimum centerline radius street curves shall be as follows:

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

Finding: These criteria are satisfied.

Explanation of Finding: No significant street curves are proposed that would approach the subscribed minimum centerline radius for local streets.

Rights-of-way

Subsection 4.125 (.09) A. 5.

C15. Review Criteria: Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for rights-of-way as no other provisions are noted.

Finding: These criteria are satisfied.

Explanation of Finding: The provision of Section 4.177 are being applied,

Access Drives

Subsection 4.125 (.09) A. 6.

C16. Review Criteria: Access drives are required to be 16 feet for two-way traffic. Otherwise, pursuant to subsection (.09) A. above, the provisions of 4.177 apply for access drives as no other provisions are noted.

Finding: These criteria are satisfied.

Explanation of Finding: Access drives (alleys) and parking lot circulation areas will be paved at least 16-feet in width and be constructed with a hard surface capable of carrying a 23-ton load.

Clear Vision Areas

Subsection 4.125 (.09) A. 7.

C17. Review Criteria: Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for clear vision areas as no other provisions are noted.

Finding: These criteria are satisfied.

Explanation of Finding: Clear vision areas will be required to be maintained in compliance with the Section 4.177.

Vertical Clearance

Subsection 4.125 (.09) A. 8.

C18. Review Criteria: Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for vertical clearance as no other provisions are noted.

Finding: These criteria are satisfied.

Explanation of Finding: Vertical clearance will be required to be maintained in compliance with the Section 4.177.

Interim Improvement Standards

Subsection 4.125 (.09) A. 9.

C19. Review Criteria: Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for interim improvement standards as no other provisions are noted.

Finding: This criterion will be satisfied or will be by Condition of Approvals PFC 3 and 4.

Explanation of Finding: Per Condition of Approval PFC 3 full street improvements for new extensions of Campanile Lane and Valencia Lane are required, except for specific segments as discussed in Condition of Approval PFC 4.

Other Villebois Development Standards

Sidewalk and Pathway Standards

Subsection 4.125 (.10)

C20. Review Criteria: "The provisions of Section 4.178 shall apply within the Village zone."

Finding: These criteria are satisfied.

Explanation of Finding: Section 4.178 has been deleted and Section 4.154, which replaced it, is being applied.

Landscaping, Screening and Buffering
Subsection 4.125 (.11)

C21. Review Criteria: “Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:

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

Finding: These criteria are satisfied.

Explanation of Finding: The appropriate landscaping is provided. The proposed street trees are among the choices provided in the Community Elements Book.

Signage and Wayfinding
Subsection 4.125 (.12)

C22. Review Criteria: “Except as this subsection may otherwise be amended, or until such time as a Signage and Wayfinding Plan is approved as required by Section 4.125(.18)(D)(2)(f), signs within the Village zone shall be subject to provisions of Section 4.156.”

Finding: These criteria are satisfied.

Explanation of Finding: Signage will be provided consistent with the SAP Central Signage & Wayfinding Plan.

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

C23. Review Criteria: “The following design principles reflect the fundamental concepts, and support the objectives of the Villebois Village Master Plan, and guide the fundamental qualities of the built environment within the Village zone.

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

Finding: These criteria are satisfied.

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

Flag Lots

Subsection 4.125 (.14) A. 1. a.

C24. Review Criterion: “Flag lots are not permitted.”

Finding: This criterion is satisfied.

Explanation of Finding: No flag lots are proposed.

Building and Site Design Requirements

Subsection 4.125 (.14) A. 2. a. - e. and h. – k.

C25. Review Criteria: “Building and site design shall include:

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

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

Explanation of Finding: The application requests PDP approval for condo buildings, row houses and open spaces in conformance with the Village Center Architectural Standards and Community Elements Book will assure consistency with the Design Standards of subsection (.14). Compliance with the Village Center Architectural Standards and Community Elements Book is being reviewed as part of Request G, Final Development Plan.

Landscape Plans

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

C26. Review Criterion: “Building and site design shall include:

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

Finding: This criterion is satisfied.

Explanation of Finding: The appropriate landscape plans have been provided. See FDP Plans, Exhibit B3.

Protection of Significant Trees

Subsection 4.125 (.14) A. 2. f.

C27. Review Criterion: “Building and site design shall include:

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

Finding: This criterion is satisfied.

Explanation of Finding: Two important on the edge of the site, both of which are being preserved and protected.

Lighting and Site Furnishings

Subsection 4.125 (.14) A. 3.

C28. Review Criteria: “Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.”

Finding: These criteria are satisfied.

Explanation of Finding: Compliance with the Village Center Architectural Standards and Community Elements Book is being reviewed as part of Request G, Final Development Plan.

Building Systems & Materials

Subsection 4.125 (.14) A. 4.

C29. Review Criteria: “Building systems, as noted in Tables V-3 and V-4 (Permitted Materials and Configurations), below, shall comply with the materials, applications and configurations required therein. Design creativity is encouraged. The LEED Building Certification Program of the U.S. Green Building Council may be used as a guide in this regard.”

Finding: These criteria are satisfied.

Explanation of Finding: Subsequent Building Permit applications will review proposed buildings for consistency with the criteria of Table V-3. Certain criteria related to materials will be reviewed as part of the review of the Village Center Architectural Standards in Request G.

Preliminary Development Plan Approval Process

PDP Submission Timing

Subsection 4.125 (.18) G. 1. a.

C30. Review Criterion: “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed with the City Planning Division for the entire SAP, or when submission of the SAP in phases has been authorized by the Development Review Board, for a phase in the approved sequence.”

Finding: This criterion is satisfied.

Explanation of Finding: This PDP addresses Phase 10 on the SAP Central Phasing Plan.

Owners' Consent

Subsection 4.125 (.18) G. 1. b.

C31. Review Criterion: "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be made by the owner of all affected property or the owner's authorized agent;"

Finding: This criterion is satisfied.

Explanation of Finding: This application is made by Fred Gast of Polygon Homes. The PDP application has been signed on behalf of the owner RCS Villebois LLC.

Proper Form & Fees

Subsection 4.125 (.18) G. 1. c.

C32. Review Criterion: "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution;"

Finding: These criteria are satisfied.

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

Professional Coordinator

Subsection 4.125 (.18) G. 1. d.

C33. Review Criterion: "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall set forth the professional coordinator and professional design team for the project;"

Finding: This criterion is satisfied.

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

Mixed Uses

Subsection 4.125 (.18) G. 1. e.

C34. Review Criterion: "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall state whether the development will include mixed land uses, and if so, what uses and in what proportions and locations."

Finding: This criterion is satisfied.

Explanation of Finding: The proposed PDP includes only residential uses with supporting recreational amenities and utilities.

Land Division

Subsection 4.125 (.18) G. 1. f.

C35. Review Criterion: "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a preliminary land division (concurrently) per Section 4.400, as applicable."

Finding: This criterion is satisfied.

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

Zone Map Amendment

Subsection 4.125 (.18) G. 1. g.

C36. Review Criterion: “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a concurrent application for a Zone Map Amendment (i.e., Zone Change) for the subject phase.”

Finding: This criterion is satisfied.

Explanation of Finding: A zone map amendment request has been submitted concurrently with this request. See Request A.

Information Required for PDP

Subsection 4.125 (.18) G. 2. a. – c.

C37. Review Criteria: “The application for Preliminary Development Plan approval shall include conceptual and quantitatively accurate representations of the entire development sufficient to demonstrate conformance with the approved SAP and to judge the scope, size and impact of the development on the community and shall be accompanied by the following information:

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

Finding: These criteria are satisfied.

Explanation of Finding: All of the listed applicable information has been provided. See Exhibits B1 and B2.

Land Area Tabulation

Subsection 4.125 (.18) G. 2. d.

C38. Review Criteria: “A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.”

Finding: These criteria are satisfied.

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

Approx. Gross Acreage	3.20 Acres
Parks and Open Space	0.04 Acres
Public Streets	1.00 Acres
Lots and Alleys	2.16 Acres

Net Residential Density: 92 lots / 2.16 Acres = 42.59 units per net acre

Streets, Alleys, and Trees
Subsection 4.125 (.18) G. 2. e.

C39. Review Criteria: “The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the PDP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails, and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only.”

Finding: These criteria are satisfied.

Explanation of Finding: Information on planned alleys and streets are provided or the information is readily available. Easements, sidewalks, bike routes and bikeways, trails, and other relevant features are shown. Trees have been identified. See Exhibit B2.

Building Drawings
Subsection 4.125 (.18) G. 2. f.

C40. Review Criteria: “Conceptual drawings, illustrations and building elevations for each of the listed housing products and typical non-residential and mixed-use buildings to be constructed within the Preliminary Development Plan boundary, as identified in the approved SAP, and where required, the approved Village Center Design.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed PDP includes Condo and Row Houses. Being in the Village Center the elevations of all the buildings have been submitted are being reviewed as part of the Final Development Plan, Request D.

Utility Plan
Subsection 4.125 (.18) G. 2. g.

C41. Review Criterion: “A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.”

Finding: This criterion is satisfied.

Explanation of Finding: A composite utility plan has been provided. See applicant’s Sheet 7, Exhibit B2.

Phasing Sequence

Subsection 4.125 (.18) G. 2. h.

C42. Review Criterion: “If it is proposed that the Preliminary Development Plan will be executed in Phases, the sequence thereof shall be provided.”

Finding: This criterion is satisfied.

Explanation of Finding: The PDP is proposed to be executed in a single phase; however, the condominium buildings will be constructed in 3 phases.

Capital Improvements Security

Subsection 4.125 (.18) G. 2. i.

C43. Review Criterion: “A commitment by the applicant to provide a performance bond or other acceptable security for the capital improvements required by the project.”

Finding: This criterion is satisfied.

Explanation of Finding: The appropriate bond or security will be obtained for issuance of the Public Works Permit.

Traffic Report

Subsection 4.125 (.18) G. 2. j.

C44. Review Criterion: “At the applicant’s expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the SAP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire SAP, and it shall meet Subsection 4.140(.09)(J)(2).”

Finding: This criterion is satisfied.

Explanation of Finding: The required traffic report has been provided, and can be found in Section IID of the applicant’s notebook, Exhibit B1.

PDP Application Submittal Requirements

Submittal Requirements: General

Subsection 4.125 (.18) H. 1.

C45. Review Criteria: “The Preliminary Development Plan shall conform with the approved Specific Area Plan, and shall include all information required by (.18)(D)(1) and (2), plus the following:

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

Finding: These criteria are satisfied.

Explanation of Finding: The PDP matches SAP Central, as requested to be refined in Request B, and the application includes all of the requested information.

Traffic Report

Subsection 4.125 (.18) H. 2.

C46. Review Criteria: “In addition to this information, and unless waived by the City’s Community Development Director as enabled by Section 4.008(.02)(B), at the applicant’s expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the PDP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire PDP, and it shall meet Subsection 4.140(.09)(J)(2) for the full development of all five SAPs.”

Finding: These criteria are satisfied.

Explanation of Finding: The required traffic report is included in Section IID of the applicant’s notebook, Exhibit B1.

PDP Application Level of Detail

Subsection 4.125 (.18) H. 3.

C47. Review Criterion: “The Preliminary Development Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the phase of development. However, approval of a Final Development Plan is a separate and more detailed review of proposed design features, subject to the standards of Section 4.125(.18)(L) through (P), and Section 4.400 through Section 4.450.”

Finding: This criterion is satisfied.

Explanation of Finding: The required level of detail has been shown, similar to other PDP’s approved throughout Villebois.

Copies of Legal Documents

Subsection 4.125 (.18) H. 4.

C48. Review Criterion: “Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner’s association, shall also be submitted.”

Finding: This criterion is satisfied.

Explanation of Finding: The required legal documents for review have been provided. See Section IIIC in the applicant’s notebook, Exhibit B1.

PDP Approval Procedures

PDP Approval Procedures

Subsection 4.125 (.18) I.

C49. Review Criteria: “An application for PDP approval shall be reviewed using the following procedures:

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

Finding: These criteria are satisfied.

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

PDP Approval Criteria

Standards of Section 4.125

Subsection 4.125 (.18) K. 1. a.

C50. Review Criteria: “Is consistent with the standards identified in this section.”

Finding: These criteria are satisfied.

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

Planning and Land Development Ordinance

Subsection 4.125 (.18) K. 1. b.

C51. Review Criterion: “Complies with the applicable standards of the Planning and Land Development Ordinance, including Section 4.140(.09)(J)(1)-(3).”

Finding: This criterion is satisfied.

Explanation of Finding: Findings are provided showing compliance with applicable standards of the Planning and Land Development Ordinance. Specifically Findings C57 through C59 address Subsections 4.140 (.09) J. 1. through 3.

Approved SAP Consistency

Subsection 4.125 (.18) K. 1. c.

C52. Review Criterion: “Is consistent with the approved Specific Area Plan in which it is located.”

Finding: This criterion is satisfied.

Explanation of Finding: The requested PDP approval is consistent with the SAP, as requested to be refined by Request B.

Pattern Book Consistency
Subsection 4.125 (.18) K. 1. d.

C53. Review Criterion: “Is consistent with the approved Pattern Book and, where required, the approved Village Center Architectural Standards.”

Finding: This criterion is satisfied.

Explanation of Finding: The proposed row houses are subject to the Village Center Architectural Standards, consistency with which is being reviewed as part of Request G, Final Development Plan.

Reasonable Phasing Schedule
Subsection 4.125 (.18) K. 2.

C54. Review Criterion: “If the PDP is to be phased, that the phasing schedule is reasonable and does not exceed two years between commencement of development of the first, and completion of the last phase, unless otherwise authorized by the Development Review Board.”

Finding: This criterion is satisfied.

Explanation of Finding: The PDP is planned to be completed within 2 years.

Parks Concurrency
Subsection 4.125 (.18) K. 3.

C55. Review Criterion: “Parks within each PDP or PDP Phase shall be constructed prior to occupancy of 50% of the dwelling units in the PDP or PDP phase, unless weather or other special circumstances prohibit completion, in which case bonding for such improvements shall be permitted.”

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

Explanation of Finding: All private open space requirements are required to be completed prior to occupancy of 50% of the dwelling units.

DRB Conditions
Subsection 4.125 (.18) K. 5.

C56. Review Criterion: “The Development Review Board may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.”

Finding: This criterion is satisfied.

Explanation of Finding: No additional conditions of approval are recommended.

Planned Development Permit Review Criteria

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

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

C57. Review Criteria: “The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.”

Finding: These criteria are satisfied.

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

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

C58. Review Criteria: That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City’s adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

Finding: These criteria are satisfied.

Explanation of Finding: The location, design, size and uses are such that traffic generated within the PDP at the most heavily used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D. The proposed uses and the circulation system are consistent with SAP Central, as requested to be refined in Request B. A copy of the Traffic Impact Analysis is included in Section IID of the applicant’s notebook, Exhibit B1.

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

C59. Review Criteria: “That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.”

Finding: These criteria are satisfied.

Explanation of Finding: As shown in the Utility and Drainage Report, Section IIC of the applicant's notebook, Exhibit B1, and the applicant's Composite Utility Plan, Sheet 7 of Exhibit B2, adequate or immediately planned facilities and services are sufficient to serve the planned development.

On-site Pedestrian Access and Circulation

Continuous Pathway System

Subsection 4.154 (.01) B. 1.

C60. Review Criterion: "A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable."

Finding: This criterion.

Explanation of Finding: A pedestrian pathway system is provided connecting through and around the development. Internal walkway connect to the sidewalk system which connects to the entire Villebois pedestrian network.

Safe, Direct, Convenient Pathways

Subsection 4.154 (.01) B. 2.

C61. Review Criteria: "Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:

- a. Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.
- b. The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations, which do not involve a significant amount of unnecessary out-of-direction travel.
- c. The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.
- d. All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)(B.)(3.)(d.)."

Finding: These criteria are satisfied.

Explanation of Finding: The pathways will be smooth and consistent surface and will be free from hazards. The pathways provide direct paths midblock and for circulation around the interior of the block. Pathways will be required to meet ADA, as necessary, through the building permits.

Vehicle/Pathway Separation

Subsection 4.154 (.01) B. 3.

C62. Review Criterion: “Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards.”

Finding: This criterion is satisfied.

Explanation of Finding: All pathways are separated from vehicle circulation areas.

Crosswalks

Subsection 4.154 (.01) B. 4.

C63. Review Criterion: “Where a pathway crosses a parking area or driveway, it shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast).”

Finding: This criterion does not apply.

Explanation of Finding: Where pathways cross the alleys and streets concrete inlays are provided between the asphalt.

Pathway Width and Surface

Subsection 4.154 (.01) B. 5.

C64. Review Criteria: “Primary pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five (5) feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA.”

Finding: These criteria will be satisfied

Explanation of Finding: The public sidewalks and proposed internal pathways are concrete 5’ wide or greater.

Signs for Pathways

Subsection 4.154 (.01) B. 6.

C65. Review Criteria: “All pathways shall be clearly marked with appropriate standard signs.”

Finding: These criteria do not apply.

Explanation of Finding: No signs are proposed or required in relation to the temporary pathway.

Protection of Natural Features & Other Resources

General Terrain Preparation

Subsection 4.171 (.02)

C66. Review Criteria:

- “All developments shall be planned designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant land forms.

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

Finding: These criteria are satisfied.

Explanation of Finding: The PDP matches the SAP Central approvals, as requested to be refined in Request B and found to meet the requirements of this subsection.

Hillsides

Subsection 4.171 (.03)

C67. Review Criterion: "Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:"

Finding: This criterion does not apply.

Explanation of Finding: No development is proposed on such slopes.

Trees and Wooded Area

Subsection 4.171 (.04)

C68. Review Criteria: "All developments shall be planned, designed, constructed and maintained so that:

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

Finding: These criteria are satisfied.

Explanation of Finding: The six trees internal to the site have health issues or otherwise have issues which would not make them sustainable long term for preservation.

High Voltage Power Lines

Subsection 4.171 (.05)

C69. Review Criteria: “High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:

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

Finding: These criteria do not apply.

Explanation of Finding: The development area and surrounding area are not around high voltage power lines.

Safety Hazards

Subsection 4.171 (.06)

C70. Review Criteria: “

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

Finding: These criteria are satisfied.

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

Earth Movement Hazard Areas

Subsection 4.171 (.07)

C71. Review Criterion: “No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions.”

Finding: This criterion is satisfied.

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

Soil Hazard Areas
Subsection 4.171 (.08)

C72. Review Criteria:

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

Finding: These criteria are satisfied.

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

Historic Protection
Subsection 4.171 (.09)

C73. Review Criteria: This subsection establishes requirements for protection of historic resources.

Finding: This criterion is satisfied.

Explanation of Finding: The PDP matches the SAP Central approvals, as requested to be refined in Request B and found to meet the requirements of this subsection.

Other General Development Standards

Landscaping, Screening, and Buffering
Section 4.176

C74. Review Criteria: This section establishes landscape, screening, and buffering requirements for development within the City.

Finding: These criteria are satisfied.

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

Street Improvement Standards-Generally

Conformance with Standards and Plan
Subsection 4.177 (.01)

C75. Review Criteria: “Development and related public facility improvements shall comply with the standards in this section, the Wilsonville Public Works Standards, and the Transportation System Plan,”

Finding: These criteria are satisfied.

Details of Finding: As shown in the findings below the standards of Section 4.177 are being applied to the proposed public improvements. The proposed improvements appear to meet or be able to meet Public Works Standards. The Engineering Division will issue a Public Works Permit prior to construction and inspect during construction ensuring the Public Works Standards are met. The streets are being developed consistent with the Villebois Village Master Plan and the thus the TSP.

Rough Proportionality

Subsection 4.177 (.01)

C76. Review Criteria: This subsection establishes public facility improvements required shall be in rough proportion to the potential impacts of the development.

Finding: These criteria are satisfied.

Details of Finding: It is understood the developer will be responsible for half-street improvements adjacent to the subject properties. The exact finances and funding of the improvements are subject to agreement between the developer and the City.

Timing of Street Improvements

Subsection 4.177 (.01)

C77. Review Criteria: "Such improvements shall be constructed at the time of development or as provided by Section 4.140, except as modified or waived by the City Engineer for reasons of safety or traffic operations."

Finding: These criteria are satisfied.

Details of Finding: Street improvements will be constructed prior to or concurrently with the proposed private improvements.

Street Improvement Standards-Adjoining Property Connectivity

Streets and Adjoining Properties

Subsection 4.177 (.02) A.

C78. Review Criteria: "All street improvements and intersections shall provide for the continuation of streets through specific developments to adjoining properties or subdivisions."

Finding: These criteria are satisfied.

Details of Finding: All future street connectivity is provided for as indicated in the Villebois Village Master Plan and SAP Central Approvals

Street Improvement Standards-Right-of-Way

Right-of-Way Dedication

Subsection 4.177 (.02) C. 1.

C79. Review Criteria: "Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Transportation System Plan. All dedications shall be recorded with the County Assessor's Office."

Finding: These criteria are satisfied.

Details of Finding: Right-of-way dedication is proposed as part of the Tentative Subdivision Plat or has previously been dedicated.

Waiver of Remonstrance Against Formation of Local Improvement District
Subsection 4.177 (.02) C. 2.

C80. Review Criterion: "The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder's Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat."

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

Details of Finding: The Condition of Approval requires the waiver of remonstrance.

Arterial Street Setbacks
Subsection 4.177 (.02) C. 3.

C81. Review Criteria: "In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater."

Finding: These criteria are satisfied.

Details of Finding: The Transportation Systems Plan does not show any arterial streets adjacent to the site.

Street Improvement Standards-Clearance

Corner Vision Clearance
Subsection 4.177 (.02) E.

C82. Review Criteria: "A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:" Listed a. through e.

Finding: These criteria are satisfied.

Details of Finding: Clear vision clearance appears to be provided, and will further be reviewed as part of the Public Works Permit plan review.

Vertical Clearance
Subsection 4.177 (.02) F.

C83. Review Criteria: "Vertical clearance - a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives."

Finding: These criteria are satisfied.

Details of Finding: Nothing in the proposal would prevent the minimum vertical clearance from being provided.

Street Improvement Standards- Interim Improvements

Interim Improvement Standards

Subsection 4.177 (.02) G.

C84. Review Criteria: “It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Development Review Board, the following interim standards shall apply.” Listed 1 through 3 including asphalt overlays, half-street improvements, and single-asphalt lifts.

Finding: These criteria are satisfied or will be by Conditions of Approval PFC 3 and 4.

Details of Finding: Per Condition of Approval PFC 3 full street improvements for new extensions of Campanile Lane and Valencia Lane are required, except for specific segments as discussed in Condition of Approval PFC 4.

Street Improvement Standards-Sidewalks

Sidewalks Required

Subsection 4.177 (.03)

C85. Review Criteria: “Sidewalks shall be provided on the public street frontage of all development. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the City Engineer.”

Finding: These criteria are satisfied.

Details of Finding: Sidewalks are proposed within the street right-of-way adjacent to the proposed development.

Through Zone

Subsection 4.177 (.03) A.

C86. Review Criteria: “Sidewalk widths shall include a minimum through zone of at least five feet. The through zone may be reduced pursuant to variance procedures in Section 4.196, a waiver pursuant to Section 4.118, or by authority of the City Engineer for reasons of traffic operations, efficiency, or safety.”

Finding: These criteria are satisfied.

Details of Finding: Planned sidewalks have a through zone of 5 feet.

Sidewalks on One Side

Subsection 4.177 (.03) B.

C87. Review Criteria: “Within a Planned Development, the Development Review Board may approve a sidewalk on only one side. If the sidewalk is permitted on just one side of the street, the owners will be required to sign an agreement to an assessment in the future to construct the other sidewalk if the City Council decides it is necessary.”

Finding: These criteria are satisfied.

Details of Finding: Sidewalks are planned on both sides of the streets.

Street Improvement Standards-Bicycle Facilities and Multiuse Paths

Bicycle Facilities and TSP

Subsection 4.177 (.04)

C88. Review Criteria: "Bicycle facilities shall be provided to implement the Transportation System Plan, and may include on-street and off-street bike lanes, shared lanes, bike boulevards, and cycle tracks. The design of on-street bicycle facilities will vary according to the functional classification and the average daily traffic of the facility."

Finding: These criteria are satisfied.

Details of Finding: No additional bike facilities are called for in this phase of Villebois.

Street Improvements Standards- Access Drives and Driveways

Clear Travel Lane

Subsection 4.177 (.08) A.

C89. Review Criteria: "An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions."

Finding: These criteria are satisfied.

Details of Finding: The alleys and condo parking area are designed to provide a clear travel lane.

Travel Lane Load Capacity

Subsection 4.177 (.08) B.

C90. Review Criteria: "Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load."

Finding: These criteria are satisfied.

Details of Finding: The proposed condo parking areas and alleys will be built to carry a 23-ton load.

Emergency Vehicle Access

Subsection 4.177 (.08) C.

C91. Review Criteria: "Where emergency vehicle access is required, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The City may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider."

Finding: These criteria are satisfied.

Details of Finding: Emergency access is provided consistent with access elsewhere in Villebois.

Emergency Access Lanes

Subsection 4.177 (.08) D.

C92. Review Criteria: “Secondary or emergency access lanes may be improved to a minimum 12 feet with an all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.”

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

Details of Finding: The alleys and parking drive aisles will exceed the 12 foot width and will be paved. All fire lanes will be dedicated public access easements which include emergency access as required by a condition of approval.

No On-street Vehicle Stacking

Subsection 4.177 (.08) I.

C93. Review Criteria: “Driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.”

Finding: These criteria are satisfied.

Details of Finding: The alley and parking area design is sufficient to allow access to the individual homes and garages without stacking extending into the public right-of-way.

Limiting Driveway Width

Subsection 4.177 (.08) K.

C94. Review Criteria: “Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.”

Finding: These criteria are satisfied.

Details of Finding: The alley access points are the standard width as built through Villebois and are the minimum to accommodate the approved alley cross section for Villebois. The condo parking area access points are 20', which is a standard width for a 2-way drive aisle in Villebois.

Pedestrian Safety Features

Subsection 4.177 (.08) L.

C95. Review Criteria: “As it deems necessary for pedestrian safety, the City, in consultation with the roadway authority, may require traffic-calming features, such as speed tables, textured driveway surfaces, curb extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site.”

Finding: These criteria are satisfied.

Details of Finding: Pedestrian safety features, including curb extensions, have been incorporated into the Villebois Master Plan and SAP Approvals. All curb extensions are provided consistent with the SAP Central Community Elements Book. Consistent with Section 4.154 concrete inlays are provided in the asphalt to delineate crosswalks both across public streets and across alleys.

Driveway Alignment
Subsection 4.177 (.08) P.

C96. Review Criteria: “Unless constrained by topography, natural resources, rail lines, freeways, existing or planned or approved development, or easements or covenants, driveways proposed as part of a residential or mixed-use development shall meet local street spacing standards and shall be constructed to align with existing or planned streets, if the driveway. 1. Intersects with a public street that is controlled, or is to be controlled in the planning period, by a traffic signal; 2. Intersects with an existing or planned arterial or collector street; or 3. Would be an extension of an existing or planned local street, or of another major driveway.”

Finding: These criteria are satisfied.

Details of Finding: No streets or major driveways exist requiring particular alignment of alleys.

Street Improvement Standards- Intersection Spacing

Driveway Alignment
Subsection 4.177 (.09) A.

C97. Review Criteria: “Unless constrained by topography, natural resources, rail lines, freeways, existing or planned or approved development, or easements or covenants, driveways proposed as part of a residential or mixed-use development shall meet local street spacing standards and shall be constructed to align with existing or planned streets, if the driveway. 1. Intersects with a public street that is controlled, or is to be controlled in the planning period, by a traffic signal; 2. Intersects with an existing or planned arterial or collector street; or 3. Would be an extension of an existing or planned local street, or of another major driveway.”

Finding: These criteria are satisfied.

Details of Finding: Intersection spacing is as approved in the Villebois Village Master Plan and SAP Central approval documents.

Request D: DB16-0026 Final Development Plan

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

Final Development Plans

FDP Approval Procedure
Subsection 4.125 (.18) L.

D1. Review Criteria: This subsection establishes the procedure for review of Final Development Plans in the Village Zone including being filed for the entire FDP, be filed within 2 years of the PDP, be signed by the property owners of all affected properties, be filed on the approved City form, and have a professional coordinator and design team.

Finding: These criteria are satisfied.

Explanation of Finding: The application is for condos and row homes in the Village Center which require FDP review. The FDP has been filed for the entire development. The FDP has been filed concurrently with the PDP request. See Request C. Signatures have been obtained from the owner. The applications were submitted with the appropriate City form. Stacy Connery AICP with Pacific Community Design is the professional coordinator for a professional design team.

FDP Submittal Requirements, Approval Procedures and Criteria
Subsection 4.125 (.18) M. and N. and P. 1.

D2. Review Criteria: These subsections establish the submittal requirements and approval procedures for Final Development Plan Review. Subsections N. and P. 2. state Final Development Plans are subject Section 4.421.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has submitted the applicable materials listed in Section 4.034 and the application is being reviewed against the criteria of Section 4.421. See Findings D19 through D22 below.

Community Elements Book
Village Center Architectural Standards (VCAS)
Subsection 4.125 (.18) P. 2.

D3. Review Criteria: "An application for an FDP shall demonstrate that the proposal conforms to the applicable Architectural Pattern Book, Community Elements Book, Village Center Architectural Standards and any conditions of a previously approved PDP."

Finding: These criteria are satisfied.

Explanation of Finding: With a location in the Village Center as shown in Figure 2a of the Villebois Village Master Plan the proposed development is subject to the Community Elements Book and Village Center Architectural Standards, with the Villebois Drive address applying to the Villebois Drive frontage and the Courtyard Address for the Campanile Lane frontage.

Community Elements Book:

Applicable Requirement	Requirement Met?	Notes
Street Lighting	<input checked="" type="checkbox"/>	Street lighting is being required consistent with the Master Plan while using updated LED lighting technology. See Condition of Approval PFC 3.
Curb Extensions	<input checked="" type="checkbox"/>	Will be developed with curb extensions shown on Curb Extension Concept Plan.
Street Trees	<input checked="" type="checkbox"/>	Location and species of street trees shown on the attached plans are consistent with the Community Elements Book.
Landscape Elements-Site Furnishings	<input type="checkbox"/>	Furnishings such as benches, tables, or trash cans are consistent with the community elements book. A unique design of basalt benches are proposed which are a high quality material and are consistent with the design of the area.
Tree Protection	<input checked="" type="checkbox"/>	Trees will be protected as required by the City. See Request F.
Plant List	<input checked="" type="checkbox"/>	All plant materials listed on page L3 of Exhibit B3 are on the Villebois plant list or approved by the City. Noprohibited plants are proposed

Village Center Architectural Standards

Standard	Standard Met?	Notes
1.2 Building Height & Roof Form		
Required Standards		
1) Max. Building Height according to Table V-1	<input checked="" type="checkbox"/>	4-story Condo building 45', 3-story building 35', row houses less than 45'
2) Addresses have other height limitations	<input checked="" type="checkbox"/>	Structures along Villebois Drive are within the height allowance for the Villebois Drive address.
3) Building height measured as defined in 4.001.	<input checked="" type="checkbox"/>	Building measured correctly
4) Rooftop equipment screened from current and future taller buildings	<input checked="" type="checkbox"/>	No rooftop equipment proposed
5) At least 2 roof garden in SAP Central	<input type="checkbox"/>	No rooftop gardens proposed, more appropriate for other building types

		in SAP Central
Optional Standards:		
6) Buildings encouraged to reach max. allowable height	<input checked="" type="checkbox"/>	The 4-story Condos reach the max. allowable height of 45'. The 3-story condos are 35' tall. The Rowhomes do not reach the max. height, but are 3 stories tall, which maximizes height for a Row House.
7) Minimize shading of public and private outdoor areas during mid-day	<input checked="" type="checkbox"/>	Buildings have front courtyards and balconies for private areas with sun exposure.
2.1 Vertical Façade Articulation for All Mixed Use Buildings		Building not mixed use
1.3 Horizontal Façade Articulation		
Required		
1) Horizontal Facades articulated into smaller units using two or more of the following: change of materials, change of color, façade planes that are vertical in proportion, bays and recesses, breaks in roof elevation.	<input checked="" type="checkbox"/>	Façade planes vertical in proportion and include bays and recesses, and breaks in roof elevation.
2) Incorporate features such as offsets, projections, reveals, and similar elements to preclude large expanses of uninterrupted building surfaces.	<input checked="" type="checkbox"/>	The Elevations and Floor Plans show the use of colors and materials, as well as trim or shutters, to break down the scale of the buildings.
Optional		
3) Articulation should extend to the roof	<input checked="" type="checkbox"/>	Articulation, including the break between buildings and architectural detail, extends to the roof.
3.1 Exterior Building Materials & Color		
Required		
1) Visually heavier and more massive materials at base when multiple materials used.	<input checked="" type="checkbox"/>	Modular Precast Veneer is at the base of condominium buildings. A heavier brick blend is at the base of the garages. Monochromatic limestone is at the base of row homes.
2) Bright, intense colors reserved for accent trim	<input checked="" type="checkbox"/>	While a variety of colors are use they are not intense.
3) Bright colors not used for commercial purposes	<input type="checkbox"/>	No commercial uses
4) Concrete block shall be split-faced, ground-faced, or scored when facing	<input checked="" type="checkbox"/>	Concrete block is not being used.

street or public way. Discouraged around the plaza.		
5) Exteriors constructed of durable and maintainable materials with texture, pattern, or lend themselves to quality detailing.	<input checked="" type="checkbox"/>	The brick, cement fiber siding, precast veneer, and roof materials are all durable and easy to maintain and allow for detailing.
Optional		
6) Exterior materials have an integral color, patterning, and/or texture	<input checked="" type="checkbox"/>	The exterior materials have integral color, patterning, or texture.
7) Sustainable building materials and practices are strongly encouraged	<input checked="" type="checkbox"/>	The builder will participate in the Portland General Electric Earth Advantage program.
3.2 Architectural Character		
Required		
1) A definitive, consistent Architectural Character. All primary facades consistent with Architectural Character	<input checked="" type="checkbox"/>	The row houses have a consistent architectural character (London Row Houses). The condominium buildings also have a consistent architectural character.
2) No mixing of Architectural Styles	<input checked="" type="checkbox"/>	Each building is consistently in a single style.
3) Secondary facades incorporate primary façade features over 25% of wall length	<input checked="" type="checkbox"/>	Materials including lap siding as well as windows with trim extend on all facades.
4) All visible sides have a similar level of quality and visual interest	<input checked="" type="checkbox"/>	A majority of the detailing and materials wrap around to the street facing side elevations of the building. Materials and details included on the front elevations such as finishes, trim, and window patterns are incorporated into the side elevations.
5) Accessory buildings designed and integrated into primary building	<input type="checkbox"/>	Detached garages are proposed on Lot 1 and are consistent with architectural style of the adjacent condominiums.
6) Applicants encouraged to consult an architect or architectural historian regarding appropriate elements of architectural style	<input checked="" type="checkbox"/>	The row home buildings have been designed by Milbrandt Architects, Inc. The condominium buildings were designed by Leeb Architects.
7) If not in an address, elevations not repeated on adjacent blocks	<input checked="" type="checkbox"/>	The row homes are in the Villebois Drive Address and match other row homes planned for the address. The condo buildings front or have sides facing the Courtyard address.

3.3 Ground Level Building Components		
Required		
1) Building setbacks and frontage widths as required by Table V-1	<input checked="" type="checkbox"/>	The row houses, condo buildings, and garage buildings meet the required setbacks, including the 5' front setback, established by Table V-1
2) Retail orientation towards street	<input type="checkbox"/>	Not applicable
3) Differentiating entrances for mixed use buildings	<input type="checkbox"/>	Not applicable
4) Entries have weatherproof roof covering appropriately sized but at least 4 feet deep and 4 feet wide	<input checked="" type="checkbox"/>	Weatherproof covering provided by proposed front porches and entrances at least 4' by 4'
5) Any building lighting, is indirect or shielded	<input checked="" type="checkbox"/>	Lighting is shielded, typical porch light lighting.
6) Parking structures screened using at least two of the following: residential or commercial uses, decorative grill work, decorative artwork, vegetation	<input type="checkbox"/>	Not applicable, no parking structure proposed
7) Plaza address mixed-use buildings have canopy or awning	<input type="checkbox"/>	Not applicable
8) Reflective, heavily tinted, or other sight obscuring glass discouraged	<input checked="" type="checkbox"/>	Proposed glass is not reflective, heavily tinted or otherwise sign obscuring.
9) Landscaping or other screening provided when parking is between buildings and the street	<input checked="" type="checkbox"/>	Not applicable
Optional		
10) Create indoor/outdoor relationships	<input checked="" type="checkbox"/>	Large windows, porches, and balconies help create an indoor/outdoor relationship.
11) Canopies and Awnings primary function is weather protection	<input type="checkbox"/>	Not applicable
4.1 Façade Components		
Required		
1) Windows and doors recessed 3 inches for shadowing or incorporate shutters (appear operable and sized for window), railing, and/or visible or substantial trim (contrasting material,	<input type="checkbox"/>	Windows and doors have substantial trim which helps create shadowing.

color, or creates shadowing.)		
2) Balconies extend no more than 36"	<input type="checkbox"/>	Not applicable, none proposed on front elevations.
3) Shutters sized to appear operable at window and door openings	<input type="checkbox"/>	Not applicable, none proposed.
4) Except in the plaza address, balconies shall be at least 5 feet deep	<input checked="" type="checkbox"/>	Second level decks on the rear façade of rowhomes are proposed. No front or side elevation balconies are proposed on the rowhomes. Front and rear balconies are proposed on the condominium buildings. Balconies are at least 5 feet deep.
Optional		
4) (Note: Duplicate numbers in published VCAS) Individual windows square or vertical in proportion. An assembly of windows have horizontal proportion	<input checked="" type="checkbox"/>	All individual windows are square or vertical in proportion.
5) Materials changes occur at a horizontal line or at inside corner of two vertical planes.	<input checked="" type="checkbox"/>	Materials change at horizontal lines or corners
6) Every residential unit have outdoor living space.	<input checked="" type="checkbox"/>	All row home units have front courtyards and rear decks. Condominium units on ground floor have front patios. Condominium units above ground floor have front or rear balconies.
7) Expression of rainwater path	<input type="checkbox"/>	Not applicable
8) Building fronts uneven angles to accommodate shape of street	<input type="checkbox"/>	Not applicable
9) Wide opening windows	<input type="checkbox"/>	The applicant has not indicated details of window opening (optional)
10) Discourage use of high window sills	<input checked="" type="checkbox"/>	High window sills are not used
11) Finishing touches and ornament	<input checked="" type="checkbox"/>	The use of finishing touches and ornamentation is provided.
5.1 Fencing		
Required		
1) See all applicable sections of the Village Zone, including but not limited to Section 4.125(.14) Table V-4 Permitted Materials and Configurations and Section 4.125 (.05) D.	<input checked="" type="checkbox"/>	Proposed fencing is shown on attached plans and will be constructed of materials consistent with Table V-3, which applies to Row Houses.

Fences		
2) The following fencing requirements apply to all fences and walls located between rights-of-way and building lines.	<input checked="" type="checkbox"/>	Proposed fencing will comply.
3) See Address overlay sections for additional requirements.	<input checked="" type="checkbox"/>	Any additional address overlay requirements are being applied.
4) Except where specifically required by Address overlays, fences are optional. Less fencing than the maximum allowable is allowed.	<input checked="" type="checkbox"/>	Any additional address overlay requirements are being applied.
5) Fencing shall be consistent with the Architectural Character of adjacent buildings, See Architectural Character, this section.	<input checked="" type="checkbox"/>	Designed to be consistent with the architectural character of the adjacent Row Houses and Condominiums.
6) Fencing controlling access to a courtyard, outdoor lobby, or other public entries shall be greater than 50% transparent.	<input checked="" type="checkbox"/>	Project does not include public entry spaces.
7) Fencing located within the first 2'0" setback from right-of-ways shall be greater than 50% transparent.	<input checked="" type="checkbox"/>	Proposed fencing located within the first 2'-0" setback from rights-of-ways will be greater than 50% transparent.
8) Fencing located within interior side yards or separating buildings on the same lot shall be offset 4'0" or greater behind the adjacent front building line.	<input type="checkbox"/>	No such fencing is proposed.
9) Posts, pilasters, columns, or bollards may extend an additional 8" above the maximum height of any allowed fencing.	<input checked="" type="checkbox"/>	The courtyard posts for London style homes will not extend more than 8" above the fence.
10) Fencing may not change height at corners. They must level top surfaces and transition at posts to maintain height as required by changes in grade elevation.	<input checked="" type="checkbox"/>	Does not change height at corners
11) Loading facilities, trash enclosures, and ground-level mechanical and utility	<input type="checkbox"/>	No such fencing is proposed.

equipment: These facilities shall be sited at the rear or side of buildings wherever practicable, and shall be screened where visible from the street. Screening shall match the adjacent development in terms of quality of materials and design. Such screening shall minimize light glare and noise levels affecting adjacent residential uses.		
Optional		
12) Fencing is encouraged to be consistent with building railing at balconies, decks, porches, etc.	<input checked="" type="checkbox"/>	Fencing on the front elevations is consistent with the architectural style of the Row Homes and Condominiums.
<u>Villebois Drive Address</u>		
<i>Applies Row Homes Facing Villebois Drive</i>		
2.1 Building Types		
The Building Types, per Table V-1: Development Standards (Village Zone), shall be Multi-Family Dwellings-Village Center or Row House-Village Center. This does not exclude mixed use building programs. Row houses may be detached or attached.	<input type="checkbox"/>	Attached row houses are proposed within the Villebois Drive Address.
2.2 Building Height and Roof Form		
Required:		
1) In addition to the Maximum Building Height as required in Table V-1: Development Standards (Village Zone), this address shall have a minimum building height of two stories	<input checked="" type="checkbox"/>	The proposed row houses are 3 stories exceeding the minimum standard, but within the maximum.
2) Roof forms: All buildings shall have one or more of the following roof forms: a) Flat or low-slope roof with parapet; or b) Sloped principal roof with 4:12 or greater pitch.	<input checked="" type="checkbox"/>	All building have appropriate roof forms approved by the City's consultant architect, Steve Coyle.
Optional:		
3) Roofs are encouraged to have dormers, chimneys, fight monitors, and similar	<input type="checkbox"/>	Roofs are varied to provide visual interest, but do not have the roof components listed

roof components to add visual interest.		
4) Variations on the Plaza Address roof forms are encouraged.	<input checked="" type="checkbox"/>	Future development will allow for a variety of roof forms.
5) A variety of roof heights and configurations are encouraged	<input checked="" type="checkbox"/>	Future development will allow for a variety of roof heights.
Horizontal Façade Articulation		
Required:		
1) Horizontal Articulation: Horizontal facades longer than 60 feet shall be articulated into smaller units. At least two of the following methods of horizontal articulation shall be employed: a) Change of material; b) Change of color, texture, or pattern of similar material; c) Major façade planes than are vertical in proportion; d) Bays and recesses at least 8 feet wide and no more than 25 feet wide and at least 3 feet in depth; e) Breaks in roof elevations (height) of 2 feet or greater in height; and/or f) Unique storefront design for each tenant, including change of material, color, and glazing patterns.	<input checked="" type="checkbox"/>	Two row home buildings exceed 60 feet in length. The buildings incorporate a change in color for each unit and the end units have major vertical façade planes that bump out from the primary façade plane.
2.4 Exterior Building Materials		
Required:		
1) The requirements of this Section supersede Table V-4 Permitted Materials and Configurations (Village Zone)	<input checked="" type="checkbox"/>	The applicability of this section over Table V-4 is understood.
2) At least 30 percent of each building façade to which these standards apply shall be finished in one or more of the following materials: a) Brick, stone, or cast	<input checked="" type="checkbox"/>	A majority of each façade in the public view shed is brick or stucco.

<p>stone;</p> <p>b) Stucco or plaster</p> <p>c) Poured-in-place concrete, or pre-cast concrete veneer, and/or</p> <p>d) Metal panel systems.</p>		
<p>3) The additional following materials may be used up to the remaining percentage of each façade:</p> <p>a) Wood;</p> <p>b) Cellulose fiber-reinforced cement product</p> <p>c) Rock, glass block, tile, and/or;</p> <p>d) Concrete block: split façade, ground façade, or scored</p>	<input checked="" type="checkbox"/>	<p>Cellulose fiber-reinforced cement product is used on the remainder of the side elevations not otherwise covered with brick and stucco.</p>
<p>4) The percentage calculation applies only to the facades facing a public or private street</p>	<input checked="" type="checkbox"/>	<p>The application of the material requirements have been limited to those facades facing the street.</p>
<p>5) Doors and windows and their associated trim shall be excluded from the percentage calculation</p>	<input checked="" type="checkbox"/>	<p>Doors and windows have been excluded as from the calculation as described</p>
<p>6) Glass shall have less than 20 percent reflectance</p>	<input checked="" type="checkbox"/>	<p>Glass will not exceed 20% reflectance.</p>
<p>3.1 Ground Level Building Components</p>		
<p>Required:</p>		
<p>1) The ground level of multi-family or mixed-use buildings (excluding common entries and other spaces necessary to the function of the building) shall be Flex Space, meeting the following requirements. (listed a through c)</p>	<input checked="" type="checkbox"/>	<p>Multi-family or mixed-use buildings are not proposed.</p>
<p>2) Ground level residential units shall utilize buffering elements between private zones and the public right-of-way. Strategies include, but are not limited to: gated fences, planter walls, change of paving materials, recessed</p>	<input checked="" type="checkbox"/>	<p>Gated courtyard fencing and recessed entries are proposed on the London style row houses along Villebois Drive.</p>

entries, and landscaping.		
Optional:		
3) Row Houses do not have to meet the requirements of Flex Space, above. However, Live/Work unit configurations are encouraged.	<input checked="" type="checkbox"/>	All proposed London style row houses have a ground floor entry at street level and the ground floor has a room separate from the rest of the living space that could be used as a work space or office.
4) Building construction should take into account fire separations, sprinklers, and other requirements for mixed-use buildings.	<input checked="" type="checkbox"/>	Mixed-use buildings are not proposed.
<u>Courtyard Address</u>		
<i>Applies to buildings fronting SW Campanile Lane</i>		
2.1 Building Types		
Required:		
1) Maximum Building Height for new buildings shall be 40 feet	<input checked="" type="checkbox"/>	The proposed 24-unit condo buildings are less than 40 feet as is the garage building.
2) Maximum Building Height for existing buildings, plus any new construction levels, shall be 60 feet	<input type="checkbox"/>	Existing buildings no longer are present.
3) The roof form of all new buildings and new levels shall be a flat, low slope, or shed roof with a parapet or substantial overhang.	<input checked="" type="checkbox"/>	The condo buildings have flat roofs
Optional:		
4) Building facades in a set of row houses are encouraged to be similar in height.	<input type="checkbox"/>	Row homes are not proposed on this address with this application.
5) Roof gardens, "green-roofs", and roof trellises are encouraged.	<input type="checkbox"/>	Not proposed.
2.3 Horizontal Façade Articulation		
Required:		
1) The southeast (new construction) Address length shall be broken into at least two building masses with a public pedestrian connection between Villebois Drive and the Courtyard. The pedestrian connection shall align with the center of Building C. The pedestrian connection shall be	<input type="checkbox"/>	Building C has been demolished so it cannot be aligned with. A pedestrian connection is provided south of the proposed condo building on the east side of Campanile to Villebois Drive.

consistent with the Courtyard streetscape character as described in the Community Elements Plan.		
<p>2) Horizontal Articulation: Horizontal facades shall be articulated into smaller units. At least two of the following methods of horizontal articulation shall be employed:</p> <ul style="list-style-type: none"> a) Change of material (at inside corner or with a reveal) b) Change of color, texture, or pattern of similar materials c) Major façade planes that are vertical in proportion d) Bays and recesses at least 8 feet wide and no more than 25 feet wide and at least 3 feet in depth e) Breaks in roof elevation (height) or 2 feet or greater in height f) Individual entries, bays, and/or recesses for each dwelling unit; and g) Reveal between major façade planes. 	<input checked="" type="checkbox"/>	<p>Façade planes are vertical in proportion. Outcroppings provided.</p>
Optional:		
3) Articulation should extend to the roof.	<input checked="" type="checkbox"/>	Articulation extends to the roof level.
Vertical Façade Articulation		
Required:		
1) Differentiation of Building's Base: Building facades shall express a vertical division between stacked units. For example, a two-story townhouse on the second and third floors should have substantially different character than the ground level unit. Both of the following methods of horizontal articulation shall	<input type="checkbox"/>	Existing buildings no longer are present.

<p>be incorporated:</p> <p>a) Change of material occurring at or near the floor level of transition; and</p> <p>b) Setback of 5 feet or greater located at or near the demising floor level. The setback shall occur along at least 60% of the façade length. The setback requirement is only for the street facing façade.</p>		
Optional:		
2) Use of the required upper unit setback for outdoor space is strongly encouraged.	<input type="checkbox"/>	Existing buildings no longer are present.
3) Differentiation of base may vary in height and setback depth. The purpose is not to create a regular rigid solution but rather to break up the mass in creative ways.	<input checked="" type="checkbox"/>	A different material is proposed at the base of the building.
4.1 Exterior Building Materials		
Required:		
1) The requirements of this Section supersede Table V-4: Permitted Materials and Configurations (Village Zone).	<input checked="" type="checkbox"/>	The applicability of this section is understood.
2) For the new construction length of the Address, the first floor (min.) shall have vertical walls (excluding doors and windows) finished in material compatible in color and texture to the material used on the existing buildings.	<input type="checkbox"/>	Existing buildings no longer are present, therefore there are not materials to match.
3) Wood or simulated wood railing or fencing is prohibited.	<input type="checkbox"/>	No wood railings or fencing is proposed.
Optional:		
4) For this Address in particular, unique materials and innovative use of materials is	<input type="checkbox"/>	No use of innovative materials is proposed.

encouraged.		
5) Exteriors should be constructed of durable and maintainable materials that have texture, pattern, or lend themselves to quality detailing.	<input checked="" type="checkbox"/>	The exterior materials are durable and maintainable and typical of development elsewhere in the Village Center.
4.2 Ground Level Building Components		
Required:		
1) Ground level units at existing buildings shall have direct access to a private yard or terrace whenever feasible.	<input type="checkbox"/>	Existing buildings no longer are present.
2) Ground level units at existing buildings shall have at grade and have direct access to a private yard or shared outdoor space.	<input type="checkbox"/>	Existing buildings no longer are present.
3) Off-street parking meeting the following requirements will be allowed in front of existing buildings: a) The parking surface shall be at the same grade as the street; b) Parking stalls shall be located adjacent to the street with the travel lane towards the existing building; c) Parking stalls shall be screened from the street with landscaping; and d) Entrances and exits shall be located at the side streets (not the Address street) to the extent feasible.	<input type="checkbox"/>	Existing buildings no longer are present.

Landscape Standards

Landscape Code Compliance
Subsection 4.176 (.02) B.

D4. Review Criterion: “All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height

limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length”

Finding: This criterion is satisfied.

Explanation of Finding: No waivers or variances to landscape standards have been requested. Thus all landscaping and screening must comply with standards of this section.

Landscape Area and Locations

Subsection 4.176 (.03)

D5. Review Criteria: “Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.”

Finding: These criteria are satisfied.

Explanation of Finding: Landscaping is provided consistent with the Villebois Village Master Plan and SAP and PDP approvals. A variety of plant materials are used, with a limited but practicable use of native plant material.

Buffering and Screening

Subsection 4.176 (.04)

D6. Review Criteria: “Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.

D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.

E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.

F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval.”

Finding: These criteria are satisfied.

Explanation of Finding: No conditions requiring buffering and screening are within the area covered by the subject FDP request.

Shrubs and Groundcover Materials
Subsection 4.176 (.06) A.

D7. Review Criteria: This subsection establishes plant material and planting requirements for shrubs and ground cover.

Finding: These criteria are satisfied.

Explanation of Finding: Applicant's Planting Plan in their plan set, Exhibit B3, indicates the requirements established by this subsection will be met by the proposed plantings.

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

D8. Review Criteria: This subsection establishes plant material requirements for trees.

Finding: These criteria are satisfied.

Explanation of Finding: Applicant's Planting Plan in their plan set, Exhibit B3, indicates the requirements established by this subsection will be met by the proposed plantings.

Plant Material-Street Trees
Subsection 4.176 (.06) C.

D9. Review Criteria: This subsection establishes plant material requirements for street trees.

Finding: These criteria are satisfied.

Explanation of Finding: The street tree requirements in the SAP Central Community Elements Book meet or exceed these requirements, and therefore street trees meeting the Community Elements Book meet or exceed the requirements of this subsection.

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

D10. Review Criteria: This subsection discusses use of existing landscaping or native vegetation, selection of plant materials, and prohibited plant materials.

Finding: These criteria are satisfied.

Explanation of Finding: The allowed plant materials are governed by the Community Elements Book. All proposed plant materials are consistent with the SAP Central Community Elements Book or otherwise approved as allowed in the Community Elements Book.

Tree Credit
Subsection 4.176 (.06) F.

D11. Review Criteria: "Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows:

Existing trunk diameter	Number of Tree Credits
18 to 24 inches in diameter	3 tree credits
25 to 31 inches in diameter	4 tree credits
32 inches or greater	5 tree credits:"

Maintenance requirements listed 1. through 2.

Finding: These criteria are satisfied.

Explanation of Finding: No tree credits are being sought.

Exceeding Plant Standards

Subsection 4.176 (.06) G.

D12. Review Criterion: "Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met."

Finding: This criterion is satisfied.

Explanation of Finding: The selected landscape materials do not violate any height or vision clearance requirements.

Landscape Installation and Maintenance

Subsection 4.176 (.07)

D13. Review Criteria: This subsection establishes installation and maintenance standards for landscaping.

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

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

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- The condition of approval requires irrigation meeting the standards of this subsection.

Landscape Plans

Subsection 4.176 (.09)

D14. Review Criterion: "Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated."

Finding: This criterion is satisfied.

Explanation of Finding: Landscape plans have been submitted with the required information. See Sheets L1 through L2 in Exhibit B3.

Mixed Solid Waste and Recyclables Storage

Adequate Storage

Subsection 4.179 (.01)

D15. Review Criterion: "All site plans for multi-unit residential and non-residential buildings submitted to the Wilsonville Development Review Board for approval shall include adequate storage space for mixed solid waste and source separated recyclables."

Finding: This criterion is satisfied.

Explanation of Finding: Adequate storage is provided by designing room in the garages for each Condo unit to store standard residential bins provided by the franchise hauler. See Exhibit B4. The row houses will also use standard residential bins.

Storage Area Requirements Subsection 4.179 (.06)

D16. Review Criterion: “Multi-unit residential buildings containing five-ten units shall provide a minimum storage area of 50 square feet. Buildings containing more than ten residential units shall provide an additional five square feet per unit for each unit above ten.”

Finding: This criterion is satisfied.

Explanation of Finding: More than 10 square feet is available in at least one garage per unit, at a depth of 3 feet, for placement of bins supplied by the franchise hauler.

Franchise Hauler Subsection 4.179 (.07)

D17. Review Criterion: “The applicant shall work with the City’s franchised garbage hauler to ensure that site plans provide adequate access for the hauler’s equipment and that storage area is adequate for the anticipated volumes, level of service and any other special circumstances which may result in the storage area exceeding its capacity. The hauler shall notify the City by letter of their review of site plans and make recommendations for changes in those plans pursuant to the other provisions of this section.”

Finding: This criterion is satisfied.

Explanation of Finding: The applicant and City have been in contact with the franchise hauler who has provided input and a letter.

Landscape Standards

Completion of Landscaping Subsection 4.176 (.10)

D18. Review Criterion: “The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review.”

Finding: This criterion is satisfied.

Explanation of Finding: Landscaping will be required to be completed prior to occupancy of 50% of the proposed units (46 units).

Site Design Review

Excessive Uniformity, Inappropriateness Design
Subsection 4.400 (.01) and Subsection 4.421 (.03)

D19. Review Criteria: “Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.”

Finding: These criteria are satisfied.

Explanation of Finding:

Excessive Uniformity: The proposed building are different than adjoining blocks consistent with the Village Center Architectural Standards except where appropriate along Villebois Drive thus avoiding excessive uniformity.

Inappropriate or Poor Design of the Exterior Appearance of Structures: The row houses and condo buildings are being reviewed for conformance with the Community Elements book and Village Center Architecture standards and have been professionally designed thus avoiding inappropriate or poor design.

Inappropriate or Poor Design of Signs: No signs are proposed.

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

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

Purposes and Objectives

Subsection 4.400 (.02) and Subsection 4.421 (.03)

D20. Review Criterion: “The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:” Listed A through J.

Finding: These criteria are satisfied.

Explanation of Finding: It is staff’s professional opinion that the applicant has provided sufficient information demonstrating compliance with the purposes and objectives of site design review. This includes designing the site to in context of the site including size and location within the development. In addition, the row houses and condo buildings are consistent with the Community Element Book and Village Center Architectural Standards, which has previously been reviewed to ensure consistency with the Villebois

Village Master Plan which has similar purposes and objectives as site design review.

Development Review Board Jurisdiction
Section 4.420

D21. Review Criteria: The section states the jurisdiction and power of the Development Review Board in relation to site design review including the application of the section, that development is required in accord with plans, and variance information.

Finding: These criteria will be satisfied by Condition of Approval PDD 3.

Explanation of Finding: A condition of approval has been included to ensure construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. No grading or other permits will be granted prior to development review board approval.

Design Standards
Subsection 4.421 (.01)

D22. Review Criteria: "The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards." Listed A through G.

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

Explanation of Finding:

Preservation of Landscaping: Existing trees are being preserved, including in the right-of-way where healthy and preservation is practicable.

Relation of Proposed Buildings to Environment: The development is proposed to incorporate the natural slope of the site as much as practicable.

Drives, Parking and Circulation: The street and alley accessed garage parking is typical of row house throughout Villebois. The condo parking areas provide adequate drive aisles and parking spaces sized to meet the City definition of parking space.

Surface Water Drainage: The project is part of the Villebois master planning efforts for that address surface water drainage, and the appropriate attention has been paid to surface water drainage including professionally prepared drainage reports. A condition of approval requires soil preparation to meet the Villebois Rainwater Management Standards.

Utility Service: The necessary sanitary and storm sewer connections are provided, no above ground utility installations are proposed.

Advertising Features: No signs or advertising features are proposed.

Special Features: No special features, as listed, are proposed.

Applicability of Design Standards
Subsection 4.421 (.02)

D23. Review Criteria: “The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.”

Finding: These criteria are satisfied.

Explanation of Finding: Design standards have been appropriately applied to all the site features including the buildings and landscaping.

Conditions of Approval
Subsection 4.421 (.05)

D24. Review Criterion: “The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code.”

Finding: This criterion is satisfied.

Explanation of Finding: No additional conditions of approval are recommended.

Color or Materials Requirements
Subsection 4.421 (.06)

D25. Review Criterion: “The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.”

Finding: This criterion is satisfied.

Explanation of Finding: No additional requirements for Color or Materials are recommended.

Location Standards for Solid Waste and Recycling Areas
Subsection 4.430 (.02)

D26. Review Criteria: “Location Standards:

A. To encourage its use, the storage area for source separated recyclables shall be co-located with the storage area for residual mixed solid waste.

B. Indoor and outdoor storage areas shall comply with Uniform Building and Fire Code requirements.

C. Storage area space requirements can be satisfied with a single location or multiple locations and can combine with both interior and exterior locations.

D. Exterior storage areas can be located within interior side yard or rear yard areas. Minimum setback shall be three (3) feet. Exterior storage areas shall not be located within a required front yard setback, including double frontage lots.

E. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users.

F. Exterior storage areas can be located in a parking area if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage. Storage areas shall be appropriately screened according to the provisions of Section 4.430 (.03), below.

G. The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.

Finding: These criteria are satisfied.

Explanation of Finding: Space is provided in a garage for each Condo unit for placement of standard residential solid waste and recycling bins issued by the franchise hauler. See Exhibit B4. Space is similarly available in the garages of the row houses. Storage requirements are met for each unit individually rather than a single collection point for each unit to independently manage their waste. Storage areas are all interior. As shown in Exhibit B4 and discussed in Finding C5, where garages are necessary to meet the minimum parking standards sufficient space is provided to allow for storage of bins while maintaining the minimum dimensions for a parking space. Bins will be placed in alleys or drives for collection by a standard collection vehicle on collection day.

Submission Requirements

Section 4.440

D27. **Review Criteria:** "A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:" Listed A through F.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has submitted the required additional materials, as applicable.

Time Limit on Approval

Section 4.442

D28. **Review Criterion:** "Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

Finding: This criterion is satisfied.

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

Landscape Installation or Bonding

Subsection 4.450 (.01)

D29. **Review Criterion:** "All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a

savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.”

Finding: This criterion is satisfied.

Explanation of Finding: Landscaping will be required to be installed with the construction of the buildings.

Approved Landscape Plan

Subsection 4.450 (.02)

D30. Review Criterion: “Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code.”

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

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

Landscape Maintenance and Watering

Subsection 4.450 (.03)

D31. Review Criterion: “All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.”

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

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

Modifications of Landscaping

Subsection 4.450 (.04)

D32. Review Criterion: “If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City’s development review process, that removal or modification must first be approved through the procedures of Section 4.010.”

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

Explanation of Finding: The condition of approval shall provide ongoing assurance that this criterion is met by preventing modification or removal without the appropriate City review.

Request E: DB16-0023 Tentative Subdivision Plat

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

Village Zone Uses
Subsection 4.125 (.02)

- E1. **Review Criteria:** This subsection lists the permitted uses in the Village Zone.
Finding: These criteria are satisfied.
Explanation of Finding: The proposed subdivision is for uses residential uses permitted in the Village Zone.

Development Standards Applying to All Development in Village Zone

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

- E2. **Review Criteria:** This subsection lists the block, alley, pedestrian, and bicycle standards applicable in the Village Zone.
Finding: These criteria are satisfied.
Explanation of Finding: The tentative subdivision plat shows blocks, alleys, pedestrian, and bicycle paths consistent with this subsection and the proposed PDP.

Access Standards
Subsection 4.125 (.05) B.

- E3. **Review Criterion:** "All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer."
Finding: This criterion will be satisfied by Condition of Approval PDE 5.
Explanation of Finding: Condition of Approval PDE 5 requires a non-access reservation strip on the street side of lots with street access helping to ensure this criterion is met.

Development Standards in the Village Zone
Table V-1

- E4. **Review Criteria:** This table shows the development standards, including setback for different uses in the Village Zone.
Finding: These criteria are satisfied.
Explanation of Finding: The proposed lots allow development that meets relevant standards of the table.

Parking and Loading
Subsection 4.125 (.07)

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

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

Open Space Requirements
Subsection 4.125 (.08)

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

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDE 8.

Explanation of Finding: The tentative subdivision plat shows open space consistent with the requirements of the Village Zone and the proposed PDP. Consistent with the requirements of (.08) C. the condition of approval require the City Attorney to review and approve pertinent bylaws, covenants, or agreements prior to recordation.

Street and Improvement Standards

General Street Provisions
Subsection 4.125 (.09) A. 1.

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The street alignments are consistent with the Villebois Village Master Plan and SAP Central Circulation plan and allow for the continuation of streets as indicated in these documents. The street improvements are being required to meet Public Works Standards as will be reviewed with issuance of the Public Works Permit.

Intersection of Streets
Subsection 4.125 (.09) A. 2.

E8. Review Criteria: “Intersections of streets:

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

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

Finding: These criteria are satisfied.

Explanation of Finding: Intersection angles, intersections, offsets, and curb extension are consistent with the Village Village Master Plan and SAP Central Circulation Plan.

Radius Street Curves

Subsection 4.125 (.09) A. 4.

E9. **Review Criteria:** “The minimum centerline radius street curves shall be as follows:

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

Finding: These criteria are satisfied.

Explanation of Finding: No street curves are proposed that would approach the minimum allowed radius.

Rights-of-way

Subsections 4.125 (.09) A. 5. and 4.177 (.01) C.

E10. **Review Criteria:**

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

the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.”

Finding: These criteria are satisfied.

Explanation of Finding: Right-of-way is being dedicated sufficient for planned streets. Financing of street improvements is being handled through development agreements. A waiver of remonstrance is being required as a Condition of Approval.

Access Drives

Subsections 4.125 (.09) A. 6. and 4.177 (.01) E.

E11. **Review Criteria:**

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

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat shows alleys of sufficient width to meet the width standards. Access drives for the condo parking area are 24 feet wide. Access easements will be granted allowing emergency access.

Clear Vision Areas

Subsections 4.125 (.09) A. 7. and 4.177 (.01) F.

E12. **Review Criteria:** “A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:” Listed 1. a.-f.

Finding: These criteria are satisfied.

Explanation of Finding: Appropriate vision clearance will be maintained.

Vertical Clearance

Subsections 4.125 (.09) A. 8. and 4.177 (.01) G.

E13. **Review Criterion:** “a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.”

Finding: This criterion is satisfied.

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

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

E14. Review Criteria: “It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Planning Commission, the following interim standards shall apply.

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

Finding: These criteria are satisfied.

Explanation of Finding: Per Condition of Approval PFC 3 full street improvements for new extensions of Campanile Lane and Valencia Lane are required, except for specific segments as discussed in Condition of Approval PFC 4.

Land Division Authorization

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

E15. Review Criteria: “Pursuant to ORS Chapter 92, plans and plats must be approved by the Planning Director or Development Review Board (Board), as specified in Sections 4.030 and 4.031, before a plat for any land division may be filed in the county recording office for any land within the boundaries of the City, except that the Planning Director shall have authority to approve a final plat that is found to be substantially consistent with the tentative plat approved by the Board.

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

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

Finding: These criteria are satisfied.

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

Legally Lot Requirement
Subsection 4.202 (.04) A.

- E16. Review Criterion:** “No person shall sell any lot or parcel in any condominium, subdivision, or land partition until a final condominium, subdivision or partition plat has been approved by the Planning Director as set forth in this Code and properly recorded with the appropriate county.”
- Finding:** This criterion is satisfied.
- Explanation of Finding:** It is understood that no lots will be sold until the final plat has been approved by the Planning Director and recorded.

Undersized Lots Prohibited
Subsection 4.202 (.04) B.

- E17. Review Criterion:** “It shall be a violation of this Code to divide a tract of land into a parcel smaller than the lot size required in the Zoning Sections of this Code unless specifically approved by the Development Review Board or City Council. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements, unless specifically authorized through the Variance procedures of Section 4.196 or the waiver provisions of the Planned Development procedures of Section 4.118.”
- Finding:** This criterion is satisfied.
- Explanation of Finding:** No lots will be divided into a size smaller than allowed by the proposed Village “V” zoning designation.

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

- E18. Review Criterion:** “Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.”
- Finding:** This criterion is satisfied.
- Explanation of Finding:** A pre-application conference was held in accordance with this subsection.

Tentative Plat Preparation
Subsection 4.210 (.01) A.

- E19. Review Criterion:** “The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section.

The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.”

Finding: This criterion is satisfied.

Explanation of Finding: Sheet 5 of Exhibit B2 is a tentative subdivision plats prepared in accordance with this subsection.

Tentative Plat Submission

Subsection 4.210 (.01) B.

E20. Review Criteria: “The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:” Listed 1. through 26.

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plats have been submitted with the required information.

Phases to Be Shown

Subsection 4.210 (.01) D.

E21. Review Criteria: “Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.”

Finding: These criteria are satisfied.

Explanation of Finding: The developer proposes execution of the development in a single phase; however, the condominium buildings will be constructed in 3 phases. The plat clearly shows the lots to be used for condominium purposes.

Remainder Tracts

Subsection 4.210 (.01) E.

E22. Review Criteria: “Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.”

Finding: These criteria are satisfied.

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

Street Requirements for Land Divisions

Master Plan or Map Conformance Subsection 4.236 (.01)

E23. Review Criteria: “Land divisions shall conform to and be in harmony with the Transportation Master Plan (Transportation Systems Plan), the Bicycle and Pedestrian Master Plan, the Parks and Recreation Master Plan, the Official Plan or Map and especially to the Master Street Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: Planned streets are consistent with the Villebois Village Master Plan and SAP Central Circulation Plan, and thus in harmony with other applicable plans.

Adjoining Streets Relationship Subsection 4.236 (.02)

E24. Review Criteria: A land division shall provide for the continuation of the principal streets existing in the adjoining area, or of their proper projection when adjoining property is not developed, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Director or Development Review Board, topographic conditions make such continuation or conformity impractical, an exception may be made. In cases where the Board or Planning Commission has adopted a plan or plat of a neighborhood or area of which the proposed land division is a part, the subdivision shall conform to such adopted neighborhood or area plan.

Where the plat submitted covers only a part of the applicant's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.

At any time when an applicant proposes a land division and the Comprehensive Plan would allow for the proposed lots to be further divided, the city may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street plans and other requirements specified in these regulations.

Finding: These criteria are satisfied.

Explanation of Finding: The proposed streets allow for future street extensions, as shown in the SAP Central Circulation Plan.

Streets Standards Conformance Subsection 4.236 (.03)

E25. Review Criteria: “All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed plat enables the development of the streets consistent with the Preliminary Development Plan and thus will conform with these listed standards and requirements for which compliance was reviewed with the PDP. See Request C.

Creation of Easements
Subsection 4.236 (.04)

E26. Review Criteria: “The Planning Director or Development Review Board may approve an easement to be established without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to allow partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to divide into more than two (2) parcels, a street dedication may be required.”

Finding: These criteria are satisfied.

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

Topography
Subsection 4.236 (.05)

E27. Review Criterion: “The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations.”

Finding: This criterion is satisfied.

Explanation of Finding: No significant topography exists where streets are proposed to be developed affecting street layout decisions.

Reserve Strips
Subsection 4.236 (.06)

E28. Review Criteria: “The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the Director or Board determine that a strip is necessary.” Reasons listed A. through D.

Finding: These criteria are satisfied.

Explanation of Finding: No reserve strips are being required for the reasons listed in this subsection. However, reserve strips are being required by Condition of Approval PDE 5 to prevent access to the front side of lots served by an alley. See also Findings E3.

Future Street Expansion
Subsection 4.236 (.07)

E29. Review Criteria: When necessary to give access to, or permit a satisfactory future division of, adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs shall be required to preserve the objective of street extension.

Finding: These criteria are satisfied.

Explanation of Finding: The proposed streets allow for future street extensions as shown in the SAP Central Circulation Plan. No additional reserve strips or street plugs are needed to preserve the ability for future street extension.

Additional Right-of-Way
Subsection 4.236 (.08)

E30. Review Criteria: “Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Transportation Systems Plan.”

Finding: These criteria are satisfied.

Explanation of Finding: Any required right-of-way has or will be dedicated.

Street Names
Subsection 4.236 (.09)

E31. Review Criteria: “No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed street names are those shown in the SAP Central Circulation Plan or as approved in previous applications. While no other changes to street names as shown in the SAP Central Circulation Plan are anticipated a final determination of street names will be made by the City Engineer during review of the Final Plat.

General Land Division Requirements

Blocks
Subsection 4.237 (.01)

E32. Review Criteria:

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

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat shows blocks consistent with those proposed Preliminary Development Plan. See Request C.

Easements
Subsection 4.237 (.02)

E33. Review Criteria:

- Utility lines. Easements for sanitary or storm sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards, as specified by the

City Engineer or Planning Director. All of the public utility lines within and adjacent to the site shall be installed within the public right-of-way or easement; with underground services extending to the private parcel constructed in conformance to the City's Public Works Standards. All franchise utilities shall be installed within a public utility easement. All utilities shall have appropriate easements for construction and maintenance purposes.

- Water courses. Where a land division is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purposes of conveying storm water and allowing for maintenance of the facility or channel. Streets or parkways parallel to water courses may be required.

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

Explanation of Finding: As shown on preliminary plat, Sheet 5 of Exhibit B2, the required easements have been provided.

Mid-block Pathways

Subsection 4.237 (.03)

E34. Review Criteria: "An improved public pathway shall be required to transverse the block near its middle if that block exceeds the length standards of the zone in which it is located.

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

Finding: These criteria are satisfied.

Explanation of Finding: No blocks exceed the length standard, however a mid-block crossing is provided.

Tree Easements

Subsection 4.237 (.04)

E35. Review Criteria: "Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the Director or Development Review Board before the planting is begun. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property."

Finding: These criteria are satisfied.

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

Lot Size and Shape
Subsection 4.237 (.05)

E36. Review Criteria: “The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located.”

Finding: These criteria are satisfied.

Explanation of Finding: Proposed lot sizes, widths, shapes and orientations are appropriate for the proposed development and are in conformance with the Village Zone requirements as discussed under Requests C and D.

Access
Subsection 4.237 (.06)

E37. Review Criteria: “The division of land shall be such that each lot shall have a minimum frontage on a street or private drive, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:”
Listed A. and B.

Finding: These criteria are satisfied.

Explanation of Finding: Each lot has the minimum frontage on a street or open space as allowed in the Village Zone.

Through Lots
Subsection 4.237 (.07)

E38. Review Criteria: “Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation.”

Finding: These criteria are satisfied.

Explanation of Finding: No through lots are proposed except for those intended for condominium development, in which case the through lot is appropriate.

Lot Side Lines
Subsection 4.237 (.08)

E39. Review Criteria: “The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street or tract with a private drive upon which the lots face.”

Finding: These criteria are satisfied.

Explanation of Finding: Side lot lines are at right angles with the front lot line.

Large Lot Divisions
Subsection 4.237 (.09)

E40. Review Criteria: “In dividing tracts which at some future time are likely to be re-divided, the location of lot lines and other details of the layout shall be such that re-division may readily take place without violating the requirements of these regulations and without

interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Development Review Board considers it necessary.”

Finding: These criteria are satisfied.

Explanation of Finding: No future divisions of the lots included in the tentative subdivision plat likely to be divided in the future. However, two of the proposed lots are for condominium purposes subject to a separate request for tentative condominium plats. See Request F.

Building Line and Built-to Line

Subsection 4.237 (.10) and (.11)

E41. Review Criteria: The Planning Director or Development Review Board may establish special:

- building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.
- build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.

Finding: These criteria are satisfied.

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

Land for Public Purposes

Subsection 4.237 (.12)

E42. Review Criterion: “The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.”

Finding: This criterion is satisfied.

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

Corner Lots

Subsection 4.237 (.13)

E43. Review Criterion: “Lots on street intersections shall have a corner radius of not less than ten (10) feet.”

Finding: This criterion is satisfied.

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

Lots of Record
Section 4.250

E44. Review Criteria: “All lots of record that have been legally created prior to the adoption of this ordinance shall be considered to be legal lots. Tax lots created by the County Assessor are not necessarily legal lots of record.”

Finding: These criteria are satisfied.

Explanation of Finding: The lot being divided is of record, and the resulting subdivision lots will be lots of record. The lot being divided is Lot 77 of Villebois Village Center No. 3 recorded in BK144 PG-006 N04384 Clackamas County Records.

Public Improvements

Improvements-Procedures
Section 4.260

E45. Review Criteria: “In addition to other requirements, improvements installed by the developer, either as a requirement of these regulations or at the developer's own option, shall conform to the requirements of this Code and improvement standards and specifications of the City. The improvements shall be installed in accordance with the City's Public Works Standards.”

Finding: These criteria are satisfied.

Explanation of Finding: All improvements will be required to conform to the Public Works Standards. See Condition of Approval PFC 1 and Exhibit C1.

Improvements-Requirements
Section 4.262

E46. Review Criteria: This section establishes requirements for a number of different improvements including curbs, sidewalks, sanitary sewers, drainage, underground utility and service facilities, streetlight standards, street signs, monuments, and water.

Finding: These criteria are satisfied.

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

Request F: DB16-0024 Tentative Condominium Plat

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

Village Zone Uses
Subsection 4.125 (.02)

- F1. **Review Criteria:** This subsection lists the permitted uses in the Village Zone.
Finding: These criteria are satisfied.
Explanation of Finding: The proposed plat is for condos permitted in the Village Zone.

Development Standards Applying to All Development in Village Zone

Access Standards
Subsection 4.125 (.05) B.

- F2. **Review Criterion:** "All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer."
Finding: This criterion is satisfied.
Explanation of Finding: All ground floor condos take access from an alley or private drive.

Development Standards in the Village Zone
Table V-1

- F3. **Review Criteria:** This table shows the development standards, including setback for different uses in the Village Zone.
Finding: These criteria are satisfied.
Explanation of Finding: The proposed plat reflects the condos approved in the PDP and FDP, see Requests C and D.

Parking and Loading
Subsection 4.125 (.07)

- F4. **Review Criteria:** "Except as required by Subsections (A) through (D), below, the requirements of Section 4.155 shall apply within the Village zone."
Finding: These criteria are satisfied.
Explanation of Finding: The plat includes areas planned for parking consistent with the PDP, Request C.

Open Space Requirements
Subsection 4.125 (.08)

- F5. **Review Criteria:** This subsection establishes the open space requirements for the Village Zone.
Finding: These criteria are satisfied.
Explanation of Finding: The tentative subdivision plat shows open space consistent with

the requirements of the Village Zone and the proposed PDP.

Street and Improvement Standards

Access Drives

Subsections 4.125 (.09) A. 6. and 4.177 (.01) E.

F6. Review Criteria:

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

Finding: These criteria are satisfied.

Explanation of Finding: The tentative condo area leaves area for the access drives approved as part of the PDP, Request C.

Land Division Authorization

Plats Review Authority

Subsection 4.202 (.01) through (.03)

F7. **Review Criteria:** "Pursuant to ORS Chapter 92, plans and plats must be approved by the Planning Director or Development Review Board (Board), as specified in Sections 4.030 and 4.031, before a plat for any land division may be filed in the county recording office for any land within the boundaries of the City, except that the Planning Director shall have authority to approve a final plat that is found to be substantially consistent with the tentative plat approved by the Board.

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

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

Finding: These criteria are satisfied.

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

Legally Lot Requirement
Subsection 4.202 (.04) A.

F8. **Review Criterion:** “No person shall sell any lot or parcel in any condominium, subdivision, or land partition until a final condominium, subdivision or partition plat has been approved by the Planning Director as set forth in this Code and properly recorded with the appropriate county.”

Finding: This criterion is satisfied.

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

Undersized Lots Prohibited
Subsection 4.202 (.04) B.

F9. **Review Criterion:** “It shall be a violation of this Code to divide a tract of land into a parcel smaller than the lot size required in the Zoning Sections of this Code unless specifically approved by the Development Review Board or City Council. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements, unless specifically authorized through the Variance procedures of Section 4.196 or the waiver provisions of the Planned Development procedures of Section 4.118.”

Finding: This criterion is satisfied.

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

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

F10. **Review Criterion:** “Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.”

Finding: This criterion is satisfied.

Explanation of Finding: A pre-application conference was held in accordance with this subsection.

Tentative Plat Preparation
Subsection 4.210 (.01) A.

F11. **Review Criterion:** “The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.”

Finding: This criterion is satisfied.

Explanation of Finding: Section VIIB of Exhibit B1 includes a tentative plat prepared in accordance with this subsection.

Tentative Plat Submission
Subsection 4.210 (.01) B.

F12. Review Criteria: “The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:” Listed 1. through 26.

Finding: These criteria are satisfied.

Explanation of Finding: The tentative plat has been submitted with the applicable required information.

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

F13. Review Criteria: “Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.”

Finding: These criteria are satisfied.

Explanation of Finding: The developer proposes execution of the development in a single phase; however, the condominium buildings will be constructed in 3 phases. The plat, see Section VIIB of Exhibit B1, clearly shows the phasing.

Remainder Tracts
Subsection 4.210 (.01) E.

F14. Review Criteria: “Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.”

Finding: These criteria are satisfied.

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

General Land Division Requirements

Blocks
Subsection 4.237 (.01)

F15. Review Criteria:

- The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of pedestrian, bicycle, and motor vehicle traffic, and recognition of limitations and opportunities of topography.

- Sizes: Blocks shall not exceed the sizes and lengths specified for the zone in which they are located unless topographical conditions or other physical constraints necessitate larger blocks. Larger blocks shall only be approved where specific findings are made justifying the size, shape, and configuration.

Finding: These criteria are satisfied.

Explanation of Finding: No new blocks are created by the proposed condominium plat.

Easements

Subsection 4.237 (.02)

F16. Review Criteria:

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

Finding: These criteria are satisfied.

Explanation of Finding: As shown on preliminary plat, Sheet of Exhibit B2, the required easements have been provided.

Tree Easements

Subsection 4.237 (.04)

- F17. Review Criteria:** "Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the Director or Development Review Board before the planting is begun. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property."

Finding: These criteria are satisfied.

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

Lot Size and Shape

Subsection 4.237 (.05)

- F18. Review Criteria:** "The lot size, width, shape and orientation shall be appropriate for the

location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located.”

Finding: These criteria are satisfied.

Explanation of Finding: Proposed condominiums are appropriate for the proposed development and are in conformance with the Village Zone requirements as discussed under Requests C and D.

Building Line and Built-to Line

Subsection 4.237 (.10) and (.11)

F19. Review Criteria: The Planning Director or Development Review Board may establish special:

- building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.
- build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.

Finding: These criteria are satisfied.

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

Land for Public Purposes

Subsection 4.237 (.12)

F20. Review Criterion: “The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.”

Finding: This criterion is satisfied.

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

Lots of Record

Section 4.250

F21. Review Criteria: “All lots of record that have been legally created prior to the adoption of this ordinance shall be considered to be legal lots. Tax lots created by the County Assessor are not necessarily legal lots of record.”

Finding: These criteria are satisfied.

Explanation of Finding: The parcels subject to the condominium plat will be legal lots of record upon recordation of the final plat for the subdivision approved in Request E. The subdivision plat for Mont Blanc No. 2 must be recorded prior to the approval of the final condominium plat.

Request G: DB16-0025 Type C Tree Plan

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

Type C Tree Removal

Review Authority

Subsection 4.610.00 (.03) B.

G1. Review Criterion: "Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council."

Finding: This criterion is satisfied.

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

Attaching Conditions

Subsection 4.610.00 (.06) A.

G2. Review Criterion: "Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;"

Finding: This criterion is met.

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

Timeframe for Removal

Subsection 4.610.00 (.06) B.

G3. Review Criterion: "Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:" "Fix a reasonable time to complete tree removal operations;"

Finding: This criterion is satisfied.

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

Security to Ensure Compliance

Subsection 4.610.00 (.06) C.

G4. Review Criterion: "Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:" "Require the Type C permit grantee to file with

the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter. 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.”

Finding: This criterion is satisfied.

Explanation of Finding: As allowed by Subsection 1 the bonding requirement is being waived as the application is required to comply with WC 4.264(1).

General Standards for Tree Removal, Relocation or Replacement

Preservation and Conservation

Subsection 4.610.10 (.01) B.

G5. Review Criteria: “No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a principle shall be equal in concern and importance as other design principles.”

Finding: These criteria are satisfied.

Explanation of Finding: The arborist inventoried 6 trees on the site, and 2 additional trees immediately adjacent to the site to the southwest. The applicant proposes removal of all 6 on-site trees, and retention of the 2 adjacent trees. Of the 6 trees proposed for removal 1 is in good conditions, and 5 are in moderate condition. According to the applicant construction necessitates removal as tree protection during the planned improvements is not feasible.

Development Alternatives

Subsection 4.610.10 (.01) C.

G6. Review Criteria: “Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements.”

Finding: These criteria are satisfied.

Explanation of Finding: Careful considerations have been given to tree removal and all levels of planning from the Master Plan to Final Development Plan. No trees feasible and desirable to retain are within the project site. 2 trees inventoried off-site to the southwest the applicant does proposed to protect and preserve.

Land Clearing

Subsection 4.610.10 (.01) D.

G7. Review Criteria: “Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements.”

Finding: These criteria are satisfied.

Explanation of Finding: This standard is being followed as shown in the applicant’s plan set, Exhibit B2.

Residential Development
Subsection 4.610.10 (.01) E.

G8. Review Criteria: “Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.”

Finding: These criteria are satisfied.

Explanation of Finding: The subject site is naturally relatively flat and but has previously been regraded and disturbed during construction and demolition of the Dammasch State Hospital campus and is being development with a pattern similar to other areas of Villebois.

Statutes and Ordinances
Subsection 4.610.10 (.01) F.

G9. Review Criteria: “The proposed activity shall comply with all applicable statutes and ordinances.”

Finding: These criteria are satisfied.

Explanation of Finding: This standard is broad and duplicative. As found elsewhere in this report, the applicable standards are being applied.

Tree Relocation and Replacement
Subsection 4.610.10 (.01) G.

G10. Review Criteria: “The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not removed, in accordance with WC 4.620.10.

Finding: These criteria are satisfied.

Explanation of Finding: The proposed tree activity is being reviewed in accordance to the referenced sections related to replacement and protection.

Tree Removal Limitations
Subsection 4.610.10 (.01) H.

G11. Review Criteria: “Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.” Listed 1. through 4.

Finding: These criteria are satisfied.

Explanation of Finding: The proposed tree removal is necessary for construction.

Additional Standards for Type C Permits

Tree Survey
Subsection 4.610.10 (.01) I. 1.

G12. Review Criteria: “For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site

development as required by WC 4.610.40 , and provide a Tree Maintenance and Protection Plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.”

Finding: These criteria are satisfied.

Explanation of Finding: The required Tree Maintenance and Protection Plan has been submitted. See Section VC of Exhibit B1.

Tree Plans and Plat Approval

Subsection 4.610.10 (.01) I. 2.

G13. Review Criteria: “The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.”

Finding: These criteria are satisfied.

Explanation of Finding: The required plan has been submitted. See Section VC of Exhibit B1.

Trees and Utilities

Subsection 4.610.10 (.01) I. 3.

G14. Review Criteria: “The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.”

Finding: These criteria are satisfied.

Explanation of Finding: The Composite Utility Plan, Sheet 7 of Exhibit B2, shows the site has been designed to minimize the impact upon the environment to the extent feasible given existing conditions. Utility placement in relation to trees will be further reviewed during review of construction drawings and utility easement placement on the final plat.

Type C Tree Plan Review

Type C Applicability

Subsection 4.610.40 (.01)

G15. Review Criteria: “Approval to remove any trees on property as part of a site development application may be granted in a Type C permit”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed Type C Tree Plan is being reviewed concurrently with other site development applications.

Applicable Standards and Criteria
Subsection 4.610.40 (.01)

G16. Review Criteria: “A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4.”

Finding: These criteria are satisfied.

Explanation of Finding: This standard is broad and duplicative. As found elsewhere in this report, the applicable standards are being applied.

Loss of Development Density
Subsection 4.610.40 (.01)

G17. Review Criteria: “Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height.”

Finding: These criteria are satisfied.

Explanation of Finding: Application of the standards are allowing density to be constructed consistent with the Villebois Village Master Plan and SAP Central approvals, as refined with the PDP, see Request B.

Landscape Plans Concurrency
Subsection 4.610.40 (.01)

G18. Review Criteria: “If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed Type C Tree Plan is being reviewed concurrently with the Preliminary Development Plan and landscaping reviewed as part of the Final Development Plan.

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

G19. Review Criteria: “The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB.”

Finding: These criteria are satisfied.

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

Mitigation and Landscaping Requirements
Subsection 4.610.40 (.01)

G20. Review Criteria: “Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter.”

Finding: These criteria are satisfied.

Explanation of Finding: Mitigation is being fulfilled by street tree and other plantings shown on the landscaping plans.

Decision Final before Removal
Subsection 4.610.40 (.01)

G21. Review Criteria: "Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled."

Finding: These criteria are satisfied.

Explanation of Finding: The proposed Type C Tree Plan is being reviewed concurrently with the Preliminary Development Plan, which is the equivalent of a Stage II Final Plan in the Village Zone. No removal will occur pursuant to this request until the PDP approval is final.

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

G22. Review Criteria: "The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:" Listed A. 1. through A. 7.

Finding: These criteria are satisfied.

Explanation of Finding: The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. See Section VC of the applicants notebook, Exhibit B1 and Sheet 11 of the applicant's plan set, Exhibit B2.

Tree Relocation, Mitigation, or Replacement

Replacement Required
Subsection 4.620.00 (.01)

G23. Review Criterion: "A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal."

Finding: This criterion is satisfied.

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

Determining Replacement
Subsection 4.620.00 (.02)

G24. Review Criteria: "The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2") or more in diameter."

Finding: These criteria are satisfied.

Explanation of Finding: More trees are planned to be planted than proposed to be

removed. Each tree, including street trees and trees in parks and linear greens will meet the minimum diameter requirement.

Replacement Plan

Subsection 4.620.00 (.03)

G25. Review Criteria: “A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.

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

B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee’s successors-in-interest for two (2) years after the planting date.

C. A “guaranteed” tree that dies or becomes diseased during that time shall be replaced.

D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.”

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

Explanation of Finding: Mitigation for removal of the trees will be more than satisfied by the planned street tree planting. The condition of approval will ensure the other relevant requirements of this subsection are met.

Replacement Tree Stock

Subsection 4.620.00 (.04)

G26. Review Criteria: “All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade.”

Finding: These criteria will be satisfied by Condition of Approval PDG 2.

Explanation of Finding: Condition of Approval PDG 2 assures this is met.

Replacement Locations

Subsection 4.620.00 (.05)

G27. Review Criteria: “The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.”

Finding: These criteria are satisfied.

Explanation of Finding: The applicant proposes to mitigate for all removed trees on site and in the appropriate locations for the proposed development.

Tree Protection During Construction

Protected Tree Labeling Section 4.620.10 (.01) A.

G28. Review Criterion: "All trees required to be protected must be clearly labeled as such."

Finding: These criteria are satisfied.

Explanation of Finding: Fencing will clearly indicate which trees will be protected.

Construction Material Near Trees Section 4.620.10 (.01) B.

G29. Review Criterion: "No person may conduct any construction activity likely to be injurious to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or depositing soil, or placing irrigated landscaping, within the drip line, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist."

Finding: These criteria are satisfied or will be satisfied by Condition of Approvals PDG 3 and PDG 4.

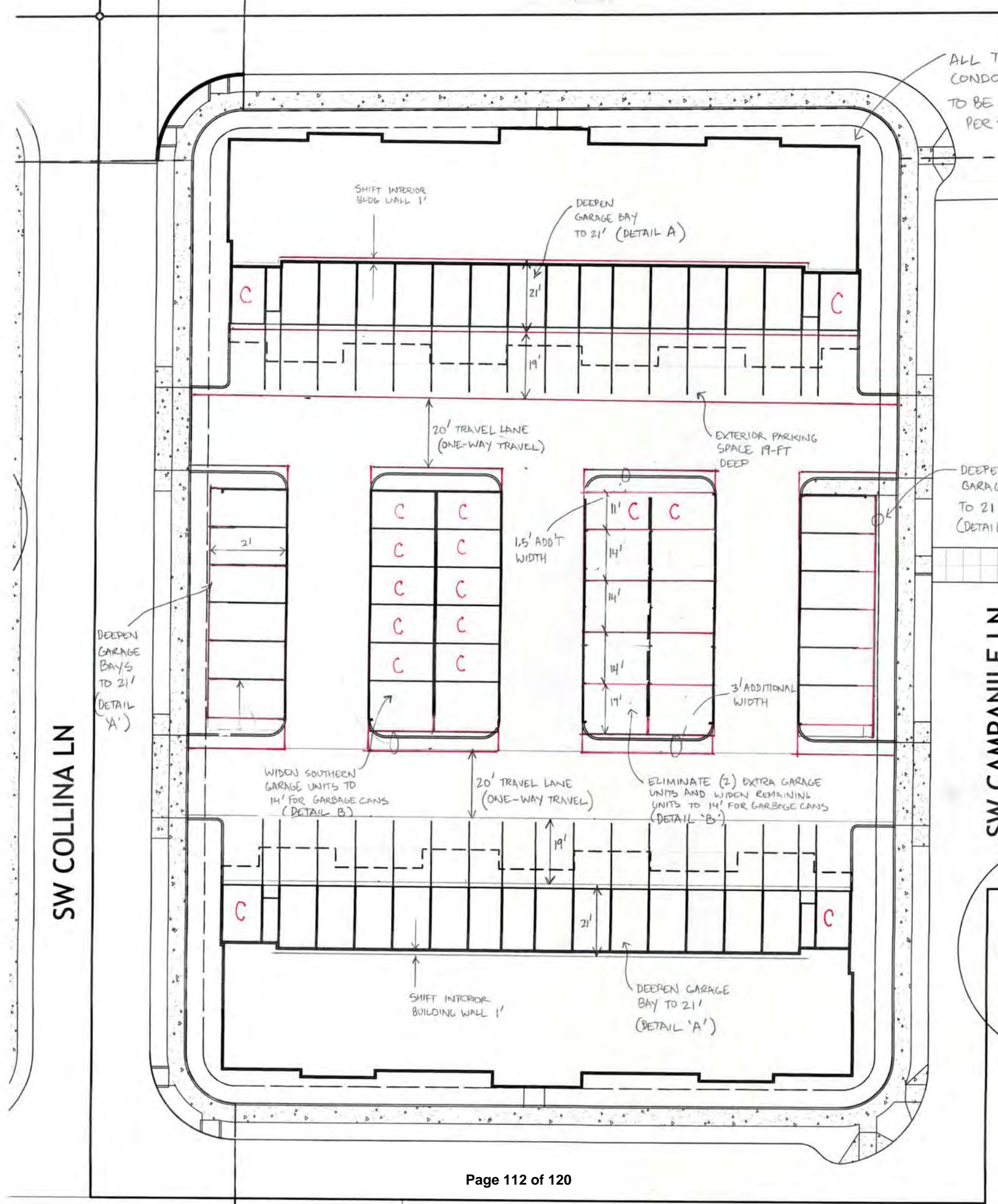
Explanation of Finding: The conditions of approval assure the applicable requirements of this Section will be met.

Protective Barriers Section 4.620.10 (.01) D.

G30. Review Criteria: "Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable barriers as identified by an arborist to protect remaining trees. Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers." The most appropriate and protective barrier shall be utilized. Barriers are required for all trees designated to remain, except in the following cases:" Listed 1 through 2.

Finding: These criteria are satisfied.

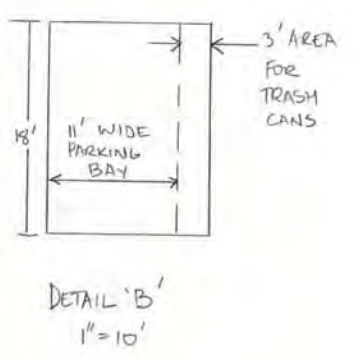
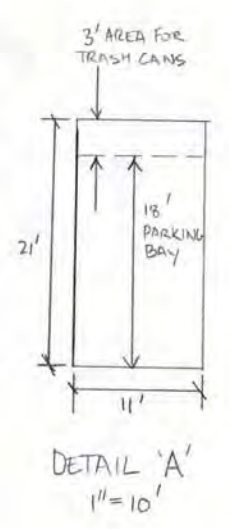
Explanation of Finding: The conditions of approval assure the applicable requirements of this Section will be met.



ALL THREE CONDO BLDG'S TO BE MODIFIED PER THIS PLAN

1"=20'

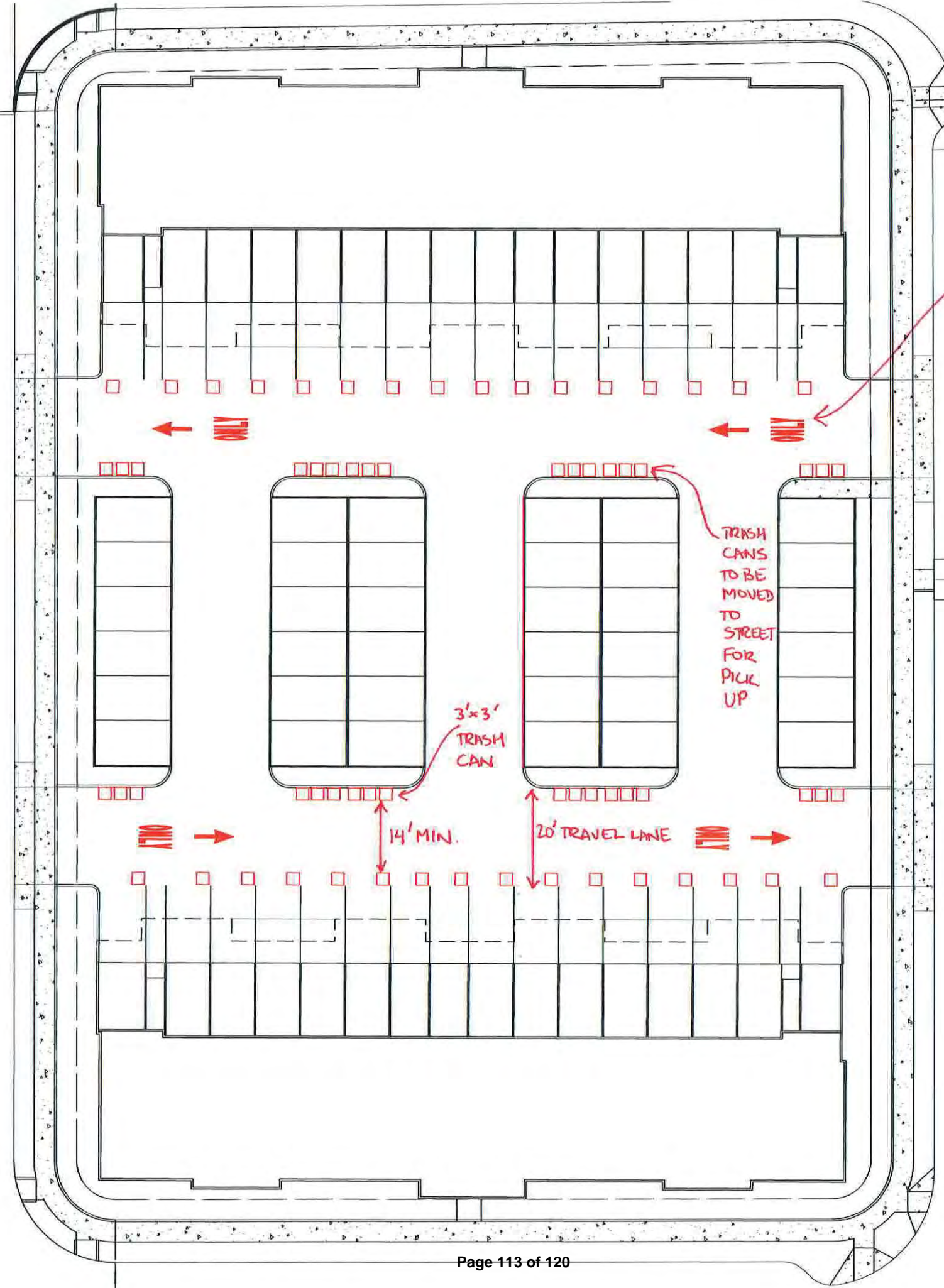
64 STD. PARKING BAYS
18 COMPACT PARKING BAYS
(22% COMPACT SPACES)



SW COLLINA LN

SW CAMPANILE LN

SW COLLINA LN



ONE-WAY TRAVEL

SW CAMPANILE LN

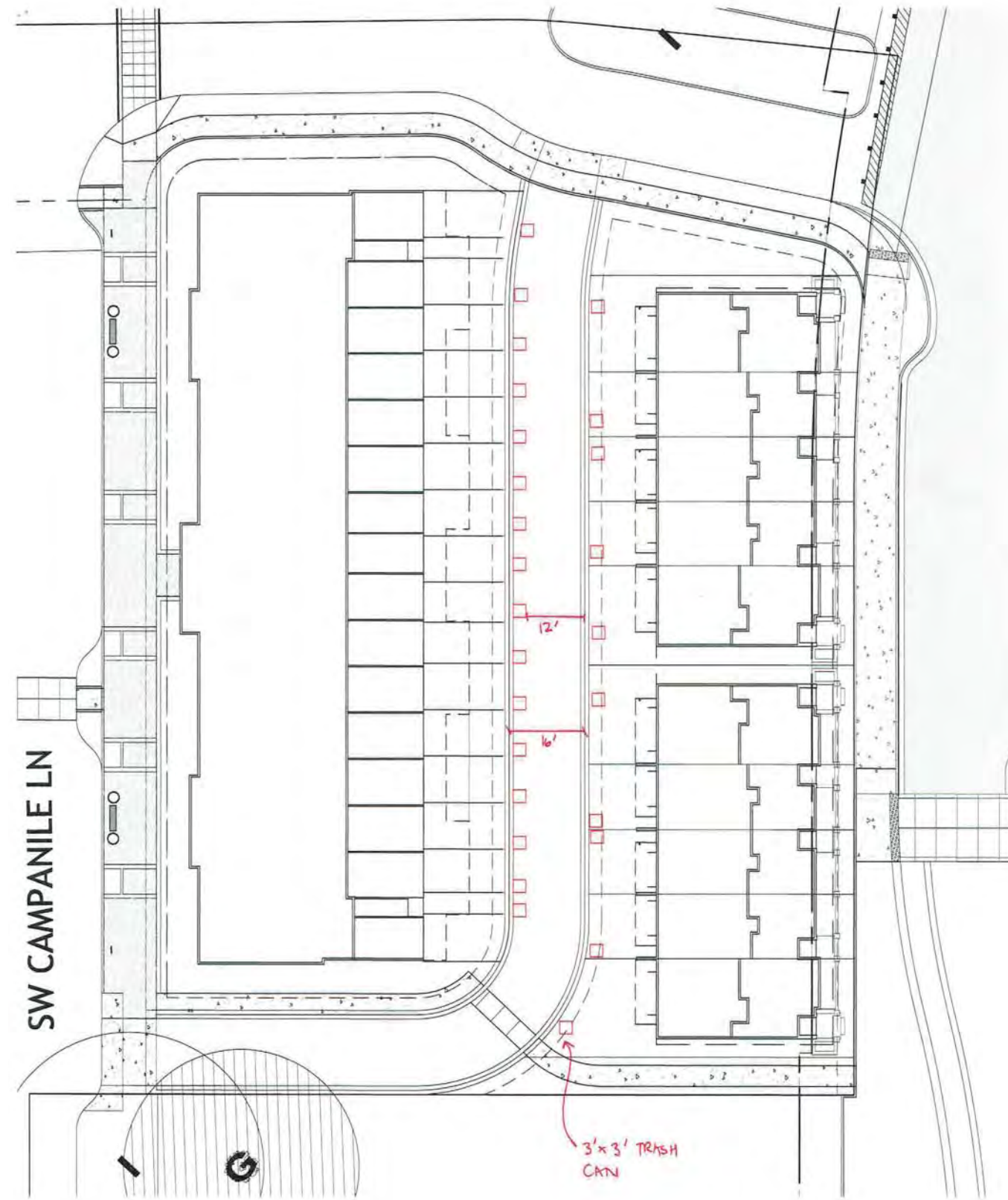


Exhibit C1
Public Works Plan Submittal Requirements
and Other Engineering Requirements

1. All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards - 2015.
2. Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:

Coverage (<i>Aggregate, accept where noted</i>)	Limit
Commercial General Liability:	
▪ General Aggregate (per project)	\$3,000,000
▪ General Aggregate (per occurrence)	\$2,000,000
▪ Fire Damage (any one fire)	\$50,000
▪ Medical Expense (any one person)	\$10,000
Business Automobile Liability Insurance:	
▪ Each Occurrence	\$1,000,000
▪ Aggregate	\$2,000,000
Workers Compensation Insurance	\$500,000

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. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.
 - m. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and

- piping for outfall structure. 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.
- n. Detailed plan for water quality facility (both plan and profile views). Note that although storm water quality facilities are typically privately maintained they will be inspected by Natural Resources, and the plans must be part of the Public Works Permit set.
 - o. Composite franchise utility plan.
 - p. City of Wilsonville detail drawings.
 - q. Illumination plan.
 - r. Striping and signage plan.
 - s. Landscape plan.
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's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
 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. Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
17. No surcharging of sanitary or storm water manholes is allowed.
18. 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.
19. 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.
20. 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.
21. 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.
22. Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.
23. 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.
24. 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).

25. 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.
26. 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.
27. The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Stormwater or rainwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.
28. The applicant shall "loop" proposed waterlines by connecting to the existing City waterlines where applicable.
29. 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.
30. 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).
31. Mylar Record Drawings:

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

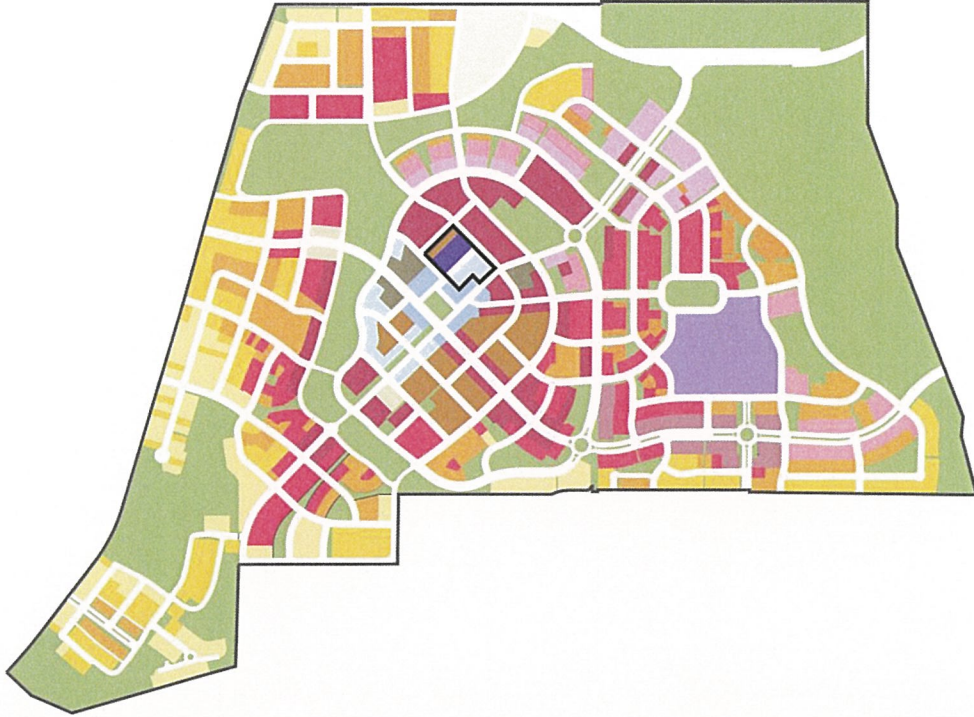
Exhibit C2
Natural Resources Findings & Requirements

Rainwater Management Requirements

1. All rainwater management components and associated infrastructure located in public areas shall be designed to the 2015 Public Works Standards.
2. All rainwater management components in private areas shall comply with the plumbing code.
3. Pursuant to the 2015 Public Works Standards, access shall be provided to all areas of the proposed rainwater management components. At a minimum, at least one access shall be provided for maintenance and inspection.
4. Plantings in rainwater management components located in public areas shall comply with the 2015 Public Works Standards.
5. Plantings in rainwater management components located in private areas shall comply with the Plant List in the Rainwater Management Program or Community Elements Plan.
6. The rainwater management components shall comply with the requirements of the Oregon DEQ UIC (Underground Injection Control) Program.

Other Requirements

7. The applicant shall comply with all applicable state and federal requirements for the proposed construction activities (e.g., DEQ NPDES #1200–CN permit).
8. Pursuant to the City of Wilsonville’s Ordinance No. 482, the applicant shall submit an erosion and sedimentation control plan. The following techniques and methods shall be incorporated, where necessary:
 - a. Gravel construction entrance;
 - b. Stockpiles and plastic sheeting;
 - c. Sediment fence;
 - d. Inlet protection (Silt sacks are recommended);
 - e. Dust control;
 - f. Temporary/permanent seeding or wet weather measures (e.g., mulch);
 - g. Limits of construction; and
 - h. Other appropriate erosion and sedimentation control methods.



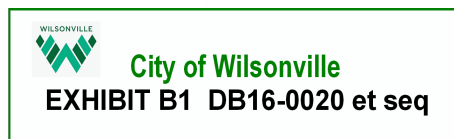
**Condos & Row Homes – PDP 10C
Preliminary Development Plan,
Tentative Plats, Zone Change, Tree Removal
Plan & Final Development Plan**

The City of Wilsonville, Oregon May 13, 2016

POLYGON  NORTHWEST COMPANY



RECEIVED
MAY 16 2016



RECEIVED
JUL 06 2016
BY: _____

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FOR
PDP 10 - CENTRAL**

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Section I) General Information

IA) Introductory Narrative

**INTRODUCTORY NARRATIVE
PHASE 10 - CENTRAL**

**INCLUDING:
PRELIMINARY DEVELOPMENT PLAN (REFINEMENTS), TENTATIVE PLAT - SUBDIVISION,
ZONE CHANGE, TREE REMOVAL PLAN, FINAL DEVELOPMENT PLAN,
& TENTATIVE PLAT - CONDOMINIUM**

SECTION IA

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I. GENERAL INFORMATION

Applicant:

Polygon WLH, LLC
109 E. 13th Street
Vancouver, WA 98660
Tel: (503) 314-0807
Fax: (360) 693-4442
Contact: Fred Gast

Property Owner:

RCS - Villebois Development, LLC
371 Centennial Pkwy
Louisville, CO 80027
Tel: (503) 535-1615
Fax: (503) 466-4202
Contact: Rudy Kadlub

Design Team:

Primary Contact:

Stacy Connery
Pacific Community Design, Inc.
Tel: (503) 941-9484
Fax: (503) 941-9485
Email: stacy@pacific-community.com

Process Planner/Civil
Engineer/Surveyor/
Landscape Architect:

Pacific Community Design, Inc.
12564 SW Main Street
Tigard, OR 97223
Tel: (503) 941-9484
Fax: (503) 941-9485
Contact: Stacy Connery, AICP
Patrick Espinosa, PE
Travis Jansen, PLS/PE
Kerry Lankford, RLA

Arborist:

Morgan Holen
Morgan Holen & Associates, LLC
3 Monroe Parkway, Suite P 220
Lake Oswego, OR 97035
Tel: (971) 409-9354

Site and Proposal Information:

Site: 31W15AC Tax Lot 2900

Size: 3.20 gross acres

Comprehensive Plan Designation:	City - Residential - Village (R-V)
Specific Area Plan:	SAP - Central
Proposal:	Preliminary Development Plan (includes refinements) Tentative Plat - Subdivision Zone Change to Village (V) Tree Removal Plan Final Development Plan Tentative Plat - Condominiums
Unit Count:	10 Rowhomes 82 Condominiums
Net Residential Density:	28.75 units/acre
Project Name:	Villebois PDP 10 - Central "Mont Blanc No. 2"

II. REQUEST

This application requests approval of the following six (6) applications for the Phase 10 area of SAP Central.

- Preliminary Development Plan (PDP 10C), including refinements to SAP Central - Section II of Notebook
- Tentative Plat Approval - Subdivision - Section III of Notebook
- Zone Change to Village (V) - Section IV of Notebook
- Tree Preservation/Removal Plan - Section V of Notebook
- Final Development Plan for Rowhomes & Condominiums - Section VI of Notebook
- Tentative Plat Approval - Condominiums - Section VII of Notebook

III. PLANNING CONTEXT

VILLEBOIS VILLAGE MASTER PLAN & SAP CENTRAL

The proposed PDP 10C area is located within the central portion of the *Villebois Village Master Plan* as illustrated on the Notebook Cover. The *Master Plan* and SAP Central show Condos and Apartment Land Use Types for the subject area. SAP Central shows a tree-lined pedestrian corridor along Campanile Lane connecting The Piazza and Montague Park.

The PDP 10C area is inside the Village Center and is therefore subject to the *Village Center Architectural Standards*. The 10C area plan places the London Style Row Homes, which have a more urban and contemporary architectural expression, along the SW Villebois Drive frontage. The architectural style of the 3 and 4-story Condominiums complements that of nearby Rowhomes with ground level, street facing courtyards and private balconies. The remainder of the PDP 10C area places three (3) condominium buildings, one facing Campanile Lane, one facing Paris Avenue, and one facing Valencia Lane. The east side of Campanile Lane will include a wider tree-lined pedestrian pathway, which is a segment of the pathway connecting The Piazza to Montague Park. Additionally, a pedestrian pathway connection is provided between Villebois Drive and Campanile Lane. Crosswalks are included to facilitate pedestrian crossings where pathways cross the alley and Campanile Lane.

COURTYARD ADDRESS OVERLAY

PDP 10C also includes the Courtyard Address Overlay on SW Campanile Lane. The Courtyard Address was associated with the former Dammasch Hospital buildings and was intended to provide for a connection between the historic buildings and The Piazza, and a pedestrian linkage between The Piazza and Montague Park. The buildings were demolished several years ago. While the former hospital building is no longer present along the Courtyard Address, the proposed condominiums will maintain an urban feel similar to the formerly specialty condos and will serve as a transition in density and building massing moving towards The Piazza. The site will also provide a segment of the pedestrian connection between The Piazza to the south and Montague Park to the north. Below are the descriptions provided in the Community Elements Book and the Villebois Community Architecture Standards for the Courtyard Address Overlay:

Villebois Community Elements Book

“The Courtyard Street is an extension of the Plaza and connects the site’s historical buildings to the Village Center. This curbless “room” is similar to the Woonerf in that it has many of the aesthetic and functional characteristics. The courtyard is curbless within the right-of-way and has dedicated walking allee on the west side of the street. It is intended that this dedicated pedestrian allee will strengthen the Village Center connection to Hilltop Park. Surfaces will delineate hierarchy of space and should be designed to fit seamlessly with the Plaza surface and furnishings.”

Village Center Architectural Standards

“The Courtyard is aligned with the Plaza, connecting the site’s historic buildings to their new village context. The space is conceived as a shared-use courtyard between buildings C, D, and the new condos to the southeast. The courtyard contains designated areas for private yards, walkways, and vehicular lanes. Trees in the parking lane will define spaces, and an allee of trees will connect the Plaza and Building D with a shaded pathway.”

VILLEBOIS DRIVE ADDRESS OVERLAY

PDP 10C includes the southern portion of the Villebois Drive Address Overlay, which serves as a transition from residential to commercial space. The Villebois Drive Address introduces people coming from residential areas to the community atmosphere of the Central Villebois Piazza.

Villebois Community Elements Book

“This section of Villebois Drive, is one of the main street entries to the Village Center. The street is mainly bordered by residential uses and shall transition from residential to urban/commercial as it meets the Plaza address. Villebois Drive is designed to accommodate future commercial uses. Therefore the sidewalk and planter areas shall be designed as “flex” space; when the building use changes so may the sidewalk/planter use.

Village Center Architectural Standards

“Villebois Drive is a front door to the Village Center. Though predominantly residential, it sets the tone for a more urban experience. The architectural components of this address, therefore, are similar to that of the Plaza.

Villebois Drive is envisioned as a potential growth corridor for future commercial uses. Accordingly, this Address has specific requirements to accommodate and encourage these possible transitions. Most of these Standards apply to the ground level buffer between the public way and private zones. The intent is for ground level units not to prohibit future conversion to small commercial spaces.”

IV. PROPOSAL DESCRIPTION

Phases 10 of Specific Area Plan Central (also known as PDP 10C) includes approximately 3.20 gross acres. PDP 10C consists of one lot located east of SW Collina Lane and west of Villebois Drive. PDP 10C proposes 3 multi-family buildings of 82 condominiums, 10 single family rowhomes, a major pedestrian corridor, linear greens, and associated infrastructure improvements.

LAND USES

PDP 10C proposes 3 multi-family buildings of 82 Condominiums and 10 single family Row House units. The proposed number and type of units is compatible with adjacent land uses. The table in Section IE of this Notebook lists the residential units broken down by development phase for all of SAP Central. PDP 10C is submitted with the concurrent FDP for architecture and park areas (see Section VI of the Notebook). PDP 1C, PDP 2C, and PDP 4C are approved and built (homes are in process of being built). PDP 3C is the site of the Villebois Piazza, which is approved and built. PDP 5C, the site of Montague Park, is in construction. PDP 6C and PDP 7C received planning approval Summer 2015 and are in construction. PDP 8C and PDP 9C were approved on 12/14/2016.

PARKS & OPEN SPACE

The Master Plan and SAP Central do not show any parks within the subject area. PDP 10C proposes the continuation of a pedestrian corridor along Campanile Lane that connects The Piazza to the south and Montague Park to the north. PDP 10 also adds linear greens on both sides of the rowhomes.

UTILITIES

Sanitary Sewer

The sanitary sewer system for Phase 10 Central is shown on the Composite Utility Plan in Section IIB of this Notebook. The Sanitary Sewer Master Plan shows this site draining to the Barber Main via a gravity sewer system. The Barber Main will flow to the east and discharge to the Kinsman main via the connection installed in 2006. Sanitary sewer service can adequately be provided to this area in compliance with the Villebois Village Master Plan and the City's Wastewater Collection System Master Plan, as demonstrated in the Utility Analysis Memorandum prepared by Patrick Espinosa, PE (see Exhibit IIC).

Water

The proposed water system for Phase 10 Central is shown on the Composite Utility Plan in Section IIB of this Notebook. The proposed public water system will be an 8" system with some 6" lines for fire hydrant connections. The system will be looped throughout the development to maximize flows. Water service can adequately be provided to this area in compliance with the Villebois Village Master Plan and the City's Water System Master Plan.

Stormwater

The proposed site drains to the southwest to the Arrowhead Creek drainage basin (AHC Basin). The City's Stormwater Master Plan for Arrowhead Creek shows regional stormwater facilities that have been constructed within Villebois to treat the AHC drainage basin. Stormwater runoff will be collected by a series of catch basins leading to an underground piping system previously constructed with the Piazza infrastructure, as shown within the attached plans (see Section IIB of this Notebook). The drainage system will ultimately connect to the infrastructure in SAP South where the runoff will be directed to the existing regional stormwater pond, Pond F. Water quality and water quantity mitigation will be provided within this regional stormwater facility. A Utility Analysis Memorandum prepared by Patrick Espinosa, PE (see Exhibit IIC) demonstrates that the proposed system will provide adequate sizing and treatment.

Rainwater

A Rainwater Management Plan is included with the Supporting Utility Reports in Section IIC of this Notebook. Rainwater management within PDP 10C will be provided through street trees, planter boxes, and bio-retention cells located in landscape tracts and planter strips in rights-of-way, as shown within the attached plans (Section IIB of this Notebook).

CIRCULATION

The transportation infrastructure proposed for PDP 10 Central will provide convenient neighborhood circulation and a range of transportation options. The *Circulation Plan* (see Exhibit IIB) illustrates the circulation system within this Preliminary Development Plan area.

V. REFINEMENTS TO SAP CENTRAL

The following sections of this Narrative describe the proposed refinements to SAP Central that are included in the PDP application. Detailed findings regarding the requested refinements can be found in the PDP Supporting Compliance Report in Section IIA of this Notebook.

LAND USES

PDP 10C refines the subject area beyond what was described in SAP Central. The total density shown for the subject area in SAP Central is 6-14 Village Apartments, 15-30 Condos, and 34-60 Specialty Condos.

PDP 10C proposes 10 Rowhome units and 82 Condominium units. Refinements to the mix of units and proposed unit counts are proposed.

Table A below shows the number of units in each land use category currently within SAP Central and the number of units in the SAP with the proposed refinement as well as the percent change in each aggregate land use category. Table B shows the number of units originally shown in SAP Central and the number of units with the proposed refinement, as well as the percent change in each aggregate land use category.

Table A. Comparison of Current and Proposed Unit Counts

	Current Unit Count in SAP C	Proposed Unit Count in SAP C	% Change
Medium/Standard/Large/Estate	0	0	0%
Small Detached/Small Cottage/ Row Homes/ Neighborhood Apt.	1,012	993	-1.88%
Total	1,012	993	-1.88%

Table B. Comparison of Original SAP Central and Proposed Unit Counts

	Original Unit Count in SAP C	Proposed Unit Count in SAP C	% Change
Medium/Standard/Large/Estate	0	0	0%
Small Detached/Small Cottage/ Row Homes/ Neighborhood Apt.	1,010	993	-1.68%
Total	1,010	993	-1.68%

NOTE: The Current Unit Count for SAP Central reflects the final approved unit counts for PDP 1C, PDP 2C, PDP 3C, PDP 4C, PDP 5C (Montague Park), PDP 6C, PDP 7C, PDP 8C, and PDP 9C. Figures also account for modifications to PDP 1C and PDP 2C. This number includes PDP 10C, which is being submitted.

Both tables show that the proposed refinements do not exceed the 10% standard. This proposal results in a total of 2,575 units within Villebois. This is above the density of 2,300 units required to be obtained across Villebois, meeting the refinement criteria.

None of the conditions of approval for SAP Central are specific to the proposed refinements. As the proposed refinements will not compromise the project's ability to comply with SAP conditions of approval, they will equally meet the conditions of approval of SAP Central.

The proposed refinements will equally or better meet the following Goals, Policies, and Implementation Measures of the *Villebois Village Master Plan* than the SAP Central plan.

- **Land Use, General Land Use Plan Goal** - *Villebois Village shall be a complete community that integrates land use, transportation, and natural resource elements to foster a unique sense of place and cohesiveness.*

The proposed PDP 10C plan better integrates natural resource elements with land uses and transportation through a tree-lined pathway connecting residential, commercial, and open space uses along Campanile Lane. The plan also proposes retention of existing trees to the extent feasible.

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

The proposed PDP 10C plan meets this Land Use Plan Policy by contributing to the range of living choices for attached single-family home ownership. The SAP showed 6-14 Village Apartments, 15-30 Condos, and 34-60 Specialty Condos. Now, 10 Row Houses and 82 Condominiums are proposed. The proposal of Condos and Row House units meets current market demand and city-wide goals of providing for a variety of home ownership options, while complying with the urban design goals and density targets in the Village Center. This project continues to comply with the minimum density of 2,300 units across Villebois.

- **Villebois Village Master Plan, Village Center Policy 1** - *The Village Center shall be a highly pedestrian-oriented place that is the focus of a mix of residential, shopping, service, and civic and mixed-use buildings.*

The proposed PDP 10C plan meets this Land Use Plan Policy with the addition of tree-lined corridor along Campanile Lane connecting The Piazza and Montague Park, as well as a pedestrian connection between Campanile Lane and Villebois Drive. Proposed buildings are oriented toward street frontages and include semi private outdoor spaces in the form of covered patios and balconies. As described above, PDP 10C contributes to the mix of residential options in the Village Center by providing additional ownership options for single and multi-family homes.

- **Villebois Village Master Plan, Village Center Policy 2** - *The Village Center shall encourage multi-modal transportation system opportunities with good access by vehicular, pedestrian, bicycle and transit traffic.*

The proposed PDP 10C plan encourages multi-modal transportation system opportunities by providing convenient vehicular access through alleys, encouraging pedestrian oriented street frontages by providing for garage access from alleys. Short and long-term bike parking is proposed along with

the addition of a tree-lined pedestrian corridor that connects residential, commercial, and park uses between The Piazza and Montague Park.

- **Villebois Village Master Plan, Village Center Implementation Measure 2** - *Specify a mixture of uses (residential, commercial, retail, civic, and office development) with the implementing Village zone that will support the long-term vitality of the Village Center and enhance the creation of a true urban village at its core. Employment may include uses related to high-tech businesses. The Village Center is intended to provide locations for uses consistent with, but not limited to, the following examples.*
 - *Consumer Goods: bookstore, clothing, florist, jeweler, pet shop, bicycle shop.*
 - *Food & Sundries: bakery, specialty grocery, hardware, laundromat, dry cleaner, gifts.*
 - *General Office: professional offices, non-profit, health services, governmental services, real estate, insurance, travel.*
 - *Service Commercial: bank, day care center, photo processing, telecommunications, upholstery shop.*
 - *Lifestyle & Recreation: hair salon, specialty retail, theater, video/DVD store, art gallery, health club, restaurants, dance studio.*
 - *Hospitality: hotel, bed and breakfast, conference center.*
 - *Light Manufacturing/Research and Development.*
 - *Civic/Institutional: meeting hall, library, museum, churches, farmer's market, community center.*
 - *Residential: condominiums, apartments, and townhouses*

The proposed PDP 10C plan is consistent with the Village Center Implementation Measure 2 by providing single family residential attached row houses and multi-family condominiums. This use is included in the above list of intended Village Center uses. As described above, PDP 10C contributes to the mix of residential options in the Village Center by providing additional ownership options. Additionally, the proposed PDP 10C provides convenient vehicular access through alleys and provides street frontages that are highly pedestrian oriented with covered front patios on all Row Homes and covered balconies with the condominiums.

- **Parks and Open Space/Off-Street Trails and Pathways Goal** - *The Parks system within Villebois Village shall create a range of experiences for its residents and visitors through an interconnected network of pathways, parks, trails, open space and other public spaces that protect and enhance the site's natural resources and connect Villebois to the larger regional park/open space system.*

The Villebois Village Master Plan and SAP Central do not show any parks, linear greens, open space or pathways within the proposed PDP area. A tree-lined pedestrian corridor along Campanile Lane connects residential, commercial,

and park uses between The Piazza and Montague Park, and helps connect the Village Center to the larger regional park/open space system.

- **Parks and Open Space/Off-Street Trails and Pathways Implementation Measure 3-** *Parks and open spaces shall be designed to incorporate native vegetation, landforms and hydrology to the fullest extent possible.*

The proposed PDP 10C plan incorporates native vegetation, landforms and hydrology to the fullest extent possible, given the planned level of urban uses on this site.

- **Parks and Open Space/Off-Street Trails and Pathways Implementation Measure 9-** *The design of Villebois shall retain the maximum number of existing trees practicable that are six inches or more DBH in the “Important” and “Good” tree rating categories, which are defined in the Community Elements Books. Trees rated “Moderate” shall be evaluated on an individual basis as regards retention. Native species of trees and trees with historical importance shall be given special consideration for retention.*

The proposed PDP 10C plan integrates a tree-lined walkway that connects residential, commercial, and park uses between The Piazza and Montague Park. As described in the Tree Report attached in Section VB of the Notebook, trees rated as “Important” have been retained to the extent feasible.

PARKS & OPEN SPACE

A comparison of the proposed plan for PDP 10C and the original SAP Central plan for this area shows the addition of linear green spaces. A detailed description and analysis of the open space refinements can be found in the PDP Supporting Compliance Report in Exhibit IIA of the Notebook.

UTILITIES

A comparison of the *Composite Utility Plan* of the proposed PDP (see Section IIB of this Notebook) with the *Utility Plan* in SAP Central (Volume II) shows the proposed refinements for the rainwater treatment facilities.

CIRCULATION

A comparison of the *Circulation Plan* from the proposed PDP 10C (see Exhibit IIB) and the *Circulation Plan* from SAP Central (Volume II) shows that the proposed circulation system is consistent. No refinements are proposed.

VI. PROPOSAL SUMMARY & CONCLUSION

This ‘Introductory Narrative,’ in conjunction with the referenced sections, describes the proposed Preliminary Development Plan, Tentative Plat - Subdivision, Zone Change, Tree Preservation/Removal Plan, Final Development Plan, and Tentative Plat - Condos. The Supporting Compliance Reports located in Sections II through VII, respectively, support these requests for approval of the subject applications and demonstrate compliance with the applicable standards of the Wilsonville Planning and Land Development Ordinance.

IB) Form/Ownership Documentation



29799 SW Town Center Loop East
Wilsonville OR 97070
Phone: 503.682.4960 Fax: 503.682.7025
Web: www.ci.wilsonville.or.us

**Planning Division
Development Permit Application**

Final action on development application or zone change is required within 120 days in accordance with provisions of ORS 227.175

A pre application conference is normally required prior to submittal of an application. Please visit the City's website for submittal requirements

Pre-Application Meeting Date: _____

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

Applicant:

Name: Fred Gast Division President - Senior Vice President
Company: Polygon WLH, LLC
Mailing Address: 109 E 13th Street
City, State, Zip: Vancouver, WA, 98660
Phone: 360-695-7700 Fax: _____
E-mail: Fred.Gast@PolygonHomes.com

Authorized Representative:

Name: Stacy Connery
Company: Pacific Community Design, Inc.
Mailing Address: 12564 SW Main Street
City, State, Zip: Tigard, OR, 97223
Phone: 503-941-9484 Fax: 503-941-8485
E-mail: Stacy@Pacific-Community.com

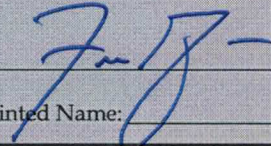
Property Owner:

Name: _____
Company: RCS Villebois Development, LLC
Mailing Address: 371 Centennial Parkway
City, State, Zip: Louisville, CO, 80027
Phone: 503-535-1615 Fax: 503-466-4202
E-mail: _____

Property Owner's Signature:

Printed Name: _____ Date: _____

Applicant's Signature: (if different from Property Owner)


Printed Name: _____ Date: _____

Site Location and Description:

Project Address if Available: N/A Suite/Unit _____
Project Location: _____
Tax Map #(s): 31W15AC Tax Lot #(s): 2900 County: Washington Clackamas

Request:

Preliminary Development Plan, Tentative Plats, Zone Change, Tree Removal Plan, & Final Development Plan for 10 Row Homes and 82 Condominium Units

Project Type: **Class I** **Class II** **Class III**

Residential Commercial Industrial Other: _____

Application Type(s):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Appeal | <input type="checkbox"/> Comp Plan Map Amend | <input type="checkbox"/> Parks Plan Review |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Major Partition | <input type="checkbox"/> Minor Partition | <input type="checkbox"/> Request to Modify Conditions |
| <input type="checkbox"/> Plan Amendment | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Site Design Review |
| <input type="checkbox"/> Request for Special Meeting | <input type="checkbox"/> Request for Time Extension | <input type="checkbox"/> Signs | <input type="checkbox"/> Stage II Final Plan |
| <input type="checkbox"/> SROZ/SRIR Review | <input type="checkbox"/> Staff Interpretation | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Variance |
| <input checked="" type="checkbox"/> Type C Tree Removal Plan | <input type="checkbox"/> Tree Permit (B or C) | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Other (describe) |
| <input checked="" type="checkbox"/> Villebois SAP | <input checked="" type="checkbox"/> Villebois PDP | <input checked="" type="checkbox"/> Villebois FDP | <u>SAP Refinements</u> |
| <input checked="" type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> Waiver(s) | <input type="checkbox"/> Conditional Use | |



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Development Permit Application

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Name: Stacy Connery
Company: Pacific Community Design, Inc.
Mailing Address: 12564 SW Main Street
City, State, Zip: Tigard, OR, 97223
Phone: 503-941-9484 Fax: 503-941-8485
E-mail: Stacy@Pacific-Community.com

Property Owner:

Name: _____
Company: RCS Villebois Development, LLC
Mailing Address: 371 Centennial Parkway
City, State, Zip: Louisville, CO, 80027
Phone: 503-535-1615 Fax: 503-466-4202
E-mail: _____

Property Owner's Signature:

Sharon Eshima
Printed Name: Sharon Eshima Date: 4/27/16
Applicant's Signature: (if different from Property Owner)

Printed Name: _____ Date: _____

Site Location and Description:

Project Address if Available: N/A Suite/Unit _____
Project Location: _____
Tax Map #(s): 31W15AC Tax Lot #(s): 2900 County: Washington Clackamas

Request:

Preliminary Development Plan, Tentative Plats, Zone Change, Tree Removal Plan, & Final Development Plan for 10 Row Homes and 82 Condominium Units

Project Type: **Class I** **Class II** **Class III**

Residential Commercial Industrial Other: _____

Application Type(s):

- | | | | |
|--|---|---|---|
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| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Major Partition | <input type="checkbox"/> Minor Partition | <input type="checkbox"/> Request to Modify Conditions |
| <input type="checkbox"/> Plan Amendment | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Site Design Review |
| <input type="checkbox"/> Request for Special Meeting | <input type="checkbox"/> Request for Time Extension | <input type="checkbox"/> Signs | <input type="checkbox"/> Stage II Final Plan |
| <input type="checkbox"/> SROZ/SRIR Review | <input type="checkbox"/> Staff Interpretation | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Variance |
| <input checked="" type="checkbox"/> Type C Tree Removal Plan | <input type="checkbox"/> Tree Permit (B or C) | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Other (describe) |
| <input checked="" type="checkbox"/> Villebois SAP | <input checked="" type="checkbox"/> Villebois PDP | <input checked="" type="checkbox"/> Villebois FDP | <input type="checkbox"/> SAP Refinements |
| <input checked="" type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> Waiver(s) | <input type="checkbox"/> Conditional Use | |

These sections omitted for security purposes

IC) Fee Calculation/Copy of Check
ID) Mailing List

IE) SAP Central Unit Counts

SAP Central (updated 04/27/16)

LAND USE	Existing Count		Proposed***									Total
	SAP CENTRAL	PDP 1C*	PDP 2C**	PDP 4C	PDP 6C	7C	8C	9C	10C	11C	12C	
Estate	0	0	0	0	0	0	0	0	0	0	0	0
Large	0	0	0	0	0	0	0	0	0	0	0	0
Standard	0	0	0	0	0	0	0	0	0	0	0	0
Medium	0	0	0	0	0	0	0	0	0	0	0	0
subtotal	0	0	0	0	0	0	0	0	0	0	0	0
Small Detached	8	0	0	8	0	0	0	0	0	0	0	8
Small Attached/Cottage	9	0	0	9	0	0	0	0	0	0	0	9
Rowhouse	340	56	13	40	31	68	50	82	10	0	0	350
Village Apartments	366	304	52	0	0	0	0	0	0	0	0	356
Condos	33	3	0	0	0	0	0	0	82	(5-10)	0	85 + (5-10)
Urban Apartments	83	0	58	0	0	0	0	0	0	(18-32)	0	58 + (18-32)
Mixed Use Condos	97	(8-12)	(24-30)	0	0	0	0	0	0	0	(24-96)	(56-138)
Specialty Condos	47	0	0	0	0	0	0	0	0	0	0	0
subtotal	983	363+(8-12)	123 + (24-30)	57	31	68	50	82	92	(23-42)	(24-96)	866+ (79-180)
TOTAL UNITS	983	945 - 1046										

(#-#) indicates range approved with either PDP or SAP, but no building or refined unit count yet defined

* PDP 1C Approved & Built; FDP's Approved for The Alexan - 274 Apts (built), 39 RH w/ Polygon 2013 MOD (31 built), 3 Carvalho Condos (built), and 30 Rainwater Garden Apts (built) + 2014 PDP Mod to change 30 condos to 18 RH & 8 RH to 7 RH

**PDP 2C Approved & Built; FDP's Approved for The Charleston - 52 Apts (built), 13 RH w/ Polygon MOD (built), Carvalho Carriage Homes - 6 Apts approved 2014 (0 built) + 2014 PDP Mod to change 39 Condo's (Trafalgar Flats) to 49 Urban Apts + 3 Condo's (Carriage Homes) to 3 Urban Apts

***PDP 3C = Piazza & PDP 5C = Montague Park; no residential density (not included in table); PDP 6C & PDP 7C received planning approval in July 2015; PDP 8C & PDP 9C are pending planning approval (each PDP submitted separately)

Proposed Count

LAND USE	SAP CENTRAL
Estate	0
Large	0
Standard	0
Medium	0
subtotal	0
Small Detached	8
Small Attached/Cottage	9
Rowhouse	350
Nbhd Apartments	0
Village Apartments	356
Condos	90
Urban Apartments	83
Mixed Use Condos	97
Specialty Condos	0
subtotal	993
TOTAL UNITS	993

Villebois (updated 4/27/16)

Land Use Table

LAND USE	SAP NORTH	SAP SOUTH	SAP EAST	SAP CENTRAL	TOTAL
Estate	17	0	0	0	17
Large	47	104	0	0	151
Standard	26	68	49	0	143
Medium	89	127	112	0	328
subtotal	179	299	161	0	639
Small Detached	197	158	226	8	589
Small Attached / Cottage	49	0	147	9	205
Rowhouse	0	103	42	350	495
Nbhd Apartments	0	21	0	0	21
Village Apartments	0	0	0	356	356
Condos	0	0	0	90	90
Urban Apartments	0	0	0	83	83
Mixed Use Condos	0	0	0	97	97
Specialty Condos	0	0	0	0	0
subtotal	246	282	415	993	1,936
TOTAL UNITS	425	581	576	993	2,575

Section II) Preliminary Development Plan

IIA) Supporting Compliance Report

**SUPPORTING COMPLIANCE REPORT
PRELIMINARY DEVELOPMENT PLAN 10 - CENTRAL**

SECTION IIA

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I. WILSONVILLE PLANNING & LAND DEVELOPMENT ORDINANCE

SECTION 4.125 VILLAGE (V) ZONE

(.02) PERMITTED USES

Examples of principle uses that are typically permitted:

- D. Row Houses
- E. Multi-Family Dwellings
- H. Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.

Response: This Preliminary Development Plan (PDP) application proposes to create 10 lots for development of row houses and 2 lots for 3 multi-family buildings of 82 condominiums. All proposed uses within the subject PDP are permitted pursuant to this section.

(.05) DEVELOPMENT STANDARDS APPLYING TO ALL DEVELOPMENTS IN THE VILLAGE ZONE

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

A. Block, Alley, Pedestrian and Bicycle Standards:

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

Response: Blocks within the proposed PDP plan meet the maximum 1,800-foot block perimeter.

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

Response: Blocks within the proposed PDP plan meet the maximum 530-foot spacing for local street access.

- #### B. Access: All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer.

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

- C. Trailers, travel trailers, mobile coaches, or any altered variation thereof shall not be used for the purpose of conducting a trade or calling, or for storage of material, unless approved for such purpose as a temporary use.

Response: No trailers, travel trailers, mobile coaches, or such vehicles will be used for the purpose of conducting a trade or calling or for the storage of material unless approved as a temporary use.

D. Fences:

1. General Provisions:

- a. Fencing within the Village Zone shall be in compliance with the Master Fencing Program in the adopted Architectural Pattern Book for the appropriate SAP.
- b. When two or more properties with different setbacks abut, the property with the largest front yard setback requirement shall be used to determine the length and height of the shared side yard fence, as required by section 4.125 above.
- c. The development Review Board may, in their discretion, require such fencing as deemed necessary to promote and provide traffic safety, noise mitigation, and nuisance abatement, and the compatibility of different uses permitted on adjacent lots of the same zone and on adjacent lots of different zones.

2. Residential:

- a. The maximum height of any fence located in the required front yard of a residential development shall not exceed three (3) feet.
- b. Fences on residential lots shall not include chain link, barbed wire, razor wire, electrically charged wire, or be constructed of sheathing material such as plywood or flake board. Fences in residential areas that protect wetlands, or other sensitive areas, may be chain link.

Response: The SAP Central Master Fencing Plan does not indicate any required community fencing within the subject PDP. The Village Center Architectural Standards (VCAS) indicate that fencing is optional and when provided should be consistent with the architecture. The architectural style of the proposed row homes is London Row Homes. The London Row Homes include a fenced courtyard and covered entry at the front elevation of each Row Home. The architectural style of the proposed condominium buildings complements the adjacent rowhomes. Condominiums include courtyards and balconies with fencing that meet the requirements of this section.

- E. Recreational Area in Multi-Family Residential and Mixed Use Developments.**
1. The Recreational Area Requirement is intended to provide adequate recreational amenities for occupants of multiple family developments and mixed use developments where the majority of the developed square footage is to be in residential use.
 2. Recreational Area is defined as the common area of all lawns, community gardens, play lots, plazas, court yard, interior and exterior swimming pools, ball courts, tennis courts, exercise rooms, health and exercise facilities, libraries, internet/electronic media rooms, decks and other similar areas for common recreational uses. Recreational Area may include Parks required under the Villebois Village Master Plan, and any usable park areas not shown in such plan. Private areas under this definition, defined as those areas that are accessible only by a single owner or tenant, or commercial or retail recreation facilities serving the general public, shall not constitute or contribute to the measurement of Recreational Area.
 3. A variety of age appropriate facilities shall be included in the mix of Recreational Area facilities.
 4. Recreational Area shall be calculated at the following ratios:
 - a. At the SAP Level - 195 square feet per residential unit.
 - b. At the PDP level - an additional 30 square feet per residential unit.
 5. Outdoor Living Area shall be considered to be part of the Open Space requirement in Section 4.125(.08). [Section 4.125(.05)(E.) amended by Ord. 606, 4/3/06.]

Response: The proposed PDP includes 2 lots for the development of 3 multi-family units with 82 condominiums and 10 single family residential rowhomes. The required recreational area per residential unit at the PDP level is 30 square feet. Of the 82 multi-family residential units, 2,460 square feet are required for Recreational Area as defined in Section 4.125.E. The tree-lined pedestrian corridor along Campanile Lane is approximately 2,300 square feet. An additional, linear green pathway connects Villebois Drive and Campanile Lane. This tract is approximately 778 square feet. The linear green tract located north of the rowhomes along Villebois Drive is 734 square feet. The proposed PDP includes a total of 3,812 square feet of Recreational Area, thus exceeding the required 2,460 square feet of recreational area required for Multi-family units as defined in Section 4.125.E.

F. Fire Protection:

1. All structures shall include a rated fire suppression system (i.e., sprinklers), as approved by the Fire Marshal

Response: All of the homes within the proposed PDP area will include appropriate fire suppression systems. This will be verified with review of future building permit applications.

Table V-1 Development Standards

Table V-1: Development Standards												
Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width ^{10,12} (%age)	Max. Bldg. Height (ft.)	Front Min. (ft.)	Setbacks ^{10,13,20}			Alley-Loaded Garage (note)	Street-Loaded Garage (note)
								Front Max. (ft.)	Rear Min. (ft.)	Side Min. (ft.)		
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	1	80	60	NR ³	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	1	60	45	8 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	1	80	45	8 ⁵	15	NR	NR	NR	NA
Duplexes	4,000	45	70	2	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17,18
Single-Family Dwellings	2,250	35	50	2	60 ¹⁰	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17

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

Response: The *Tentative Plat* (see Section IIIB in this Notebook) depicts proposed lot sizes and dimensions. All of the lots meet applicable requirements, as addressed below. The lots along Villebois Drive will be developed with single family attached row houses, with no more than ten contiguous units along a street edge, and the lots along Campanile Lane will be developed with multi-family condominiums. Table V-1 does not indicate a minimum lot size, width or depth for Row Houses or Multi-Family Dwellings in the Village Center. The proposed PDP 10C has lots >8,000 sf, and will meet the 80% maximum lot coverage (See Section IIB for building coverage areas and the Tentative Plat, Section IIIB, for lot area). Row Houses comply with the minimum frontage width standard. The condominiums on Lot 1 have four street frontages. Pursuant to Footnote 10, “For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.” The condominiums on Lot 1 comply with the minimum frontage width on their SW Paris Avenue façade and their SW Valencia Lane façade. The condominiums on Lot 2 have two street frontages. The frontage on SW Campanile Lane meets the minimum frontage width standard. The SW Paris Avenue frontage does not meet the standard of 80% minimum frontage width, but is able to achieve 67%. The 80% standard cannot be met on this frontage due to alignment of Paris Avenue, the street side frontage, the alley access, and parking to be provided. However, the screening that will be provided for the parking will help to achieve the street frontage feel that is intended with this standard. Both building types, Rowhomes and Condominiums, comply with the applicable setback and height

requirements. Garages associated with the condominiums also comply with the applicable setback requirements.

(.07) GENERAL REGULATIONS - OFF-STREET PARKING, LOADING & BICYCLE PARKING

Except as required by Subsections (A) through (D), below, the requirements of Section 4.155 shall apply within the village zone.

A. General Provisions:

1. The provision and maintenance of off-street parking spaces is a continuing obligation of the property owner. The standards set forth herein shall be considered by the Development Review Board as minimum criteria.
2. The Board shall have the authority to grant variances or refinements to these standards in keeping with the purposes and objectives set forth in this zone.

Response: The applicant acknowledges that the provision and maintenance of off-street parking is the continuing obligation of the property owner. There are no variances or refinements to the standards of this section proposed with this application.

B. Minimum and Maximum Off-Street Parking Requirements:

1. Table V-2, Off-Street Parking Requirements, below, shall be used to determine the minimum and maximum parking standards for noted land uses. The number of required parking spaces shown in Table V-2 shall be determined by rounding to the nearest whole parking space...

Table V-2: Off-Street Parking Requirements

Category	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short Term	Bicycle Long Term
Single Family Detached Dwelling Units	1.0 / DU	NR	NR	NR
Row Houses	1.0 / DU	NR	NR	NR
Multi-Family Dwellings	1.0/1 Bdr 1.5/2 Bdr 1.75/3 Bdr	NR	1 per 20 units Min. of 2	1 per 4 units Min. of 2

Response: Ten (10) spaces for off-street parking are required for the ten rowhomes. Twenty (20) spaces are provided in attached one-car garages and associated driveways of rowhomes. Fourteen (14) spaces are required for the fourteen 1-bedroom condominiums. Ninety-three (93) spaces are required for the sixty-two 2-bedroom condominiums. Eleven (11) spaces are required for the six 3-bedroom

condominiums. Eighty-four (84) garages are proposed for condominium parking. Forty-eight (48) of these will provide an additional driveway space, totaling 132 spaces provided. This exceeds the required 118 spaces for condominiums. A total of 152 off-street parking spaces are provided, which exceeds the required 128 spaces.

Eight (8) of the units within the 24 unit Condominium located to the east of SW Campanile Lane are proposed to have garage parking in the lot across SW Campanile Lane. A crosswalk is proposed from the entrance of the 24 unit Condo across SW Campanile Lane to the parking lot in order to facilitate safe pedestrian access to parking. The parking lot is within 500 feet of the use it serves.

C. Minimum Off-Street Loading Requirements:

Response: The proposed PDP includes lots for development of single family row homes and multi-family condominiums; therefore no loading areas are required.

D. Bicycle Parking Requirements:

Response: The proposed PDP includes single family row house units and multi-family condominiums. Bicycle parking requirements do not apply to the row houses. The multi-family dwellings are required to provide 4 short-term and 21 long-term bicycle parking spaces. Long-term bicycle spaces will be provided within each unit's garage space. Short-term bicycle spaces are provided near the main entrance to each of the three multi-family buildings.

(.08) OPEN SPACE

Open space shall be provided as follows:

- A. In all residential developments and in mixed-use developments where the majority of the developed square footage is to be in residential use, at least twenty-five percent (25%) of the area shall be open space, excluding street pavement and surface parking. In multi-phased developments, individual phases are not required to meet the 25% standard as long as an approved Specific Area Plan demonstrates that the overall development shall provide a minimum of 25% open space. Required front yard areas shall not be counted towards the required open space area. Required rear yard areas and other landscaped areas that are not within required front or side yards may be counted as part of the required open space.
- B. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City of Wilsonville standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage. See SROZ provisions, Section 4.139.10.

- C. The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review and approve any pertinent bylaws, covenants, or agreements prior to recordation.

Response: The Parks *Master Plan* for Villebois states that there are 57.87 acres of parks and 101.46 acres of open space for a total of 159.33 acres within Villebois, approximately 33%. SAP Central includes parks and open space areas consistent with the *Master Plan*. Linear green spaces are added with PDP 10C.

(.09) STREET & ACCESS IMPROVEMENT STANDARDS

- A. Except as noted below, the provisions of Section 4.177 apply within the Village zone:

- 1. General Provisions:

- a) All street alignment and access improvements shall conform to the Villebois Village Master Plan, or as refined in the Specific Area Plan, Preliminary Development Plan, or Final Development Plan and the following standards:

Response: The street alignments and access improvements within this PDP are consistent with those approved in the *Villebois Village Master Plan* and SAP Central.

- i. All street improvements shall conform to the Public Works Standards and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.

Response: All street improvements within this PDP will comply with the applicable Public Works Standards. The street system within this PDP is designed to provide for the continuation of streets within Villebois and to adjoining properties or subdivisions according to the *Master Plan*. The street system is illustrated on the *Circulation Plan* (see Section IIB of this Notebook).

- ii. All streets shall be developed with curbs, landscape strips, bikeways or pedestrian pathways, according to the Master Plan.

Response: All streets within this PDP will be developed with curbs, landscape strips, sidewalks, and bikeways or pedestrian pathways as depicted on the *Circulation Plan* (Section IIB of this Notebook) and in accordance with the *Master Plan*.

- 2. Intersections of streets

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

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

Response: The plan sheets located in Section IIB of this Notebook demonstrate that all proposed streets will intersect at angles consistent with the above standards (see the *Tentative Plat - Subdivision* in Section IIIB).

- c) **Offsets:** Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:
- i. 1000 ft. for major arterials
 - ii. 600 ft. for minor arterials
 - iii. 100 ft. for major collector
 - iv. 50 ft. for minor collector

Response: The plan sheets located in Section IIIB of this Notebook demonstrate that opposing intersections on public streets are offset, as appropriate, so that no danger to the traveling public is created (see the *Tentative Plat - Subdivision* in Section IIIB).

- d) **Curb Extensions:**
- i. **Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F) below, and shall:**
 - Not obstruct bicycle lanes on collector streets.
 - Provide a minimum 20 foot wide clear distance between curb extensions all local residential street intersections shall have, shall meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.

Response: Curb extensions are shown on the *Circulation Plan* (see Section IIB). Curb extensions will not obstruct bicycle lanes on collector streets, as the subject property is not adjacent to collector streets. The attached drawings illustrate that all street intersections will have a minimum 20 foot wide clear distance between curb extensions on all local residential street intersections.

3. **Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may**

be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.

Response: The *Grading & Erosion Control Plan* located in Section IIB, demonstrates that proposed streets can comply with this standard.

4. Centerline Radius Street Curves:

The minimum centerline radius street curves shall be as follows:

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

Response: The *Tentative Plat* (see Section IIIB) demonstrates that all streets will comply with the above standards.

5. Rights-of-way:

- a) See (.09) (A), above.

Response: Rights-of-way for adjacent streets have already been dedicated as shown on the plan sheets located in Section IIB of this Notebook.

6. Access drives.

- a) See (.09) (A), above.
- b) 16 feet for two-way traffic.

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

7. Clear Vision Areas

- a) See (.09) (A), above.

Response: Clear vision areas will be provided and maintained in compliance with the Section 4.177.

8. Vertical clearance:

- a) See (.09) (A), above.

Response: Vertical clearance will be provided and maintained in compliance with the Section 4.177.

9. Interim Improvement Standard:

- a) See (.09) (A), above.

Response: Interim improvements along SW Valencia Lane and SW Campanile Lane will provide for adequate street access until the adjacent properties are developed, as shown on the attached Circulation Plan (see Section IIB).

(.10) SIDEWALK AND PATHWAY IMPROVEMENT STANDARDS

- A. The provisions of Section 4.178 shall apply within the Village zone.

Response: All sidewalks and pathways within SAP Central will be constructed in accordance with the standards of Section 4.154 (updated replacement of Section 4.178) and the *Villebois Village Master Plan*. Sidewalks and pathways are shown in the street cross-sections on the *Circulation Plan* (see Section IIB of this notebook).

(.11) LANDSCAPING, SCREENING AND BUFFERING

- A. Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:

1. Streets in the Village zone shall be developed with street trees as described in the Community Elements Book.

Response: The *Street Tree/Lighting Plan* shows the street trees proposed within this PDP. The trees are in conformance with the Community Elements Book, except for the trees along the pedestrian corridor on Campanile Lane. “Armstrong” Maples, selected from the Private Woonerf tree list of the Community Elements Book, were chosen because they seemed more appropriate for the allee nature of the corridor (see Section IIB).

(.12) MASTER SIGNAGE AND WAYFINDING

Response: The SAP Central *Signage & Wayfinding Plan* does not indicate an identifier within the subject property.

(.14) DESIGN STANDARDS APPLYING TO THE VILLAGE ZONE

- A. The following design standards implement the Design Principles found in (.13), above, and enumerate the architectural details and design requirements applicable to buildings and other features within the Village (V) zone. The Design Standards are based primarily on the features, types, and details of the residential traditions in the Northwest, but are not intended to mandate a particular style or fashion. All development within the Village zone shall incorporate the following:

1. Generally:
a. Flag lots are not permitted.

Response: No flag lots are proposed (see the *Tentative Plat - Subdivision* in Section IIIB of this Notebook).

- b. Dwellings on lots without alley access shall be at least 36 feet wide.

Response: No lots without alley access are proposed in this PDP.

- c. The minimum lot depth for a single-family dwelling with an accessory dwelling unit shall be 70 feet.

Response: None of the lots include accessory dwellings; therefore this standard does not apply.

- d. For Village Center lots facing two or more streets, two of the facades shall be subject to the minimum frontage width requirement. Where multiple buildings are located on one lot, the facades of all buildings shall be used to calculate the Minimum Building Frontage Width.

Response: The condominiums on Lot 1 have four street frontages. Pursuant to Footnote 10 (Table V-1), “For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.” The condominiums on Lot 1 comply with the minimum frontage width on their SW Paris Avenue façade and their SW Valencia Lane façade. The condominiums on Lot 2 have two street frontages. The frontage on SW Campanile Lane meets the minimum frontage width standard. The SW Paris Avenue frontage does not meet the standard of 80% minimum frontage width, but is able to achieve 67%. The 80% standard cannot be met on this frontage due to alignment of Paris Avenue, the street side frontage, the alley access, and parking to be provided. However, the screening that will be provided for the parking will help to achieve the street frontage feel that is intended with this standard.

2. Building and site design shall include:

- a. Proportions and massing of architectural elements consistent with those established in an approved Pattern Book or Village Center Design.
- b. Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Pattern Book, Community Elements Book or approved Village Center Architectural Standards.

Response: Compliance with the *Village Center Architectural Standards* is demonstrated with the FDP in Section VI of this Notebook. Compliance with the Community Elements Book is demonstrated later in this report.

- c. Protective overhangs or recesses at windows and doors.
- d. Raised stoops, terraces or porches at single-family dwellings.

e. **Exposed gutters, scuppers, and downspouts.**

Response: As shown in the architectural drawings in the FDP (see Section VI of this Notebook), the buildings proposed in the FDP will include protective overhangs and recesses at windows and doors and exposed gutters and downspouts. The row homes each include a covered patio at the front entrance.

f. **The protection of existing significant trees as identified in an approved Community Elements Book.**

Response: The proposed development protects Important trees as shown on the attached Tree Preservation Plan (See Section VC).

g. **A landscape plan in compliance with Section (.11), above.**

Response: The FDP plans (see Section VIB) comply with the requirements of Sections 4.125(.07) and (.11).

h. **Building elevations of block complexes shall not repeat an elevation found on an adjacent block.**

i. **Building elevations of detached buildings shall not repeat an elevation found on buildings on adjacent lots.**

Response: A block complex is defined as “an assemblage of buildings bounded entirely by intersecting streets so as to form a single, comprehensive group.” However, the condominiums are subject to the Courtyard Address requirements and the Row Houses are subject to the Villebois Address requirements. Both of these addresses encourage consistency in Elevations within the Address. Both building types comply with Address requirements.

j. **A porch shall have no more than three walls.**

Response: As shown on the architectural drawings in Section VIC of this Notebook, the Row Houses will have covered patios.

k. **A garage shall provide enclosure for the storage of no more than three vehicles.**

Response: As shown on the architectural drawings in Section VIC & VID, each garage will provide storage of one vehicle.

3. **Lighting and site furnishings shall be in compliance with the approved Community Elements Book.**

Response: The FDP application in Section VI of the Notebook shows site furnishings along the pedestrian pathway along Campanile Lane. The *Street Tree/Lighting Plan* (see Section IIB) shows proposed street trees and lighting for this Preliminary Development Plan. These plans illustrate that lighting and site furnishings will be provided in compliance with the Community Elements Book.

4. **Building systems, as noted in Tables V-3 and V-4 (Permitted Materials and Configurations), below, shall comply with the materials, applications and configurations required therein.**

Response: The PDP does not propose any buildings. A concurrent FDP application for the proposed architecture is included in Section VI of this Notebook.

(.18) VILLAGE ZONE DEVELOPMENT PERMIT PROCESS

- B. **Unique Features and Processes of the Village (V) Zone.** To be developed, there are three (3) phases of project approval. Some of these phases may be combined, but generally the approvals move from the conceptual stage through to detailed architectural, landscape and site plan review in stages. All development within the Village zone shall be subject to the following processes:

2. **Preliminary Development Plan (PDP) approval by the Development Review Board, as set forth in Section 4.125(.18)(G) through (K) (Stage II equivalent), below.** Following SAP approval, an applicant may file applications for Preliminary Development Plan approval (Stage II equivalent) for an approved phase in accordance with the approved SAP, and any conditions attached thereto. Land divisions may also be preliminarily approved at this stage. Except for land within the Central SAP or multi-family dwellings outside the Central SAP, application for a zone change and Final Development Plan (FDP) shall be made concurrently with an application for PDP approval. The SAP and PDP/FDP may be reviewed simultaneously when a common ownership exists.

Final Development (FDP) approval by the Development Review Board or the Planning Director, as set forth in Sections 4.125(.18)(L) through (P) (Site Design Review equivalent), below, may occur as a separate phase for lands in the Central SAP or multi-family dwellings outside the Central SAP.

Response: The Applicant is requesting approval of a Preliminary Development Plan (PDP). Compliance with Sections 4.125(.18)(G) through (K) is demonstrated in the following sections of this report. This PDP addresses Phase 10 on the SAP Central Phasing Plan.

A request for preliminary approvals of a tentative subdivision plat and a tentative condo plat is submitted concurrent with this PDP application (see Section III and VII, respectively, of this Notebook). A request for a zone change to Village (V) zone is also submitted concurrent with this PDP application (see Section IV of this Notebook). A request for Type C Tree Removal is included (in Section V of this Notebook). A Final Development Plan is also submitted concurrent with this PDP (see Section VI of this Notebook).

- G. **Preliminary Development Plan Approval Process:**

1. **An application for approval of a Preliminary Development Plan for a development in an approved SAP shall:**

- a) **Be filed with the City Planning Division for the entire SAP, or when submission of the SAP in phases has been authorized by the Development Review Board, for a phase in the approved sequence.**

Response: This PDP addresses Phase 10 on the SAP Central Phasing Plan.

- b) **Be made by the owner of all affected property or the owner's authorized agent; and.**

Response: This application is made by Polygon WLH, LLC, who is authorized by the Property Owner to submit the application. The application form can be found in Exhibit IB along with a copy of the Title Report.

- c) **Be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution; and.**

Response: The appropriate application form and fee have been filed with this submittal. A copy of the form and fee are included in Sections IB and IC, respectively.

- d) **Set forth the professional coordinator and professional design team for the project; and.**

Response: The professional coordinator and professional design team are set forth in the Introductory Narrative, located in Section IA of this Notebook.

- e) **State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.**

Response: This PDP does not include mixed land uses. The proposed land uses are shown on the *Site/Land Use Plan*, in Section IIB of this Notebook.

- f) **Include a preliminary land division (concurrently) per Section 4.400, as applicable.**

Response: This application includes a request for preliminary land division approval for a subdivision final plat. This request for approval of Tentative Plat for the subdivision can be seen in Section III of this Notebook. This section includes a Supporting Compliance Report, the proposed Tentative Plat for subdivision, draft CC&R's, a copy of the certification of liens & assessments form, and the subdivision name approval from the County Surveyor's Office.

- g) **Include a concurrent application for a Zone Map Amendment (i.e., Zone Change) for the subject phase.**

Response: This application includes a request for a zone map amendment to zone the subject Preliminary Development Plan area Village (V). This zone change request can be seen in Section IV of this Notebook. This section includes a Supporting Compliance Report, a Zone Change Map, and a legal description & sketch of the proposed zone change area.

2. The application for Preliminary Development Plan approval shall include conceptual and quantitatively accurate representations of the entire development sufficient to demonstrate conformance with the approved SAP and to judge the scope, size and impact of the development on the community and shall be accompanied by the following information:
 - a) A boundary survey or a certified boundary description by a surveyor licensed in the State of Oregon.
 - b) Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, (e.g., flood plain, wetlands, forested areas, steep slopes or adjacent to stream banks). Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
 - i) One (1) foot contours for slopes of up to five percent (5%);
 - ii) Two (2) foot contours for slopes from six percent (6%) to twelve (12%);
 - iii) Five (5) foot contours for slopes from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
 - iv) Ten (10) foot contours for slopes exceeding twenty percent (20%).
 - c) The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the PDP and within 50 feet of the PDP boundary, as required by Section 4.139.

Response: A certified boundary description by a surveyor licensed in the State of Oregon is provided as the legal description and sketch for the zone map amendment (see Section IVC of this Notebook). Topographic information in accordance with Section 4.125(.18)G.2.b. is shown on the *Existing Conditions*, located in Section IIB of this Notebook. The site does not include any designated SROZ areas.

- d) A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.

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

Gross Acreage	3.20 Acres
Public ROW	1.00 Acres
Open Space Tracts & Pedestrian Connections	0.04 Acres
Lots and Alleys	2.16 Acres

Net Residential Density: 92 Lots / 2.16 Acres = 42.59 units per net acre

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

Response: The above information is shown on the *Existing Conditions*, the *Tentative Plat*, and the *Circulation Plan*. The *Tree Preservation Plan* identifies all trees 6 inches and greater diameter at breast height (d.b.h.) on the project site. Tree numbers are identified on the Tree Preservation Plan Sheets which correspond with the Tree Inventory in the Tree Report (see Section VB). The plan sheets mentioned above can be found in Section IIB of this Notebook.

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

Response: The proposed PDP includes 3 buildings of 82 multi-family residential Condominiums and 10 Row Houses, which are attached single-family rowhomes. A concurrent application for the FDP for architecture is included in Section VI. The proposed elevations can be found in Exhibits VIC & VID.

- g) A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.

Response: Proposed storm drainage facilities, and water and sanitary lines are shown on the *Composite Utility Plan* (see Section IIB in this Notebook).

- h) If it is proposed that the Preliminary Development Plan will be executed in Phases, the sequence thereof shall be provided.

Response: The PDP is proposed to be executed in one phase; however, the three condominium buildings will be built in three phases.

- i) A commitment by the applicant to provide a performance bond or other acceptable security for the capital improvements required by the project.

Response: The applicant will provide a performance bond or other acceptable security for the capital improvements required by the project.

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

Response: A copy of the Traffic Impact Analysis is provided in Section IID.

H. PDP Application Submittal Requirements:

1. The Preliminary Development Plan shall conform with the approved Specific Area Plan, and shall include all information required by (.18)(D)(1) and (2), plus the following:
 - a) The location of water, sewerage and drainage facilities;
 - b) Conceptual building and landscape plans and elevations, sufficient to indicate the general character of the development;
 - c) The general type and location of signs;
 - d) Topographic information as set forth in Section 4.035;
 - e) A map indicating the types and locations of all proposed uses; and

- f) **A grading and erosion control plan illustrating existing and proposed contours as prescribed previously in this section.**

Response: The proposed PDP generally conforms to the approved SAP Central, with the proposed refinements described in the following sections of this report. As demonstrated above, the PDP application includes all information required by 4.125(.18)(D)(1) and (2), as applicable to a PDP. The *Existing Conditions* shows the existing site features, including topographic features. Proposed lots to be created for development are shown on the *Tentative Plat*. The *Grading and Erosion Control Plan* shows the location of drainage facilities, topographic information, and grading and erosion control facilities. The *Composite Utility Plan* indicates the proposed location of water and sanitary sewer lines and drainage facilities. The *Site/Land Use Plan* indicates the types and locations of all proposed uses in the Preliminary Development Plan. The plan sheets mentioned above can be found in Section IIB of this Notebook.

No signs are proposed at this time, as the SAP Central *Signage & Wayfinding Plan* does not indicate an identifier within the subject property.

The proposed PDP includes 3 multi-family buildings of 82 Condominiums and 10 Row Houses. Elevations for the rowhomes and condominiums within the PDP are included in Exhibits VIC & VID, respectively, along with a concurrent request for FDP approval of the architecture.

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

Response: A copy of the Traffic Impact Analysis is provided in Section IID.

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

Response: The plan sheets for the proposed Preliminary Development Plan provide sufficient detail to show the ultimate operation and appearance of the subject phase of development. The FDP application is submitted concurrent with this PDP application (see Section VI of this Notebook).

4. Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.

Response: Copies of legal documents will be provided as appropriate and required by the Development Review Board.

I. PDP Approval Procedures

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

Response: In accordance with the procedures contained in Section 4.012, the City shall provide notice of a public hearing before the Development Review Board on the proposed Preliminary Development Plan. This report, in conjunction with all submitted information, demonstrates that the proposal conforms to the applicable permit criteria set forth in the City's Code.

J. PDP Refinements to Approved Specific Area Plan

1. In the process of reviewing a PDP for consistency with the approved Specific Area Plan, the Development Review Board may approve refinements, but not amendments, to the SAP. Refinements to the SAP may be approved by the Development Review Board as set forth in Section (.18)(J)(2), below.
 - a) Refinements to the SAP are defined as:
 - i. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.

Response: The PDP design does not propose any refinements to the street network or functional classification of streets.

- ii. Changes to the nature or location of parks types, trails or open space that to not significantly reduce function, usability, connectivity, or overall distribution or

availability of these uses in the Preliminary Development Plan.

Response: The *Villebois Village Master Plan* and SAP Central do not show any parks, linear greens, open space or pathways within the proposed PDP area. The PDP proposes the addition of 1,512 square feet of linear greens with Tracts B & C.

- iii. **Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.**

Response: The PDP design proposes refinements to the rainwater treatment facilities. The proposed development will contain bio-retention cells and planter boxes to treat street runoff and runoff from the Condominium buildings.

PDP 10C will treat 74% of the impervious area created on site. With the existing and future treatment facilities located on the remaining portion of SAP Central, SAP Central will treat 67% of the overall impervious area created. Based on this information, the proposed rainwater refinement does not significantly reduce the service or function of rainwater treatment within SAP Central.

- iv. **Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan. For the purposes of this subsection, “land uses” or “uses” are defined in the aggregate, with specialty condos, mixed use condos, urban apartments, condos, village apartments, neighborhood apartments, row houses and small detached uses comprising a land use group and medium detached, standard detached, large and estate uses comprising another.**
- v. **A change in density that does not exceed ten percent, provided such density change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village.**

Response: SAP Central was approved in 2006. Since the approval of SAP Central, nine (9) separate PDP’s have been approved or submitted for approval and some modifications of original approvals have also occurred. The following analysis reflects the final and current approved unit counts in PDP 1C, PDP 2C, PDP 3C, and PDP 4C, PDP 5C or Montague Park, PDP 6C, PDP 7C, PDP 8C, and PDP 9C.

For purposes of this analysis, it is important to keep in mind that changes to the mix/location of “land uses” are to be evaluated as described by the code - in the aggregate. The code defines one land use group as condos, apartments, row houses, and small detached uses - which will be referred to as the ‘smaller land use group’ in the following analysis. The recent Planning Director’s Interpretation approved under

Case File AR12-0021 found small attached uses to be included in this smaller land use group. The code defines the second land use group as mediums, standards, large and estate uses - which will be referred to as the 'larger land use group' in the following analysis.

PDP 10C refines the subject area beyond what was described in SAP Central. The total density shown for the subject area in SAP Central is 6-14 Village Apartments, 15-30 Condos, and 34-60 Specialty Condos. PDP 10C proposes 10 Row Houses and 3 buildings of 82 Condominiums.

Table A below shows the number of units in each land use category currently within SAP Central and the number of units in the SAP with the proposed refinement as well as the percent change in each aggregate land use category. Table B shows the number of units originally shown in SAP Central and the number of units with the proposed refinement, as well as the percent change in each aggregate land use category.

Table A. Comparison of Current and Proposed Unit Counts

	Current Unit Count in SAP C	Proposed Unit Count in SAP C	% Change
Medium/Standard/ Large/Estate	0	0	0%
Small Detached/ Small Cottage/ Row Homes/ Neighborhood Apt.	1,012	993	-1.88%
Total	1,012	993	-1.88%

Table B. Comparison of Original SAP Central and Proposed Unit Counts

	Original Unit Count in SAP C	Proposed Unit Count in SAP C	% Change
Medium/Standard/ Large/Estate	0	0	0%
Small Detached/ Small Cottage/ Row Homes/ Neighborhood Apt.	1,010	993	-1.68%
Total	1,010	993	-1.68%

NOTE: The Current Unit Count for SAP Central reflects the final approved unit counts for PDP 1C, PDP 2C, PDP 3C, PDP 4C, PDP 5C (Montague Park), PDP 6C, PDP 7C, PDP 8C, and PDP 9C. Figures also account for modifications to PDP 1C and PDP 2C. This number includes PDP 10C, which is being submitted.

Both tables show that the proposed refinements do not exceed the 10% standard. This proposal results in a total of 2,575 units within Villebois. This is above the density of 2,300 units required to be obtained across Villebois, meeting the refinement criteria.

- vi. **Changes that are significant under the above definitions, but necessary to protect an important community resource or improve the**

function of collector or minor arterial roadways.

a. As used herein, “significant” means:

- i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(J)(1)(a), above, or,
- ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(J)(1)(a), above.

Response: The PDP does not include changes that are significant under the above definitions. As the above findings demonstrate, the proposed refinements of providing row homes in place of apartments and a greater number of condos does not cause a quantifiable change greater than 10%. Additionally, the proposed refinements do not negatively affect an important, qualitative feature of Villebois as demonstrated in the following responses. The proposed refinements will provide a plan for the subject block that better addresses the transitional nature of its location near The Piazza in compliance with applicable Address standards. The proposed refinements contribute to the range of home ownership options within the Village Center and within Villebois.

2. Refinements meeting the above definition may be approved by the DRB upon the demonstration and finding that:

- a) The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.

Response: None of the conditions of approval for SAP Central are specific to the proposed refinements. As the proposed refinements will not compromise the project’s ability to comply with SAP conditions of approval, they will equally meet the conditions of approval of SAP Central.

The proposed refinements will equally or better meet the following Goals, Policies and Implementation Measures of the *Villebois Village Master Plan* than the SAP Central plan.

- **Land Use, General Land Use Plan Goal** - *Villebois Village shall be a complete community that integrates land use, transportation, and natural resource elements to foster a unique sense of place and cohesiveness.*

The proposed PDP 10C plan better integrates natural resource elements with land uses and transportation through a tree-lined pathway connecting residential, commercial, and open space uses along Campanile Lane. The plan also proposes retention of existing trees.

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

The proposed PDP 10C plan meets this Land Use Plan Policy by contributing to the range of living choices for attached single-family home ownership. The SAP showed 6-14 Village Apartments, 15-30 Condos, and 34-60 Specialty Condos. Now, 10 Row Houses and 82 Condominiums are proposed. The proposal of Condos and Row House units meets current market demand and city-wide goals of providing for a variety of home ownership options, while complying with the urban design goals and density targets in the Village Center. This project continues to comply with the minimum density of 2,300 units across Villebois.

- **Villebois Village Master Plan, Village Center Policy 1** - *The Village Center shall be a highly pedestrian-oriented place that is the focus of a mix of residential, shopping, service, and civic and mixed-use buildings.*

The proposed PDP 10C plan meets this Land Use Plan Policy with the addition of tree-lined corridor along Campanile Lane connecting The Piazza and Montague Park, as well as a pedestrian connection between Campanile Lane and Villebois Drive. Proposed buildings are oriented toward street frontages and include semi private outdoor spaces in the form of covered patios and balconies. As described above, PDP 10C contributes to the mix of residential options in the Village Center by providing additional ownership options for single and multi-family homes.

- **Villebois Village Master Plan, Village Center Policy 2** - *The Village Center shall encourage multi-modal transportation system opportunities with good access by vehicular, pedestrian, bicycle and transit traffic.*

The proposed PDP 10C plan encourages multi-modal transportation system opportunities by providing convenient vehicular access through alleys, encouraging pedestrian oriented street frontages by providing for garage access from alleys. Short and long-term bike parking is proposed along with the addition of a tree-lined pedestrian corridor that connects residential, commercial, and park uses between The Piazza and Montague Park.

- **Villebois Village Master Plan, Village Center Implementation Measure 2** - *Specify a mixture of uses (residential, commercial, retail, civic, and office development) with the implementing Village zone that will support the long-term vitality of the Village Center and enhance the creation of a true urban village at its core. Employment may include uses related to high-tech businesses. The Village Center is intended to provide locations for uses consistent with, but not limited to, the following examples.*
 - *Consumer Goods: bookstore, clothing, florist, jeweler, pet shop, bicycle shop.*
 - *Food & Sundries: bakery, specialty grocery, hardware, laundromat, dry cleaner, gifts.*
 - *General Office: professional offices, non-profit, health services, governmental services, real estate, insurance, travel.*
 - *Service Commercial: bank, day care center, photo processing, telecommunications, upholstery shop.*

- *Lifestyle & Recreation: hair salon, specialty retail, theater, video/DVD store, art gallery, health club, restaurants, dance studio.*
- *Hospitality: hotel, bed and breakfast, conference center.*
- *Light Manufacturing/Research and Development.*
- *Civic/Institutional: meeting hall, library, museum, churches, farmer’s market, community center.*
- *Residential: condominiums, apartments, and townhouses*

The proposed PDP 10C plan is consistent with the Village Center Implementation Measure 2 by providing single family residential attached row houses and multi-family condominiums. This use is included in the above list of intended Village Center uses. As described above, PDP 10C contributes to the mix of residential options in the Village Center by providing additional ownership options. Additionally, the proposed PDP 10C provides convenient vehicular access through alleys and provides street frontages that are highly pedestrian oriented with covered front patios on all Row Homes and covered balconies with the condominiums.

- ***Parks and Open Space/Off-Street Trails and Pathways Goal*** - *The Parks system within Villebois Village shall create a range of experiences for its residents and visitors through an interconnected network of pathways, parks, trails, open space and other public spaces that protect and enhance the site’s natural resources and connect Villebois to the larger regional park/open space system.*

The Villebois Village Master Plan and SAP Central do not show any parks, linear greens, open space or pathways within the proposed PDP area. A tree-lined pedestrian corridor along Campanile Lane connects residential, commercial, and park uses between The Piazza and Montague Park, and helps connect the Village Center to the larger regional park/open space system.

- ***Parks and Open Space/Off-Street Trails and Pathways Implementation Measure 3***- *Parks and open spaces shall be designed to incorporate native vegetation, landforms and hydrology to the fullest extent possible.*

The proposed PDP 10C plan incorporates native vegetation, landforms and hydrology to the fullest extent possible, given the planned level of urban uses on this site.

- ***Parks and Open Space/Off-Street Trails and Pathways Implementation Measure 9***- *The design of Villebois shall retain the maximum number of existing trees practicable that are six inches or more DBH in the “Important” and “Good” tree rating categories, which are defined in the Community Elements Books. Trees rated “Moderate” shall be evaluated on an individual basis as regards retention. Native species of trees and trees with historical importance shall be given special consideration for retention.*

The proposed PDP 10C plan integrates a tree-lined walkway that connects residential, commercial, and park uses between The Piazza and Montague Park. As described in the Tree Report attached in Section VB of the Notebook, trees rated as “Important” or “Good” have been retained to the extent feasible.

- b) The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area, and

Response: As described above, the proposed refinements will better meet the goals, policies, and implementation measures of the VVMP and the framework of SAP Central and do not impact environmental or natural or scenic resources within the PDP or the Village area.

- c) The refinement will not preclude an adjoining or subsequent PDP or SAP from development consistent with the approved SAP or Master Plan.

Response: These refinements in and of themselves have no effect on the development potential of an adjoining or subsequent PDP. Therefore, these refinements will not preclude an adjoining or subsequent PDP or SAP from developing consistent with the approved SAP or *Master Plan*.

3. Amendments to the SAP, not including SAP amendments for phasing, must follow the same procedures applicable to adoption of the SAP itself. Amendments are defined as changes to elements of the SAP not constituting a refinement.
4. Amendments to the SAP for phasing will be processed as a Class II administrative review proposal.

Response: This application does not include an amendment of SAP Central to modify the SAP phasing plan.

K. PDP Approval Criteria

The Development Review Board may approve an application for a PDP only upon finding that the following approval criteria are met:

1. That the proposed PDP:
 - a. Is consistent with the standards identified in this section.

Response: This Supporting Compliance Report provides an explanation of how the proposed development is consistent with the standards of the Village zone.

- b. Complies with the applicable standards of the Planning and Land Development Ordinance, including Section 4.140(.09)(J)(1)-(3).

Response: This Supporting Compliance Report provides an explanation of how the proposed development is consistent with the applicable standards of the Planning and Land Development Ordinance. A description of how the proposed development complies with Section 4.140(.09)J.1-3 is included in the subsequent pages of this report.

- c. **Is consistent with the approved Specific Area Plan in which it is located.**

Response: The proposed Preliminary Development Plan is consistent with Specific Area Plan - Central, as demonstrated by the plan sheets located in Section IIB and this report, and as refined and described earlier in this report.

- d. **Is consistent with the approved Pattern Book and, where required, the approved Village Center Architectural Standards**

Response: The proposed Condominiums and Row Homes are consistent with the Village Center Architectural Standards (VCAS), as demonstrated with the concurrent FDP application in Section VI. Proposed lots are sized to accommodate the proposed Condominiums and Row Homes consistent with *Table V-1*.

COMMUNITY ELEMENTS BOOK

Lighting Master Plan

Response: This PDP application includes plans for street lighting within PDP 10C as illustrated on the *Street Tree/Lighting Plan*. The proposed lighting is consistent with the Community Elements Book.

Curb Extensions

Response: As shown on the *Circulation Plan*, a pedestrian calming curb extensions exist along Valencia Lane and Campanile Lane to facilitate crossing of those streets. The location of these curb extensions is consistent with the Curb Extension Concept Plan Diagram in the Community Elements Book.

Street Tree Master Plan

Response: As shown on the *Street Tree/Lighting Plan*, street trees proposed along the streets in the PDP area are consistent with the respective designated street tree lists. The only exception is the use of “Armstrong” Maples, selected from the Private Woonerf Street Tree list instead of the Primary Residential Village Center Street Tree list of the Community Elements Book, which was chosen because “Armstrong” Maples seemed more appropriate for the allee nature of the pedestrian corridor along Campanile Lane.

Site Furnishings

Response: Site furnishings are proposed along the pedestrian pathway along Campanile Lane. The furnishings will help slow traffic and create “social activities” as described in the SAP - Central Community Elements Book (page 34).

Play Structures

Response: No play structures are proposed with this PDP/FDP application.

Tree Protection

Response: The Tree Protection component of the Community Elements Book for SAP - Central (page 15) describes the goal, policies, and implementation measures

that were used to promote the protection of existing trees in the design of the PDP area. The *Tree Preservation Plan* shows the trees that are proposed for preservation. A *Tree Protection Plan* has been prepared for this PDP, consistent with Implementation Measures 1 and 2 of the Tree Protection component of the *Community Elements Book*. The *Tree Protection Plans* were based on a Tree Report prepared by Morgan E. Holen, a certified arborist (see Section V of this notebook).

Plant List

Response: The *Community Elements Book* approved with SAP - Central contains a Plant List (pages 16-18) of non-native and native trees, shrubs, and groundcovers, ferns, herbs, vines, perennials, grasses, and bulbs for species to plant throughout Villebois. Within the rights-of-way in this PDP, only street trees and rainwater components are proposed. Additional landscaping details are provided with the FDP application which is submitted concurrent with this PDP (see Section VI of this Notebook).

COURTYARD ADDRESS OVERLAY

PDP 10C also includes the Courtyard Address Overlay on SW Campanile Lane. The Courtyard Address was associated with the former Dammasch Hospital buildings and was intended to provide for a connection between the historic buildings and The Piazza, and a pedestrian linkage between The Piazza and Montague Park. The buildings were demolished several years ago. While the former hospital building is no longer present along the Courtyard Address, the proposed condominiums will maintain an urban feel similar to the formerly specialty condos and will serve as a transition in density and building massing moving towards The Piazza. The site will also provide a segment of the pedestrian connection between The Piazza to the south and Montague Park to the north. Below are the descriptions provided in the Community Elements Book and the Villebois Community Architecture Standards for the Courtyard Address Overlay:

Villebois Community Elements Book

“The Courtyard Street is an extension of the Plaza and connects the site’s historical buildings to the Village Center. This curbless “room” is similar to the Woonerf in that it has many of the aesthetic and functional characteristics. The courtyard is curbless within the right-of-way and has dedicated walking allee on the west side of the street. It is intended that this dedicated pedestrian allee will strengthen the Village Center connection to Hilltop Park. Surfaces will delineate hierarchy of space and should be designed to fit seamlessly with the Plaza surface and furnishings.”

Village Center Architectural Standards

“The Courtyard is aligned with the Plaza, connecting the site’s historic buildings to their new village context. The space is conceived as a shared-use courtyard between buildings C, D, and the new condos to the southeast. The courtyard contains designated areas for private yards, walkways, and vehicular lanes. Trees in the parking lane will define spaces, and an allee of trees will connect the Plaza and Building D with a shaded pathway.”

VILLEBOIS DRIVE ADDRESS OVERLAY

PDP 10C includes the southern portion of the Villebois Drive Address Overlay, which serves as a transition from residential to commercial space. The Villebois Drive Address introduces people coming from residential areas to the community atmosphere of the Central Villebois Piazza.

Villebois Community Elements Book

“This section of Villebois Drive, is one of the main street entries to the Village Center. The street is mainly bordered by residential uses and shall transition from residential to urban/commercial as it meets the Plaza address. Villebois Drive is designed to accommodate future commercial uses. Therefore the sidewalk and planter areas shall be designed as “flex” space; when the building use changes so may the sidewalk/planter use.

Village Center Architectural Standards

“Villebois Drive is a front door to the Village Center. Though predominantly residential, it sets the tone for a more urban experience. The architectural components of this address, therefore, are similar to that of the Plaza.

Villebois Drive is envisioned as a potential growth corridor for future commercial uses. Accordingly, this Address has specific requirements to accommodate and encourage these possible transitions. Most of these Standards apply to the ground level buffer between the public way and private zones. The intent is for ground level units not to prohibit future conversion to small commercial spaces.”

MASTER SIGNAGE AND WAYFINDING PLAN

Response: No signs are proposed, as the SAP Central *Signage & Wayfinding Plan* does not indicate any identifiers within the subject property.

RAINWATER PROGRAM

Response: A rainwater management plan is included with the supporting utility reports located in Section IIC of this Notebook. Rainwater management within PDP 10C will be provided through street trees and bio-retention cells located in landscape tracts and planter strips in rights-of-way, as shown within the attached plans (Section IIB of this Notebook). The rainwater management plan included in this application includes refinements to the rainwater program for SAP Central.

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

Response: The PDP is proposed to be executed in one phase; however, the condominium buildings will be built in three phases.

4. Parks within each PDP or PDP phase shall be constructed prior to occupancy of 50% of the dwelling units in the PDP or PDP phase,

unless weather or special circumstances prohibit completion, in which case bonding for the improvements shall be permitted.

Response: No parks are proposed within PDP 10C. Therefore, this section does not apply.

5. In the Central SAP, parks shall be constructed within each PDP as provided above, and that pro-rata portion of the estimated cost of Central SAP parks not within the PDP, calculated on a dwelling unit basis, shall be bonded or otherwise secured to the satisfaction of the city.

Response: No parks are proposed within PDP 10C. Therefore, this section does not apply.

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

Response: This report demonstrates that the proposed Preliminary Development Plan is in conformance with Specific Area Plan - Central, and thus, the *Villebois Village Master Plan* as well as the applicable requirements and standards of the Planning and Land Development Ordinance.

SECTION 4.139 SIGNIFICANT RESOURCE OVERLAY ZONE (SROZ) ORDINANCE

Response: The PDP 10C application does not include any areas within the SROZ. Therefore, Section 4.139 does not apply.

SECTION 4.140 PLANNED DEVELOPMENT REGULATIONS

(.09) FINAL APPROVAL (STAGE TWO)

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

1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.

Response: This Supporting Compliance Report demonstrates that the location, design, size, and uses proposed with the PDP are both separately and as a whole consistent with SAP Central, and thus the *Villebois Village Master Plan*, the City's Comprehensive Plan designation of Residential - Village for the area, and the City's Planning and Land Development Ordinance.

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

Response: The location, design, size and uses are such that traffic generated within the PDP at the most heavily used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D. The proposed uses and the circulation system are consistent with the SAP - Central application, which included an Internal Circulation Evaluation including an assessment of intersection performance by DKS Associates. A copy of the Traffic Impact Analysis is attached in Section IID of this Notebook.

- a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel; (Amended by Ord 561, adopted 12/15/03.)
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection

operations. (Amended by Ord 561, adopted 12/15/03.).

Response: The traffic generated by the PDP and its impact on the existing LOS will be consistent with the SAP - Central application. A copy of the Traffic Impact Analysis is attached in Section IID of this Notebook.

- b. The following are exempt from meeting the Level of Service D criteria standard:
 - i. A planned development or expansion thereof which generates three (3) new p.m. peak hour traffic trips or less;
 - ii. A planned development or expansion thereof which provides an essential governmental service.

Response: This PDP does not request an exemption from meeting the Level of Service D; therefore this criterion does not apply to this project.

- c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant. (Added by Ord 561, adopted 12/15/03.)

Response: The traffic generated by the PDP will be consistent with the SAP - Central application. A copy of the Traffic Impact Analysis is attached in Section IID of this Notebook.

- d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations. (Added by Ord 561, adopted 12/15/03.)

Response: The subject PDP is not exempt from subsection 'b' and the system development charges will be provided as required.

- e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F". (Added by Ord 561, adopted 12/15/03.)

Response: The traffic generated by the PDP will be consistent with the SAP - Central application. The DKS evaluation for SAP Central showed that the development will not create an aggregate level of traffic at LOS "F". A copy of the Traffic Impact Analysis is attached in Section IID of this Notebook.

- 3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.

Response: This Supporting Compliance Report, the Utility and Drainage Reports (see Section IIC of this notebook) and the plan sheets (see *Composite Utility Plan* in

Section IIB) show that the future residents of PDP-10 Central will be adequately served by the planned facilities and services.

SECTION 4.154. ON-SITE PEDESTRIAN ACCESS AND CIRCULATION

(.02) On-site Pedestrian Access and Circulation

- A. The purpose of this section is to implement the pedestrian access and connectivity policies of the Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

Response: PDP 10C will be in compliance with Section 4.154 and provide for safe, reasonably direct, and convenient pedestrian access and circulation, as described below.

- B. **Standards. Development shall conform to all the following standards:**
1. **Continuous Pathway System.** A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks, and to all future phases of the development, as applicable.

Response: Pedestrian pathway systems (sidewalks) in PDP 10C extend throughout the development site and connect to adjacent sidewalks. A segment of a tree-lined pedestrian corridor will be established along Campanile Lane, connecting The Piazza and Montague Park.

2. **Safe, Direct, and Convenient.** Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:

Response: The Rowhomes' and Condominiums' entryways all front directly onto sidewalks. Additional pedestrian entrances are located at the rear of the condominiums, which provide direct access to the parking lot. A crosswalk is provided across Campanile Lane from the entrance of the Condominium building on Lot 2 to the parking lot on Lot 1. Another pathway is provided from SW Villebois Drive through to SW Campanile Lane, with a crosswalk across the alley.

- a. **Pedestrian pathways area designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.**

Response: Pedestrian pathways will be free from hazards and will provide a reasonably smooth and consistent surface.

- b. The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel.

Response: The pathways will be reasonably direct and will not involve a significant amount of unnecessary out-of-direction travel.

- c. The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.

Response: Pathways connect to the primary building entrances of the condominiums in compliance with the Americans with Disabilities Act (ADA) requirements.

- d. All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)(B.)(3.)(d.).

Response: The proposed parking lot does not exceed 3 acres in size; therefore, this criteria is not applicable.

- 3. **Vehicle/Pathway Separation.** Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards.

Response: Sidewalks adjacent to streets are separated from vehicle travel areas by planter strips and curbs. Pedestrian crossings of streets or access aisles are facilitated with either curb extensions or painted crosswalks.

- 4. **Crosswalks.** Where a pathway crosses a parking area or driveway, it shall be clearly marking with a contrasting paint or paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast).

Response: Where pathways cross parking or driving areas, they will be clearly marked with contrasting paint.

- 5. **Pathway Width and Surface.** Primary pathways shall be constructed concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five (5) feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA.

Response: Primary pathways will be constructed of concrete, not less than five (5) feet in width. The pedestrian corridor connecting The Piazza and Montague Park will be 8 feet in width and constructed of pavers.

6. All pathways shall be clearly marked with appropriate standard signs.

Response: Pathways will be clearly marked with appropriate standard signs.

SECTION 4.171 GENERAL REGULATIONS - PROTECTION OF NATURAL FEATURES & OTHER RESOURCES

(.02) General Terrain Preparation

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

Response: The plan sheets located in Section IIB demonstrate that the subject Preliminary Development Plan is designed with maximum regard to natural terrain features and topography. The subject PDP does not contain hillside areas or flood plains. The *Grading and Erosion Control Plan* shows proposed grading within the subject area and the *Tree Preservation Plan* shows proposed tree preservation.

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

(.03) Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:

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

(.04) Trees and Wooded Areas.

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

Response: The *Tree Preservation Plan*, located in Section IIB, depicts existing trees within the subject area and identifies trees to be retained and to be removed. This application includes a request for approval of a Type “C” Tree Removal Plan, which can be found in Section V of this Notebook.

Section V includes the Tree Report prepared by Morgan Holen addressing existing trees and development impacts within the subject area, a tree inventory and tree mitigation details. Trees rated “Important” have been retained to the extent feasible within the area addressed by this PDP. Trees that are retained, as identified in the *Tree Preservation Plan*, will be protected during site preparation and construction in accordance with City Public Works design specifications and Section 4.171(.04).

(.05) High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:

- A. Due to the restrictions placed on these lands, no residential structures shall be allowed within high voltage powerline easements and rights of way and petroleum pipeline easements, and any development, particularly residential, adjacent to high voltage powerline easements and rights of way and petroleum pipeline easement shall be carefully reviewed.

- B. Any proposed non-residential development within high voltage powerline easements and rights of way and petroleum pipeline easements shall be coordinated with and approved by the Bonneville Power Administration, Portland General Electric Company or other appropriate utility, depending on the easement or right of way ownership.

Response: This Preliminary Development Plan does not contain any high voltage powerline or petroleum pipeline easements or rights of way.

(.06) Hazards to Safety: Purpose:

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

Response: Development of the subject area will occur in a manner that minimizes potential hazards to safety.

(.07) Standards for Earth Movement Hazard Areas:

- A. No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions.

Response: Development of the subject area will occur in a manner that minimizes potential hazards to safety. No earth movement hazard areas have been identified within the subject PDP area.

(.08) Standards for Soil Hazard Areas:

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

Response: Development of the subject area will occur in a manner that minimizes potential hazards to safety. No soil hazard areas have been identified within the subject area.

(.09) Historic Protection: Purpose:

- A. To preserve structures, sites, objects, and areas within the City of Wilsonville having historic, cultural, or archaeological significance.

Response: A Historic/ Cultural Resource Inventory was previously conducted for the property identified as SAP - Central. The inventory shows that the subject PDP does not include any sites, objects, or areas having historic, cultural, or archaeological significance. Therefore, the standards of this section are not applicable.

SECTION 4.172 FLOOD PLAIN REGULATIONS

Response: The site does not include any areas identified as flood plain.

SECTION 4.176 LANDSCAPING, SCREENING & BUFFERING

Response: Landscaping will be provided in accordance with the standards in Section 4.176. The *Street Tree/Lighting Plan* depicts street trees along rights-of-way within the subject Preliminary Development Plan area. The plan has been developed in conformance with the Community Elements Book and the applicable standards of Section 4.176. Landscaping details will be reviewed with the concurrent FDP application in Section VI of this Notebook.

SECTION 4.177 STREET IMPROVEMENT STANDARDS

Response: Adjacent street rights-of-way will be dedicated in conformance with required widths. The plan sheets located in Section IIB demonstrate that all proposed access drives (alleys) within the PDP area will have a minimum improvement width of 16 feet and will provide two- way and one-way travel. All access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by the fire department. All access drives will be designed to provide a clear travel lane free from any obstructions.

Clear vision areas will be maintained in accordance with the standards of Subsection 4.177(.01)(I). Vertical clearance will be maintained over all streets and access drives in accordance with Subsection 4.177(.01)(J).

SECTION 4.610.40 TYPE C PERMIT

A request for approval of the Tree Removal Plan for PDP 10 - Central can be found in Section V of this Notebook.

II. PROPOSAL SUMMARY & CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the Village Zone and other applicable requirements of the City of Wilsonville Planning & Land Development Ordinance for the requested Preliminary Development Plan. Therefore, the applicant requests approval of this application. Concurrent applications for a Tentative Plat - Subdivision, Zone Change, Tree Removal Plan, Final Development Plan, and Tentative Plat - Condominiums are included in this notebook as Sections III, IV, V, VI, and VII respectively, pursuant to City requirements.

IIB) Reduced Drawings

PHASE 10 CENTRAL MONT BLANC NO. 2 PRELIMINARY DEVELOPMENT PLAN

TL 2900, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SECTION 15 W.M.
CITY OF WILSONVILLE, OREGON

APPLICANT:

POLYGON WLH, LLC
109 E. 13TH ST.
VANCOUVER, WA 98660
[P] 503-221-1920
CONTACT: FRED GAST

PLANNER:

PACIFIC COMMUNITY DESIGN, INC
12564 SW MAIN STREET
TIGARD, OR 97223
[P] 503-941-9484
CONTACT: STACY CONNERY, AICP

CIVIL ENGINEER:

PACIFIC COMMUNITY DESIGN, INC
12564 SW MAIN STREET
TIGARD, OR 97223
[P] 503-941-9484
CONTACT: JESSIE KING, PE

SURVEYOR:

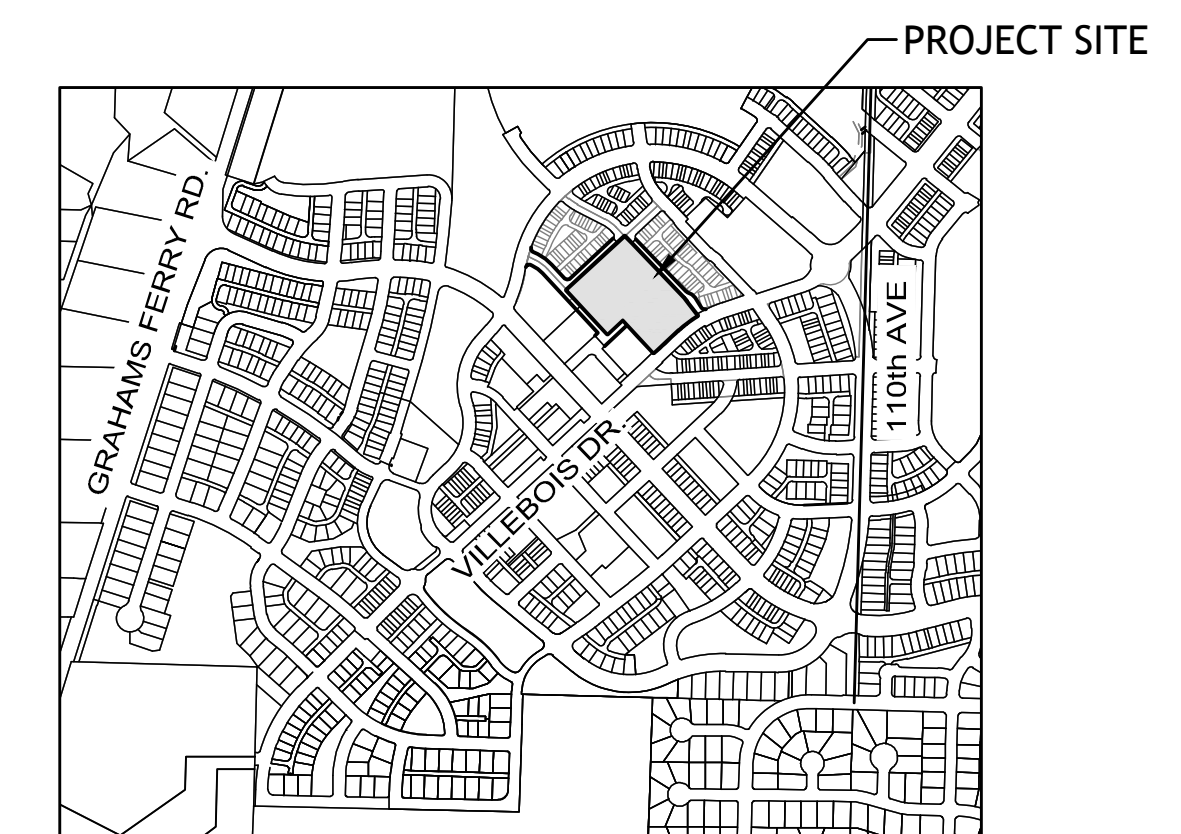
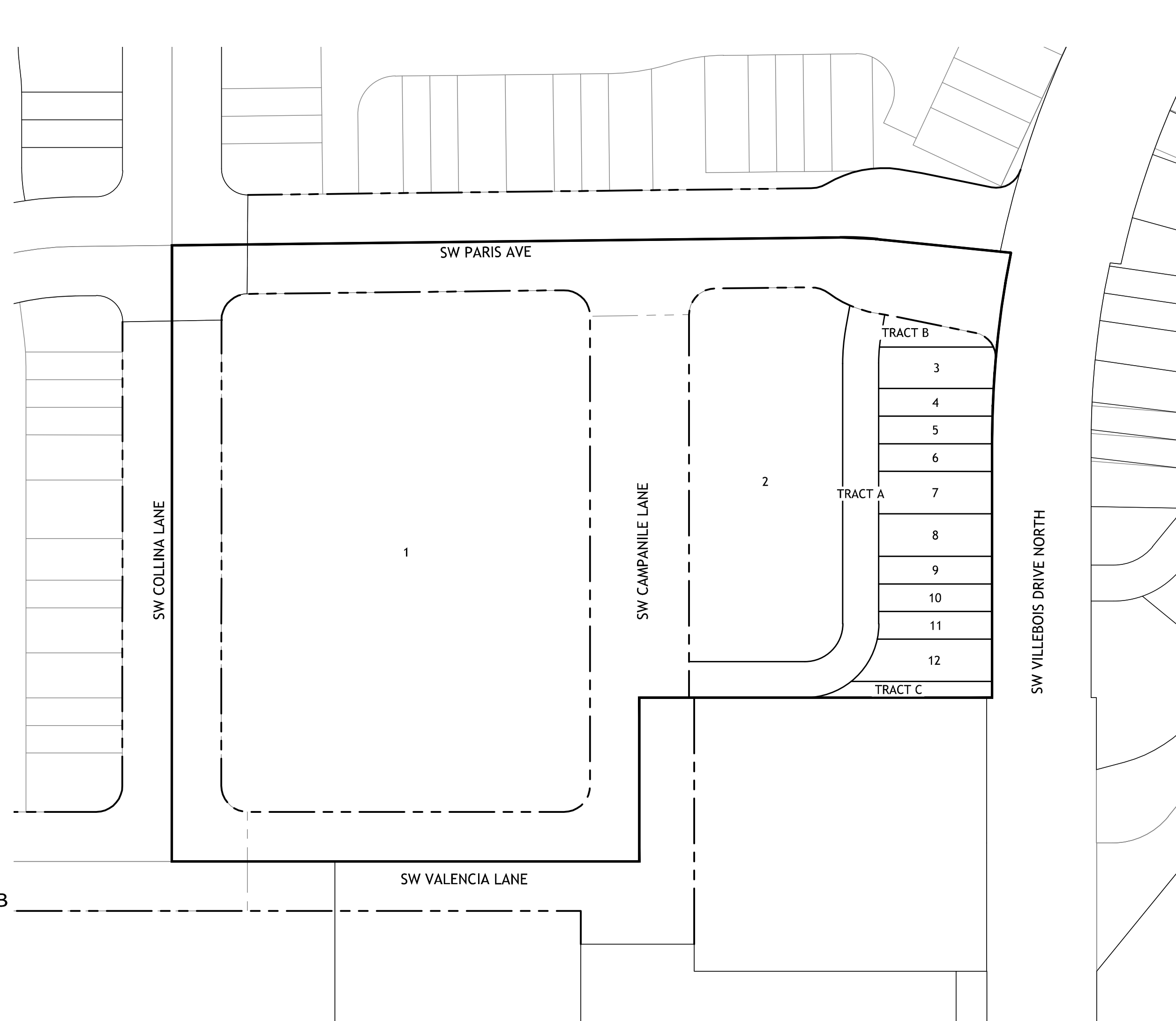
PACIFIC COMMUNITY DESIGN, INC
12564 SW MAIN STREET
TIGARD, OR 97223
[P] 503-941-9484
CONTACT: TRAVIS JANSEN, PLS, PE

LANDSCAPE ARCHITECT:

PACIFIC COMMUNITY DESIGN, INC
12564 SW MAIN STREET
TIGARD, OR 97223
[P] 503-941-9484
CONTACT: KERRY LANKFORD, RLA, CLARB

GEOTECHNICAL ENGINEER:

GEODESIGN, INC.
15575 SW SEQUOIA PARKWAY, SUITE 100
PORTLAND, OR 97224
[P] 503-968-8787
CONTACT: SHAWN DIMKE, PE



VICINITY MAP

UTILITIES & SERVICES:

WATER:	CITY OF WILSONVILLE
STORM:	CITY OF WILSONVILLE
SEWER:	CITY OF WILSONVILLE
POWER:	PORTLAND GENERAL ELECTRIC
GAS:	NORTHWEST NATURAL
FIRE:	TUALATIN VALLEY FIRE & RESCUE
POLICE:	CLACKAMAS COUNTY SHERIFF
SCHOOL:	WEST LINN / WILSONVILLE SCHOOL DISTRICT 3JT
PARKS:	CITY OF WILSONVILLE
PHONE:	FRONTIER
WASTE DISPOSAL:	UNITED DISPOSAL SERVICE
CABLE:	COMCAST

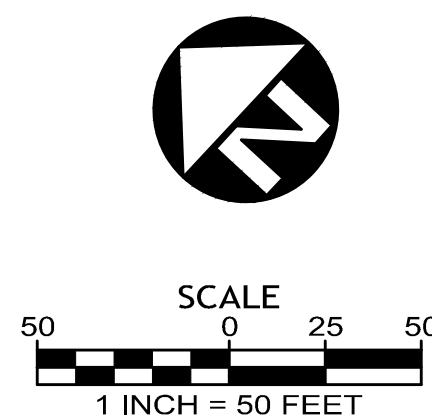
BENCHMARK:

OREGON STATE PLANE COORDINATE 5818 LOCATED IN MONUMENT BOX IN CENTERLINE OF TOOZE ROAD .2 MILES WEST OF 110TH.

ELEVATION DATUM: NAVD 88, ELEVATION = 202.991

SHEET INDEX:

- 1 COVER SHEET
- 2 EXISTING CONDITIONS & DEMOLITION PLAN
- 3 SITE / LAND USE PLAN
- 4 CONDO SITE PLAN
- 5 PRELIMINARY PLAT
- 6 (NOT USED)
- 7 PRELIMINARY GRADING & EROSION CONTROL PLAN
- 8 PRELIMINARY COMPOSITE UTILITY PLAN
- 9 CIRCULATION PLAN & STREET SECTIONS
- 10 PARKING PLAN
- 11 TREE PRESERVATION PLAN
- 12 STREET TREE PLAN



ELEVATION DATUM: NAVD 88



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

Preliminary
Development
Plan

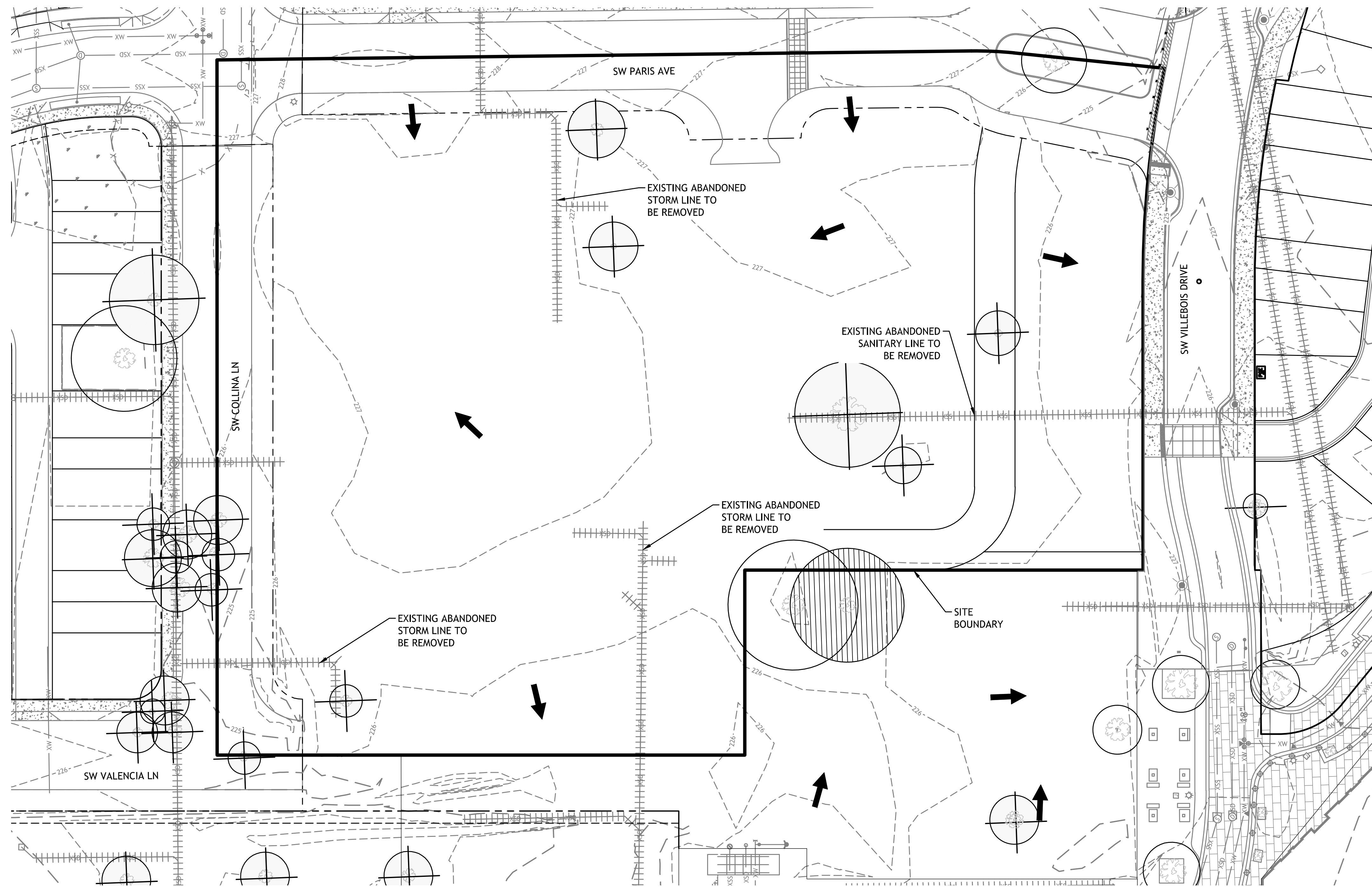
COVER
SHEET

1st Submittal Date: 5/9/2016

1

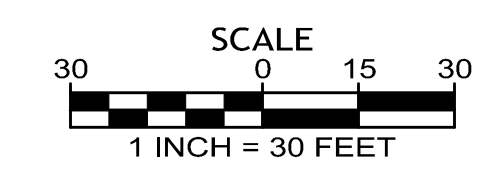
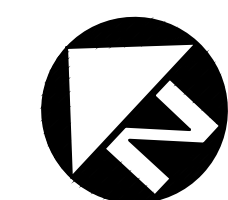
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ELEVATION DATUM: NAVD 88



LEGEND

- EASEMENT LINES
- EXISTING RIGHT-OF-WAY
- EXISTING CENTERLINE
- EXISTING PROPERTY LINE
- EXISTING BOUNDARY LINE
- EXISTING SIDEWALK
- - - EX 1-FOOT CONTOURS
- - - EX 5-FOOT CONTOURS
- EX SANITARY SEWER
- EX STORM DRAIN
- XW EX WATER LINE
- XG EX GAS LINE
- XE EX BURIED POWER LINE
- EX OVERHEAD POWER LINE
- XCOM EX CABLE TV LINE
- XT EX TELEPHONE LINE
- ⊙ EX SANITARY MANHOLE
- ⊙ EX SANITARY CLEANOUT
- ⊙ EX STORM MANHOLE
- ⊙ EX AREA DRAIN
- ⊙ EX CURB INLET
- ⊙ EX STORM CLEANOUT
- ⊙ EX FIRE HYDRANT
- ⊙ EX WATER METER
- ⊙ EX WATER VALVE
- ⊙ EX BLOW-OFF
- ⊙ EX AIR RELEASE VALVE
- ⊙ EX GAS VALVE
- ⊙ EX CABLE RISER
- ⊙ EX TELEPHONE RISER
- ⊙ EX LIGHT POLE
- EXISTING FENCE
- EXISTING ELECTRIC VAULT
- EXISTING RETAINING WALL
- ⊙ EX TREES TO REMAIN DRAINAGE
- SLOPE DIRECTION



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

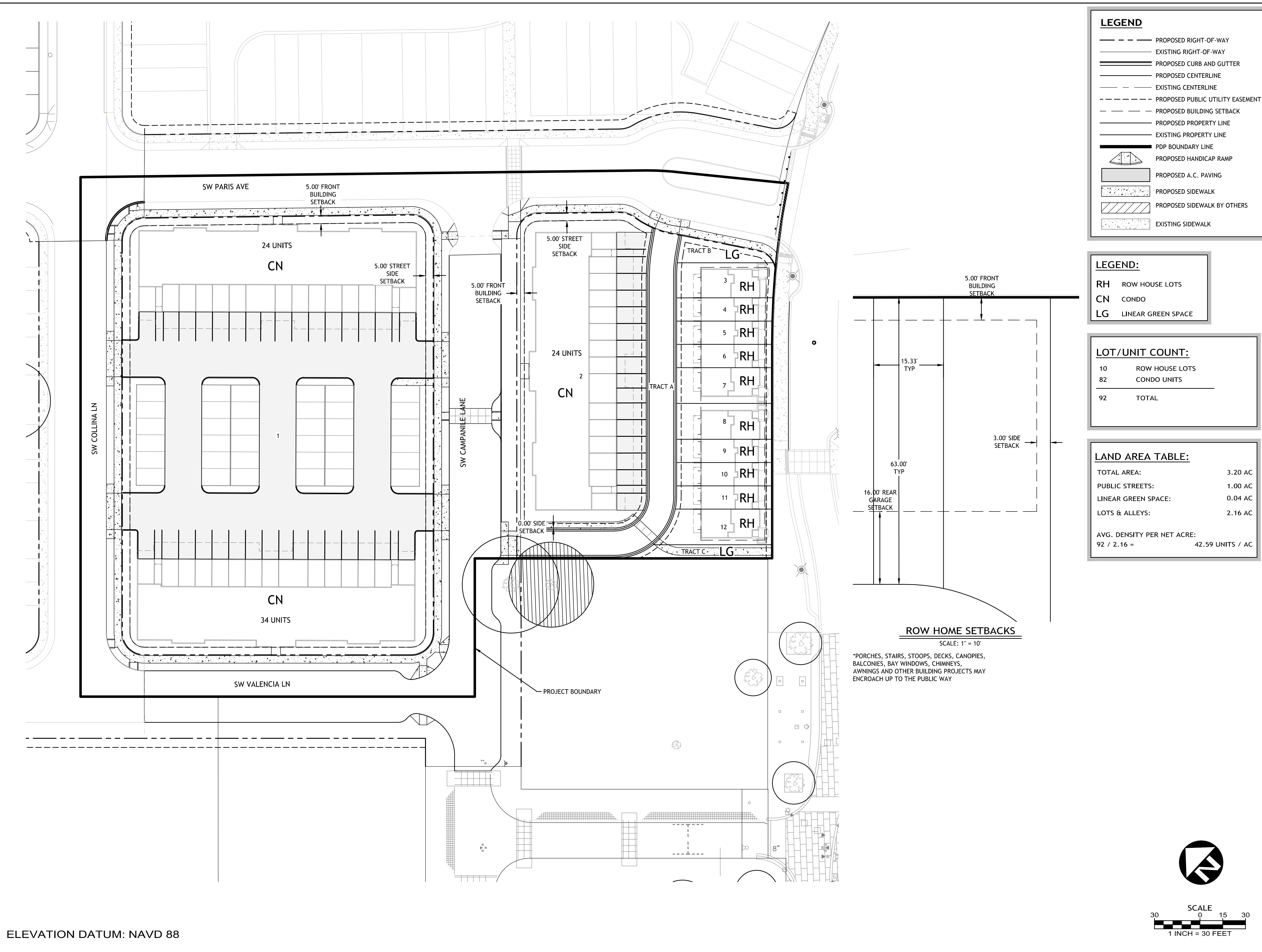
Preliminary
Development
Plan

EXISTING
CONDITIONS
AND
DEMOLITION
PLAN

1st Submittal Date: 5/9/2016

2

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LEGEND

- PROPOSED RIGHT-OF-WAY
- EXISTING RIGHT-OF-WAY
- === PROPOSED CURB AND GUTTER
- PROPOSED CENTERLINE
- EXISTING CENTERLINE
- - - PROPOSED PUBLIC UTILITY EASEMENT
- PROPOSED BUILDING SETBACK
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- PDP BOUNDARY LINE
- PROPOSED HANDICAP RAMP
- PROPOSED A.C. PAVING
- PROPOSED SIDEWALK
- PROPOSED SIDEWALK BY OTHERS
- EXISTING SIDEWALK

LEGEND:

- RH ROW HOUSE LOTS
- CN CONDO
- LG LINEAR GREEN SPACE

LOT/UNIT COUNT:

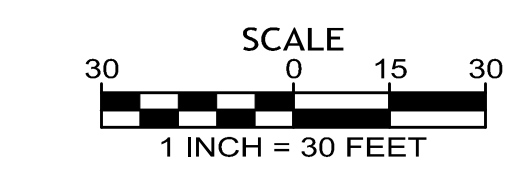
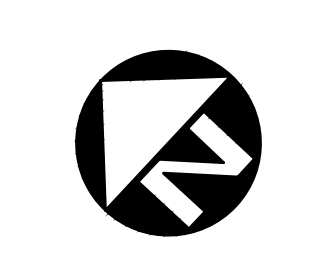
10	ROW HOUSE LOTS
82	CONDO UNITS
92	TOTAL

LAND AREA TABLE:

TOTAL AREA:	3.20 AC
PUBLIC STREETS:	1.00 AC
LINEAR GREEN SPACE:	0.04 AC
LOTS & ALLEYS:	2.16 AC
AVG. DENSITY PER NET ACRE:	
92 / 2.16 =	42.59 UNITS / AC

ROW HOME SETBACKS
SCALE: 1" = 10'

*PORCHES, STAIRS, STOOPS, DECKS, CANOPIES, BALCONIES, BAY WINDOWS, CHIMNEYS, AWNINGS AND OTHER BUILDING PROJECTS MAY ENCROACH UP TO THE PUBLIC WAY



ELEVATION DATUM: NAVD 88



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

**PDP 10C
MONT BLANC
NO. 2**

Preliminary
Development
Plan

**SITE / LAND USE
PLAN**

1st Submittal Date: 5/9/2016



Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

Preliminary
Development
Plan

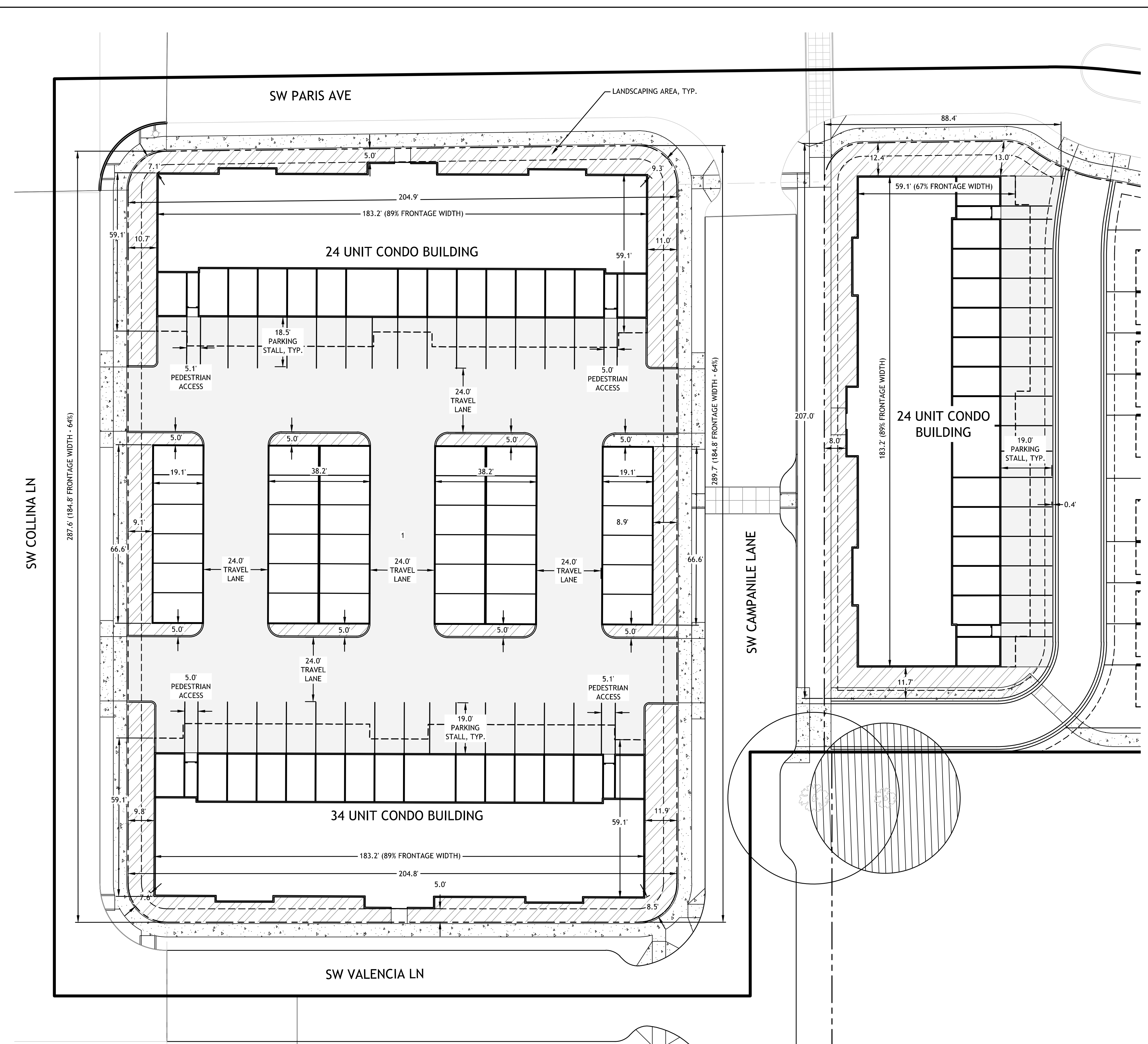
CONDO
SITE PLAN

1st Submittal Date: 5/9/2016

4

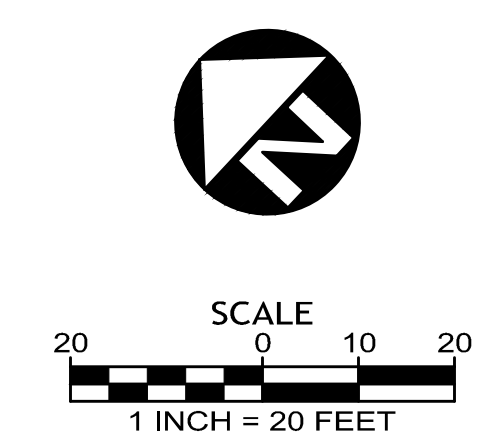
UNIT TYPE - SQUARE FOOTAGE	BEDROOM - BATHROOM COUNT	24 UNIT BUILDING	34 UNIT BUILDING	TOTAL UNIT TYPE COUNT
A - 732 SF	1-1	4	6	14
B - 1,120 SF	2-2	8	12	28
C - 1,036 SF	2-2	10	14	34
D - 1,342 SF	3-2	2	2	6
TOTAL		24	34	82

LOT 1:	
TOTAL AREA:	1.35 AC
LOT COVERAGE:	0.72 AC (53%)
LANDSCAPING AREA:	0.20 AC (15%)
LOT 2:	
TOTAL AREA:	0.40 AC
LOT COVERAGE:	0.27 AC (68%)
LANDSCAPING AREA:	0.09 AC (23%)



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ELEVATION DATUM: NAVD 88





Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

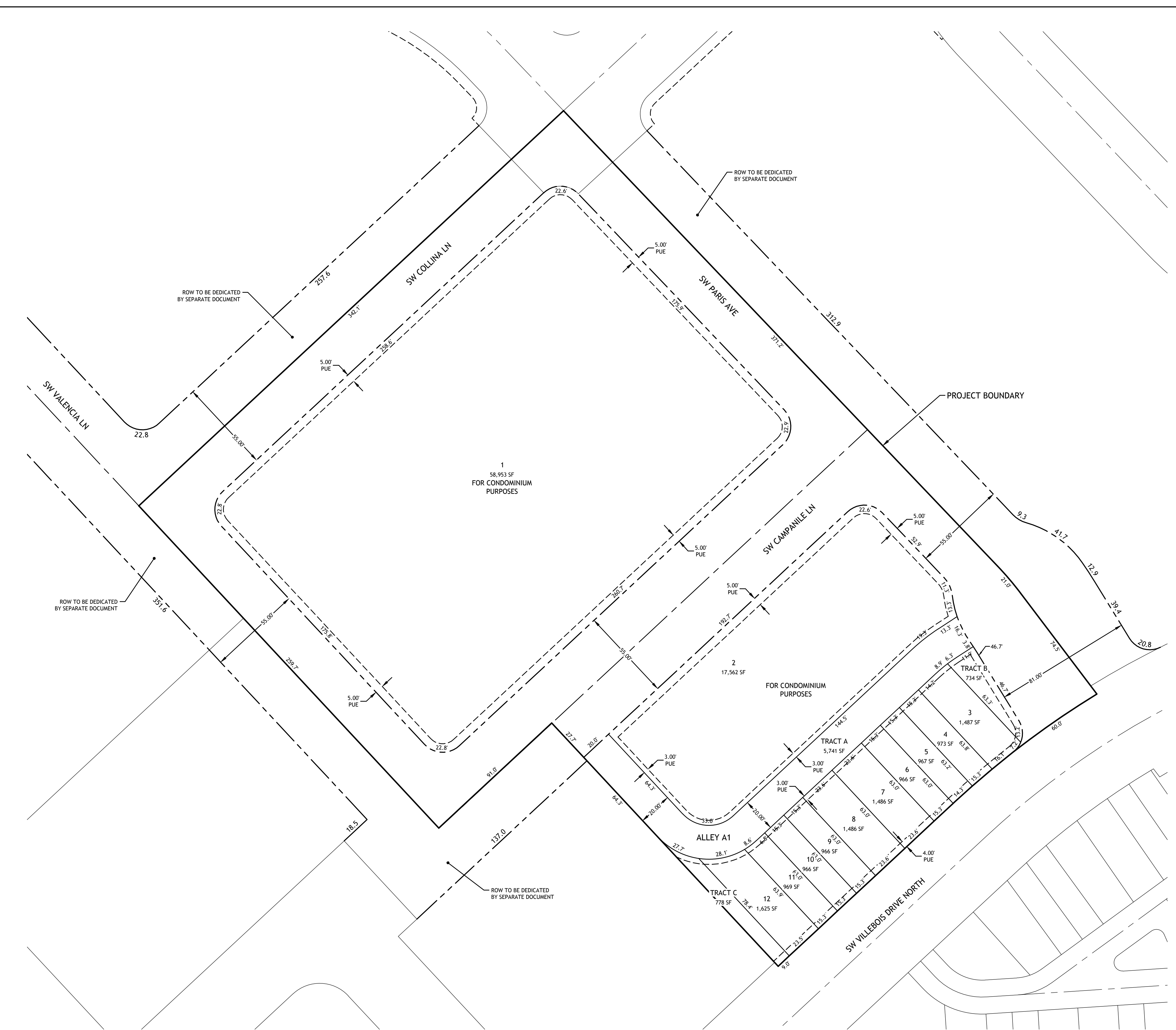
Preliminary
Development
Plan

PRELIMINARY
PLAT

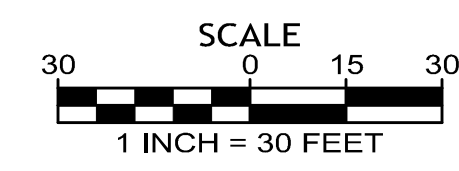
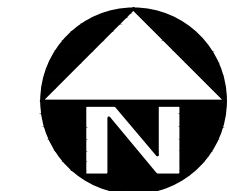
1st Submittal Date: 5/9/2016

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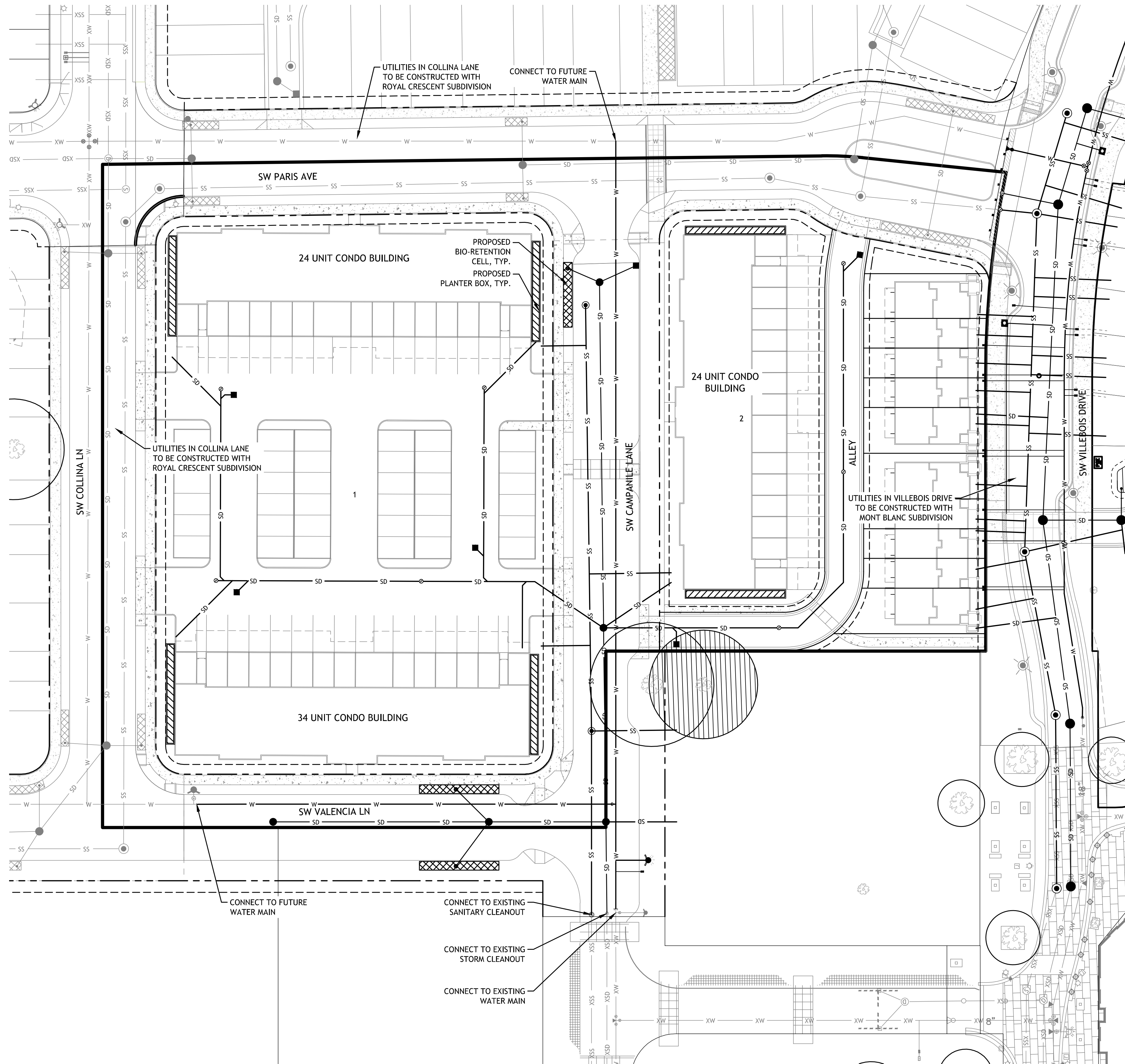


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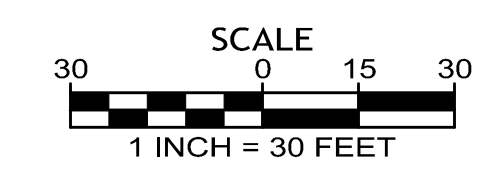
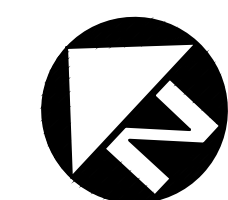
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ELEVATION DATUM: NAVD 88



LEGEND

- EASEMENT LINES
- SS PROPOSED SANITARY SEWER
- XSS EX SANITARY SEWER
- SD PROPOSED STORM DRAIN
- XSD EX STORM DRAIN
- W PROPOSED WATER LINE
- XW EX WATER LINE
- XG EX GAS LINE
- XE EX BURIED POWER LINE
- XOH EX OVERHEAD POWER LINE
- XCOM EX CABLE TV LINE
- XT EX TELEPHONE LINE
- PROPOSED SANITARY MANHOLE
- EX SANITARY MANHOLE
- PROPOSED SANITARY CLEANOUT
- EX SANITARY CLEANOUT
- PROPOSED STORM MANHOLE
- EX STORM MANHOLE
- PROPOSED CATCH BASIN
- EX CATCH BASIN
- PROPOSED STORM CLEANOUT
- EX STORM CLEANOUT
- PROPOSED FIRE HYDRANT
- EX FIRE HYDRANT
- PROPOSED WATER METER
- EX WATER METER
- PROPOSED WATER VALVE
- EX WATER VALVE
- ▲ PROPOSED BLOW-OFF
- EX BLOW-OFF
- PROPOSED AIR RELEASE VALVE
- EX AIR RELEASE VALVE
- ▲ PROPOSED THRUST BLOCK
- EX THRUST BLOCK
- ▲ EX GAS VALVE
- EX CABLE RISER
- EX TELEPHONE RISER



POLYGON NW COMPANY



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REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

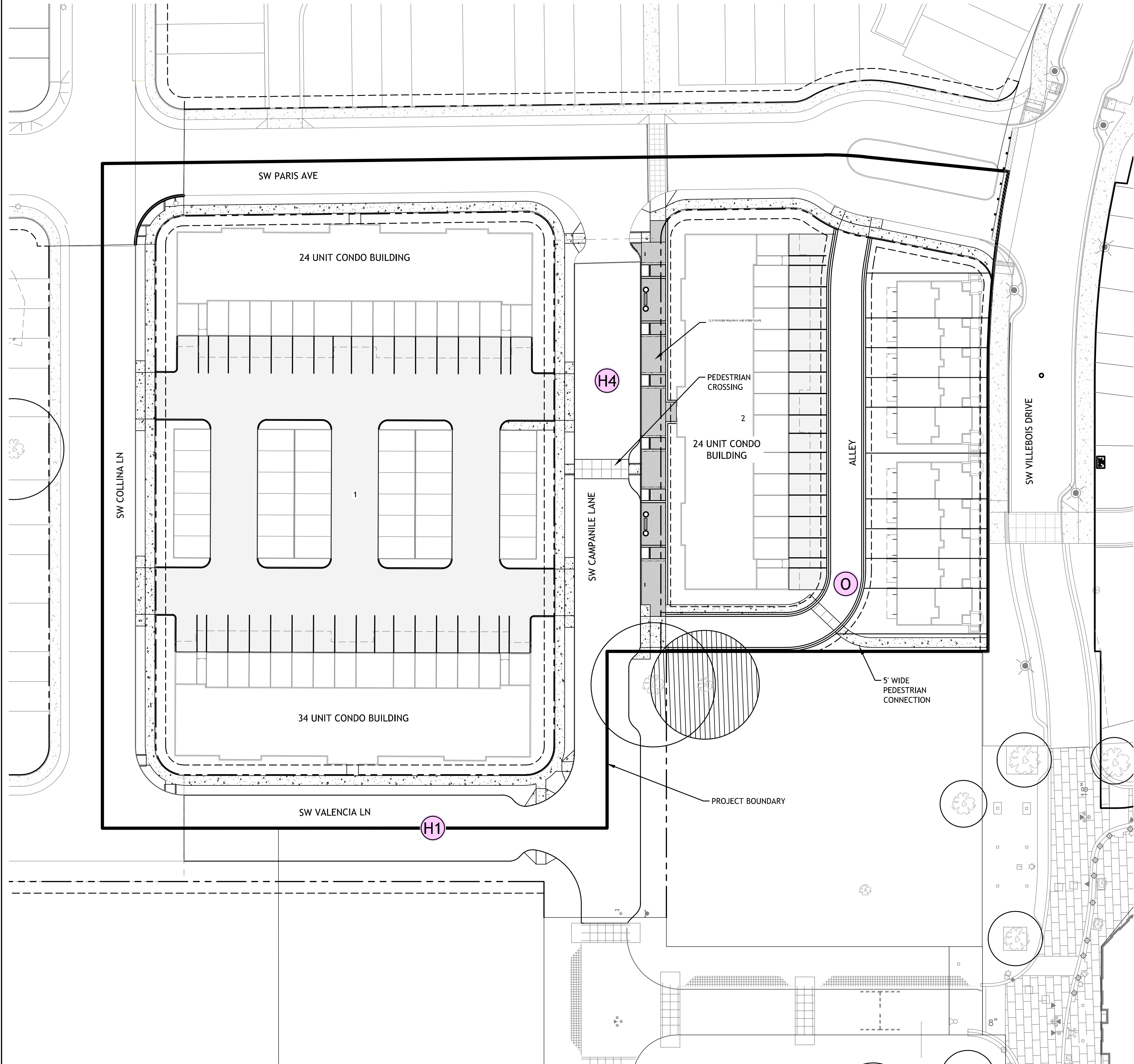
Preliminary
Development
Plan

PRELIMINARY
COMPOSITE
UTILITY
PLAN

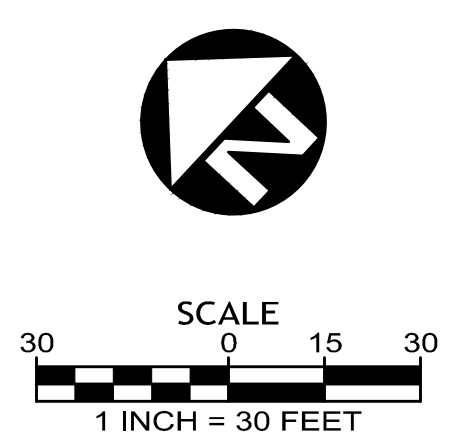
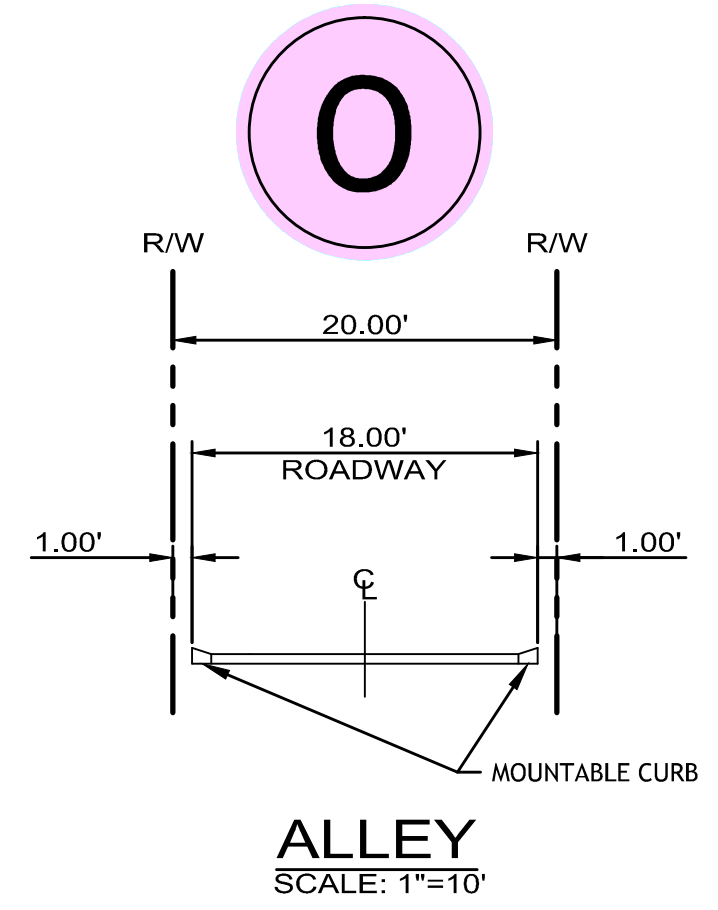
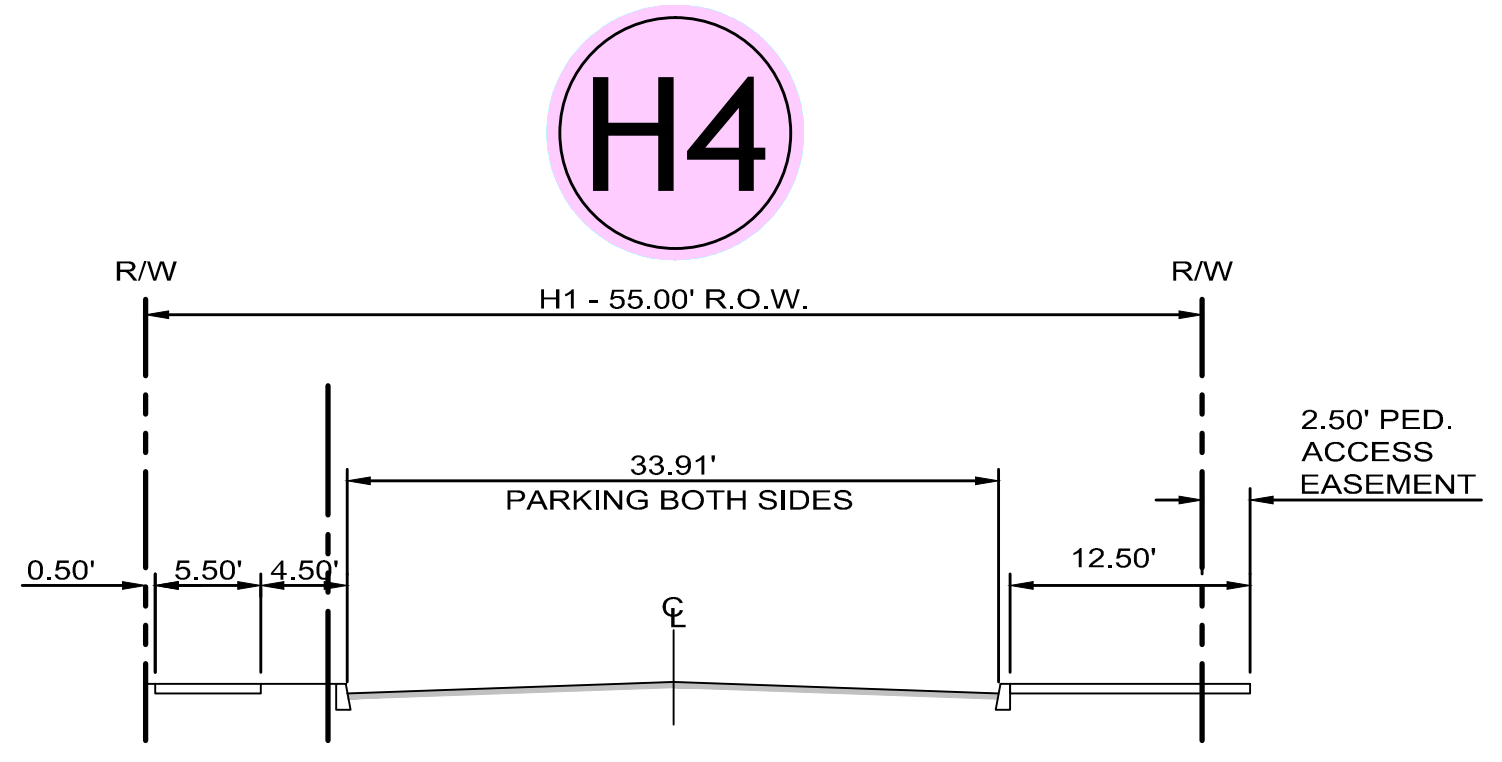
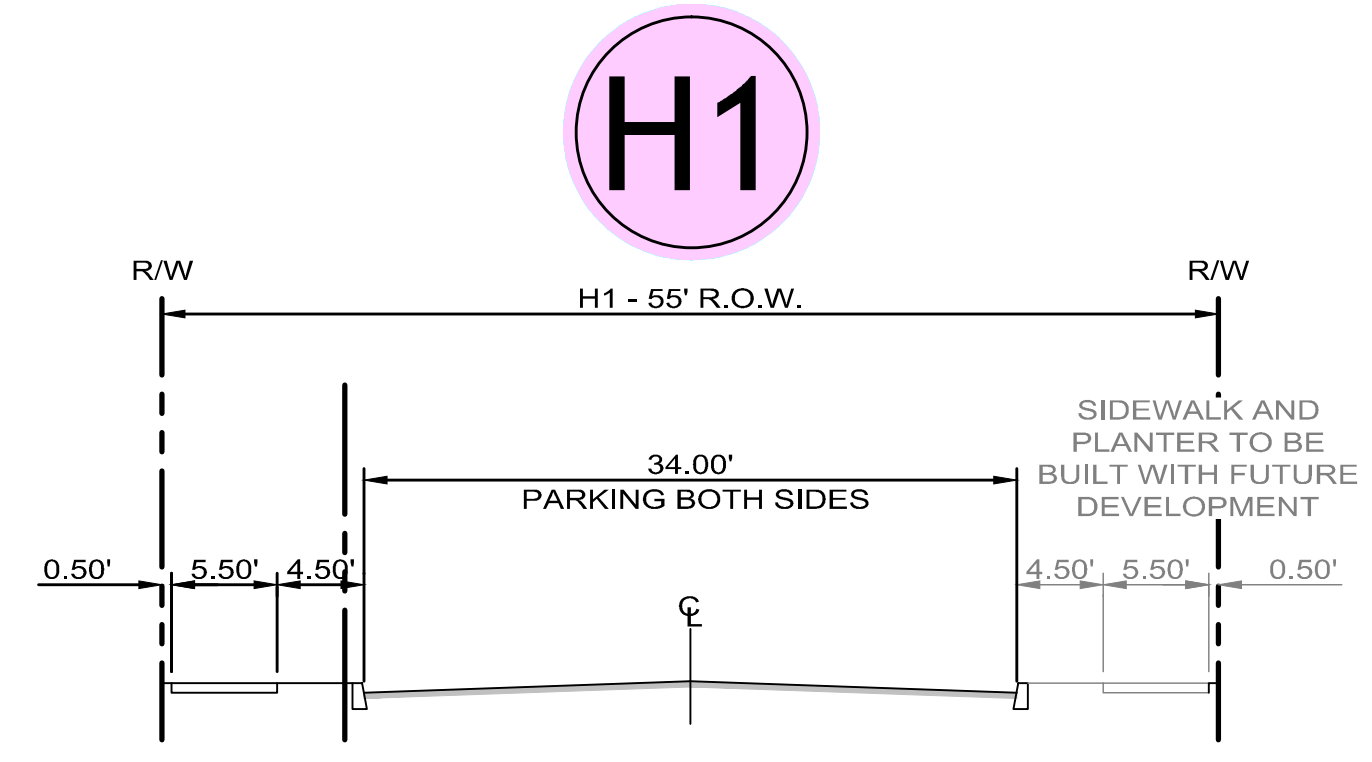
1st Submittal Date: 5/9/2016

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ELEVATION DATUM: NAVD 88



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POLYGON NW COMPANY



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REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

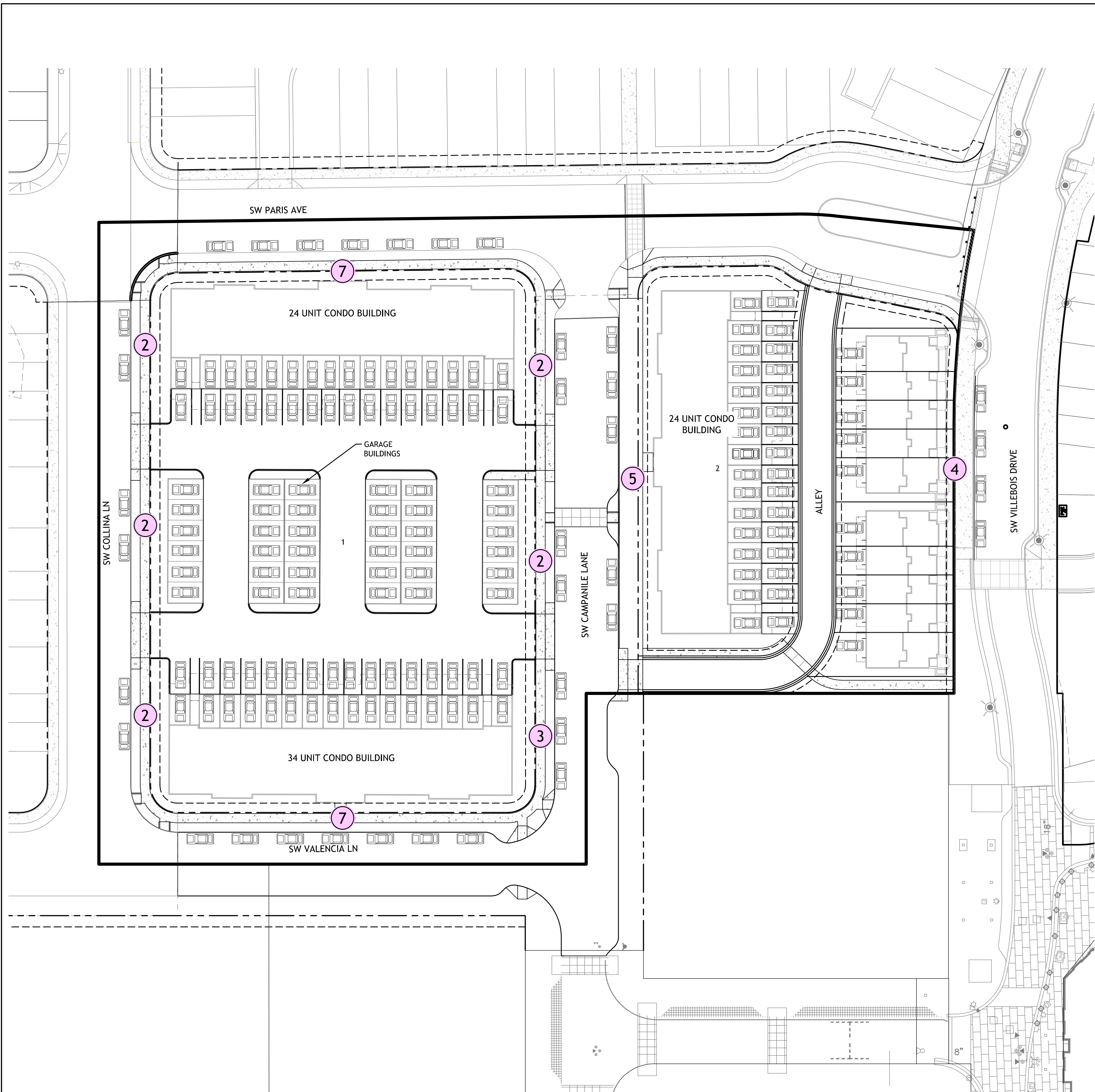
Preliminary
Development
Plan

CIRCULATION
PLAN

1st Submittal Date: 5/9/2016

9

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LEGEND

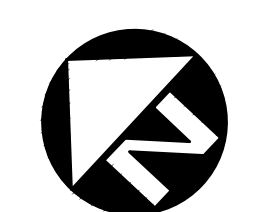
- PROPOSED RIGHT-OF-WAY
- EXISTING RIGHT-OF-WAY
- PROPOSED CURB AND GUTTER
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- ▲ PROPOSED HANDICAP RAMP
- ▨ PROPOSED SIDEWALK
- ▨ EXISTING SIDEWALK
- PARKING SPACE

OFF STREET PARKING

- REQUIRED**
- ROW HOUSES:
10 UNITS AT 1 SPACE/UNIT = 10 SPACES
- PROVIDED**
- ROW HOUSES:
10 - UNITS W/1 CAR GARAGE + 1 DRIVEWAY = 20 SPACES
20 SPACES
- REQUIRED**
- CONDO BUILDINGS:
(14) 1-BEDROOM UNITS AT 1 SPACE/UNIT = 14 SPACES
(62) 2-BEDROOM UNITS AT 1.5 SPACES/UNIT = 93 SPACES
(6) 3-BEDROOM UNITS AT 1.75 SPACES/UNIT = 11 SPACES
118 SPACES
- PROVIDED**
- CONDO BUILDINGS:
(48) 1-CAR GARAGES WITH 1 DRIVEWAY SPACE = 96 SPACES
(36) 1-CAR GARAGES = 36 SPACES
132 SPACES

ON STREET PARKING

- PROVIDED**
- CAMPANILE LANE: 12 SPACES
 - VALENCIA LANE: 7 SPACES
 - PARIS AVE: 7 SPACES
 - COLLINA LANE: 6 SPACES
 - VILLEBOIS DRIVE NORTH: 4 SPACES
36 SPACES



SCALE
0 15 30
1 INCH = 30 FEET



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

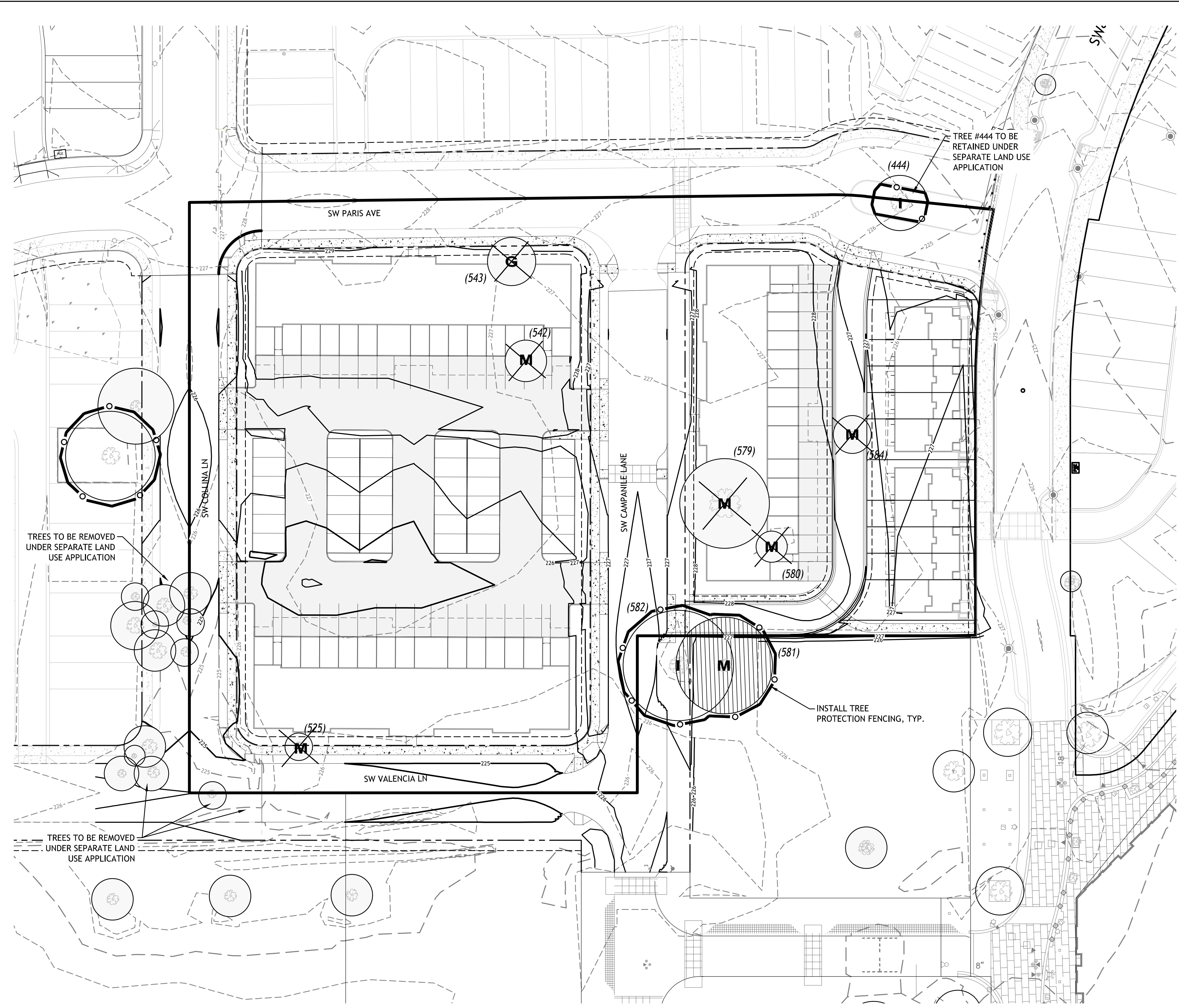
Preliminary
Development
Plan

PARKING
PLAN

1st Submittal Date: 5/9/2016

10

N:\proj\395-054\09 Drawings\03 Planning Sheets - Planning submittal\395054\11 TREE PROTECTION.dwg - SHEET: 22x34 May, 13, 16 - 11:33 AM kcs



LEGEND:

- I IMPORTANT
- G GOOD
- M MODERATE
- P POOR
- NE NOT EXAMINED
- (Circle with cross-hatch) EXISTING TREES TO BE REMOVED
- (Circle with diagonal lines) EXISTING TREES LIKELY TO BE REMOVED
- (Circle with 'X') EXISTING TREES TO BE REMOVED
- (Circle with 'I') TREE PROTECTION FENCING
- (Dashed line) GRADING LIMITS

NOTES

ALL CONSTRUCTION AND GRADING WITHIN TREE PROTECTION ZONE IS TO BE COMPLETED UNDER DIRECT SUPERVISION OF PROJECT ARBORIST. CONTACT: MORGAN HOLLEN PHONE: 503-646-4349

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

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

- HEALTH
- SPECIES (NATIVES WITH HABITAT AND ECOSYSTEM VALUE)
- COMPATIBILITY WITH DEVELOPMENT
- FORM / VISUAL INTEREST / MATURE SIZE

TREES RANKED AS IMPORTANT WERE RATED HIGH IN ALL FOUR AREAS.

TREES IN THE GOOD CATEGORY HAD GOOD HEALTH AND WERE A DESIRABLE SPECIES, BUT HAD IRREGULAR FORM OR LESS COMPATIBILITY WITH DEVELOPMENT.

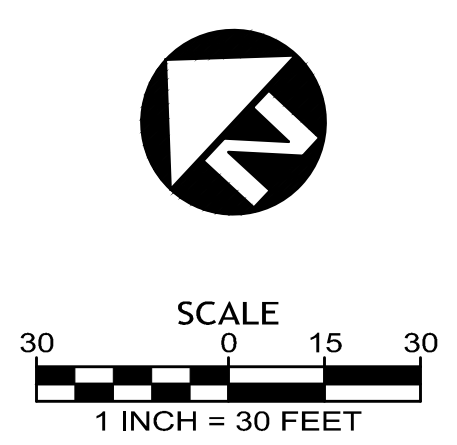
TREES IN THE MODERATE CATEGORY HAD GOOD TO MODERATE HEALTH AND FORM, BUT WERE A LESS DESIRABLE SPECIES OR MAY BE LESS COMPATIBLE WITH DEVELOPMENT.

TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

NOTES:

- THE INFORMATION PROVIDED WITHIN THE PROJECT BOUNDARY IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST MORGAN HOLLEN AND WAS PROVIDED IN A TREE REPORT INCLUDED WITH THE APPLICATION MATERIALS.

ELEVATION DATUM: NAVD 88



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

**PDP 10C
MONT BLANC
NO. 2**

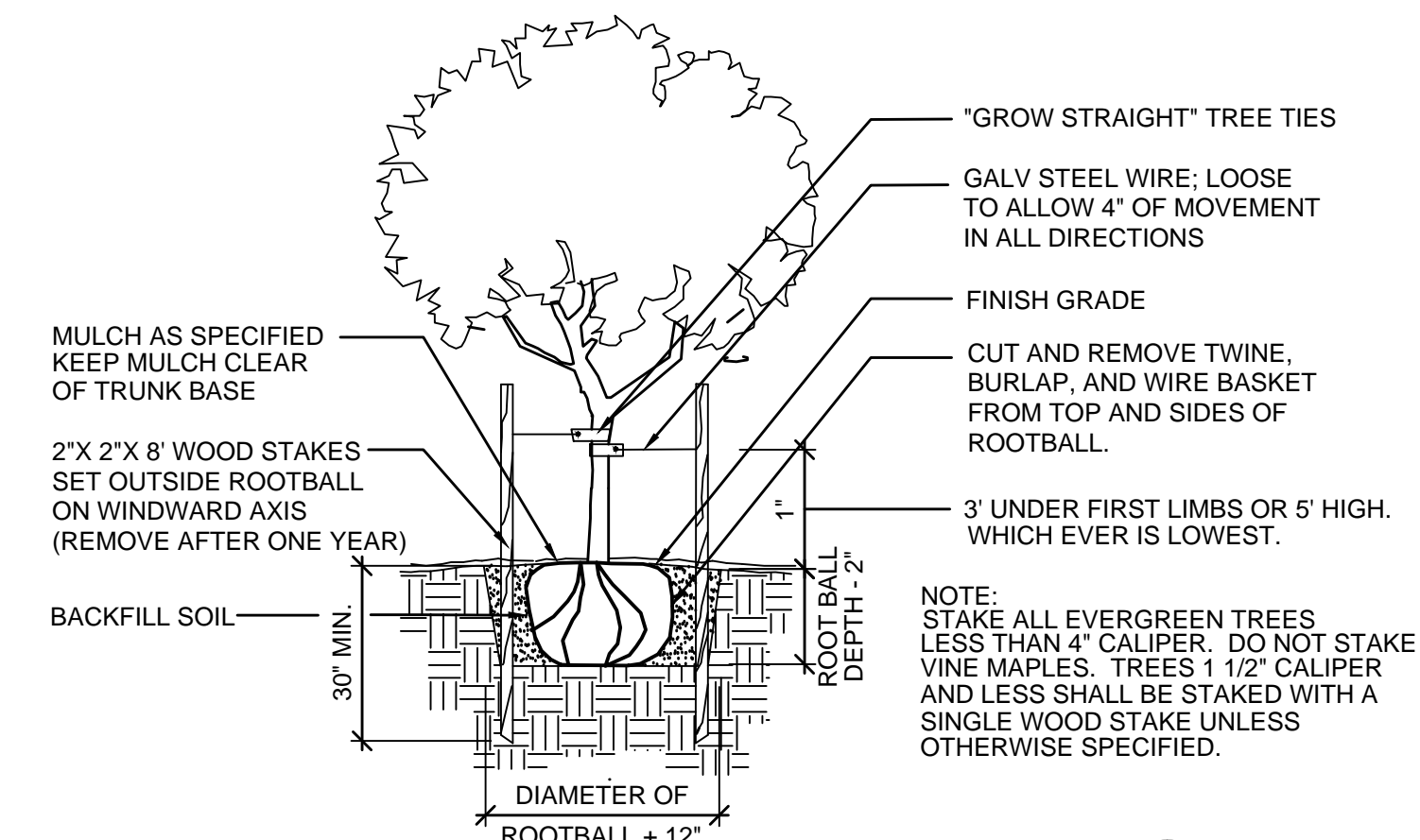
Preliminary
Development
Plan

**TREE
PRESERVATION
PLAN**

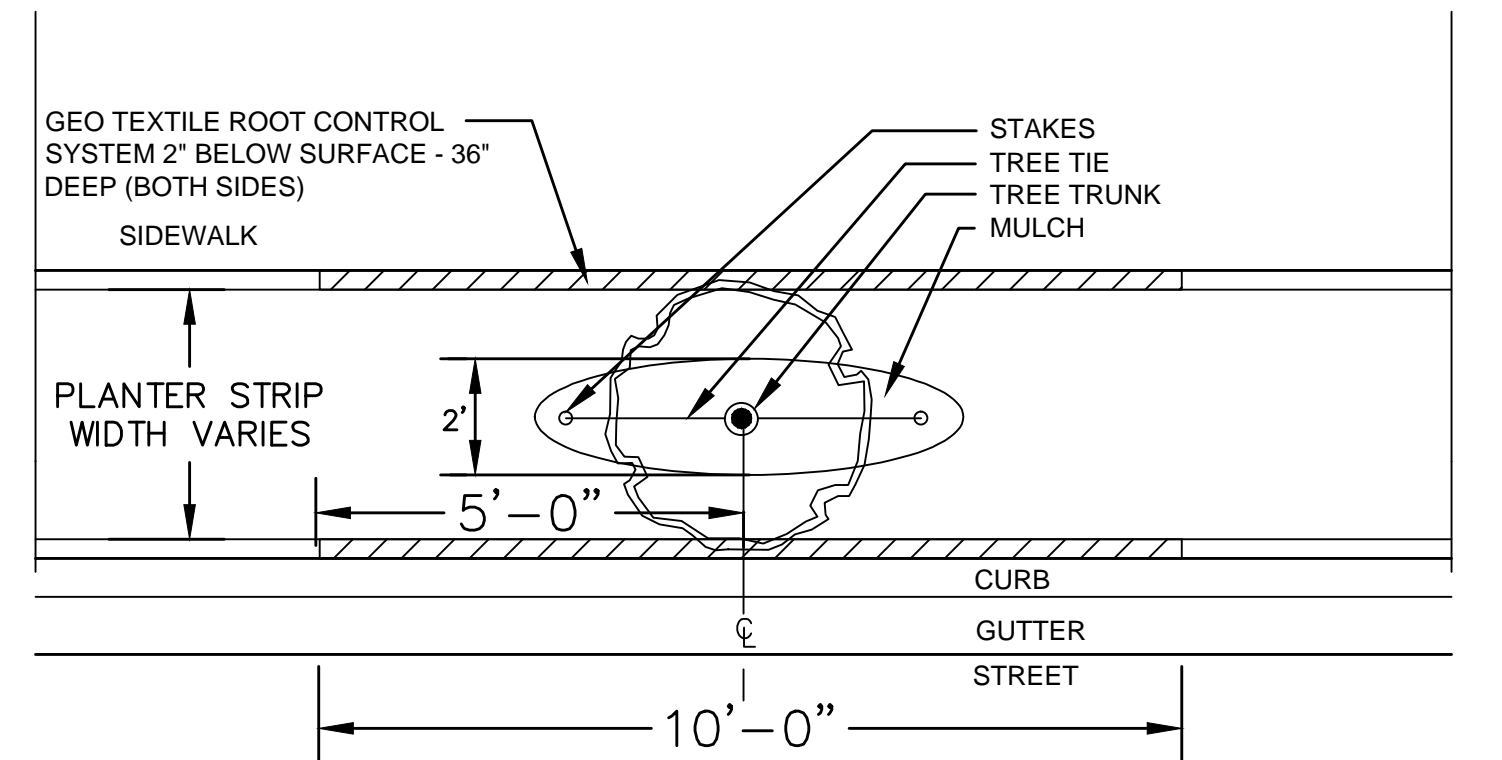
1st Submittal Date: 5/9/2016

**PLANTING LEGEND
STREET TREES**

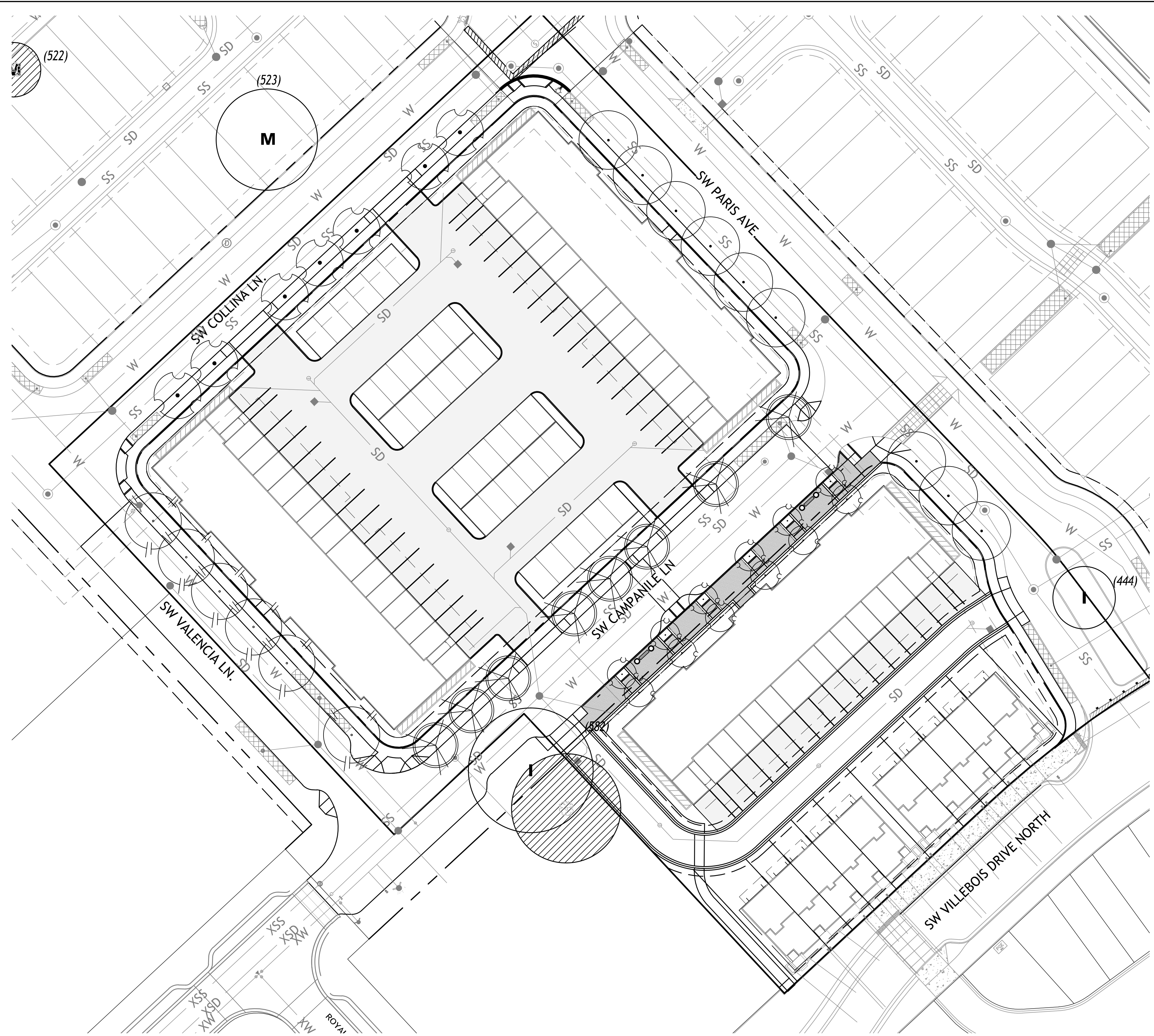
SYMBOL	QUANTITY	COMMON NAME / BOTANICAL NAME, SIZE AND DESCRIPTION
	9	AUTUMN BLAZE MAPLE / ACER FREEMANII 'AUTUMN BLAZE': 2 1/2" CAL. B&B, 25' O.C.
	7	CRIMEAN LINDEN / TILIA X EUCHLORA: 2 1/2" CAL. B&B, 25' O.C.
	6	URBANITE ASH / FRAXINUS PENNSYLVANICA 'URBANITE': 2 1/2" CAL. B&B, 25' O.C.
	8	AUTUMN GOLD GINKGO / GINKGO BILOBA 'AUTUMN GOLD': 2 1/2" CAL., B&B, 25' O.C.
	12	ARMSTRONG RED MAPLE / ACER X FREEMANII 'ARMSTRONG': 2 1/2" CAL., B&B, 25' O.C.



TREE STAKING DETAIL
SCALE: N.T.S.

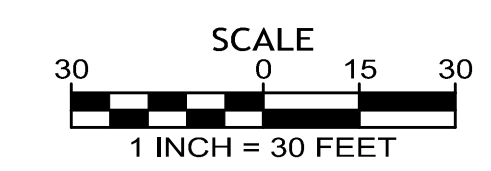
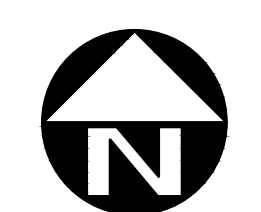


TREE PLANTER AND BARRIER DETAIL FOR TREES WITHIN RIGHT OF WAY
SCALE: N.T.S.



1 STREET TREE - PLANTING PLAN

ELEVATION DATUM: NAVD 88



Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

Preliminary
Development
Plan

STREET TREE
PLANTING PLAN

1st Submittal Date: 5/9/2016

12

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IIC) Utility and Drainage Reports



MEMORANDUM

DATE: May 12, 2016
TO: City of Wilsonville
FROM: Patrick Espinosa, PE
Pacific Community Design
RE: Mont Blanc No. 2 - PDP 10C
Job No. 395-054

This memorandum report is to address the utility connections for the Lot 77 of Villebois Village Center No. 3, otherwise known as Mont Blanc No. 2 (PDP 10C) development portion of Villebois SAP Central. This phase is located within the Villebois Village Center, north of the Piazza and west of Villebois Drive. This report will be divided into three sections: Water, Sanitary Sewer, and Storm Sewer. Rainwater Management will be discussed in a separate report.

Water

SAP Central defined the land use for this area to be village apartments, specialty condos, and condos with a maximum unit count of 124. The proposed development will contain 10 attached row homes and 82 condo units for a total unit count of 92, and therefore complies with design intent of SAP Central.

Sanitary Sewer

This site is located within service area 3B, see attached exhibit SS. SAP Central defined the land use for this area to be village apartments, specialty condos, and condos with a maximum unit count of 124. The proposed development will contain 10 attached row homes and 82 condo units for a total unit count of 92. Based on the reduction in number of units, there is adequate capacity for this development.

Storm Sewer

See the developed drainage map, exhibit A. The stormwater report submitted with SAP Central defined the land use for this area to be 86% impervious, based on the SAP Central land use designation. The water quality and quantity facilities within the Arrowhead Creek Basin were designed to provide treatment for this land use. The proposed layout has an impervious area of 85%. For impervious area calculations refer to exhibits B1-B4.

Based on this information the current facilities are adequately sized to provide treatment per the City of Wilsonville Public Works Standards.

Thank you.

Attachments:

1. SS - Sanitary Sewer Service Area Exhibit
2. A1 - Developed Drainage Map
3. B1 - Composite Curve Number - Lot 77 (SAP Central)
4. B2 - Percent Impervious - Lot 77 (SAP Central)
5. B3 - Composite Curve Number - Lot 77 (PDP 10C)
6. B4 - Percent Impervious - Lot 77 (PDP 10C)



Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

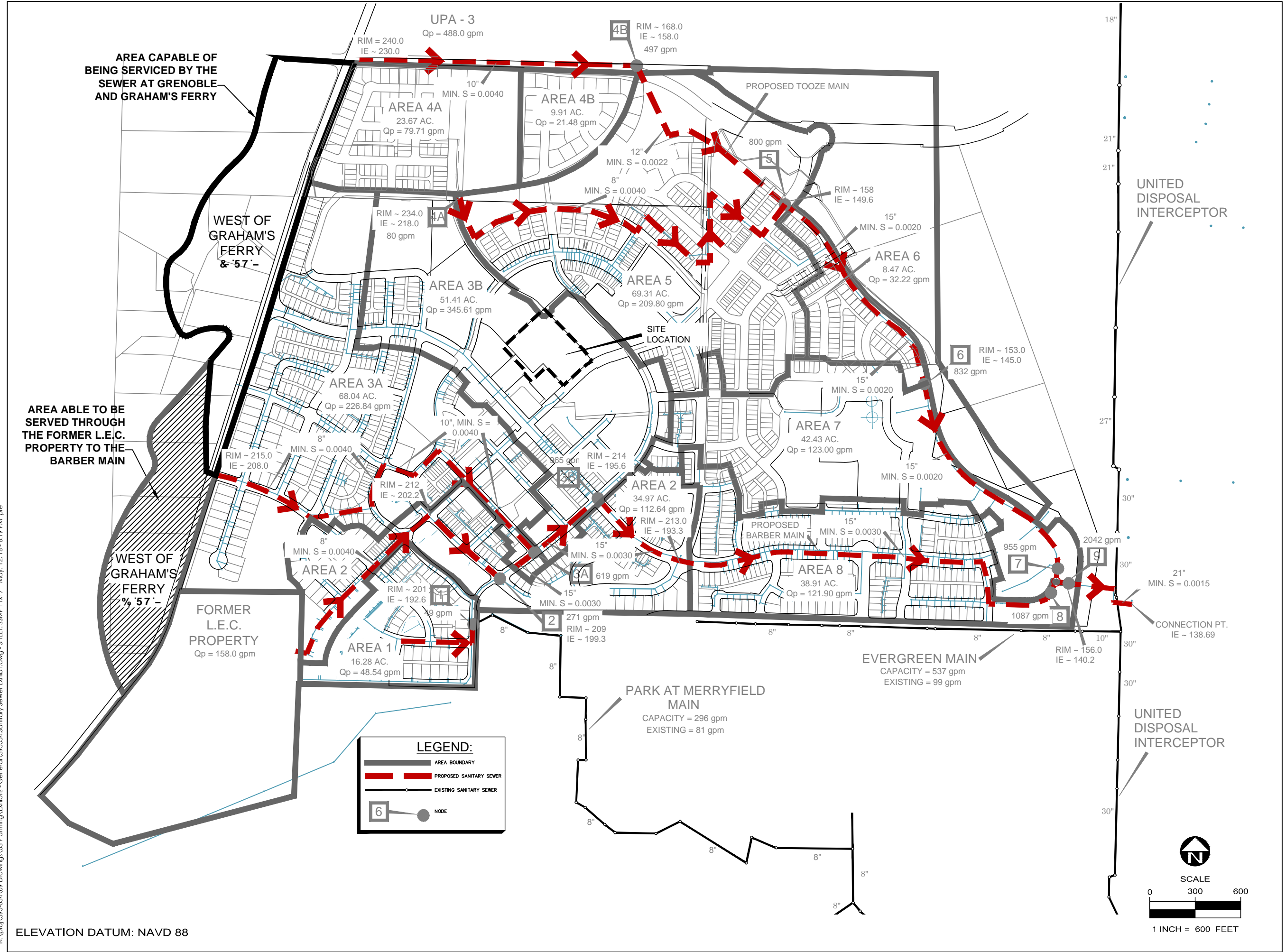
PDP 9C
ROYAL CRESCENT
AT VILLEBOIS
 CAMDEN S_U UARE

Preliminary Development Plan

SANITARY SEWER
UNITED DISPOSAL

1ST SUBMITTAL DATE 10/9/2015
 2ND SUBMITTAL DATE 11/6/2015

SS



N:\proj\395-054\09 Drawings\03 Planning\Exhibits - General\395054_Sanitary Sewer Exhibit.dwg - SHEET:SSMP 11x17 May 12, 16 - 6:19 PM pre

MATRIX DEVELOPMENT

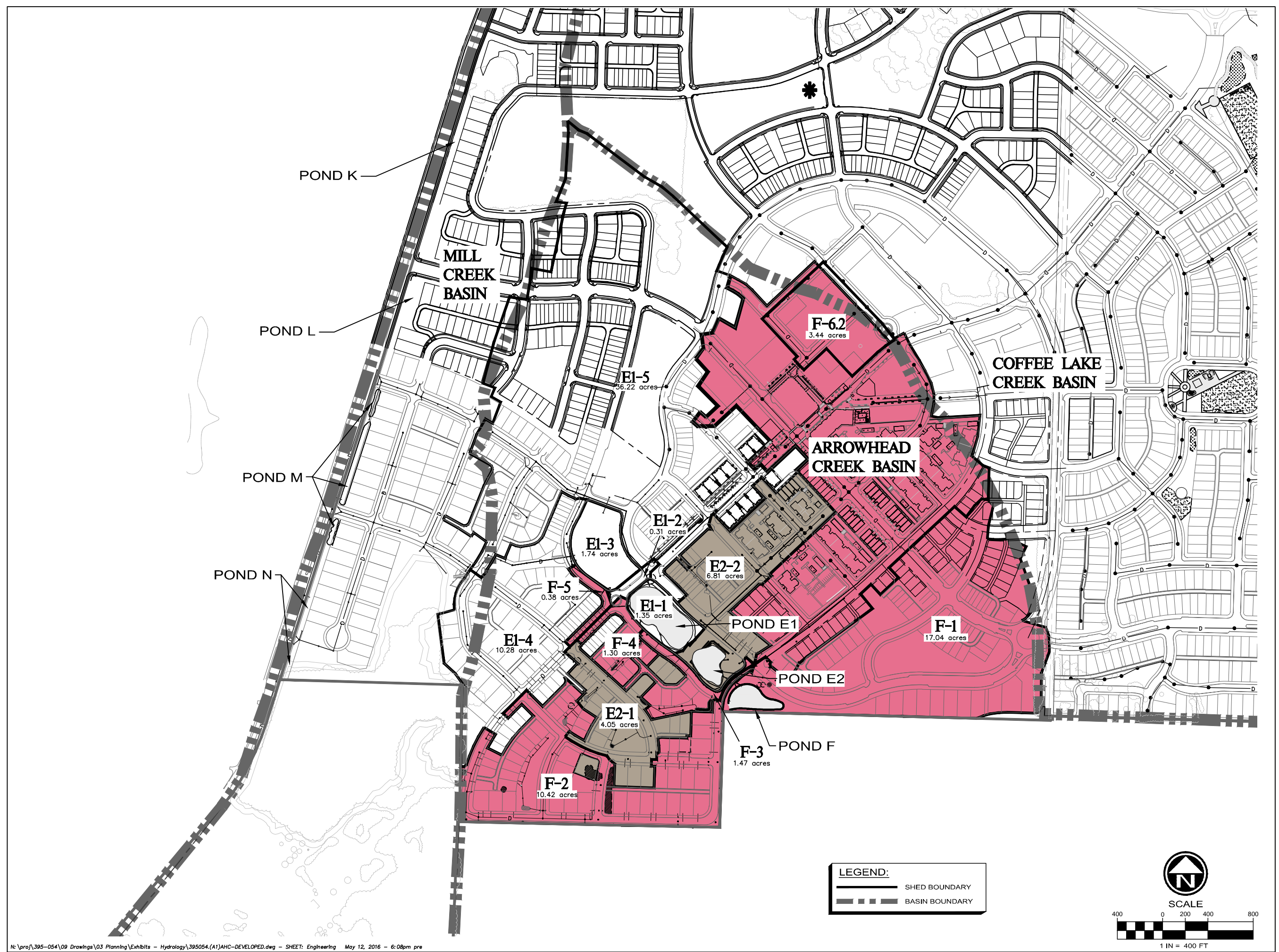
- ALPHA COMMUNITY DEVELOPMENT
- WESTERN PLANNING
- IVERSON ASSOCIATES
- PACIFIC HABITAT SERVICES
- WALT KNAPP
- KITTELSON & ASSOCIATES

LEGEND AT VILLEBOIS ARROWHEAD CREEK BASIN

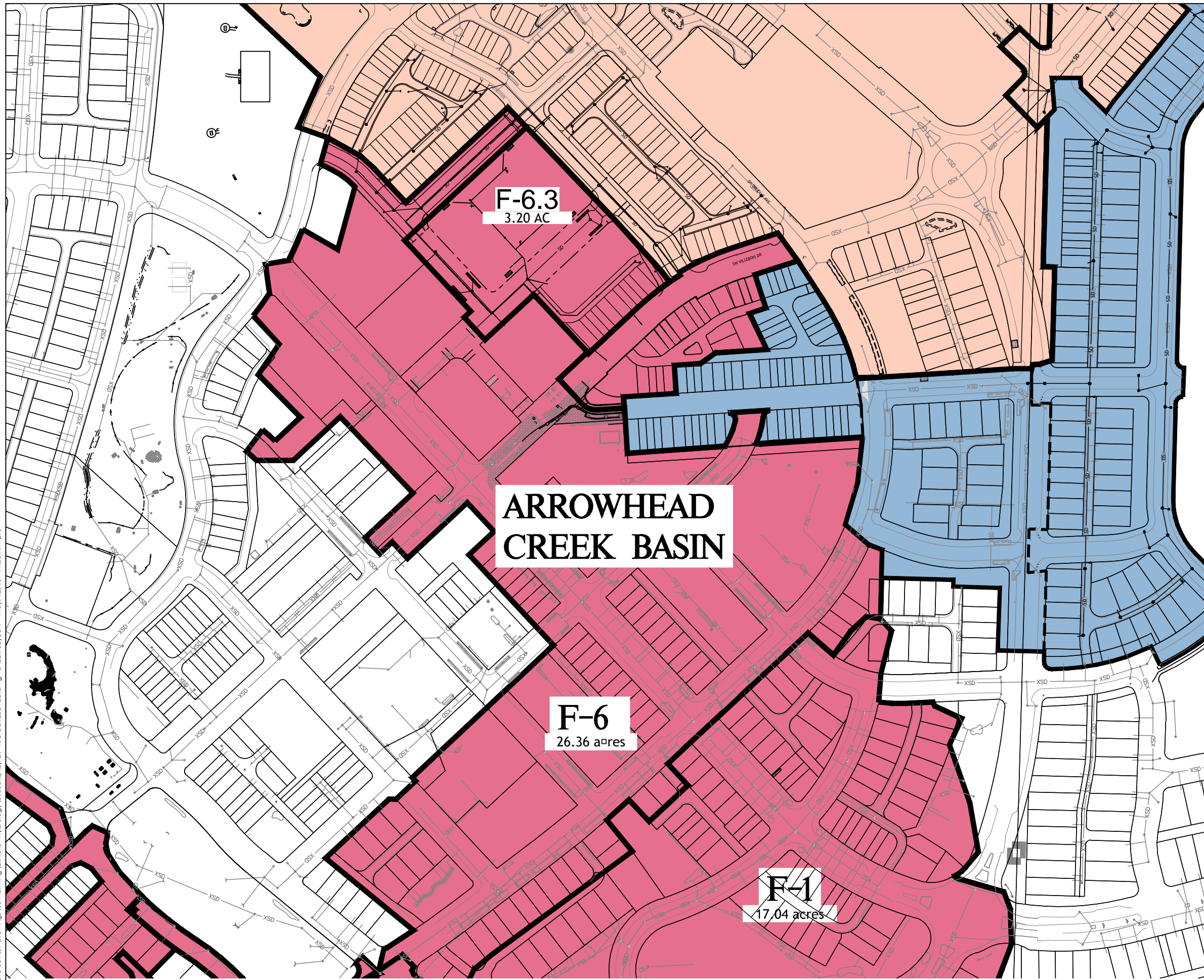
Master Plan
Developed Shed Map

DATE: December 7, 2005

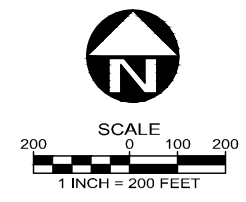
A1



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ELEVATION DATUM: NAVD 88



Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

Preliminary
Development
Plan

DEVELOPED
DRAINAGE
MAP

1st Submittal Date: 5/9/2016

A2



COMPOSITE CURVE NUMBER SAP CENTRAL

JOB NUMBER: 395-054
 PROJECT: MONT BLANC NO. 2 - PDP 10C
 FILE: N:/PROJ/395-054/05-REPORTS/HYDROLOGY/PLANNING/1ST
 SUBMITTAL/395054.RAINWATER ANALYSIS.XLSX

CURVE NUMBERS PER SAP CENTRAL C.O.A. PF10

Open Space and landscape areas	80
Commercial areas	94
Impervious Area Streets, Alleys *	98
Residential Development 1/8 acre or less	90
Residential Development 1/4 acre or less	83

* Streets and Alleys are modeled as 80% impervious and 20% pervious. Utilizing a CN of 80 for the pervious area and 98 for the impervious area, the weighted CN for streets and alleys would be 94.4.

ON-SITE	(AC)	CN	% of total
Row House (1/8 acre)	0.00	90	0.0%
Single Family Detached (1/8 acre)	0.00	90	0.0%
Single Family Detached (1/4 acre)	0.00	83	0.0%
Commercial/Multi-Family areas	2.23	94	64.9%
Street and Alley ROW's	1.21	94.4	35.1%
Open Space Area		80	0.0%
TOTAL	3.44		

Composite Curve Number per COA = **94.1**

FIGURE B1



PERCENT IMPERVIOUS SAP CENTRAL

JOB NUMBER: 395-054
PROJECT: MONT BLANC NO. 2 - PDP 10C
FILE: N:/PROJ/395-054/05-REPORTS/HYDROLOGY/PLANNING/1ST SUBMITTAL/395054.RAINWATER ANALYSIS.XLSX

Total Site Area 3.44 acres 149,706 sf

	Imp. Area (sf)
ON-SITE	
Row House Lot Impervious Area (85%)	0
Single Family Lot Impervious Area (60%)	0
Commercial Lot Impervious Area (90%)	87,408
ROW/Alley Impervious Area (80%)	42,069
Total	129,477
% Impervious =	86%

FIGURE B2



COMPOSITE CURVE NUMBER PDP 10C

JOB NUMBER: 395-054
 PROJECT: MONT BLANC NO. 2 - PDP 10C
 FILE: N:/PROJ/395-054/05-REPORTS/HYDROLOGY/PLANNING/1ST
 SUBMITTAL/395054.RAINWATER ANALYSIS.XLSX

CURVE NUMBERS PER SAP CENTRAL C.O.A. PF10

Open Space and landscape areas	80
Commercial areas	94
Impervious Area Streets, Alleys *	98
Residential Development 1/8 acre or less	90
Residential Development 1/4 acre or less	83

* Streets and Alleys are modeled as 80% impervious and 20% pervious. Utilizing a CN of 80 for the pervious area and 98 for the impervious area, the weighted CN for streets and alleys would be 94.4.

ON-SITE	(AC)	CN	% of total
Row House (1/8 acre)	0.25	90	7.3%
Single Family Detached (1/8 acre)	0.00	90	0.0%
Single Family Detached (1/4 acre)	0.00	83	0.0%
Commercial/Multi-Family areas	1.76	94	51.1%
Street and Alley ROW's	1.39	94.4	40.6%
Open Space Area	0.03	80	1.0%
TOTAL	3.44		

Composite Curve Number per COA = 93.7

FIGURE B3



PERCENT IMPERVIOUS PDP 10C

JOB NUMBER: 395-054
PROJECT: MONT BLANC NO. 2 - PDP 10C
FILE: N:/PROJ/395-054/05-REPORTS/HYDROLOGY/PLANNING/1ST SUBMITTAL/395054.RAINWATER ANALYSIS.XLSX

Total Site Area 3.44 acres 149,679 sf

	Imp. Area (sf)
ON-SITE	
Row House Lot Impervious Area (85%)	9,286
Single Family Lot Impervious Area (60%)	0
Commercial Lot Impervious Area (90%)	68,864
ROW/Alley Impervious Area (80%)	48,582
Total	126,731
% Impervious =	85%

FIGURE B4



MEMORANDUM

DATE: May 12, 2016
TO: City of Wilsonville
FROM: Patrick Espinosa, PE
Pacific Community Design
RE: Mont Blanc No. 2 (PDP 10C) Rainwater Analysis
Job No. 395-053

This memorandum report is to demonstrate that the rainwater management program proposed for the Mont Blanc No. 2 (PDP 10C) development portion of Villebois SAP Central is in compliance with the rainwater master plan submitted with SAP Central.

This portion of Villebois drains to the Arrowhead Creek Basin, see the developed drainage map Figure A2. The SAP Central rainwater management plan showed rainwater management provided by a series of planter boxes on the lots for condo and apartment building runoff and bio-retention cells for street runoff (see Figure A). Per SAP Central Plan, facilities 51, 53, 64-65, and 76 were sized to treat a total of 69,950 sf of impervious area (55% of the total site area).

The proposed development will contain bio-retention cells to treat street runoff and a series of planter boxes to treat the condo buildings.

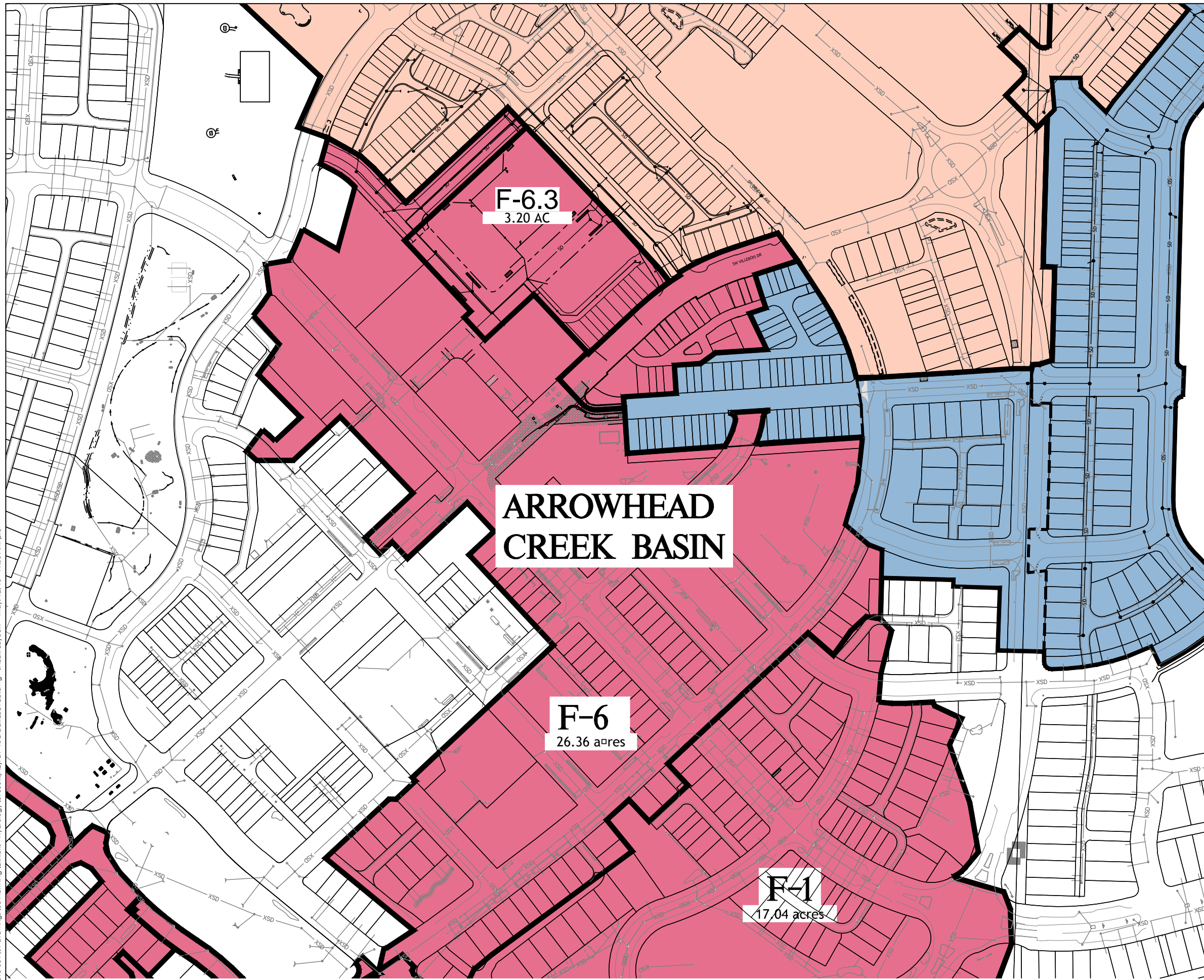
PDP 10C will treat 74% of the impervious area created on site. With the existing and future treatment facilities located on the remaining portion of SAP Central, SAP Central will treat 67% of the overall impervious area created. Based on this information the current facilities are adequately sized to provide treatment per the Villebois Village Rainwater Management Plan for SAP Central.

Thank you.

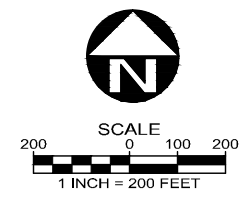
Attachments:

1. Figure A2 - Developed Drainage Map
2. Figure A3 - PDP 10C Rainwater Management Plan
3. Figure A - SAP Central Rainwater Management Plan
4. B1 - Composite Curve Number - SAP Central
5. B2 - Percent Impervious - SAP Central
6. B3 - Composite Curve Number - PDP 10C
7. B4 - Percent Impervious - PDP 10C
8. C2 - SAP Central Component Summary

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ELEVATION DATUM: NAVD 88



Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

Preliminary
Development
Plan

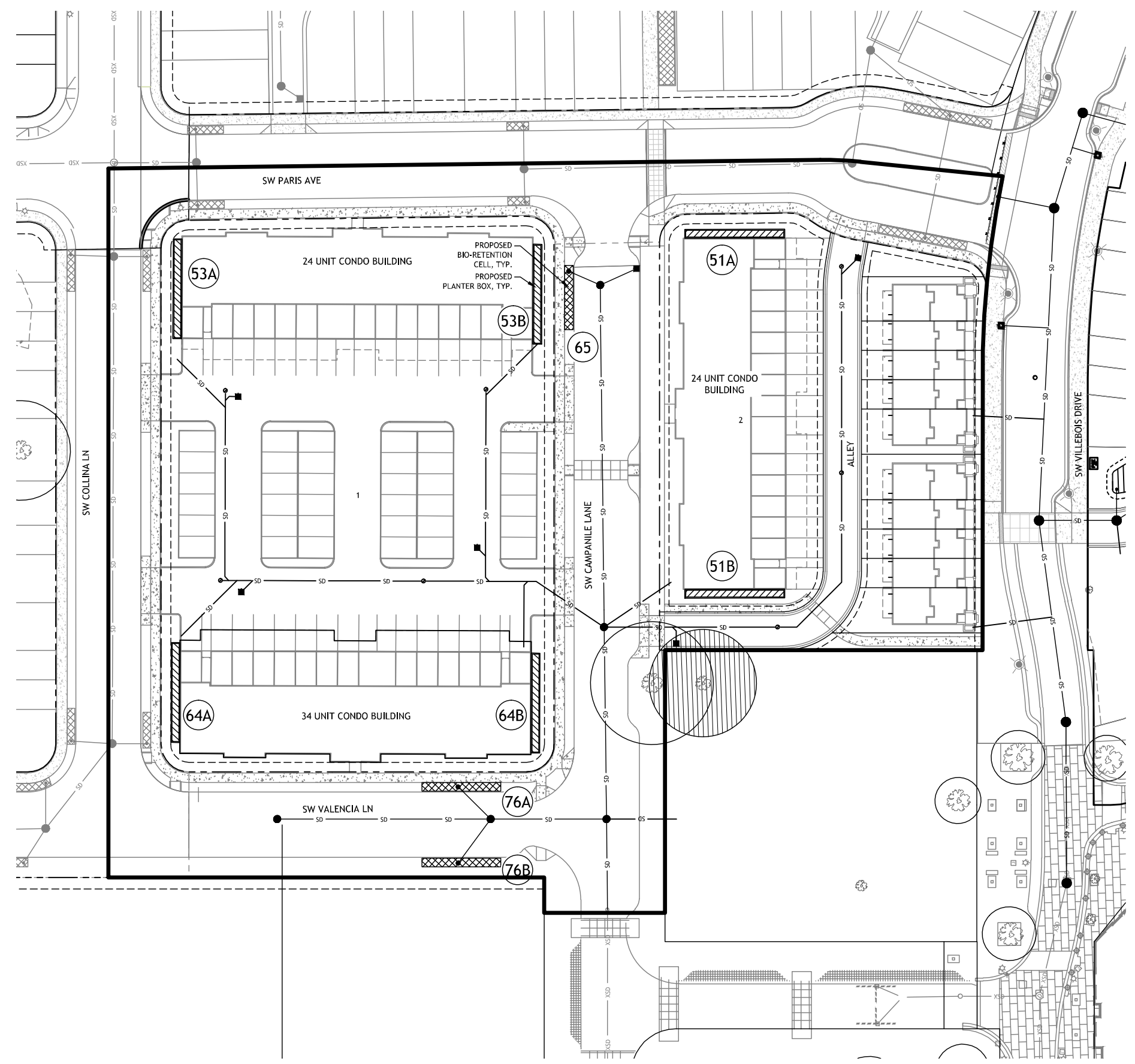
DEVELOPED
DRAINAGE
MAP

1st Submittal Date: 5/9/2016

A2

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ELEVATION DATUM: NAVD 88



LEGEND:

- SD — PROPOSED STORM DRAIN
- ▨ PROPOSED RAINWATER MANAGEMENT FACILITY

SCALE
0 15 30
1 INCH = 30 FEET



Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

Preliminary
Development
Plan

PRELIMINARY
RAINWATER
MANAGEMENT
PLAN

1st Submittal Date: 5/9/2016

A3



COSTA PACIFIC COMMUNITIES

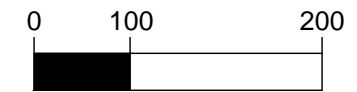
ALPHA COMMUNITY DEVELOPMENT
FLETCHER FARR AYOTTE
IVERSON ASSOCIATES
PACIFIC HABITAT SERVICES
WALT KNAPP
KITTELSON & ASSOCIATES
MAYER/REED

LEGEND:

- SAP BOUNDARY
- RAINWATER COMPONENT
- PERVIOUS STREET PAVERS
- ROOF GARDEN
- 6** RAINWATER COMP. NUMBER



SCALE



1 IN = 200 FT

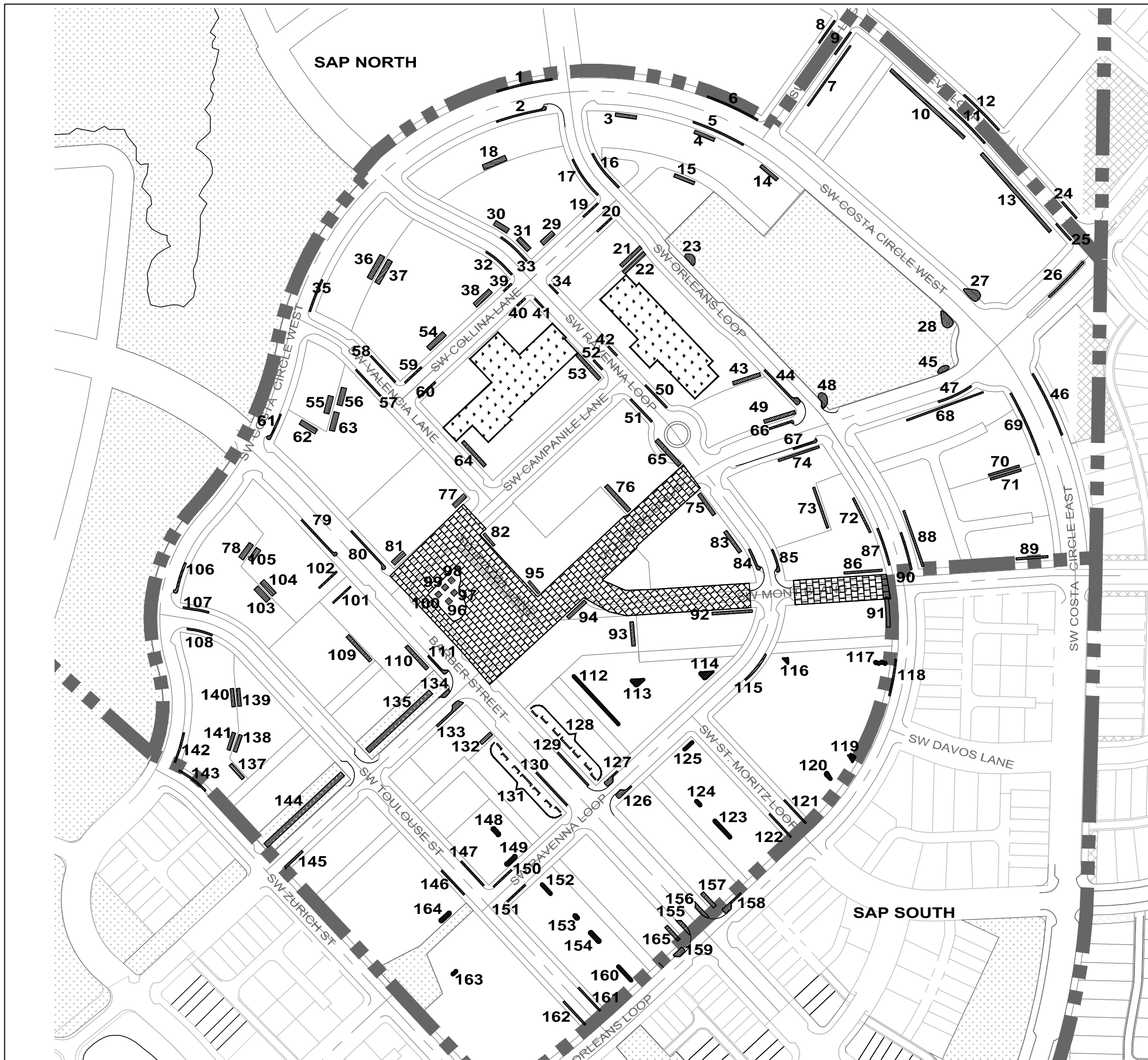
VILLEBOIS

SAP CENTRAL

Rainwater Management Plan

DATE: February 24, 2006

FIGURE A





COMPOSITE CURVE NUMBER SAP CENTRAL

JOB NUMBER: 395-054
 PROJECT: MONT BLANC NO. 2 - PDP 10C
 FILE: N:/PROJ/395-054/05-REPORTS/HYDROLOGY/PLANNING/1ST
 SUBMITTAL/395054.RAINWATER ANALYSIS.XLSX

CURVE NUMBERS PER SAP CENTRAL C.O.A. PF10

Open Space and landscape areas	80
Commercial areas	94
Impervious Area Streets, Alleys *	98
Residential Development 1/8 acre or less	90
Residential Development 1/4 acre or less	83

* Streets and Alleys are modeled as 80% impervious and 20% pervious. Utilizing a CN of 80 for the pervious area and 98 for the impervious area, the weighted CN for streets and alleys would be 94.4.

ON-SITE	(AC)	CN	% of total
Row House (1/8 acre)	0.00	90	0.0%
Single Family Detached (1/8 acre)	0.00	90	0.0%
Single Family Detached (1/4 acre)	0.00	83	0.0%
Commercial/Multi-Family areas	2.23	94	64.9%
Street and Alley ROW's	1.21	94.4	35.1%
Open Space Area		80	0.0%
TOTAL	3.44		

Composite Curve Number per COA = **94.1**

FIGURE B1



PERCENT IMPERVIOUS SAP CENTRAL

JOB NUMBER: 395-054
PROJECT: MONT BLANC NO. 2 - PDP 10C
FILE: N:/PROJ/395-054/05-REPORTS/HYDROLOGY/PLANNING/1ST SUBMITTAL/395054.RAINWATER ANALYSIS.XLSX

Total Site Area 3.44 acres 149,706 sf

	Imp. Area (sf)
ON-SITE	
Row House Lot Impervious Area (85%)	0
Single Family Lot Impervious Area (60%)	0
Commercial Lot Impervious Area (90%)	87,408
ROW/Alley Impervious Area (80%)	42,069
Total	129,477
% Impervious =	86%

FIGURE B2



COMPOSITE CURVE NUMBER PDP 10C

JOB NUMBER: 395-054
 PROJECT: MONT BLANC NO. 2 - PDP 10C
 FILE: N:/PROJ/395-054/05-REPORTS/HYDROLOGY/PLANNING/1ST
 SUBMITTAL/395054.RAINWATER ANALYSIS.XLSX

CURVE NUMBERS PER SAP CENTRAL C.O.A. PF10

Open Space and landscape areas	80
Commercial areas	94
Impervious Area Streets, Alleys *	98
Residential Development 1/8 acre or less	90
Residential Development 1/4 acre or less	83

* Streets and Alleys are modeled as 80% impervious and 20% pervious. Utilizing a CN of 80 for the pervious area and 98 for the impervious area, the weighted CN for streets and alleys would be 94.4.

ON-SITE	(AC)	CN	% of total
Row House (1/8 acre)	0.25	90	7.3%
Single Family Detached (1/8 acre)	0.00	90	0.0%
Single Family Detached (1/4 acre)	0.00	83	0.0%
Commercial/Multi-Family areas	1.76	94	51.1%
Street and Alley ROW's	1.39	94.4	40.6%
Open Space Area	0.03	80	1.0%
TOTAL	3.44		

Composite Curve Number per COA = 93.7

FIGURE B3



PERCENT IMPERVIOUS PDP 10C

JOB NUMBER: 395-054
PROJECT: MONT BLANC NO. 2 - PDP 10C
FILE: N:/PROJ/395-054/05-REPORTS/HYDROLOGY/PLANNING/1ST SUBMITTAL/395054.RAINWATER ANALYSIS.XLSX

Total Site Area 3.44 acres 149,679 sf

	Imp. Area (sf)
ON-SITE	
Row House Lot Impervious Area (85%)	9,286
Single Family Lot Impervious Area (60%)	0
Commercial Lot Impervious Area (90%)	68,864
ROW/Alley Impervious Area (80%)	48,582
Total	126,731
% Impervious =	85%

FIGURE B4



JOB NUMBER: 395-053
 PROJECT: ROYAL CRESCENT AT VILLEBOIS & CAMDEN SQUARE - PDP 9C
 FILE: N:/PROJ/395-053/05-REPORTS/RAINWATER ANALYSIS/395053.RAINWATER ANALYSIS.XLSX

**EXHIBIT C:
 RAINWATER COMPLIANCE SUMMARY - SAP CENTRAL**

PHASE	DRAINAGE BASIN	BASIN ID	AREA (SF)	% IMPERVIOUS	IMPERVIOUS AREA (SF)	RAINWATER COMPONENT NO.	RAINWATER COMPONENT TYPE	RAINWATER COMPONENT AREA/ NO. OF TREES	SIZING FACTOR	IMPERVIOUS AREA TREATED ¹			% IMPERVIOUS AREA TREATED
										ARROWHEAD CREEK	MILL CREEK	COFFEE LAKE CREEK	
10C	ARROWHEAD CREEK	LOT 77	149,679	85%	126,731	-	-	-	-	93267	-	-	-
						51A	TREES	67	0.01	6700			
						51B	PLANTER BOX	354	0.03	11800			
						53A	PLANTER BOX	354	0.03	11800			
						53B	PLANTER BOX	354	0.03	11800			
						64A	PLANTER BOX	354	0.03	11800			
						64B	PLANTER BOX	354	0.03	11800			
						65	BIO-RETENTION CELL	133	0.03	4433			
						76A	BIO-RETENTION CELL	155	0.03	5167			
						76B	BIO-RETENTION CELL	185	0.03	6167			
TOTAL PDP 1C			717,433		556,610					369,104			66%
TOTAL PDP 2C			230,432		189,922					90,499			48%
TOTAL PIAZZA VILLEBOIS			38,768		38,768					26,042			67%
TOTAL PHASE 4C			354,143		251,361							165,600	66%
TOTAL PHASE 6C			80,884		61,092							37,078	61%
TOTAL PHASE 7C			178,700		115,947					39,199		53,100	80%
TOTAL PHASE 8C			97,823		60,303							59,617	99%
TOTAL PHASE 9C			186,876		139,243							115,195	98%
TOTAL PHASE 10C			149,679		126,731					93,267			74%
FUTURE SAP CENTRAL PHASES ²			301,385		266,890					153,003	0		57%
SAP CENTRAL TOTAL			2,336,123		1,806,868					771,114	0	430,590	67%

¹COMPONENT IMPERVIOUS AREA TREATED REFLECTS ACTUAL COMPONENT CATCHMENT AREA AND MAY NOT REFLECT SIZING FACTOR

²FUTURE SAP CENTRAL PHASE TOTALS PER APPROVED SAP CENTRAL RAINWATER MANAGEMENT PLAN

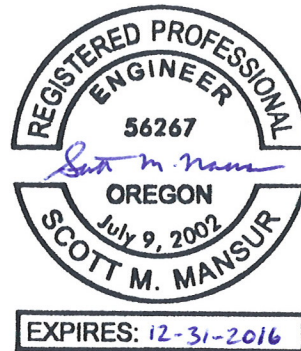
IID) Traffic Analysis



117 Commercial Street NE
 Suite 310
 Salem, OR 97301
 503.391.8773
 www.dksassociates.com

MEMORANDUM

DATE: June 9, 2016
TO: Steve Adams, P.E., City of Wilsonville
FROM: Scott Mansur, P.E., PTOE *Sm*
 Jordin Ketelsen, EIT



SUBJECT: Villebois Urban Village SAP Central 10C Transportation Study (Lot 77)

P16048-003

This memorandum documents trip generation estimates and a site plan review for the proposed Villebois PDP 10C development of ten rowhomes and 82 condominiums on Lot 77. This lot is located west of SW Villebois Drive North, north of SW Barber Street, and south of Costa Circle West. The purpose of this memorandum is to compare the proposed land use development of Villebois Urban Village Specific Area Plan (SAP) Central (dated March 3rd, 2015) to previously analyzed SAP Central land use numbers and ensure the current proposal was adequately analyzed as part of a prior traffic impact study and that additional intersection capacity analysis will not be needed.

Villebois Land Use

When the Future Study Area was added to the *Villebois Village Master Plan*,¹ DKS performed updated traffic impact analysis for the entire Villebois area. Table 1 shows the residential land use estimates that were the basis of the updated traffic impact analysis.²

Table 1: Villebois Village Residential Land Uses Analyzed in Prior Traffic Impact Study (October 2013)

SAP	Single Family Units	Condo/Townhouse Units	Apartment Units	Total Residential Units
East	534	42	-	576
Central ^a	49	459	501	1,009
North	423	31	10	464
South	357	103	21	481

^a SAP Central also included 33,000 square feet of retail space.

¹ The most recent version of the *Villebois Village Master Plan* was adopted October 7, 2013, and included the addition of the "future study area".

² *Villebois Future Study Area Transportation Impact Analysis*, DKS Associates, October 21, 2013, page 5.



SAP Central Residential Land Use/Trip Generation

As shown previously in Table 1, the most recent traffic impact analysis performed for Villebois assumed that SAP Central would include 49 single family units, 459 condo/townhouse units, and 501 apartment units for a total of 1,009 residential units. The current SAP Central proposal (dated April 28, 2016) includes 75 single family units, 478 condo/townhouse units, and 439 apartment units for a total of 992 residential units.³ Table 2 shows the p.m. peak hour trip generation estimates for both land use breakdowns along with the net change.⁴ As shown, the currently planned residential land uses are estimated to generate 597 (392 in, 205 out) p.m. peak hour trips for SAP Central, which is a net decrease of one trip.

Table 2: SAP Central Trip Generation Comparison

Land Use (ITE Code)	Size	Average Trip Generation Rate	Number of New Trips (p.m. peak)		
			In	Out	Total
<i>Basis of Traffic Impact Analysis (October 2013)</i>					
Single Family Units (210)	49 units	1.01 trips/unit	31	18	49
Condo/Townhome (230)	459 units	0.52 trips/unit	159	79	238
Apartments (220)	501 units	0.62 trips/unit	202	109	311
Total Trips			392	206	598
<i>Current Plans (April 2016)</i>					
Single Family Units (210)	75 units	1.01 trips/unit	48	28	76
Condo/Townhome (230)	478 units	0.52 trips/unit	167	82	249
Apartments (220)	439 units	0.62 trips/unit	177	95	272
Total Trips			392	205	597
Net New Trips			0	-1	-1

³ Single Family unit number provided by Stacy Connery, Pacific Community Design, April 28, 2016.

⁴ Retail land use quantities and trip generation estimates were not included in the analysis because no changes are being proposed.



SAP Central PDP 10C Lot 77 Trip Generation

SAP Central is broken into approximately 14 Planned Development Phases (PDPs). Table 3 shows the estimated trip generation for PDP 10C based on the currently proposed ten rowhomes and 82 condominiums for Lot 77. As shown, the 92 proposed residential units planned would generate approximately 48 (32 in, 16 out) p.m. peak hour trips.

Table 3: SAP Central PDP 10C Lot 77 Trip Generation

Land Use (ITE Code)	Number of Units	Average Trip Generation Rate	Number of New Trips (p.m. peak)		
			In	Out	Total
Residential Condo/Townhouse (230)	92	0.52 trips/unit	32	16	48
<i>Total</i>			32	16	48

Site Plan Review

The applicant’s preliminary site plan was provided with the Traffic Study Request letter and is attached to the appendix.⁵ It was reviewed to evaluate site access for vehicles and pedestrians as well as evaluate parking.

Site Access

The roadways of SW Villebois Drive North, SW Paris Avenue, SW Valencia Lane, SW Campanille Lane, and one other alley are planned within the proposed sites. Access to the condominium parking spaces is provided from SW Collina Lane (two access points), SW Campanille Lane (two access points), and the internal alley (one access point). Access to the internal alley of the site will be provided onto SW Campanille Lane (one access point) and SW Paris Avenue (one access point).

The left turn movement into and out of the ally onto SW Paris Avenue would require a vehicle to maneuver around the proposed median, creating the potential for unsafe left turn movements. Therefore, the access point from the alley way onto SW Paris Avenue should be restricted to right-in, right-out movements. It is also recommended that the median be extended to the west to further deter vehicles from making any left turn movements at this access point (see figure 1).

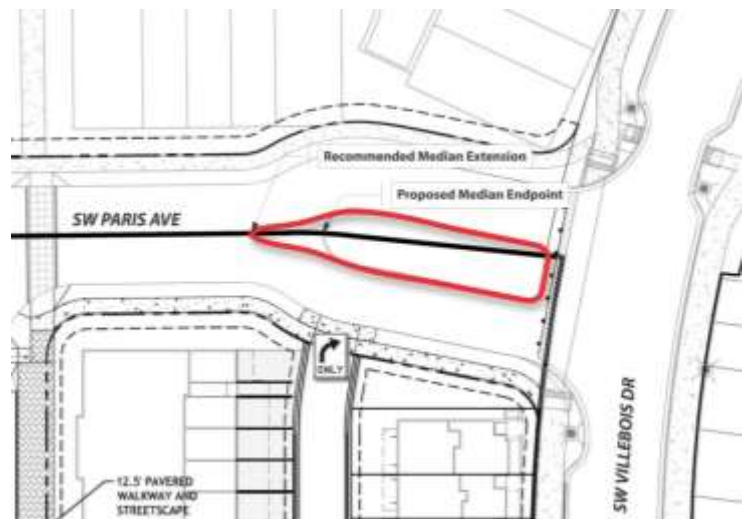


Figure 1: Recommended Median Modification

⁵ Site plan provided in email from Steve Adams, City of Wilsonville, April 29, 2016.



Pedestrian Access

The site plan shows proposed sidewalks surrounding the condominiums and rowhomes on all frontages as well as a portion of the internal alley ways adjacent to the rowhomes. The site plan also shows a pedestrian paver walkway and streetscape with a crossing and curb extension along SW Campanille Lane. Additionally, the site plan shows a path with proposed pedestrian connections to SW Villebois Drive North. This pedestrian connection is especially significant since it also connects via SW Villebois Drive North to key pedestrian generators in the area such as the proposed Montague Park to the north of the site, to the Piazza south of the site, and to Lowrie Primary School east of the site.

Parking

In total, the 92 proposed residential units require one space per dwelling unit. Therefore, the single car garages provided with each rowhome (10) and the designated garage parking space and driveway parking space for the condominiums (132) will be sufficient to the parking demand and code requirements. Additionally, the site plan shows approximately 900 feet of available on-street parking on SW Valencia Lane, SW Collina Lane, SW Paris Avenue, and SW Campanille Lane adjacent to the proposed site. This will provide space for approximately 36 vehicles based on 25 feet per vehicle.

Summary

Key findings for the proposed Villebois Urban Village SAP Central PDP 10C Lot 77 development of ten rowhomes and 82 condominiums in Wilsonville, Oregon are as follows:

- The proposed SAP Central is expected to slightly decrease the p.m. peak hour trips (one trip) when compared with the original approved trip generation estimates.
- The proposed development of ten rowhomes and 82 condominiums within PDP 10C are estimated to generate 48 (32 in, 16 out) net new p.m. peak hour trips.
- The site plan shows an internal alley way that provides access to SW Campanille Lane and SW Paris Avenue. It is recommended that left turns be restricted at the SW Paris Avenue access point of the alley and the proposed median be extended west to discourage left turn movements.
- The city code required parking spaces (92) are provided by the single car garages in each rowhome (10), designated condominium parking spots (132), and on-street parking available (36) on the adjacent roadways.

Please let us know if you have any questions.

III) Tree Report

**Mont Blanc No. 2 – Wilsonville, Oregon
Tree Maintenance and Protection Plan
May 3, 2016**

MHA16043

Purpose

This Tree Maintenance and Protection Plan for the Mont Blanc No. 2 project located in Wilsonville, Oregon, is provided pursuant to City of Wilsonville Development Code, Section 4.610.40. This arborist report describes the existing trees located on the project site, as well as recommendations for tree removal, retention, mitigation, and protection. This report is based on observations made by International Society of Arboriculture (ISA) Board Certified Master Arborist and Qualified Tree Risk Assessor Morgan Holen (PN-6145B) during a site visit conducted on May 3, 2016.

Scope of Work and Limitations

Morgan Holen & Associates, LLC, was contracted by Polygon Northwest Company to visually assess existing trees measuring six inches in diameter and larger in terms of general condition and suitability for preservation with development, and to develop a tree maintenance and protection plan for the project. The site is planned for residential development. A site plan was provided by Pacific Community Design illustrating the location of trees and tree survey point numbers, and potential construction impacts.

Visual Tree Assessment (VTA¹) was performed on individual trees located across the site. Trees were evaluated in terms species, size, general condition, and potential construction impacts, and treatment recommendations include retain or remove. Following the inventory fieldwork, we coordinated with Pacific Community Design to discuss and finalize treatment recommendations based on the proposed site plan and grading.

The client may choose to accept or disregard the recommendations contained herein, or seek additional advice. Neither this author nor Morgan Holen & Associates, LLC, have assumed any responsibility for liability associated with the trees on or adjacent to this site.

General Description

The Mont Blanc No. 2 project site is located north of the Villebois Piazza, bordered by SW Villebois Drive to the southeast, SW Paris Avenue to the northeast, SW Collina Lane to the northwest, and SW Valencia Lane to the southwest. The existing site is undeveloped and the existing trees were protected when the former Dammasch State Hospital building was demolished. In all, eight trees measuring 6-inches and larger in diameter were inventoried including five tree species. Table 1 provides a summary of the count of trees by species. A complete description of individual trees is provided in the enclosed tree data.

Table 1. Count of Trees by Species – Mont Blanc No. 2, Wilsonville, OR.

Common Name	Species Name	Total	Percent
Japanese maple	<i>Acer palmatum</i>	2	25%
Kellogg oak	<i>Quercus kelloggii</i>	1	12.5%
Norway maple	<i>Acer platanoides</i>	2	25%
scarlet oak	<i>Quercus coccinea</i>	2	25%
sweetgum	<i>Liquidambar styraciflua</i>	1	12.5%
Total		8	100%

¹ Visual Tree Assessment (VTA): The standard process of visual tree inspection whereby the inspector visually assesses the tree from a distance and up close, looking for defect symptoms and evaluating overall condition and vitality.

Tree Plan Recommendations

As described in the enclosed tree data, individual trees were assigned a general condition rating as defined by the Villebois Specific Area Plan Community Elements Book:

P: Poor Condition

M: Moderate Condition

G: Good Condition

I: Important Condition

Six trees are recommended for removal for the purposes of construction—including grading, building, and street improvements—because adequate protection is not possible, including:

- Two Japanese maples (*Acer palmatum*) in moderate condition with extensive and progressive crown dieback; these trees are both small ornamental trees with codominant stems.
- One 35-inch diameter Kellogg oak (*Quercus kelloggii*) in moderate condition with crown dieback, dead and broken branches, and crown decay.
- Two invasive Norway maples (*Acer platanoides*) in moderate and good condition, measuring 10- and 18-inches each in diameter, respectively. As was documented in the original 2006 inventory, both trees appear to be infected with Verticillium wilt, which is caused by soil-borne fungi, but they remain physiologically viable.
- One 12-inch diameter sweetgum (*Liquidambar styraciflua*) in moderate condition with top dieback, a thin crown, and somewhat chlorotic foliage, located in an existing concrete planter that will be demolished.

The remaining two trees are located just off-site and are planned for protection with development on the project site, including:

- Tree 582, a 30-inch diameter scarlet oak (*Quercus coccinea*) classified as important. This tree has no major defects but pruning is recommended to improve crown structure and to remove dead and defective branches for safety. The grading plan has been developed in order to avoid excavation in the root zone; SW Campanille Lane should be built up from existing grade to avoid root pruning and no underground utilities should be installed within 14-feet of the tree at a minimum. Initially, tree protection fencing should be installed at the dripline of the tree and adjusted for street construction under arborist supervision. The project arborist should monitor and document root protection during construction and supervise utility trench excavation if it will occur beneath the dripline area.
- Tree 581, a 19-inch diameter scarlet oak in moderate condition with twig dieback, a relatively thin crown, and poor structure with a one-sided crown to the south. The proposed sidewalk to the northeast of this tree should be built up from native grade to avoid root zone excavation and adequate protection will be possible during Mont Blanc No. 2 site development, but tree 581 should be re-evaluated when the adjacent lot in which it is located is developed. Removal of this tree will not impact the adjacent important tree 582 and would allow for a future sidewalk connection behind tree 582 in order to minimize further encroachment on the street side of this tree.

Table 2 provides a summary of the count of trees by general condition rating and treatment recommendation.

Table 2. Count of Trees by Treatment Recommendation and General Condition Rating.

Treatment Recommendation	General Condition Rating			Total
	M	G	I	
Retain	1	0	1	2 (25%)
Remove	5	1	0	6 (75%)
Total	6 (75%)	1 (12.5%)	1 (12.5%)	8 (100%)

Mitigation Requirements

All 8 inventoried trees are 6-inches or larger in diameter, including two trees planned for retention with protection during construction and six trees planned for removal. Removal of these six trees requires mitigation per Section 4.620.00; removed trees shall be replaced on a basis of one tree planted for each tree removed. Therefore, six trees measuring at least 2-inch in diameter shall be planted as mitigation for tree removal.

Tree Protection Standards

Trees designated for retention will need special consideration to assure their protection during construction. We recommend a preconstruction meeting with the owner, contractors, and project arborist to review tree protection measures and address questions or concerns on site. Tree protection measures include:

- **Fencing.** Trees to remain on site shall be protected by installation of tree protection fencing to prevent injury to tree trunks or roots, or soil compaction within the root protection area, which generally coincides with tree driplines. Fences shall be 6-foot high steel on concrete blocks or orange plastic construction fencing on metal stakes. The project arborist shall determine the exact location and type of tree protection fencing. Trees located more than 30-feet from construction activity shall not require fencing.
- **Tree Protection Zone.** Without authorization from the Project Arborist, none of the following shall occur beneath the dripline of any protected tree:
 1. Grade change or cut and fill;
 2. New impervious surfaces;
 3. Utility or drainage field placement;
 4. Staging or storage of materials and equipment; or
 5. Vehicle maneuvering.

Root protection zones may be entered for tasks like surveying, measuring, and, sampling. Fences must be closed upon completion of these tasks.

- **Pruning.** Pruning may be needed to provide for overhead clearance, improve crown structure, and to remove dead and defective branches for safety. The project arborist can help identify where pruning is necessary once trees recommended for removal have been removed and the site is staked and prepared for construction. Tree removal and pruning shall be performed by a Qualified Tree Service.
- **Excavation.** Excavation beneath the dripline of protected trees shall be avoided if alternatives are feasible. Otherwise, the project arborist shall provide on-site consultation during all excavation activities beneath the dripline of protected trees. Excavation immediately adjacent

to roots larger than 2-inches in diameter within the root protection zone of retained trees shall be by hand or other non-invasive techniques to ensure that roots are not damaged. Where feasible, major roots shall be protected by tunneling or other means to avoid destruction or damage. Exceptions can be made if, in the opinion of the project arborist, unacceptable damage will not occur to the tree. Where soil grade changes affect the root protection area, the grade line should be meandered wherever practicable. This will require on-site coordination to ensure a reasonable balance between engineering, construction, and the need for tree protection.

- **Surfacing.** Where surfacing is proposed beneath the dripline of protected trees, coordinate with the project arborist to provide recommendations for adjustments to protection fencing and to monitor construction in the tree protection zone. Avoid excavation and use a modified profile to build up from existing grade (Figure 1). The profile includes a layer of permeable geotextile fabric on the ground surface and crushed rock to raise the grade as needed. Surfacing may include asphalt, concrete, or other materials. If excavation is unavoidable, work shall be performed under arborist supervision.

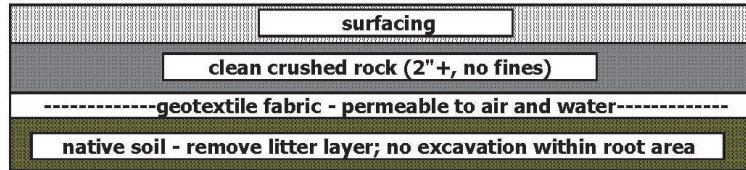


Figure 1. Sample profile for areas within Critical Root Zones. Depth of rock is dependent on grading. Technique based on best management practices.

- **Landscaping.** Following construction and where landscaping is desired, apply approximately 3-inches of mulch beneath the dripline of protected trees, but not directly against tree trunks. Shrubs and ground covers may be planted within tree protection areas. If irrigation is needed, use drip irrigation installed above ground only beneath the driplines of protected trees.
- **Quality Assurance.** The project arborist should supervise proper execution of this plan during construction activities that could encroach on retained trees. Tree protection site inspection monitoring reports should be provided to the Client and City on a regular basis throughout construction.

Thank you for choosing Morgan Holen & Associates, LLC, to provide consulting arborist services for the Mont Blanc No. 2 project. Please contact us if you have questions or need any additional information.

Thank you,
Morgan Holen & Associates, LLC

Morgan E. Holen, Owner
ISA Board Certified Master Arborist, PN-6145B
ISA Tree Risk Assessment Qualified
Forest Biologist

Enclosures: Mont Blanc No. 2 – Tree Data 5-3-16

Tree No.	Common Name	Species Name	DBH*	C-Rad^	Cond [#]	Condition & Comments	Treatment
525	Sweetgum	<i>Liquidambar styraciflua</i>	12	8	M	top dieback, thin crown, somewhat chlorotic foliage, existing concrete planter	Remove
542	Norway maple	<i>Acer platanoides</i>	10	12	M	invasive species, decline, Verticillium wilt	Remove
543	Norway maple	<i>Acer platanoides</i>	18	14	G	invasive species, Verticillium wilt	Remove
579	Kellogg oak	<i>Quercus kelloggii</i>	35	26	M	dead and broken branches, dieback, crown decay	Remove
580	Japanese maple	<i>Acer palmatum</i>	2x6	9	M	extensive crown dieback	Remove
581	Scarlet oak	<i>Quercus coccinea</i>	19	28	M	twig dieback, thin crown, poor structure, one-sided to south, off-site	Retain - remove when adjacent lot developed
582	Scarlet oak	<i>Quercus coccinea</i>	30	32	I	needs pruning to remove deadwood and improve crown structure, off-site	Retain
584	Japanese maple	<i>Acer palmatum</i>	2x8	11	M	extensive crown dieback, dead and broken branches	Remove

*DBH: Diameter at Breast Height (measured 4.5-feet above ground level in inches); trees with multiple trunks splitting below DBH are measured separately and individual trunk measurements are separated by a comma, except multiple trunks of the same size are indicated with an asterisk (quantity * size). Diameter was visually estimated at trees 525, 579, 581 and 582 where access was inhibited by existing tree protection fencing and at trees 542, 543 and 584 where access was inhibited by dense blackberry thickets.

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

[#]Condition Rating: I-Important; G-Good; M-Moderate; P-Poor.

Section III) Tentative Plat - Subdivision

IIIA) Supporting Compliance Report

**SUPPORTING COMPLIANCE REPORT
TENTATIVE PLAT - SUBDIVISION
PDP 10 - CENTRAL**

SECTION IIIA

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I. WILSONVILLE PLANNING & LAND DEVELOPMENT ORDINANCE

SECTION 4.125. VILLAGE (V) ZONE

(.02) PERMITTED USES

Examples of principle uses that are typically permitted:

- D. Row Houses
- E. Multi-Family Dwellings
- H. Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.

Response: The proposed Tentative Plat for subdivision will create 10 lots for development of row houses and 2 lots for 3 multi-family buildings of 82 condominiums. All proposed uses within the subject PDP are permitted pursuant to this section.

(.05) DEVELOPMENT STANDARDS APPLYING TO ALL DEVELOPMENTS IN THE VILLAGE ZONE

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

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

Response: These standards are addressed within the PDP Compliance Report (see Section IIA).

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

Response: These standards are addressed within the PDP Compliance Report (see Section IIA).

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

Response: These standards are addressed within the PDP Compliance Report (see Section IIA).

- B. Access: All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer.

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

Table V-1 Development Standards

Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width (%) ^{1,2}	Max. Bldg. Height (ft.)	Front Min. (ft.)	Setbacks ^{10,13,16} Front Max. (ft.)	Rear Min. (ft.)	Side Min. (ft.)	Alley-Loaded Garage (note)	Street-Loaded Garage (note)
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	1	80	60	NR ³	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	1	60	45	8 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	1	80	45	8 ⁴	15	NR	NR	NR	NA
Duplexes	4,000	45	70	2	60 ¹⁸	35	12 ^{5,6}	20 ⁸	5	5 ¹⁰	7	6,15,18
Single-Family Dwellings	2,250	35	50	2	60 ¹⁸	35	12 ^{5,6}	20 ⁸	5	5 ¹⁰	7	6,15

Notes: NR, No Requirement
 NA, Not Allowed
 1 Lot < 8000sf, NR; Lot > 8000sf: 80% (Max. Lot Coverage)
 2 Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%; Estate Lots: 45% Maximum Lot Coverage
 On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.
 3 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.
 4 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.
 5 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Signs may encroach to the Public Way.
 6 Fee Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback.
 7 The garage setback from alley shall be between 3 and 5 foot or, when as optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.
 8 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main facade of the associated dwelling unit.
 9 Vertical encroachments are allowed on as ten additional feet for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
 10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.
 11 Row Houses are typically attached, but may be detached within the Village Center boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, trees, grade differences, public open space requirements, or as otherwise approved by the DRB.
 12 See Detachments, 4-125.01, for measurement of Minimum Frontage Width.
 13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.
 14 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.
 15 On Estate Lots and Large Lots with frontage > 90 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.
 16 Fee cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.
 17 Dwellings on lots without alley access shall be at least 36 feet wide.
 18 Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.
 19 Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements.
 20 Lots are categorized as small, medium, standard, large or estate as shown in the Pattern Book. [Table V-1 amended by Ord. 667 on 8/17/09; Ord. 682, 8/9/10]

Response: The Tentative Plat (see Section IIIB in this Notebook) depicts proposed lot sizes and dimensions. All of the lots meet applicable requirements, as addressed below. The lots along Villebois Drive will be developed with single family attached row houses, with no more than ten contiguous units along a street edge, and the lots along Campanile Lane will be developed with multi-family condominiums. Table V-1 does not indicate a minimum lot size, width or depth for Row Houses or Multi-Family

Dwellings in the Village Center. The proposed PDP 10C has lots >8,000 sf, and will meet the 80% maximum lot coverage (See Section IIB for building coverage areas and the Tentative Plat, Section IIIB, for lot area). Row Houses comply with the maximum frontage width standard. The condominiums on Lot 1 have four street frontages. Pursuant to Footnote 10, “For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.” The condominiums on Lot 1 comply with the minimum frontage width on their SW Paris Avenue façade and their SW Valencia Lane façade. The condominiums on Lot 2 have two street frontages. The frontage on SW Campanile Lane meets the minimum frontage width standard. The SW Paris Avenue frontage does not meet the standard of 80% minimum frontage width, but is able to achieve 67%. The 80% standard cannot be met on this frontage due to alignment of Paris Avenue, the street side frontage, the alley access, and parking to be provided. However, the screening that will be provided for the parking will help to achieve the street frontage feel that is intended with this standard. Both building types, Rowhomes and Condominiums, comply with the applicable setback and height requirements. Garages associated with the condominiums also comply with the applicable setback requirements.

(.07) GENERAL REGULATIONS - OFF-STREET PARKING, LOADING & BICYCLE PARKING

Table V-2: Off-Street Parking Requirements

Category	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short Term	Bicycle Long Term
Single Family Detached Dwelling Units	1.0 / DU	NR	NR	NR
Row Houses	1.0 / DU	NR	NR	NR
Multi-Family Dwellings	1.0/1 Bdr 1.5/2 Bdr 1.75/3 Bdr	NR	1 per 20 units Min. of 2	1 per 4 units Min. of 2

Response: Ten (10) spaces for off-street parking are required for the ten rowhomes. Twenty (20) spaces are provided in attached one-car garages and associated driveways of rowhomes. Fourteen (14) spaces are required for the fourteen 1-bedroom condominiums. Ninety-three (93) spaces are required for the sixty-two 2-bedroom condominiums. Eleven (11) spaces are required for the six 3-bedroom condominiums. Eighty-four (84) garages are proposed for condominium parking. Forty-eight (48) of these will provide an additional driveway space, totaling 132 spaces provided. This exceeds the required 118 spaces for condominiums. A total of 152 off-street parking spaces are provided, which exceeds the required 128 spaces.

Eight (8) of the units within the 24 unit Condominium located to the east of SW Campanile Lane are proposed to have garage parking in the lot across SW Campanile

Lane. A crosswalk is proposed from the entrance of the 24 unit Condo across SW Campanile Lane to the parking lot in order to facilitate safe pedestrian access to parking. The parking lot is within 500 feet of the use it serves.

(.08) OPEN SPACE

Open space shall be provided as follows:

- A. In all residential developments and in mixed-use developments where the majority of the developed square footage is to be in residential use, at least twenty-five percent (25%) of the area shall be open space, excluding street pavement and surface parking. In multi-phased developments, individual phases are not required to meet the 25% standard as long as an approved Specific Area Plan demonstrates that the overall development shall provide a minimum of 25% open space. Required front yard areas shall not be counted towards the required open space area. Required rear yard areas and other landscaped areas that are not within required front or side yards may be counted as part of the required open space.
- B. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City of Wilsonville standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage. See SROZ provisions, Section 4.139.10.
- C. The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review and approve any pertinent bylaws, covenants, or agreements prior to recordation.

Response: The Parks *Master Plan* for Villebois states that there are 57.87 acres of parks and 101.46 acres of open space for a total of 159.33 acres within Villebois, approximately 33%. SAP Central includes parks and open space areas consistent with the *Master Plan*. Linear green spaces are added with PDP 10C.

(.09) STREET & ACCESS IMPROVEMENT STANDARDS

- A. Except as noted below, the provisions of Section 4.177 apply within the Village zone:
 - 1. General Provisions:
 - a. All street alignment and access improvements shall conform to the Villebois Village Master Plan, or as refined in the

Specific Area Plan, Preliminary Development Plan, or Final Development Plan and the following standards:

Response: The street alignments and access improvements within this PDP are generally consistent with those approved in the *Villebois Village Master Plan* and SAP Central.

- i. All street improvements shall conform to the Public Works Standards and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.

Response: All street improvements within this Preliminary Development Plan will comply with the applicable Public Works Standards. The street system within this Preliminary Development Plan is designed to provide for the continuation of streets within Villebois and to adjoining properties or subdivisions according to the *Master Plan*. The street system is illustrated on the *Circulation Plan* located in Section IIB of this Notebook.

- ii. All streets shall be developed with curbs, landscape strips, bikeways or pedestrian pathways, according to the Master Plan.

Response: All streets within this Preliminary Development Plan will be developed with curbs, landscape strips, sidewalks, and bikeways or pedestrian pathways as depicted on the *Circulation Plan* (Section IIB of this Notebook) and in accordance with the *Master Plan*.

2. Intersections of streets

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

Response: The plan sheets located in Section IIB of this Notebook demonstrate that all proposed streets will intersect at angles consistent with the above standards (see the *Tentative Plat*).

- c. **Offsets:** Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:
 - i. 1000 ft. for major arterials
 - ii. 600 ft. for minor arterials
 - iii. 100 ft. for major collector

iv. 50 ft. for minor collector

Response: The plan sheets located in Section IIB of this Notebook demonstrate that opposing intersections on public streets are offset, as appropriate, so that no danger to the traveling public is created (see the *Tentative Plat* in Section IIIB).

d. Curb Extensions:

- i. Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F), below, and shall:
- ii. Not obstruct bicycle lanes on collector streets.
- iii. Provide a minimum 20 foot wide clear distance between curb extensions all local residential street intersections shall have, shall meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.

Response: Curb extensions are shown on the *Circulation Plan* (see Section IIB). Curb extensions will not obstruct bicycle lanes on collector streets as the subject site is not adjacent to collector streets. The attached drawings illustrate that all street intersections will have a minimum 20 foot wide clear distance between curb extensions on all local residential street intersections.

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

Response: The *Grading & Erosion Control Plan* located in Section IIB, demonstrates that proposed streets can comply with this standard.

4. Centerline Radius Street Curves:

The minimum centerline radius street curves shall be as follows:

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

Response: The *Tentative Plat* (see Section IIIB) demonstrates that all streets will comply with the above standards.

5. **Rights-of-way:**
 - a. See (.09) (A), above.

Response: Rights-of-way for adjacent streets have already been dedicated as shown on the plan sheets located in Section IIB of this Notebook.

6. **Access drives.**
 - a. See (.09) (A), above.
 - b. 16 feet for two-way traffic.

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

7. **Clear Vision Areas**
 - a. See (.09) (A), above.

Response: Clear vision areas will be provided and maintained in compliance with the Section 4.177.

8. **Vertical clearance:**
 - a. See (.09) (A), above.

Response: Vertical clearance will be provided and maintained in compliance with the Section 4.177.

9. **Interim Improvement Standard:**
 - a. See (.09) (A), above.

Response: Interim improvements along SW Valencia Lane and SW Campanile Lane will provide for adequate street access until the adjacent properties are developed, as shown on the attached Circulation Plan (see Section IIB).

(.18) VILLAGE ZONE DEVELOPMENT PERMIT PROCESS

G. Preliminary Development Plan Approval Process:

1. An application for approval of a Preliminary Development Plan for a development in an approved SAP shall:
 - f) Include a preliminary land division (concurrently) per Section 4.400, as applicable.

Response: This application includes a request for preliminary land division approval. This section includes a Supporting Compliance Report, the proposed Tentative Plat, draft CC&R's, a copy of the certification of liens & assessments form, and the subdivision name approval from the County Surveyor's Office.

SECTION 4.177. STREET IMPROVEMENT STANDARDS

Response: Adjacent street rights-of-way will be dedicated as required.

The drawings located in Section IIB demonstrate that all proposed access drives (alleys) within the Preliminary Development Plan area will have a minimum improvement width of 16 feet and will provide two-way travel. All access drives (alleys) will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by the fire department. All access drives will be designed to provide a clear travel lane free from any obstructions.

Clear vision areas will be maintained in accordance with the standards of Subsection 4.177(.01)(I). Vertical clearance will be maintained over all streets and access drives in accordance with Subsection 4.177(.01)(J).

LAND DIVISIONS

SECTION 4.210. APPLICATION PROCEDURE

- A. **Preparation of Tentative Plat.** The Planning Staff shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Comprehensive Plan, existing and proposed streets, road and public utilities. The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of each surveyor or engineer shall be furnished as part of the submittal.

Response: A tentative plat for subdivision has been prepared by an Oregon licensed professional engineer as required. The Tentative Plat can be seen in Section IIIB of this Notebook. Improvement plans can be seen in Section IIB of this application Notebook. The Introductory Narrative located in Section IA includes a listing of the services provided by each design team member.

- B. **Tentative Plat Submission.** The purpose of the Tentative Plat is to present a study of the proposed subdivision to the Planning Department and Development Review Board and to receive approval recommendations for revisions before preparation of a final Plat. The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:
1. Site development application form completed and signed by the owner of the land or a letter of authorization signed by the owner. A preliminary title report or other proof of ownership is to be included with the application form.
 2. Application fees as established by resolution of the City Council.

Response: Copies of the application form and the application fee are included in Sections IB and IC, respectively, of this Notebook.

3. Ten (10) copies and one (1) sepia or suitable reproducible tracing of the Tentative Plat shall be submitted with the application. Paper size shall be eighteen inch (18”) by twenty-four inch (24”), or such other size as may be specified by the City Engineer.

Response: The balance of the 10 copies of the Tentative Plat (see Section IIIB) will be provided when the application is determined complete; three (3) of which have been provided with initial submittal.

4. Name of the subdivision. No subdivision shall duplicate or resemble the name of any other subdivision in Clackamas or Washington County. Names may be checked through the county offices.

Response: The proposed name is “Mont Blanc No. 2” (see Section IIIE for documentation of subdivision name approval from the Clackamas County Surveyor’s Office).

5. Names, address, and telephone numbers of the owners and applicants, and engineer or surveyor.

Response: The names, addresses and telephone numbers of the owner, applicant, engineer and surveyor are listed in the Introductory Narrative, which can be seen in Section IA of this Notebook, and are listed on the *Cover Sheet* (see Section IIB of Notebook).

6. Date, north point and scale drawing.
7. Location of the subject property by Section, Township, and Range.
8. Legal road access to subject property shall be indicated as City, County, or other public roads.
9. Vicinity map showing the relationship to the nearest major highway or street.
10. Lots: Dimensions of all lots, minimum lot size, average lot size, and proposed lot and block numbers.
11. Gross acreage in proposed plat.

Response: The above information is provided on the plan sheets located in Section IIB of this Notebook. The location of the subject property by Section, Township and Range and the gross acreage of the proposed plat is also listed in the Introductory Narrative, located in Section IA of this Notebook, and are listed on the *Cover Sheet* (see Section IIB of Notebook).

12. Proposed uses of the property, including sits, if any, for multi-family dwellings, shopping centers, churches, industries, parks, and playgrounds or other public or semi-public uses.

Response: The proposed plat includes multi-family dwelling units on Lots 1 & 2. Proposed uses of the multi-family area are detailed on the FDP Plans included in Section VIB of this Notebook.

13. Improvements: Statement of the improvements to be made or installed including streets, sidewalks, lighting, tree planting, and times such improvements are to be made or completed.

Response: Proposed improvements are shown on the plan sheets in Section IIB. The *Circulation Plan* shows proposed streets and sidewalks. The *Street Tree/Lighting Plan* shows proposed street trees and proposed street lights.

14. Trees. Locations, types, sizes, and general conditions of all existing trees, as required in Section 4.600.

Response: The requirements of Section 4.600 can be seen in Section VI of this Notebook. The *Tree Preservation Plan* (see Section VC) shows existing tree locations, types, sizes and general conditions, pursuant to the requirements of Section 4.600.

15. Utilities such as electrical, gas, telephone, on and abutting the tract.

Response: The *Composite Utility Plan* shows existing and proposed utilities. These sheets can be seen in Section IIB of this Notebook.

16. Easements: Approximate width, location, and purpose of all existing and proposed easements on, and known easements abutting the tract.

17. Deed Restrictions: Outline of proposed deed restrictions, if any.

18. Written Statement: Information which is not practical to be shown on the maps may be shown in separate statements accompanying the Tentative Plat.

19. If the subdivision is to be a “Planned Development,” a copy of the proposed Home Owners Association By-Laws must be submitted at the time of submission of the application. The Tentative Plat shall be considered as the Stage I Preliminary Plan. The proposed By-Laws must address the maintenance of any parks, common areas, or facilities.

Response: The *Existing Conditions* plan, located in Section IIB, shows the approximate width, location, and purpose of all existing easements. The *Tentative Plat - Subdivision*, located in Section IIIB, shows proposed easements. No deed restrictions are proposed at this time. A draft of the CC&R’s is included in Section IIIC of this Notebook.

20. Any plat bordering a stream or river shall indicate areas subject to flooding and shall comply with the provisions of Section 4.172.

Response: The proposed plat areas do not border a stream or river.

21. Proposed use or treatment of any property designated as open space by the City of Wilsonville.

Response: The proposed plat does not include any areas designated as open space by the City of Wilsonville.

22. A list of the names and addresses of the owners of all properties within 250 feet of the subject property, printed on self-adhesive mailing labels. The list shall be taken from the latest available property ownership records of the Assessor's Office of the affected county.

Response: The required mailing list has been submitted with this application. A copy is provided in Section ID.

23. A completed "liens and assessments" form, provided by the City Finance Department.

Response: A copy of this form is provided in Exhibit IIID.

24. Locations of all areas designated as a Significant Resource Overlay Zone by the City, as well as any wetlands shall be shown on the tentative plat.

Response: The proposed plat does not include any areas designated as SROZ by the City or any wetlands.

25. Locations of all existing and proposed utilities, including but not limited to domestic water, sanitary sewer, storm drainage, streets, and any private utilities crossing or intended to serve the site. Any plans to phase the construction or use of utilities shall be indicated.

Response: The *Existing Conditions* plan shows all existing utilities. The *Composite Utility Plan* shows all proposed utilities. The *Grading and Erosion Control Plan* shows proposed streets and storm drainage facilities. These plan sheets can be seen in Section IIB of this Notebook.

26. A traffic study, prepared under contract with the City, shall be submitted as part of the tentative plat application process, unless specifically waived by the Community Development Director.

Response: A copy of the Traffic Impact Analysis is attached in Section IID of this Notebook.

C. Action on proposed tentative plat:

1. Consideration of tentative subdivision plat. The Development Review Board shall consider the tentative plat and the reports of City staff and other agencies at a regular Board meeting no more than ninety (90) days after tentative plat application has been accepted as complete by the City. Final action on the proposed tentative plat shall occur within the time limits specified in Section 4.013. The tentative plat shall be approved if the Development Review Board determines that the tentative plat conforms in all respects to the requirements of this Code.

Response: The proposed Tentative Plat for subdivision is located in Section III B, is included with this application for review by the Development Review Board.

2. Consideration of tentative partition plat. The Planning Director shall review and consider any proposed land partition plat through the procedures for Administrative Reviews specified in Section 4.030 and 4.035.

Response: This request is for a Tentative Subdivision Plat. This code section does not apply.

3. The Board shall, by resolution, adopt its decision, together with findings and a list of all Conditions of Approval or required changes to be reflected on the Final Plat

Response: Any Conditions of Approval adopted by the Board shall be reflected on the Final Plat.

4. Board may limit content of deed restrictions. In order to promote local, regional and state interests in affordable housing, the Board may limit the content that will be accepted within proposed deed restrictions or covenants. In adopting conditions of approval for a residential subdivision or condominium development, the Board may prohibit such things as mandatory minimum construction costs, minimum unit sizes, prohibitions or manufactures housing, etc.

Response: The applicant recognizes the authority of the Board to limit the content of the deed restrictions or covenants.

5. **Effect of Approval.** After approval of a tentative plat, the applicant may proceed with final surveying, improvement construction and preparation of the final plat. Approval shall be effective for a period of two (2) years, and if the final plat is not submitted to the Planning Department within such time, the tentative plat shall be submitted again and the entire procedure shall be repeated for consideration of any changes conditions which may exist. Except, however, that the Development Review Board may grant a time extension as provided in Section 4.023.

Response: After approval of the Tentative Plat, a final plat will be prepared and submitted to the Planning Department within two years if an extension is not provided.

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

Response: The PDP is proposed to be executed in one phase; however, the condominium buildings will be built in three phases.

- E. **Remainder tracts to be shown as lots or parcels.** Tentative plats shall clearly show all effected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.

Response: No remainder tracts are proposed.

SECTION 4.236. GENERAL REQUIREMENTS - STREETS.

- (.01) **Conformity to the Master Plan Map:** Land divisions shall conform to and be in harmony with the Transportation Master Plan (Transportation Systems Plan), the bicycle and Pedestrian Master Plan, the Parks and Recreation Master Plan, the Official Plan or Map and especially to the Master Street Plan.

Response: The proposed land division complies with Specific Area Plan - Central and the *Villebois Village Master Plan*, and thereby conforms to the applicable Master Plans.

- (.02) **Relation to Adjoining Street System.**

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

In cases where the Board or Planning Commission has adopted a plan or plat of a neighborhood or area of which the proposed land division is a part, the subdivision shall conform to such adopted neighborhood or area plan.

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

Response: The street system proposed in this land division generally conforms to the street system in SAP Central and the *Villebois Village Master Plan* with refinements described in the PDP Supporting Compliance Report (see Section IIA of this Notebook).

(.03) All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone.

Response: Previous sections of this report have demonstrated compliance with the standards of Section 4.177 and the applicable block size requirements.

(.04) Creation of Easements: The Planning Director or Development Review Board may approve an easement to be established without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to allow partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to divide into more than two (2) parcels, a street dedication may be required. Also, within a Planned Development, cluster settlements may have easement driveways for any number of dwelling units when approved by the Planning Director or Development Review Board.

Response: Any necessary easements will be identified on the final plat.

(.05) Topography: The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations.

Response: The *Grading and Erosion Control Plan* (see Section IIB) demonstrates that the layout of streets has given recognition to surrounding topographic conditions.

(.06) Reserve Strips: The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the Director or Board determine that a strip is necessary:

- A. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
- B. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards established by the City; or
- C. To prevent access to land abutting a street of the land division but not within the tract or parcel of land being divided; or
- D. To prevent access to land unsuitable for building development.

Response: Reserve strips will be provided as appropriate.

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

Response: Streets that will be expanded in the future will occur in compliance with this standard.

(.08) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Transportation Systems Plan.

Response: Rights-of-way have already been dedicated in accordance with the *Villebois Village Master Plan* and the Transportation System Plan.

(.09) Street Names: No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.

Response: No street names will be used that duplicate or could be confused with the names of existing streets. Street names and numbers will conform to the established name system in the City, as approved by the City Engineer.

SECTION 4.237. GENERAL REQUIREMENTS - OTHER.

(.01) Blocks:

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

shall only be approved where specific findings are made justifying the size, shape, and configuration.

Response: The PDP compliance report demonstrates compliance with the applicable block size requirements (see Section IIA). The street system proposed in this land division conforms to the street system in SAP Central and the *Villebois Village Master Plan* as described in the PDP Supporting Compliance Report (see Section IIA of this Notebook).

(.02) Easements:

A. **Utility lines.** Easements for sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards, as specified by the City Engineer or Planning Director. All the utility lines within and adjacent to the site shall be installed with underground services within the street and to any structures. All utilities shall have appropriate easements for construction and maintenance purposes.

B. **Water Courses.** Where a land division is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purposes of conveying storm water and allowing for maintenance of the facility or channel. Streets or parkways parallel to water courses may be required.

Response: The final plat will include the appropriate easements.

(.03) Pedestrian and bicycle pathways. An improved public pathway shall be required to transverse the block near its middle if that block exceeds the length standards of the zone in which it is located.

A. Pathways shall be required to connect to cul-de-sacs to pass through unusually shaped blocks.

B. Pathways required by this subsection shall have a minimum width of ten (10) feet unless they are found to be unnecessary for bicycle traffic, in which case they are to have a minimum width of six (6) feet.

Response: No proposed block size exceeds the length standards of the zone in which it is located. A pedestrian pathway is provided between SW Villebois Drive and SW Campanile Lane to facilitate greater pedestrian circulation within the Village Center.

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

Response: The *Street Tree/Lighting Plan* shows proposed street tree planting. This plan sheet can be seen in Section IIB of this Notebook.

(.05) **Lot Size and shape.** The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located.

- A. In areas that are not served by public sewer, an on-site sewage disposal permit is required from the City. If the soil structure is adverse to on-site sewage disposal, no development shall be permitted until sewer service can be provided.
- B. Where property is zoned or deeded for business or industrial use, other lot widths and areas may be permitted at the discretion of the Development Review Board. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- C. In approving an application for a Planned Development, the Development Review Board may waive the requirements of this section and lot size, shape, and density shall conform to the Planned Development conditions of approval.

Response: Proposed lot sizes, widths, shapes and orientations are appropriate for the proposed development and are in conformance with the Village Zone requirements as demonstrated by this report.

(.06) **Access.** The division of land shall be such that each lot shall have a minimum frontage on a public street, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:

- A. A lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than twenty-five (25) feet upon a street, measured on the arc.
- B. The Development Review Board may waive lot frontage requirements where in its judgment the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of this regulation or if the Board determines that another standard is appropriate because of the characteristics of the overall development.

Response: The proposed lots comply with the applicable access requirements of the Village Zone as demonstrated in previous sections of this report.

(.07) Through lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of one hundred (100) feet. The Development Review Board may require assurance that such screened areas be maintained as specified in Section 4.176.

Response: No through lots are proposed by this application.

(.08) Lot side lines. The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street upon which the lots face.

Response: All side lines of lots will run at right angles to the street upon which the lots face.

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

Response: This request does not include any tracts which may be divided at a future time.

(.10) Building line. The Planning Director or Development Review Board may establish special building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setbacks lines are established for the land division, they shall be shown on the final plat.

Response: No building lines are proposed by this application.

(.11) Build-to line. The Planning Director or Development Review Board may establish special build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.

Response: No build-to lines are proposed by this application.

(.12) Land for public purposes. The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.

Response: This land division does not include land to be dedicated for public purposes except for the dedication of street right-of-way.

(.13) **Corner lots.** Lots on street intersections shall have a corner radius of not less than ten (10) feet.

Response: All lots on street intersections will have a corner radius of not less than ten (10) feet.

SECTION 4.262. IMPROVEMENTS - REQUIREMENTS.

(.01) **Streets.** Streets within or partially within the development shall be graded for the entire right-of-way width, constructed and surfaced in accordance with the Transportation Systems Plan and City Public Works Standards. Existing streets which abut the development shall be graded, constructed, reconstructed, surfaced or repaired as determined by the City Engineer.

Response: The *Grading and Erosion Control Plan*, located in Section IIB of this Notebook, shows compliance with this standard.

(.02) **Curbs.** Curbs shall be constructed in accordance with standards adopted by the City.

Response: Curbs will be constructed in accordance with City standards.

(.03) **Sidewalks.** Sidewalks shall be constructed in accordance with standards adopted by the City.

Response: Sidewalks will be constructed in accordance with City standards.

(.04) **Sanitary sewers.** When the development is within two hundred (200) feet of an existing public sewer main, sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the City. When the development is more than two hundred (200) feet from an existing public sewer main, the City Engineer may approve an alternate sewage disposal system.

Response: The *Composite Utility Plan*, located in Section IIB of this Notebook, illustrate proposed sanitary sewer lines.

(.05) **Drainage.** Storm drainage, including detention or retention systems, shall be provided as determined by the City Engineer.

Response: The *Grading and Erosion Control Plan*, located in Section IIB of this Notebook, illustrates the proposed storm drainage facilities. A supporting utility report is provided (see Section IIC) that demonstrates that the proposed storm drainage facilities will meet City standards.

(.06) **Underground utility and service facilities.** All new utilities shall be subject to the standards of Section 4.300 (Underground Utilities). The developer shall make all necessary arrangements with the serving utility to provide the underground services in conformance with the City's Public Works Standards.

Response: Proposed utilities will be placed underground pursuant to Section 4.300 and City Public Works Standards.

(.07) **Streetlight standards.** Streetlight standards shall be installed in accordance with regulations adopted by the City.

Response: Proposed streetlights are shown on the *Street Tree/Lighting Plan*, located in Section IIB of this Notebook. Streetlights will be installed in accordance with City standards.

(.08) **Street signs.** Street name signs shall be installed at all street intersections and dead-end signs at the entrance to all dead-end streets and cul-de-sacs in accordance with standards adopted by the City. Other signs may be required by the City Engineer.

Response: Street name and dead-end signs will be installed in accordance with City standards.

(.09) **Monuments.** Monuments shall be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and shall be of such material, size, and length as required by State Law. Any monuments that are disturbed before all improvements are completed by the developer and accepted by the City shall be replaced to conform to the requirements of State Law.

Response: Monuments will be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and will be of such material, size, and length as required by State Law.

(.10) **Water.** Water mains and fire hydrants shall be installed to serve each lot in accordance with City standards.

Response: Water mains and fire hydrants will be installed to serve each lot in accordance with City standards (see the *Composite Utility Plan*), located in Section IIB of this Notebook).

II. CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Planning & Land Development Ordinance for the requested Tentative Subdivision Plat. Therefore, the applicant respectfully requests approval of this application.

IIIB) Tentative Plat



Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

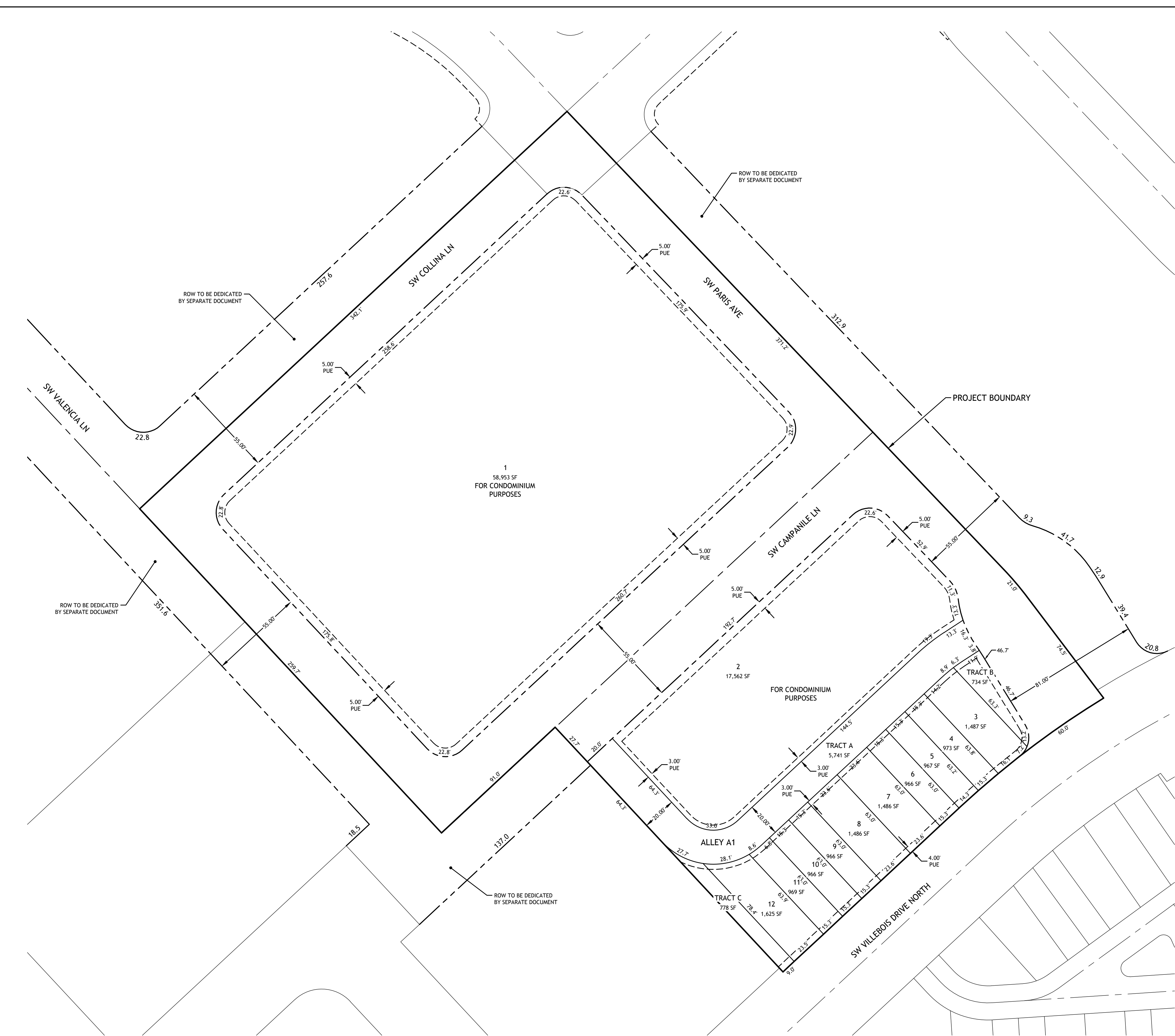
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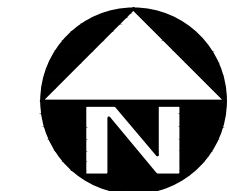
1st Submittal Date: 5/9/2016

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ELEVATION DATUM: NAVD 88



SCALE
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1 INCH = 30 FEET

III C) Draft CC&R's

PRELIMINARY DRAFT
TO BE MODIFIED

After Recording Return To:
Ball Janik LLP
101 SW Main Street, Suite 1100
Portland, OR 97204-3219
Attn.: Barbara Radler

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR**

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR _____ is made and executed on this ___ day of _____ 20___ by _____, a _____.

Declarant is the owner of the real property located in the City of Wilsonville, Clackamas County, Oregon and legally described on the attached Exhibit A. Declarant desires to establish a planned community on the property known as “_____,” which shall also be part of the master planned development known as “Villebois,” which was established and is governed by the Master Plan approved by the City of Wilsonville.

NOW THEREFORE, Declarant hereby declares that the real property described on the attached Exhibit A shall be held, sold and conveyed subject to the covenants, conditions and restrictions declared below, which shall run with the real property and shall benefit and be binding upon all parties having or acquiring any right, title or interest in the real property or any part thereof.

1. DEFINITIONS

The terms specified below shall have the following meanings when used in this Declaration:

1.1 ACC. “ACC” shall mean the Architectural Control Committee of the Association formed pursuant to Section 12.

1.2 Articles. “Articles” shall mean the Articles of Incorporation of the Association filed with the Corporation Division of the Oregon Secretary of State, as amended from time to time.

1.3 Assessment. “Assessment” shall mean any assessment levied against one or more Owners by the Association for payment of expenses relating to the Property and shall include Regular Assessments, Special Assessments, Limited Assessments and Reserve Assessments as those terms are defined herein.

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1.4 Association. “Association” shall mean _____ Homeowners Association, an Oregon nonprofit mutual benefit corporation, formed for the purposes set forth in this Declaration, the Bylaws and the Articles.

1.5 Association Landscaping. “Association Landscaping” shall mean all landscaping and all irrigation systems and utilities pertaining to landscaping located in the Common Areas and the front yard areas of the Lots, including all grass, sod, ground cover, flower and plant beds, planter strips, trees, shrubs, bushes and other plantings located in the front yard areas of the Lots, but excluding all sidewalks, driveways, fencing and other non-landscaping improvements located in the front yard areas of the Lots. The front yard areas of the Lots include those portions of the Lots located between the front of the Homes and any public or private street.

1.6 Board. “Board” shall mean the duly elected Board of Directors of the Association.

1.7 Bylaws. “Bylaws” shall mean the Bylaws of the Association, as amended from time to time. The Bylaws shall be adopted pursuant to ORS 94.625 and recorded in the official records of Clackamas County, Oregon.

1.8 City. “City” shall mean the City of Wilsonville, Oregon.

1.9 Common Areas. “Common Areas” shall mean those portions of the Property legally described on the attached Exhibit B which shall be owned by the Association for the common benefit of the Owners.

1.10 Common Maintenance Areas. “Common Maintenance Areas” shall mean the Common Areas and any other property that the Association is required to maintain pursuant to this Declaration or that the Board deems necessary or appropriate for the Association to maintain for the common benefit of the Owners, including without limitation, those areas described in Section 11.1.

1.11 Declarant. “Declarant” shall mean _____, a _____, and its successors and assigns who are designated as such in writing by Declarant and who consent in writing to the transfer or assumption of any rights or obligations of Declarant under this Declaration or the Bylaws. If less than all of Declarant’s rights and obligations under this Declaration or the Bylaws are transferred to a successor or assign, then the successor or assign shall only be deemed a Declarant with respect to those rights or obligations that are specifically assigned or assumed by the successor or assign. One or more persons or entities may be a Declarant.

1.12 Declaration. “Declaration” shall mean this Declaration of Covenants, Conditions and Restrictions for _____, as amended from time to time in accordance with its terms.

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1.13 Design Guidelines. “Design Guidelines” shall mean the design guidelines described in Section 13.

1.14 Home. “Home” shall mean a dwelling unit located on a Lot and any associated Improvements.

1.15 Improvement. “Improvement” shall mean every structure or improvement of any kind, including without limitation, buildings, sidewalks, driveways, fences, walls, works of art, trees, hedges, plantings and other landscaping, changes in exterior color or shape, site work (such as, without limitation, excavation, grading and utility improvements), and all other product of construction efforts (such as, without limitation, alterations, renovations and reconstruction) on or with respect to the Property or any portion thereof.

1.16 Limited Assessment. “Limited Assessment” shall mean an assessment levied against an Owner by the Association for costs and expenses incurred by the Association for corrective action performed pursuant to this Declaration that is required as a result of the willful or negligent actions or omissions of the Owner or the Owner’s tenants, family members, guests, contractors, or invitees. “Limited Assessment” also includes assessments for a common expense or any part of a common expense that benefits fewer than all of the Lots, as determined in the sole discretion of the Board.

1.17 Lot. “Lot” shall mean each of Lots 1 through 81, inclusive, as depicted on the Plat.

1.18 Master Plan. “Master Plan” shall mean the Master Plan of Villebois approved by the City.

1.19 Member. “Member” shall mean each member of the Association and shall include every Owner of a Lot. There shall be two (2) classes of membership in the Association, Class A and Class B, as described in Section 3.3 below.

1.20 Nonprofit Corporation Act. “Nonprofit Corporation Act” shall mean the Oregon Nonprofit Corporation Act (ORS 65.001 to 65.990), as amended from time to time.

1.21 Operation and Maintenance Agreement. “Operation and Maintenance Agreement” shall mean the Villebois Operation and Maintenance Agreement between the City and Declarant executed in connection with the recordation of the Plat.

1.22 Owner. “Owner” shall mean any person or entity, including Declarant, at any time owning a Lot, including any vendee under a recorded land sale contract to whom possession has passed, but does not include a tenant or holder of a leasehold interest, a person holding only a security interest in a Lot or a vendor under a recorded land sale contract who has surrendered possession.

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1.23 Pattern Book. “Pattern Book” shall mean the design requirements for each area within Villebois adopted and applied by the City and which will be a condition to the City’s approving building permits.

1.24 Planned Community Act. “Planned Community Act” shall mean the Oregon Planned Community Act (ORS 94.550 to 94.783), as amended from time to time.

1.25 Plat. “Plat” shall mean the Plat of _____ recorded in the official records of Clackamas County, Oregon on _____, 20__ as Document No. _____ and any amendments thereto.

1.26 Property. “Property” shall mean the real property located in the City of Wilsonville, Clackamas County, Oregon and legally described on the attached Exhibit A.

1.27 Regular Assessment. “Regular Assessment” shall mean an assessment by the Association against all Owners to provide for the payment of all estimated normal expenses of the Association for the performance of the Association’s duties as provided in this Declaration or the Bylaws.

1.28 Reserve Assessment. “Reserve Assessment” shall mean an assessment by the Association against all Owners to establish and maintain the reserve funds pursuant to Section 6.

1.29 Special Assessment. “Special Assessment” shall mean an assessment against all Owners in the event that the Regular Assessment for any particular year is or will become inadequate to meet the expenses of the Association.

1.30 Special Declarant Rights. “Special Declarant Rights” shall mean those rights reserved for Declarant in Section 15.

1.31 Turnover Meeting. “Turnover Meeting” shall mean the meeting of the Owners called pursuant to the Bylaws for the purpose of turning over control of the Association to the Class A Members.

1.32 Villebois. “Villebois” shall mean all of the property subject to the Master Plan.

2. DECLARATION

2.1 Property Covered. The property that is covered by and is hereby made subject to this Declaration is the Property.

2.2 Purpose. The purpose of this Declaration is to provide for the maintenance, restoration, repair, improvement and upkeep of the Common Maintenance Areas and to set forth other terms and conditions governing the use and enjoyment of the Property.

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2.3 Declaration. The Property shall be subject to all of the conditions, covenants, restrictions, and provisions contained in this Declaration, which shall benefit and burden each Lot and all other portions of the Property. Such conditions, covenants, restrictions, and provisions shall be binding on all parties having any right, title or interest in or to the Property, or any part thereof, and each of their respective heirs, personal representatives, successors and assigns. The Property shall be a Class I planned community as defined in the Planned Community Act and shall be subject to all of the terms and provisions of the Planned Community Act. The Property shall be known as “_____.”

2.4 Improvements. Declarant does not agree to build any particular Improvements on the Property, but may elect, at Declarant’s option, to build any such Improvements. Declarant elects not to limit Declarant’s rights to add Improvements not described in this Declaration.

3. THE ASSOCIATION

3.1 Organization. Declarant shall, concurrently with the execution and recording of this Declaration, organize the Association as a nonprofit mutual benefit corporation pursuant to the Nonprofit Corporation Act under the name “_____ Homeowners Association” The Articles shall provide for the Association’s perpetual existence, but in the event the Association is at any time dissolved, whether inadvertently or deliberately, it shall automatically be succeeded by an unincorporated association of the same name. All of the property, powers and obligations of the Association existing immediately prior to its dissolution shall thereupon automatically vest in the successor unincorporated association. Such vesting shall thereafter be confirmed as evidenced by appropriate conveyances and assignments by the Association to the successor unincorporated association. To the greatest extent possible, any successor unincorporated association shall be governed by the Articles and Bylaws as if they had been drafted to constitute the governing documents of the unincorporated association.

3.2 Membership. Every Owner of a Lot shall, immediately upon creation of the Association and thereafter during the entire period of such Owner’s ownership of a Lot, be a Member of the Association. Such membership shall commence, exist and continue simply by virtue of such ownership, shall expire automatically upon termination of such ownership, and need not be confirmed or evidenced by any certificate or acceptance of membership.

3.3 Voting Rights. The Association shall have the following two (2) classes of voting membership:

3.3.1 Class A Members. Class A Members shall be all Owners other than Declarant (except that beginning on the date on which the Class B membership is converted to Class A membership, and thereafter, Class A Members shall be all Owners, including Declarant). Class A Members shall be entitled to one (1) vote for each Lot owned. When more than one (1) person holds an interest in a Lot, all such persons shall be Members. However, only one (1) vote shall be exercised for the Lot. The vote for the Lot shall be exercised as the Owners of the Lot

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determine among themselves. If the Owners of the Lot cannot agree upon how to exercise the vote, then the vote for that Lot shall be disregarded in determining the proportion of votes with respect to the particular matter at issue.

3.3.2 Class B Members. The Class B Member shall be Declarant. The Class B Member shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the election in writing by Declarant to terminate the Class B membership.

3.4 Powers and Obligations. The Association shall have, exercise and perform all of the following powers, duties and obligations:

3.4.1 Declaration. The powers, duties and obligations granted to the Association by this Declaration, including, without limitation, the authority to levy Assessments against the Owners for the costs of operating and managing the Association and performing the Association's responsibilities under this Declaration and the Bylaws, as well as the operating costs and expenses of the ACC.

3.4.2 Statutory Powers. The powers and obligations of a nonprofit corporation pursuant to the Nonprofit Corporation Act, and of a homeowners association pursuant to ORS 94.630, as either may be amended from time to time, except as provided otherwise by this Declaration or the Bylaws.

3.4.3 General. Any additional or different powers, duties and obligations necessary or desirable for the purpose of carrying out the functions of the Association pursuant to this Declaration and the Bylaws or otherwise promoting the general benefit of the Members. The powers and obligations of the Association may from time to time be amended, repealed, enlarged or restricted by changes to this Declaration made in accordance with the provisions herein, accompanied by changes to the Articles or Bylaws made in accordance with such instruments, as applicable, and with the Planned Community Act and Nonprofit Corporation Act.

3.5 Liability. Neither the Association, members of the Board, officers of the Association nor members of committees established under or pursuant to the Bylaws shall be liable to any Owner for any damage, loss, injury or prejudice suffered or claimed on account of any action or failure to act by the Association or any Board member, officer or committee member, provided that the Association, Board member, officer or committee member acted or failed to act, in good faith, within the scope of his or her authority, and in a manner reasonably believed to be in the best interest of the Association and its Members, with regard to the act or omission at issue.

3.6 Interim Board. Declarant shall have the right to appoint an interim Board consisting of one (1) to three (3) directors, who shall serve as the Board until replaced by Declarant or until their successors have been elected by the Owners at the Turnover Meeting.

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3.7 Transitional Advisory Committee. Declarant shall form a transitional advisory committee as provided in the Bylaws to provide for the transition of administrative responsibility for the Association from Declarant to the Class A Members.

3.8 Association Rules and Regulations. The Board from time to time may adopt, modify, or revoke such rules and regulations governing the conduct of persons and the operation and use of the Lots and Common Areas as it may deem necessary or appropriate in order to assure the safe, peaceful and orderly use and enjoyment of the Property, without unduly infringing on the privacy or enjoyment of any Owner or occupant of any part of the Property. A copy of the rules and regulations, upon adoption, and a copy of each amendment, modification or revocation thereof, shall be delivered by the Board promptly to each Owner and shall be binding upon all Owners and occupants of all Lots upon the date of delivery. The method of adoption of such rules shall be as provided in the Bylaws.

4. ALLOCATION OF COMMON PROFITS AND EXPENSES

4.1 Method of Allocation. The common profits of the Association shall be distributed among, and the common expenses of the Association shall be charged to, the Lots on an equal basis, except as provided in Section 5.4 below. The common expenses of the Association may be assessed on a monthly, quarterly or annual basis as determined by the Board.

4.2 No Exception. No Owner may claim exemption from liability for contribution toward the common expenses of the Association by waiving his or her use or enjoyment of the Common Areas or by abandoning his or her Lot. No Owner may claim an offset against such liability for failure of the Association or the Board to perform its obligations.

5. ASSESSMENTS

5.1 Creation of Lien and Personal Obligation of Assessments. Declarant, for each Lot it owns, does hereby covenant, and each Owner of a Lot by acceptance of a conveyance thereof, whether or not so expressed in the conveyance, shall be deemed to covenant to pay to the Association all Assessments or other charges as may be fixed, established and collected from time to time in the manner provided in this Declaration or the Bylaws. Such Assessments and charges, together with any interest, expenses or attorneys' fees imposed pursuant to Section 7.4, shall be a charge on the land and shall be a continuing lien upon the Lot against which the Assessment or charge is made. Assessments, charges and other costs shall also be the personal obligation of the person who was the Owner of the Lot at the time when the Assessment or charge becomes due. Such liens and personal obligations shall be enforced in the manner set forth in Section 7 below.

5.2 Regular Assessments.

5.2.1 Commencement. Regular Assessments for each Lot shall commence upon the sale of the Lot to an Owner other than a Declarant. Regular Assessments shall not be levied against Declarant-owned Lots.

5.2.2 Amount of Regular Assessments. The Regular Assessments shall be based upon an annual budget prepared by the Board with respect to projected expenses of the Association, including, without limitation, the following:

- (a) maintenance, repair, replacement, and upkeep of the Common Maintenance Areas;
- (b) premiums for all insurance policies that the Association is required or permitted to maintain pursuant to the Bylaws;
- (c) any deficits remaining from the previous fiscal year of the Association;
- (d) reserves for the major maintenance, repair and replacement of the Common Maintenance Areas and the Improvements located thereon for which the Association has maintenance responsibility and such other reasonable contingency reserves as may be established from time to time at the discretion of the Board;
- (e) costs related to the preparation, review and update of the reserve study and maintenance plan described in Section 6; and
- (f) such other and further costs, expenses, obligations, and liabilities as the Board, in its discretion, may incur for the management, operation, and maintenance of the Property and the Association in accordance with this Declaration and the Bylaws.

5.2.3 Allocation of Regular Assessments. The Regular Assessments shall be allocated equally among all Lots subject to assessment pursuant to Section 5.2.1.

5.3 Special Assessments. In addition to the Regular Assessments, the Association shall have the authority to levy Special Assessments to satisfy any actual or projected deficiency between the expenses of the Association and the amounts realized through Regular Assessments; provided, however, that prior to the Turnover Meeting, any special assessment for capital improvements or additions shall be approved by not less than fifty percent (50%) of the total voting power of the Association, determined on the basis of one vote per Lot notwithstanding the special voting rights of Declarant under Section 3.3.2 hereof. Special Assessments shall be allocated equally among all Lots. Special Assessments are payable as the Board may from time to time determine, but no sooner than thirty (30) days after mailing notice thereof to the Owners.

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5.4 Limited Assessments. The Association shall have the authority levy against any Owner a Limited Assessment equal to the costs and expenses incurred by the Association, including legal fees, for corrective action performed pursuant to this Declaration or the Bylaws that is required as a result of the willful or negligent actions or omissions of the Owner or the Owner's tenants, family members, guests, contractors, or invitees, or for a common expense or any part of a common expense that benefits a particular Lot or Lots rather than all the Lots, as determined in the sole discretion of the Board.

5.5 Reserve Assessments. The Association shall have the authority to levy Reserve Assessments necessary to fund the reserve account created under Section 6. The Reserve Assessments for each Lot shall commence upon the sale of the Lot to an Owner other than a Declarant. Reserve Assessments shall not be levied against Declarant-owned Lots. The Reserve Assessments shall be allocated equally among all Lots subject to assessment pursuant to this Section 5.5.

5.6 Statement of Account. Upon the request of an Owner or an Owner's agent, for the benefit of a prospective purchaser, the Board shall make and deliver a written statement of any unpaid Assessments against the Owner's Lot through the date specified in the statement and the purchaser in that case shall not be liable for any unpaid assessments against the Lot that are not included in the statement provided by the Board. The Association is not required to provide a statement of outstanding Assessments if the Association has commenced litigation by filing a complaint against the Owner and the litigation is pending when the statement would otherwise be due.

6. RESERVE ACCOUNT; RESERVE STUDY AND MAINTENANCE PLAN

6.1 Reserve Account. Declarant shall establish a reserve account in the name of the Association for the major maintenance, repair and replacement, in whole or in part, of the Common Maintenance Areas and any Improvements located in, on, or under the Common Maintenance Areas for which the Association has maintenance responsibility pursuant to this Declaration, including exterior painting, if the Common Maintenance Areas include any exterior painted surfaces, that will normally require major maintenance, repair or replacement in more than one (1) year and fewer than thirty (30) years. The reserve account need not include those items that could reasonably be funded from the maintenance fund or for which one or more Owners are responsible for maintenance or replacement under this Declaration or the Bylaws. The reserve account shall be funded by the Reserve Assessments. The reserve funds shall be kept separate from other funds of the Association and may be used only for maintenance, repair, and replacement of the Common Maintenance Areas for which reserves have been established as specified in this Section 6.1. However, after the Turnover Meeting, the Board may borrow funds from the reserve account to meet high seasonal demands on the regular operating funds or to meet other unexpected increases in expenses. Funds borrowed to meet unexpected increases in expenses under this Section shall be repaid from Regular or Special Assessments if the Board has adopted a resolution, which may be an annual continuing resolution, authorizing the

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borrowing of funds. Not later than the adoption of the budget for the following year, the Board shall adopt by resolution a written payment plan providing for repayment of the borrowed funds within a reasonable period. The Board shall administer the reserve fund and may adjust the amount of the Reserve Assessments to reflect changes in current maintenance, repair or replacement costs over time as indicated by the reserve study or update (as discussed in Section 6.2 below), and may provide for other reserve items that the Board, in its discretion, deems appropriate. If, after reviewing the reserve study or reserve study update, the Board determines that the reserve account will be adequately funded for the following year, then the Board may vote to reduce or eliminate funding of the reserve account for that particular year. Additionally, following the Turnover Meeting, on an annual basis, the Board, with the approval of all Owners, may elect not to fund the reserve account for the following year regardless of whether or not the reserve account is fully funded. Any funds established for any of the purposes mentioned in this Section shall be deemed to be a reserve fund notwithstanding that it may not be so designated by the Board. The amount of the reserve fund shall constitute an asset of the Association and shall not be refunded or distributed to any Owner. An Owner may treat his or her outstanding share of the reserve fund as a separate item in a sales contract.

6.2 Reserve Study. The Board shall annually conduct a reserve study, or review and update an existing study, of the Common Maintenance Areas and other reserve items set forth in Section 6.1 to determine the requirements of the reserve fund described in Section 6.1. The reserve study shall: (a) identify all items for which reserves are or will be established; (b) include the estimated remaining useful life of each item as of the date of the reserve study; and (c) include for each item, as applicable, an estimated cost of maintenance, repair and replacement at the end of the item's useful life.

6.3 Maintenance Plan. The Board shall prepare a maintenance plan for the maintenance, repair and replacement of all property for which the Association has maintenance, repair or replacement responsibility under this Declaration, the Bylaws or the Planned Community Act. The maintenance plan shall: (a) describe the maintenance, repair and replacement to be conducted; (b) include a schedule for the maintenance, repair and replacement; (c) be appropriate for the size and complexity of the maintenance, repair and replacement responsibility of the Association; and (d) address issues that include, but are not limited to, warranties and the useful life of the items for which the Association has maintenance, repair and replacement responsibility. The Board shall review and update the maintenance plan as necessary.

7. ENFORCEMENT

7.1 Default in Payment of Assessments; Enforcement of Lien. If an Assessment or any other charge levied under this Declaration or the Bylaws is not paid within ten (10) days after its due date, such Assessment or charge shall become delinquent and shall bear interest from the due date until paid at the rate set forth in Section 7.4 below and, in addition, the

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Association may exercise any or all of the following remedies as allowed under the Planned Community Act:

7.1.1 Lien. The Association shall have a lien against each Lot for any Assessment levied against the Lot and any fines or other charges imposed under this Declaration or the Bylaws against the Owner of the Lot from the date on which the Assessment, fine or charge is due. The provisions regarding the attachment, notice, recordation and duration of liens established on real property under ORS 94.709 shall apply to the Association's lien. The lien shall be foreclosed in accordance with the provisions regarding the foreclosure of liens under ORS 94.709 through 94.719. The Association, through its duly authorized agents, may bid on the Lot at a foreclosure sale, and may acquire and hold, lease, mortgage and convey the Lot.

7.1.2 Suit or Action. The Association may bring an action to recover a money judgment for unpaid Assessments, fines and charges under this Declaration without foreclosing or waiving the lien described in Section 7.1.1. Recovery on any such action, however, shall operate to satisfy the lien, or the portion thereof, for which recovery is made.

7.1.3 Fines. In addition to any other remedies available to the Association hereunder and subject to the requirements of ORS 94.630(1)(n), the Association shall have the right to impose reasonable fines upon an Owner who violates the Declaration, Bylaws or any rules and regulations of the Association, in the manner and amount the Board deems appropriate in relation to the violation.

7.1.4 Other Remedies. The Association shall have any other remedy available to it by law or in equity.

7.2 Notification of First Mortgagee. Upon the advance written request of the first mortgagee of any Lot, the Board shall notify the first mortgagee of any default in the performance of the terms of this Declaration by the Lot's Owner that is not cured within sixty (60) days.

7.3 Subordination of Lien to First Mortgages. The Association's lien for the Assessments and other charges provided for in this Declaration shall be subordinate to the lien of any first mortgage or deed of trust of record. The sale or transfer of any Lot shall not affect the Association's lien. However, the sale or transfer of a Lot pursuant to the foreclosure of a first mortgage lien or the execution of a deed in lieu of foreclosure of a first mortgage lien shall extinguish the Association's lien with respect to Assessments and other charges that became due prior to such sale or transfer. No sale, foreclosure or transfer of a Lot shall extinguish the personal obligation of the Owner who owned the Lot at the time the Assessment or other charge became due.

7.4 Interest, Expenses and Attorneys' Fees. Any amount not paid to the Association when due in accordance with this Declaration shall bear interest from the due date until paid at a

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rate of twelve percent (12%) per annum, or at such other rate as may be established by the Board, but not to exceed the lawful rate of interest under the laws of the State of Oregon. A late charge may be charged for each delinquent Assessment in an amount established from time to time by resolution of the Board. If the Association files a notice of lien, the lien amount shall also include the recording fees associated with filing the notice, and a fee for preparing the notice of lien established from time to time by resolution of the Board. If the Association brings any suit or action to enforce this Declaration, or to collect any money due hereunder or to foreclose a lien, the defaulting Owner shall pay to the Association all costs and expenses incurred by the Association in connection with such suit or action, including a foreclosure title report, and the prevailing party in such suit or action shall recover such amount as the court may determine to be reasonable as attorneys' fees at trial and upon any appeal or petition for review thereof.

7.5 Nonexclusiveness and Accumulation of Remedies. An election by the Association to pursue any remedy provided in this Section 7 for a violation of this Declaration shall not prevent the concurrent or subsequent exercise of any other remedy permitted hereunder. The remedies provided in this Declaration are not exclusive, but shall be in addition to all other remedies, including actions for damages and suits for injunctions and specific performance, that are available under applicable law to the Association. In addition, any aggrieved Owner may bring an action against another Owner or the Association to recover damages or to enjoin, abate, or remedy any violation of this Declaration by appropriate legal proceedings.

8. PROPERTY RIGHTS AND EASEMENTS

8.1 Owners' Use and Occupancy. Except as otherwise expressly provided in this Declaration, the Bylaws, the Plat or any easement, covenant or any other instrument of record, the Owner of a Lot shall be entitled to the exclusive use and benefit of his or her Lot. Declarant and any representative of the Association authorized by the Association may at any reasonable time, upon reasonable notice to the Owner, enter upon any Lot for the purpose of determining whether or not the use of and/or the Improvements on the Lot are then in compliance with this Declaration, the Bylaws, the Design Guidelines or the rules and regulations of the Association. No such entry shall be deemed to constitute a trespass or otherwise create any right of action in the Owner of the Lot. Declarant or the Association may grant or assign easements over or with respect to any Lot to municipalities or other utilities performing utility services and to communications companies.

8.2 Owners' Easements of Enjoyment. Subject to any restrictions contained in this Declaration, the Bylaws, the Plat, the Operation and Maintenance Agreement or any easement, covenant or other instrument of record, every Owner and the Owner's family members, tenants, guests, and invitees shall have a right and easement of enjoyment in and to the Common Areas, which easement shall be appurtenant to and shall pass with the title to every Lot. Use of the Common Areas shall not result in unreasonable disturbance of the Owners and occupants of the

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other Lots and shall be subject to the rules and regulations as may be adopted by the Board from time to time pursuant to Section 3.8.

8.3 Title to Common Areas. Declarant shall convey fee title to the Common Areas to the Association free and clear of liens and encumbrances no later than the Turnover Meeting.

8.4 Extent of Owners' Rights. The rights and use of enjoyment in the Property shall be subject to the following easements and all other provisions of this Declaration:

8.4.1 Association's and Owners' Easements. Declarant reserves for itself and grants to the Association and the Board and their duly authorized agents and representatives for the benefit of the Association and all Owners of Lots within the Property the following easements:

(a) An easement under and upon the Common Areas, for installation and maintenance of power, gas, electric, sewer, water and other utility and communication lines and other utility and communication lines and services installed by Declarant or with the approval of the Board;

(b) An easement under and upon the Common Areas, for construction, maintenance, repair, and use of the Common Areas and any Improvements thereon;

(c) The right to have access to the Common Areas and to all Lots as may be necessary for the installation, maintenance, repair, upkeep or replacement of the Common Maintenance Areas, for determining whether or not the use of and/or the Improvements on a Lot are then in compliance with this Declaration, the Bylaws, the Design Guidelines or the rules and regulations of the Association, or to make emergency repairs thereon necessary for the public safety or to prevent damage to the Common Maintenance Areas or to another Lot or Home. In case of an emergency originating in or threatening any Lot or Home or the Common Maintenance Areas, each Owner hereby grants the right of entry to any person authorized by the Board or the Association, whether or not the Owner is present at the time;

(d) Such easements as are necessary to perform the duties and obligations of the Association set forth in this Declaration, the Bylaws and Articles, as the same may be amended or supplemented;

(e) Each Lot shall have an easement over any adjoining Lot as may be required to perform maintenance, repair or reconstruction of the Home located on the benefited Lot. The Owner of the benefited Lot shall be responsible for restoring any damage to the burdened Lot resulting from such use and shall indemnify and hold harmless the owner of the burdened Lot for, from and against any damage, claim, loss or liability resulting from such use; and

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(f) Pursuant to ORS 94.733(3), each Lot, Home and all Common Areas shall have an easement over all adjoining Lots, Homes and the Common Areas for the purpose of accommodating any present or future encroachment as a result of engineering errors, construction, reconstruction, repairs, settlement, shifting, or movement of any portion of the Property, or any other similar cause, and any encroachment due to building overhang or projection. There shall be valid easements for the maintenance of the encroaching Lots, Homes and the Common Areas so long as the encroachments shall exist, and except as otherwise provided, the rights and obligations of Owners shall not be altered in any way by the encroachment, nor shall the encroachment be construed to be encumbrances affecting the marketability of title to any Lot, Home or Common Areas.

8.4.2 Declarant's Easements. So long as Declarant owns any Lot, and in addition to any other easements to which Declarant may be entitled, Declarant reserves an easement over, under and across the Common Areas in order to carry out development, construction, sales and rental activities necessary or convenient for the development of the Property or the sale or rental of Lots and for such other purposes as may be necessary or convenient for discharging Declarant's obligations or for exercising any of Declarant's rights hereunder.

8.4.3 Utility and Other Municipal Easements. Declarant or the Association may (and, to the extent required by law, shall) grant or assign easements to municipalities or other utilities performing utility services and to communications companies, and the Association may grant free access thereon to police, fire, and other public officials and to employees of utility companies and communications companies serving the Property.

8.4.4 Villebois Easements. All Common Area parks and trail systems with the Property may be used and enjoyed by the owners and occupants of other portions of Villebois on the same basis as the Owners. Such use shall be subject to all conditions and restrictions set forth in this Declaration, which may be enforced as provided in this Declaration. Such owners and occupants shall pay, indemnify and hold harmless the Association and all Owners for, from and against any damage, loss, claim or liability arising out of such use.

8.4.5 Transfer of the Common Areas. The Association may not sell, transfer or grant a security interest in any portion of the Common Areas unless the Owners holding at least eighty percent (80%) of the total voting power of the Association, including eighty percent (80%) of the votes not held by Declarant, and the Class B Member, if any, approve the sale, transfer or grant of security interest. A sale, transfer or grant of security interest in any portion of the Common Areas in accordance with this Section 8.4.5 may provide that the Common Areas so conveyed shall be released from any restrictions imposed on such Common Areas by this Declaration or the Bylaws. No such sale, transfer, or grant of security interest may, however, deprive any Lot of such Lot's right of access or support without the written consent of the Owner of such Lot.

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8.4.6 Authority to Grant Easements and Other Property Interests in Common Areas. The Association may execute, acknowledge and deliver leases, easements, rights of way, licenses, and other similar interests affecting the Common Areas and consent to vacation of roadways within and adjacent to the Common Areas. Except for those matters described in ORS 94.665(4)(b), which the Board may approve without Owner consent, the granting of any interest pursuant to this Section 8.4.6 must be approved by at least seventy-five percent (75%) of the Owners present at a meeting of the Association or with the consent of at least seventy-five percent (75%) of all Owners solicited by any means the Board determines is reasonable. If a meeting is held to conduct the vote, the meeting notice shall include a statement that the approval of the granting of an interest in the Common Areas will be an item of business on the agenda of the meeting.

8.5 Maintenance and Reconstruction Easements. An easement is hereby reserved in favor of the Association and its successors, assigns, contractors, agents, and employees over and across each Lot, for purposes of accomplishing the repair and restoration of the Common Maintenance Areas pursuant to Section 14.

9. GENERAL PROVISIONS FOR AND RESTRICTIONS ON USE OF LOTS

9.1 Each Lot, including the Home and all other Improvements located thereon, shall be maintained in a clean and attractive condition, in good repair, and in such a manner as not to create a fire hazard.

9.2 No Lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any Lot other than one detached single-family dwelling and a private garage or carport. The Home and any other Improvements on a Lot shall comply with all applicable City height restrictions.

9.3 A greenhouse of noncommercial type, or a garden tool shed or other residential accessory buildings or improvements, may be erected, provided that these types of Improvements are of an acceptable architectural design (as determined by the ACC in accordance with Section 12), shall have the exterior painted and, if such structure is separate from the Home, shall be located within the fenced-in patio or courtyard. Such accessory buildings or improvements shall comply with applicable requirements of the City. All Homes shall provide a garage or carport sufficient to accommodate a minimum of two (2) vehicles.

9.4 All garbage, trash, cuttings, refuse, garbage and refuse containers, oil tanks, clothes lines or other service facilities, stored trailers, and recreational vehicles ("RV's") shall be screened from the view of neighboring Homes and from the Common Areas in a manner approved by the ACC. No RV's shall be visibly parked on a Lot for more than five (5) continuous days in a calendar month. The intent of this provision is to minimize the negative visual impact caused by the visible parking or storage of RV's.

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9.5 No noxious or offensive activity shall take place on any Lot, nor shall anything be done or placed on any Lot that interferes with or jeopardizes enjoyment of other Lots or within the Property.

9.6 If any tree, shrub, or other vegetation blocks or substantially obscures the view from any Home, the Owner of the Home may petition the ACC for the trimming, topping, or removal of such tree, shrub, or other vegetation. Upon receipt of such petition, the ACC shall investigate the matter and make a determination in writing whether such view is actually blocked or substantially obscured. If the ACC makes such a determination, the Owner of the offending tree, shrub, or other vegetation shall have ten (10) days from the date the ACC made such determination to elect whether the offending tree, shrub, or other vegetation should be trimmed, topped, or entirely removed. If the offending tree, shrub, or other vegetation is not part of the Association Landscaping, then the Owner of the Lot on which the offending tree, shrub, or other vegetation is located shall bear sole responsibility for the entire cost of such trimming, topping, or removal and shall be solely responsible for obtaining any approvals from the City prior to proceeding with topping or removal.

9.7 The maintenance and replacement (if removed) of trees planted in the rear and side yards of all Lots shall be the responsibility of each Owner; provided, that no tree may be removed without the prior approval of the ACC and any required governmental approvals. Customary trimming and pruning in accordance with professional arboriculture industry standards of trees shall be permitted in the rear and side yards of the Lots without prior approval.

9.8 All fences, walls, hedges, landscaping and other Improvements installed on any Lot shall comply with the City vision clearance requirements and height restrictions. Owners who desire a fence are encouraged to use the same or similar material in style as fencing in the areas near the Property. Prior to construction, design of all fences, hedges or walls must be approved in writing by the ACC.

10. GENERAL RESTRICTIONS ON USE OF PROPERTY

10.1 Common Areas. No person shall construct or reconstruct any Improvements, or alter or refinish any Improvements, make any excavation or fill, make any change in the natural or existing surface drainage, or install a utility line in the Common Areas without the prior written approval of the Board or a duly appointed committee to which the Board has delegated such responsibility and, if required, the City.

10.2 Association Landscaping. No person shall remove, alter, modify or replace any Association Landscaping without the prior written approval of the Board or a duly appointed committee to which the Board has delegated such responsibility and, if required, the City.

11. MAINTENANCE OBLIGATIONS

11.1 Association Maintenance Obligations. The Association shall be responsible for the maintenance, repair, upkeep and replacement of the following Common Maintenance Areas:

- (a) Tracts A, C, D, E, G, J and L, as shown on the Plat, including all paved street surfaces, mountable curbs, street signs, lighting, landscaping, irrigation systems and other Improvements located thereon, to be maintained as private streets and/or alleys;
- (b) Tracts B, F, H, I, K, M and N, as shown on the Plat, including all landscaping, irrigation systems, sidewalks, lighting and other Improvements located thereon, to be maintained as a recreational areas, parks, open space tracts and/or linear/buffer tracts;
- (c) The Association Landscaping;
- (d) [Include City-owned park tract to be maintained by Association??];
- (e) All entry monument signage for the Property, including any landscaping, lighting and irrigation systems related thereto;
- (f) All cluster mailboxes serving the Lots; and
- (g) Any other area determined by the Board to be in the interest of the Association to maintain.

The Association shall regularly inspect, maintain, repair and keep the Common Maintenance Areas in good condition and provide for all necessary services and cause all acts to be done which may be necessary or proper to assure the maintenance of the Common Maintenance Areas. The Association shall perform all maintenance obligations set forth in this Declaration or the Bylaws, any maintenance manual provided by Declarant or the maintenance plan described Section 6 above and shall employ all other commonly accepted maintenance practices intended to prolong the life of the materials and construction of Improvements within the Common Maintenance Areas. Additionally, the Association shall be responsible for performing all maintenance required of the “Obligor” under the Operation and Maintenance Agreement.

11.2 Owner’s Maintenance Obligations. Except to the extent Association Landscaping is maintained by the Association, each Owner shall maintain his or her Lot and the Improvements located thereon in a clean and attractive condition, in good repair and in such a fashion as not to create a hazard of any kind. Such maintenance shall include, without limitation, painting or staining, repair, replacement and care of roofs, gutters, downspouts, surface water drainage, walks, driveways, landscaping and other exterior Improvements. In addition, each Owner shall keep his or her Lot free of trash and other unsightly materials. The provisions of the preceding sentence include the areas between the property line of any Lot and

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the nearest curb, including sidewalks and street trees unless otherwise included in the Association Landscaping.

11.3 Damage or Destruction By Owner. If damage to the Common Maintenance Areas, including any Improvements located thereon, beyond ordinary wear and tear is directly attributable to an Owner or the family members, invitees, licensee, or guest of an Owner, then that Owner shall be responsible for the cost of repairing the damage and the Association may levy a Limited Assessment against the Owner for the repair cost.

12. ARCHITECTURAL CONTROL COMMITTEE

12.1 Creation of Committee. The ACC with the powers and authority described in this Section 12 shall be created as a committee of the Association. The ACC shall have three (3) members, who shall be appointed by Declarant until the Turnover Meeting, after which the ACC members shall be appointed by the Board and shall serve at the pleasure of the Board. Members of the ACC must be Owners. Board members may also serve as ACC members. Appointed members of the ACC shall remain in office until new members are appointed by the Board unless they sooner resign or are disqualified.

12.2 Operations. The members of the ACC shall elect a chairperson, who shall conduct all meetings and shall provide for reasonable notice to each member of the ACC prior to any meeting. The notice shall set forth the time and place of the meeting. Notice may be waived by any member.

12.3 Majority Action. The affirmative vote of a majority of the members of the ACC shall govern its actions and constitute the act of the ACC. A quorum of the ACC shall consist of a majority of the ACC members. The ACC may render its decision only by written instrument setting forth the action taken by the members consenting thereto.

12.4 Review Procedures. If the ACC fails to provide written approval or disapproval of plans and specifications within thirty (30) days after such complete plans and specifications have been submitted, approval of the ACC shall not be required and the related covenants shall be deemed to have been satisfied, unless within twenty (20) days of receipt of the complete plans and specifications, the ACC notifies the Owner of the ACC's intention to extend the approval period by an additional fifteen (15) days to a total of forty-five (45) days after receipt of complete plans and specifications. The ACC shall, from time to time, adopt application forms and rules specifying those requirements necessary to constitute a complete application.

12.5 Approval of Plans by ACC. No Home, building, garage, structure, or other Improvement of any kind or nature, including, without limitation, landscaping, shall be commenced, erected, placed, or altered on any Lot until the construction plans and specifications, and a plan showing the nature, shape, height, materials, and colors, together with detailed plans showing the proposed location of the same on the particular building site and

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proposed landscaping has been submitted to and approved in writing by the ACC. All such Improvements and alterations shall be in conformance with the Design Guidelines, the Pattern Book adopted by the City for each area within Villebois and all other applicable governmental laws, ordinances, conditions of approval, rules and regulations. To the extent that the requirements contained in the Pattern Book or in any applicable governmental laws, ordinances, rules and regulations may be in conflict with the Design Guidelines, the more restrictive standard shall apply. Complete plans and specifications for approval by the ACC must include all material required by the rules of the ACC as provided in Section 12.4 above. In no case shall any plans and specifications be accepted for approval that are inconsistent with the requirements of Section 9.2. The ACC may approve or disapprove plans and specifications as submitted or may approve such plans and specifications with specific conditions to such approval.

12.6 Damages Inadequate. Damages are hereby declared to be inadequate compensation for any breach of the covenants, conditions, and restrictions imposed by this Declaration. Declarant, the ACC, or any Owner may, by appropriate proceedings, enjoin, abate, and remedy any such breach and the continuance

12.7 Nuisance. The result of every act of omission or commission or the violation thereof, whether such covenants, conditions, and restrictions are violated in whole or in part, shall constitute a nuisance, and every remedy allowed by law or equity against such nuisance, either public or private, shall be applicable against every such result and may be exercised by Declarant, the ACC, or by any Owner, and may be prohibited or enjoined.

12.8 Non-Waiver. The provisions contained in this Declaration shall inure to the benefit of and be enforceable by Declarant, the ACC, or any Owner, and each of their legal representatives, heirs, successors, and assigns. Failure by Declarant, the ACC or any Owner or their legal representatives, heirs, successors, and assigns to enforce any of the provisions contained herein shall in no event be deemed a waiver of the right to do so thereafter.

12.9 Estoppel Certificate. Within fifteen (15) business days after an Owner delivers a written request to the ACC, the ACC shall provide the Owner with an estoppel certificate executed by a member of the ACC. The estoppel certificate shall state whether or not the Improvements located on the Lot owned by the requesting Owner comply with the provisions of this Declaration. If the estoppel certificate indicates that the Improvements are not in compliance, then it shall identify the specific non-conforming Improvements and set forth with particularity the nature of the noncompliance. Any purchaser in due course from the Owner, and any mortgagee, beneficiary, or secured party having any interest in the Lot and any associated Improvements, may rely on the estoppel certificate with respect to the matters set forth therein, and the estoppel certificate shall be conclusive as between the ACC, all Owners, and such purchaser, mortgagee, beneficiary, or secured party.

12.10 Defenses. The issuance of an estoppel certificate as described in Section 12.9 shall constitute an absolute defense to claims brought against an Owner pursuant to this Section

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12 with respect to matters within the purview of the ACC, where the Improvement at issue was in existence at the time of the issuance of the estoppel certificate.

12.11 Liability. The ACC shall use reasonable judgment in accepting or disapproving all plans and specifications submitted to it. Neither the ACC nor any individual ACC member shall be liable to any person for any official act of the ACC in connection with submitted plans and specifications, except to the extent the ACC or any individual ACC member acted with malice or wrongful intent. Approval by the ACC does not necessarily assure approval by any governmental authority. Notwithstanding that the ACC has approved plans and specifications, neither the ACC nor any of its members shall be responsible or liable to any Owner, occupant, builder, developer, or contractor with respect to any loss, liability, claim, or expense which may arise by reason of such approval. Review or analysis of structural, geophysical, engineering, or other similar considerations shall be outside the scope of the ACC's review. Neither the Board, the ACC, or any agent thereof, nor Declarant or any of its members, managers, employees, agents, or consultants, shall be responsible in any way for any defects in any plans or specifications submitted, revised, or approved in accordance with the provisions of this Declaration, nor for any structural or other defects in any work done according to such plans and specifications. The Association shall indemnify, hold harmless, and defend the ACC and its members in any suit or proceeding which may arise by reason of any of the ACC's decisions, provided that the ACC members acted in good faith, within the scope of their authority, and in a manner reasonably believed to be in the best interest of the Association and its Members. The Association shall use reasonable efforts to procure errors and omissions insurance coverage with respect to the ACC members, in accordance with the provisions of the Bylaws.

12.12 Activities of Declarant. This Section 12 shall not apply to the activities of Declarant or its affiliates.

13. DESIGN GUIDELINES

13.1 Paint Requirement. The exterior of any Home erected on a Lot shall be fully completed and painted within one (1) year after construction of the Home has commenced.

13.2 Designs, Materials, and Construction Quality. The external designs and materials of all Homes shall harmonize with each other and shall be reasonably harmonious with those employed on the Homes on other Lots. All auxiliary buildings on a Lot shall be of the same general design and materials as the Home on the Lot. The primary exterior color tone of all buildings shall blend with the natural environment. Bright, unnatural exterior colors are prohibited, except for limited use as trim and accent panels. All Homes, auxiliary buildings, fences, retaining walls, and other Improvements shall comply with the requirements of the Pattern Book and shall be constructed in a good, quality manner in accordance with locally accepted professional building practices.

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13.3 Home Size. The ground floor area of each Home, exclusive of one story open porches, garages, and carports, shall not be less than that required by the City Building Code.

13.4 Foundations. All structures erected shall have full, concrete masonry or concrete or wooden piers and piling foundations as approved by the City and designed to accommodate the surrounding terrain. Foundations and exterior walls of all buildings shall be finished in a suitable and customary manner for each such type of building.

13.5 Height Restrictions. All Homes and other Improvements constructed on the Lots shall comply with the applicable City height restrictions. Any height adjustment granted by the City shall be approved by the ACC, unless the ACC determines that the building will unreasonably restrict the view of neighboring Lots.

13.6 Environmental Conditions. Owners shall insure that design and construction of structures in the Property shall properly withstand environmental conditions, including the protection of the flora on the Property.

13.7 Factory Built Homes. All Homes shall be constructed on the Lots. Mobile homes, factory built homes, or manufactured homes shall not be permitted. Notwithstanding the foregoing, panels constructed off-site but assembled on the Lot shall be permitted.

13.8 Additional Design Guidelines. The ACC shall have the authority, but not the obligation, to promulgate and issue, and thereafter to amend from time to time, additional design guidelines supplementing and/or interpreting, but not contradicting, the design guidelines set forth in this Section 13 or elsewhere in this Declaration. Such guidelines shall be supplied in writing to all Owners and shall be fully binding upon all parties as if set forth in this Declaration and shall be applied by the ACC in reviewing and approving or denying proposed improvements or modifications. The ACC shall take into account any proposed building site envelope in order to minimize any impact on neighboring Lots and shall have authority to establish and modify guidelines as necessary or convenient to further this purpose.

13.9 Activities of Declarant. This Section 13 shall not apply to the activities of Declarant or its affiliates.

14. CASUALTY AND CONDEMNATION

14.1 Casualty. The Owner of each Home shall repair, reconstruct, and rebuild the damaged or destroyed portions of his or her Home to substantially the same condition that existed prior to the damage or destruction. In the event of damage to or destruction of the Common Areas or Association Landscaping, the Association shall repair and restore the damaged portion of the Common Areas, unless the holders of at least 75% of the Class A Member voting power of the Association and the Class B Member, if any, agree that the damaged or destroyed portions shall not be repaired or restored. All repair, reconstruction,

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rebuilding, or restoration shall begin within six (6) months following the damage or destruction and shall be diligently pursued to completion within twelve (12) months following the damage or destruction, unless work is delayed by causes beyond the reasonable control of the Owner or the Association, as the case may be. If the proceeds of the insurance policies held by the Association are insufficient to fund the full cost of repair and/or restoration of the Common Areas or Association Landscaping, the difference between the amount of such proceeds and such cost shall be charged to all Owners by means of a Special Assessment.

14.2 Condemnation. If any part of the Common Areas are taken by any authority having the power of condemnation or eminent domain (or shall be sold under threat of condemnation), each Owner shall be entitled to notice of such event. The Association shall represent the Owners in negotiations with the condemning authority. The condemnation award shall be applied first to restoration of the Common Areas not taken (unless holders of at least 75% of the Class A Member voting power of the Association and the Class B Member, if any, agree that the remaining Common Areas shall not be restored) and then to such other purposes as the Board may determine in its discretion (including payment to the Owners).

15. SPECIAL DECLARANT RIGHTS

15.1 Declarant shall have the following Special Declarant Rights:

15.1.1 Responsibility and control of the ACC and the Association until the Turnover Meeting, including the right to appoint, remove and replace members of the Board and the ACC.

15.1.2 The right to maintain a sales and management office on the Property.

15.1.3 The right to reserve easement and access rights across the Common Areas for use of future development.

15.1.4 The right to construct Improvements in the Common Areas, whether or not such Improvements are described in this Declaration.

15.1.5 The right to approve amendments to this Declaration and the Bylaws prior to the Turnover Meeting and for a period of ten (10) years thereafter regardless of whether Declarant still owns a Lot.

15.1.6 The right to approve Special Assessments for capital improvements or additions for so long as Declarant owns a Lot.

15.1.7 The right to receive notice of and to attend all Owner meetings and Board meetings for a period of ten (10) years following the Turnover Meeting regardless of whether Declarant still owns a Lot. Meeting notices to Declarant shall be given in the same manner as notices to the Owners; provided, however, that any notice of a Board meeting that is posted at

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the Property pursuant to the Bylaws must also be given to Declarant by mail or any other delivery method described in Section 17.4 within the time period prescribed in the Bylaws.

15.1.8 The right to review and make copies of all inspection, maintenance and other records of the Association regardless of whether the Turnover Meeting has occurred or Declarant still owns a Lot.

15.1.9 The rights of Declarant under the Planned Community Act, including but not limited to those under ORS 94.550(21), and all other rights reserved for Declarant elsewhere in this Declaration or in the Bylaws.

16. DISPUTE RESOLUTION.

16.1 Required Procedure. To the fullest extent allowed by law, all claims, controversies, or disputes, whether they are statutory, contractual, tort claims, and/or counterclaims between or among Declarant, Declarant's successors and assigns, the Association, and/or Owner(s) (collectively, the "Parties" and individually, a "Party") which arise out of or are related to the Property, the Lots, the Homes, the Planned Community Act, this Declaration, the Bylaws, the Articles, the Design Guidelines or the rules and regulations of the Association, or which relate to the interpretation or breach of the Planned Community Act, this Declaration or the Bylaws, the Articles, the Design Guidelines or the rules and regulations of the Association (collectively referred to as "Claims") shall be resolved in accordance with the procedures specified herein. Except as otherwise required by the Planned Community Act, the following matters are excluded from this dispute resolution clause and do not constitute Claims: (i) judicial or non-judicial foreclosure or any other action or proceeding to enforce assessments, fines, interest or a trust deed, mortgage, Association lien, or land sale contract; (ii) a forcible entry and detainer action; (iii) actions by the Association or any Owner related to removal of a structure or other condition that violates this Declaration, the Bylaws, the Design Guidelines or any rules and regulations of the Association; (iv) actions for the appointment of a receiver; (v) provisional remedies such as injunctions or the filing of a lis pendens; or (vi) the filing or enforcement of a mechanic's lien. The filing of a notice of pending action (lis pendens) or the application to any court having jurisdiction thereof for the issuance of any provisional process remedy described in Rules 79 through 85 of the Oregon Rules of Civil Procedure (or corresponding federal statutory remedies), including a restraining order, attachment, or appointment of receiver, shall not constitute a waiver of the right to mediate or arbitrate under this Section, nor shall it constitute a breach of the duty to mediate or arbitrate. The proceeds resulting from the exercise of any such remedy shall be held by the Party obtaining such proceeds for disposition as may be determined by an agreement of the Parties pursuant to a mediation or by the arbitration award.

16.2 Negotiated Resolution. The Parties will seek a fair and prompt negotiated resolution of Claims and shall meet at least once to discuss and seek to resolve such Claims, but if this is not successful, all Claims shall be resolved by mediation, in small claims court, or by binding arbitration as set forth in Sections 16.3, 16.4 or 16.5, as applicable.

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16.3 Mediation. Prior to mediation of any Claim, the Parties shall endeavor to resolve disputes through the process set forth in Section 16.2 above. All Claims that are not resolved by such process shall be subject to mediation as a condition precedent to arbitration or the filing of a small claims complaint. The request for mediation may be made concurrently with the filing of a demand for arbitration as set forth in Section 16.5 below, but, in such event, mediation shall proceed in advance of arbitration, which shall be stayed pending mediation for a period of sixty (60) days from the date of filing, unless stayed for a longer period by agreement of the parties. All mediation shall be in Clackamas County, Oregon with any dispute resolution program available that is in substantial compliance with the standards and guidelines adopted under ORS 36.175, as it may be amended. The foregoing requirement does not apply to circumstances in which irreparable harm to a Party will occur due to delay or litigation or an administrative proceeding initiated to collect assessments, other than assessments attributable to fines.

16.4 Small Claims. All Claims that have not been resolved by mediation and which are within the jurisdiction of the Small Claims Department of the Circuit Court of the State of Oregon shall be brought and determined there, and all Parties shall be deemed to have waived their right to a jury trial with respect to such Claims.

16.5 Arbitration. Prior to arbitration of any Claim, the Parties shall endeavor to resolve disputes through the processes set forth in Section 16.2, 16.3 and 16.4 above, as applicable. All Claims that have not been resolved by such processes shall be resolved by binding arbitration. Such arbitration shall be conducted by and pursuant to the then effective arbitration rules of Construction Arbitration Services, Inc., or another reputable arbitration service selected by Declarant. If Declarant is not a Party to such dispute, the arbitration service shall be selected by the Board. Any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

16.6 No Attorneys' Fees. Unless otherwise specifically provided for in this Declaration, the Bylaws or the Planned Community Act, no party in the arbitration, mediation or other proceeding shall be entitled to recover costs or attorneys' fees in connection therewith. To the fullest extent allowed by law and except for Claims in an amount less than or equal to \$7,500, no Claim shall be initiated by the Association without approval from the Owners holding seventy-five percent (75%) of the total voting power of the Association. The foregoing vote requirement shall not be required to institute or respond to the following: (i) actions to collect delinquent Assessments, fines or other charges under the Declaration, these Bylaws or any rules and regulations adopted by the Association; (ii) actions initiated by the Association prior to the Turnover Meeting; (iii) actions challenging ad valorem taxation or condemnation proceedings; (iv) actions initiated against any contractor or vendor hired by the Association or supplier of goods and services to the Association; (v) the defense of claims filed against the Association or the assertion of counterclaims in proceedings instituted against it (except for non-mandatory counterclaims); (vi) actions by the Association to appoint a receiver; or (vi) actions to summarily abate, enjoin and remove a structure or condition that violates this Declaration, the Bylaws, the Design Guidelines or any rules and regulations of the Association.

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16.7 Confidentiality. The Parties shall keep all discussions of disputes, all settlements and arbitration awards and decisions confidential and shall not disclose any such information, whether directly or indirectly, to any third parties unless compelled to do so by an order of a court of competent jurisdiction. The Parties agree that if a Party breaches its confidentiality obligation then the other Party or Parties to the dispute shall be entitled to seek and obtain any and all equitable remedies, including injunctive relief and specific performance and each Party hereby waives any claim or defense that the other Party has an adequate remedy at law for any such breach and the Parties agree that the aggrieved Party shall not be required to post any bond or other security in connection with any such equitable relief.

17. MISCELLANEOUS

17.1 Term. The covenants, conditions and restrictions of this Declaration shall run for a term of thirty (30) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years each, unless amended, modified or terminated by a vote of the Owners holding at least seventy-five percent (75%) of the total voting power of the Association.

17.2 Amendment and Repeal.

17.2.1 This Declaration, or any provision thereof, as from time to time in effect with respect to all or any part of the Property, may be amended or repealed by the vote or written consent of Owners holding at least seventy-five percent (75%) of the total voting power of the Association and the written consent of Declarant prior to the Turnover Meeting and for a period of ten (10) years thereafter. To the extent any amendment relates to the preservation or maintenance of the Common Areas, such amendment shall also be approved by the zoning administrator of the City.

17.2.2 Upon approval of an amendment as provided herein, the president and secretary of the Association shall execute an instrument amending this Declaration and certifying that the amendment was adopted in accordance with this Declaration and ORS 94.590, which certification shall be properly acknowledged in the manner of acknowledgment of deeds, and the Board, or other duly appointed and authorized persons, shall record the instrument amending this Declaration.

17.2.3 In no event shall an amendment to this Declaration create, limit or diminish any Special Declarant Rights without Declarant's written consent. Additionally, no amendment to this Declaration shall change the boundaries of a Lot, any uses to which a Lot is restricted, the method for determining liability for common expenses, the method for determining the right to common profits or the method of determining voting rights unless the Owners of the affected Lots unanimously consent to the amendment.

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17.3 Regulatory Amendments. Notwithstanding the provisions of Section 17.2, until the Turnover Meeting, Declarant shall have the right to amend this Declaration or the Bylaws without any other Owner approval in order to comply with the requirements of any applicable statute, ordinance, regulation or guideline of the Federal Housing Administration, the Veterans Administration, the Farmers Home Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon that insures, guarantees or provides financing for a planned community or lots in a planned community.

17.4 Notices. Any notices permitted or required to be delivered as provided herein shall be in writing and may be delivered by: (i) messenger service (or hand delivery); (ii) overnight courier service; (iii) regular U.S. Mail; or (iv) electronic mail, facsimile transmission or any other form of electronic communication acceptable to the Board and permissible under the Planned Community Act. Notices delivered by messenger service (or hand delivery), overnight courier service or regular U.S. Mail shall be sent to each Member's mailing address last appearing on the books of the Association. Notices delivered by facsimile or email shall be sent to the Member's email address or facsimile number last appearing on the books of the Association. Notwithstanding the foregoing, electronic mail, facsimile or other form of electronic communication may not be used to give notice of: (i) failure to pay an assessment; (ii) foreclosure of an Association lien under ORS 94.709; or (iii) an action the Association may take against a Member. Additionally, a Member may decline to receive notice by electronic mail, facsimile or other form of electronic communication by giving written notice thereof to the Board. Notices shall be deemed given on the date the notices are sent in accordance with the procedures outlined herein.

17.5 Right of Enforcement. Except as otherwise provided herein, each Owner of a Lot shall have the right to enforce any or all of the provisions of this Declaration. Additionally, the provisions of this Declaration relating to the preservation and maintenance of the Common Areas shall be deemed to be for the benefit of the City as well as the Association and Owners and the City may enforce such provisions by appropriate proceedings at law or in equity, or may cause such maintenance to be performed, the costs of which shall be a lien upon the Property.

17.6 Remedies Cumulative. Each remedy provided herein is cumulative and not exclusive.

17.7 Joint Owners. If two or more persons share the ownership of any Lot, regardless of the form of ownership, the responsibility of such persons to comply with this Declaration shall be a joint and several responsibility and the act or consent of any one or more of the co-Owners shall constitute the act or consent of the entire ownership interest; provided, however, that if the co-Owners disagree among themselves as to the manner in which any vote or right of consent held by them shall be exercised with respect to a pending matter, any co-Owner may deliver

PRELIMINARY DRAFT
TO BE MODIFIED

written notice of such disagreement to the Association, and the vote or right of consent involved shall then be disregarded completely in determining the proportion of votes or consents given with respect to such matter.

17.8 Lessees and Other Invitees. Lessees, invitees, contractors, family members and other persons entering the Property under rights derived from an Owner shall comply with all of the provisions of this Declaration restricting or regulating the Owner's use, improvement or enjoyment of such Owner's Lot and other areas within the Property. The Owner shall be responsible for ensuring such compliance and shall be liable for any failure of compliance by such persons in the same manner and to the same extent as if the failure had been committed by the Owner.

17.9 Non-Waiver. The failure to enforce any of the provisions of this Declaration at any time shall not constitute a waiver of the right to subsequently enforce such provision.

17.10 Restrictions Construed Together. All of the provisions of this Declaration shall be liberally construed together to promote and effectuate the general plan and scheme of the Property.

17.11 Restrictions Severable. Each of the provisions of this Declaration shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision.

17.12 Singular Includes Plural. Unless the context requires a contrary construction, the singular shall include the plural and the plural the singular; and the masculine, feminine or neuter shall each include the masculine, feminine and neuter.

17.13 Captions. All captions and titles used in this Declaration are intended solely for convenience of reference and shall not affect that which is set forth in any of the provisions hereof.

*(Remainder of Page Intentionally Left Blank;
Signature Page Follows)*

EXHIBIT A

Legal Description of Property

Lots 1 through 81, inclusive, and Tracts A through N, inclusive, of _____,
Clackamas County, Oregon, the plat of which was recorded in the official records of Clackamas
County, Oregon on _____, 20__ as Document No. _____.

EXHIBIT B

Legal Description of Common Areas

Tracts A through N, inclusive, _____, Clackamas County, Oregon, the plat of which was recorded in the official records of Clackamas County, Oregon on _____, 20__ as Document No. _____.

IIID) Copy of Certification of Assessments & Liens

III E) Subdivision Name Approval

REQUEST TO RESERVE SUBDIVISION / CONDOMINIUM NAME

Clackamas County Surveyor's Office
150 Beaver Creek Rd.
Oregon City, OR 97045
(503) 742-4475 / FAX (503) 742-4481
E-mail address: www.surveyor@clackamas.us

PLAT NAME REQUESTED:

Mont Blanc No. 2

	TWP/RANGE:	SECTION#:	TAX LOT#(s):
Location of Plat:	3S / 1W	15AC	Tax Lot 2900

I understand that if the above name plat is not pending or recorded within two years, the name will be removed from the reserved list.

RESERVED BY: Travis Jansen, Pacific Community Design, Inc.

DATE:

4/25/2016

TELEPHONE:

(503) 941 - 9484

FAX:

(503) 941 - 9485

EMAIL ADDRESS:

travis@pacific-community.com

PLAT SURVEYOR: #

Travis Jansen, PLS #57751

NAME OF DEVELOPER:

Polygon Northwest Company

ADDRESS:

109 E 13th St. Vancouver, WA 98660

DATE:

4/25/2016

TELEPHONE:

(503) 314 - 0807

FAX:

() -

EMAIL ADDRESS:

fred.gast@polygonhomes.com

APPROVED BY:**APPROVAL DATE:**

Section IV) Zone Change

IVA) Supporting Compliance Report

**SUPPORTING COMPLIANCE REPORT
ZONE CHANGE
PDP 10 - CENTRAL**

SECTION IVA

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I. CITY OF WILSONVILLE COMPREHENSIVE PLAN

COMPACT URBAN DEVELOPMENT - IMPLEMENTATION MEASURES

IMPLEMENTATION MEASURE 4.1.6. A

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

Response: This application is being submitted and reviewed concurrently with a Preliminary Development Plan for Phase 10 of SAP-Central.

IMPLEMENTATION MEASURE 4.1.6.C

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

Response: The application proposes a zone change to “Village” for the subject property area, which includes the “Residential-Village” Comprehensive Plan Map Designation.

IMPLEMENTATION MEASURE 4.1.6.D

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

Response: This application seeks zone change approval from PF - Public Facilities to V - Village Zone on a portion of Villebois located within SAP Central. The area proposed to be rezoned is 3.20 total acres. The plan for subject property includes single family and multi-family residential lots. The ‘Introductory Narrative’ (see Section IA of Notebook) lists the proposed number and type of residential units, which contribute to a diverse mix of housing. The proposed residential land use and housing type in this area are consistent with those portrayed in the *Villebois Village Master Plan*, which this regulation is intended to implement.

II. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

SECTION 4.029 ZONING CONSISTENT WITH THE COMPREHENSIVE PLAN

If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the comprehensive plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.

Response: This zone change application is being requested concurrent with a PDP application and Tentative Plat for the site in conformance with the code. The PDP

application material is located in Section II of this Notebook and the Tentative Plat application material is in Section III.

SECTION 4.110 ZONING - ZONES

(.01) The following Base Zones are established by this Code:

- H. **Village, which shall be designated “V” [per Section 4.125 enabling amendments (File No. 02PC08)]**

Response: The subject property is within the city limits of Wilsonville. The area has a City of Wilsonville Comprehensive Plan designation of “Residential - Village.” The site is currently zoned Public Facilities. This request is for a zone change to “Village,” which is permitted within the area designated “Residential - Village” on the Comprehensive Plan Map.

SECTION 4.125 VILLAGE (V) ZONE

(.01) The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan designation as described in the Comprehensive Plan.

Response: The subject property lies within the area designated “Residential - Village” on the Comprehensive Plan Map. This request is for a zone change to “V - Village.”

(.02) Permitted Uses

Response: The proposed uses listed in the associated application for a Preliminary Development Plan (see Section II of this Notebook) are consistent with the land uses permitted under the Village zone. The PDP, located in Section II of this Notebook, states that the proposed development will create lots for single family residential Row Houses as well as tracts for park areas. These uses are permitted under the Village zone.

(.18) Village Zone Development Permit Process

- B. **Unique Features and Processes of the Village (V) Zone**
 - 2. **...Application for a zone change shall be made concurrently with an application for PDP approval...**

Response: The application for a zone change is being made concurrent with an application for PDP approval (see Section II of this Notebook).

SECTION 4.197 ZONE CHANGES AND AMENDMENTS TO THIS CODE - PROCEDURES.

(.02) In recommending approval or denial of a proposed zone map amendment, the Planning Commission or Development Review Board shall at a minimum, adopt findings addressing the following criteria:

- A. That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008 or, in the case of a Planned Development, Section 4.140; and

Response: This application has been submitted in accordance with the procedures set forth in Section 4.140, which requires that:

- (A) *All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of building permit: 1. Be zoned for planned development; and*
- (B) *Zone change and amendment to the zoning map are governed by the applicable provisions of the Zoning Sections, inclusive of Section 4.197.*

This zone change application will establish the appropriate zone for this development and will be governed by the appropriate Zoning Sections.

- B. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan Text; and

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

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

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

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

Response: The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available and can be provided in conjunction with the project. Section IIC of this Notebook includes

supporting utility and drainage reports. In addition, the applicant will fund the completion of a Traffic Impact Analysis, which is attached as Exhibit IID.

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

Response: The subject site does not include any areas within a Significant Resource Overlay Zone.

- F. That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change; and

Response: The applicant is committed to a schedule demonstrating that the development of the subject property is reasonably expected to commence within two (2) years of the initial approval of the zone change.

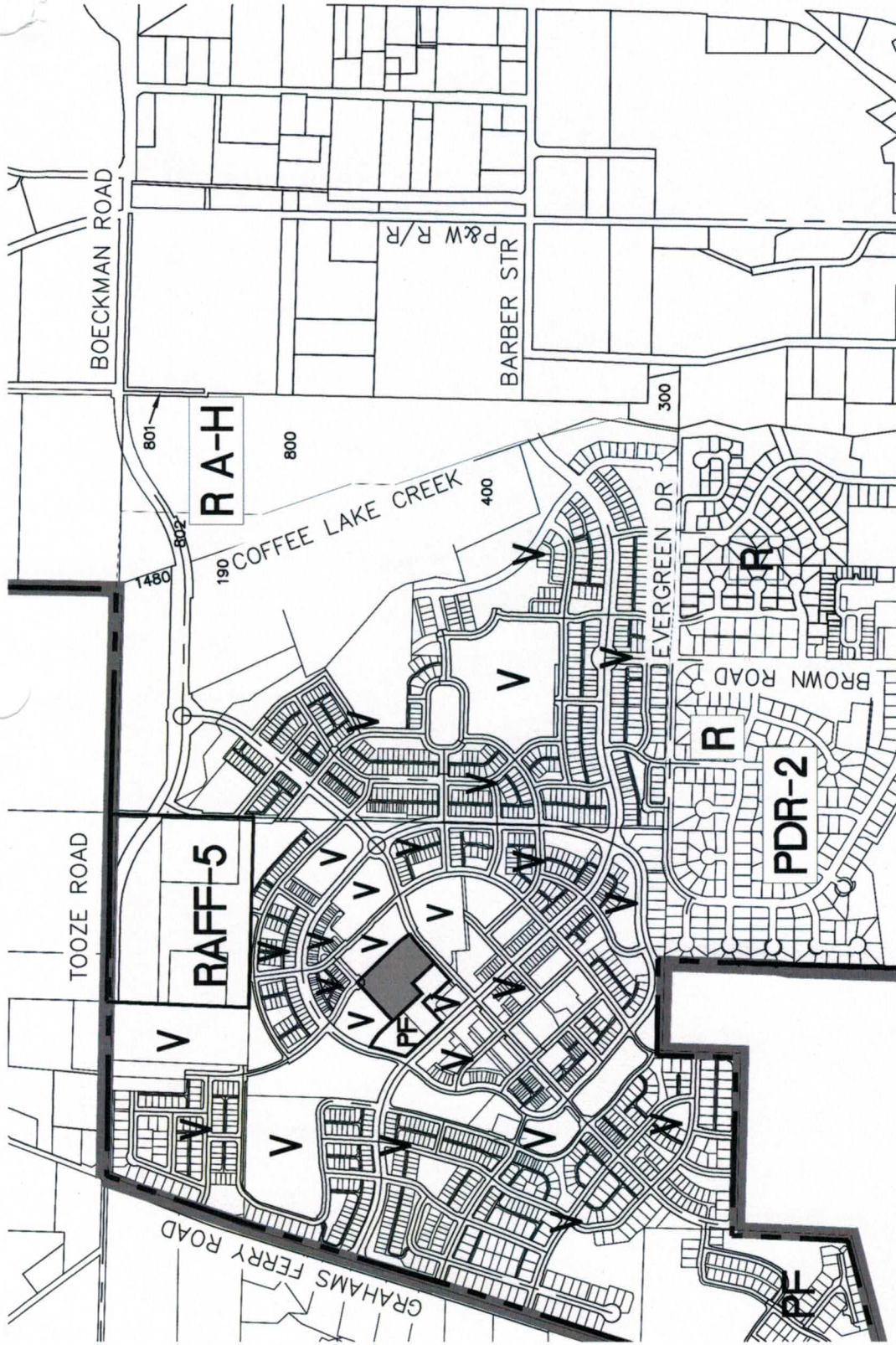
- G. That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards.

Response: The proposed development can be developed in compliance with the applicable development standards, as demonstrated by this report and the Preliminary Development Plan (Section II) and Tentative Plat (Section III) applications.

III. PROPOSAL SUMMARY & CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Planning & Land Development Ordinance for the requested Zone Change. Therefore, the applicant requests approval of this application.

IVB) Zone Change Map



1" = 1000'

LEGEND

■ SUBJECT AREA - PROPOSED VILLAGE (V) ZONE (3.20 AC)

— ZONE LINE

▬ EXISTING UGB

▬ EXISTING CITY BOUNDARY

▬ EXISTING ZONING DESIGNATION

PROPOSED ZONE MAP
AMENDMENT

IVC) Legal Description & Sketch



EXHIBIT A

April 25, 2016

LEGAL DESCRIPTION

Job No. 395-054

A tract of land being Lot 77, plat of "Villebois Village Center No. 3", Clackamas County Plat Records, in the Northeast and Northwest Quarters of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at the most westerly corner of said Lot 77;

thence along the northerly line of said Lot 77, North 47° 03'23" East, a distance of 342.14 feet to the most northerly corner of said Lot 77;

thence continuing along said northerly line, South 43° 37'09" East, a distance of 371.18 feet to a point of tangential curvature;

thence continuing along said northerly line, along a 185.00 foot radius tangential curve to the right, arc length of 20.99 feet, central angle of 06° 30'02", chord distance of 20.98 feet, and chord bearing of South 40° 22'08" East to a point of tangency;

thence continuing along said northerly line, South 37° 07'07" East, a distance of 74.48 feet to the most easterly corner of said Lot 77;

thence along the southerly line of said Lot 77 for the following 5 courses:

along a 528.00 foot radius non-tangential curve, concave southeasterly, with a radius point bearing South 31° 28'38" East, arc length of 105.67 feet, central angle of 11° 27'58", chord distance of 105.49 feet, and chord bearing of South 52° 47'22" West to a point of tangency,

South 47° 03'23" West, a distance of 142.05 feet to the most southerly corner of said Lot 77, North 42° 56'37" West, a distance of 196.00 feet to an angle point,

South 47° 03'23" West, a distance of 91.00 feet to an angle point, North 42° 56'37" West, a distance of 259.67 feet to the POINT OF BEGINNING.

Containing 3.20 acres, more or less.

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

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JULY 9, 2002 TRAVIS C. JANSEN 57751

RENEWS: 6/30/2017

N:\proj\395-054\09 Drawings\06 Survey\Legals\395054.Zone Change.dwg - SHEET: Legal Apr. 25, 16 - 3:35 PM garrett

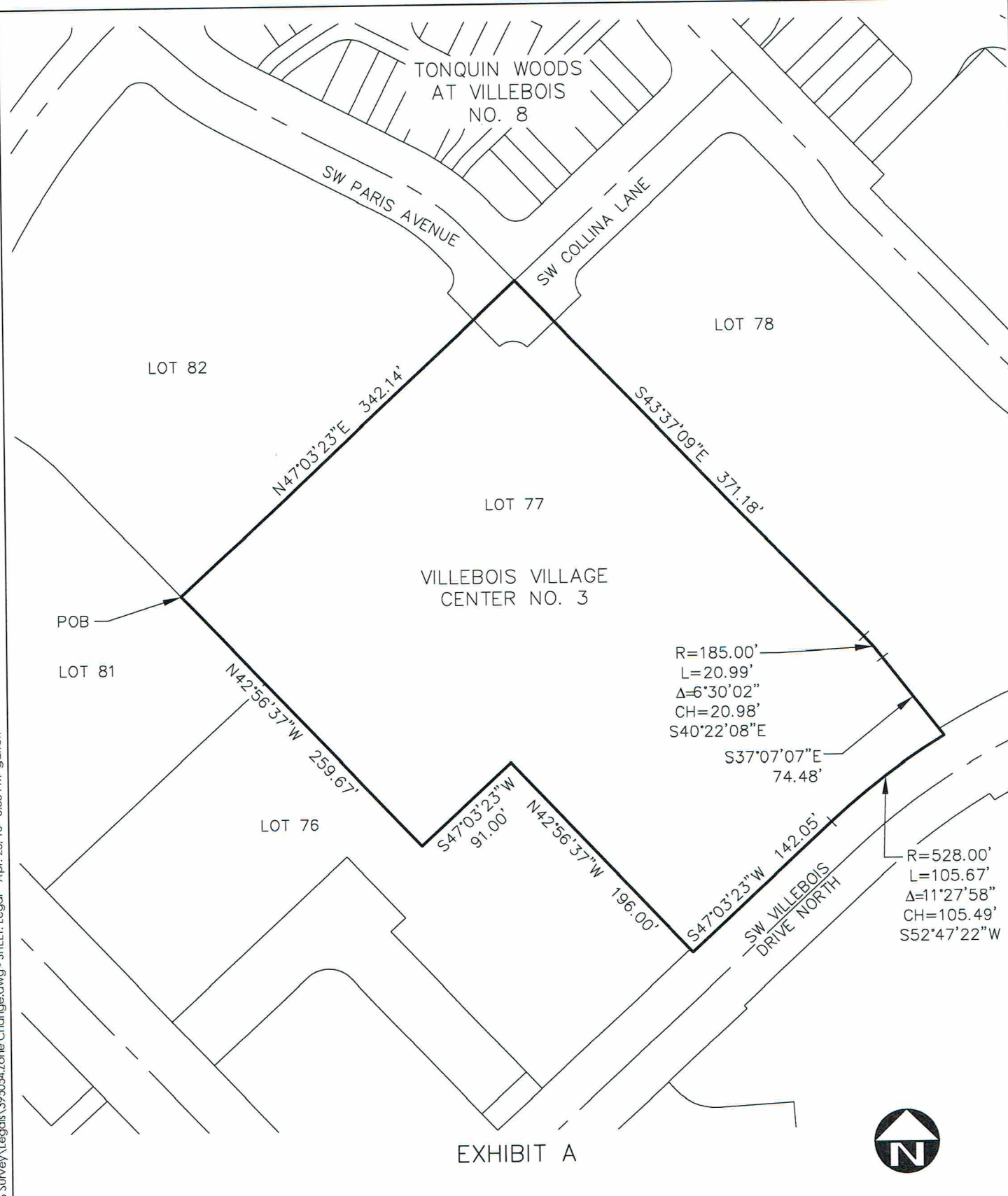


EXHIBIT A

DRAWN BY: GPS DATE: 4/25/16
 REVIEWED BY: TCJ DATE: 4/25/16
 PROJECT NO.: 395-054
 SCALE: 1"=100'
 PAGE 2 OF 2



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

Section V) Tree Removal Plan

VA) Supporting Compliance Report

**SUPPORTING COMPLIANCE REPORT
TYPE “C” TREE REMOVAL PLAN/PERMIT
PDP 10 - CENTRAL**

SECTION V

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I. WILSONVILLE PLANNING AND LAND DEVELOPMENT ORDINANCE

SECTION 4.610.10. STANDARDS FOR TREE REMOVAL, RELOCATION OR REPLACEMENT

(.01) Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:

- A. **Standard for the Significant Resource Overlay Zone.** The standard for tree removal in the Significant Resource Overlay Zone shall be that removal or transplanting of any tree is not inconsistent with the purposes of this chapter.

Response: PDP 10 Central does not include areas within the Significant Resource Overlay Zone (SROZ).

- B. **Preservation and Conservation.** No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a principle shall be equal in concern and importance as other design principles.

Response: The design of this Preliminary Development Plan has taken into account the preservation of “Important” trees on site, as classified during the original Villebois and SAP Central planning. The *Tree Preservation Plan* in Section VC shows the existing trees to be retained and removed on site. Trees rated as “Important” will be retained to the extent possible.

- C. **Development Alternatives.** Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements.

Response: The preservation and conservation of trees on site was carefully considered during the planning for onsite improvements. The *Tree Preservation Plan*, shown in Section V, depicts the trees that are to be removed and likely to be removed during construction due to homes, site improvements, or due to tree condition. The attached Tree Preservation Plan shows “Important” trees retained within planter strips.

- D. **Land Clearing.** Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements.

Response: The clearing of land will be limited to areas necessary for the construction of on site improvements. The subject site is located in the Village Center, where denser urban areas are planned, on a site that includes mostly Poor and Moderate rated trees. The majority of the site will be cleared for construction of streets, buildings, and parking and access areas. The *Grading and Erosion Control Plan* in Section IIB of the Notebook depicts the extent of grading activities proposed on the site.

- E. **Residential Development.** Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.

Response: The Village Center Architectural Standards (VCAS) was developed for the general design of residential structures within SAP - Central. These homes are designed to blend into the urban landscape of the Village Center as much as feasible. The design of homes within this phase of SAP - Central will be in accordance with the VCAS for SAP - Central. This is assured through review of compliance with the VCAS with the concurrent FDP application in Section VI.

- F. **Compliance with Statutes and Ordinances.** The proposed activity shall comply with all applicable statutes and ordinances.

Response: The development in PDP 10C will comply with all applicable statutes and ordinances.

- G. **Relocation or Replacement.** The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not removed, in accordance with WC 4.620.10.

Response: No relocation of trees is proposed. Tree replacement will occur in accordance with the necessary provisions from WC 4.620.00 and WC 4.620.10. As shown in the Tree Report prepared by Morgan Holen, certified arborist (see Section VB), the tree mitigation proposed with the planting of street trees and trees within landscape areas exceeds the required amount of mitigation.

- H. **Limitation.** Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.

1. **Necessary for Construction.** Where the applicant has shown to the satisfaction of the reviewing authority that removal or transplanting is necessary for the construction of a building, structure or other site improvement and that there is no feasible and reasonable location alternative or design option on-site for a proposed building, structure or other site improvement; or a tree is located too close to an existing or proposed building or structures, or creates unsafe vision clearance.
2. **Disease, Damage, or Nuisance, or Hazard.** Where the tree is diseased, damaged, or in danger of falling, or presents a hazard as defined in WC 6.208, or is a nuisance as defined in WC 6.200 it seq., or creates unsafe vision clearance as defined in this code.
3. **Interference.** Where the tree interferes with the healthy growth of other trees, existing utility service or drainage, or

utility work in a previously dedicated right-of-way, and it is not feasible to preserve the tree on site.

4. **Other.** Where the applicant shows that tree removal or transplanting is reasonable under the circumstances.

Response: Morgan Holen, certified arborist, has prepared a Tree Report for PDP 10 Central. This report can be seen in Section VB following this Supporting Compliance Report. This Tree Report calls out trees to be removed and retained within the PDP. The determination to remove trees was based upon an assessment of what trees were necessary to remove due to construction, the health of the tree, and whether or not they interfered with the health of other trees or utility work. A listing of all the trees to be removed is included in the attached Tree Report (see Section VB).

I. Additional Standards for Type C Permits.

1. **Tree Survey.** For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40 , and provide a Tree Maintenance and Protection Plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.

Response: The *Tree Preservation Plan* (see Section V) along with the tree report (see Section VB) provide a tree survey with the location, species and health of each tree in the PDP area.

2. **Platted Subdivisions.** The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.

Response: The final subdivision plat (see Section IIIB) will include this information, as necessary.

3. **Utilities.** The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.

Response: The *Composite Utility Plans* for the site have been designed to minimize the impact upon the environment to the extent feasible given existing conditions. These plans can be seen in Section IIB of this Notebook. Any trees to be removed due to the placement of utilities will be replaced and/or mitigated in accordance with the provisions in this subchapter.

- J. Exemption. Type D permit applications shall be exempt from review under standards D, E, H and I of this subsection.

Response: This application requests a Type C Tree Removal Permit, therefore this standard is not applicable.

SECTION 4.610.40. TYPE C PERMIT

(.01) Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of the subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.

Response: This application includes a request for approval of a Type “C” Tree Removal Plan for approval by the Development Review Board so that a Tree Removal Permit may be issued. Proposed tree removal is identified on The *Tree Preservation Plan* included in Section V of this Notebook.

(.02) The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:

- A. A plan, including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:
1. Property Dimensions. The shape and dimensions of the property, and the location of any existing and proposed structure or improvement.
 2. Tree Survey. The survey must include:
 - a) An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch (1”) equals one hundred feet (100’) and which provides a) the location of all trees having six inches (6”) or greater d.b.h. likely to be impacted, b) the spread of canopy of those trees, c) the common and botanical name of those trees, and d) the

- approximate location and name of any other trees on the property.
- b) A description of the health and condition of all trees likely to be impacted on the site property. In addition, for trees in a present or proposed public street or road right-of-way that are described as unhealthy, the description shall include recommended actions to restore such trees to full health. Trees proposed to remain, to be transplanted or to be removed shall be so designated. All trees to remain on the site are to be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.
 - c) Where a stand of twenty (20) or more contiguous trees exist on a site and the applicant does not propose to remove any of those trees, the required tree survey may be simplified to accurately show only the perimeter area of that stand of trees, including its drip line. Only those trees on the perimeter of the stand shall be tagged, as provided in “b”, above.
 - d) All Oregon white oaks, native yews, and any species listed by either the state or federal government as rare or endangered shall be shown in the tree survey.
3. Tree Protection. A statement describing how trees intended to remain will be protected during development, and where protective barriers are necessary, that they will be erected before work starts. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute “barriers”.
 4. Easements and Setbacks. Location and dimension of existing and proposed easements, as well as all setback required by existing zoning requirements.
 5. Grade Changes. Designation of grade proposed for the property that may impact trees.
 6. Cost of Replacement. A cost estimate for the proposed tree replacement program with a detailed explanation including the number, size, and species.
 7. Tree Identification. A statement that all trees being retained will be identified by numbered metal tags, as specified in subsection “A,” above in addition to clear identification on construction documents.

Response: The attached plan sheets (see the *Tree Preservation Plan*) located in Section V) identify the proposed tree removal. The *Tree Preservation Plans* provide information required by Section 4.610.40(.02). Morgan Holen, certified arborist, has also prepared a Tree Report (see Section VB) that provides information required by Section 4.610.40(.02).

SECTION 4.620.00. TREE RELOCATION, MITIGATION, OR REPLACEMENT

(.01) Requirement Established. A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.

Response: No relocation of trees is proposed. Tree replacement will occur in accordance with the necessary provisions from WC 4.620.00 and WC 4.620.10. As shown in the Tree Report prepared by Morgan Holen, certified arborist (see Section VB), the tree mitigation proposed with the planting of street trees and trees within park areas exceeds the required amount of mitigation.

(.02) Basis For Determining Replacement. The permit grantee shall replace removed trees on a basis of one (1) tree replaced for each tree removed. All replacement trees must measure two inches (2”) or more in diameter. Alternatively, the Planning Director or Development Review board may require the permit grantee to replace removed trees on a per caliper inch basis, based on a finding that the large size of the trees being removed justifies an increase in the replacement trees required. Except, however, that the Planning Director or Development Review Board may allow the use of replacement Oregon white oaks and other uniquely valuable trees with a smaller diameter.

Response: Trees to be removed will be replaced in accordance with this criterion. The attached Tree Report (see Section VB) prepared by Morgan Holen, certified arborist, includes mitigation analysis for planting replacement trees.

(.03) Replacement Tree Requirements. A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.

- A. Replacement trees shall have shade potential or other characteristics comparable to the removed trees, shall be appropriately chosen for the site from an approved tree species list supplied by the City, and shall be state Department of Agriculture nursery Grade No. 1 or better.
- B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee’s successors-in-interest for two (2) years after the planting date.
- C. A “guaranteed” tree that dies or becomes diseased during that time shall be replaced.
- D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.

Response: The attached Tree Report (see Section VB) prepared by Morgan Holen, certified arborist, includes mitigation analysis for planting replacement trees.

(.04) All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade.

Response: All trees to be planted will meet the requirements as stated in this criterion.

(.05) **Replacement Tree Location.**

- A. **City Review Required.** The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation, and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed
- B. **Relocation or Replacement Off-Site.** When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location - approved by the city.

Response: Trees will be replaced within the same general area as the trees removed. The attached Tree Report (see Section VB) prepared by Morgan Holen, certified arborist, includes a mitigation analysis for planting replacement trees.

(.06) **City Tree Fund.** Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the Tree Removal Permit grantee shall pay into the City Tree Fund, which fund is hereby created, an amount of money approximately the value as defined by this subchapter, of the replacement trees that would otherwise be required by this subchapter. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City.

Response: All trees removed will be replaced within PDP 10C. The attached Tree Report (see Section VB) prepared by Morgan Holen, certified arborist, includes a mitigation analysis for planting replacement trees.

(.07) **Exception.** Tree replacement may not be required for applicants in circumstances where the Director determines that there is good cause to not so require. Good cause shall be based on a consideration of preservation of natural resources, including preservation of mature trees and diversity of ages of trees. Other criteria shall include consideration of terrain, difficulty of replacement and impact on adjacent property.

Response: No exception to the tree replacement requirements is requested with this application.

SECTION 4.620.10. TREE PROTECTION DURING CONSTRUCTION

- (.01) Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:
- A. All trees required to be protected must be clearly labeled as such.
 - B. **Placing Construction Materials Near Tree.** No person may conduct any construction activity likely to be injurious to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or depositing soil, or placing irrigated landscaping, within the drip line, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist.
 - C. **Attachments to Trees During Construction.** Notwithstanding the requirement of WC 4.620.10(1)(A), no person shall attach any device or wire to any protected tree unless needed for tree protection.
 - D. **Protective Barrier.** Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable barriers as identified by an arborist to protect remaining trees. Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic Tape or similar forms of markers do not constitute “barriers”. The most appropriate and protective barrier shall be utilized. Barriers are required for all trees designated to remain, except in the following cases.
 - 1. Rights-of-ways and Easements.
 - 2. Any property area separate from the construction or land clearing area onto which no equipment may venture.

Response: Trees to be retained will be protected to the greatest extent possible during construction. Additional details about tree protection during construction will be provided with the construction drawings.

SECTION 4.620.20. MAINTENANCE AND PROTECTION STANDARDS

- (.01) The following standards apply to all activities affecting trees, including, but not limited to, tree protection as required by a condition of approval on a site development application brought under this chapter or as required by an approved Tree Maintenance and Protection Plan.
- A. Pruning activities shall be guided by the most recent version of the ANSI 300 Standards for Tree, Shrub and Other Woody Plant Maintenance.
 - B. Topping is prohibited

1. Exception from this section may be granted under a Tree Removal Permit if necessary for utility work or public safety.

Response: All pruning activities will comply with ANSI 300 standards. Additional details about the pruning activities proposed for trees during construction will be further addressed in the construction drawings. Any topping necessary will be applied for with the Tree Removal Permit.

SECTION 4.640.00. APPLICATION REVIEW PROCEDURES

(.03) Reviewing Authority

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

Response: This application includes a *Tree Preservation Plan*, located in Section V for review by the Development Review Board. The applicant is requesting that the Development Review Board approve this plan so that a Tree Removal Permit may be issued.

II. CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable criteria of the City of Wilsonville Land Development Ordinance for the requested review of the Type “C” Tree Removal Plan and Permit. Therefore, the applicant respectfully requests approval of this application.

VB) Tree Report

Mont Blanc No. 2 – Wilsonville, Oregon Tree Maintenance and Protection Plan May 3, 2016

MHA16043

Purpose

This Tree Maintenance and Protection Plan for the Mont Blanc No. 2 project located in Wilsonville, Oregon, is provided pursuant to City of Wilsonville Development Code, Section 4.610.40. This arborist report describes the existing trees located on the project site, as well as recommendations for tree removal, retention, mitigation, and protection. This report is based on observations made by International Society of Arboriculture (ISA) Board Certified Master Arborist and Qualified Tree Risk Assessor Morgan Holen (PN-6145B) during a site visit conducted on May 3, 2016.

Scope of Work and Limitations

Morgan Holen & Associates, LLC, was contracted by Polygon Northwest Company to visually assess existing trees measuring six inches in diameter and larger in terms of general condition and suitability for preservation with development, and to develop a tree maintenance and protection plan for the project. The site is planned for residential development. A site plan was provided by Pacific Community Design illustrating the location of trees and tree survey point numbers, and potential construction impacts.

Visual Tree Assessment (VTA¹) was performed on individual trees located across the site. Trees were evaluated in terms species, size, general condition, and potential construction impacts, and treatment recommendations include retain or remove. Following the inventory fieldwork, we coordinated with Pacific Community Design to discuss and finalize treatment recommendations based on the proposed site plan and grading.

The client may choose to accept or disregard the recommendations contained herein, or seek additional advice. Neither this author nor Morgan Holen & Associates, LLC, have assumed any responsibility for liability associated with the trees on or adjacent to this site.

General Description

The Mont Blanc No. 2 project site is located north of the Villebois Piazza, bordered by SW Villebois Drive to the southeast, SW Paris Avenue to the northeast, SW Collina Lane to the northwest, and SW Valencia Lane to the southwest. The existing site is undeveloped and the existing trees were protected when the former Dammasch State Hospital building was demolished. In all, eight trees measuring 6-inches and larger in diameter were inventoried including five tree species. Table 1 provides a summary of the count of trees by species. A complete description of individual trees is provided in the enclosed tree data.

Table 1. Count of Trees by Species – Mont Blanc No. 2, Wilsonville, OR.

Common Name	Species Name	Total	Percent
Japanese maple	<i>Acer palmatum</i>	2	25%
Kellogg oak	<i>Quercus kelloggii</i>	1	12.5%
Norway maple	<i>Acer platanoides</i>	2	25%
scarlet oak	<i>Quercus coccinea</i>	2	25%
sweetgum	<i>Liquidambar styraciflua</i>	1	12.5%
Total		8	100%

¹ Visual Tree Assessment (VTA): The standard process of visual tree inspection whereby the inspector visually assesses the tree from a distance and up close, looking for defect symptoms and evaluating overall condition and vitality.

Tree Plan Recommendations

As described in the enclosed tree data, individual trees were assigned a general condition rating as defined by the Villebois Specific Area Plan Community Elements Book:

P: Poor Condition

M: Moderate Condition

G: Good Condition

I: Important Condition

Six trees are recommended for removal for the purposes of construction—including grading, building, and street improvements—because adequate protection is not possible, including:

- Two Japanese maples (*Acer palmatum*) in moderate condition with extensive and progressive crown dieback; these trees are both small ornamental trees with codominant stems.
- One 35-inch diameter Kellogg oak (*Quercus kelloggii*) in moderate condition with crown dieback, dead and broken branches, and crown decay.
- Two invasive Norway maples (*Acer platanoides*) in moderate and good condition, measuring 10- and 18-inches each in diameter, respectively. As was documented in the original 2006 inventory, both trees appear to be infected with Verticillium wilt, which is caused by soil-borne fungi, but they remain physiologically viable.
- One 12-inch diameter sweetgum (*Liquidambar styraciflua*) in moderate condition with top dieback, a thin crown, and somewhat chlorotic foliage, located in an existing concrete planter that will be demolished.

The remaining two trees are located just off-site and are planned for protection with development on the project site, including:

- Tree 582, a 30-inch diameter scarlet oak (*Quercus coccinea*) classified as important. This tree has no major defects but pruning is recommended to improve crown structure and to remove dead and defective branches for safety. The grading plan has been developed in order to avoid excavation in the root zone; SW Campanille Lane should be built up from existing grade to avoid root pruning and no underground utilities should be installed within 14-feet of the tree at a minimum. Initially, tree protection fencing should be installed at the dripline of the tree and adjusted for street construction under arborist supervision. The project arborist should monitor and document root protection during construction and supervise utility trench excavation if it will occur beneath the dripline area.
- Tree 581, a 19-inch diameter scarlet oak in moderate condition with twig dieback, a relatively thin crown, and poor structure with a one-sided crown to the south. The proposed sidewalk to the northeast of this tree should be built up from native grade to avoid root zone excavation and adequate protection will be possible during Mont Blanc No. 2 site development, but tree 581 should be re-evaluated when the adjacent lot in which it is located is developed. Removal of this tree will not impact the adjacent important tree 582 and would allow for a future sidewalk connection behind tree 582 in order to minimize further encroachment on the street side of this tree.

Table 2 provides a summary of the count of trees by general condition rating and treatment recommendation.

Table 2. Count of Trees by Treatment Recommendation and General Condition Rating.

Treatment Recommendation	General Condition Rating			Total
	M	G	I	
Retain	1	0	1	2 (25%)
Remove	5	1	0	6 (75%)
Total	6 (75%)	1 (12.5%)	1 (12.5%)	8 (100%)

Mitigation Requirements

All 8 inventoried trees are 6-inches or larger in diameter, including two trees planned for retention with protection during construction and six trees planned for removal. Removal of these six trees requires mitigation per Section 4.620.00; removed trees shall be replaced on a basis of one tree planted for each tree removed. Therefore, six trees measuring at least 2-inch in diameter shall be planted as mitigation for tree removal.

Tree Protection Standards

Trees designated for retention will need special consideration to assure their protection during construction. We recommend a preconstruction meeting with the owner, contractors, and project arborist to review tree protection measures and address questions or concerns on site. Tree protection measures include:

- **Fencing.** Trees to remain on site shall be protected by installation of tree protection fencing to prevent injury to tree trunks or roots, or soil compaction within the root protection area, which generally coincides with tree driplines. Fences shall be 6-foot high steel on concrete blocks or orange plastic construction fencing on metal stakes. The project arborist shall determine the exact location and type of tree protection fencing. Trees located more than 30-feet from construction activity shall not require fencing.
- **Tree Protection Zone.** Without authorization from the Project Arborist, none of the following shall occur beneath the dripline of any protected tree:
 1. Grade change or cut and fill;
 2. New impervious surfaces;
 3. Utility or drainage field placement;
 4. Staging or storage of materials and equipment; or
 5. Vehicle maneuvering.

Root protection zones may be entered for tasks like surveying, measuring, and, sampling. Fences must be closed upon completion of these tasks.

- **Pruning.** Pruning may be needed to provide for overhead clearance, improve crown structure, and to remove dead and defective branches for safety. The project arborist can help identify where pruning is necessary once trees recommended for removal have been removed and the site is staked and prepared for construction. Tree removal and pruning shall be performed by a Qualified Tree Service.
- **Excavation.** Excavation beneath the dripline of protected trees shall be avoided if alternatives are feasible. Otherwise, the project arborist shall provide on-site consultation during all excavation activities beneath the dripline of protected trees. Excavation immediately adjacent

to roots larger than 2-inches in diameter within the root protection zone of retained trees shall be by hand or other non-invasive techniques to ensure that roots are not damaged. Where feasible, major roots shall be protected by tunneling or other means to avoid destruction or damage. Exceptions can be made if, in the opinion of the project arborist, unacceptable damage will not occur to the tree. Where soil grade changes affect the root protection area, the grade line should be meandered wherever practicable. This will require on-site coordination to ensure a reasonable balance between engineering, construction, and the need for tree protection.

- **Surfacing.** Where surfacing is proposed beneath the dripline of protected trees, coordinate with the project arborist to provide recommendations for adjustments to protection fencing and to monitor construction in the tree protection zone. Avoid excavation and use a modified profile to build up from existing grade (Figure 1). The profile includes a layer of permeable geotextile fabric on the ground surface and crushed rock to raise the grade as needed. Surfacing may include asphalt, concrete, or other materials. If excavation is unavoidable, work shall be performed under arborist supervision.

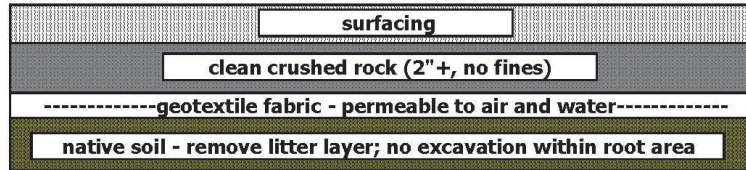


Figure 1. Sample profile for areas within Critical Root Zones. Depth of rock is dependent on grading. Technique based on best management practices.

- **Landscaping.** Following construction and where landscaping is desired, apply approximately 3-inches of mulch beneath the dripline of protected trees, but not directly against tree trunks. Shrubs and ground covers may be planted within tree protection areas. If irrigation is needed, use drip irrigation installed above ground only beneath the driplines of protected trees.
- **Quality Assurance.** The project arborist should supervise proper execution of this plan during construction activities that could encroach on retained trees. Tree protection site inspection monitoring reports should be provided to the Client and City on a regular basis throughout construction.

Thank you for choosing Morgan Holen & Associates, LLC, to provide consulting arborist services for the Mont Blanc No. 2 project. Please contact us if you have questions or need any additional information.

Thank you,
Morgan Holen & Associates, LLC

Morgan E. Holen, Owner
ISA Board Certified Master Arborist, PN-6145B
ISA Tree Risk Assessment Qualified
Forest Biologist

Enclosures: Mont Blanc No. 2 – Tree Data 5-3-16

Tree No.	Common Name	Species Name	DBH*	C-Rad^	Cond [#]	Condition & Comments	Treatment
525	Sweetgum	<i>Liquidambar styraciflua</i>	12	8	M	top dieback, thin crown, somewhat chlorotic foliage, existing concrete planter	Remove
542	Norway maple	<i>Acer platanoides</i>	10	12	M	invasive species, decline, Verticillium wilt	Remove
543	Norway maple	<i>Acer platanoides</i>	18	14	G	invasive species, Verticillium wilt	Remove
579	Kellogg oak	<i>Quercus kelloggii</i>	35	26	M	dead and broken branches, dieback, crown decay	Remove
580	Japanese maple	<i>Acer palmatum</i>	2x6	9	M	extensive crown dieback	Remove
581	Scarlet oak	<i>Quercus coccinea</i>	19	28	M	twig dieback, thin crown, poor structure, one-sided to south, off-site	Retain - remove when adjacent lot developed
582	Scarlet oak	<i>Quercus coccinea</i>	30	32	I	needs pruning to remove deadwood and improve crown structure, off-site	Retain
584	Japanese maple	<i>Acer palmatum</i>	2x8	11	M	extensive crown dieback, dead and broken branches	Remove

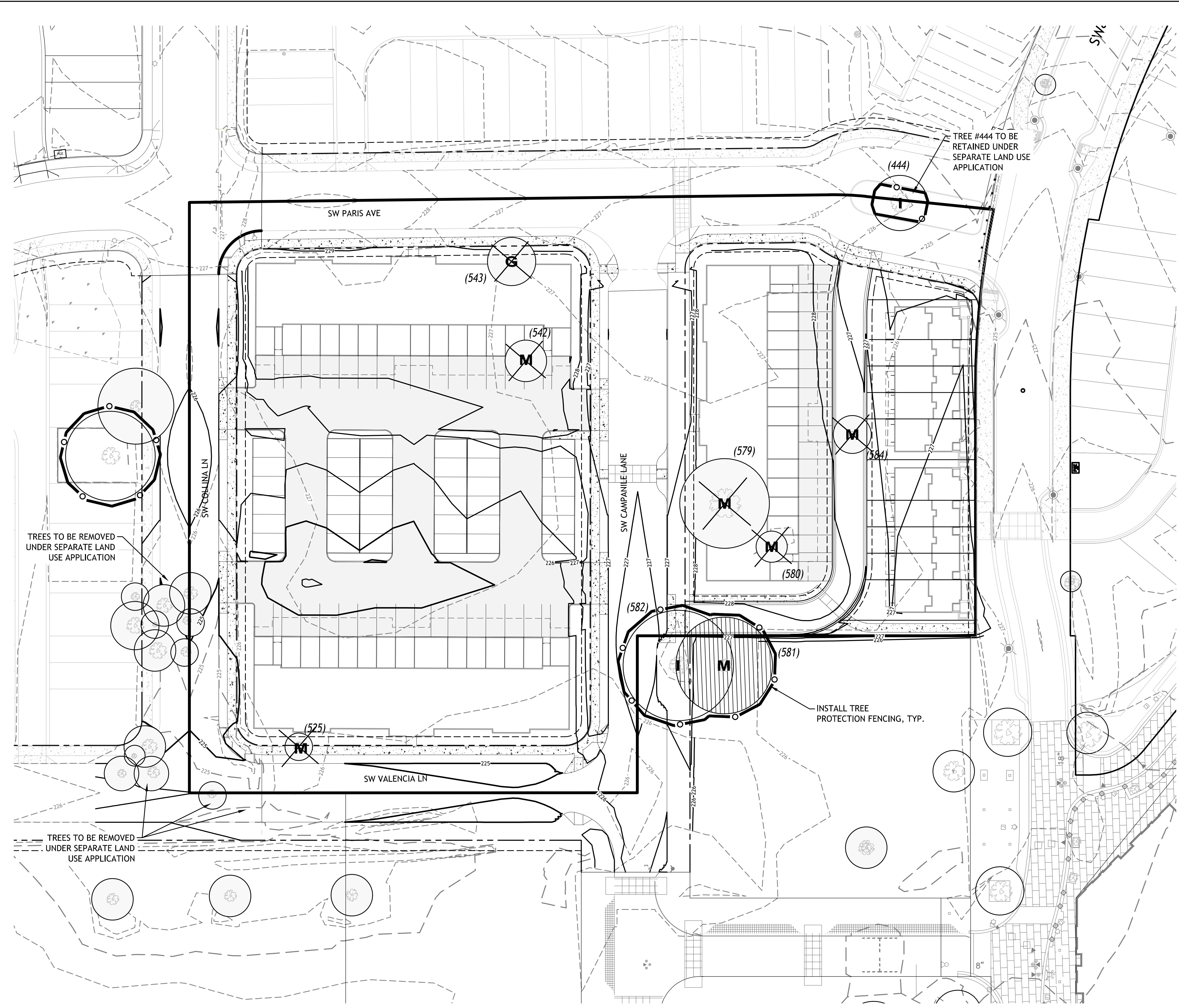
*DBH: Diameter at Breast Height (measured 4.5-feet above ground level in inches); trees with multiple trunks splitting below DBH are measured separately and individual trunk measurements are separated by a comma, except multiple trunks of the same size are indicated with an asterisk (quantity * size). Diameter was visually estimated at trees 525, 579, 581 and 582 where access was inhibited by existing tree protection fencing and at trees 542, 543 and 584 where access was inhibited by dense blackberry thickets.

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

[#]Condition Rating: I-Important; G-Good; M-Moderate; P-Poor.

VC) Tree Preservation Plan

N:\proj\395-054\09 Drawings\03 Planning Sheets - Planning submittal\395054\11 TREE PROTECTION.dwg - SHEET: 22x34 May, 13, 16 - 11:33 AM kcs



LEGEND:

- I IMPORTANT
- G GOOD
- M MODERATE
- P POOR
- NE NOT EXAMINED
- (Circle with cross-hatch) EXISTING TREES LIKELY TO BE REMOVED
- (Circle with diagonal lines) EXISTING TREES TO BE REMOVED
- (Circle with 'X') EXISTING TREES TO BE REMOVED
- (Circle with 'I') TREE PROTECTION FENCING
- (Dashed line) GRADING LIMITS

NOTES

ALL CONSTRUCTION AND GRADING WITHIN TREE PROTECTION ZONE IS TO BE COMPLETED UNDER DIRECT SUPERVISION OF PROJECT ARBORIST. CONTACT: MORGAN HOLLEN PHONE: 503-646-4349

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

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

- HEALTH
- SPECIES (NATIVES WITH HABITAT AND ECOSYSTEM VALUE)
- COMPATIBILITY WITH DEVELOPMENT
- FORM / VISUAL INTEREST / MATURE SIZE

TREES RANKED AS IMPORTANT WERE RATED HIGH IN ALL FOUR AREAS.

TREES IN THE GOOD CATEGORY HAD GOOD HEALTH AND WERE A DESIRABLE SPECIES, BUT HAD IRREGULAR FORM OR LESS COMPATIBILITY WITH DEVELOPMENT.

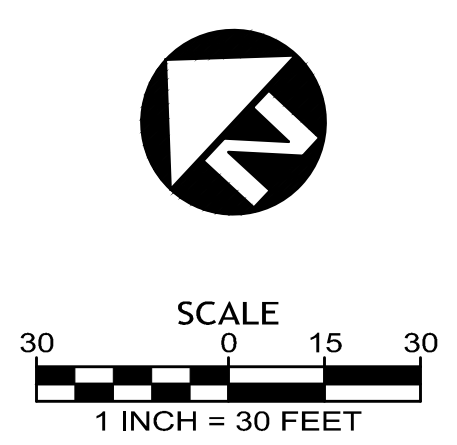
TREES IN THE MODERATE CATEGORY HAD GOOD TO MODERATE HEALTH AND FORM, BUT WERE A LESS DESIRABLE SPECIES OR MAY BE LESS COMPATIBLE WITH DEVELOPMENT.

TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

NOTES:

- THE INFORMATION PROVIDED WITHIN THE PROJECT BOUNDARY IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST MORGAN HOLLEN AND WAS PROVIDED IN A TREE REPORT INCLUDED WITH THE APPLICATION MATERIALS.

ELEVATION DATUM: NAVD 88



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

**PDP 10C
MONT BLANC
NO. 2**

Preliminary
Development
Plan

**TREE
PRESERVATION
PLAN**

1st Submittal Date: 5/9/2016

Section VI) Final Development Plan

VIA) Supporting Compliance Report

**SUPPORTING COMPLIANCE REPORT
FINAL DEVELOPMENT PLAN 10 - CENTRAL**

SECTION VIA

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I. WILSONVILLE PLANNING & LAND DEVELOPMENT ORDINANCE

SECTION 4.125. VILLAGE (V) ZONE

(.02) Permitted Uses

Examples of principle uses that typically permitted:

D. Row Houses

E. Multi-Family Dwellings

H. Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.

Table V-1 Development Standards

Table V-1: Development Standards												
Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width ^{10,12} (%)	Max. Bldg. Height ⁹ (ft.)	Front Min. (ft.)	Setbacks ^{10,13,20}			Alley-Loaded Garage (note)	Street-Loaded Garage (note)
								Front Max. (ft.)	Rear Min. (ft.)	Side Min. (ft.)		
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	¹	90	60	NR ³	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	¹	80	60	NR ³	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	¹	90	60	NR ³	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	¹	80	45	5 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	¹	80	45	5 ⁴	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	¹	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	¹	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	¹	60	45	8 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	¹	80	45	8 ⁵	15	NR	NR	NR	NA
Duplexes	4,000	45	70	²	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17,18
Single-Family Dwellings	2,250	35	50	²	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17

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

Response: The *Tentative Plat* (see Section IIIB in this Notebook) depicts proposed lot sizes and dimensions. All of the lots meet applicable requirements, as addressed below. The lots along Villebois Drive will be developed with single family attached row houses, with no more than ten contiguous units along a street edge, and the lots along Campanile Lane will be developed with multi-family condominiums. Table V-1 does not indicate a minimum lot size, width or depth for Row Houses or Multi-Family Dwellings in the Village Center. The proposed PDP 10C has lots >8,000 sf, and will meet the 80% maximum lot coverage (See Section IIB for building coverage areas and the Tentative Plat, Section IIIB, for lot area). Row Houses comply with the maximum frontage width standard. The condominiums on Lot 1 have four street frontages.

Pursuant to Footnote 10, “For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.” The condominiums on Lot 1 comply with the minimum frontage width on their SW Paris Avenue façade and their SW Valencia Lane façade. The condominiums on Lot 2 have two street frontages. The frontage on SW Campanile Lane meets the minimum frontage width standard. The SW Paris Avenue frontage does not meet the standard of 80% minimum frontage width, but is able to achieve 67%. The 80% standard cannot be met on this frontage due to alignment of Paris Avenue, the street side frontage, the alley access, and parking to be provided. However, the screening that will be provided for the parking will help to achieve the street frontage feel that is intended with this standard. Both building types, Rowhomes and Condominiums, comply with the applicable setback and height requirements. Garages associated with the condominiums also comply with the applicable setback requirements.

(.07) General Regulations - Off-Street Parking, Loading & Bicycle Parking

Response: The proposed condos and row homes within PDP 10C include off-street parking in attached garages and some driveways. As shown on the parking plan (Section IIB), there are 152 spaces for off-street parking, which is more than the minimum required 128 spaces. The proposed area also includes pathways for pedestrians and bicycle travel. Further parking standards, including bicycle parking, are addressed in the PDP Compliance Report of this application (see Section IIA).

(.08) Open Space.

Response: The Parks *Master Plan* for Villebois states that there are 57.87 acres of parks and 101.46 acres of open space for a total of 159.33 acres within Villebois, approximately 33%. SAP Central includes parks and open space areas consistent with *Master Plan*. Phase 10 proposes the addition of linear greens.

(.09) Street and Access Improvement Standards.

Response: The Supporting Compliance Report for the PDP demonstrates that streets and access improvement standards are met (See Section IIA). Proposed landscaping is sited to meet vision clearance standards (see Exhibit VIB).

(.10) Sidewalk and Pathway Improvement Standards.

Response: All sidewalks and pathways within SAP Central will be constructed in accordance with the standards of Section 4.154 (updated replacement of Section 4.178) and the *Villebois Village Master Plan*. Sidewalks and pathways are shown in the street cross-sections on the *Circulation Plan* (see Section IIB of this notebook).

(.11) Landscaping, Screening and Buffering

- A. Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:
1. Streets in the Village zone shall be developed with street trees as described in the Community Elements Book.

Response: The applicable provisions of Section 4.176 are addressed in the subsequent sections of this report. The PDP provides information regarding street trees for the proposed streets (See Section IIB). This FDP application reflects the provision of street trees consistent with that shown in the PDP application.

(.12) Master Signage and Wayfinding

Response: The SAP Central Signage & Wayfinding Plan does not indicate an identifier within the subject property.

(.14) Design Standards Applying to the Village Zone

- A. The following design standards implement the Design Principles found in (.13), above, and enumerate the architectural details and design requirements applicable to buildings and other features within the Village (V) zone. The Design Standards are based primarily on the features, types, and details of the residential traditions in the Northwest, but are not intended to mandate a particular style or fashion. All development within the Village zone shall incorporate the following:
2. Building and site design shall include:
 - b. Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Design.

Response: The materials proposed for the buildings, architecture, and streetscapes of the subject PDP are consistent with the approved *Community Elements Book* and VCAS as shown in the FDP Approval Criteria section of this report. The *Pattern Book* is not applicable to the subject site.

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

Response: Tree 582 will be retained which is consistent with the Tree Protection component of the *Community Elements Book* and the *Tree Preservation Plan* (see Section VC of this Notebook). The FDP plans (Exhibit VIB) show retention of existing significant trees.

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

Response: A detailed landscape plan is provided with this FDP application in accordance with the requirements of Section 4.125 (.07) and (.11), 4.176(.09), and 4.440(.01)B (see attached plans in Exhibit VIB).

3. **Lighting and site furnishings shall be in compliance with the approved Community Elements Book.**

Response: Lighting as identified in the approved *Community Elements Book* for SAP - Central is addressed in the FDP Approval Criteria section of this report. Site furnishings, such as seating, are proposed on Campanile Lane along the tree-lined pathway to create areas for “social activity” as described in the Courtyard Address of the SAP - Central *Community Elements Book*.

(.18) Village Zone Development Permit Process

L. Final Development Plan Approval Procedures (Equivalent to Site Design Review):

1. **Unless an extension has been granted by the Development Review Board as enabled by Section 4.023, within two (2) years after the approval of a PDP, an application for approval of a FDP shall:**
 - a. **Be filed with the City Planning Division for the entire FDP, or when submission of the PDP in phases has been authorized by the development Review Board, for a phase in the approved sequence.**
 - b. **Be made by the owner of all affected property or the owner’s authorized agent.**
 - c. **Be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution.**
 - d. **Set forth the professional coordinator and professional design team for the project.**

Response: This application has been made by the owner and applicant of the affected property and has been filed on the prescribed form and accompanied by the prescribed fee (copies of the application form and fee payment are included in Sections IB and IC, respectively, of this Notebook). The professional coordinator and professional design team for the project are listed in the Introductory Narrative (see Section IA of this Notebook).

M. FDP Application Submittal Requirements:

1. **An application for approval of a FDP shall be subject to the provisions of Section 4.034.**

Response: Section 4.034(.08), states that “Applications for development approvals within the Village zone shall be reviewed in accordance with the standards and procedures set forth in Section 4.125.” The proposed FDP is reviewed in accordance with the standards and procedures set forth in Section 4.125, as demonstrated by this report.

N. FDP Approval Procedures

1. An application for approval of a FDP shall be subject to the provisions of Section 4.421.

Response: The provisions of Section 4.421 are addressed in the following sections of this report.

O. FDP Refinements to an Approved Preliminary Development Plan

Response: This FDP is submitted for review and approval concurrent with the PDP. Thus, the FDP is consistent with the PDP and does not propose any refinements or amendments to the PDP.

P. FDP Approval Criteria

1. An application for approval of a FDP shall be subject to the provisions of Section 4.421.

Response: The provisions of Section 4.421 are addressed in the following sections of this report.

2. An application for an FDP shall demonstrate that the proposal conforms to the applicable Architectural Pattern Book, Community Elements Book, Village Center Design and any other conditions of a previously approved PDP.

Response: This FDP addresses proposed architecture within PDP 10C. The attached Elevations & Floor Plans (see Exhibits VIC & VID) demonstrate compliance with the *Village Center Architectural Standards* and the Village Center Design as described in Section II of this report. The FDP is within the Village Center. The FDP is submitted for review and approval concurrent with the PDP; therefore, there are no conditions of a previously approved PDP that apply to this request. Conformance of the proposed FDP with the *Community Elements Book* for SAP - Central is demonstrated as follows.

GENERAL DEVELOPMENT REGULATIONS

SECTION 4.154. ON-SITE PEDESTRIAN ACCESS AND CIRCULATION

(.02) On-site Pedestrian Access and Circulation

- A. The purpose of this section is to implement the pedestrian access and connectivity policies of the Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

Response: PDP 10C will be in compliance with Section 4.154 and provide for safe, reasonably direct, and convenient pedestrian access and circulation, as described below.

- B. Standards. Development shall conform to all the following standards:
 1. Continuous Pathway System. A pedestrian pathway system shall extend throughout the development site and connect to

adjacent sidewalks, and to all future phases of the development, as applicable.

Response: Pedestrian pathway systems (sidewalks) in PDP 10C extend throughout the development site and connect to adjacent sidewalks. A segment of a tree-lined pedestrian corridor will be established along Campanile Lane, connecting the Piazza and Montague Park.

2. **Safe, Direct, and Convenient.** Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way and crosswalks based on all of the following criteria:

Response: The Rowhomes' and Condominiums' entryways all front directly onto sidewalks. Additional pedestrian entrances are located at the rear of the condominiums, which provide direct access to the parking lot. A crosswalk is provided across Campanile Lane from the entrance of the Condominium on Lot 2 to the parking lot on Lot 1. Another pathway is provided from SW Villebois Drive through to SW Campanile Lane, with a crosswalk across the alley.

- a. **Pedestrian pathways area designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.**

Response: Pedestrian pathways will be free from hazards and will provide a reasonably smooth and consistent surface.

- b. **The pathway is reasonably direct. A pathway is reasonably direct when it follows a route between destinations that does not involve a significant amount of unnecessary out-of-direction travel.**

Response: The pathways will be reasonably direct and will not involve a significant amount of unnecessary out-of-direction travel.

- c. **The pathway connects to all primary building entrances and is consistent with the Americans with Disabilities Act (ADA) requirements.**

Response: Pathways connect to the primary building entrances of the condominiums in compliance with the Americans with Disabilities Act (ADA) requirements.

- d. **All parking lots larger than three acres in size shall provide an internal bicycle and pedestrian pathway pursuant to Section 4.155(.03)(B.)(3.)(d.).**

Response: The proposed parking lot does not exceed 3 acres in size; therefore, this criteria is not applicable.

3. **Vehicle/Pathway Separation.** Except as required for crosswalks, per subsection 4, below, where a pathway abuts a driveway or street it shall be vertically or horizontally separated from the vehicular lane. For example, a pathway may be vertically raised six inches above the abutting travel lane, or horizontally separated by a row of bollards.

Response: Sidewalks adjacent to streets are separated from vehicle travel areas by planter strips and curbs. Pedestrian crossings of streets or access aisles are facilitated with either curb extensions or painted crosswalks.

4. **Crosswalks.** Where a pathway crosses a parking area or driveway, it shall be clearly marking with a contrasting paint or paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast).

Response: Where pathways cross parking or driving areas, they will be clearly marked with contrasting paint.

5. **Pathway Width and Surface.** Primary pathways shall be constructed concrete, asphalt, brick/masonry pavers, or other durable surface, and not less than five (5) feet wide. Secondary pathways and pedestrian trails may have an alternative surface except as otherwise required by the ADA.

Response: Primary pathways will be constructed of concrete, not less than five (5) feet in width. The pedestrian corridor connecting The Piazza and Montague Park will be 8 feet in width and constructed of pavers.

6. **All pathways shall be clearly marked with appropriate standard signs.**

Response: Pathways will be clearly marked with appropriate standard signs.

SECTION 4.156. SIGN REGULATIONS

Response: The SAP Central Signage & Wayfinding Plan does not indicate an identifier within the subject property.

SECTION 4.176. LANDSCAPING, SCREENING & BUFFERING

(.02) Landscaping and Screening Standards.

Response: Streets and public right-of-way improvements, including street trees, are reviewed with the PDP (see Section II of this Notebook). This FDP consistently reflects street trees shown in the PDP.

(.03) Landscape Area.

Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.

Response: The attached plans show that more than 15% of the site will be landscaped (see Section VIB).

(.04) Buffering and Screening.

Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

- A. All intensive or higher density developments shall be screened and buffered from less intense or lower density developments.
- B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. Multi-family developments shall be screened and buffered from single-family areas.
- C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.
- D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.
- E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.
- F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval.

Response: Proposed parking areas on Lots 1 & 2 will be screened from public view either by the buildings associated with the garages or by landscaping/fencing as shown on the attached planting plans (Section VIB).

(.05) Sight-Obscuring Fence or Planting.

The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the City. A temporary occupancy permit may be issued upon a posting of a bond or other security equal to one hundred ten percent (110%) of the cost of such fence or planting and its installation. (See Sections 4.400 to 4.470 for additional requirements.)

Response: The proposed use includes parking areas for which screening is necessary. Appropriate screening measures will be in place prior to use of the parking areas.

(.06) Plant Materials.

A. **Shrubs and Ground Cover.** All required ground cover plants and shrubs must be of sufficient size and number to meet these standards within three (3) years of planting. Non-horticultural plastic sheeting or other impermeable surface shall not be placed under mulch. Surface mulch or bark dust are to be fully raked into soil of appropriate depth, sufficient to control erosion, and are confined to areas around plantings. Areas exhibiting only surface mulch, compost or barkdust are not to be used as substitutes for plants areas.

1. **Shrubs.** All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10" to 12" spread.

Response: As shown on the attached plans (see Exhibit VIB) all shrubs will be equal to or better than 2-gallon size with a 10 to 12 inch spread. All shrubs will be well branched and typical of their type as described in current AAN standards.

2. **Ground cover.** Shall be equal to or better than the following depending on the type of plant materials used: Gallon containers spaced at 4 feet on center minimum, 4" pot spaced 2 feet on center minimum, 2-1/4" pots spaced at 18 inch on center minimum. No bare root planting shall be permitted. Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. Where wildflower seeds are designated for use as a ground cover, the City may require annual re-seeding as necessary.

Response: As shown on the attached plans (see Exhibit VIB) all ground covers will be at least 4" pots and spaced appropriately. These plants will be installed as required.

3. **Turf or lawn in non-residential developments.** Shall not be used to cover more than ten percent (10%) of the landscaped area, unless specifically approved based on a finding that, due to site conditions and availability of water, a larger percentage of turf or lawn area is appropriate. Use of lawn

fertilizer shall be discouraged. Irrigation drainage runoff from lawns shall be retained within lawn areas.

Response: The subject FDP area is within a residential development; therefore this criterion does not apply.

4. Plant materials under trees or large shrubs. Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.

Response: As shown on the attached plans (see Exhibit VIB) appropriate plant materials will be installed beneath the canopies of trees and large shrubs. Areas that are not appropriate to plant beneath the canopies of existing trees will be mulched with bark.

- B. Trees. All trees shall be well-branched and typical of their type as described in current American Association of Nurserymen (AAN) Standards and shall be balled and burlapped. The trees shall be grouped as follows:
 1. Primary trees which define, outline or enclose major spaces, such as Oak, Maple, Linden, and Seedless Ash, shall be a minimum of 2" caliper.
 2. Secondary trees which define, outline or enclose interior areas, such as Columnar Red Maple, Flowering Pear, Flame Ash, and Honeylocust, shall be a minimum of 1-3/4" to 2" caliper.
 3. Accent trees which, are used to add color, variation and accent to architectural features, such as Flowering Pear and Kousa Dogwood, shall be 1-3/4" minimum caliper.
 4. Large conifer trees such as Douglas Fir or Deodar Cedar shall be installed at a minimum height of eight (8) feet.
 5. Medium-sized conifers such as Shore Pine, Western Red Cedar or Mountain Hemlock shall be installed at a minimum height of five to six (5 to 6) feet.

Response: As shown on the attached plans (see Exhibit VIB), proposed tree species have been selected from the Villebois Plant List in the *Community Elements Book*. All proposed trees meet the minimum 2" caliper code requirement or the minimum height requirement for conifers as appropriate. All proposed trees will be well-branched, typical of their type as described in current AAN, and balled and burlapped.

- C. Where a proposed development includes buildings larger than twenty-four (24) feet in height or greater than 50,000 square feet in footprint area, the Development Review Board may require larger or more mature plant materials:

Response: This standard does not apply to the subject FDP as no buildings are proposed in the park.

D. Street Trees.

Response: Review of streets and rights-of-way, including street trees, occurs with the PDP (see Section II of this Notebook). Street trees shown in the plans for this FDP are consistent with those shown in the PDP application. Compliance with the Street Tree Master Plan is demonstrated in the PDP (Section II of Notebook).

E. Types of Plant Species.

1. Existing landscaping or native vegetation may be used to meet these standards, if protected and maintained during the construction phase of the development and if the plant species do not include any that have been listed by the City as prohibited. The existing native and non-native vegetation to be incorporated into the landscaping shall be identified.

Response: As shown on the attached plans (see Exhibit VIB), there are existing trees in the FDP area to be retained. The existing trees will be protected and maintained during the construction phase and are incorporated into the landscaping as appropriate.

2. Selection of plant materials. Landscape materials shall be selected and sited to produce hardy and drought-tolerant landscaping. Selection shall be based on soil characteristics, maintenance requirements, exposure to sun and wind, slope and contours of the site, and compatibility with other vegetation that will remain on the site. Suggested species lists for street trees, shrubs and groundcovers shall be provided by the City of Wilsonville.

Response: All proposed landscaping materials are selected from the Villebois Plant List in the *Community Elements Book*. Specific materials were selected to best meet the site characteristics of the subject property.

3. Prohibited plant materials. The City may establish a list of plants that are prohibited in landscaped areas. Plants may be prohibited because they are potentially damaging to sidewalks, roads, underground utilities, drainage improvements, or foundations, or because they are known to be invasive to native vegetation.

Response: No plant materials listed as “Prohibited Plant Species” on the Villebois Plant List are included in the proposed landscaping.

F. Tree Credit.

Response: Tree credits are not applicable to this FDP application.

- G. Exceeding Standards. Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met.

- H. **Compliance with Standards.** The burden of proof is on the applicant to show that proposed landscaping materials will comply with the purposes and standards of this Section.

Response: The attached plans (see Section VIB) and this report demonstrate that the proposed landscaping complies with the standards of the Wilsonville Development Code and the *Community Elements Book*.

(.07) Installation and Maintenance.

- A. **Installation.** Plant materials shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement.
- B. **Maintenance.** Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this Code, or any condition of approval established by a City decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. Failure to maintain landscaping as required in this Section shall constitute a violation of this Code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result.
- C. **Irrigation.** The intent of this standard is to assure that plants will survive the critical establishment period when they are most vulnerable due to a lack of watering and also to assure that water is not wasted through unnecessary or inefficient irrigation. Approved irrigation system plans shall specify one of the following:
1. A permanent, built-in, irrigation system with an automatic controller. Either a spray or drip irrigation system, or a combination of the two, may be specified.
 2. A permanent or temporary system designed by a landscape architect licensed to practice in the State of Oregon, sufficient to assure that the plants will become established and drought-tolerant.
 3. Other irrigation system specified by a licensed professional in the field of landscape architecture or irrigation system design.
 4. A temporary permit issued for a period of one year, after which an inspection shall be conducted to assure that the plants have become established. Any plants that have died, or that appear to the Planning Director to not be thriving, shall be appropriately replaced within one growing season. An inspection fee and a maintenance bond or other security sufficient to cover all costs of replacing the plant materials shall be provided, to the satisfaction of the Community Development Director. Additionally, the applicant shall

provide the City with a written license or easement to enter the property and cause any failing plant materials to be replaced.

Response: Plants will be installed and maintained properly. A permanent-built-in irrigation system with an automatic controller will be installed underground to irrigate the proposed landscaping and to assure that plants survive the establishment period. Additional details about the irrigation system will be provided with construction plans.

- D. **Protection.** All required landscape areas, including all trees and shrubs, shall be protected from potential damage by conflicting uses or activities including vehicle parking and the storage of materials.

Response: The attached planting plans demonstrate that all landscape areas will be protected from potential damage by vehicle travel along streets and alleys.

(.08) Landscaping on Corner Lots.

All landscaping on corner lots shall meet the vision clearance standards of Section 4.177. If high screening would ordinarily be required by this Code, low screening shall be substituted within vision clearance areas. Taller screening may be required outside of the vision clearance area to mitigate for the reduced height within it.

Response: All landscaping at corners will meet the vision clearance standards of Section 4.177.

(.09) Landscape Plans.

Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated. Landscape plans shall divide all landscape areas into the following categories based on projected water consumption for irrigation:

- A. High water usage areas (+/- two (2) inches per week): small convoluted lawns, lawns under existing trees, annual and perennial flower beds, and temperamental shrubs;
- B. Moderate water usage areas (+/- one (1) inch per week): large lawn areas, average water-using shrubs, and trees;
- C. Low water usage areas (Less than one (1) inch per week, or gallons per hour): seeded field grass, swales, native plantings, drought-tolerant shrubs, and ornamental grasses or drip irrigated areas.

- D. Interim or unique water usage areas: areas with temporary seeding, aquatic plants, erosion control areas, areas with temporary irrigation systems, and areas with special water-saving features or water harvesting irrigation capabilities.
These categories shall be noted in general on the plan and on the plant material list.

Response: The attached plans (see Exhibit VIB) include the required information listed in Section 4.176(.09).

(.10) Completion of Landscaping.

The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review.

Response: The applicant does not anticipate deferring the installation of plant materials. Should it be necessary to defer installation of plant materials, the applicant will apply for a temporary permit.

(.11) Street Trees Not Typically Part of Site Landscaping.

Street trees are not subject to the requirements of this Section and are not counted toward the required standards of this Section. Except, however, that the Development Review Board may, by granting a waiver or variance, allow for special landscaping within the right-of-way to compensate for a lack of appropriate on-site locations for landscaping. See subsection (.06), above, regarding street trees.

Response: Street trees are not counted toward the required standards of this Section.

(.12) Mitigation and Restoration Plantings.

Response: The PDP includes a concurrent Tree Removal Plan (see Section V of this Notebook) which addresses required tree mitigation.

SECTION 4.177. STREET IMPROVEMENT STANDARDS

(.02) Street Design Standards

- E. Corner or clear vision area.
1. A clear vision area shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. No structures,

plantings, or other obstructions that would impede visibility between the height of 3- inches and 10 feet shall be allowed within said area. Measurements shall be made from the top of the curb, or, when there is no curb, from the established street center line grade. However, the following items shall be exempt:

- a. Light and utility poles with a diameter less than 12 inches.
- b. An existing tree, trimmed to the trunk, 10 feet above the curb.
- c. Official warning or street sign.
- d. Natural contours where the natural elevations are such that there can be no cross-visibility at the intersection and necessary excavation would result in an unreasonable hardship on the property owner or deteriorate the quality of the site.

Response: Landscaping at the corners of the parks will be less than 30 inches in height to assure that visibility is not blocked. Clear vision areas will be maintained in accordance with the standards of Subsection 4.177(.01)(I). Vertical clearance will be maintained over all streets and access drives in accordance with Subsection 4.177(.01)(J).

(.08) Access Drive and Driveway Approach Development Standards.

Response: Adjacent street rights-of-way have already been dedicated. The plan sheets located in Section IIB demonstrate that all proposed access drives (alleys) within the PDP area will have a minimum improvement width of 16 feet and will provide one-way and two-way travel. All access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by the fire department. All access drives will be designed to provide a clear travel lane free from any obstructions.

Clear vision areas will be maintained in accordance with the standards of Subsection 4.177(.01)(I). Vertical clearance will be maintained over all streets and access drives in accordance with Subsection 4.177(.01)(J).

SECTION 4.179. MIXED SOLID WASTE AND RECYCLABLES STORAGE IN NEW MULTI-UNIT RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS.

- (.01) All site plans for multi-unit residential and non-residential buildings submitted to the Wilsonville Development Review Board for approval shall include adequate storage
- (.02) The floor area of an interior or exterior storage area shall be excluded from the calculation of building floor area for purposes of determining minimum storage requirements.
- (.03) The storage area requirement shall be based on the predominant use(s) of the building. If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the

floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use.

Response: For the proposed condominiums, adequate storage for solid waste and recyclables storage is provided in each unit's garage area as shown in the Typical Garage Plan (see Exhibit VID) and detailed in response to Section 4.179.06 below.

(.04) Storage areas for multiple uses on a single site may be combined and shared.

Response: No storage areas are proposed to be combined or shared.

(.05) The specific requirements are based on an assumed storage height of four feet for solid waste/recyclables. Vertical storage higher than four feet but no higher than seven feet may be used to accommodate the same volume of storage in a reduced floor space. Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions for the containers.

Response: The proposed storage height for both solid waste and recyclables is 40 inches tall, 25 inches wide, and 25 inches long as determined by the size of the standard storage bins provided by Republic Services.

(.06) The specific requirements for storage area are as follows:

- A. Multi-unit residential buildings containing five-ten units shall provide a minimum storage area of 50 square feet. Buildings containing more than ten residential units shall provide an additional five square feet per unit for each unit above ten.**

Response: The Preliminary Plan proposes one 34-unit condominium and two 24-unit condominiums. The 34-unit condominium requires 170 square feet of storage area. Each of the two 24-unit condominiums requires 120 square feet of storage area. A combined 410 square feet of storage area is required for the three condominium buildings or five (5) square feet of storage area is required per unit ($410/82=5$ sq ft/unit). A garbage bin and recycling bin meeting Republic Services dimensional requirements will be provided for each unit and stored within each unit's garage. The Typical Garage Plan (see Exhibit VID) shows adequate storage within each garage of the proposed condominiums. Each unit will have more than the required 5 sq ft with storage for a 4 sq ft garbage bin and a 4 sq ft recycling bin, totaling more than 8 sq ft.

- B. Non-residential buildings shall provide a minimum storage area of ten square feet, plus:**

1. Office: Four square feet per 1,000 square feet gross floor area (GFA);
2. Retail: Ten square feet per 1,000 square feet GFA;
3. Wholesale / Warehouse / Manufacturing: Six square feet per 1,000 square feet GFA; and
4. Other: Four square feet per 1,000 square feet GFA.

Response: Non-residential buildings are not proposed in this PDP. This section is not applicable.

(.07) The applicant shall work with the City’s franchised garbage hauler to ensure that site plans provide adequate access for the hauler’s equipment and that storage area is adequate for the anticipated volumes, level of service and any other special circumstances which may result in the storage area exceeding its capacity. The hauler shall notify the City by letter of their review of site plans and make recommendations for changes in those plans pursuant to the other provisions of this section.

Response: The Applicant has coordinated with Republic Services regarding the proposed access to the storage areas. Republic Services has reviewed the proposed plan and provided written approval and comments. (see Exhibit VI E).

(.08) Existing multi-unit residential and non-residential developments wishing to retrofit their structures to include storage areas for mixed solid waste and recycling may have their site plans reviewed and approved through the Class I Administrative Review process, according to the provisions of Section 4.035. Site plans for retrofitting existing developments must conform to all requirements of this Section, “Mixed Solid Waste and Recyclables Storage In New Multi-Unit Residential and Non-Residential Buildings,” and 4.430, “Location, Design and Access Standards for Mixed Solid Waste and Recycling Areas,” of the Wilsonville City Code.[Added by Ordinance #426 - April 4, 1994]

Response: This section is not applicable.

SITE DESIGN REVIEW

SECTION 4.400. PURPOSE.

(.01) Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property,

produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefore.

Response: No signage is proposed as the SAP Central Signage & Wayfinding Plan does not indicate an identifier within the subject property. The attached PDP plans (see Section IIB of this Notebook) and FDP plans (see Section VIB of this Notebook) are consistent with the SAP Central Signage & Wayfinding Plan.

The proposed landscaping within the park is designed in compliance with the standards for the rest of Villebois, so the entire development will have a cohesive, harmonious appearance, creating a desirable place of residence and adding to the overall quality of life in the City.

(.02) The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:

A. Assure that Site Development Plans are designed in a manner that insures proper functioning of the site and maintains a high quality visual environment.

Response: The row homes and condominiums in the FDP area have been designed to assure proper functioning of the site and to maintain an aesthetically pleasing environment. The proposed landscaping will add to the quality of the environment as well as the functioning of the site.

B. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;

Response: The FDP includes landscaping as shown on the attached plans (Section VIB), which will enhance the visual environment of the site. Pedestrian connections to sidewalks, trails, and adjacent residences will be provided to enhance the site's connectivity to surrounding uses.

C. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;

Response: The FDP area will include landscaping as shown on the attached plans (see Section VIB). Landscaping will consist of an appropriate mixture of ground cover, shrubs, and trees selected from the Villebois Plant List to create a harmonious appearance throughout the larger Villebois development. The proposed landscaping will contribute to an interesting and aesthetically appealing development.

D. Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;

Response: The site will incorporate landscaping that makes sense for a Pacific Northwest community, while matching the City's natural beauty and visual character.

- E. **Protect and enhance the City's appeal and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial purposes;**

Response: The design of the proposed row houses, condominiums, and landscaping along with the pedestrian connections to adjacent residences and streets, will help to maintain the appeal of Villebois as a unique and attractive community in which to live, work, and recreate. Residents of Villebois will stimulate the local economy by opening new businesses and thus creating jobs and by spending money in existing businesses.

- F. **Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;**

Response: The proposed wider pathway along Campanile Lane will connect to community amenities, such as The Piazza and Montague Park, which will help to maintain property values in this new community. The Row Houses and the Condominiums will each be part of a Home Owners Association, which will assure long-term maintenance of common and public areas.

- G. **Insure that adequate public facilities are available to serve development as it occurs and that proper attention is given to site planning and development so as to not adversely impact the orderly, efficient and economic provision of public facilities and services.**

Response: The process used to plan for Villebois incorporates a tiered system that originates at the *Villebois Village Master Plan*. The *Master Plan* shows how facilities, including parks and open space, are distributed and available to residents throughout Villebois.

Figure 5 - Parks & Open Space Plan of the Master Plan shows that approximately 33% of Villebois will be in parks and open space. A pedestrian pathway is proposed, connecting The Piazza and Montague Park. This FDP is consistent with the PDP, SAP - Central, and the *Villebois Village Master Plan*, and therefore, complies with this criterion.

- H. **Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services and reduce opportunities for crime through careful consideration of physical design and site layout under defensible space guidelines that clearly define all areas as either public, semi-private, or private, provide clear identity of structures and opportunities for easy surveillance of the site that maximize resident control of behavior -- particularly crime;**

Response: The *Villebois Village Master Plan* shows that the community will include a variety of housing options (living) and the Village Center will contain places for employment (working). This FDP shows a living environment in Phase 10 Central that is enhanced by proximity to park and open space areas. Residents who will surround the parks and open spaces will provide on-going surveillance and control.

- I. **Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvements;**

Response: The design of the Villebois Village has been created to develop a community that is truly unique. The City and Villebois Master Planner, as well as the Applicant, are working in partnership with nearby residents, property owners, and local and regional governments to create a complete, livable, pedestrian-oriented community that will be an asset to the City of Wilsonville and Portland region. This partnership has generated citizen participation in the project and the unique design shall foster civic pride and community spirit amongst the residents of Villebois.

- J. **Sustain the comfort, health, tranquillity and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City.**

Response: The design of the Villebois Village revolves around three guiding principles: connectivity, diversity, and sustainability. These principles are intended to sustain the comfort, health, tranquility, and contentment of Villebois residents, while also promoting and protecting the peace, health and welfare of the City. *Connectivity* refers to creating connections between Villebois neighborhoods and between Villebois and other parts of the City and region for multiple modes of transportation. *Diversity* includes multiple choices of housing styles, housing affordability, recreation, employment, goods and services, and infrastructure for transportation. *Sustainability* involves the protection of natural resources and open space, energy conservation, and storm and rainwater management.

SECTION 4.421. CRITERIA AND APPLICATION OF DESIGN STANDARDS.

(.01) The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards. (Even in the Boones Ferry Overlay Zone, a range of architectural styles will be encouraged.)

- A. **Preservation of Landscape.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

Response: As shown in the attached plans (see Exhibit VIB), proposed plant materials are drawn from the Villebois Plant List, which includes native species, to ensure consistency of general appearance within the Villebois community.

- B. **Relation of Proposed Buildings to Environment.** Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and

other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.

Response: Chapter 3 of the *Villebois Village Master Plan* takes into account scenic views, topography, existing vegetation, and other natural features in the design and location of parks and open spaces in the Villebois development. The FDP area does not include any steep slopes, sensitive wildlife habitat areas, wetlands, SROZ areas, or flood plains. The proposed tree-lined pathway on Campanile Lane and linear greens are in addition to the parks and open space shown in the *Master Plan* and SAP Central. Existing trees within the site are maintained to the extent possible as reviewed in the concurrent PDP and Tree Removal Plan applications (see Sections II and V, respectively, of this Notebook).

- C. **Drives, Parking and Circulation.** With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

Response: Garages and parking areas are proposed on the alley-facing sides of all proposed rowhomes and condominium buildings. One parking lot is proposed on Lot 1 in order to meet the parking standard addressed in Section 4.125.07 of this FDP application. This parking lot will accommodate two-way travel with four access points. Parking areas within the proposed parking lot will be screened either by buildings associated with proposed garages or with landscaping/fencing to preserve views from street frontages. Additionally, an alley is proposed for the condominium building and rowhome units on Lot 2. This alley provides two-way travel between Campanile Lane and Paris Avenue (access to/from Paris Avenue will be limited to right in/right out). Pedestrians are separated from vehicular traffic through provided sidewalks, curb extensions, and/or crosswalks (See Exhibit IIB).

- D. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage system.

Response: Surface water drainage is addressed in the PDP application (see Section II of Notebook). The FDP is consistent with grading and drainage shown in the PDP. This system has been carefully designed so as not to adversely affect neighboring properties.

- E. **Utility Service.** Any utility installations above ground shall be located so as to have a harmonious relation to neighboring properties

and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.

Response: The PDP application addresses utility installation (see Section II of Notebook). The FDP is consistent with the PDP.

- F. **Advertising Features.** In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

Response: No advertising features are proposed in this FDP.

- G. **Special Features.** Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.

Response: This FDP does not propose any exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures or other accessory areas and structures. Compliance with Section 4.176 is addressed earlier in this report.

- (.02) The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.

Response: No accessory buildings or structures are proposed.

- (.03) The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.

Response: Compliance with the purpose of Section 4.400 has been addressed earlier in this report.

SECTION 4.440. PROCEDURE.

- (.01) **Submission of Documents.**

A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:

- A. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas, and railroad tracks. The site plan

shall indicate the location of entrances and exits and direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided.

- B. A Landscape Plan, drawn to scale, showing the location and design of landscaped areas, the variety and sizes of trees and plant materials to be planted on the site, the location and design of landscaped areas, the varieties, by scientific and common name, and sizes of trees and plant materials to be retained or planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials. An inventory, drawn at the same scale as the Site Plan, of existing trees of 4" caliper or more is required. However, when large areas of trees are proposed to be retained undisturbed, only a survey identifying the location and size of all perimeter trees in the mass in necessary.
- C. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Floor plans shall also be provided in sufficient detail to permit computation of yard requirements based on the relationship of indoor versus outdoor living area, and to evaluate the floor plan's effect on the exterior design of the building through the placement and configuration of windows and doors.
- D. A Color Board displaying specifications as to type, color, and texture of exterior surfaces of proposed structures. Also, a phased development schedule if the development is constructed in stages.
- E. A sign plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.
- F. The required application fee.

Response: Section VIB of this notebook includes FDP plans that meet the requirements of Section 4.440 (.01). A copy of the application is included in Exhibit IB of this notebook. Architectural Elevations & Floor Plans are included in Sections VIC & VID of this notebook.

The SAP Central *Signage & Wayfinding Plan* does not indicate an identifier within the subject property. A copy of the required application fee is included in Exhibit IC.

SECTION 4.450. INSTALLATION OF LANDSCAPING.

(.01) All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City

Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.

Response: The applicant understands that they must provide a security to guarantee installation of the proposed landscaping.

(.02) Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code.

Response: The applicant understands that changes to the landscape plan included in this application cannot be made without official action of the Planning Director or the Development Review Board.

(.03) All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.

Response: The applicant understands that they are responsible for the ongoing maintenance of the proposed landscaping.

(.04) If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City’s development review process, that removal or modification must first be approved through the procedures of Section 4.010.

Response: This FDP does not include any existing development; therefore this criterion does not apply.

II. COMMUNITY ELEMENTS BOOK

Applicable Requirement	Requirement Met?	Notes
Street Lighting	<input checked="" type="checkbox"/>	Lighting shown on attached plans is consistent with Lighting Master Plan.
Curb Extensions	<input checked="" type="checkbox"/>	Will be developed with curb extensions shown on the Circulation Plan.
Street Trees	<input checked="" type="checkbox"/>	Location and species of street trees shown on the attached plans are consistent with the Master Plan.

Landscape Elements-Site Furnishings	<input checked="" type="checkbox"/>	Furnishings shown on attached plans were selected to maintain the identity and continuity of Villebois and to adhere to the Courtyard Address.
Tree Protection	<input checked="" type="checkbox"/>	“Important” trees are retained to the extent feasible.
Plant List	<input checked="" type="checkbox"/>	All plant materials listed on pages L2 and L3 of Section VIB are on the Villebois plant list. No prohibited plants are proposed.
Address Overlay Areas - Courtyard Street Address	<input checked="" type="checkbox"/>	Overlay Area designed to be extension of the Plaza with wider tree-lined pathway. Connects The Piazza to Montague Park.
Courtyard Street Address - Site Furnishings	<input type="checkbox"/>	Site furnishings such as seating and street trees help create place where vehicles feel it necessary to slow. The site will increase pedestrian and cyclist safety with the creation of a wider pathway along Campanile Lane and will offer opportunity for residents to create “social activities.” It will also provide continuity of design elements to unify this space as the path transitions from The Piazza to Montague Park.
Courtyard Street Address - Plant Material	<input checked="" type="checkbox"/>	Pedestrian Alee through middle of the site will slow traffic, widen the pedestrian walking area and create “social pockets” along residences.
Courtyard Street Address - Surfaces	<input checked="" type="checkbox"/>	Campanile Lane is no longer planned to have pavers or be curbsless. However, a wider tree-lined pathway is planned, which will be constructed of pavers.

III. VILLAGE CENTER ARCHITECTURAL STANDARDS

Standards Applying to All Buildings

Standard	Standard Met?	Notes
1.1 Building Types		
1) Buildings outside Address overlays meet development standards of V-Zone per Building Type	<input checked="" type="checkbox"/>	Row houses and Condominiums are consistent with standards specified for Villebois Central

1.2 Building Height & Roof Form		
Required Standards		
1) Max. Building Height according to Table V-1	<input checked="" type="checkbox"/>	Height equal to or less than the 45' allowed in Table V-1
2) Addresses have other height limitations	<input checked="" type="checkbox"/>	Complies with height limitations for Villebois Drive
3) Building height measured as defined in 4.001.	<input checked="" type="checkbox"/>	Building measured correctly
4) Rooftop equipment screened from current and future taller buildings	<input checked="" type="checkbox"/>	No rooftop equipment proposed
5) At least 2 roof garden in SAP Central	<input type="checkbox"/>	No rooftop gardens proposed, more appropriate for other building types in SAP Central
Optional Standards:		
6) Buildings encouraged to reach max. allowable height	<input checked="" type="checkbox"/>	The 4-story Condos reach the max. allowable height of 45'. The 3-story condos are 35' tall. The Rowhomes do not reach the max. height, but are 3 stories tall, which maximizes height for a Row House.
7) Minimize shading of public and private outdoor areas during mid-day	<input checked="" type="checkbox"/>	Have front courtyards and balconies for private areas with sun exposure.
1.3 Horizontal Façade Articulation		
Required		
1) Horizontal Facades articulated into smaller units using two or more of the following: change of materials, change of color, façade planes that are vertical in proportion, bays and recesses, breaks in roof elevation.	<input checked="" type="checkbox"/>	Façade planes vertical in proportion and include bays and recesses, and breaks in roof elevation.
2) Incorporate features such as offsets, projections, reveals, and similar elements to preclude large expanses of uninterrupted building surfaces.	<input checked="" type="checkbox"/>	The Elevations and Floor Plans in Sections VIC and VID show the use of colors and materials, as well as trim or shutters, to break down the scale of the buildings.
Optional		
3) Articulation should extend to the roof	<input checked="" type="checkbox"/>	Articulation, including the break between buildings and architectural detail, extends to the roof.
2.1 Vertical Façade Articulation for All Mixed Use Buildings		
		Building not mixed use

3.1 Exterior Building Materials & Color		
Required		
1) Visually heavier and more massive materials at base when multiple materials used.	<input checked="" type="checkbox"/>	Modular Precast Veneer is at the base of condominium buildings. A heavier brick blend is at the base of the garages. Monochromatic limestone is at the base of rowhomes.
2) Bright, intense colors reserved for accent trim	<input checked="" type="checkbox"/>	While a variety of colors are used, they are not intense.
3) Bright colors not used for commercial purposes	<input type="checkbox"/>	N/A. Buildings not mixed use.
4) Concrete block shall be split-faced, ground-faced, or scored when facing street or public way. Discouraged around the plaza.	<input checked="" type="checkbox"/>	Concrete block is not being used.
5) Exteriors constructed of durable and maintainable materials with texture, pattern, or lend themselves to quality detailing.	<input checked="" type="checkbox"/>	The brick, cement fiber siding, precast veneer, and roof materials are all durable and easy to maintain and allow for detailing.
Optional		
6) Exterior materials have an integral color, patterning, and/or texture	<input checked="" type="checkbox"/>	The exterior materials have integral color, patterning, or texture.
7) Sustainable building materials and practices are strongly encouraged	<input checked="" type="checkbox"/>	The builder will participate in the Portland General Electric Earth Advantage program.
3.2 Architectural Character		
Required		
1) A definitive, consistent Architectural Character. All primary facades consistent with Architectural Character	<input checked="" type="checkbox"/>	The row houses have a consistent architectural character (London Row Houses). The condominium buildings also have a consistent architectural character.
2) No mixing of Architectural Styles	<input checked="" type="checkbox"/>	The entire buildings are consistently in the same style.
3) Secondary facades incorporate primary façade features over 25% of wall length	<input checked="" type="checkbox"/>	Materials including lap siding as well as windows with trim extend on all facades.
4) All visible sides have a similar level of quality and visual interest	<input checked="" type="checkbox"/>	A majority of the detailing and materials wrap around to the street facing side elevations of the building. Materials and details included on the front elevations such as finishes, trim, and window patterns are incorporated into the side elevations.

5) Accessory buildings designed and integrated into primary building	<input checked="" type="checkbox"/>	Detached garages are proposed on Lot 1 and are consistent with architectural style of the adjacent condominiums.
6) Applicants encouraged to consult an architect or architectural historian regarding appropriate elements of architectural style	<input checked="" type="checkbox"/>	The rowhome buildings have been designed by Milbrandt Architects, Inc. The condominium buildings were designed by Leeb Architects.
7) If not in an address, elevations not repeated on adjacent blocks	<input checked="" type="checkbox"/>	The row homes and Condominiums are within the Villebois Drive and Courtyard Addresses, respectively.
3.3 Ground Level Building Components		
Required		
1) Building setbacks and frontage widths as required by Table V-1	<input checked="" type="checkbox"/>	The condominiums and row houses meet the required setbacks, including the 5' front setback, established by Table V-1
2) Retail orientation towards street	<input type="checkbox"/>	Not applicable
3) Differentiating entrances for mixed use buildings	<input type="checkbox"/>	Not applicable
4) Entries have weatherproof roof covering appropriately sized but at least 4 feet deep and 4 feet wide	<input checked="" type="checkbox"/>	Weatherproof covering provided as shown on attached Architectural Plans.
5) Any building lighting is indirect or shielded	<input checked="" type="checkbox"/>	Any lighting would be shielded as shown on attached Architectural Plans.
6) Parking structures screened using at least two of the following: residential or commercial uses, decorative grill work, decorative artwork, vegetation	<input checked="" type="checkbox"/>	Garages are screened using fencing and/or landscaping.
7) Plaza address mixed-use buildings have canopy or awning	<input type="checkbox"/>	Not applicable
8) Reflective, heavily tinted, or other sight obscuring glass discouraged	<input type="checkbox"/>	Not applicable
9) Landscaping or other screening provided when parking is between buildings and the street	<input checked="" type="checkbox"/>	Garages are screened using fencing and/or landscaping.
Optional		
10) Create indoor/outdoor relationships	<input checked="" type="checkbox"/>	Large windows and front courtyards help create an indoor/outdoor relationship.
11) Canopies and Awnings primary function is weather protection	<input type="checkbox"/>	Not applicable

4.1 Façade Components		
Required		
1) Windows and doors recessed 3 inches for shadowing or incorporate shutters (appear operable and sized for window), railing, and/or visible or substantial trim (contrasting material, color, or creates shadowing.)	<input checked="" type="checkbox"/>	Windows and doors have substantial trim which helps create shadowing.
2) Balconies extend no more than 36"	<input checked="" type="checkbox"/>	Balconies do not extend more than 36".
3) Shutters sized to appear operable at window and door openings	<input type="checkbox"/>	Not applicable; no shutters are proposed.
4) Except in the plaza address, balconies shall be at least 5 feet deep	<input checked="" type="checkbox"/>	Second level decks on the rear façade of rowhomes are proposed. No front or side elevation balconies are proposed on the rowhomes. Front and rear balconies are proposed on the condominium buildings. Balconies are at least 5 feet deep.
Optional		
4) (<i>Note: Duplicate numbers in published VCAS</i>) Individual windows square or vertical in proportion. An assembly of windows have horizontal proportion	<input checked="" type="checkbox"/>	All individual windows are square or vertical in proportion.
5) Materials changes occur at a horizontal line or at inside corner of two vertical planes.	<input checked="" type="checkbox"/>	Materials change at horizontal lines or corners
6) Every residential unit have outdoor living space.	<input checked="" type="checkbox"/>	All rowhome units have front courtyards and rear decks. Condominium units on ground floor have front patios. Condominium units above ground floor have front or rear balconies.
7) Expression of rainwater path	<input type="checkbox"/>	Not applicable.
8) Building fronts uneven angles to accommodate shape of street	<input type="checkbox"/>	Not applicable.
9) Wide opening windows	<input type="checkbox"/>	Not applicable.
10) Discourage use of high window sills	<input checked="" type="checkbox"/>	High window sills are not used
11) Finishing touches and ornament	<input checked="" type="checkbox"/>	The use of finishing touches and ornamentation is provided.

5.1 Fencing		
Required		
1) See all applicable sections of the Village Zone, including but not limited to Section 4.125(.14) Table V-4 Permitted Materials and Configurations and Section 4.125 (.05) D. Fences	<input checked="" type="checkbox"/>	Proposed fencing is shown on attached plans and will be constructed of materials consistent with <i>Table V-3</i> .
2) The following fencing requirements apply to all fences and walls located between rights-of-way and building lines.	<input checked="" type="checkbox"/>	Proposed fencing will comply.
3) See Address overlay sections for additional requirements.	<input checked="" type="checkbox"/>	Located within the Courtyard Address and Villebois Drive Address. No fencing is required.
4) Except where specifically required by Address overlays, fences are optional. Less fencing than the maximum allowable is allowed.	<input checked="" type="checkbox"/>	Shown on attached plans.
5) Fencing shall be consistent with the Architectural Character of adjacent buildings, See Architectural Character, this section.	<input checked="" type="checkbox"/>	Designed to be consistent with the architectural character of the adjacent Row Houses and Condominiums.
6) Fencing controlling access to a courtyard, outdoor lobby, or other public entries shall be greater than 50% transparent.	<input type="checkbox"/>	Project does not include public entry spaces.
7) Fencing located within the first 2'0" setback from right-of-ways shall be greater than 50% transparent.	<input checked="" type="checkbox"/>	Proposed fencing located within the first 2'-0" setback from rights-of-ways will be greater than 50% transparent.
8) Fencing located within interior side yards or separating buildings on the same lot shall be offset 4'0" or greater behind the adjacent front building line.	<input type="checkbox"/>	N/A
9) Posts, pilasters, columns, or bollards may extend an additional 8" above the maximum height of any allowed fencing.	<input checked="" type="checkbox"/>	Will not extend more than 8"
10) Fencing may not change height at corners. They must level top surfaces and transition at posts to maintain	<input checked="" type="checkbox"/>	Does not change height at corners

height as required by changes in grade elevation.		
11) Loading facilities, trash enclosures, and ground-level mechanical and utility equipment: These facilities shall be sited at the rear or side of buildings wherever practicable, and shall be screened where visible from the street. Screening shall match the adjacent development in terms of quality of materials and design. Such screening shall minimize light glare and noise levels affecting adjacent residential uses.	<input type="checkbox"/>	Does not include any loading facilities, trash enclosures, or ground-level mechanical and utility equipment. (Individual trash enclosures for Condominium units and Row Houses will be kept within individual unit's garage).
Optional		
12) Fencing is encouraged to be consistent with building railing at balconies, decks, porches, etc.	<input checked="" type="checkbox"/>	Fencing on the front elevations is consistent with the architectural style of the Row Homes and Condominiums.

Intent Applying to Buildings in the Courtyard Address Overlay

Standard	Standard Met?	Notes
1.1 Narrative		
1) Aligned with the Plaza, connecting site's historic buildings to their new village context	<input checked="" type="checkbox"/>	Site is within a transition area with less dense residential areas to the north and more dense units to the south.
2) An allee of trees will connect the Plaza with a shaded pathway	<input checked="" type="checkbox"/>	Will maintain original intent of Courtyard Address Overlay to reinforce connection between The Piazza and Montague Park. A wider tree-lined pathway will be established along Campanile Lane connecting with the pedestrian crossing at Paris Avenue and with The Piazza.
2.1 Building Types		
1) Building Type shall be Multi-Family Dwellings	<input checked="" type="checkbox"/>	Hospital building removed years ago. Condominiums are multi-family.
2.2 Building Height & Roof Form		
1) Strengthen the perception of the Courtyard as a public room	<input checked="" type="checkbox"/>	Condominium buildings maintain consistent façade heights and roof forms. Condominiums are three and four stories in height. This is consistent with the transitional nature of the site from two-story homes to taller, more urban

		apartments and mixed-use buildings closer to The Piazza.
2.3 Horizontal Façade Articulation		
1) Reduce the apparent bulk of long buildings by breaking them down into smaller components. Provide articulation, interest in design, and human scale to the façade.	☒	The 82 condominium units are broken into two 3-story buildings and one 4-story building. Elevations are broken into smaller components to provide articulation, interest in design and human scale to the façade.
3.1 Vertical Façade Articulation		
1) Ensure a clear and compatible language between new and existing construction	☒	Hospital building was removed years ago.
4.1 Exterior Building Materials		
1) Standard of quality that will be easily maintained and cared for over time. Provide articulation, interest in design, and human scale to the façade	☒	Proposed architecture promotes a unique and urban feel encouraged in the Courtyard Address Overlay.
4.2 Ground Level Building Components		
1) Appropriate buffer between private zones and the public right-of-way. Encourage interaction. Ensure ground floors reinforce the streetscape character.	☒	There are appropriate buffers between private zones and the public right-of-way through the use of landscape and fencing. Courtyards and balconies are provided and streetscape designs encourage interaction. Ground floors reinforce the streetscape character through the use of covered patios and large windows.

Intent Applying to Buildings in the Villebois Drive Address Overlay

Standard	Standard Met?	Notes
1.1 Narrative		
1) Front door to the Village Center. Though predominantly residential, it sets the tone for a more urban experience.	☒	Row Houses front onto Villebois Drive and include covered front courtyards.
2) Potential growth corridor for future commercial uses. Intent is for ground level units not to prohibit future conversion to small commercial spaces.	☒	Ground level units have street facing courtyards encouraging a social atmosphere.

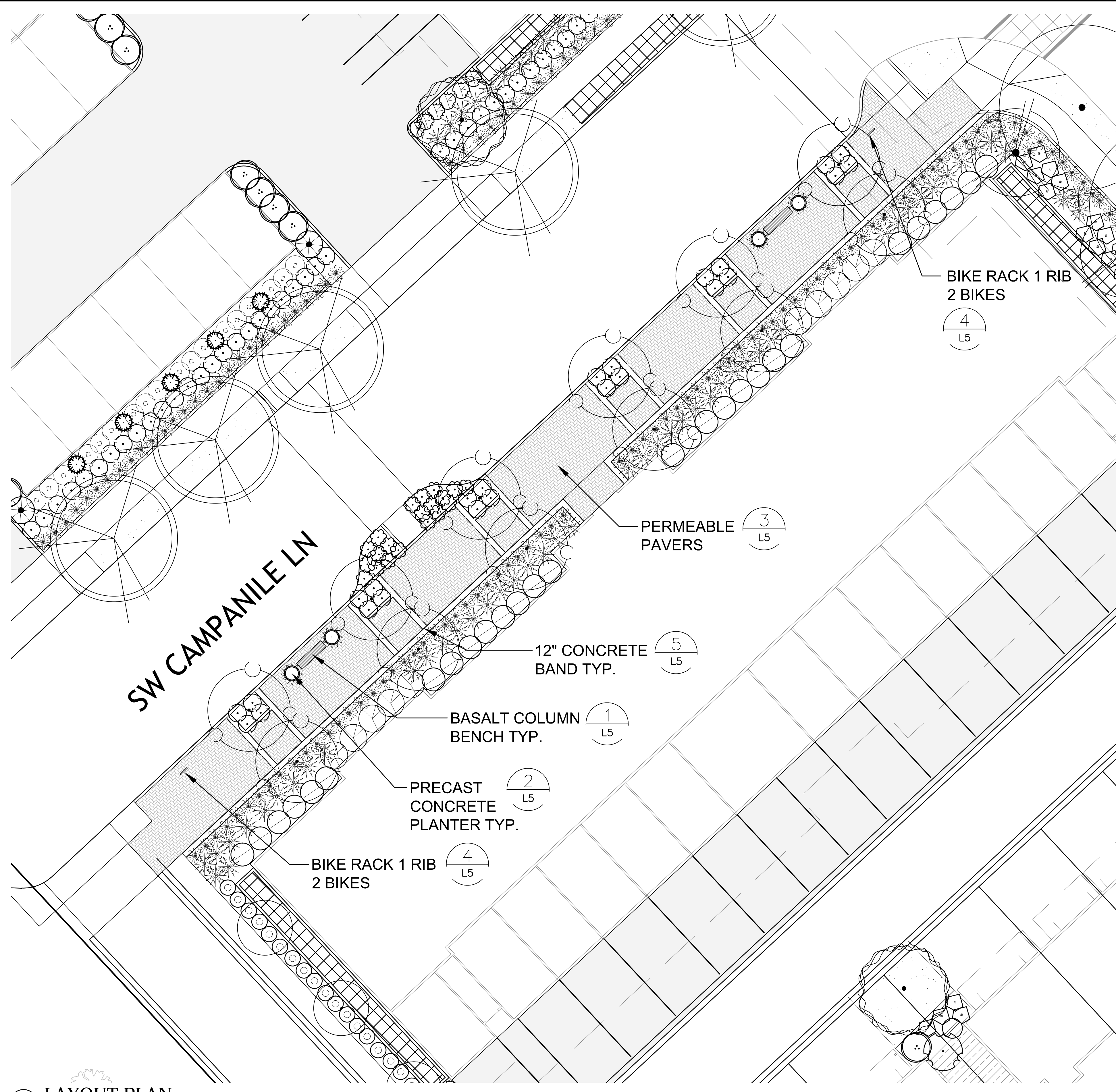
2.1 Building Types		
1) Building Type shall be Multi-Family Dwellings or Row Houses (attached or detached).	☒	Two buildings of five attached Rowhomes are proposed. Row Houses exterior appearance and use is similar to multi-family building.
2.2 Building Height & Roof Form		
1) Strengthen the perception of Villebois Drive as a public room by establishing a consistency of façade heights and roof forms.	☒	Rowhome buildings maintain consistent façade heights and roof forms. Rowhomes are three stories in height.
2.3 Horizontal Façade Articulation		
1) Reduce the apparent bulk of long buildings by breaking them down into smaller components. Provide articulation, interest in design, and human scale to the façade.	☒	Site consists of two 5-plex rowhome buildings in the London architectural style to break up bulk of long buildings. Elevations are broken into smaller components to provide articulation, interest in design and human scale to the façade.
2.4 Exterior Building Materials		
1) Standard of quality that will be easily maintained and cared for over time. Provide articulation, interest in design, and human scale to the façade	☒	London style architecture of Rowhomes promotes a unique and urban feel encouraged in the Villebois Drive Address Overlay.
3.1 Ground Level Building Components		
1) Provide for future commercial growth at Villebois by creating a building infrastructure that accommodates easy ground level conversion. Provide an appropriate buffer between private zones and the public right-of-way. Encourage interaction between neighbors and between residents and pedestrians.	☒	There are appropriate buffers between private zones and the public right-of-way through the use of front courtyard areas. Street facing courtyards encourage interaction. Ground floors reinforce the streetscape character.

IV. CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Planning & Land Development Ordinance for the requested Final Development Plan. Therefore, the applicant requests approval of this application.

VIB) Reduced Drawings





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NOTES

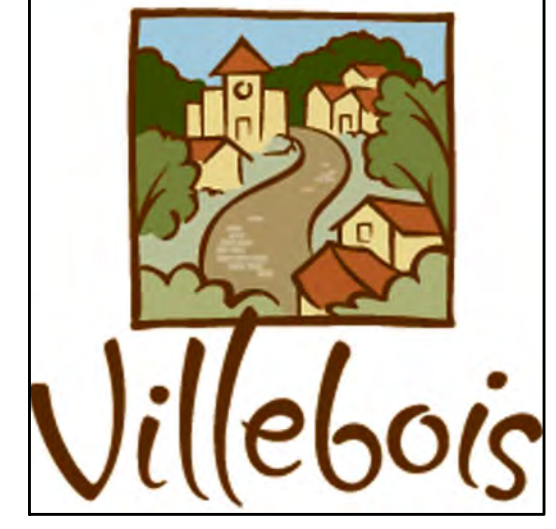
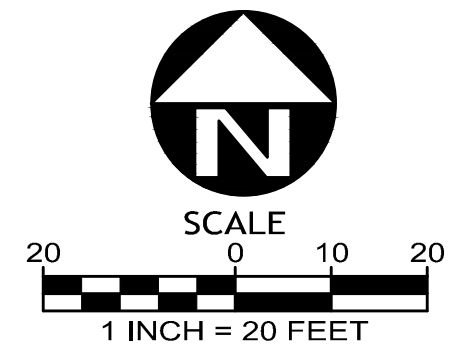
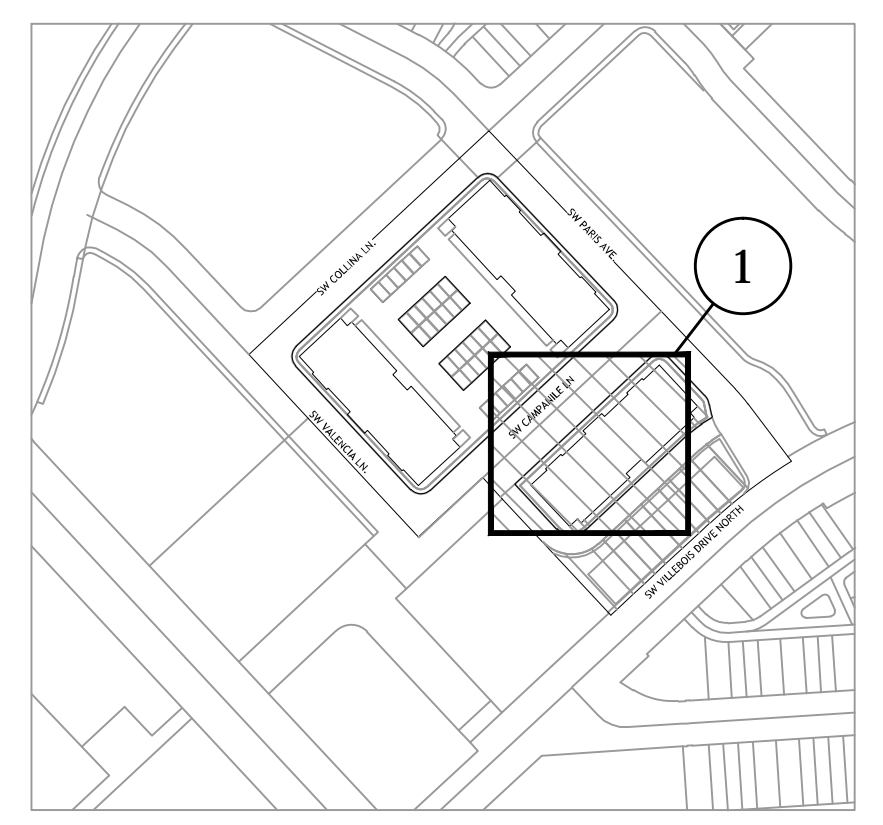
- 1.) SEE CIVIL PLANS FOR ROADWAY AND CURB ELEVATIONS
- 2.) SEE SHEETS L5 LANDSCAPE MATERIALS DETAILS.

LEGEND

-  1 BASALT COLUMN BENCH
SIZE: 72" LENGTH X 18" HEIGHT
-  2 PRECAST CONCRETE PLANTER
COLOR: BROWN GRAY
SIZE: 2.29' X 2.78' X 3.28'
-  4 BICYCLE RACK
MANUFACTURER: FUNCTION FIRST BIKE SECURITY
MODEL: THE BIKE RIB
FINISH: POWDERCOATED PAINT, BLACK
SIZE: 1.25" SCH. 40 STEEL PIPE, 18 WIDE, 32" HT.
-  3 PERMEABLE PAVERS
MANUFACTURER: WILLAMETTE GRAYSTONE
MODEL: AQUABRIC PERMEABLE CONCRETE PAVER
CONTACT: GALE SHROEDER @ (971) 241-0312
SIZE: 5' X 10' X 60MM
COLOR: AUTUMN BLEND
FINISH: CENTURY
PATTERN: HERRINGBONE - SEE PLANS FOR DIRECTION
- 5 12" WIDE FLUSH CONCRETE BAND - LIGHT BROOM FINISH
- SCORE AS SHOWN

1 LAYOUT PLAN

ELEVATION DATUM: NAVD 88



POLYGON NW COMPANY



GEODESIGN, INC

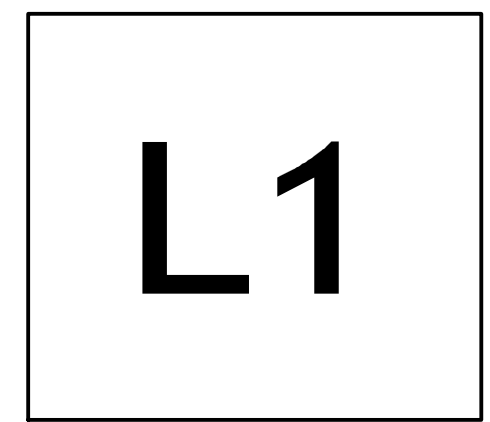
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DATE	DESCRIPTION

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NO. 2

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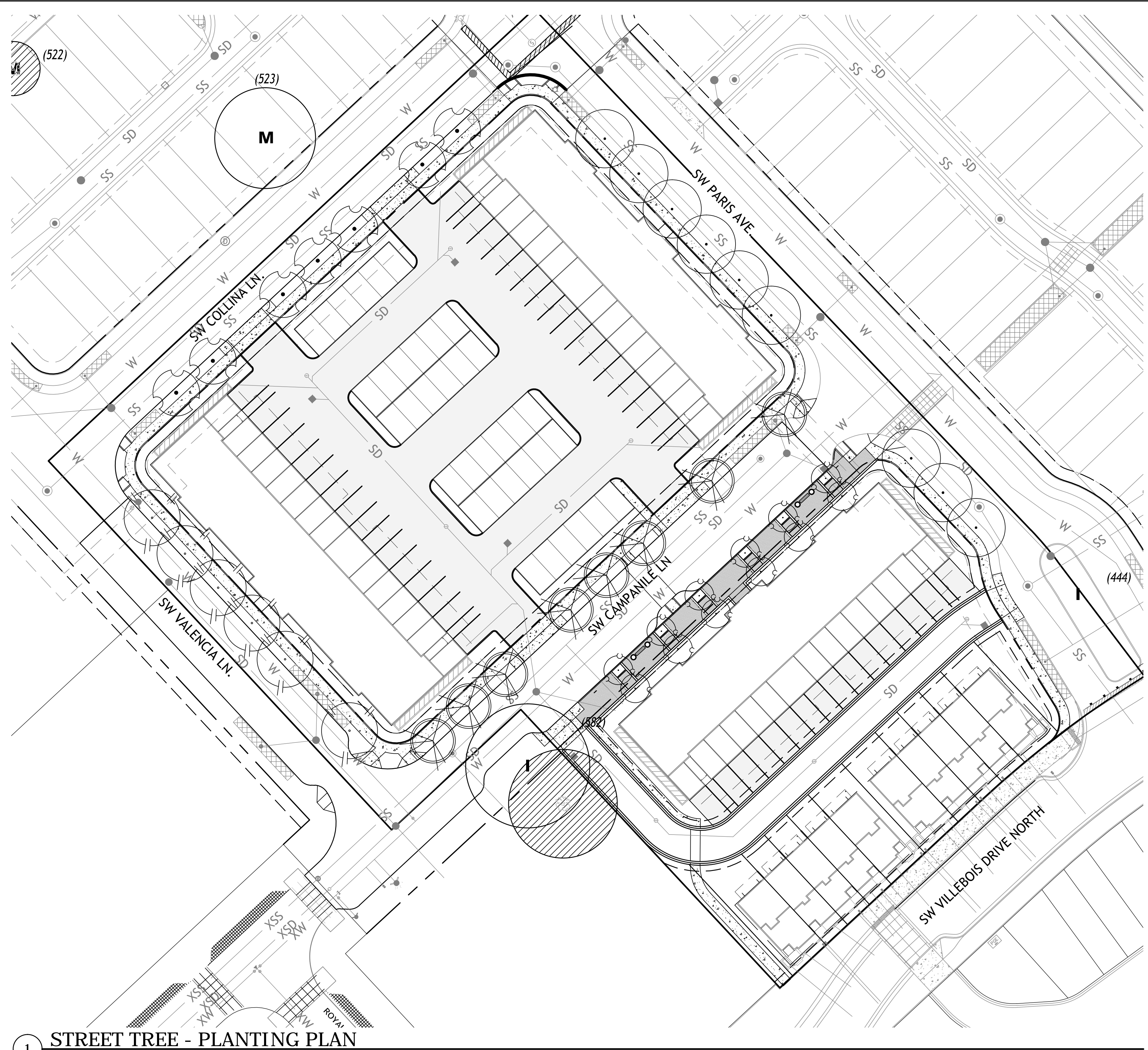
LAYOUT
PLAN

1st Submittal Date: 5/9/2016



PLANTING LEGEND
STREET TREES

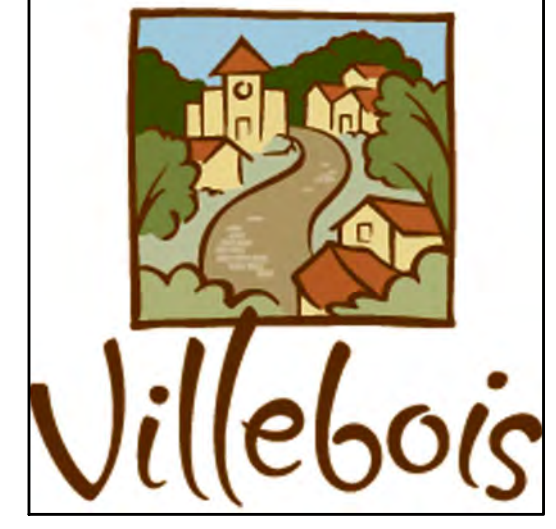
SYMBOL	QUANTITY	COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION
	9	AUTUMN BLAZE MAPLE / ACER FREEMANII 'AUTUMN BLAZE': 2 1/2" CAL. B&B, 25' O.C.
	7	CRIMEAN LINDEN / TILIA X EUCHLORA: 2 1/2" CAL. B&B, 25' O.C.
	6	URBANITE ASH / FRAXINUS PENNSYLVANICA 'URBANITE': 2 1/2" CAL. B&B, 25' O.C.
	8	AUTUMN GOLD GINKGO / GINKGO BILOBA 'AUTUMN GOLD': 2 1/2" CAL., B&B, 25' O.C.
	12	ARMSTRONG RED MAPLE / ACER X FREEMANII 'ARMSTRONG': 2 1/2" CAL., B&B, 25' O.C.



1 STREET TREE - PLANTING PLAN

ELEVATION DATUM: NAVD 88

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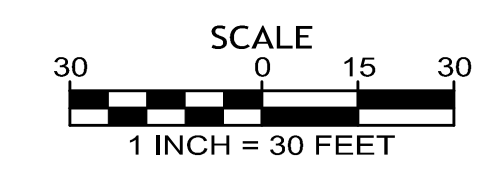
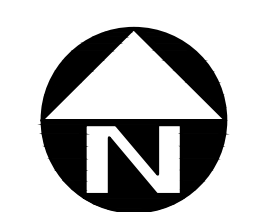
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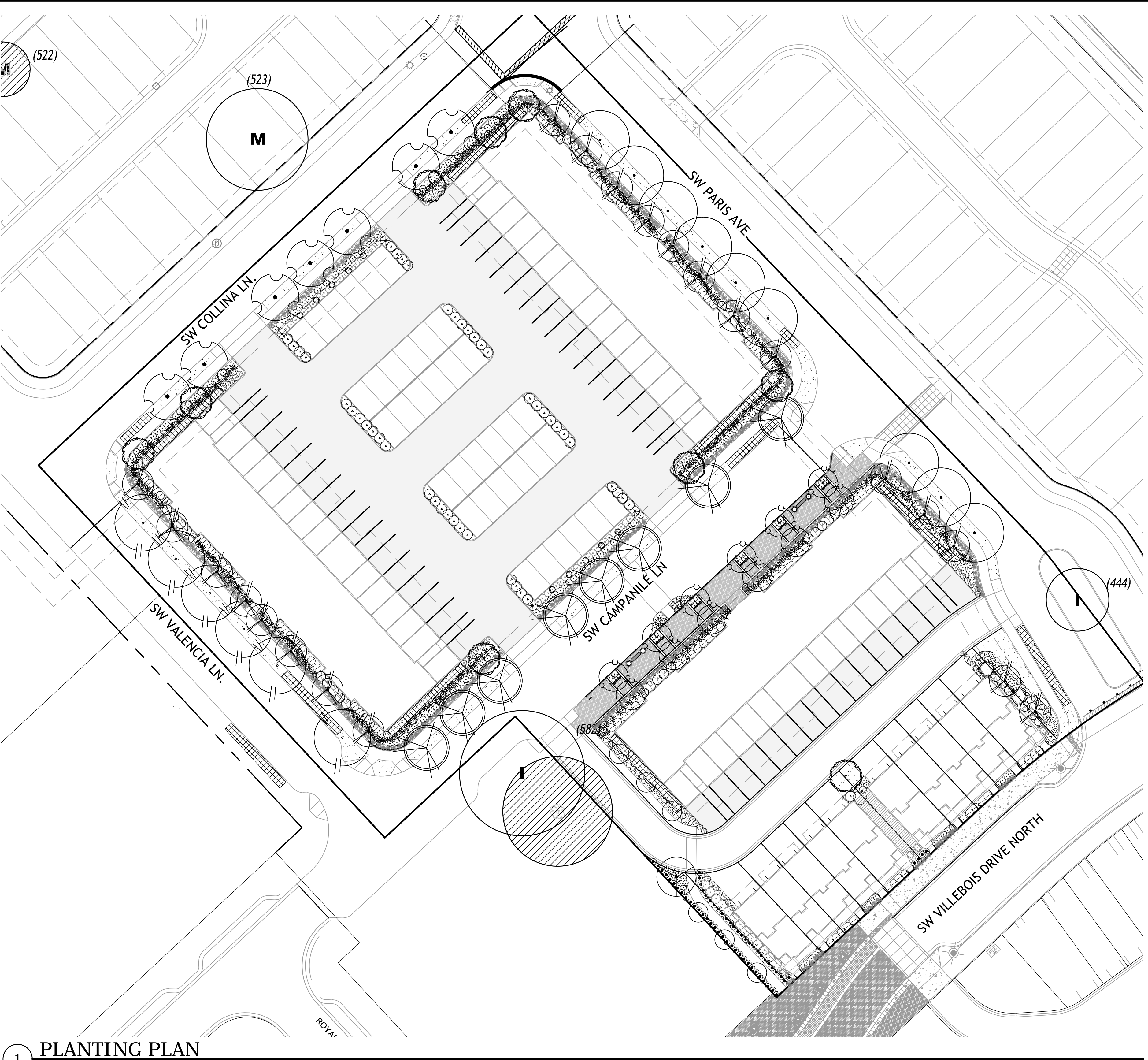
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Plan

STREET TREE
PLANTING PLAN

1st Submittal Date: 5/9/2016



L2



1 PLANTING PLAN

ELEVATION DATUM: NAVD 88

PLANTING LEGEND

TREES

SYMBOL	COMMON NAME / BOTANICAL NAME, SIZE AND DESCRIPTION
	CHINESE KOUSA DOGWOOD / CORNUS KOUSA CHINENSIS: 2' CAL.
	BLUREIANA PLUM / PRUNUS X BLUREIANA: 2' CAL. B&B
	CHINESE REDBUD / CERCIIS CHINENSIS: 2' CAL. B&B
	VINE MAPLE / Acer circinatum: 2' Cal., B&B
	INCENSE CEDAR / CALOCEDRUS DECURRENS: 6'-10' HT., B&B

SHRUBS

SYMBOL	COMMON NAME / BOTANICAL NAME, SIZE AND DESCRIPTION
	STARBURST® DOUBLE GOLD EVERGREEN DAYLILY HEMEROCALLIS X 'MONOLD': 2 GAL.
	ANTHONY WATERER SPIREA / SPIREA BUMALDA ANTHONY WATERER: 3 GAL.
	'CRIMSON PYGMY' BARBERY / BERBERIS THUNBERGII 'CRIMSON PYGMY': 3 GAL.
	DAVID VIBURNUM / VIBURNUM DAVIDI: 3 GAL.
	DWARF BURNING BUSH / EUONYMUS ALATA 'COMPACTA': 3 GAL.
	DOUBLE FILE VIBURNUM / VIBURNUM P. TOMENTOSUM: 3 GAL.
	FOREST FLAME PIERIS / PIERIS JAPONICA 'FOREST FLAME': 3 GAL.
	ISANTI REDOSER DOGWOOD / CORNUS SERICEA 'ISANTI': 3 GAL.
	HYDRANGEA MACROPHYLLA 'RED SENSATION' P.P. #18,197: 3 GAL.
	RHOODENDRON 'JEAN MARIE DE MONTEGUE': 3 GAL.
	THUNBERG SPIREA / SPIREA THUNBERGII: 3 GAL.
	OTTO LUYKEN LAUREL / PRUNUS LAUROCERASUS 'OTTO LUYKEN': 3 GAL.
	RHOODENDRON 'PJM': 24"-30", B&B, 5' O.C.
	SKYROCKET JUNIPER / JUNIPERUS VIRGINIANA 'SKYROCKET': 6' HT., B&B
	WICHITA BLUE JUNIPER / JUNIPERUS SCOPULORUM 'WICHITA': 6' HT., B&B

ORNAMENTAL GRASS

SYMBOL	COMMON NAME / BOTANICAL NAME, SIZE AND DESCRIPTION
	DWARF FOUNTAIN GRASS PENNISETUM ALOPECUROIDES 'WAMELI': 2 GAL.
	DWARF VAREGATED MAIDEN GRASS MISCANTHUS SINENSIS 'DINIELAND': 2 GAL.
	VAREGATED JAPANESE SILVER GRASS MISCANTHUS SINENSIS 'VAREGATUS': 2 GAL.
	NEW ZEALAND FLAX / PHORMIUM 'SHIRAZ': 2 GAL.

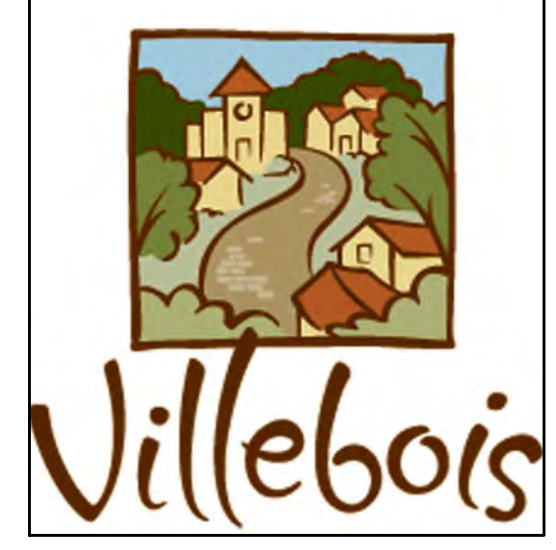
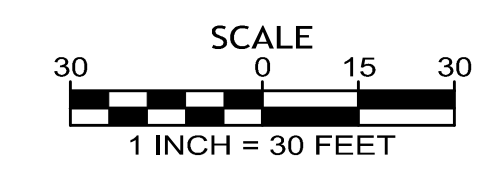
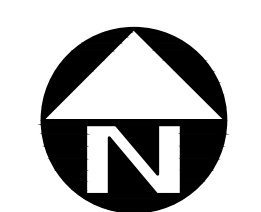
LAWN AND GROUNDCOVER

SYMBOL	COMMON NAME / BOTANICAL NAME, SIZE AND DESCRIPTION
	MULCH MULCH 2" MIN. DEPTH, MEDIUM TO FINE GROUND DOUGLAS FIR
	LAWN PRO-TIME 309 (SUPREME MIX) GRASS SEED BY HOBBS AND HOPKINS, LTD. AT A RATE OF 8 LBS/1000 SQUARE FEET.

NOTE:
 1. LANDSCAPE AREAS WILL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM DESIGNED BY CONTRACTOR. CONTRACTOR WILL PROVIDE MATERIALS AND INSTALL ALL IRRIGATION DOWNSTREAM OF THE WATER METER.
 2. DO NOT PROVIDE IRRIGATION WITHIN THE EXISTING TREES TO REMAIN DRIPLINE.

BIORETENTION CELL PLANTING LEGEND

SYMBOL	COMMON NAME / Botanical name	Size and Description
	WEeping ALASKAN CEDAR / Chamaecyparis nootkatensis 'Pendula'	7'-8' HL, B&B
	PACIFIC DOGWOOD / Cornus nuttallii	2' Cal., B&B
	NOOTKA ROSE / Rosa nutkana	#1 CONTAINER
	RED TWIG DOGWOOD / Cornus sericea	#1 CONTAINER
	KELSEY DOGWOOD / Cornus sericea 'Kelsey'	#1 CONTAINER
	SNOWBERRY / Symphoricarpos alba	#1 CONTAINER
	'WETMOIST' AREA PLUGS	(4" PLUGS @ 12" O.C.)
	SLOUGH SEDGE / Carex obovata	34%
	SOFT RUSH / Juncus tenuis	33%
	SMALL FRUITED BULRUSH / Scirpus microcarpus	33%



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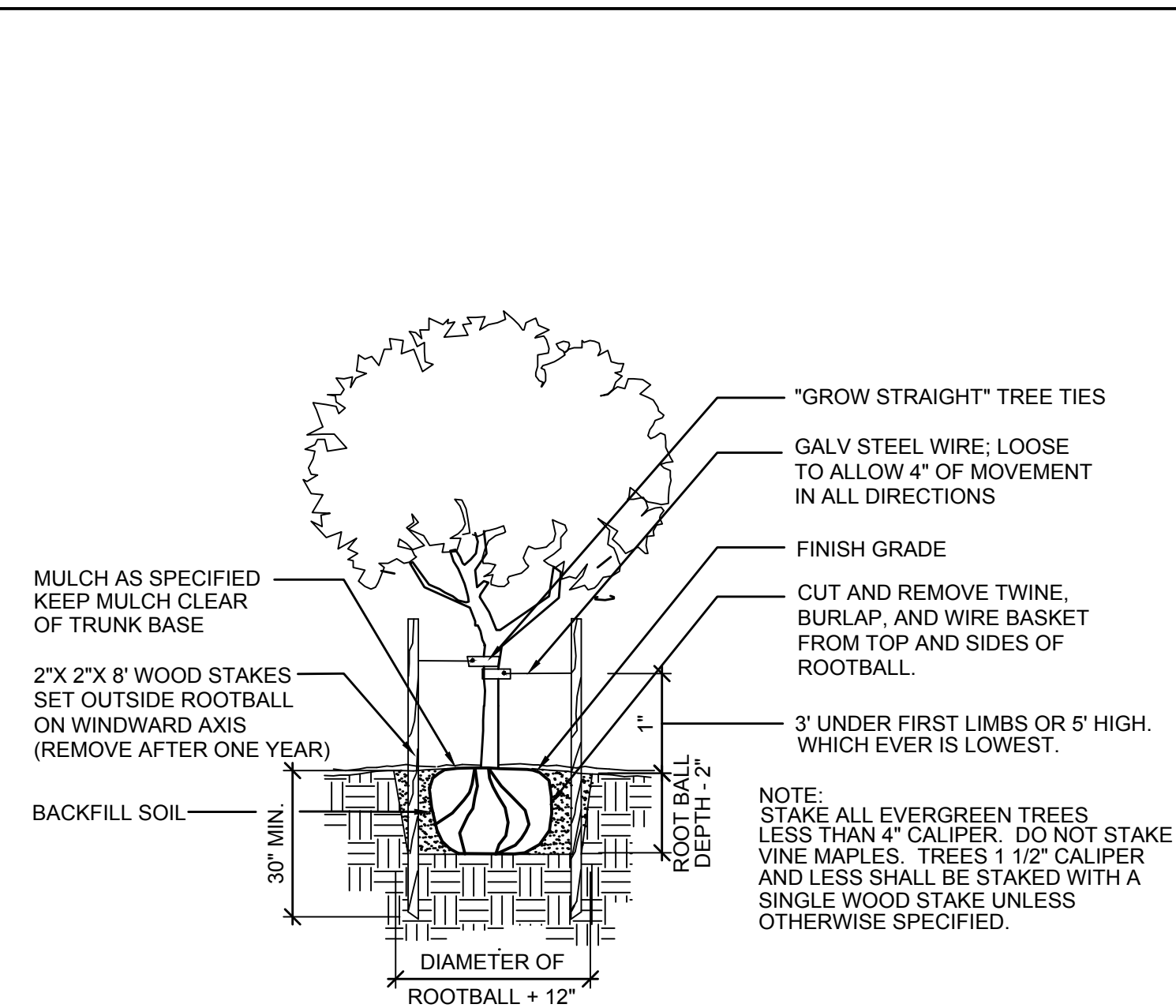
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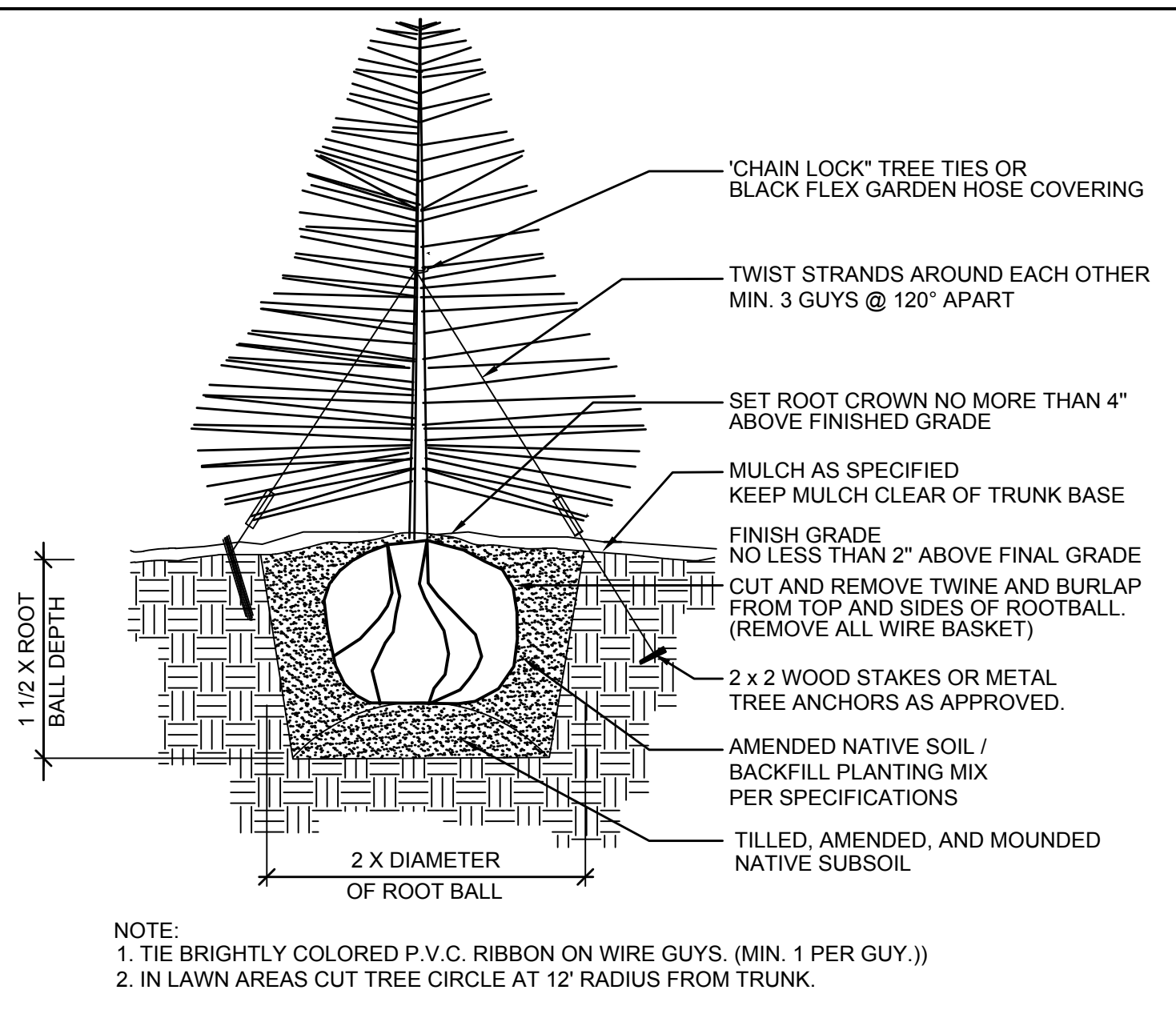
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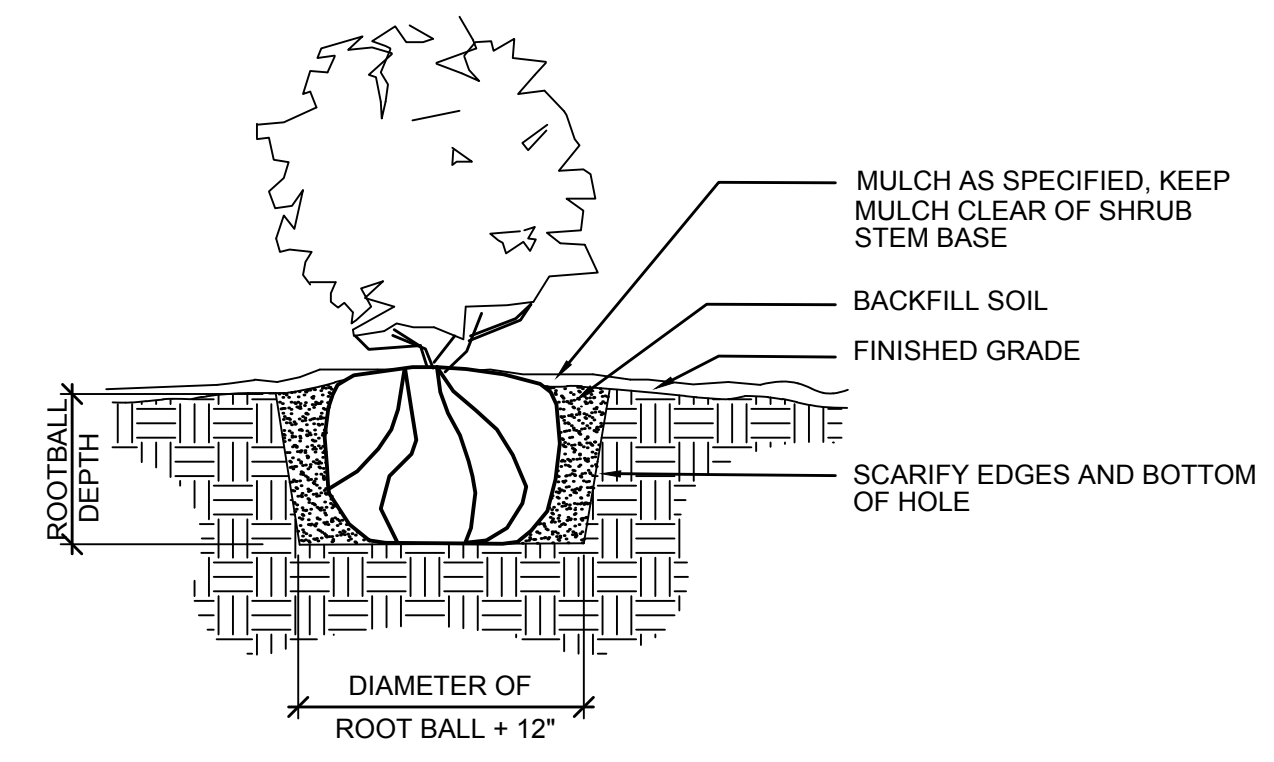
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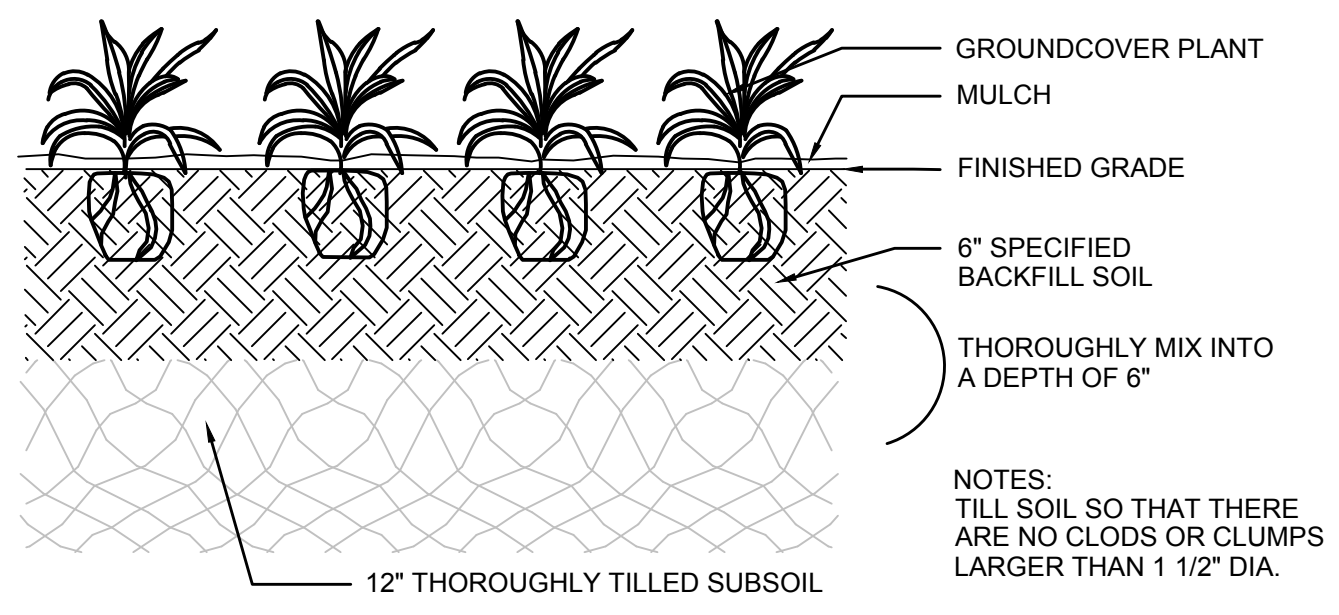
TREE STAKING DETAIL 1
SCALE: N.T.S. L4



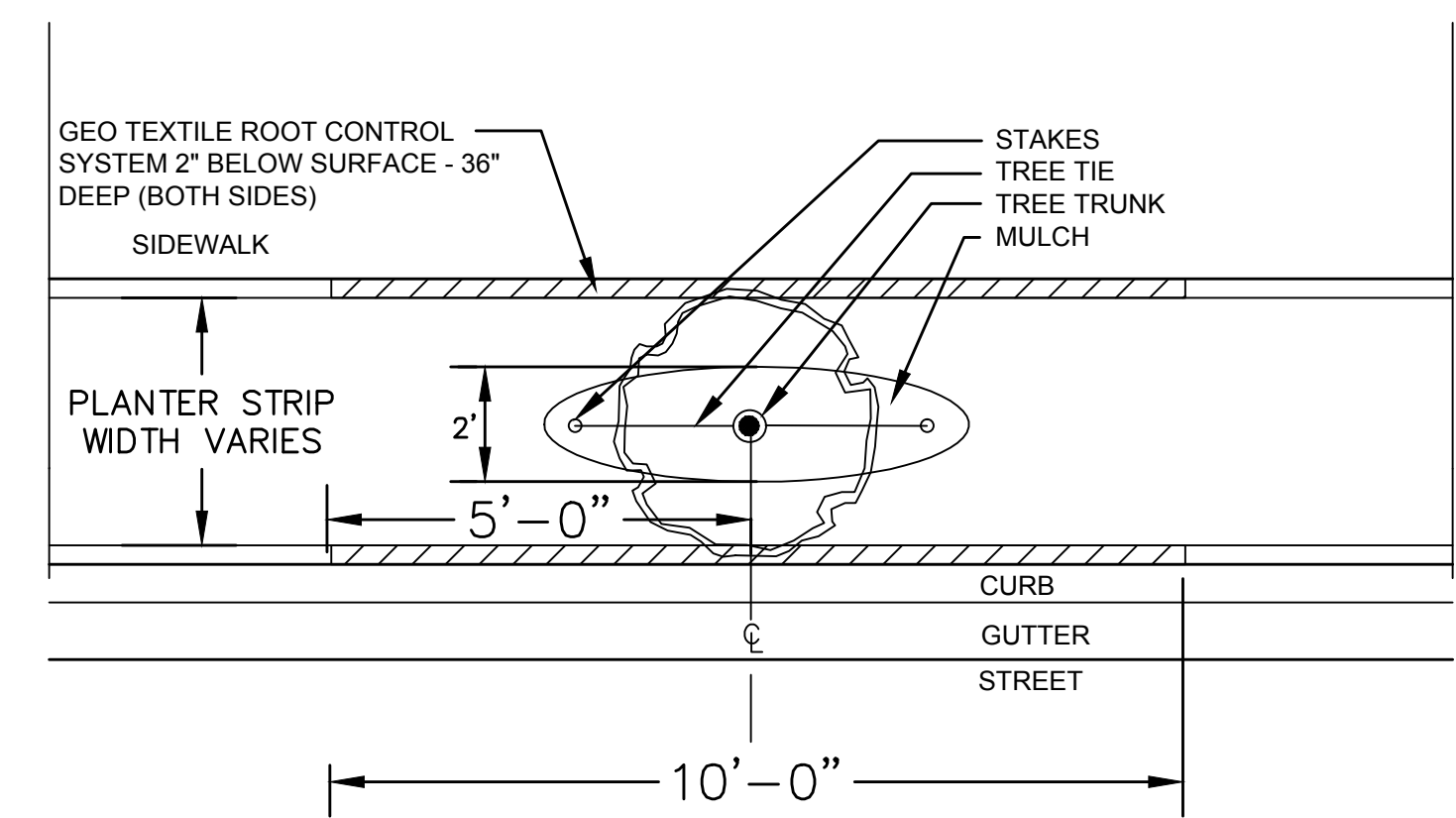
CONIFER TREE GUYING DETAIL 2
SCALE: N.T.S. L4



SHRUB PLANTING DETAIL 3
SCALE: N.T.S. L4



GROUNDCOVER PLANTING DETAIL 4
SCALE: N.T.S. L4

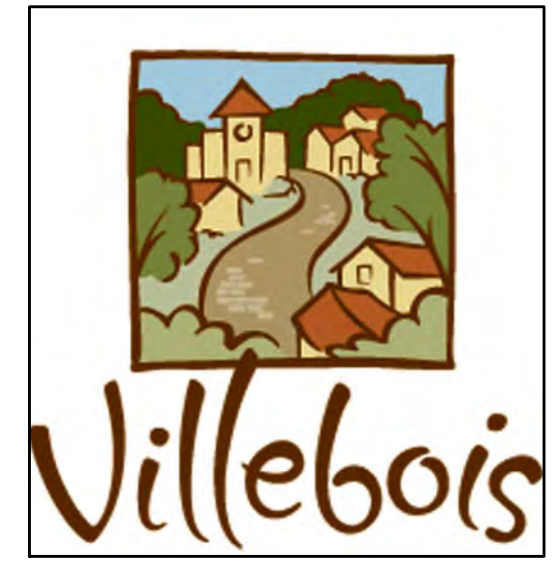


TREE PLANTER AND BARRIER DETAIL FOR TREES WITHIN RIGHT OF WAY 5
SCALE: N.T.S. L4

GENERAL NOTES: LANDSCAPE PLAN

1. THE CONTRACTOR SHALL VERIFY WITH OWNER AND UTILITY COMPANIES THE LOCATIONS OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL DETERMINE IN THE FIELD THE ACTUAL LOCATIONS AND ELEVATIONS OF ALL EXISTING UTILITIES WHETHER SHOWN ON THE PLANS OR NOT. THE CONTRACTOR SHALL CALL UTILITY PROTECTION SERVICE 72 HOURS PRIOR TO CONSTRUCTION.
2. THE CONTRACTOR SHALL EXAMINE FINISH SURFACE, GRADES, TOPSOIL QUALITY AND DEPTH. DO NOT START ANY WORK UNTIL UNSATISFACTORY CONDITIONS HAVE BEEN CORRECTED. VERIFY LIMITS OF WORK BEFORE STARTING.
3. CONTRACTOR TO REPORT ALL DAMAGES TO EXISTING CONDITIONS AND INCONSISTENCIES WITH PLANS TO ODR.
4. ALL PLANT MASSES TO BE CONTAINED WITHIN A BARK MULCH BED, UNLESS NOTED OTHERWISE.
5. BED EDGE TO BE NO LESS THAN 12" AND NO MORE THAN 18" FROM OUTER EDGE OF PLANT MATERIAL BRANCHING. WHERE GROUND-COVER OCCURS, PLANT TO LIMITS OF AREA AS SHOWN.
6. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE IN ALL LANDSCAPE BEDS AND ALL LAWN AREAS.
7. CONTRACTOR TO FINE GRADE AND ROCK-HOUND ALL TURF AREAS PRIOR TO SEEDING, TO PROVIDE A SMOOTH AND CONTINUAL SURFACE, FREE OF IRREGULARITIES (BUMPS OR DEPRESSIONS) & EXTRANEIOUS MATERIAL OR DEBRIS.
8. QUANTITIES SHOWN ARE INTENDED TO ASSIST CONTRACTOR IN EVALUATING THEIR OWN TAKE-OFFS AND ARE NOT GUARANTEED AS ACCURATE REPRESENTATIONS OF REQUIRED MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS BID QUANTITIES AS REQUIRED BY THE PLANS AND SPECIFICATIONS. IF THERE IS A DISCREPANCY BETWEEN THE NUMBER LABELED ON THE PLANT TAG AND THE QUANTITY OF GRAPHIC SYMBOLS SHOWN, THE GRAPHIC SYMBOL QUANTITY SHALL GOVERN.
9. COORDINATE LANDSCAPE INSTALLATION WITH INSTALLATION OF UNDERGROUND SPRINKLER AND DRAINAGE SYSTEMS.
10. WITH THE EXCEPTION OF THOSE TREES INDICATED ON THE TREE REMOVAL PLAN, CONTRACTOR SHALL NOT REMOVE ANY TREES DURING CONSTRUCTION WITHOUT THE EXPRESS WRITTEN CONSENT OF THE ODR. EXISTING VEGETATION TO REMAIN SHALL BE PROTECTED AS DIRECTED BY THE ODR.
11. WHERE PROPOSED TREE LOCATIONS OCCUR UNDER EXISTING OVERHEAD UTILITIES OR CROWD EXISTING TREES, NOTIFY ODR TO ADJUST TREE LOCATIONS.
12. LANDSCAPE MAINTENANCE PERIOD BEGINS IMMEDIATELY AFTER THE COMPLETION OF ALL PLANTING OPERATIONS AND WRITTEN NOTIFICATION TO THE ODR. MAINTAIN TREES, SHRUBS, LAWNS AND OTHER PLANTS UNTIL FINAL ACCEPTANCE OR 90 DAYS AFTER NOTIFICATION AND ACCEPTANCE, WHICHEVER IS LONGER.
13. REMOVE EXISTING WEEDS FROM PROJECT SITE PRIOR TO THE ADDITION OF ORGANIC AMENDMENTS AND FERTILIZER. APPLY AMENDMENTS AND FERTILIZER PER THE RECOMMENDATIONS OF THE SOIL ANALYSIS FROM THE SITE.
14. BACK FILL MATERIAL FOR TREE AND SHRUB PLANTING SHALL CONTAIN: ONE PART FINE GRADE COMPOST TO ONE PART TOPSOIL BY VOLUME, BONE MEAL PER MANUFACTURE'S RECOMMENDATION, AND SLOW RELEASE FERTILIZER PER MANUFACTURER'S RECOMMENDATION.
15. GROUND COVERS AND PERENNIALS SHALL BE PLANTED WITH A MAXIMUM 2 INCH COVER OF BARK MULCH WITH NO FOLIAGE COVERED.
16. CONTRACTOR SHALL OBTAIN WRITTEN APPROVAL FOR ALL PLANT MATERIAL SUBSTITUTIONS FROM THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. PLANT SUBSTITUTIONS WITHOUT PRIOR WRITTEN APPROVAL THAT DO NOT COMPLY WITH THE DRAWINGS AND SPECIFICATIONS MAY BE REJECTED BY THE LANDSCAPE ARCHITECT AT NO COST TO THE OWNER. THESE ITEMS MAY BE REQUIRED TO BE REPLACED WITH PLANT MATERIALS THAT ARE IN COMPLIANCE WITH THE DRAWINGS.
17. ALL PLANT MATERIALS SHALL BE NURSERY GROWN WITH HEALTHY ROOT SYSTEMS AND FULL BRANCHING, DISEASE AND INSECT FREE AND WITHOUT DEFECTS SUCH AS SUN SCALD, ABRASIONS, INJURIES AND DISFIGUREMENT.
18. ALL PLANT MATERIAL SHALL BE INSTALLED AT THE SIZE AND QUANTITY SPECIFIED. THE LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR SUB-STANDARD RESULTS CAUSED BY REDUCTION IN SIZE AND/OR QUANTITY OF PLANT MATERIALS.
19. LANDSCAPE AREAS WILL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM DESIGNED BY CONTRACTOR. CONTRACTOR WILL PROVIDE MATERIALS AND INSTALL ALL IRRIGATION DOWNSTREAM OF THE WATER METER.

ELEVATION DATUM: NAVD 88



POLYGON NW COMPANY



GEODESIGN, INC

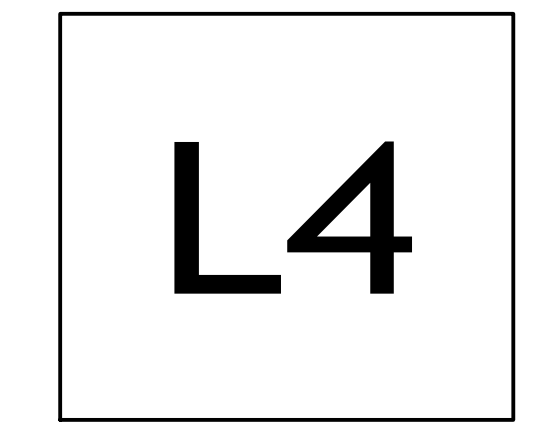
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NO. 2

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**PLANTING
DETAILS & NOTES**

1st Submittal Date: 5/9/2016



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BASALT COLUMN BENCH

SCALE: N.T.S

1
L5



PRECAST CONCRETE PLANTER

SCALE: N.T.S

2
L5



CONCRETE UNIT PAVERS WITH HELL-PROOF POLYMERIC SAND JOINTS
 MANUFACTURER: WILLAMETTE GRAYSTONE
 MODEL: AQUABRIC PERMEABLE CONCRETE
 COLOR: AUTUMN BLEND
 FINISH: CENTURY
 SIZE: 5" X 10" X 60MM - HARRINGBONE PATTERN

PAVERS

SCALE: N.T.S

3
L5



MANUFACTURER: FUNCTION FIRST BIKE SECURITY
 MODEL: THE BIKE RIB
 MATERIAL: STEEL PIPE
 FINISH: BLACK AND POWDERCOATED
 SIZE: 1.25" SCHEDULE 40 STEEL PIPE, 18"W x 32"H

BIKE RACK

SCALE: N.T.S

4
L5



PAVER CONCRETE BAND

SCALE: N.T.S

5
L5

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ELEVATION DATUM: NAVD 88



POLYGON NW COMPANY



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VIC) Row Homes Elevations & Floor Plans



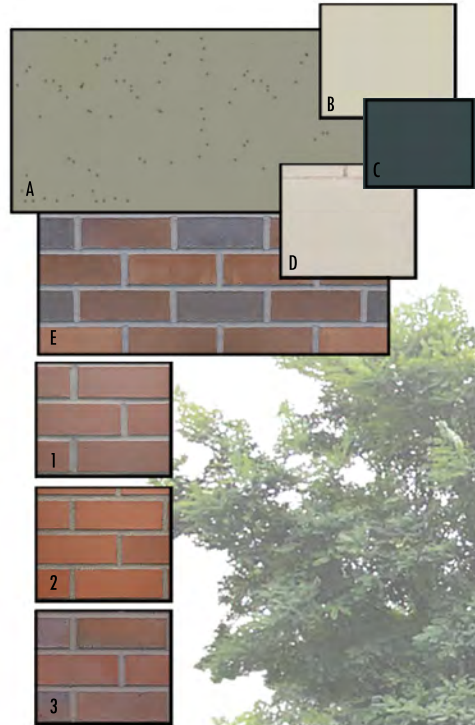
LONDON 5-PLEX

3/16" = 1'-0"

FRONT ELEVATION

Color Legend

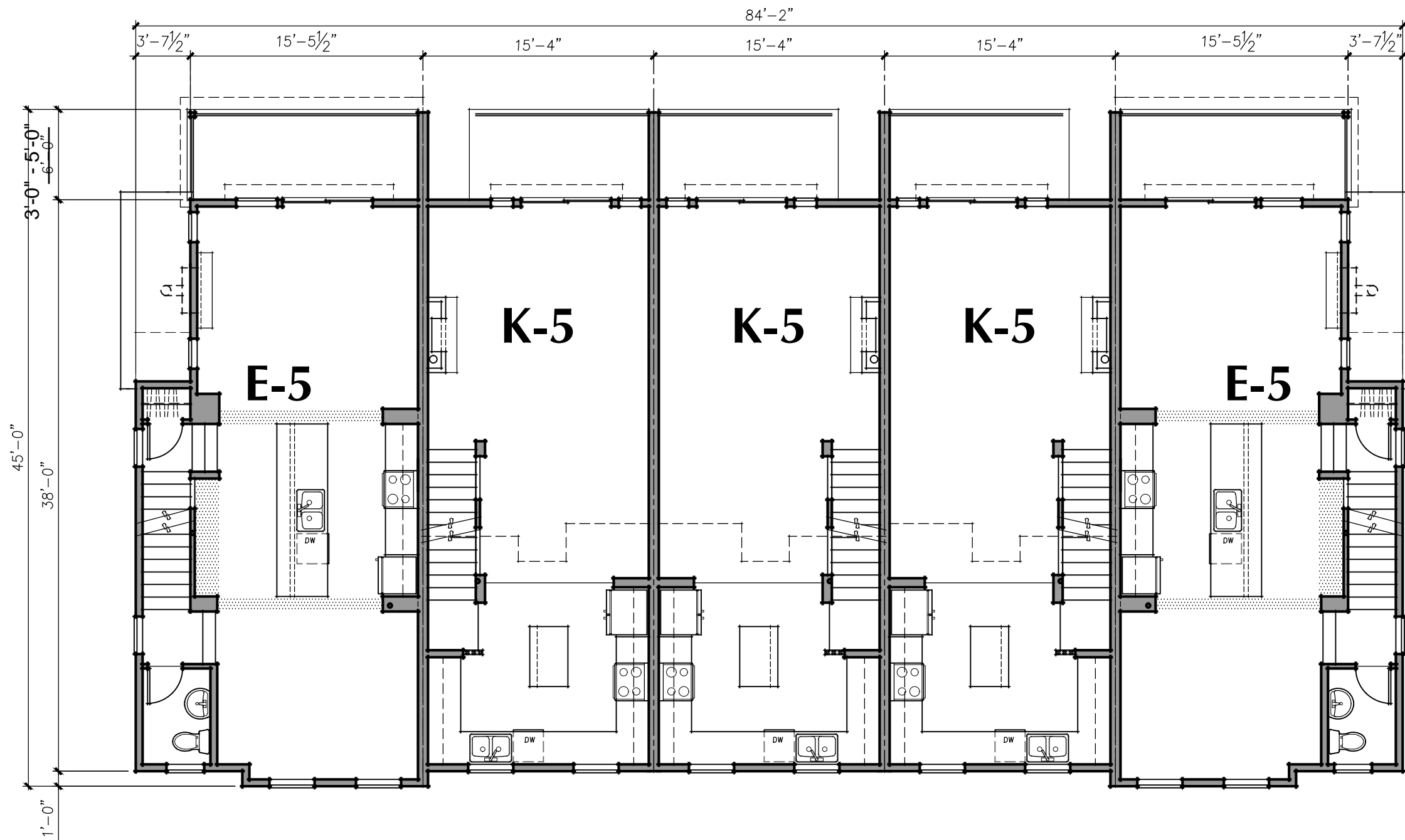
- (A) BODY**
STUCCO PANEL SIDING
SW GREEN EARTH (7748)
- (B) ACCENT 1**
TRIM AND COLUMNS
SW SEDATE GRAY (6169)
- (C) ACCENT 2**
DOORS
SW CASCADES (7623)
- (D) BASE**
ARRISCRAFT THIN-CLAD
MONOCHROMATIC LIMESTONE
- (E) BRICK VENEER**
FOREST BLEND - SMOOTH
OTHER BRICK VENEER (SEE FRONT ELEV.)
(1) ROYAL PLUMB
(2) INCA - SMOOTH
(3) AUTUMN BLEND - SMOOTH



LONDON STYLE

SIDE ELEVATION

3/16" = 1'-0"

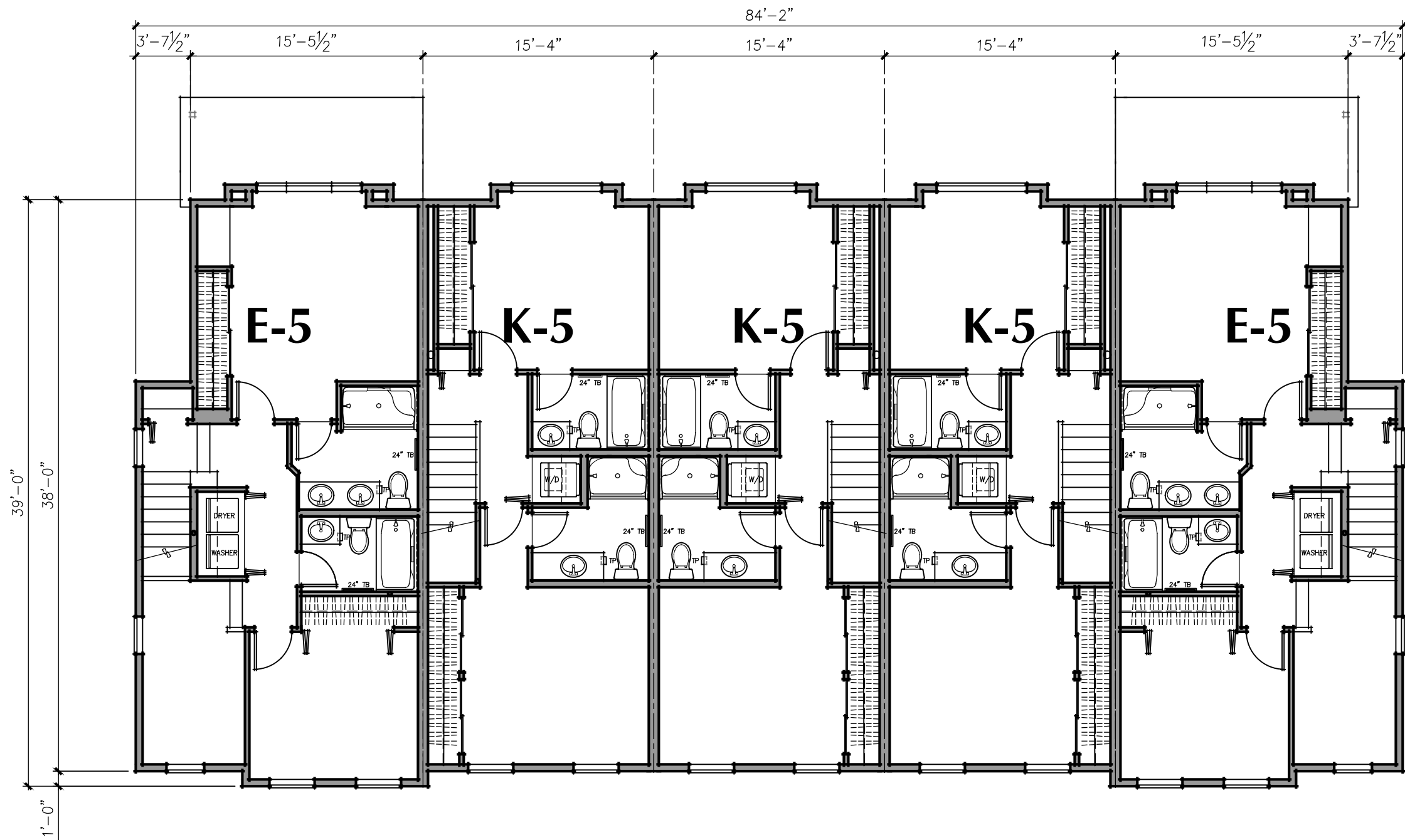


5-PLEX

1/8" = 1'-0"

MIDDLE LEVEL PLAN

LONDON ROWHOUSES

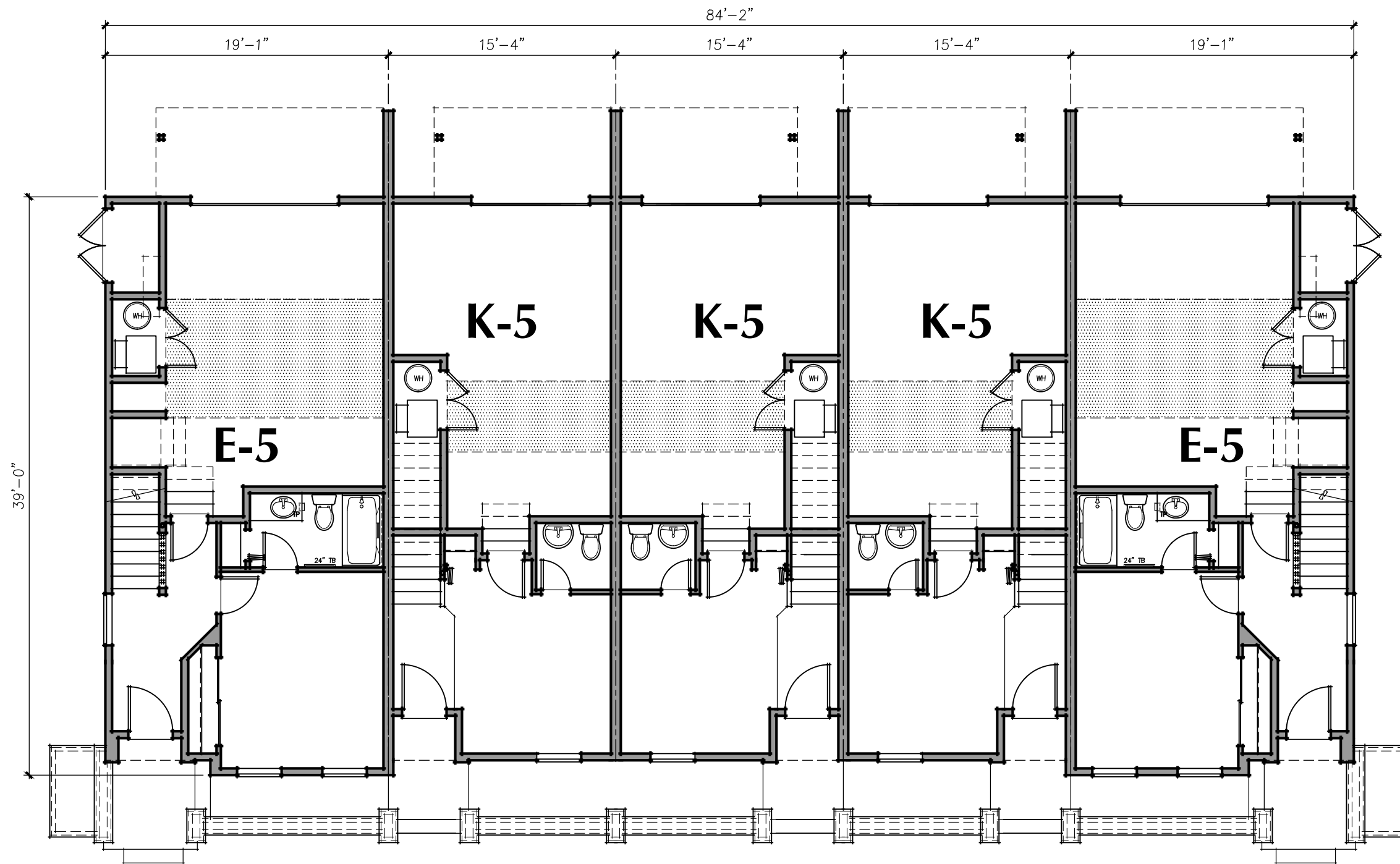


5-PLEX

1/8" = 1'-0"

UPPER LEVEL PLAN

LONDON ROWHOUSES




5-PLEX

1/8" = 1'-0"

LOWER LEVEL PLAN

LONDON ROWHOUSES

Revival	London 5-Plex		English	4/18/15
				
This Design is:	Satisfactory	Recommendation		Not Satisfactory


 Steve Coyle, AIA, LEED AP – 4/18/15

VID) Condominiums Elevations & Floor Plans



4-Story Building
Street Perspective



4-Story Building
Parking Side Perspective

4-Story Building



Street Elevation

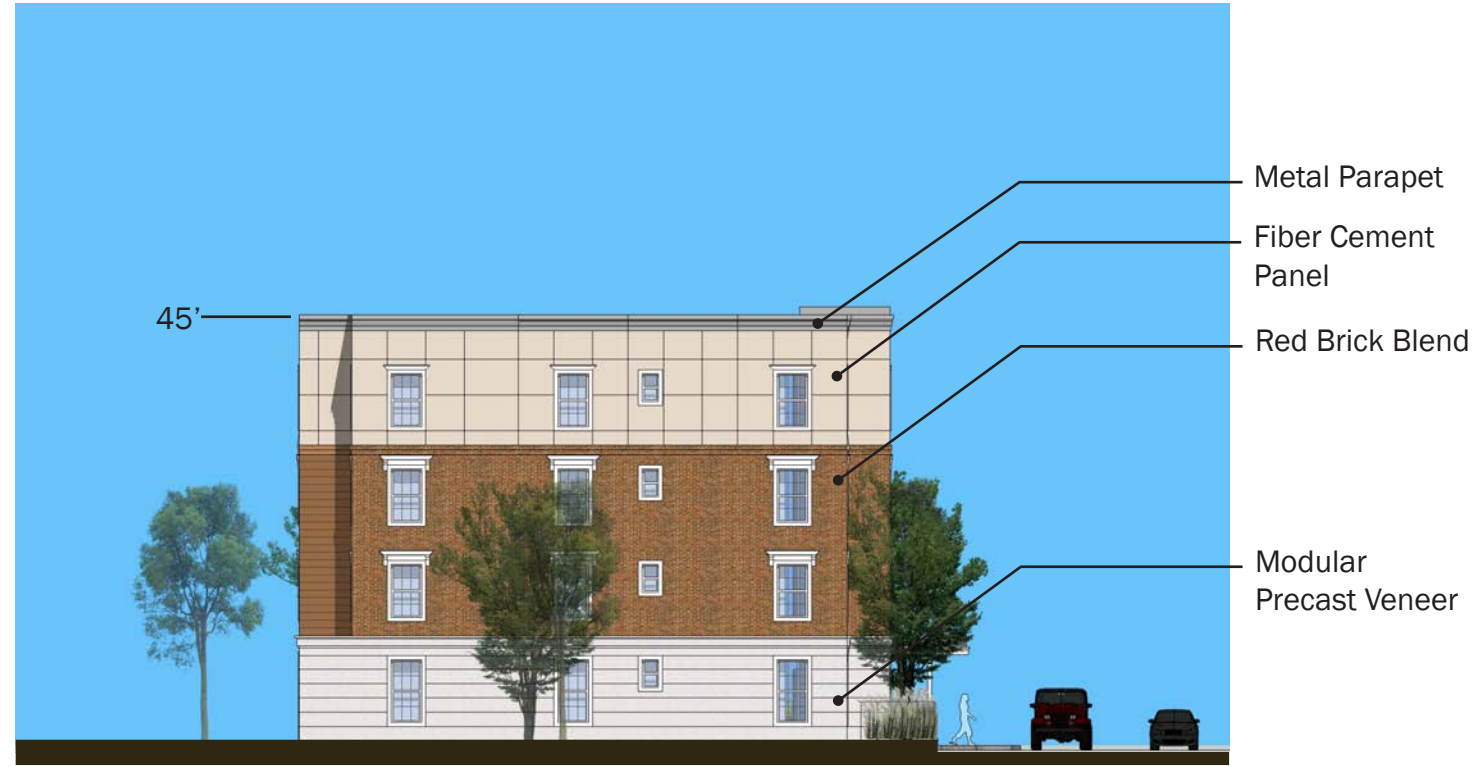
- Metal Parapet
- Fiber Cement Panel
- Red Brick Blend
- Modular Precast Veneer



Parking Elevation

- Metal Parapet
- Fiber Cement Panel
- Fiber Cement Lap Siding
- Red Brick Blend
- Modular Precast Veneer

4-Story Building



End Elevation 1



End Elevation 2



3-Story Building
Street Perspective



3-Story Building
Parking Side Perspective

3-Story Building



Street Elevation

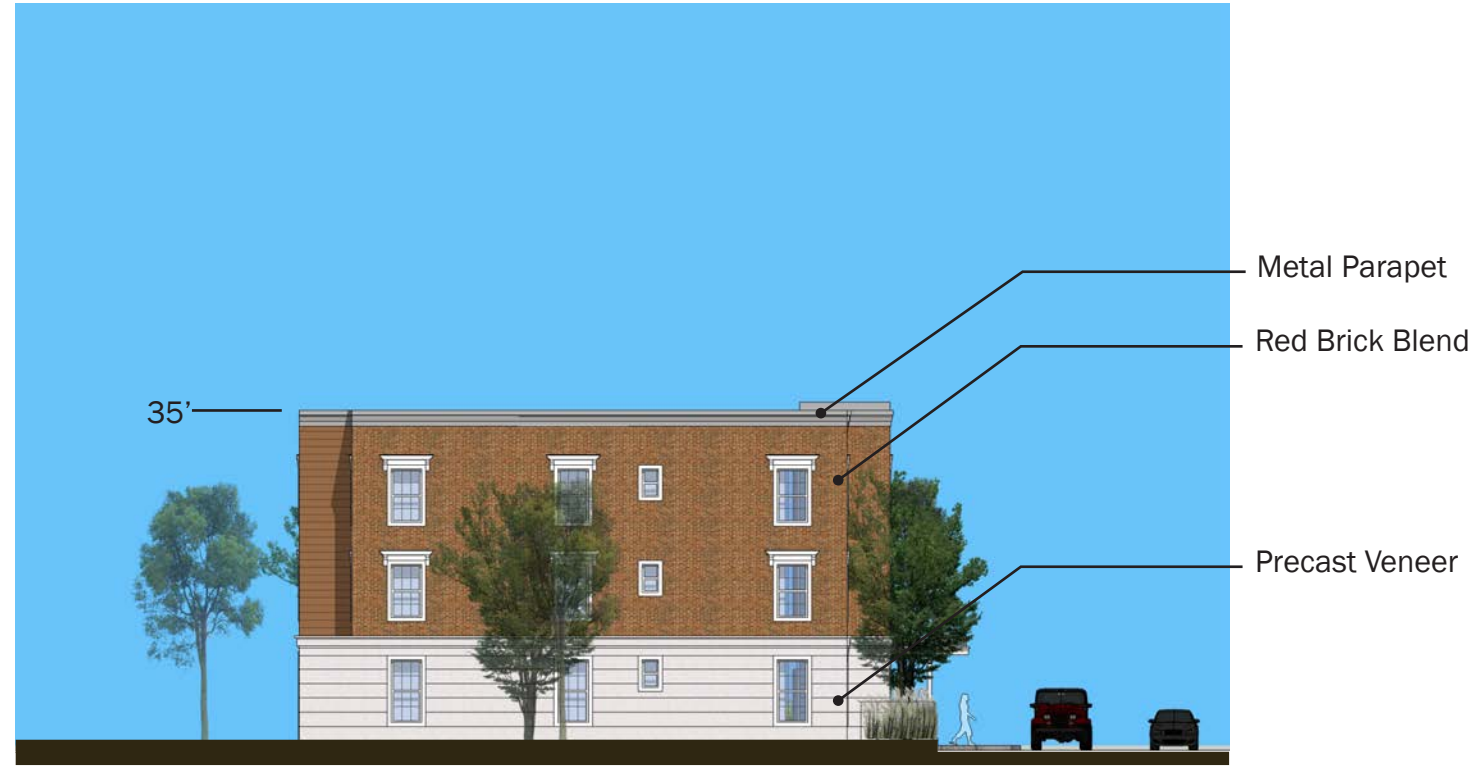
- Metal Parapet
- Red Brick Blend
- Modular Precast Veneer



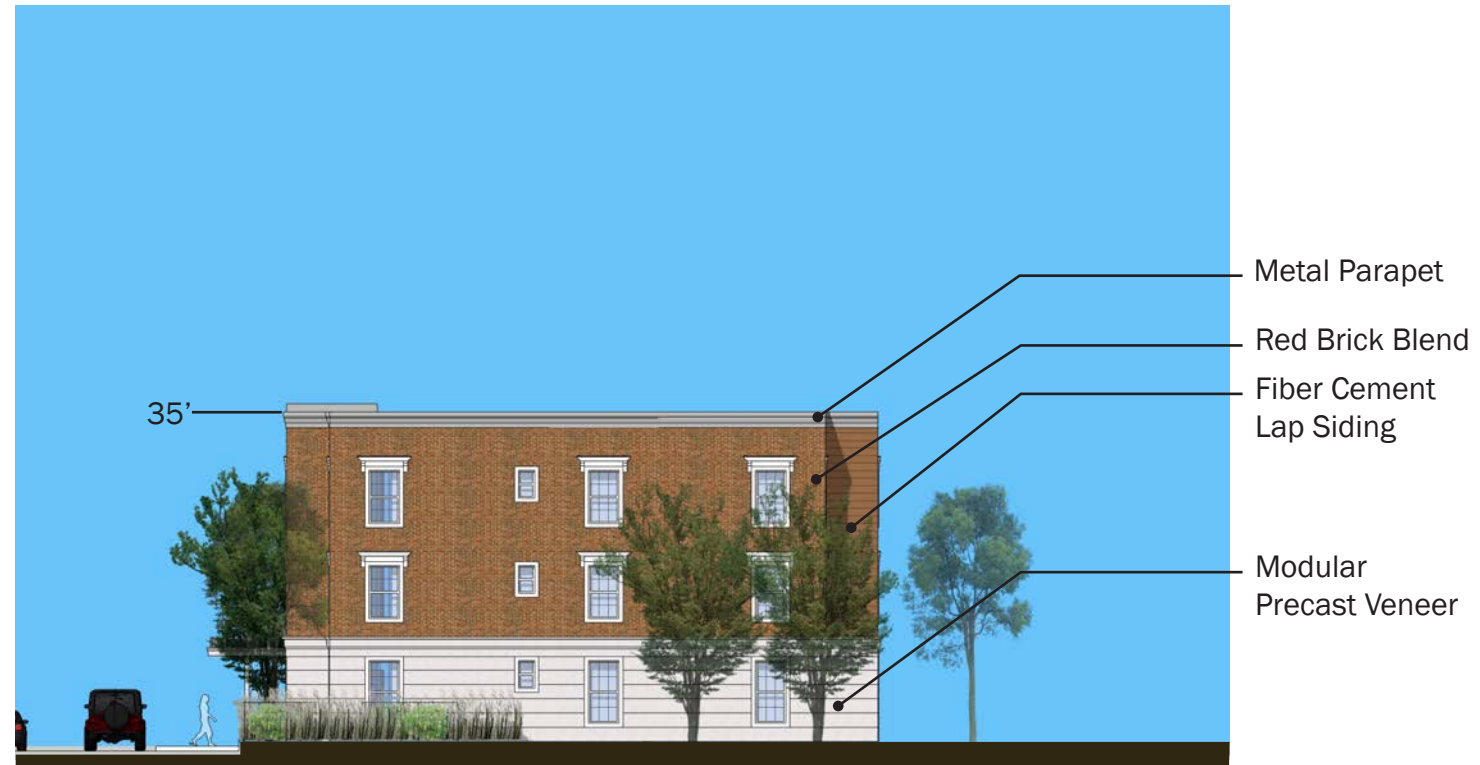
Parking Elevation

- Metal Parapet
- Fiber Cement Lap Siding
- Red Brick Blend
- Modular Precast Veneer

3-Story Building



End Elevation 1



End Elevation 2

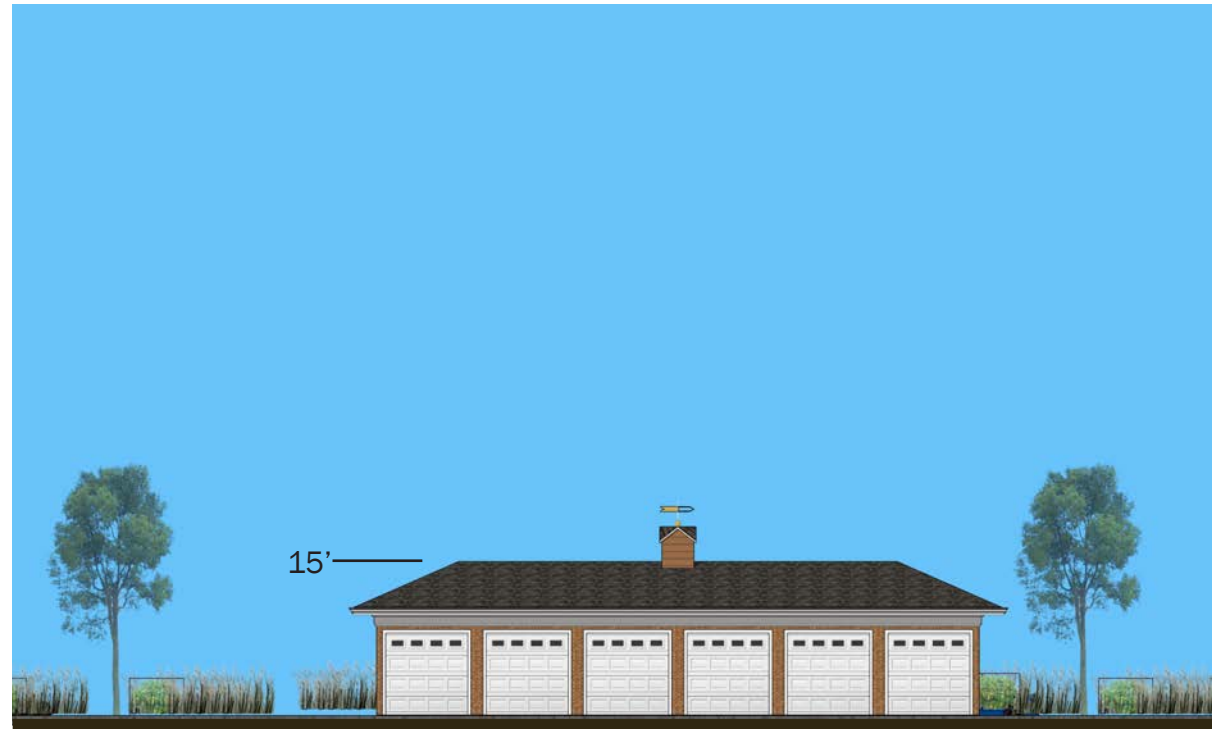
Garages



Architectural
Composite Roof

Red Brick Blend

Street Elevation



Parking Elevation



Metal Parapet

Fiber Cement Panel

Red Brick Blend

Metal and Glass Canopy

Modular Precast Veneer



Metal Parapet

Fiber Cement Panel

Fiber Cement Lap Siding

Modular Precast Veneer

Building Materials



Fiber Cement Lap Siding



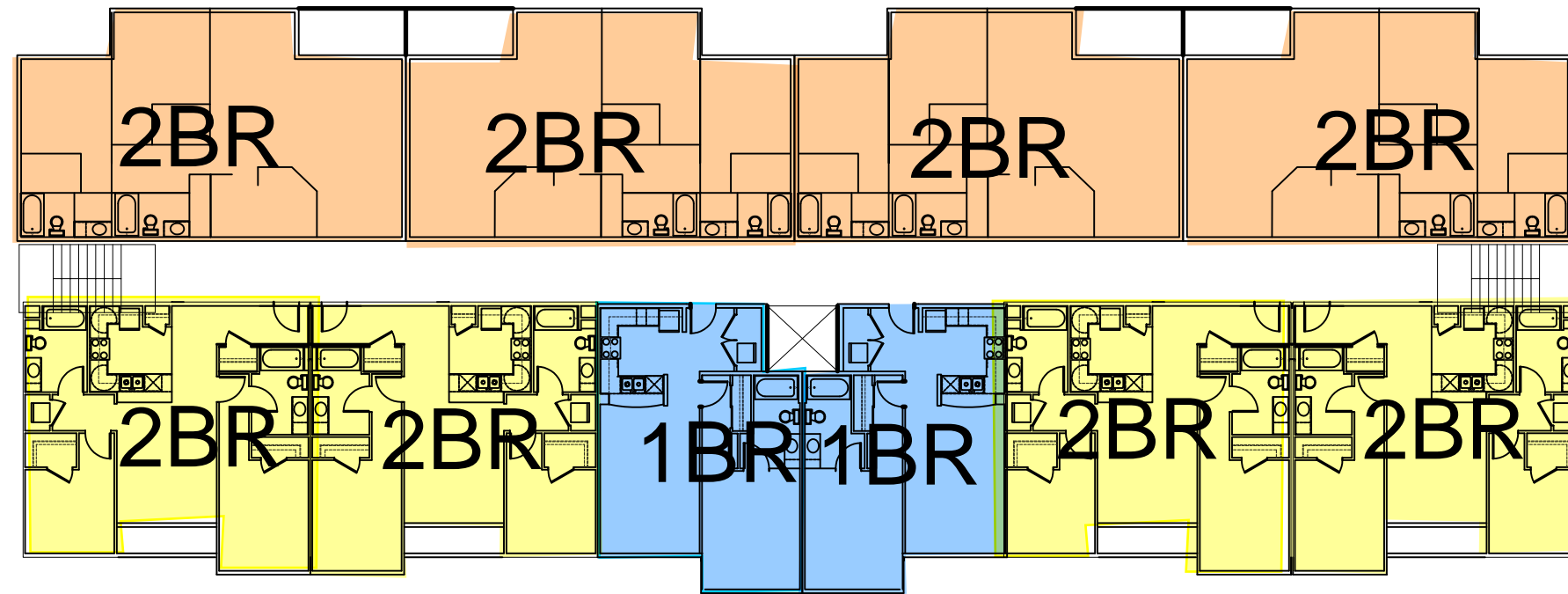
Fiber Cement Panel



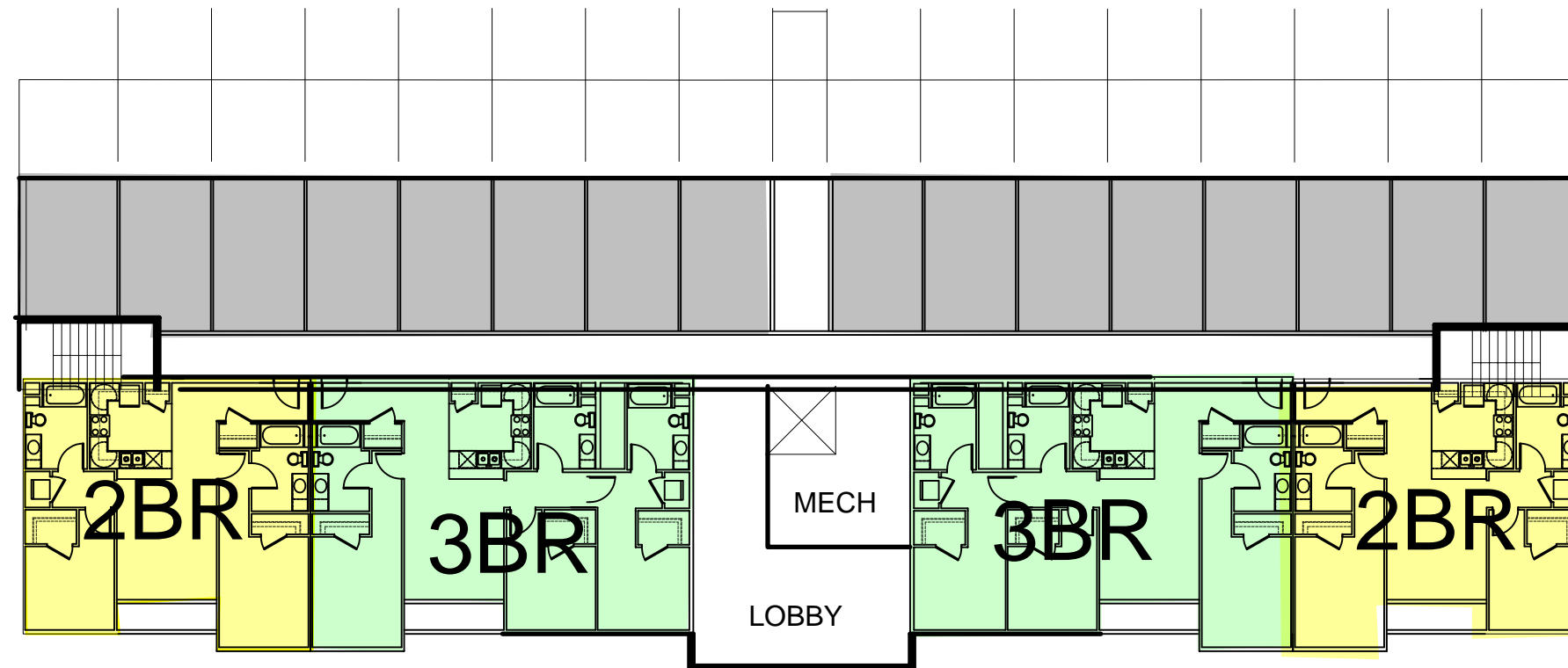
Red Brick Blend
Building Materials




Modular
Precast Veneer




TYPICAL FLOOR



GROUND FLOOR

Revival	3 Story Condominium – Front Elevation		English	5/13/16
				
This Design is:	Satisfactory	Recommendations/Question	Not Satisfactory	

Revival	3 Story Condominium – Side Elevations		English	5/13/16
				
This Design is:	Satisfactory	Recommendations/Question	<p>Note: Facades that face a public street or pathway must conform to the same standards as the front façade.</p>	




Steve Coyle, AIA, LEED – 5/13/16

Revival	3 Story Condominium – Rear Elevation		English	5/13/16
			<p>Note: Parking must be screened by fences or walls at alleys.</p>	
This Design is:	Satisfactory	Recommendations/Question	Not Satisfactory	



Steve Coyle, AIA, LEED – 5/13/16

Revival	4 Story Condominium – Front Elevation		English	5/13/16
				<p>Note: Confirm that the cornice overhangs the adjacent exterior wall by at least 9 inches.</p>
This Design is:	Satisfactory	Recommendations/Question	Not Satisfactory	

Revival	4 Story Condominium – Side Elevations		English	5/13/16
				<p>Note: Facades that face a public street or pathway must conform to the same standards as the front façade.</p>
This Design is:	Satisfactory	Recommendations/Question	Not Satisfactory	



Steve Coyle, AIA, LEED – 5/13/16

Town-Green Villebois Design Review 5/13/16

Revival	4 Story Condominium – Rear Elevation	English	5/13/16
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Note: Parking must be screened by fences or walls at alleys.

This Design is:	Satisfactory	Recommendations/Question	Not Satisfactory
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Steve Coyle, AIA, LEED – 5/13/16

VIE) Garbage Service Provider Coordination



10295 SW Ridder Road, Wilsonville, OR 97070
O: 503.570.0626 F: 503.982.9307 republicservices.com

July 6, 2016

Stacy Connery, AICP
Pacific Community Design
12564 SW Main Street
Tigard OR 97223

Re: 82 condominiums & 10 row houses in Villebois

Dear Stacy;

Thank you for sending me your site plans for this development in Wilsonville.

My Company: Republic Services of Clackamas & Washington Counties has the franchise agreement to service this area with the City of Wilsonville, and Clackamas County. We will provide complete residential waste removal and recycling services as needed on a weekly basis these sites.

We can service the row houses as designed by going down the alley; if we have at least 20 feet of alley access and the carts are set out away from the buildings. The carts for each condominium would have to be marked for each unit so we know who we are picking up. The condominiums would have to be serviced at curbside along Campanile Lane. We would need Campanile Lane to be designated no parking between Paris and Valencia Lane; permanently for our service. This means 164 carts plus glass bins would have to be set out for service by 6:00 AM on their designated service day.

Thanks Stacy for your help and concerns for our services prior to this project being developed.

Sincerely,

A handwritten signature in black ink that reads "Frank J. Lonergan".

Frank J. Lonergan
Operations Manager
Republic Services Inc.

Section VII) Tentative Plat – Condominiums

VIIA) Supporting Compliance Report

**SUPPORTING COMPLIANCE REPORT
TENTATIVE PLAT - CONDOMINIUMS
PDP 10 - CENTRAL**

SECTION VIIA

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I. WILSONVILLE PLANNING & LAND DEVELOPMENT ORDINANCE

SECTION 4.125. VILLAGE (V) ZONE

(.02) PERMITTED USES

Examples of principle uses that are typically permitted:

E. Multi-Family Dwellings

Response: The proposed Tentative Plat for condominiums will create 82 residential units and general common areas within three (3) phases. All proposed uses within the subject PDP are permitted pursuant to this section.

(.05) DEVELOPMENT STANDARDS APPLYING TO ALL DEVELOPMENTS IN THE VILLAGE ZONE

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

A. Block, Alley, Pedestrian and Bicycle Standards:

Response: These standards are addressed within the PDP Compliance Report (see Section IIA).

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

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

Table V-1 Development Standards

Table V-1: Development Standards												
Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width (%)	Max. Bldg. Height (ft.)	Setbacks ^{18, 19, 20}			Alley-Loaded Garage (note)	Street-Loaded Garage (note)	
							Front Min. (ft.)	Front Max. (ft.)	Rear Min. (ft.)			Side Min. (ft.)
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	¹	90	60	NR ³	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	¹	80	60	NR ³	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	¹	90	60	NR ³	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	¹	80	45	5 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	¹	80	45	5 ⁴	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	¹	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	¹	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	¹	60	45	8 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	¹	80	45	8 ⁵	15	NR	NR	NR	NA
Duplexes	4,000	45	20	²	60 ¹⁸	38	12 ^{3,4}	20 ⁸	5	5 ¹⁵	5	8/10 ¹⁶
Single-Family Dwellings	2,750	35	50	²	60 ¹⁸	35	12 ^{3,4}	20 ⁸	5	5 ¹⁵	5	8/10 ¹⁶

Notes: NR, No Requirement
 NA, Not Allowed
 1 Lot < 8000sf: NR; Lot > 8000sf: 80% (Max. Lot Coverage)
 2 Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%, Estate Lots: 45% Maximum Lot Coverage
 On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.
 3 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.
 4 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.
 5 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.
 6 For Standard, or Large Lots on Collector Arterials, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback.
 7 The garage setback from alley shall be between 3 and 5 feet or, when an optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.
 8 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main facade of the associated dwelling unit.
 9 Vertical encroachments are allowed up to ten additional feet for up to 30% of the building footprint; vertical encroachments shall not be habitable space.
 10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.
 11 Row Houses are typically attached, but may be detached within the Village Center boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage; public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB.
 12 See Determination, 4.123.01, for measurement of Minimum Frontage Width.
 13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.
 14 See Figure 2A - Village Center Boundary & Land Use Plan in the Valencian Village Master Plan for areas included within the Village Center.
 15 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum continuous side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.
 16 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.
 17 Dwellings on lots without alley access shall be at least 36 feet wide.
 18 Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.
 19 Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements.
 20 Lots are categorized as small, medium, standard, large or estate as shown in the Pattern Book.

Response: The *Tentative Plat for Condominiums* (see Section VIIB in this Notebook) depicts proposed lot sizes and dimensions. All of the lots meet applicable requirements, as addressed below. The lots along Campanile Lane will be developed with multi-family condominiums. Table V-1 does not indicate a minimum lot size, width or depth for Multi-Family Dwellings in the Village Center. The proposed PDP 10C has lots >8,000 sf, and will meet the 80% maximum lot coverage (See Section IIB for building coverage areas and the Tentative Plat for Condominiums, Section VIIB, for lot area). The Condominiums on Lot 1 have four street frontages. Pursuant to Footnote 10, “For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.” The Condominiums on Lot 1 comply with the minimum frontage width on their SW Paris Avenue façade and their SW Valencia Lane façade. The condominiums on Lot 2 have two street frontages. The frontage on SW Campanile Lane meets the minimum frontage width standard. The SW Paris Avenue frontage does not meet the standard of 80% minimum frontage width, but is able to achieve 67%. The 80% standard cannot be met on this frontage due to alignment of Paris Avenue, the street side frontage, the alley access, and parking to be provided. However, the screening that will be provided for the parking will help to achieve the street frontage feel that is intended with this standard. The Condominiums comply with the applicable setback and height requirements. Garages associated with the condominiums also comply with the applicable setback requirements.

(.07) GENERAL REGULATIONS - OFF-STREET PARKING, LOADING & BICYCLE PARKING

Table V-2: Off-Street Parking Requirements

Category	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short Term	Bicycle Long Term
Multi-Family Dwellings	1.0/ 1 Br 1.5/ 2 Br 1.75/ 3Br	NR	1 per 20 units Min. of 2	1 per 4 units Min. of 2

Response: Fourteen (14) spaces are required for the fourteen 1-bedroom condominiums. Ninety-three (93) spaces are required for the sixty-two 2-bedroom condominiums. Eleven (11) spaces are required for the six 3-bedroom condominiums. Eighty-four (84) garages are proposed for condominium parking. Forty-eight (48) of these will provide an additional driveway space, totaling 132 spaces provided. This exceeds the required 118 spaces for Condominiums.

Eight (8) of the units within the 24 unit Condominium located to the east of SW Campanile Lane are proposed to have garage parking in the lot across SW Campanile Lane. A crosswalk is proposed from the entrance of the 24 unit Condo across SW Campanile Lane to the parking lot in order to facilitate safe pedestrian access to parking. The parking lot is within 500 feet of the use it serves.

Bicycle parking requirements are addressed in the PDP application (Section IIA) of this notebook.

(.08) OPEN SPACE

Open space shall be provided as follows:

- A. In all residential developments and in mixed-use developments where the majority of the developed square footage is to be in residential use, at least twenty-five percent (25%) of the area shall be open space, excluding street pavement and surface parking. In multi-phased developments, individual phases are not required to meet the 25% standard as long as an approved Specific Area Plan demonstrates that the overall development shall provide a minimum of 25% open space. Required front yard areas shall not be counted towards the required open space area. Required rear yard areas and other landscaped areas that are not within required front or side yards may be counted as part of the required open space.
- B. Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City of Wilsonville standards. The square footage of any land, whether dedicated or not, which is used for

open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage. See SROZ provisions, Section 4.139.10.

- C. The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review and approve any pertinent bylaws, covenants, or agreements prior to recordation.

Response: The Parks *Master Plan* for Villebois states that there are 57.87 acres of parks and 101.46 acres of open space for a total of 159.33 acres within Villebois, approximately 33%. SAP Central includes parks and open space areas consistent with the *Master Plan*. Linear green spaces are added with PDP 10C.

(.09) STREET & ACCESS IMPROVEMENT STANDARDS

- A. Except as noted below, the provisions of Section 4.177 apply within the Village zone:
 - 1. General Provisions:
 - a. All street alignment and access improvements shall conform to the Villebois Village Master Plan, or as refined in the Specific Area Plan, Preliminary Development Plan, or Final Development Plan and the following standards:

Response: The street alignments and access improvements within this PDP are generally consistent with those approved in the *Villebois Village Master Plan* and SAP Central.

- i. All street improvements shall conform to the Public Works Standards and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.

Response: All street improvements within this Preliminary Development Plan will comply with the applicable Public Works Standards. The street system within this Preliminary Development Plan is designed to provide for the continuation of streets within Villebois and to adjoining properties or subdivisions according to the *Master Plan*. The street system is illustrated on the *Circulation Plan* located in Section IIB of this Notebook.

- ii. All streets shall be developed with curbs, landscape strips, bikeways or pedestrian pathways, according to the Master Plan.

Response: All streets within this Preliminary Development Plan will be developed with curbs, landscape strips, sidewalks, and bikeways or pedestrian pathways as depicted on the *Circulation Plan* (Section IIB of this Notebook) and in accordance with the *Master Plan*.

6. Access drives.
 - a. See (.09) (A), above.
 - b. 16 feet for two-way traffic.

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

7. Clear Vision Areas
 - a. See (.09) (A), above.

Response: Clear vision areas will be provided and maintained in compliance with the Section 4.177.

8. Vertical clearance:
 - a. See (.09) (A), above.

Response: Vertical clearance will be provided and maintained in compliance with the Section 4.177.

LAND DIVISIONS

SECTION 4.202. GENERAL-AUTHORIZATION.

(.06) New condominium developments shall be subject to the planned development procedures of Section 4.118 and the standards of Section 4.140.

Response: The three (3) multi-family buildings on Lots 1 & 2 are proposed to be condominiums within the Village Center of Villebois. The three (3) buildings will be built in 3 phases. The SAP - PDP - FDP review procedure within Villebois was modeled on the planned development procedures and standards. Concurrent applications for PDP and FDP for the condominiums are included in Sections II and VI, respectively.

SECTION 4.210. APPLICATION PROCEDURE.

(.01) A. Preparation of Tentative Plat. The Planning staff shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Comprehensive Plan, existing and proposed streets, roads and public utilities. The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.

Response: Pursuant to City requirements a tentative plat for the proposed condominiums has been prepared by an Oregon licensed professional land surveyor. The tentative plat is included in the attached plans (see Exhibit VII).

(.01) B. Tentative Plat Submission. The purpose of the Tentative Plat is to present a study of the proposed subdivision to the Planning Department and Development Review Board and to receive approval or recommendations for revisions before preparation of a final Plat. The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:

Response: The information relevant to a tentative plat for a condominium is included in the attached plans (see Exhibit VII) and within the application materials submitted with this request.

(.01) C. Action on proposed tentative plat:

1. Consideration of tentative subdivision plat. The Development Review Board shall consider the tentative plat and the reports of City staff and other agencies at a regular Board meeting no more than ninety (90) days after tentative plat application has been accepted as complete by the City. Final action on the proposed tentative plat shall occur within the time limits specified in Section 4.013. The tentative plat shall be approved if the Development Review Board determines that the tentative plat conforms in all respects to the requirements of this Code.

Response: The proposed tentative condominium plat is included in Exhibit VIIB of this application for review by the Development Review Board.

2. Consideration of tentative partition plat.

Response: This application does not include a partition plat. This code section is not applicable.

3. The Board shall, by Resolution, adopt its decision, together with findings and a list of all Conditions of Approval or required changes to be reflected on the Final Plat.

Response: Any conditions of approval adopted by the DRB shall be reflected on the Final Condominium Plat.

4. Board may limit content of deed restrictions. In order to promote local, regional and state interests in affordable housing, the Board may limit the content that will be accepted within proposed deed restrictions or covenants. In adopting conditions of approval for a residential subdivision or condominium development, the Board may prohibit such things as mandatory minimum construction costs, minimum unit sizes, prohibitions of manufactured housing, etc.

Response: The Applicant recognizes the authority of the Board to limit the content of the CC&R's.

5. **Effect of Approval.** After approval of a tentative plat, the applicant may proceed with final surveying, improvement construction and preparation of the final plat. Approval shall be effective for a period of two (2) years, and if the final plat is not submitted to the Planning Department within such time, the tentative plat shall be submitted again and the entire procedure shall be repeated for consideration of any changed conditions which may exist. Except, however, that the Development Review Board may grant a time extension as provided in Section 4.023.

Response: After tentative plat approval, a final plat will be prepared and submitted to the Planning Department within 2 years; an extension will be requested if necessary.

SECTION 4.236. GENERAL REQUIREMENTS - STREETS.

Response: No streets are within the proposed condominium plats. All adjacent streets are proposed in the Tentative Plat - Subdivision (See Section III).

SECTION 4.237. GENERAL REQUIREMENTS - OTHER.

Response: The general requirements of Section 4.237 are addressed with the PDP 10C planning application (see Section II) and the tentative plat for “Mont Blanc No. 2,” (see Section III) which will create the lots on which the subject condominiums are located.

SECTION 4.262. IMPROVEMENTS - REQUIREMENTS.

Response: All improvements serving the subject lots on which condominiums will be located are detailed in the PDP of this notebook (see Section II). No changes to these improvements are proposed with this tentative condominium plat.

II. CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Planning & Land Development Ordinance for the requested Tentative Subdivision Plats. Therefore, the applicant respectfully requests approval of this application.

VIIB) Tentative Plat



Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

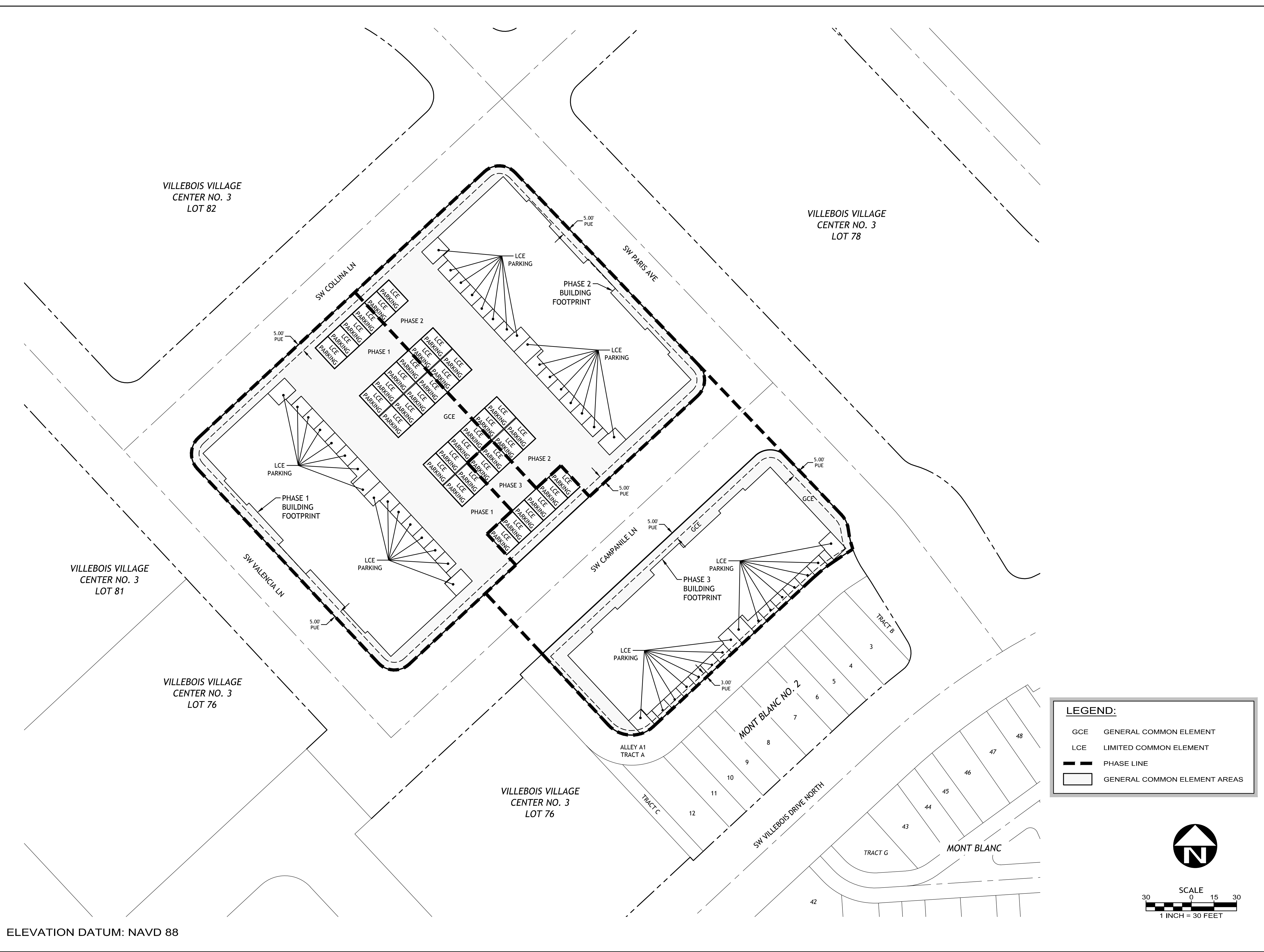
Preliminary
Development
Plan

PRELIMINARY
CONDOMINIUM
PLAT
LOT 1 AND 2

1st Submittal Date: 5/9/2016

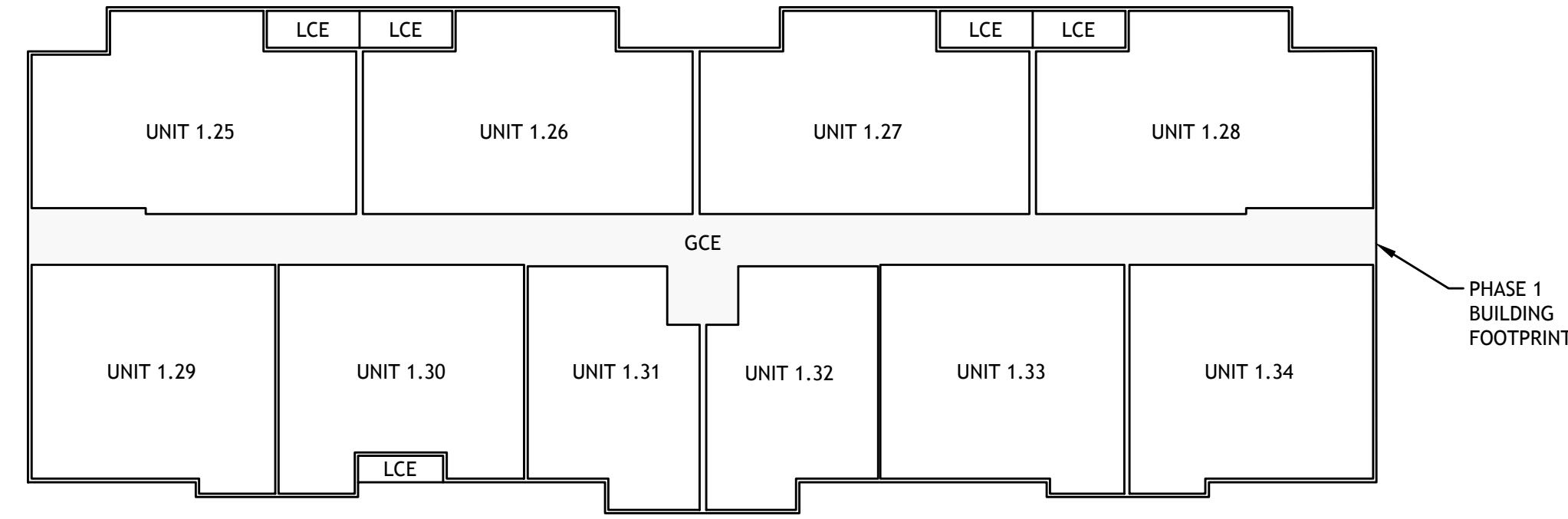
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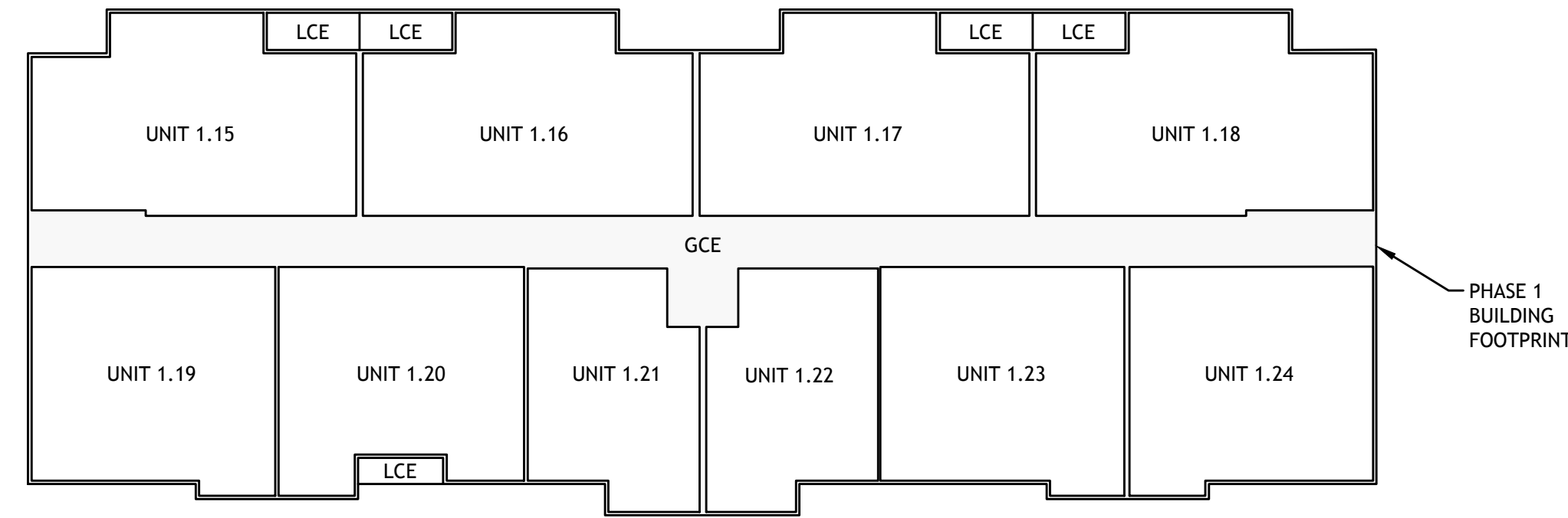


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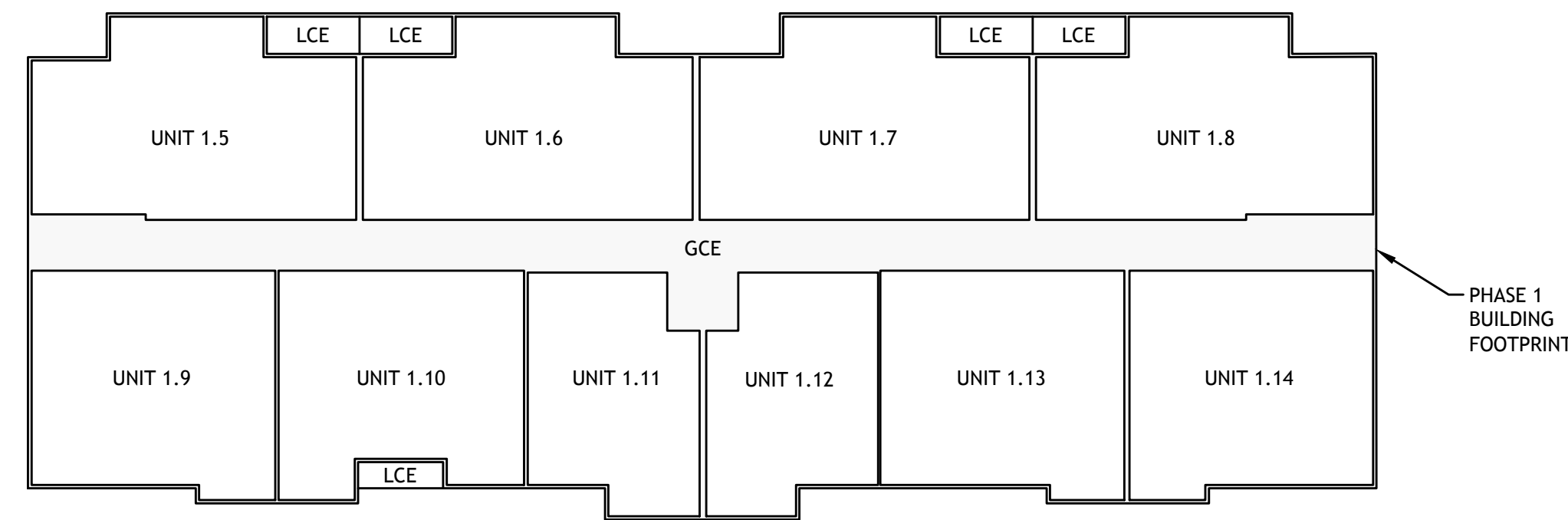
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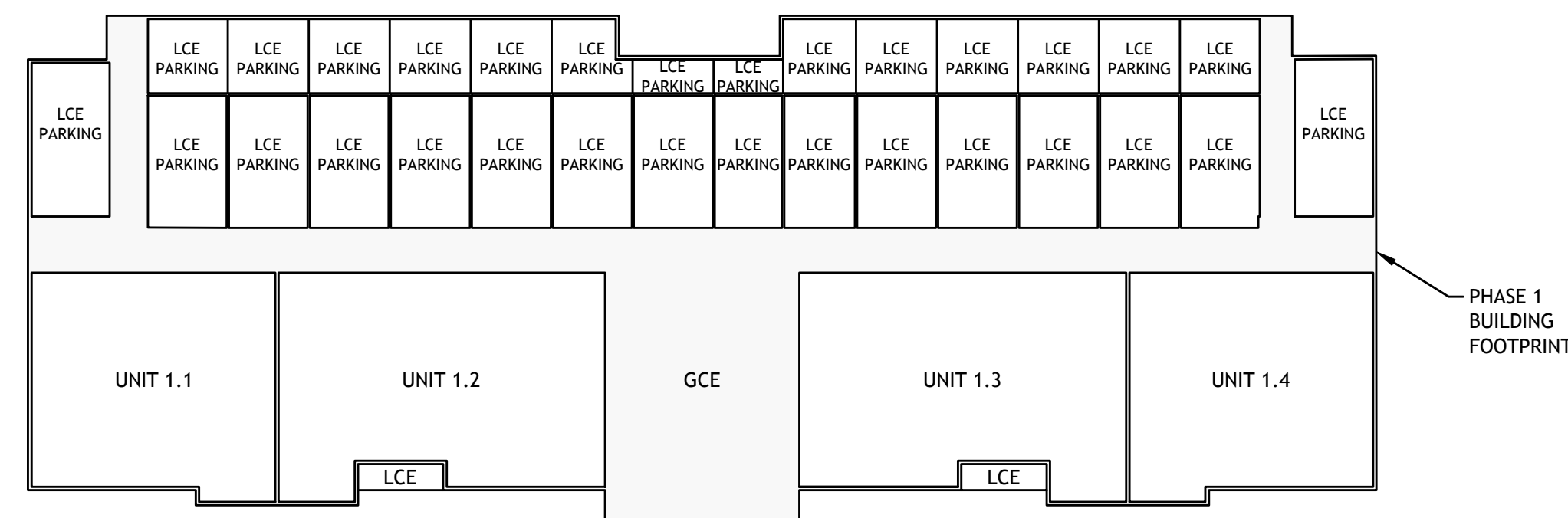
THIRD FLOOR



SECOND FLOOR



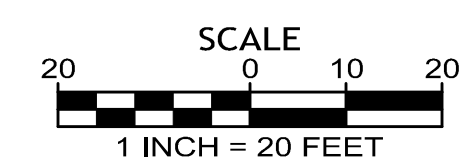
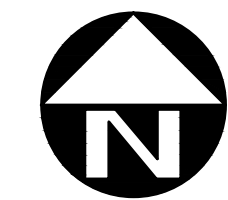
FIRST FLOOR



PHASE 1 BUILDING

LEGEND:

- GCE GENERAL COMMON ELEMENT
- LCE LIMITED COMMON ELEMENT
- GENERAL COMMON ELEMENT AREAS



ELEVATION DATUM: NAVD 88



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

Preliminary
Development
Plan

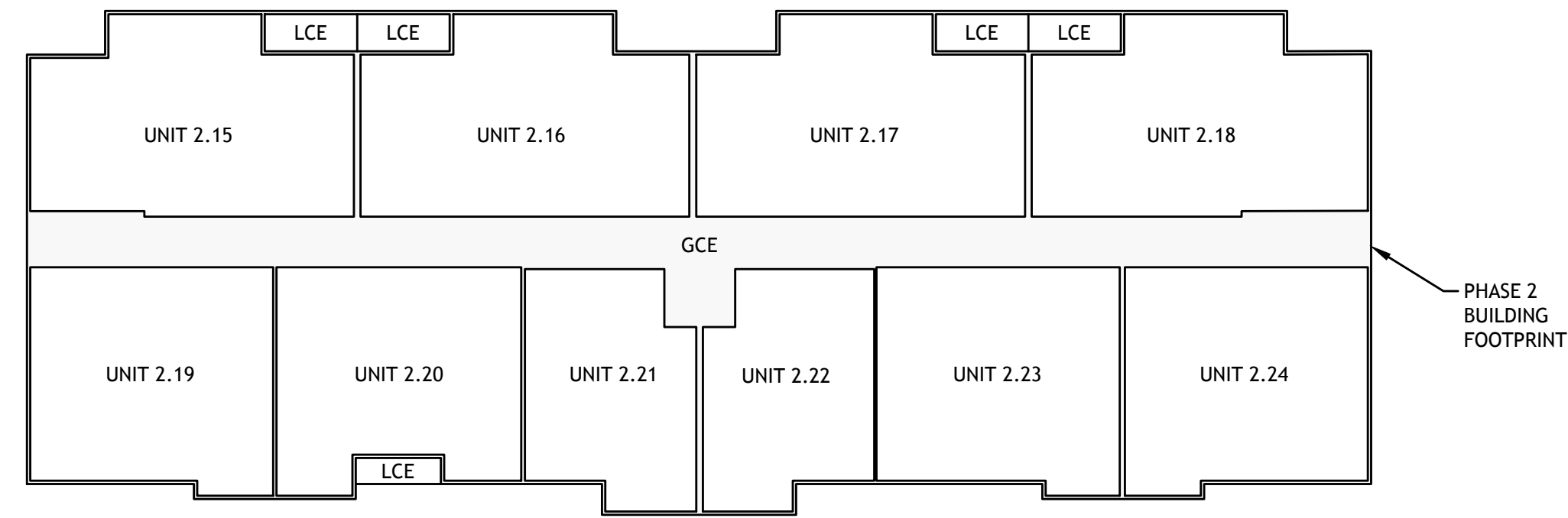
PRELIMINARY
CONDOMINIUM
PLAT

1st Submittal Date: 5/9/2016

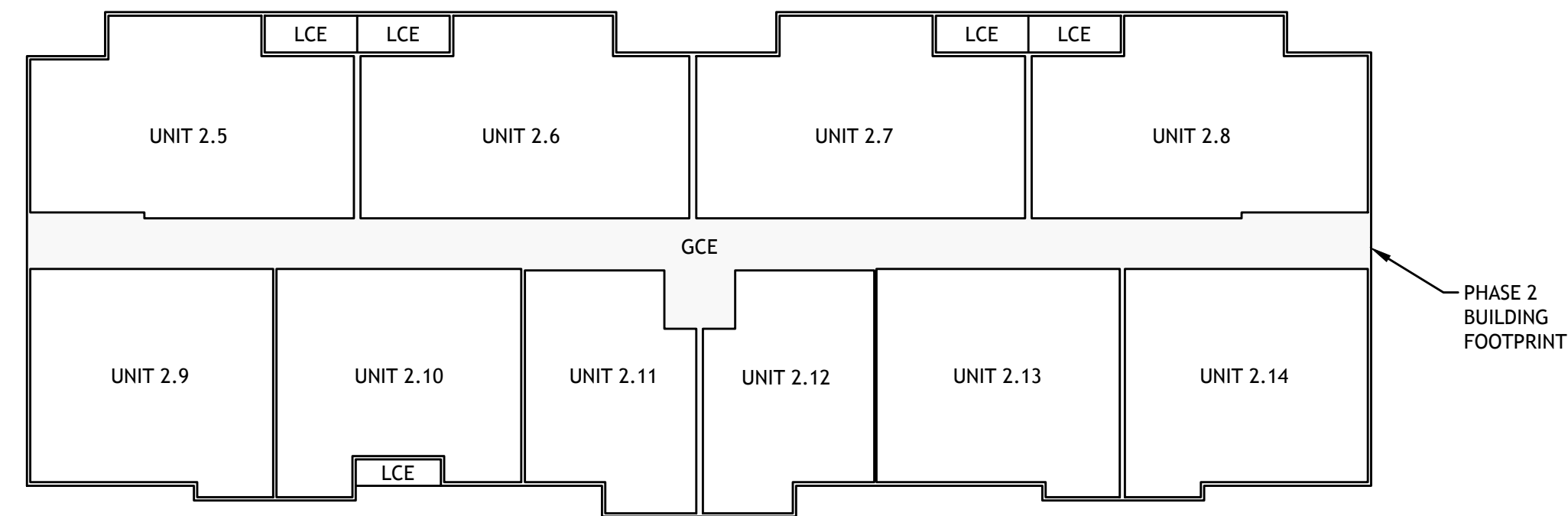
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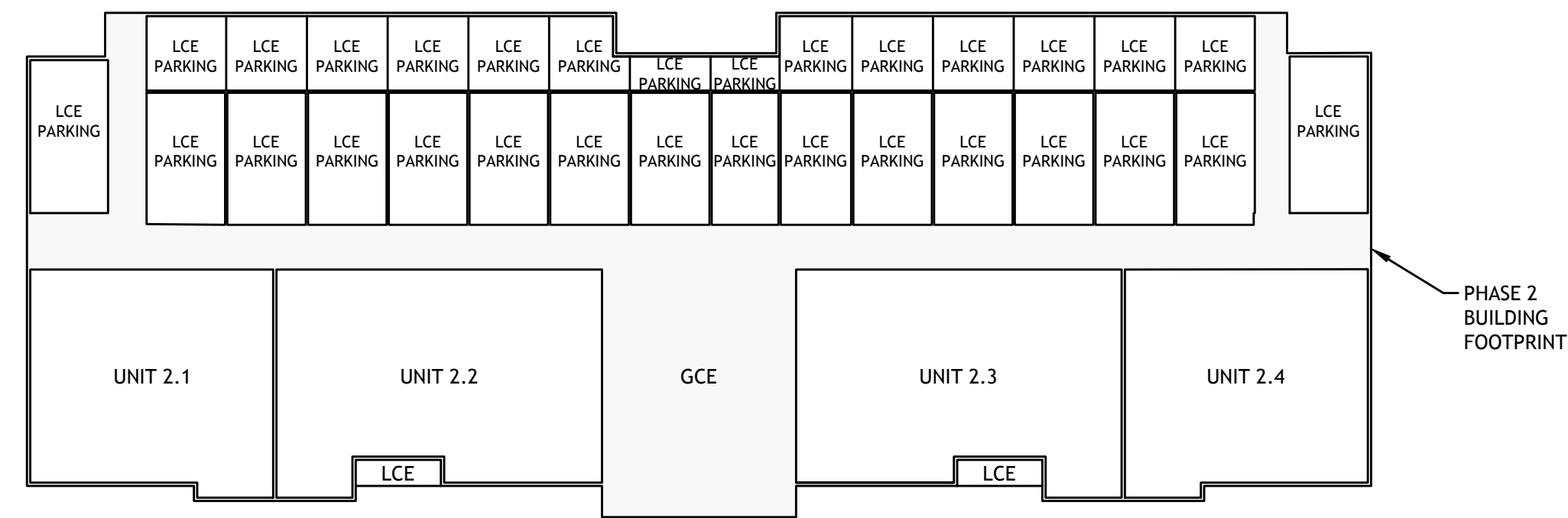
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SECOND FLOOR



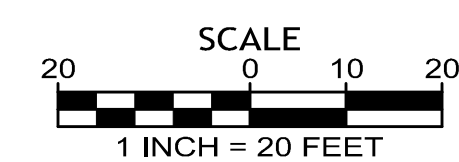
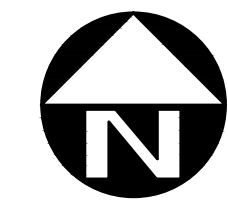
FIRST FLOOR



PHASE 2 BUILDING

LEGEND:

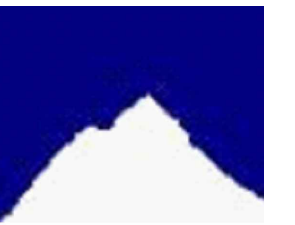
GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
	GENERAL COMMON ELEMENT AREAS



ELEVATION DATUM: NAVD 88



Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

Preliminary
Development
Plan

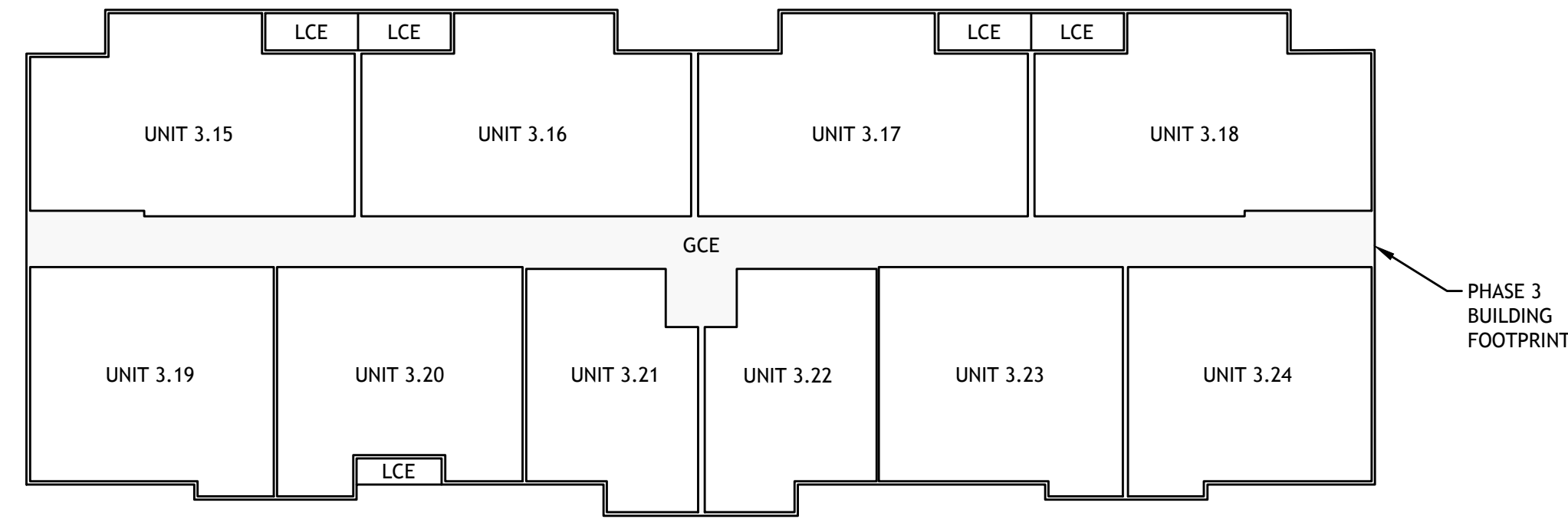
PRELIMINARY
CONDOMINIUM
PLAT

1st Submittal Date: 5/9/2016

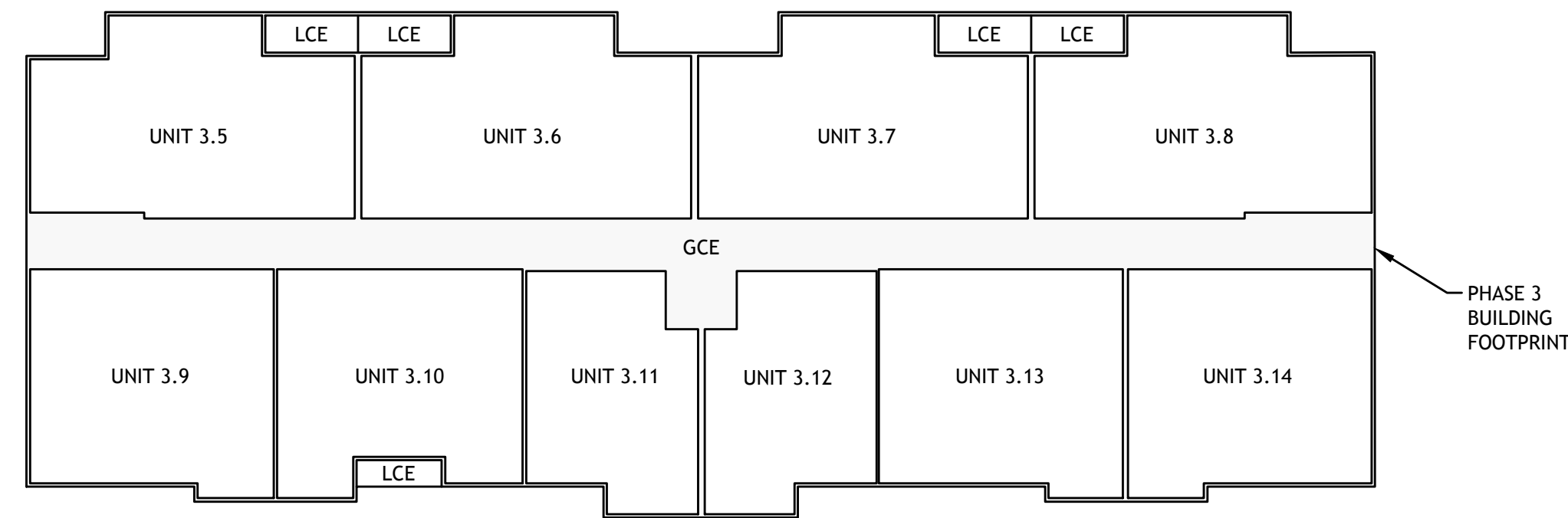
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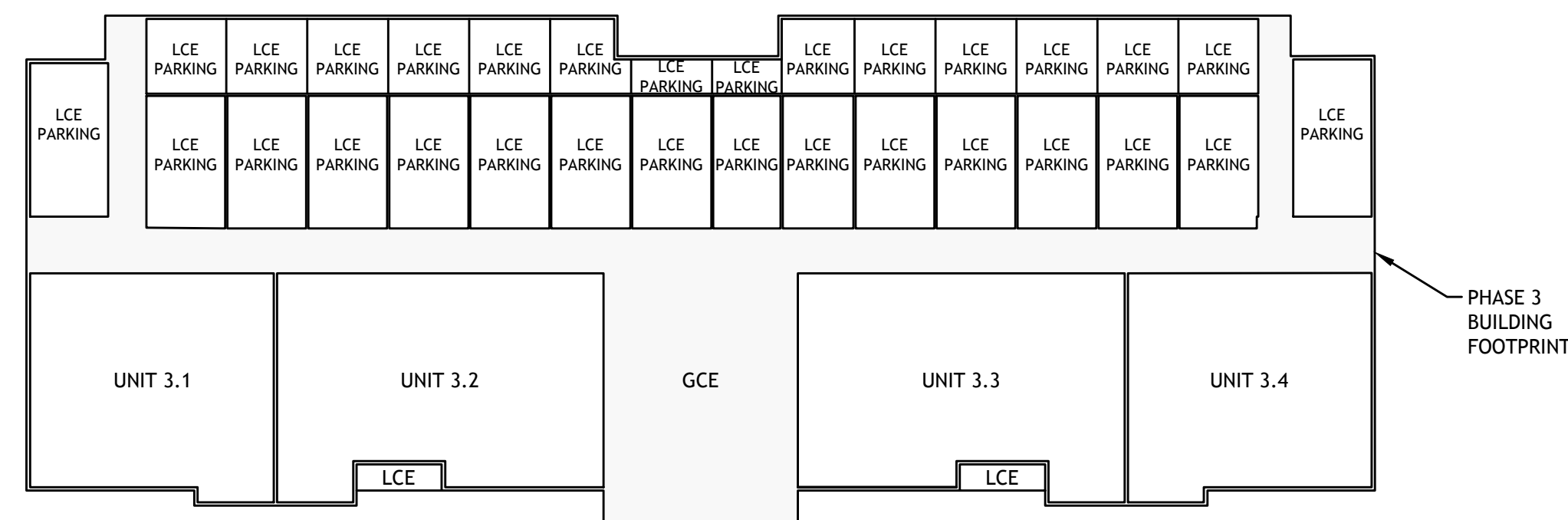
THIRD FLOOR



SECOND FLOOR



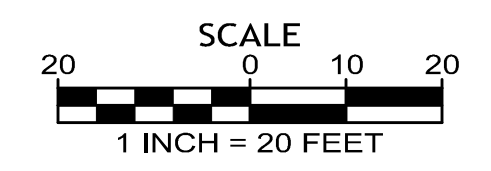
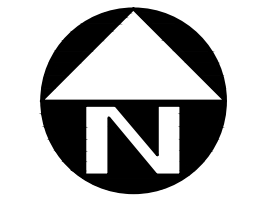
FIRST FLOOR



PHASE 3 BUILDING

LEGEND:

GCE	GENERAL COMMON ELEMENT
LCE	LIMITED COMMON ELEMENT
	GENERAL COMMON ELEMENT AREAS



ELEVATION DATUM: NAVD 88



POLYGON NW COMPANY



GEODESIGN, INC

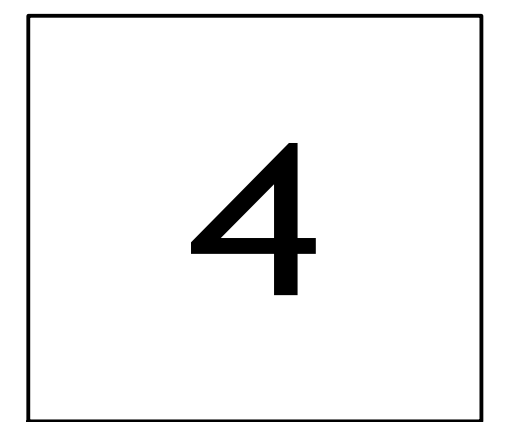
REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

Preliminary
Development
Plan

PRELIMINARY
CONDOMINIUM
PLAT

1st Submittal Date: 5/9/2016



VIIC) Draft CC&R's

**ARTICLES OF INCORPORATION OF
_____ CONDOMINIUM OWNERS ASSOCIATION**

In compliance with the requirements of Chapter 65, Oregon Revised Statutes (the “Nonprofit Corporation Act”), the undersigned incorporator, a natural person over 18 years of age, does hereby form a corporation not for profit and does hereby certify:

ARTICLE I
NAME

The name of the corporation is _____ Condominium Owners Association (the “Association”).

ARTICLE II
NATURE OF CORPORATION

The Association is a mutual benefit corporation.

ARTICLE III
REGISTERED OFFICE AND AGENT

The address of the initial registered office of the Association is _____ . The name of the initial registered agent of the Association is _____ whose address is given in the preceding sentence.

ARTICLE IV
ADDRESS FOR MAILING NOTICES

The alternate corporate mailing address required by Section 65.047(1)(e) of the Nonprofit Corporation Act is _____ .

ARTICLE V
PURPOSE, POWERS AND DUTIES OF THE ASSOCIATION

5.1 General Purpose. The purpose of the Association is to provide for the management, administration, protection and preservation of _____ Condominium (the “Condominium”) located in the City of Wilsonville, Clackamas County,

Oregon in accordance with the terms and conditions of the Declaration of Condominium Ownership for _____ Condominium recorded in the official records of Clackamas County, Oregon, as the same may be amended from time to time in accordance with the terms thereof (the “Declaration”), and to otherwise promote the general benefit of the members of the Association as contemplated in the Declaration. The Association does not contemplate pecuniary gain and shall exist exclusively for nonprofit purposes. No part of the net earnings of the Association shall inure to the benefit of the individual members of the Association or any other parties.

5.2 Powers and Duties. The Association shall have, exercise and perform all of the following powers, duties and obligations:

(a) The powers, duties and obligations granted to or reserved on behalf of the Association in the Declaration or Bylaws of the Association (the “Bylaws”), as amended from time to time;

(b) The powers, duties and obligations of a nonprofit corporation pursuant to the Nonprofit Corporation Act and of a condominium owners’ association pursuant to Chapter 100, Oregon Revised Statutes (the “Condominium Act”), as the Nonprofit Corporation Act or the Condominium Act may be amended from time to time; and

(c) Any additional or different powers, duties and obligations necessary or desirable for the purpose of carrying out the functions of the Association pursuant to the Declaration or Bylaws or otherwise promoting the general benefit of the members of the Association.

The powers and obligations of the Association are subject to all applicable laws, rules, and regulations. Annexation of additional property into the Condominium, mergers and

consolidations, dissolution and amendment of these Articles of Incorporation and other matters affecting the Condominium or Association may require the approval of certain federal, state, or local governmental agencies or bodies. The powers and obligations of the Association may from time to time be amended, repealed, enlarged or restricted by changes in the Declaration made in accordance with the provisions therein, accompanied by changes in these Articles of Incorporation or Bylaws made in accordance with, and to the extent required under, such instruments, the Nonprofit Corporation Act or the Condominium Act.

ARTICLE VI
MEMBERSHIP AND VOTING RIGHTS

6.1 Membership. The Association shall have members. Each Owner of a Unit shall be a member of the Association. Membership in the Association shall be appurtenant to and shall not be separated from ownership of a Unit. Membership in the Association shall commence, exist and continue simply by virtue of ownership of a Unit, shall automatically expire upon termination of such ownership, and need not be confirmed or evidenced by any certificate or acceptance of membership.

6.2 Voting Rights. The voting rights of the members of the Association shall be as set forth in the Declaration and Bylaws.

ARTICLE VII
BOARD OF DIRECTORS

The affairs of the Association shall be governed by the Board of Directors of the Association (the "Board"). The members of the Board shall be elected or appointed as provided in the Declaration and Bylaws.

ARTICLE VIII
INDEMNIFICATION AND LIMITATION ON LIABILITY

8.1 Indemnification. To the fullest extent permitted by law, the Association shall indemnify all current and former Directors, officers of the Association and members of committees established under or pursuant to the Bylaws (each an “Indemnified Party” and collectively, the “Indemnified Parties”) against all expenses, including attorneys’ fees, reasonably incurred in connection with any action, suit, or other proceeding (including settlement of any suit or proceeding, if approved by the Board) to which an Indemnified Party may be a party by reason of being or having been a Director, officer or committee member, so long as the Director, officer or committee member acted or failed to act, in good faith and in a manner reasonably believed to be in the best interest of the Association, with regard to the act or omission at issue. Any right to indemnification provided for herein shall not be exclusive of any other rights to which a current or former Director, officer or committee member may be entitled. In addition to the foregoing, the Association may, to the extent authorized from time to time by the Board, indemnify an employee or agent of the Association in accordance with the provisions of this Section 8.1.

8.2 Limitation on Liability. To the fullest extent permitted by law, neither the Association nor any Indemnified Party shall be liable to a member of the Association for any damage, loss, or prejudice suffered or claimed on account of any action or failure to act by the Association or the Indemnified Party, provided that the Association or Indemnified Party acted in good faith and in a manner reasonably believed to be in the best interest of the Association and its members.

ARTICLE IX
DURATION

The Association shall exist perpetually unless otherwise dissolved in accordance with Article X below.

ARTICLE X
DISSOLUTION

Subject to any contrary provisions of the Nonprofit Corporation Act or the Condominium Act, the Association may be dissolved upon the affirmative vote of the members of the Association holding at least seventy-five percent (75%) of the total eligible votes in the Association and the written consent of Declarant for so long as Declarant owns a Unit or has the right to annex Additional Property into the Condominium. Upon dissolution of the Association, it shall automatically be succeeded by an unincorporated association of the same name. All of the assets, property, powers, and obligations of the Association existing prior to the dissolution shall thereupon automatically vest in the successor unincorporated association.

ARTICLE XI
AMENDMENTS

These Articles of Incorporation may be amended upon the affirmative vote of the members of the Association holding at least seventy-five percent (75%) of the total eligible votes in the Association and the written consent of Declarant for so long as Declarant owns a Unit or has the right to annex Additional Property into the Condominium. Notwithstanding the foregoing, any provisions contained in both these Articles of Incorporation and the Declaration or Bylaws may be amended only in the manner provided for in the Declaration or Bylaws, as applicable.

ARTICLE XII
DEFINITIONS

Any capitalized term used in these Articles of Incorporation and not otherwise defined herein shall have the meaning given to such term in the Declaration.

IN WITNESS WHEREOF, for the purpose of forming the Association under the laws of the State of Oregon, I, the undersigned, constituting the incorporator of the Association, have executed these Articles of Incorporation this ____ day of _____, 20____, and declare that the foregoing Articles of Incorporation, to the best of my knowledge and belief, are true, correct and complete.

Name: _____
Address: _____

1. GENERAL PROVISIONS.

1.1 Identity. _____ Condominium Owners Association, a nonprofit mutual benefit corporation organized under the laws of the State of Oregon, the Articles of Incorporation of which have been filed with the Corporation Division of the Oregon Secretary of State (the “Association”), has been organized for the purpose of administering the operation and management of _____ Condominium (the “Condominium”), in accordance with the terms of these Bylaws. The Condominium was established by Polygon WLH LLC, a Delaware limited liability company, in accordance with the provisions of ORS Chapter 100 (the “Act”). The Condominium is situated upon property located in the City of Wilsonville, Clackamas County, Oregon, as more particularly described in the Declaration of Condominium Ownership for _____ Condominium (the “Declaration”), which is being recorded simultaneously herewith in the official records of Clackamas County, Oregon.

1.2 Bylaws Subject to Other Documents. The provisions of these Bylaws are applicable to the Condominium and are expressly subject to the terms, provisions, and conditions contained in the Articles of Incorporation of the Association (the “Articles”) and in the Declaration.

1.3 Defined Terms. Any capitalized term used in these Bylaws and not specifically defined herein shall have the meaning given to such term in the Declaration.

1.4 Applicability. All Owners, tenants and occupants of the Units, and each of their respective agents, servants, invitees, licensees, and employees that use the Condominium, or any part thereof, are subject to these Bylaws and all Rules and Regulations adopted by the Board from time to time in accordance with these Bylaws.

1.5 Office. The office of the Association shall be located in the City of Wilsonville, Oregon, or at any other place within the Portland, Oregon metropolitan area designated by the Association.

2. MEETINGS OF OWNERS.

2.1 Administrative Control. Notwithstanding any other provision of these Bylaws, until the Turnover Meeting, Declarant shall have the powers and authorities reserved to Declarant in Section 20 of the Declaration.

2.2 Transitional Committee. Unless the Turnover Meeting has been held, Declarant shall call a meeting of the Owners within sixty (60) days after the conveyance to persons other than Declarant of fifty percent (50%) of all Units planned for the Condominium. Notice of the meeting shall be given as provided in Section 2.7 to each Owner at least ten (10) days but not more than fifty (50) days prior to the meeting. The notice shall state the purpose, time, and place of the meeting. If the meeting is not called by Declarant within the time specified, the meeting may be called and notice given by any Owner. If at the meeting the Owners other than Declarant fail to select a transitional committee (the “Transitional Committee”), Declarant shall have no further responsibility to form such a committee. The Transitional Committee shall be advisory only and shall consist of two (2) or more members

selected by the Owners other than Declarant and one representative of Declarant. The members of the Transitional Committee shall serve until the Turnover Meeting. The Transitional Committee shall function to ease the transition from control of the administration of the Association by Declarant to control by the Owners. The Transitional Committee shall have access to the information, documents, and records that Declarant must turn over to the Owners pursuant to Section 2.3.

2.3 Turnover Meeting. The Turnover Meeting, which shall constitute the initial meeting of the Association, shall be called by Declarant within ninety (90) days of the expiration of the period of Declarant's administrative control described in Section 20 of the Declaration. Declarant shall give notice (as provided in Section 2.7) of the Turnover Meeting to each Owner at least ten (10) days but not more than fifty (50) days prior to the meeting. The notice shall state the purpose, time, and place of the meeting. If the Turnover Meeting is not timely called by Declarant, the Turnover Meeting may be called and notice given by any Owner or by any first Mortgagee of a Unit. At the Turnover Meeting: (i) Declarant shall relinquish control of the administration of the Association to the Owners and the Owners shall assume control thereof; (ii) the Owners shall elect directors to serve on the Board (each a "Director" and collectively, the "Directors") as set forth in these Bylaws; and (iii) Declarant shall deliver to the Association the items specified in Section 100.210(5) of the Act. During the three-month period following the Turnover Meeting, Declarant or an informed representative of Declarant shall be available to meet with the Board on at least three (3) mutually acceptable dates to review the documents delivered pursuant to Section 100.210(5) of the Act. If Declarant has complied with the terms of Section 100.210 of the Act, then, unless Declarant otherwise has sufficient voting rights as an Owner to control the Association, Declarant shall not be responsible for the failure of the Owners to comply with the provisions of Section 100.210(4) of the Act, and Declarant shall be relieved of any further responsibility for the administration of the Association except as an Owner of any unsold Unit. If a quorum of the Owners is not constituted at the Turnover Meeting or the Owners fail to elect at the Turnover Meeting a sufficient number of Directors to constitute a quorum of the Board, then any Owner or first Mortgagee of a Unit may: (i) call a special meeting for the purpose of electing Directors and shall give notice of the meeting in accordance with Section 2.7 below; or (ii) request a court to appoint a receiver as provided in Section 100.418 of the Act.

2.4 Annual Meetings. At the first annual meeting after the Turnover Meeting, the Directors elected at the Turnover Meeting shall resign and new Directors shall be elected by the Owners in accordance with Section 3.1 below. Thereafter, annual meetings shall be held in the same month as the Turnover Meeting or in the month following, at such hour and on such date as the chairperson of the Board (the "Chairperson") may designate or, if the Chairperson fails to designate such date by the last day of the first month in which the meeting may be held, the meeting shall be held on the second Wednesday of the second month in which the meeting may be held, unless such date shall be a legal holiday, in which event the meeting shall be held on the next succeeding business day. At such meetings, the Owners shall elect Directors to fill vacancies or to succeed retiring Directors as provided in Article 3 of these Bylaws and shall also transact such other business of the Association as may properly come before the meeting.

2.5 Place of Meetings. Meetings of the Owners shall be held at the principal office of the Association or at such other suitable and convenient place within the greater Portland, Oregon metropolitan area, as may be designated by the Board.

2.6 Special Meetings. Special meetings of the Association may be called by the Chairperson, a majority of the Board or upon a petition signed and presented to the secretary of the Association (the "Secretary") by the Owners of not less than thirty percent (30%) of the Units stating the purpose of the meeting. Notice of any special meeting shall state the purpose, time, and place of the meeting as well as the items on the meeting agenda, including, without limitation, the general nature of any proposed amendment to the Declaration or these Bylaws, any budget changes or any proposal to remove a Director or an officer of the Association. No business shall be transacted at a special meeting except as stated in the notice.

2.7 Notice of Meetings. The Chairperson or Secretary shall give written notice of each meeting of the Association at least ten (10) days but not more than fifty (50) days prior to the date set for such meeting, to each Owner of record (and to any first Mortgagee of record requesting such notice) in accordance with the notice procedures set forth in Section 13.1 or in any other manner permitted under the Act. Notwithstanding the foregoing, notice of a special meeting to approve an Extraordinary Action or Material Amendment must be given to each Owner (and to any first Mortgagee of record requesting such notice) at least twenty-five (25) days but not more than fifty (50) days prior to the date of the meeting. The notice of any meeting shall state the purpose, time, and place of the meeting as well as the items on the meeting agenda, including, without limitation, the general nature of any proposed amendment to the Declaration or these Bylaws, any budget changes or any proposal to remove a Director or an officer of the Association. The giving of a notice in the manner provided in these Bylaws shall be considered notice properly served. Proof of the giving of such notice shall be given by the affidavit of the person giving the notice. Notice of a meeting may be waived by any Owner before or after a meeting. For a period of ten (10) years following recording of the Declaration, notices of meetings shall also be given to Declarant in the same manner as given to the Owners, and Declarant or a representative of Declarant shall be entitled to attend and participate in all such meetings. When a meeting is adjourned for less than thirty (30) days, no notice of the adjourned meeting need be given other than by announcement at the meeting at which such adjournment takes place.

2.8 Voting.

2.8.1 Subject to Declarant's enhanced voting rights as set forth in Section 20 of the Declaration, the total number of votes of all Owners shall be equal to the total number of Units in the Condominium and each Owner shall be entitled to a number of votes equal to the number of Units owned by the Owner. Declarant shall be entitled to vote as the Owner of any Units retained by Declarant, and the Board shall be entitled to vote on behalf of any Unit which has been acquired by or on behalf of the Association; *provided, however*, that the Board shall not be entitled to vote such Units in any election of Directors.

2.8.2 If an Owner is in default under a first Mortgage on its Unit for ninety (90) consecutive days or more and the Mortgage instrument signed by the Owner provides for such a pledge upon default, the Mortgagee shall automatically be authorized to declare at any time thereafter that the Unit Owner has pledged his or her vote on all issues to the Mortgagee

during the continuance of the default. If the Board has been notified of any such pledge to a Mortgagee, or in the event the record Owner or Owners have otherwise pledged their vote regarding special matters to a Mortgagee under a duly recorded Mortgage, only the vote of such Mortgagee or vendor will be recognized in regard to the special matters upon which the vote is so pledged, if a copy of the instrument with the pledge has been filed with the Board. Amendments to this Section shall only be effective upon the written consent of all the voting Owners and their respective Mortgagees, if any.

2.8.3 Voting by the Owners may be conducted in person, by proxy, by written or electronic ballot, or by absentee ballot if authorized by the Board, all in accordance with the Act.

2.9 Persons Under Disability. Minors and persons declared legally incompetent shall be eligible for membership in the Association, if otherwise qualified, but shall not be permitted to vote except through a legally appointed, qualified, and acting guardian of their estate voting on their behalf, or, in the case of a minor with no legal guardian of the minor's estate, through a parent having custody of the minor.

2.10 Proxies and Absentee Ballots. A proxy given by an Owner to any person who represents such Owner at meetings of the Association shall be in writing, signed and dated by such Owner, may be given to any person or persons of legal age, and shall be filed with the Secretary. No proxy shall be valid (i) for over one year, or (ii) which is undated, or (iii) which purports to be revocable without notice, or (iv) after the meeting for which it was solicited (unless otherwise expressly stated in the proxy) and every proxy shall automatically cease upon sale of a Unit by its Owner. An Owner may revoke such Owner's proxy only as provided in Section 100.427 of the Act. An absentee ballot shall set forth each proposed action and provide an opportunity to vote for or against each proposed action. All solicitations for absentee ballots shall include instructions for return delivery of the completed absentee ballot and information about whether or not the absentee ballot may be canceled if it is returned in accordance with the instructions. An Owner may pledge or assign such Owner's voting rights to a Mortgagee. In such case, the Mortgagee or its designated representative shall be entitled to receive all notices to which the Owner is entitled hereunder and to exercise the Owner's voting rights from and after the date that the Mortgagee gives written notice of such pledge or assignment to the Board. Any first Mortgagee may designate a representative to attend all or any meetings of the Association.

2.11 Fiduciary, Corporate and Joint Owners. An attorney-in-fact, executor, administrator, conservator, guardian or trustee may exercise the vote with respect to any Unit owned or held by him or her in such capacity, whether or not the same shall have been transferred to his or her name; *provided, however*, that he or she shall satisfy the Secretary that he or she is the attorney-in-fact, executor, administrator, conservator, guardian or trustee holding such Unit in such capacity. Any person voting on behalf of a Unit owned by a corporation or other entity shall provide the Secretary with written evidence, satisfactory to the Secretary, that such person is the duly constituted representative thereof. Unless a valid court order establishes the authority of a co-Owner to vote, whenever any Unit is owned by two or more persons jointly, according to the records of the Association, the vote of such Unit may be exercised by any of the Owners then present, in the absence of protest by a co-Owner. In the event of disagreement among the co-Owners, the vote of such Unit shall be disregarded completely in determining the proportion of votes given with respect to the matter voted upon.

2.12 Quorum. At any meeting of the Association other than the Turnover Meeting, the presence, in person, by proxy or by absentee ballot (if authorized by the Board), of a number of Owners holding at least thirty-four percent (34%) of the voting power of the Association shall constitute a quorum. For purposes of the Turnover Meeting, the presence, in person, by proxy or by absentee ballot (if authorized by the Board) of a number of Owners holding at least twenty percent (20%) of the voting power of the Association shall constitute a quorum. The subsequent joinder of an Owner in the action taken at a meeting, evidenced by that Owner signing and concurring in the minutes thereof, shall constitute the presence of such person for the purpose of determining a quorum. When a quorum is once present to organize a meeting, it cannot be broken by the subsequent withdrawal of an Owner or Owners. If any meeting of the Association cannot be organized because of lack of a quorum, the Owners who are present, either in person or by proxy, may adjourn the meeting until another date and time. The quorum requirement for a meeting following a meeting adjourned for lack of a quorum may be reduced as provided in Section 100.408(3) of the Act.

2.13 Binding Vote. The vote of the Owners holding more than fifty percent (50%) of the total voting power of the Owners present in person, by proxy or by absentee ballot (if authorized by the Board) at a meeting at which a quorum is constituted shall be binding upon all Owners for all purposes except where a higher percentage vote is required by law, the Declaration or these Bylaws. Without limiting the foregoing, Extraordinary Actions must be approved in accordance with Section 26 of the Declaration.

2.14 Order of Business. The order of business at an annual meeting of the Association shall be:

- 2.14.1 Calling of the roll and certifying of proxies;
- 2.14.2 Proof of notice of meeting or waiver of notice;
- 2.14.3 Reading of minutes of the immediately preceding meeting;
- 2.14.4 Reports of officers;
- 2.14.5 Reports of committees, if any;
- 2.14.6 Election of Directors;
- 2.14.7 Unfinished business;
- 2.14.8 New business; and
- 2.14.9 Adjournment.

2.15 Rules of Order. Unless other rules of order are adopted by resolution of the Association or the Board, all meetings of the Association shall be conducted according to the latest edition of *Robert's Rules of Order* published by Robert's Rules Association.

2.16 Action Without a Meeting. Any action which applicable law, the Declaration or these Bylaws require or permit the Owners to take at a meeting may be taken without a

meeting by written ballot if the procedures set forth in Section 100.425 of the Act are followed. For votes of the Owners by written ballot, the Board shall provide the Owners with at ten (10) days' notice before written ballots are mailed or otherwise delivered. The notice shall state the general subject matter of the vote by written ballot, the right of Owners to request secrecy procedures as specified in Section 100.425(2)(b) of the Act, the date after which ballots may be distributed, the date and time by which any petition requesting secrecy procedures must be received by the Board, and the address where such a petition may be delivered. If, at least three (3) days before written ballots are scheduled to be mailed or otherwise distributed, at least ten percent (10%) of the Owners petition the Board requesting secrecy procedures, a written ballot must be accompanied by a secrecy envelope, a return identification envelope to be signed by the Member, and instructions for mailing and returning the ballot. The secrecy procedures and the requirement to provide a secrecy envelope and return identification envelope shall not apply to the written ballot of an Owner if the consent or approval of that particular Owner is required under these Bylaws, the Declaration or the Act. Written ballots that are returned in secrecy envelopes may not be examined or counted before the deadline for returning ballots has passed. All written ballots must set forth each proposed action and provide an opportunity to vote for or against each proposed action. All solicitations for votes by written ballot shall state the number of responses needed to satisfy any applicable quorum requirement, the required percentage of votes needed for approval, and the period during which the Association will accept written ballots for counting. Any vote that may be conducted by written ballot may also be conducted by electronic ballot subject to the procedures and requirements set forth in the Act for electronic ballots. An electronic ballot shall mean any ballot given by electronic mail, facsimile transmission, posting on a website or other means of electronic communication approved by the Board. Approval by written or electronic ballot shall be valid only when the number of votes cast by written or electronic ballot equals or exceeds any quorum required to be present if a meeting was held to authorize the action and the number of approvals equals or exceeds the number of votes required to approve the matter if a meeting was held to authorize the action. Notwithstanding the foregoing, action by written or electronic ballot may not substitute for: (i) the annual meeting of the Owners; (ii) a meeting of the Owners if the agenda includes a proposal to remove a Director; or (iii) a special meeting of the Owners called at the request of the Owners under Section 100.407(2)(a) of the Act.

3. BOARD OF DIRECTORS.

3.1 Number, Term and Qualification. The affairs of the Association shall be governed by the Board, which shall consist of one (1) to three (3) Directors prior to the Turnover Meeting and three (3) Directors thereafter. Until the Turnover Meeting is held, the Board shall consist of the Directors named in the Articles, subject to the appointment and removal powers of Declarant described in Section 20 of the Declaration; *provided, however*, that after selection of the Transitional Committee pursuant to Section 2.2, one of the pre-turnover Directors shall be a member of the Transitional Committee (as the members of the Transitional Committee shall determine). At the Turnover Meeting, five (5) Directors shall be elected by the Owners to serve until the first annual meeting of the Association. At the first annual meeting of the Association, three (3) Directors shall be elected by the Owners to serve for a term of two (2) years and two (2) Directors shall be elected by the Owners to serve for a term of one (1) year. Those three (3) Directors receiving the three (3) highest vote totals shall serve for the initial two-year terms. Election by the Owners shall be by plurality. There shall be no cumulative voting for the

election of Directors. At the expiration of the initial term of office of each Director elected or appointed at the first annual meeting of the Association, that Director's successor shall be elected or appointed as provided in this Section 3.1 to serve for a term of two (2) years. The Directors shall hold office for the term herein fixed and until their successors have been qualified and elected. There shall be no limit on the number of successive terms a Director may serve on the Board, if elected or appointed as herein provided. After the Turnover Meeting, all Directors shall be Owners and no Director shall continue to serve on the Board after the Director ceases to be an Owner. All Directors shall be individuals. If a corporation, limited liability company, partnership or trust owns a Unit or an interest in an entity that owns a Unit, then an officer, employee or agent of the corporation, member, manager, employee or agent of the limited liability company, partner, employee or agent of the partnership or trustee of the trust, as applicable, may serve as a Director. Additionally, an executor, administrator, guardian, conservator or other individual appointed by a court to serve in a fiduciary capacity for an Owner, or an officer or employee of an entity if the appointee is an entity, may serve as a Director. Prior to election to the Board, any individual wishing to serve on the Board in the capacity as a representative of an Owner in accordance with this Section 3.1 shall provide the Board with documentation satisfactory to the Board that the person is qualified to represent the Owner in compliance with the requirements of this Section 3.1. The term of an individual serving on the Board as a representative of an Owner in accordance with this Section 3.1 shall automatically terminate if the individual no longer meets the requirements set forth in this Section 3.1.

3.2 Powers and Duties. The Board shall have the powers and duties necessary for the administration of the affairs of the Association and may do all acts in furtherance of and pursuant to such powers and duties, except acts which by or under law, the Declaration or these Bylaws may not be performed by the Board or delegated to the Board by the Owners. The Board shall be governed by ORS 65.357, 65.361, 65.367, 65.369 and 65.377. Such powers and duties of the Board shall include, without limitation (except as limited elsewhere herein), the following:

3.2.1 Operation, inspection, care, upkeep, repair, replacement and maintenance of the Common Elements and Association Property.

3.2.2 Determination of the amounts required for operation, inspection, maintenance, repair and replacement of the Common Elements and Association Property and the conduct of all other affairs of the Association, and the making of such expenditures.

3.2.3 Collection of the common expenses from the Owners.

3.2.4 Provision for the designation, hiring and removal of employees and other personnel, including lawyers and accountants and personnel necessary for the inspection, maintenance, upkeep and repair of the Common Elements; engagement of or contracting for the services of others; and making purchases for the inspection, maintenance, repair, replacement, administration, management and operation of the Condominium and delegating any such powers to the manager or managing agent (and any such employees or other personnel as may be employees of the managing agent); *provided, however*, that, unless otherwise permitted under the Act, (i) any management agreement, service contract, or employee contract entered into before the Turnover Meeting shall not be in excess of three (3) years, and shall be terminable for any reason by the Association without penalty upon not less than thirty (30) days written notice to the

other party given no later than sixty (60) days after the Turnover Meeting and (ii) any agreement for management services entered into after the Turnover Meeting on behalf of the Association shall have a reasonable term not exceeding three (3) years, shall be terminable by the Board without penalty or cause upon not more than ninety (90) days written notice and shall only be renewed with the express written consent of the Board and the property manager. If a first Mortgagee had previously required professional management, the Board may not terminate professional management and assume self-management unless the decision to do so is approved by one hundred percent (100%) of the total voting power of the Association and approved by at least fifty-one percent (51%) of the Mortgagees holding first Mortgages on the Units. Unless otherwise prohibited by any statute, ordinance, regulation or guideline of a Mortgage Insurer or Guarantor, any approval of a Mortgagee required under this Section 3.2.4 may be presumed by the Association if such Mortgagee fails to submit a response to a written request within sixty (60) days after it receives notice of the request by certified or registered mail, return receipt requested.

3.2.5 Adoption and amendment of reasonable rules and regulations of the Condominium (“Rules and Regulations”) pursuant to Section 7.30 hereof.

3.2.6 Maintaining bank accounts on behalf of the Association and designating the signatories required therefor.

3.2.7 Purchasing, leasing or otherwise acquiring, in the name of the Association or its designee, corporate or otherwise, on behalf of the Owners, Units offered for sale or lease or surrendered by their Owners to the Association, including without limitation, the purchasing of Units at foreclosure sales (judicial or non-judicial) or execution sales, provided that the purchase and/or acquisition of a Unit is approved by the Owners holding at least seventy-five percent (75%) of the total voting power of the Association.

3.2.8 Selling, leasing, mortgaging, voting the votes appurtenant to (other than for the election of directors), or otherwise dealing with Units of the Condominium acquired by the Association or its designee on behalf of all the Owners.

3.2.9 Organizing corporations to act as designees of the Association in acquiring title to or leasing Units by the Association on behalf of all Owners.

3.2.10 Obtaining and reviewing bonds and insurance, including directors’ liability insurance, for the Association and the Condominium, including the Units, pursuant to the provisions of these Bylaws and in the case of such insurance, reviewing it at least annually.

3.2.11 Annually conducting a reserve study, or reviewing and updating an existing reserve study, of the Common Elements to determine the reserve fund requirements in accordance with Section 100.175 of the Act. The reserve study shall: (i) identify all items for which reserves are or will be established; (ii) include the estimated remaining useful life of each item as of the date of the reserve study or update thereof; and (iii) include for each item, as applicable, an estimated cost of maintenance, repair and replacement at the end of the item’s useful life.

3.2.12 Making repairs, additions and improvements to, or alterations of, the Condominium and repairs to and restoration of the Condominium in accordance with these

Bylaws and Sections 21 and 22 of the Declaration after damage or destruction by fire or other casualty, or as a result of condemnation or eminent domain proceedings or settlement under the threat thereof.

3.2.13 Making additions and improvements to, or alterations of, the Common Elements; *provided, however*, that no such project of a non-structural or non-capital nature may be undertaken by the Board if the total cost will exceed the amount of Ten Thousand Dollars (\$10,000), unless (i) the Owners holding at least seventy-five percent (75%) of the voting power of the Association have approved the project or (ii) the expenditure is authorized in the annual budget of the Association. This limitation shall not be applicable to repairs or maintenance undertaken pursuant to Section 3.2.1 or to work that is urgently needed for life, safety or structural integrity reasons.

3.2.14 After giving written notice and an opportunity to be heard, levying reasonable fees, late charges, fines and/or interest against the Owners for violations of the Declaration, these Bylaws, and/or the Rules and Regulations based on a resolution of the Board that is delivered to the Unit Owner in accordance with the notice provisions set forth in Section 13.1 below.

3.2.15 Borrowing money on behalf of the Association when required in connection with the inspection, operation, care, upkeep, and maintenance of the Common Elements and Association Property; *provided, however*, that (i) the consent of Owners holding at least seventy-five percent (75%) of the voting power of the Association shall be required for the borrowing of any individual sum or aggregated sums for the calendar year in question in excess of fifteen percent (15%) of the estimated budget of the Association for that calendar year to cover the operation, care, upkeep and maintenance of the Common Elements and Association Property, and (ii) no lien to secure repayment of any sum borrowed may be created on any Unit or its appurtenant interest in the Common Elements without the written consent of the Owner of such Unit. If any sum borrowed by the Board on behalf of the Association pursuant to the authority contained in this Section 3.2.15 is not repaid by the Association, an Owner who pays to the creditor such proportion thereof equal to his interest in the Common Elements shall be entitled to obtain from the creditor a release of any judgment or other lien which said creditor shall have filed or shall have the right to file against such Owner's Unit.

3.2.16 Adjusting and settling claims under insurance policies and executing and delivering releases on settlement of such claims on behalf of all Owners, all holders of Mortgages or other liens on the Units, and all Owners of any other interest in the Condominium.

3.2.17 Filing all appropriate income tax returns.

3.2.18 Filing of the Annual Report described in Section 100.260 of the Act with the Real Estate Agency pursuant to Section 100.250 of the Act.

3.2.19 Enforcement by legal means of the provisions of the Act, the Declaration, these Bylaws and any Rules and Regulations adopted hereunder. Nothing in these Bylaws shall be construed as requiring the Board or Association to take any specific action to enforce violations.

3.2.20 In conjunction with preparing and updating the reserve study, establish, periodically update, and implement a maintenance plan for the maintenance, repair and replacement of all property for which the Association has maintenance, repair or replacement responsibility under the Declaration, these Bylaws or the Act (the "Maintenance Plan"). The Maintenance Plan shall: (i) describe the maintenance, repair and replacement to be conducted; (ii) include a schedule for the maintenance, repair and replacement; (iii) be appropriate for the size and complexity of the maintenance, repair and replacement responsibility of the Association; and (iv) address issues that include, but are not limited to, warranties and the useful life of the items for which the Association has maintenance, repair or replacement responsibility. The Maintenance Plan shall comply with Section 100.175 of the Act and shall provide for not less than annual inspections of the Property for evidence of water intrusion or other needed repairs by a knowledgeable independent party or the property manager for the Association, and the Board shall reasonably address any matters revealed by the inspection. For a period of ten (10) years following recording of the Declaration, Declarant shall be notified prior to the inspections, shall have a right for Declarant or its employees or contractors to be present during the inspections and have a right to receive a copy of the inspection reports promptly upon request. The operating and reserve budgets of the Association shall take into account the costs of complying with the Maintenance Plan. Changes or updates to the Maintenance Plan should be based upon the advice of competent experts or consultants.

3.3 Limitation. The powers of the Board enumerated in these Bylaws shall be limited in that the Board shall have no authority to (i) acquire and pay for out of the maintenance fund of the Association any structural alterations or capital improvements of, or capital additions to, the Common Elements (other than for purposes of repairing, replacing or restoring portions of the Common Elements, subject to all the provisions of these Bylaws) requiring an expenditure in excess of an amount or amounts, aggregated for the calendar year in question, exceeding ten percent (10%) of the estimated total budget of the Association for such calendar year, or (ii) enter into agreements having a term in excess of three (3) years, except agreements specifically authorized in these Bylaws or the Act, without, in each case, the prior approval of the Owners holding at least seventy-five percent (75%) of the voting power of the Association.

3.4 Organizational Meeting. Within thirty (30) days following the annual meeting of the Association or following any meeting at which an election of Directors has been held, the Board shall hold an organizational meeting at such place and time as shall have been fixed by the Directors at the meeting at which the election was held.

3.5 Regular and Special Meetings. Regular meetings of the Board may be held at such time and place as shall be determined, from time to time, by a majority of the Directors. Special meetings of the Board may be called by the Chairperson and must be called by the Secretary at the written request of at least two (2) Directors. Notice of any special meeting shall be given to each Director at least two (2) days prior to the day named for such meeting, and shall state the time, place and purpose of such meeting. All meetings of the Board shall be open to the Owners except that the following matters and such other matters as are permitted by the Act, if any, may be considered in executive session: (a) consulting with legal counsel, *provided, however,* that the Board shall not initiate legal proceedings against Declarant or any Director without first obtaining the approval of the Owners holding at least seventy-five percent (75%) of the voting power of the Association; (b) dealing with personnel matters, including salary

negotiations and discipline; (c) negotiating of contracts with third parties; and (d) discussing the collection of unpaid assessments. Except in the event of an emergency, the Board shall vote in an open meeting on whether to meet in executive session. If the Board votes to meet in executive session, the Chairperson shall announce the general nature of the action being considered and when and under what circumstances the deliberations can be disclosed to the Owners. The statement, motion, or decision to meet in executive session must be included in the minutes of the meeting. A contract or action considered in executive session does not become effective unless the Board, following the executive session, reconvenes in an open meeting and votes on the contract or action, which must be reasonably identified in the open meeting and included in the minutes. For other than emergency meetings, notice of each meeting of the Board shall be posted at a place or places on the Property at least three (3) days prior to the meeting, or notice shall be provided by a method otherwise reasonably calculated to inform the Owners of such meeting. For a period of ten (10) years following the recordation of the Declaration, notices of all Board meetings shall also be given to Declarant in the same manner as given to the Directors and Declarant or a representative of Declarant shall be entitled to attend and participate in all such meetings. Meetings of the Board may be conducted by any means of communication that allows the Directors to hear each other simultaneously or otherwise to communicate during the meeting. The meeting and notice requirements in Section 100.420 of the Act may not be circumvented by chance or social meetings or by any other means. Unless other rules of order are adopted by resolution of the Association or the Board, all meetings of the Board shall be conducted according to the latest edition of *Robert's Rules of Order* published by Robert's Rules Association.

3.6 Waiver of Notice. Any Director may at any time waive notice of any meeting of the Board in writing and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the Board shall constitute a waiver of notice of the time and place thereof, except where a Director attends the meeting for the sole purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. If all of the Directors are present at any meeting of the Board, then no notice to Directors shall be required and any business may be transacted at such meeting.

3.7 Quorum. At all meetings of the Board, a majority of the Directors shall constitute a quorum for the transaction of business, and the votes of a majority of the Directors present at a meeting at which a quorum is present shall constitute the act of the Board. A Director who is present at a meeting of the Board at which action is taken on any Association matter is presumed to have assented to the action unless the Director votes against the action or abstains from voting on the action because the Director claims a conflict of interest. If at any meeting of the Board there shall be less than a quorum present, a majority of the Directors present may adjourn the meeting from time to time until a quorum is present. At any such adjourned meeting at which a quorum is present, any business which might have been transacted at the meeting originally called may be transacted without further notice.

3.8 Removal. At any regular or special meeting of the Owners, any one or more of the Directors may be removed with or without cause, but only by approval of at least a majority of the Owners, notwithstanding the quorum provisions of Section 2.12, and a successor may then and there or thereafter be elected by the Owners to fill the vacancy thus created. The

notice of any such meeting shall state that such removal is to be considered, and any Director whose removal has been proposed shall be given an opportunity to be heard at the meeting.

3.9 Resignation. Any Director may resign at any time by sending a written notice of such resignation to the office of the Association, addressed to the Secretary. Unless otherwise specified therein, such resignation shall take effect upon receipt thereof by the Secretary.

3.10 Vacancies. Vacancies on the Board caused by any reason other than the removal of a Director pursuant to Section 3.8 shall be filled by vote of a majority of the remaining Directors at a special meeting of the Board held for that purpose promptly after the occurrence of any such vacancy, even though the Directors present at such meeting may constitute less than a quorum. Each person so elected or appointed shall be a member of the Board for the remainder of the term of the member whose position was vacated and until a successor shall be elected or appointed as provided in these Bylaws at the next annual meeting of the Owners.

3.11 Compensation. No Director shall receive any compensation from the Association for acting in such capacity, but shall be reimbursed for his reasonable out-of-pocket expenses.

3.12 Liability and Indemnification of Directors, Officers, Manager or Managing Agent. To the fullest extent authorized by law and the Articles, the personal liability of each Director (including pre-turnover Directors) to the Association or its Owners for monetary damages for conduct as a Director shall be eliminated. Each Director (including pre-turnover Directors) and officer and the manager or managing agent, if any, shall be indemnified and held harmless by the Association, to the fullest extent permitted by law, from and against all expenses and liabilities, including attorneys' fees, reasonably incurred or imposed upon such person in connection with any proceeding to which he may be a party, or in which he may become involved, by reason of being or having been a Director (including pre-turnover Directors), officer, manager or managing agent and shall be indemnified upon any reasonable settlement thereof. The foregoing rights of indemnification shall be in addition to and not exclusive of any and all other rights conferred on such persons under any agreement, vote of the Owners or otherwise.

3.13 Insurance. The Board shall comply with the insurance requirements contained in Article 9 of these Bylaws. In addition, the Board, in its discretion, may obtain such other insurance as it deems necessary to protect the interests of the Association, the Board or the Owners.

3.14 Special Committees. The Board by resolution may designate one or more special committees, each committee to consist of three or more Owners which, to the extent provided in such resolution, shall have and may exercise the powers set forth in such resolution. Such special committee or committees shall have such name or names as may be determined from time to time by the Board. Such special committee shall keep regular minutes of their proceedings and report the same to the Board when required. The members of such special committee or committees designated shall be appointed by the Board or the Chairperson. The Board or the Chairperson may appoint Owners to fill vacancies on each of any special

committees occasioned by death, resignation, removal, or inability to act for any extended period of time.

3.15 Action Without a Meeting. Any action which the Act, the Declaration or these Bylaws require or permit the Board to take at a meeting may be taken without a meeting if a consent in writing setting forth the action so taken is signed by all of the Directors entitled to vote on the matter. The consent, which shall have the same effect as a unanimous vote of the Board, shall be filed in the records of minutes of the Association.

4. OFFICERS.

4.1 Designation. The principal officers of the Association shall be the Chairperson, the Secretary and a treasurer (the "Treasurer"), all of whom shall be elected by the Board. The Board may appoint a vice chairperson (the "Vice Chairperson"), an assistant treasurer (an "Assistant Treasurer"), an assistant secretary (an "Assistant Secretary") and such other officers as in its judgment may be desirable. None of the officers need be Owners until the Board is elected by the Owners at the Turnover Meeting. Thereafter, all officers shall be Owners (or officers, directors, shareholders, partners, employees or beneficiaries, or members of the respective families, of Units owned by corporations, partnerships, fiduciaries or Mortgagees).

4.2 Election. The officers of the Association shall be elected annually by the Board at the organizational meeting of each new Board and shall hold office at the pleasure of the Board and until their successors are elected and qualified. If any office shall become vacant, the Board shall elect a successor to fill the unexpired term at any regular meeting of the Board, or at any special meeting of the Board called for such purpose.

4.3 Removal. Upon the affirmative vote of a majority of the Board, any officer may be removed, either with or without cause, and his successor may be elected at any regular meeting of the Board or at any special meeting of the Board called for such purpose.

4.4 Chairperson. The Chairperson shall be the chief executive officer of the Association and shall preside at all meetings of the Owners and of the Board. The Chairperson shall have all of the general powers and duties which are usually incident to the office of the chief executive officer of an association, including, but not limited to, the power to appoint committees from among the Owners from time to time as are appropriate to assist in the conduct of the affairs of the Association as determined by the Chairperson in his or her discretion.

4.5 Vice Chairperson. The Vice Chairperson shall take the place of the Chairperson and perform the Chairperson's duties whenever the Chairperson shall be absent or unable to act. If neither the Chairperson nor the Vice Chairperson is able to act, the Board shall appoint some other member of the Board to act in the place of the Chairperson on an interim basis. The Vice Chairperson shall also perform such other duties as shall from time to time be prescribed by the Board or by the Chairperson.

4.6 Secretary. The Secretary shall keep the minutes of all proceedings of the Board and the minutes of all meetings of the Association. The Secretary shall attend to the giving and serving of all notices to the Owners and Directors required by these Bylaws and other notices required by law, shall keep the records of the Association, except for those of the

Treasurer, and shall perform all other duties incident to the office of Secretary of an association and as may be required by the Directors or the Chairperson. In addition, the Secretary shall act as Vice Chairperson, taking the place of the Vice Chairperson and performing the Vice Chairperson's duties whenever the Vice Chairperson is absent or unable to act, unless the Directors have appointed another Vice Chairperson.

4.7 Treasurer. The Treasurer shall be responsible for Association funds and securities and for keeping full and accurate financial records and books of account showing all receipts and disbursements necessary for the preparation of all required financial data. The Treasurer shall be responsible for the deposit of all funds and other valuable effects in such depositories as may from time to time be designated by the Board, shall disburse funds of the Association upon properly authorized vouchers, and shall, in general, perform all other duties incident to the office of Treasurer of an association and such other duties as may be assigned to him by the Board.

4.8 Execution of Instruments. All agreements, contracts, deeds, leases and other instruments of the Association, except checks, shall be executed by such person or persons as may be designated by general or special resolution of the Board. All checks, wire transfer instructions, authorizations and other similar instruments for amounts up to Ten Thousand Dollars (\$10,000) may be executed by the professional property management company for the Condominium if authorized by general or special resolution of the Board, and, in the absence of any such general or special resolution, then such instrument or authorization shall be signed by the Treasurer, or in his absence or disability, by the Chairperson or another person duly authorized by the Board. Notwithstanding the foregoing, all checks, wire transfer instructions, authorizations or other similar instruments for amounts in excess of Ten Thousand Dollars (\$10,000) shall require the signatures of (i) the Chairperson and Treasurer, or (ii) the Chairperson or Treasurer and one other officer of the Association.

4.9 Compensation of Officers. No officer who is a member of the Board, other than the Secretary and Treasurer, shall receive any compensation from the Association for acting as an officer, unless such compensation is authorized by a resolution duly adopted by the Owners. The Board may fix any reasonable compensation to be paid to the Secretary, Treasurer and any officers who are not also Directors.

5. BUDGET, EXPENSES AND ASSESSMENTS.

5.1 Budget.

5.1.1 The Board shall from time to time, at least annually, prepare and adopt a budget for the Association, estimate the common expenses expected to be incurred, less any previous over assessment, and assess the common expenses in accordance with Section 7.1 of the Declaration. The budget shall provide for an adequate reserve fund for funding major maintenance, repair and replacement of those Common Elements which will normally require major maintenance, repair or replacement in more than one (1) year and less than thirty (30) years and for the painting of exterior painted surfaces of the Common Elements, if any, in accordance with Section 5.2 of these Bylaws. The Board shall advise each Owner in writing of the amount of common expenses payable by the Owner, and furnish copies of each budget and amended budget on which such common expenses are based to all Owners, Declarant (for at

least ten (10) years after the recordation of the Declaration), and, if requested, to their Mortgagees, at least thirty (30) days prior to the annual meeting of the Association. Failure to deliver a copy of any budget or amended budget to an Owner shall not affect the liability of the Owner for any such assessment. If the Board fails to adopt an annual budget, the last adopted budget shall continue in effect. Nothing herein contained shall be construed as restricting the right of the Board to, at any time, in its sole discretion, levy any additional assessment in the event that the budget originally adopted shall appear to be insufficient to pay costs and expenses of operation and management of the Condominium, or in the event of emergencies. Any budget for the Association prepared by Declarant or during the period of Declarant's administrative control of the Association pursuant to Section 20 of the Declaration shall be based on Declarant's good faith projection of the requirements of the Association for the period in question. Such projection (i) may increase over time and (ii) may vary substantially from the actual requirements of the Association for such period. Such projection need not include (a) items that reasonably could be funded from operating assessments or (b) a reserve for limited common elements for which maintenance and replacement are the responsibility of one or more Unit Owners under the provisions of the Declaration or these Bylaws. **The reserve study on which such projection is based assumes that the Board conducts normal, routine maintenance for the elements reserved for and that the Board is required to perform pursuant to the Declaration, these Bylaws, the Maintenance Plan and the Act. If the Board fails to perform the required maintenance, the reserve fund may be inadequate at the time of the required replacement for one or more elements included in the reserve study.** After the Turnover Meeting, the Board shall be responsible, in its sole discretion, for preparation of the budget of the Association and shall not rely upon prior budgets or projections prepared by Declarant. The budget shall take into account the requirements of the Maintenance Plan adopted pursuant to Section 3.2.20 above.

5.1.2 Within thirty (30) days after adoption of any proposed budget for the Condominium following the Turnover Meeting, the Board shall provide a summary of the budget to all Owners and to Declarant for a period of ten (10) years following recordation of the Declaration.

5.2 Reserve Fund for Common Elements.

5.2.1 Declarant shall, on behalf of the Owners, conduct a reserve study as required by the Act, prepare the initial Maintenance Plan described in Section 3.2.20 above and as required by the Act and establish in the name of the Association a reserve fund for funding major maintenance, repair and replacement of those Common Elements which will normally require major maintenance, repair or replacement in more than one (1) year and less than thirty (30) years and for the painting of exterior painted surfaces of the Common Elements, if any.

5.2.2 The common expenses of the Condominium shall be calculated on the basis of expected replacement costs and life expectancy of the items comprising the Common Elements which will normally require replacement in more than one (1) year and less than thirty (30) years such that the reserve fund is reasonably expected to provide sufficient funds for major maintenance, repair and replacement of such Common Elements and for the painting of exterior painted surfaces of the Common Elements, if any. Declarant, in establishing the reserve fund, shall rely on the reserve study in making a projection of the requirements of the Association with respect to the major maintenance, repair and replacement of such Common Elements and for the

painting of exterior painted surfaces of the Common Elements, if any. Such projection (i) may increase over time and (ii) may vary substantially from the actual requirements of the Association. Such projection need not include (a) items that can reasonably be funded from operating assessments or (b) a reserve for limited common elements for which maintenance and replacement are the responsibility of one or more, but less than all, Owners under the provisions of the Declaration or these Bylaws.

5.2.3 Declarant may elect to defer payment of the assessments for the reserve fund with respect to each Unit until the time of conveyance of the Unit, provided that Declarant may not defer payment of such reserve assessments beyond the date of the Turnover Meeting, or, if no Turnover Meeting is held, the date the Owners assume administrative control of the Association.

5.2.4 The Board shall annually conduct a reserve study or review and update an existing reserve study of the Common Elements to determine reserve account requirements. The reserve study shall include all information required by the Act. After reviewing the reserve study or reserve study update, the Board may, without any required approval or other action of the Owners, adjust the amount of payments into the reserve account in accordance with the reserve study or reserve study update and provide for other reserve items that the Board, in its discretion, may deem appropriate. If, after reviewing the reserve study or reserve study update, the Board determines that the reserve account will be adequately funded for the following year, then the Board may vote to reduce or eliminate funding of the reserve account for that particular year. Additionally, following the Turnover Meeting, on an annual basis, the Board, with the approval of all Owners, may elect not to fund the reserve account for the following year regardless of whether or not the reserve account is fully funded.

5.2.5 The reserve fund is to be used only for major maintenance, repair and replacement of the Common Elements which will normally require major maintenance, repair or replacement in more than one (1) year and less than thirty (30) years and for the painting of exterior painted surfaces of the Common Elements, if any, and is to be kept separate from the operating expense assessments. After the Turnover Meeting, however, the Board may borrow amounts from the reserve fund to meet high seasonal demands on funds obtained from regular assessments or to meet other unexpected increases in expenses which will later be paid from special or regular assessments, if the Board has adopted a resolution, which may be an annual continuing resolution, authorizing the borrowing of funds and, prior to adopting such a resolution, has provided advance written notice of the resolution to all Owners and, for a period of ten (10) years following the recordation of the Declaration, to Declarant and its successors and assigns. Not later than the adoption of the budget for the following year, the Board shall adopt by resolution a repayment plan providing for repayment of the borrowed funds within a reasonable period. Repayment of such amounts borrowed from the reserve fund shall include any interest that would otherwise have been earned on such amounts.

5.2.6 Any funds established for any of the purposes mentioned in this Section 5.2 shall be deemed to be a reserve fund notwithstanding that it may not be so designated by the Board. The amount of the reserve fund shall constitute an asset of the Association and shall not be distributed to any Owner except on termination of the Condominium and the Association.

5.3 Assessments and Reserves. THE PROJECTION OF THE BUDGET OF THE ASSOCIATION OF UNIT OWNERS FOR THE OPERATION AND MAINTENANCE AND OTHER COMMON EXPENSES OF THE CONDOMINIUM IS ONLY AN ESTIMATE. INITIAL ASSESSMENTS MAY BE HIGHER THAN SHOWN IN THE PROJECTED BUDGET, AND ASSESSMENTS ARE LIKELY TO INCREASE OVER TIME. RESERVE PROJECTIONS MAY INCREASE AND MAY VARY SUBSTANTIALLY FROM THE ACTUAL REQUIREMENTS OF THE ASSOCIATION IMPOSED ON UNIT OWNERS.

5.4 Determination of Common Expenses. Common expenses shall include:

5.4.1 Expenses of administration.

5.4.2 Cost of insurance or bonds obtained in accordance with these Bylaws.

5.4.3 A general operating reserve, sufficient to pay the amount of the deductible on any insurance policy held by the Association under Section 9.1.1.

5.4.4 Reserve for major maintenance, repair and replacement of the Common Elements and for painting any exterior painted surfaces of the Common Elements as needed.

5.4.5 The costs of the annual reserve study required by the Act, or the renewal and update thereof.

5.4.6 The costs of establishing, updating and implementing the Maintenance Plan.

5.4.7 Any deficit in common expenses for any prior period, and any accrued interest or late charges thereon.

5.4.8 Utilities for the Common Elements and other utilities not separately metered or charged.

5.4.9 Services of any person or firm to act on behalf of the Owners in connection with any other matter where the respective interests of the Owners are deemed by the Board to be similar and nonadverse to each other.

5.4.10 Professional management services, gardening, landscaping, snow removal, waste removal, painting, cleaning, and inspection, maintenance, decorating, repair and replacement of the Common Elements and Association Property and such machinery and equipment for the Common Elements and Association Property as the Board shall determine are necessary and proper, which the Board shall have the exclusive right and duty to acquire for the Common Elements and Association Property.

5.4.11 Any other materials, supplies, furniture, labor, services, maintenance, repairs, structural alterations or assessments which the Board is required to secure or pay for, pursuant to the terms of the Declaration or these Bylaws or which in its opinion shall be necessary or proper for the maintenance and operation of the Condominium as a first-class

Condominium or for the enforcement of these restrictions, and which the Board determines should be assessed to the Owners under Section 5.5.

5.4.12 The discharge of any mechanic's lien or other encumbrance levied against the entire Condominium or against the Common Elements or Association Property, rather than merely against the interests therein of particular Owners. Where one or more Owners are responsible for the existence of such lien, they shall be jointly and severally liable for the cost of discharging it and any costs incurred by the Board by reason of such lien or liens shall be specifically assessed to the responsible Owners.

5.4.13 Inspection, maintenance and repair of any Unit if the Board determines that such inspection, maintenance or repair is necessary to protect the Common Elements, Association Property, another Unit, or any other portion of the Property, and the Owner of the Unit has failed or refused to perform such maintenance or repair in accordance with these Bylaws, the Maintenance Plan or the Declaration within a reasonable time after written notice of the necessity of such maintenance or repair delivered by the Board to such Owner, provided that the Board may levy a special assessment against such Owner for the cost of such maintenance or repair.

5.4.14 Any other items properly chargeable as an expense of the Association.

5.5 Assessment of Common Expenses.

5.5.1 All Owners shall be obliged to pay on a monthly basis in advance common expenses assessed to them by the Board on behalf of the Association pursuant to these Bylaws and the Declaration, including amounts applicable to the reserve fund described in Section 5.2 of these Bylaws. Assessments may not be waived due to limited use or nonuse of Common Elements and no Owner may claim an offset against assessments for failure of the Board to perform its obligations. Declarant shall be assessed as the Owner of any unsold Unit, but such assessment shall be prorated to the date of sale of the Unit. Assessments shall commence in accordance with Section 7.1.2 of the Declaration. At the time of closing of the initial sale of each Unit, the purchaser shall make the contribution described in Section 5.6.3 to the working capital fund. The Board, on behalf of the Association, shall assess the common expenses against the Owners from time to time, and at least annually, and shall take prompt action to collect from an Owner any common expense due which remains unpaid by him for more than ten (10) days from the due date for its payment (except as provided above for Declarant).

5.5.2 If Additional Property (as defined in the Declaration) is annexed to the Condominium, the Association shall, within sixty (60) days after the annexation, recompute the common expense budget based upon the additional Units and Common Elements and recompute all applicable assessments for each Unit in accordance with Section 11.4 of the Declaration. Newly annexed Units shall be subject to assessment beginning upon the date of annexation, unless Declarant elects to defer the commencement of assessments (other than reserve fund assessment in accordance with Section 5.2 of these Bylaws) as provided in Section 7.1.2 of the Declaration. The Association shall send notice of any applicable assessment to the Owners of newly annexed Units not later than sixty (60) days after the annexation or, if common expense assessments (other than reserve assessments) are deferred as provided in Section 7.1.2 of the

Declaration no later than ten (10) days before commencement of such assessments. If Additional Property is annexed to the Condominium during the Association's fiscal year, the Association shall send notice of and shall collect adjustments to assessments for Units which were within the Condominium prior to the annexation. Notice of the adjustment in the assessments shall be sent to such Owners not later than sixty (60) days after the annexation. Assessments under this Section 5.5.2 shall be due and payable on or before a date set forth in the notice which shall be not less than thirty (30) days after the date the notice is mailed. To the extent that any adjustment results in a credit with respect to assessments payable by an Owner, such credit shall be applied toward the next occurring payment or payments of the applicable assessment.

5.6 Special Assessments.

5.6.1 Capital Improvements. In the case of any duly authorized capital improvement to the Common Elements, the Board may by resolution establish separate assessments for the same, which may be treated as contributions by the Owners for capital improvements, and the proceeds of which shall be used only for the special capital improvements described in the resolution.

5.6.2 Other Reserve Trust Funds. The Board may also build up and maintain a reasonable reserve for contingencies and replacements not covered by Section 5.2 of these Bylaws. Extraordinary expenditures not originally included in the annual estimate which may become necessary during the year may be charged against such reserve. If the estimated cash requirement proves inadequate for any reason, including nonpayment of any Owner's assessment, the Board may at any time levy a further assessment, which shall be assessed to the Owners according to each Owner's percentage ownership in the Common Elements. The Board shall serve notice of such further assessment on all Owners by a statement in writing giving the amount and reasons therefor, and such further assessment shall become effective with the first monthly assessment of common expenses which is due more than thirty (30) days after the delivery or mailing of such notice of further assessment. Any reserve fund established by Declarant shall be based upon Declarant's good faith projection of the applicable reserve requirements of the Association, but such projection may vary substantially from the actual requirements of the Association.

5.6.3 Working Capital Fund. Declarant shall establish in the name of the Association a working capital fund for the Association. Amounts paid into this fund shall not be considered advance payments of the monthly assessments for common expenses described in Section 5.5. At the time of closing of the initial sale and each subsequent sale of a Unit, the purchaser shall make an initial contribution to the working capital fund equal to two months of Association assessments for the Unit. At or prior to the Turnover Meeting, Declarant shall transfer the amount of the reserve fund to the Association for deposit in a segregated fund and administration in accordance with Section 5.2 of these Bylaws. During the period of administrative control described in Section 20 of the Declaration, Declarant shall not use any funds contained in the working capital fund to defray Declarant's expenses, contributions to reserves, or construction costs, or to compensate for any deficits in the operating budget of the Condominium.

5.7 Violation by Owners; Remedies. A violation of the Rules and Regulations or other determination duly adopted by the Board, or the breach of any covenant or provision

contained in the Declaration or these Bylaws, shall give the Association and its agents the right: (i) to enter upon that part of the Condominium where such violation or breach exists and summarily abate and remove, at the expense of the defaulting Owner, any structure, thing or condition that may exist thereon contrary to the intent and meaning of the provisions so violated, and the Association or its agents, shall not thereby be deemed guilty in any manner of trespass; *provided, however*, that the Association must institute legal proceedings before any item of construction may be altered or demolished in remedying such violation, and (ii) to enjoin, abate or remedy by appropriate legal proceedings the continuance of any breach. Any Owner aggrieved by such a violation shall also have the right, on behalf of the Association, to enjoin, abate, or remedy by appropriate legal proceedings any such violation and to recover its expenses in accordance with Section 11.1. All expenses of the Association in connection with such violation and such action or proceedings (including any action or proceeding brought on behalf of the Association), including engineering, architectural and other professional fees and costs, court costs and attorneys' fees and any other fees and expenses (including fees, fines, late charges and interest imposed pursuant to these Bylaws), and all damages, liquidated or otherwise, together with interest thereon at the rate provided in Section 7.3 of the Declaration until the amount outstanding is paid, shall be charged to and assessed against such defaulting Owner and shall be added to and deemed part of such Owner's respective share of the common expenses. The Association shall have a lien for all of the same upon the Unit of such defaulting Owner and upon all of his additions and improvements thereto and upon all of his personal property located in such Unit or elsewhere in the Condominium. Any and all of such rights and remedies may be exercised at any time and from time to time, cumulatively or otherwise, on behalf of the Association by the Board. Any violations by an Owner of the Declaration, these Bylaws or any Rules and Regulations which are deemed by the Board to be a hazard to public health or safety may be corrected immediately as an emergency matter by the Association, and the cost thereof shall be charged to the offending Owner as a specific item, which shall be a lien against the offending Owner's Unit with the same force and effect as if the charge were a part of the normal common expenses attributable to such Unit.

5.8 Liability of Owners. An Owner shall be liable for the expenses of any maintenance, repair or replacement rendered necessary by his act, neglect or carelessness or by that of any member of his family, or his or their guests, employees, servants, invitees, agents or lessees, but only to the extent that such expense is not met by the proceeds of insurance carried by the Association. Such liability shall include any increase in insurance rates occasioned by use, misuse, occupancy or abandonment of any Unit or its appurtenances. Nothing in these Bylaws, however, shall be construed to modify any waiver by insurance companies of rights of subrogation. The expense of any such maintenance, repair or replacement shall be charged to the responsible Owner as a specific item, which shall be a lien against the corresponding Unit with the same force and effect as if the charge were a part of the normal common expenses attributable to such Unit.

5.9 No Waiver. The failure of the Association or of an Owner to enforce any right, provision, covenant or condition which may be granted by any of the provisions of the Declaration, these Bylaws or any Rules or Regulations shall not constitute a waiver of the right of the Association or an Owner to enforce such right, provision, covenant or condition in the future.

5.10 Receiver. From the time of commencement of an action by the Association to foreclose a lien for nonpayment of delinquent assessments regarding a Unit that, in violation of these Bylaws, is not occupied by the Owner thereof, the Association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the Unit as and when due. If the rental is not paid, the receiver may obtain possession of the Unit, refurbish it for rental up to a reasonable standard for rental units in this type of Condominium, rent the Unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the Unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this Section, and a receiver shall not be appointed less than ninety (90) days after the delinquency. The exercise by the Association of the foregoing rights shall not affect the priority of preexisting liens on the Unit.

6. RECORDS AND AUDITS.

6.1 General Records. The Board and the managing agent or manager, if any, shall keep records of the actions of the Board and the managing agent or manager, minutes of the meetings of the Board and minutes of the meetings of the Association and contemporaneous written documentation of the Association's inspection, operation, care, upkeep, repair, replacement and maintenance of the Common Elements and Association Property. The Board shall maintain a list of Owners entitled to vote at meetings of the Association and a list of all Mortgagees of Units to the extent the Board has been notified of such Mortgagees. The Association shall maintain within the State of Oregon a copy, suitable for duplication, of: (i) the Articles, the Declaration, these Bylaws, the Rules and Regulations and any amendments or supplements thereto; (ii) the most recent annual financial statement of the Association described in Section 6.5; (iii) the current operating budget of the Association and the current reserve study and Maintenance Plan for the Condominium; and (iv) all documents, information and records delivered to the Association at the Turnover Meeting. Such documents shall be available for inspection within the State of Oregon by Owners, Mortgagees of Units, insurers and guarantors of such Mortgages, and prospective purchasers of Units during normal business hours, except as otherwise permitted under Section 100.480 of the Act. For a period of ten (10) years following the recordation of the Declaration, the Secretary shall mail to Declarant within thirty (30) days after the creation, adoption or recordation of such documents, as applicable, copies of the foregoing documents, including without limitation, written consents of the actions of the Board and minutes of the meetings of the Association and the Board.

6.2 Records of Receipts and Expenditures. The Board or its designee shall keep detailed, accurate records in chronological order of the receipts and expenditures affecting the Common Elements, itemizing the maintenance and repair expenses of the Common Elements and any other expenses incurred. Such records and the vouchers authorizing the payments shall be available for examination by the Owners, Mortgagees of Units, and insurers and guarantors of such Mortgages during normal business hours.

6.3 Assessment Roll. The assessment roll shall be maintained in a set of accounting books or on a computerized accounting program in which there shall be an account for each Unit. Such account shall designate the name and address of the Owner, the amount of each assessment against the Owner, the dates and amounts in which the assessment comes due, the amounts paid upon the account and the balance due on the assessments.

6.4 Payment of Vouchers. Vouchers and instruments shall be authorized and signed in accordance with Section 4.8 above.

6.5 Reports and Audits. Within ninety (90) days after the end of each fiscal year, the Board shall prepare or cause to be prepared an annual financial statement of the Association consisting of at least a balance sheet and income and expense statement for the preceding fiscal year (the “Annual Financial Statement”) and shall distribute a copy of the Annual Financial Statement to each Owner and to each Mortgagee who has requested the same in writing. If the Association has annual assessments exceeding \$75,000 for any fiscal year following the Turnover Meeting, then pursuant to Section 100.480(4) of the Act, the Board shall cause the Annual Financial Statement for that fiscal year to be reviewed within one hundred and eighty (180) days after the end of the fiscal year by an independent certified public accountant licensed in the State of Oregon in accordance with the Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. Pursuant to Section 100.480(6) of the Act, the Association may elect on an annual basis not to comply with the review requirements set forth in Section 100.480(4) of the Act by an affirmative vote of at least 60% of the Owners, not including the votes of Declarant with respect to Units owned by Declarant. If the Association has annual assessments of \$75,000 or less for any fiscal year, then pursuant to Section 100.480(5) of the Act, the Board shall cause the most recent Annual Financial Statement to be reviewed by an independent certified public accountant licensed in the State of Oregon in accordance with the Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants within one hundred and eighty (180) days after the Board receives a petition requesting such review signed by at least a majority of the Owners. At any time any Owner or Mortgagee may, at its own expense, cause an audit or inspection to be made of the books and records of the Association. In addition, the Board shall not less than annually provide each Owner and Declarant, including its successors and assigns, a written report regarding the Association’s compliance with the Maintenance Plan.

6.6 Notice of Sale or Mortgage. Immediately upon the closing of any sale or Mortgage of any Unit, the Owner shall promptly inform the Secretary or manager of the name and address of the purchaser or Mortgagee.

6.7 Statement of Assessments. Within ten (10) business days after receipt of a written request from an Owner or Owner’s agent for the benefit of a prospective purchaser of such Owner’s Unit(s), the Association shall provide a written statement detailing the amount of assessments due from such Owner and unpaid at the time the request was received, including regular and special assessments, fines and other charges, accrued interest, late payment charges, the percentage rate at which interest accrues on assessments not paid when due, and the percentage rate used to calculate the late payment charges or the amount of a fixed charge for late payment. The Association is not required to comply with the foregoing request if the Association has commenced litigation by filing a complaint against the Owner, and the litigation is pending when the statement would otherwise be due.

7. OCCUPATION AND USE.

7.1 Rentals. The Leasing or Renting of a Unit by its Owner shall be governed by the provisions of this Section 7.1. As used herein, “Leasing,” “Renting,” “Leased” or “Rented”

means the granting of a lease, sublease, right to use or to occupy a Unit for a specified term or indefinite term in exchange for the payment of rent (that is, money, property or other goods or services of value) but shall not mean and include joint ownership of a Unit by means of joint tenancy, tenancy-in-common or other forms of co-ownership. With the exception of a lender in possession of a Unit following a default under a Mortgage, a foreclosure proceeding or any deed or other arrangement in lieu of a foreclosure, no Owner shall be permitted to Lease his Unit for hotel or transient purposes (including, without limitation, through Air BnB, VRBO, Homeaway or similar services), or for any period of fewer than thirty (30) days.

7.1.1 No Partial Leases. No Owner of a Unit may Lease less than the entire Unit.

7.1.2 Written Leases. All Leasing or Rental agreements shall be in writing and shall expressly state that they shall be subject to the Declaration and these Bylaws (with a default by the tenant in complying with the Declaration and/or these Bylaws constituting a default under the Lease or Rental agreement).

7.1.3 Payment by Tenant or Lessee to Association. If a Unit is Rented or Leased by its Owner, the Board may collect, and the tenant or lessee shall pay over to the Board, so much of the rent for such Unit as is required to pay any amounts due the Association hereunder, plus interest and costs if the same are in default over thirty (30) days. The renter or lessee shall not have the right to question payment over to the Board. Such payment will discharge the lessee's or renter's duty of payment to the Owner for rent, to the extent such rent is paid to the Association, but will not discharge the liability of the Owner and the Unit under the Declaration for assessments and charges, or operate as an approval of the lease. The Board shall not exercise this power where a receiver has been appointed with respect to the Unit or its Owner, nor in derogation of any right which a Mortgagee of such Unit may have with respect to such rents.

7.1.4 Limitation of Number of Rented Units. At no time shall more than thirty percent (30%) of the Units be rented or occupied by non-Owner occupants. In order to insure that the foregoing limitation is not exceeded, Owners who intend to rent or grant occupancy rights to their Units shall provide thirty (30) days written notice to the Board of their intentions. Each such Owner may proceed to rent or grant occupancy to non-Owner occupants for his or her Unit unless such Owner is provided written notice of the Board's refusal to allow such rental or non-Owner occupancy because such rental or non-Owner occupancy would exceed the limitation of the foregoing sentence. In the event of such Board refusal, the requesting Owner shall not rent or grant occupancy to any person until the Board notifies him or her that such rental or occupancy would not violate the limitation on non-Owner occupied Units. The Board shall maintain a list of Owners who requested and were denied the ability to rent or grant non-Owner occupancy of their Units, on a first-come, first-serve basis and shall promptly notify each Owner on such list as it becomes permissible to rent or grant non-Owner occupancy of such Owners' Unit.

7.1.5 No Other Restrictions. Other than as stated in this Section 7.1, there is no restriction on the right of any Owner to Lease or otherwise Rent his or her Unit.

7.1.6 Declarant's Activities. The restrictions contained in this Section 7.1 shall not apply to the Leasing or Renting of Units owned by Declarant.

7.2 Insurance Risk. No Unit or Common Element shall be occupied or used by anyone in such a manner as to result in an increase in the cost of casualty or liability insurance on the Condominium or the risk of cancellation, or threat of cancellation, of any policy of insurance on the Condominium or any Unit or Common Elements.

7.3 Compliance. Each Owner shall comply and shall require all residents, lessees, servants, invitees, employees and visitors to his Unit to comply with the Act, the Declaration, these Bylaws and the Rules and Regulations adopted pursuant thereto. An Owner shall continue to be responsible for compliance with all of the foregoing, notwithstanding that the Unit is Leased or Rented in violation of these Bylaws.

7.4 Alterations. No Owner shall make or allow any structural alterations in or to his Unit, or alter the exterior design or color of any part of the Owner's Unit normally visible from the exterior thereof (including any alteration of the window coverings for the Owner's Unit) or make an installation or any change to an installation upon the Common Elements, or maintain, decorate, alter or repair any part of the Common Elements, without the prior consent in writing of the Board. The Board shall consider the granting of such consent only after the Owner shall submit a complete set of architectural, mechanical, electrical or other relevant plans and specifications, which submission shall be reviewed by such architects and engineers as the Board shall deem appropriate. The Board shall provide a copy of such submission materials to Declarant upon receipt. Whether or not such consent is granted, the Owner shall pay, upon demand and in advance, if so required by the Board, for such professional review. During the course of construction and after completion of same, the Board may cause its professional advisors to inspect the work to ensure that it is performed in compliance with the approved plans. The costs of such inspection(s) shall be paid by the Owner to the Board, upon demand. The Board shall provide reasonable advance notice to Declarant of its inspection and Declarant or its contractors or agents may, but shall not be obligated to, inspect the work concurrently with the Board's professional advisors. Prior to commencement of construction, the Owner shall provide the Board with copies of all relevant building permits and evidence of due compliance with any other requirements of government bodies having jurisdiction regarding such work. An Owner may not remove any partition walls separating contiguous Units. Before proceeding with any approved alterations or improvements, the Owner shall, if the Board so requires, provide to the Association, at the expense of the Owner, a performance bond and a labor and materials bond, issued by a surety satisfactory to the Board, each in the amount of at least one hundred twenty-five percent (125%) of the estimated cost of such alterations or improvements or such other security as shall be satisfactory to the Association.

7.5 Residential Use. The Units shall be used for: (i) residential purposes only, including sleeping, eating, food preparation for on-site consumption by occupants and guests, entertaining by occupants of personal guests and similar activities commonly conducted within a residential dwelling; (ii) for the common social, recreational or other reasonable uses normally incident to such purposes; and (iii) for purposes of operating the Association and managing the Condominium. An Owner or occupant residing in a Unit may conduct business activities within the Unit so long as: (i) the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from outside the Unit; (ii) the business activity conforms to

all zoning requirements for the Condominium; (iii) the business activity does not involve regular visitation of the Unit by clients, customers, suppliers, or other business invitees or door-to-door solicitation of residents of the Condominium; and (iv) the business activity is consistent with the residential character of the Condominium and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Condominium, as may be determined in the sole discretion of the Board.

7.6 Non-Interference. Each Unit shall be used only for such purpose and to such extent as will not overload or interfere with any Common Elements or the enjoyment of adjacent Common Elements by the other Owners.

7.7 Nuisances. No nuisances or noxious or offensive activities shall be allowed in the Condominium nor shall any use or practice be allowed that is improper or offensive in the opinion of the Board or that unreasonably interferes with or is an unreasonable annoyance to the peaceful possession or proper use of the Condominium by other Owners or occupants or requires any alteration of or addition to any Common Element. Without limitation of the foregoing, no woodpiles shall be permitted outside of any Unit and no Owners shall allow the storage or use of hazardous substances in their Units other than normal cleaning materials stored and used in accordance with applicable law. Additionally, Owners and other occupants shall not engage in any abusive or harassing behavior, either verbal or physical, or any form of intimidation or aggression directed at other Owners, occupants, guests, or invitees, or directed at the manager, its agents, employees or vendors.

7.8 Offensive or Unlawful Activities. No noxious or offensive activities shall be carried on upon the Condominium, Unit, Common Elements, or any part thereof, nor shall anything be done or placed in, on or under any part of the Condominium or any Unit which unreasonably interferes with or jeopardizes the enjoyment of the Condominium, or which is a source of unreasonable annoyance to residents. No unlawful use shall be made of the Condominium or any part thereof, and all laws, zoning ordinances, regulations or any other Legal Requirement (as defined in the Declaration) of all governmental authorities having jurisdiction thereof shall be strictly complied with. Construction of buildings and improvements that are part of or are scheduled to become a part of the Condominium shall not violate this Section. Compliance with any Legal Requirements shall be accomplished by and at the sole expense of the Owner or Association, as the case may be, whichever shall have the obligation to maintain and repair the portion of the Condominium affected by any such Legal Requirement. Each Owner shall give prompt notice to the Board of any written notice received of the violation of any Legal Requirement affecting the Owner's Unit or the Condominium. Notwithstanding the foregoing provisions, an Owner may, at his expense, defer compliance with and contest, by appropriate proceedings prosecuted diligently and in good faith, the validity or applicability of any Legal Requirement affecting any portion of the Condominium which such Owner is obligated to maintain and repair, and the Board shall cooperate with such Owner in such proceedings, *provided that*:

7.8.1 Such Owner shall pay and shall defend, save harmless, and indemnify the Board, the Association, and each other Owner against all liability, loss or damage which any of them respectively shall suffer by reason of such contest and any noncompliance with such Legal Requirement, including attorneys' fees and other expenses incurred;

7.8.2 Such Owner shall keep the Board advised as to the status of such proceedings; and

7.8.3 If any Owner conducts any activity or fails to comply with any Legal Requirement that increases the insurance premiums on insurance carried by the Association, or for which the Association is directly or indirectly responsible, such Owner shall pay such increased premium to the Association, upon demand, and if not so paid, such amount shall bear interest after the date of such demand at the rate provided in Section 5.7.

7.9 Contested Legal Requirements. An Owner need not comply with any Legal Requirement so long as the Owner is contesting the validity or applicability thereof as provided in Section 7.8, *provided that* noncompliance shall not create a dangerous condition or constitute a crime or an offense punishable by fine or imprisonment, and that no part of the Condominium shall be subject to being condemned or vacated by reason of noncompliance or otherwise by reason of such contest. The Board may also contest any Legal Requirement without being subject to the conditions described in Section 7.8 as to contest and may also defer compliance with any Legal Requirement, subject to the conditions contained in this Section 7.9 as to deferral of compliance by an Owner, and the costs and expenses of any contest by the Board shall be a common expense.

7.10 Parking Areas. All garage areas within Units and other parking areas included in the Common Elements shall be subject to the provisions of this Section 7, as well as the rules and regulations thereon adopted by the Board pursuant to Section 7.30. Garage areas within Units and other parking areas within the Condominium are restricted to use for parking of operative primary and secondary motor vehicles. Parking of boats, truck campers, recreational vehicles, or similar vehicles or equipment shall not be permitted. Parking areas shall not be used for storage of personal property unless fully enclosed within the garage portion of a Unit. The Board shall require removal of any inoperative or improperly licensed vehicle, or any unsightly vehicle, or any other equipment or item improperly stored in the garage portion of any Unit or any other parking area within the Condominium. If the same is not removed, the Board shall cause removal at the risk and expense of the Owner thereof.

7.11 Vehicles in Disrepair. No Owner shall permit any vehicle that is in an extreme state of disrepair to be abandoned or to remain parked upon any part of the Condominium for a period in excess of 48 hours. A vehicle shall be deemed in an “extreme state of disrepair” when the Board reasonably determines that its presence offends the residents of the Condominium. Should any Owner fail to remove such vehicle within two days following the date on which notice is mailed to such Owner by the Board, the Board may have the vehicles removed from the Condominium and charge the expense of such removal to the Owner.

7.12 Vehicles in Repair. No vehicle maintenance or repair involving motor oils, fuels, or other lubricants or solvents shall be permitted anywhere within the Condominium.

7.13 On-Site Vehicle Washing. On-site vehicle washing shall be permitted only in paved areas that discharge all waste to a water quality treatment facility.

7.14 Common Streets, Plaza and Sidewalks. Common streets, pedestrian plaza and sidewalks and other Common Elements shall be used exclusively for normal transit and no

obstructions and/or decorations or other items shall be placed thereon or therein except by express written consent of the Board.

7.15 Signs. No signs shall be erected or maintained on any part of the Condominium by anyone other than Declarant or its affiliates or their respective agents, employees, or contractors except signs that have been approved in writing by the Board.

7.16 Pets. Domestic household pets, such as cats and dogs, may be kept by Owners, *provided that* the keeping of pets shall be subject to such reasonable rules and regulations as the Board may adopt from time to time. The Board may require the removal of any animal which the Board in the exercise of reasonable discretion determines to be disturbing other Owners and occupants unreasonably, and may exercise this authority for specific animals even though other animals are permitted to remain. Pets will not be allowed on any Common Element unless they are on a leash or being carried and are being walked to or from the Unit to a street or sidewalk. At all times the Common Elements shall be free from pet debris, including food and fecal matter. Except for the foregoing pets, no livestock, poultry, rabbits or other animals whatsoever shall be allowed or kept in any part of the Condominium, nor may any animal be bred or used therein for any commercial purposes or in any unreasonable numbers. Any outside facility for pets must be kept clean on a daily basis and no waste products or food may be left in either the facility or on the Property. Any damage caused by pets shall be the responsibility of the respective owners thereof.

7.17 Protection of Wildlife. Feeding or harassing of wildlife anywhere on the Condominium shall be prohibited. Bird feeders may be used, subject to the rules and restrictions of the Association, but only sterile bird seed may be used.

7.18 Rubbish and Trash. No Unit nor any part of the Common Elements (including the decks and patios included in the Limited Common Elements) shall be used as a dump for trash or rubbish of any kind. All garbage and other debris and waste shall be kept in appropriate sanitary containers for proper disposal and out of public view. In the event an Owner or occupant fails to remove any trash, rubbish, garbage, or other debris or waste materials from such Owner's or occupant's Unit (or from the street or other Common Elements if deposited thereon by such Owner or occupant) within five days after notice from the Association, the Association may have such waste removed and charge the expense of such removal to the Owner of the Unit as provided in Section 5.4.13. Customary construction activities that relate to development and construction of the Condominium or buildings and improvements which are scheduled to be part of the Condominium shall not violate this Section.

7.19 Restriction on Vegetation. Only vegetation approved by the Association may be planted on any portion of the Condominium.

7.20 Temporary Structures. No structure of a temporary character, trailer, tent, shack, garage, barn, or other outbuilding shall be permitted or used in the Condominium at any time as a residence either temporarily or permanently.

7.21 Maintenance of Unit and Limited Common Elements. Each Owner shall maintain such Owner's Unit and Limited Common Elements in a clean and attractive condition,

in good repair, and in such fashion as not to create a fire hazard and in conformance with the standards set forth in any warranty provided to such Owner by Declarant.

7.22 Utilities and Antennae. No sewer, drainage, or utility lines, wires, satellite dishes, or other devices for the communication or transmission of electric current, power, or signals (including telephone, television, microwave, or radio signals) shall be constructed, placed, or maintained anywhere in or upon the Condominium without the prior written approval of the Board of the detailed plans and specifications therefore. In no event will such items be approved if they will be located at a place other than within Buildings or other structures unless contained in conduits or placed or maintained underground or concealed in or under Buildings or other structures. No device for the transmission or reception of telephone, television, microwave, or radio signals will be allowed within the Condominium unless the antenna is located and screened so as not to be visible from neighboring buildings and streets. Nothing contained in this Section 7.22 shall be construed to prohibit the erection or use of temporary power or telephone facilities during construction or repair of Improvements nor shall it apply to construction activities of Declarant. The restrictions contained in this Section 7.22 shall be effective only to the extent permissible under applicable laws and regulations.

7.23 Leaf Blowers. No leaf blowers that generate either noise or air pollution shall be used on any part of the Condominium other than by a landscape maintenance company hired by the Board.

7.24 Wood Burning Stoves and Turkey Fryers. Wood burning stoves and turkey fryers or similar appliances shall not be used on any portion of the Condominium.

7.25 Exterior Lighting. No exterior lighting of any kind may be installed on any portion of the Condominium or a Unit without the prior review and approval of the Association.

7.26 Driveways. Parking in driveways that are located in front of a Unit and are designated as Limited Common Elements for such Unit shall be restricted to parking by the Unit Owner and his or her guests. The Board shall require removal of any vehicle parked in violation of this subsection. If the vehicle is not promptly removed, the Board shall cause such removal at the risk and expense of the Owner thereof (or the Owner to whose guest or tenant such vehicle belongs).

7.27 Replacement or Installation of Finished Surfaces. Subject to Section 7.4, each Owner shall have the right to substitute new finished surfaces for the finished surfaces then existing in such Owner's Unit's ceilings, floors and walls; *provided that*, except for hard surface flooring installed by Declarant or installed as part of the original construction of the Unit, no Owner shall install hard surface flooring within a Unit except with the prior written consent of the Board.

7.28 Sporting or Exercise Equipment. No sporting or exercise equipment shall be used on the second or third stories of a Unit or on the adjacent patio or deck thereof, including, without limitation, bikes (stationary or otherwise), treadmills, trampolines, free weights, weight machines, elliptical fitness machines, stair machines, and the like.

7.29 Activities of Declarant. Nothing in this Section 7 or in the other provisions of these Bylaws shall be construed to limit, modify, or otherwise restrict the rights of Declarant pursuant to the Declaration with respect to the development, construction, and sale of the Condominium.

7.30 Association Rules and Regulations. In addition to the foregoing requirements, the Board from time to time may adopt, modify, or revoke such Rules and Regulations governing the conduct of persons and the operation and use of the Units and the Common Elements as it may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Condominium. Any such Rules and Regulations may be amended, modified or revoked by the Owners of Units in the same manner as these Bylaws. A copy of the Rules and Regulations, upon adoption, and a copy of each amendment, modification or revocation thereof, shall be delivered by the Board promptly to each Owner and shall be binding upon all Owners and occupants of all Units from the date of delivery.

8. MAINTENANCE AND REPAIR.

8.1 Maintenance by Association. The necessary work to maintain, repair, or replace the Common Elements shall be the responsibility of the Association and shall be carried out by the Board as provided in these Bylaws, the Declaration and the Maintenance Plan described in Section 3.2.20 above. The Board shall be solely responsible for determining the appropriate Maintenance Plan for the Common Elements and all other items for which the Board is responsible for maintaining pursuant to these Bylaws, the Declaration or the Act. Without limitation of the foregoing, the Association shall be responsible for the painting, staining, repair and replacement of the exterior surfaces of all Units (including the repair and replacement of roofs, gutters, siding, exterior windows and doors and garage doors); cleaning of the exterior surfaces of all window and door glass; the repair and resurfacing of all streets, driveways, plaza and walkways; and the cutting, pruning, trimming, and watering of all landscaping. If the Mortgagee of any Unit determines that the Board is not providing an adequate maintenance, repair, and replacement program for the Common Elements, such Mortgagee, at its option, may deliver a notice to the registered agent of the Association, as required pursuant to Section 100.550 of the Act, setting forth the particular defect(s) which it believes exists in the maintenance, repair, and replacement program. If the specified defect(s) are not corrected within sixty (60) days after receipt of such notice, then the Mortgagee, upon written notice to the registered agent that it is exercising its proxy rights thereunder, shall have the right to attend succeeding annual or special meetings of the Association and to cast a vote for each Unit on which it holds a Mortgage on all business coming before such meeting, which proxy rights shall continue until the defect(s) described in the notice are corrected.

8.2 Maintenance by Owners. All maintenance of and repairs to any Unit shall be made by the Owner of such Unit, who shall keep the same in good order, condition, and repair. Without limitation of the foregoing, each Owner shall be responsible for repairing and replacing any automatic opening or similar device installed for the garage door and for maintaining and cleaning the interior surfaces of all exterior windows and doors that Owner's Unit, regardless of whether such items are Common Elements. If an Owner fails properly to perform his or her maintenance and repair responsibility, the Association may enter on to the Owner's Unit and perform such maintenance and/or repair and assess all costs incurred by the Association against the Unit and the Owner as a special assessment pursuant to Section 5.4.13 of these Bylaws.

8.3 Failure to Follow Maintenance Plan. If the Association fails to follow the maintenance and inspection requirements contained in the Maintenance Plan described in Section 3.2.20 above, then the Association hereby waives any claim it might otherwise have against Declarant and its design professionals, contractors and subcontractors and their consultants, including without limitation, all of their officers, members, directors, employees, agents, brokers and affiliates, for loss or damage to the extent the same results from such failure to follow the Maintenance Plan, and shall indemnify such persons and entities from and against claims by Owners or other persons or entities for loss or damage resulting from such failure.

9. INSURANCE.

9.1 Types. Each Owner shall be responsible for obtaining, at his or her own expense, insurance covering his or her property not insured under Section 9.1.1 below and against his or her liability not covered under Section 9.1.2 below, unless the Association agrees otherwise. The Board, acting on behalf of the Association, shall obtain and maintain at all times, and shall pay for out of the common expense funds, the following insurance:

9.1.1 Insurance covering loss or damage under an all-risk replacement cost policy, which coverage must include fire, extended coverage, vandalism and malicious mischief, and such other coverages such as flooding, which the Board deems desirable, for not less than the full insurable replacement value, including the cost of replacement in compliance with the then applicable building codes, of the Units and Common Elements, including any fixtures, building service equipment, and common personal property, Association Property and supplies belonging to the Association. Such policy or policies shall name the Association and the Owners as insureds, as their interests may appear, and shall provide for a separate loss payable endorsement in favor of the Mortgagee of each Unit, if any. No such policy shall contain a deductible exceeding five percent (5%) of the face amount of the policy.

9.1.2 A policy or policies insuring Declarant, the Association, the Board, the Owners and the managing agent, against liability to the public or to the Owners, and their employees, invitees, or tenants, incident to the supervision, control, operation, maintenance, inspection or use of the Condominium, including all Common Elements, public ways, and any other areas under the supervision of the Association. There may be excluded from such policy or policies coverage of an Owner (other than as a member of the Association or Board) for liability arising out of acts or omissions of such Owner and liability incident to the ownership and/or use of the part of the Condominium as to which such Owner has the exclusive use or occupancy. Limits of liability under such insurance shall not be less than One Million Dollars (\$1,000,000.00) on a combined single limit basis. In addition to the indexing provided under Section 13.6, the foregoing policy limits of liability shall be increased, in the sole discretion of the Board, as indicated by the course of plaintiff's verdicts in personal injury claims in the Circuit Court of Clackamas County, State of Oregon, from time to time. Such policy or policies shall be issued on a comprehensive liability basis and shall provide cross liability endorsement wherein the rights of the named insured under the policy or policies shall not be prejudiced as respects any action against another named insured.

9.1.3 Workers' compensation insurance to the extent necessary to comply with any applicable laws.

9.1.4 Directors' and officers' liability insurance with coverage in an amount of not less than One Million Dollars (\$1,000,000) on a combined single limit basis, subject to a commercially reasonable deductible determined by the Board. For a period of ten (10) years following the Turnover Meeting, the directors' and officers' liability insurance policy shall include full prior acts coverage or include a retroactive date covering all claims occurring from (i) the date of incorporation of the Association or (ii) the date which is ten (10) years prior to the date of the policy, whichever period is shorter. The Owners and the Association represent, warrant and covenant to Declarant and each Director and officer of the Association appointed by Declarant that the Association shall at times maintain the insurance coverage described in this Section 9.1.4. This Section 9.1.4 shall not be modified, amended or repealed so as to adversely affect any insurance coverage afforded hereunder to the Directors and officers of the Association appointed by Declarant during Declarant's period of administrative control of the Association.

9.1.5 Fidelity insurance for all officers, directors, trustees and employees of the Association and all other persons handling or responsible for funds of or administered by the Association. In the event the Association has retained a manager, such manager shall maintain fidelity insurance for its officers, employees and agents handling or responsible for funds of, or administered on behalf of, the Association. The cost of such insurance shall be at the expense of the Association. The total amount of fidelity insurance coverage required shall be based upon the best business judgment of the Board. In no event, however, may the aggregate amount of such insurance be less than the sum equal to three months' aggregate assessments on all Units plus reserve funds. Such fidelity insurance shall name the Association as obligee and shall contain waivers by the issuers of the insurance of all defenses based upon the exclusion of persons serving without compensation from the definition of "employees" or similar terms or expressions. The insurance shall provide that it may not be canceled or substantially modified (including cancellation for nonpayment of premium,) without at least ten (10) days' prior written notice to the Association and each servicer on behalf of the Federal National Mortgage Association ("Fannie Mae").

9.2 Mandatory Policy Provisions. Insurance obtained by the Association shall be governed by the following provisions:

9.2.1 All policies shall be written within the State of Oregon or a company licensed to do business in the State of Oregon and acceptable to Fannie Mae which falls into a "B" or better general policyholder's rating or a "6" or better financial performance index rating in Best's *Insurance Reports*, an "A" or better general policyholder's rating and a financial size category of "VIII" or better in Best's *Insurance Reports – International Edition*, an "A" or better rating in Demotech's *Hazard Insurance Financial Stability Ratings*, a "BBBq" qualified solvency ratio or a "BBB" or better claims-paying ability rating in Standard and Poor's *Insurer Solvency Review*, or a "BBB" or better claims-paying ability in Standard and Poor's *International Confidential Rating Service*. Should reinsurance be involved, the Board shall use its best efforts to obtain such coverage from a reinsurer having a size rating of at least "AAA."

9.2.2 All losses under policies hereafter in force placed by the Association regarding the Condominium shall be settled exclusively by the Board or its authorized representative. The Board may give such releases as are required, and any claimant, including the Owner of a damaged Unit, shall be bound by such adjustment; provided, however, that the Board may, in writing, authorize an Owner to adjust any loss to his or her Unit.

9.2.3 Each Owner shall be required to notify the Board of all improvements made by the Owner to his or her Unit, the value of which is in excess of Five Hundred Dollars (\$500.00). Nothing in this Section shall permit an Owner to make improvements other than in accordance with the Declaration and the other provisions of these Bylaws.

9.2.4 Any Owner who obtains individual insurance policies covering any portion of the Condominium other than his or her personal property and fixtures shall file a copy of such individual policy or policies with the Association within thirty (30) days after the purchase of such insurance.

9.2.5 Notwithstanding the provisions of these Bylaws, there may be named as an insured, on behalf of the Association, the Association's authorized representative, including any trustee with whom the Association may enter into any Insurance Trust Agreement, or any successor to such trustee. Such insurance trustee shall have exclusive authority to negotiate losses under any property or liability insurance policy. Each Owner appoints the Association, or any insurance trustee or substitute trustee designated by the Association, as attorney-in-fact for the purpose of purchasing and maintaining such insurance including: the collection and appropriate disposition of the proceeds thereof, the negotiation of losses and execution of releases of liability, the execution of all documents, and the performance of all other acts necessary to accomplish such purchase. The Association or insurance trustee shall receive hold, or otherwise properly dispose of any proceeds of insurance in trust for Owners and their first mortgage holders, as their interests may appear.

9.2.6 All property insurance policies shall contain a "Special Condominium Endorsement" or its equivalent providing for the following: recognition of any Insurance Trust Agreement, a waiver of the right of subrogation against Owners individually, that the insurance is not prejudiced by any act or neglect of individual Owners that is not in the control of such Owners collectively, and that the policy is primary in the event the Owner has other insurance covering the same loss.

9.2.7 For purposes of this Section 9, insurance policies are unacceptable where (i) under the terms of the insurance carrier's charter, bylaws or policy, contributions or assessments may be made against Fannie Mae, the designee of Fannie Mae, or the Association Owners, or (ii) by the terms of the carrier's charter, bylaws or policy, loss payments are contingent upon action by the carrier's board of directors, policyholders or members, or (iii) such policies include any limiting clauses (other than insurance conditions) that could prevent collecting insurance proceeds.

9.2.8 All policies required by this Section 9 shall provide that they may not be canceled or substantially modified without at least ten (10) days' prior written notice to the Association and to each holder of a first Mortgage which is listed as a scheduled holder of a first Mortgage in the insurance policy. Evidence of insurance shall be issued to each Owner and first Mortgagee upon request.

9.3 Discretionary Provisions. The Board shall make every effort to secure insurance policies that will provide for the following:

9.3.1 A waiver of subrogation by the insurer as to any claims against the Association, the Board, the manager, the Owners and their respective servants, agents, household members, and guests, except for arson and fraud;

9.3.2 A provision that any master policy on the Condominium cannot be canceled, invalidated, or suspended, nor coverage denied thereunder, on account of the conduct of any one or more individual Owners;

9.3.3 A provision that any master policy on the Condominium cannot be canceled, invalidated, or suspended on account of the conduct of any officer or employee of the Board or the manager without prior demand in writing that the Board or manager cure the defect;

9.3.4 A provision that any “no other insurance” clause in any master policy exclude individual Owners’ policies from consideration, and a waiver of the usual proration clause with respect to such policies;

9.3.5 A provision that the insurer issue subpolicies specifying the portion of any master policy earmarked for each Owner’s interest and that until the insurer furnishes written notice and a grace period to the Mortgagee insured under the loss payable clause thereof, the Mortgagee’s coverage is neither jeopardized by the conduct of the mortgagor-Owner, the Association, or other Owners, nor canceled for nonpayment of premiums;

9.3.6 A rider on any master policy patterned after “Use and Occupancy” insurance which will provide relief from monthly assessments while a Unit is uninhabitable by the payment of the Condominium expenses thereof and any other fixed costs, including, but without being limited to, taxes, rent, insurance, and Mortgage payments. The proceeds from any casualty policy, whether held by the Association or an Owner, payable with respect to any loss or damage to the Common Elements, shall be held in trust for the benefit of all insureds as their interests may appear;

9.3.7 A waiver of the insurer’s right to determine whether the damage should be repaired. If reasonably available, the policy or policies should contain a stipulated amount clause, or determinable cash adjustment clause, or similar clause, to permit a cash settlement covering specified value in the event of destruction and a decision not to rebuild;

9.3.8 Waivers of any defense based on co-insurance or of invalidity arising from the conduct or any act or omission or breach of a statutory condition of or by any insured;

9.3.9 A provision that the same shall be primary insurance in respect of any other insurance carried by any Owner;

9.3.10 An “inflation guard” endorsement;

9.3.11 An endorsement providing coverage with respect to changes that may be required under applicable codes or ordinances to undamaged portions of the Condominium in the event of a casualty affecting a portion of the Condominium; and

9.3.12 A provision that any insurance trust agreement will be recognized.

9.4 Additional Requirements.

9.4.1 Prior to obtaining any policy or policies of insurance under Section 9.1.1, or any renewal or renewals thereof and if any first Mortgagee holding Mortgages on at least seventy-five percent (75%) of the Units so requires, or at such other times as the Board may deem advisable, the Board shall obtain an appraisal from an independent qualified appraiser, of the “full replacement cost” of the Condominium, for the purpose of determining the amount of insurance to be obtained pursuant to Section 9.1.1, and the cost of such appraisal shall be a common expense; *provided, however*, that the full replacement cost of the Common Elements for the policy or policies of insurance placed in force upon recording of these Bylaws or the Declaration shall be determined by Declarant.

9.4.2 No Mortgage may be placed against any Unit unless the Mortgagee agrees to waive any contractual or statutory provision giving the Mortgagee the right to have the proceeds of any insurance policy or policies applied on account of the Mortgage and thereby prevent application of the proceeds of any insurance policy or policies towards the repair of the property pursuant to the provisions of these Bylaws. This Section 9.4.2 shall be read without prejudice to the right of a Mortgagee to vote on or to consent to certain matters, if the Mortgage itself contains a provision giving the Mortgagee that right, and also to the right of any Mortgagee to receive the proceeds of any insurance policy, if the insured property is not repaired.

9.4.3 A certificate or memorandum of all insurance policies and endorsements thereto shall be issued as soon as possible to each Owner and a duplicate original or certified copy of the policy or policies to each Mortgagee. Renewal certificates or certificates of new insurance policies shall be furnished to each Owner and Mortgagee not later than ten (10) days before the expiration of any current insurance policy. The master policy (or a copy thereof) for any insurance coverage shall be kept by the Association in its office, available for inspection by an Owner or Mortgagee on reasonable notice to the Association.

9.4.4 No insured, other than the Association, shall be entitled to amend any policy or policies of insurance obtained and maintained by the Association, or to direct that loss shall be payable in any manner other than as provided in these Bylaws.

9.5 By the Owner. It is acknowledged that the foregoing provisions specify the only insurance required to be obtained and maintained by the Association and that the following insurance shall be obtained and maintained by each Owner, as specified.

9.5.1 Insurance on any additions or improvements made by the Owner to his or her Unit or Units shall be purchased and maintained for the full insurable value thereof, to the extent not covered by the Association’s insurance policy, unless the Owner presents in writing to the Board evidence that the additions or improvements made by the Owner are insurable under the insurance issued pursuant to Section 9.1.1 and the Board, after consultation with the Association’s insurer, concurs that such additions or improvements are insured under such insurance and, if necessary, the Association’s insurer undertakes the requisite action to cause the additions or improvements to be added to the policy issued pursuant to Section 9.1.1 Insurance also shall be purchased by each Owner for furnishings, fixtures, equipment, decorating and personal property and chattels of the Owner contained within his or her Unit or Units, and his or her personal property and chattels stored elsewhere on the Property, including his or her

automobile or automobiles, and for loss of use and occupancy of his or her Unit or Units in the event of damage. Owners shall be responsible for insuring the deductible amount under the Association's policies. The Association shall notify all Owners of the amount of the deductible under the Association policies, and to the extent reasonably practicable, the Association shall give at least thirty (30) days' notice to the Owners of any increase in the deductible proposed in renewal or replacement insurance policies. Any such policy or policies of insurance shall contain waivers of subrogation against the Association, its manager, agents, employees and servants, and against the other Owners and any members of their households, except for vehicle impact, arson and fraud.

9.5.2 Public liability insurance in the amount reasonably set by the Board not more often than every three (3) years covering any liability of an Owner to the extent not covered by any public liability and property damage insurance obtained and maintained by the Association, including, without limitation, damages caused by fixtures, equipment, or personal property under the custody, care, or control of an Owner.

9.6 Fannie Mae and GNMA Requirements. Notwithstanding any other provisions of these Bylaws, the Association shall continuously maintain in effect such casualty, flood and liability insurance and a fidelity bond meeting the insurance and fidelity requirements for condominium projects established by Fannie Mae or the Government National Mortgage Association, so long as either is a Mortgagee or Owner of a Unit within the Condominium, except to the extent such coverage is not available or has been waived in writing by Fannie Mae or the Government National Mortgage Association. Fannie Mae or Fannie Mae's servicer, its successors and assigns, shall be named as a mortgagee in the Association's policies.

10. AMENDMENTS TO BYLAWS.

10.1 How Proposed. Amendments to the Bylaws shall be proposed by either a majority of the Board or by the Owners holding at least thirty percent (30%) of the total eligible votes in the Association. The proposed amendment must be reduced to writing and shall be included in the notice of any meeting at which action is to be taken thereon.

10.2 Adoption. Unless otherwise provided in the Act, an amendment to these Bylaws shall be approved by the Owners holding at least a majority of the total eligible votes in the Association, except that any amendment relating to age restrictions, pet restrictions, limitations on the number of persons who may occupy a Unit and limitations on leasing or rental of Units shall be approved by Owners holding at least seventy-five percent (75%) of the total eligible votes in the Association, and except that any provision of these Bylaws that is required to be in the Declaration may be amended only in accordance with the requirements governing amendment of the Declaration. In addition to the foregoing approval requirements, amendment of the following provisions of these Bylaws shall require the prior written approval of at least fifty-one percent (51%) of those holders of first Mortgages on Units (based upon one vote for each first Mortgage held): (i) Section 8, which addresses maintenance and repair; (ii) Section 9, which addresses insurance requirements; and (iii) any other provision of these Bylaws which expressly benefits Mortgagees of Units or insurers or guarantors of such Mortgages. Any approval of a Mortgagee required under this Section 10.2 may be presumed by the Association if the Mortgagee fails to submit a response to a written proposal for an amendment to these Bylaws

within sixty (60) days after it receives notice of such proposal by certified or registered mail, return receipt requested.

10.3 Execution and Recording. An amendment shall not be effective until certified by the Chairperson and Secretary of the Association, approved by the Real Estate Commissioner of the State of Oregon if required by law, and recorded in the official records of Clackamas County, Oregon, as required by law.

10.4 Rights of Declarant. Nothing in this Article 10 shall limit the right of Declarant to approve or reject any amendment to these Bylaws or the Rules and Regulations pursuant to Section 14.6.4 of the Declaration. Additionally, neither these Bylaws nor the Rules and Regulations shall be modified, added to, amended, or repealed at any time so as to eliminate, change, or impair any rights, privileges, easements, licenses, or exemptions granted therein or herein to Declarant or its designees, or otherwise so as to adversely affect Declarant or such designees.

11. LITIGATION.

11.1 By Less than All Owners. If any action is brought by one or more but less than all Owners on behalf of the Association and recovery is obtained, the plaintiff's expenses, including reasonable counsel's fees, shall be a common expense; *provided, however*, that if such action is brought against all of the Owners or against the Board, the officers, employees, or agents thereof, in their capacities as such, with the result that the ultimate liability asserted would, if proved, be borne by all the Owners, the plaintiff's expenses, including counsel's fees, shall not be charged to or borne by the other Owners, as a common expense or otherwise.

11.2 Complaints Against. Complaints brought against the Association, the Board or the officers, employees, or agents thereof, in their respective capacities as such, or against the Property as a whole, shall be directed to the Board, which shall promptly give written notice thereof to the Owners and any Mortgagees who have requested notice thereof and shall be defended by the Board, and the Owners and Mortgagees shall have no right to participate other than through the Board in such defense. One or more Owners shall have the right to enjoin, abate, or remedy by appropriate legal proceedings any failure by the Association or the Board to comply with the provisions of the Declaration, these Bylaws, or any Rule or Regulation. Complaints against one or more, but less than all of the Owners, shall be directed to such Owners, who shall promptly give written notice thereof to the Board and to the Mortgagees having an interest in such Units, and shall be defended by such Owners.

12. DISPUTE RESOLUTION.

12.1 Required Procedure. Except as otherwise provided below, to the fullest extent allowed by law, all claims, controversies, or disputes, whether they are statutory, contractual, tort claims, and/or counterclaims between or among Declarant, Declarant's successors and assigns, the Association, and/or Owner(s) (collectively, the "Parties" and individually, a "Party") which arise out of or are related to the Condominium, the Act, the Declaration, these Bylaws, the Articles, or the Rules and Regulations, or which relate to the interpretation or breach of the Act, the Declaration or these Bylaws, the Articles, or the Rules and Regulations (collectively referred to as "Claims") shall be resolved in accordance with the procedures specified herein. Except as

otherwise required by the Act, the following matters are excluded from this dispute resolution clause and do not constitute Claims: (i) judicial or non-judicial foreclosure or any other action or proceeding to enforce assessments, fines, interest or a trust deed, mortgage, Association lien, or land sale contract; (ii) a forcible entry and detainer action; or (iii) actions by the Association pursuant to Section 5.7 of these Bylaws prior to summary abatement and removal of a structure or other condition that violates the Declaration, these Bylaws or any Rules and Regulations; (iv) actions for the appointment of a receiver pursuant to Section 5.10 of these Bylaws; (v) provisional remedies such as injunctions or the filing of a lis pendens, or (vi) the filing or enforcement of a mechanic's lien. The filing of a notice of pending action (lis pendens) or the application to any court having jurisdiction thereof for the issuance of any provisional process remedy described in Rules 79 through 85 of the Oregon Rules of Civil Procedure (or corresponding federal statutory remedies), including a restraining order, attachment, or appointment of receiver, shall not constitute a waiver of the right to mediate or arbitrate under this Section, nor shall it constitute a breach of the duty to mediate or arbitrate. The proceeds resulting from the exercise of any such remedy shall be held by the Party obtaining such proceeds for disposition as may be determined by an agreement of the Parties pursuant to a mediation or by the arbitration award.

12.2 Negotiated Resolution. The Parties will seek a fair and prompt negotiated resolution of Claims and shall meet at least once to discuss and seek to resolve such Claims, but if this is not successful, all disputes shall be resolved in small claims court, by mediation or by binding arbitration as set forth in Sections 12.3, 12.4 and 12.5 below, as applicable. Mediation. Prior to mediation of any Claim, the Parties shall have endeavored to resolve disputes through the process set forth in Section 12.2 above. All Claims that are not resolved by such process shall be subject to mediation as a condition precedent to arbitration. The request for mediation may be made concurrently with the filing of a demand for arbitration as set forth in Section 12.5 below, but, in such event, mediation shall proceed in advance of arbitration, which shall be stayed pending mediation for a period of sixty (60) days from the date of filing, unless stayed for a longer period by agreement of the parties. All mediation shall be in Clackamas County, Oregon with any dispute resolution program available that is in substantial compliance with the standards and guidelines adopted under ORS 36.175, as it may be amended.

12.4 Small Claims. All claims that have not been resolved by mediation and which are within the jurisdiction of the Small Claims Department of the Circuit Court of the State of Oregon shall be brought and determined there, and all Parties shall be deemed to have waived their right to a jury trial with respect to such Claims. The foregoing requirement does not apply to circumstances in which irreparable harm to a party will occur due to delay or litigation or an administrative proceeding initiated to collect assessments, other than assessments attributable to fines.

12.5 Arbitration. Prior to arbitration of any Claim, the Parties shall have endeavored to resolve disputes through the processes set forth in Section 12.2, 12.3 and 12.4 above, as applicable. All Claims that have not been resolved by such processes shall be resolved by binding arbitration. Such arbitration shall be conducted by one arbitrator selected by the Parties, or, if the Parties cannot agree on an arbitrator within thirty (30) days after a request for arbitration, the arbitrator shall be appointed by the presiding judge of the Circuit Court for Clackamas County, Oregon. The arbitration shall be conducted by and pursuant to the then

effective arbitration rules of Construction Arbitration Services, Inc. or another reputable arbitration service selected by Declarant. If Declarant is not a Party to such dispute, the arbitration service shall be selected by the Board on behalf of the Association. Any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

12.6 Approval of Legal Expenses. Notwithstanding any other provision of the Declaration or these Bylaws, the Association shall not expend in excess of \$75,000 for attorneys' fees and costs for any reason unless such expenditure is first approved by the Owners holding at least seventy-five percent (75%) of the total voting power of the Association. The foregoing limitation shall not apply to: (i) actions for delinquent assessments or other charges under the Declaration or these Bylaws; (ii) actions initiated by the Association during Declarant's period of administrative control pursuant to Section 20 of the Declaration; (iii) actions challenging ad valorem taxation or condemnation proceedings; (iv) actions initiated against any contractor or vendor hired by the Association or supplier of goods and services to the Association; (v) the defense of any claims filed against the Association and/or the Board or the assertion of counterclaims in proceedings instituted against the Association and/or Board (except for non-mandatory counterclaims); (vi) actions to appoint a receiver pursuant to Section 5.10 of these Bylaws; and (vii) actions to summarily abate, enjoin and remove a structure or condition that violates the Declaration or these Bylaws.

12.7 No Attorneys' Fees. Except as specifically provided for in the Declaration, these Bylaws or the Act, no party in the arbitration, mediation or other proceeding shall be entitled to recover costs and attorneys' fees in connection therewith.

12.8 Suits Against Declarant. Declarant shall have the right to be present at any meeting of the Association during which the Board or the Owners vote on whether to initiate legal action against Declarant. The Board shall provide Declarant with at least ten (10) days' prior written notice of the time and place of such meeting.

12.9 Initial Dispute Resolution Procedures. Notwithstanding anything contained herein to the contrary, in the event of a claim by the Association or any Owner against Declarant or any contractor, subcontractor, or supplier for a construction defect, the parties shall first comply with the provisions contained in ORS 701.550 to 701.595. In the event the claim is not for a construction defect, but relates to a claimed defect in the condition of the project, the parties shall follow the same procedures as set forth in such provisions, except that the notice of defect shall include a statement of the basis upon which the recipient is claimed to be liable for the defect. Compliance with the procedures contained in this Section 12.9 shall be a condition precedent to mediation, arbitration or litigation of any such claims.

13. MISCELLANEOUS.

13.1 Notices. All notices to the Association or to the Board shall be sent care of the managing agent, or if there is no managing agent, to the principal office of the Association or to such other address as the Board may hereafter designate from time to time by written notice thereof to each Owner. All notices to any individual Director or Owner shall be sent to such address as may be designated by him or her from time to time, in writing, to the Association, or if no address has been designated, then to the Director's or Owner's Unit. All notices shall be

sent by: (i) messenger service (or hand delivery); (ii) overnight courier service; (iii) certified or registered U.S. Mail, return receipt requested with charges or postage prepaid; or (iv) electronic mail, facsimile or other form of electronic communication acceptable to the Board and in accordance with the Act. Notwithstanding the foregoing, electronic mail, facsimile or other form of electronic communication may not be used to give notice of: (i) the failure to pay an assessment; (ii) foreclosure of an Association lien; (iii) an action the Association may take against an Owner; or (iv) an offer to use the dispute resolution program under Section 100.405 of the Act. Additionally, an Owner or Director may decline to receive notice by electronic mail, facsimile or other form of electronic communication by giving written notice thereof to the Board. Notices shall be deemed given upon the earlier of actual delivery or refusal of a party to accept delivery thereof.

13.2 Waiver. No restriction, condition, obligation, or provision contained in these Bylaws shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof which may occur.

13.3 Number; Gender; Captions. As used herein, the singular shall include the plural, and the plural the singular. The masculine and neuter shall each include the masculine, feminine and neuter, as the context requires. All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of these Bylaws.

13.4 Conflicts; Severability. Each term and provision of these Bylaws shall be valid and enforceable to the fullest extent permitted by law. If any term or provision of these Bylaws or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, whether under the Act or otherwise, the remainder of these Bylaws and the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby. These Bylaws are intended to comply with the Act and the Declaration. In case of any irreconcilable conflict, the Act and the Declaration shall control over these Bylaws, any amendments hereto or any Rules and Regulations adopted hereunder.

13.5 Liability Survives Termination. The sale or other disposition of a Unit shall not relieve or release any former Owner thereof from any liability or obligation incurred or in any way connected to such ownership, nor shall such termination impair any rights or remedies which the Association may have against such former Owner arising out of or in any way connected with such ownership and the covenants and obligations incident thereto. This Section 13.5 shall not apply to Declarant as the Owner of any or all Units.

13.6 Indexing. Whenever any dollar amount is specified in these Bylaws, such amount shall be automatically adjusted each January 1 based upon any changes in the Consumer Price Index - All Items - for all urban consumers published by the U.S. Bureau of Labor Statistics (or any generally accepted substitute for such index, if such index shall be discontinued) using the index for January 20____ as the base year.

13.7 Compliance with Certain Financing Requirements. The terms and provisions of these Bylaws are intended to comply with the current requirements of the Federal National Mortgage Association, the U.S. Department of Housing and Urban Development, the Federal Housing Administration and the United States Department of Veterans Affairs in effect as of the

date of these Bylaws for insuring, guaranteeing and providing financing for any Unit in the Condominium (the “Financing Requirements”). In the event of any inconsistency between a provision of these Bylaws and the Financing Requirements, the Financing Requirements shall control and the inconsistent provision of these Bylaws shall be deemed amended and construed and interpreted as is necessary to comply with the Financing Requirements unless otherwise inconsistent with the Act. Notwithstanding the foregoing, if there is an inconsistency between the requirements of the Federal National Mortgage Association, the requirements of the U.S. Department of Housing and Urban Development and the Federal Housing Administration or the requirements of the United States Department of Veterans Affairs, the more restrictive requirements shall control and these Bylaws shall be construed and interpreted as is necessary to comply with the more restrictive requirements.

13.8 Declarant as Owner. Except as expressly provided in these Bylaws and the Declaration, Declarant shall, with respect to any Units owned by Declarant, enjoy any and all rights, and assume any and all obligations, enjoyed or assumed by an Owner.

*(Remainder of Page Intentionally Left Blank;
Signature Page Follows)*

IN WITNESS WHEREOF, Declarant has executed and adopted these Bylaws on behalf of the Association as of this ____ day of _____, 20__.

Declarant: POLYGON WLH LLC., a
Delaware limited liability company

By: _____
Fred Gast
Senior Vice President – Division President

BYLAWS

OF

_____ **CONDOMINIUM OWNERS ASSOCIATION**

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After Recording Return To:

**DECLARATION OF CONDOMINIUM OWNERSHIP FOR
_____ CONDOMINIUM**

**DECLARATION OF CONDOMINIUM OWNERSHIP FOR
_____ CONDOMINIUM
MADE PURSUANT TO THE OREGON CONDOMINIUM ACT**

This Declaration, to be effective upon its recording in the official records of Clackamas County, Oregon, pursuant to the provisions of the Oregon Condominium Act, is made and executed by POLYGON WLH LLC, a Delaware limited liability company (“Declarant”).

Declarant proposes to create a residential condominium to be known as _____ Condominium, located in the City of Wilsonville, Clackamas County, Oregon, to be initially composed of _____ (___) Units and subject to enlargement by annexation as set forth in Section 11 below. Upon completion of the annexations pursuant to Section 11 below, the Condominium may ultimately be composed of a maximum of _____ (___) Units. The purpose of this Declaration is to submit the real property described on the attached Exhibit A, including all improvements located thereon, to the condominium form of ownership and use in the manner provided by the Oregon Condominium Act.

1. Definitions and Interpretation.

1.1 Definitions. As used in this Declaration, the Bylaws, the Articles, the Rules and Regulations, and any exhibits hereto and thereto, unless the context shall otherwise require, the following definitions shall be applied:

1.1.1 Act shall mean the Oregon Condominium Act, currently ORS 100.005 to 100.990, as amended from time to time.

1.1.2 Additional Property shall mean that certain real property legally described on the attached Exhibit B, including any and all easements, rights and appurtenances pertaining to such property and any and all improvements now existing or hereafter constructed on such property, which may be annexed into the Condominium pursuant to Section 11 below.

1.1.3 Articles shall mean the Articles of Incorporation of the Association filed with the Oregon Secretary of State, as amended from time to time.

1.1.4 Association shall mean _____ Condominium Owners Association, an Oregon nonprofit mutual benefit corporation responsible for the administration, management, and operation of the Condominium.

1.1.5 Association Property shall mean any real property or an interest in real property acquired, held or possessed by the Association pursuant to Section 100.405 of the Act.

1.1.6 Board shall mean the Board of Directors of the Association.

1.1.7 Building shall mean an individual building containing Units in the Condominium.

1.1.8 Bylaws shall mean the Bylaws of the Association, as amended from time to time. A copy of the initial Bylaws of the Association is attached hereto as Exhibit D.

1.1.9 Common Elements shall mean all portions of the Condominium exclusive of the Units.

1.1.10 Condominium shall mean the Property that is hereby submitted to condominium ownership and any portion of the Additional Property that is subsequently submitted to condominium ownership and made subject to this Declaration pursuant to Section 11 below, including all improvements thereon or to be located thereon and all easements and rights appurtenant thereto.

1.1.11 Declaration shall mean this Declaration of Condominium Ownership for _____ Condominium and any amendments hereto.

1.1.12 Extraordinary Action shall mean: (i) merging or consolidating the Association (other than with another nonprofit entity formed for purposes similar to the Association); (ii) terminating the Condominium; (iii) dissolving the Association, except pursuant to a consolidation or merger; (iv) determining not to require professional management for the Condominium if professional management is required by this Declaration or the Bylaws, a majority of the Mortgagees, or a majority vote of the Owners; (v) expanding the Condominium to include land other than the Additional Property which increases the overall land area of the Condominium or number of Units by more than ten percent (10%); (vi) abandoning, partitioning, encumbering, mortgaging, conveying, selling or otherwise transferring or relocating the boundaries of the Common Elements (except for (a) granting easements which are not inconsistent with or which do not interfere with the intended use of the Common Elements; (b) dedicating the Common Elements as required by a public authority; (c) limited boundary-line adjustments made in accordance with the provisions of this Declaration; or (d) transferring the Common Elements pursuant to a merger or consolidation with a nonprofit entity formed for purposes similar to the Association); (vii) using insurance proceeds for purposes other than construction or repair of the insured improvements; or (viii) making capital expenditures (other than for repair or replacement of existing improvements) during any period of twelve (12) consecutive months costing more than twenty percent (20%) of the annual operating budget.

1.1.13 General Common Elements shall mean those Common Elements designated as General Common Elements in Section 5 below or in any Supplemental Declaration.

1.1.14 Legal Requirements shall mean any and all laws, orders, rules, and regulations of any governmental entity.

1.1.15 Limited Common Elements shall mean those Common Elements designated as Limited Common Elements in Section 6 below or in any Supplemental Declaration.

1.1.16 Material Amendment shall mean an addition, deletion or modification of a provision in this Declaration regarding any of the following: (i) assessment basis or assessment liens; (ii) method of imposing or determining any charges to be levied against the Owners; (iii) reserves for maintenance, repair or replacement of the Common Elements; (iv) maintenance obligations; (v) allocation of rights to use the Common Elements; (vi) any scheme of regulation or enforcement of standards for maintenance, architectural design or exterior appearance of improvements on Units; (vii) reduction of insurance requirements; (viii) restoration or repair of the Common Elements; (ix) the addition, annexation or withdrawal of land to or from the Condominium; (x) voting rights; (xi) restrictions affecting the leasing or sale of a Unit; or (xii) any provision which is for the express benefit of a Mortgagee.

1.1.17 Mortgage shall include a mortgage, a deed of trust and a land sale contract.

1.1.18 Mortgage Insurer or Guarantor shall mean any department, bureau, board, commission or agency of the United States or the state of Oregon, or any corporation wholly owned or sponsored, directly or indirectly, by the United States or the state of Oregon that insures, guarantees or provides financing for one or more Units, including without limitation, the Federal Housing Administration, the United States Department of Veterans Affairs, the Rural Development or the Farm Service Agency of the United States Department of Agriculture, the Federal National Mortgage Association, the Government National Mortgage Association and the Federal Home Loan Mortgage Corporation.

1.1.19 Mortgagee shall include a mortgagee under a mortgage, a beneficiary under a deed of trust and a vendor under a land sale contract.

1.1.20 Owner shall mean the owner or owners of a Unit, but shall not include a Mortgagee unless in possession of a Unit. A person or entity that does not own a Unit shall not be an Owner.

1.1.21 Plat shall mean the Plat of _____ Condominium which is being recorded in the official records of Clackamas County, Oregon, concurrently with this Declaration and any revisions of or supplements to such plat subsequently recorded.

1.1.22 Property shall mean the property submitted to the provisions of the Act, as described more particularly in Section 2 below.

1.1.23 Rules and Regulations shall mean the rules and regulations governing the use and enjoyment of the Condominium, as adopted from time to time by the Board pursuant to the Bylaws.

1.1.24 Supplemental Declaration shall mean a declaration recorded in accordance with Section 11 of this Declaration and Section 100.120 of the Act, which annexes all or any portion of the Additional Property to the Condominium.

1.1.25 Turnover Meeting shall mean the meeting at which Declarant relinquishes control of the administration of the Association to the Owners pursuant to Section 100.210 of the Act.

1.1.26 Unit Sales Agreement shall mean the purchase agreement pursuant to which an Owner purchases his or her Unit(s) from Declarant.

1.1.27 Units shall mean those parts of the Condominium designated as such in Section 4 below or in a Supplemental Declaration and comprised of the spaces enclosed by their respective boundaries as described in Section 4 below or in a Supplemental Declaration; Unit shall mean any one of the Units.

1.2 Liberal Construction. The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of the Condominium under the provisions of Oregon law. The terms used herein are intended to have the same meaning as may be given to such terms in the Act unless the context clearly requires otherwise or definition in this manner would have an unlawful consequence.

1.3 Mortgagee Approval. For purposes of determining the percentage of first Mortgagees approving a proposed decision or course of action in cases where a Mortgagee holds first Mortgages on more than one Unit, such Mortgagee shall be deemed a separate Mortgagee as to each such Unit.

1.4 Original Owner of Units. Declarant is the original Owner of all Units and shall continue to be the Owner of each Unit until a deed or other instrument of conveyance changing the ownership of the Unit is filed of record.

1.5 No Fiduciary Standard. In no event shall Declarant be deemed to be a fiduciary of the Owners or be held to a fiduciary standard with respect to activities hereunder. The foregoing language does not apply to Declarant in Declarant's exercise of the powers of the Association, the Board or the Association officers pursuant to Section 20.3 of this Declaration.

1.6 Captions and Exhibits. The captions used herein are for convenience only and are not intended to modify or affect the meaning of any of the substantive provisions hereof. The various exhibits referred to herein and attached hereto shall be deemed incorporated herein by reference as though fully set forth where such reference is made.

1.7 Miscellaneous. All terms and words used in this Declaration, regardless of the number or gender in which they are used, shall be deemed to include any other number and any other gender as the context may require. "And/or" when applied to two or more matters or things shall be construed to apply to any one or more or all thereof, as the circumstances then warrant. "Herein," "hereof," "hereunder," and words of similar import shall be construed to refer

to this Declaration as a whole, and not to any particular section, unless expressly stated otherwise.

2. Property Submitted. The Property hereby submitted to the provisions of the Act is the land owned in fee simple by Declarant and described on the attached Exhibit A, together with all easements, rights, and appurtenances belonging thereto and all improvements now existing or hereafter constructed on such land.

3. Name. The name by which the Condominium shall be identified is “_____ Condominium.”

4. Building and Units.

4.1 General Description of Buildings. The Condominium initially includes _____ (____) residential Buildings, which are designated numerically on the Plat as Buildings _____. Building _____ contains _____ (____) Units. Building _____ contains _____ (____) Units. Building _____ contains _____ (____) Units. The Buildings have _____ (____) stories and are made of wood construction and have composition roofs. The Buildings do not have basements. Additional Buildings may be added to the Condominium pursuant to the annexation procedures set forth in Section 11.

4.2 General Description, Location, and Designation of Units. The Condominium initially includes _____ (____) Units. The Units are designated numerically on the Plat by Building and alphabetically by Unit as numbers _____ through _____, inclusive, _____ through _____, inclusive, and _____ through _____, inclusive. Units _____ through _____, inclusive, are located in Building _____. Units _____ through _____, inclusive, are located in Building _____. Units _____ through _____, inclusive, are located in Building _____. The designation and location of each Unit are shown on the Plat. Additional Units may be added to the Condominium pursuant to the annexation procedures set forth in Section 11.

4.3 Unit Boundaries. Each Unit shall be bounded by the interior surfaces of its perimeter and demising walls, floors, ceilings, windows and window frames, doors and door frames, and trim, and shall include both the interior surfaces so described (including the unexposed face of the sheetrock or other similar material and the underside of the finished floor or top surface of any concrete slab, as applicable) and the air space so encompassed, but shall exclude those portions of the walls, floors or ceilings that materially contribute to the structural or shear capacity of the Building in which the Unit is located. In addition, each Unit shall include: (a) the outlet of any utility service lines, including, but not limited to, water, sewer, electricity, gas, refrigeration, waste disposal and cable television, and of heating, ventilation and air conditioning ducts, but shall not include any part of such lines or ducts themselves and (b) all spaces, nonbearing interior partitions, interior windows, interior doors and all other fixtures and improvements located within the boundaries of the Unit. The enclosed garage designated on the Plat for a Unit, as bounded in the manner described above in this Section 4.3 (including the garage door opening device located therein), and the fireplace within each Unit (but not the chimney extending above the roofline of the Unit) shall also form a part of the Unit.

4.4 Unit Areas. The area in square feet of each Unit is listed on Exhibit C and shown on the Plat.

NOTICE

THE SQUARE FOOTAGE AREAS STATED IN THIS DECLARATION AND THE PLAT ARE BASED ON THE BOUNDARIES OF THE UNITS AS DESCRIBED IN THIS DECLARATION AND MAY VARY FROM THE AREA OF UNITS CALCULATED FOR OTHER PURPOSES.

5. Interest in Common Elements; General Common Elements. Each Unit shall be entitled to and shall have allocated to it an equal undivided fractional ownership interest in the Common Elements, as set forth on Exhibit C. The general location of the Common Elements is shown on the Plat. The General Common Elements consist of all parts of the Condominium other than the Units and the Limited Common Elements and include, without limitation, the following:

5.1 The land included within the Condominium.

5.2 All floor slabs, foundations, exterior windows and window frames, exterior doors and door frames, including the glazing and screening of exterior windows and Unit access doors, garage doors (except that the garage door opening devices shall be part of the Units), crawl spaces, attic spaces, roofs, columns, beams, girders, supports, and bearing walls.

5.3 All pipes, ducts, conduits, wires, and other utility installations, in each case to their respective outlets within the Units.

5.4 Parking areas and parking spaces not included within the Unit boundaries and not otherwise designated as Limited Common Elements pursuant to Section 6 below.

5.5 All private streets, drives, drive aisles, paths and sidewalks (other than the driveways providing access to the garage portion of the Units, which are designated as Limited Common Elements in Section 6 below).

5.6 All fencing, irrigation systems, landscaping, open space areas, monumentation for the Condominium and mailboxes for the Units.

6. Limited Common Elements. The Limited Common Elements consist of the following portions of the Condominium:

6.1 The _____ [insert walkways, decks, patios, porches, as applicable] adjoining the Units, the exclusive use of each _____ being reserved for the Unit that the _____ adjoins, as shown on the Plat.

6.2 The driveways providing access to the garage portions of the Units, the exclusive use of each driveway being reserved for the Unit that the driveway adjoins, as shown on the Plat [if applicable].

7. Allocation of Common Profits and Expenses; Enforcement of Assessments.

7.1 Method of Allocation and Commencement of Assessments.

7.1.1 The common profits and common expenses of the Condominium shall be allocated in proportion to each Owner's interest in the Common Elements, as set forth on Exhibit C.

7.1.2 Assessments for common expenses shall commence upon the closing of the first sale of a Unit by Declarant, provided that Declarant may elect to defer the commencement of assessments for common expenses (other than assessments for reserves pursuant to Section 5.2 of the Bylaws) for any period of time up until the Turnover Meeting. Assessments for reserves pursuant to Section 5.2 of the Bylaws shall commence upon the closing of the first sale of a Unit by Declarant, subject to the right of Declarant to defer the payment of assessments for reserves on Units owned by Declarant pursuant to Section 5.2 of the Bylaws. If Declarant elects to defer the commencement of assessments for common expenses pursuant to this Section 7.1.2, then Declarant shall give not less than ten (10) days prior written notice to all Owners of the date on which the common expense assessments shall commence. Until the commencement of assessments for common expenses, Declarant shall be responsible for the payment of the common expenses of the Association (other than assessments for reserves pursuant to Section 5.2 of the Bylaws).

7.2 No Exemption and No Offset. No Owner may claim exemption from liability for contribution toward the common expenses of the Association by waiving the Owner's use or enjoyment of any of the Common Elements or by abandoning the Owner's Unit. No Owner may claim an offset against assessment for common expenses for any failure or alleged failure of the Board or the Association to perform its obligations.

7.3 Default in Payment of Common Expenses. In the event of default by any Owner in paying to the Association the assessed common expenses (including, but not limited to, reserve assessments or any other special assessments), or any other charge imposed or levied by the Association pursuant to the provisions of this Declaration, the Bylaws or the Act, the Owner shall be obligated to pay interest on the delinquent amount, together with all expenses, including attorneys' fees, incurred by the Association in the collection of the delinquent amount. No interest or late charges shall be assessed on common expenses or other charges paid within ten (10) days after the due date therefor. If an assessment or other charge is not paid within ten (10) days of its initial due date, then the delinquent amount shall bear interest from the initial due date at a rate of twelve percent (12%) per annum or such other rate established by the Board from time to time, but in no event higher than the maximum rate permitted by law. The Board may also establish and impose charges for late payment of assessments, if the charges imposed are based upon a resolution adopted by the Board that is delivered to each Owner in any manner permissible under the Act. If an Owner fails to pay an assessment within thirty (30) days of its

due date, the Board may, in addition to any other remedies granted in this Declaration, the Bylaws or under the Act, terminate the Owner's right to receive utility services paid for out of assessments or terminate the Owner's right of access to and use of recreational and service facilities of the Condominium until all assessments owed by the Owner are paid in full, provided that the Board must give the Owner written notice and an opportunity to be heard before the Owner's right to receive such benefits or services is terminated. The Board shall have the right to recover for the Association all unpaid assessments, together with interest thereon, late charges, if any, and expenses of the proceeding, including attorneys' fees, by an action brought against the delinquent Owner or by foreclosure of the lien which the Association shall have upon the delinquent Owner's Unit with respect to all such obligations.

7.4 Foreclosure of Liens for Unpaid Common Expenses. In any action brought by the Association to foreclose a lien on a Unit because of unpaid assessments or charges, the Owner shall be required to pay a reasonable rental for the use of the Unit during the pendency of the suit, and the plaintiff in such foreclosure suit shall be entitled to the appointment of a receiver to collect such rental. The Board, acting on behalf of the Association, shall have the power to purchase the Unit at the foreclosure sale and to acquire, hold, lease, mortgage, convey, exercise the voting rights appurtenant to and otherwise deal with the Unit. The Association may maintain an action to recover a money judgment against an Owner for unpaid assessments and other charges without foreclosing its lien securing the same.

7.5 First Mortgages; Liability of Subsequent Owner.

7.5.1 Any lien of the Association against a Unit for assessments and charges shall be subordinate to tax and assessment liens and any first Mortgage of record, except as otherwise provided by Section 100.450(7) of the Act. Where the purchaser or Mortgagee of a Unit obtains title to the Unit as a result of foreclosure of a first Mortgage or by deed in lieu of foreclosure, the purchaser or Mortgagee and its successors and assigns shall not be liable for any of the common expenses chargeable to the Unit which became due prior to the acquisition of title to the Unit by the purchaser or Mortgagee except to the extent provided in the Act; *provided*, in the case of a deed in lieu of foreclosure, that the Mortgagee complies with the requirements of Section 100.465 of the Act. Any sale or transfer of a Unit pursuant to a foreclosure shall not relieve the purchaser or transferee of the Unit from liability for, nor the Unit from the lien of, any common expense assessments or charges thereafter becoming due.

7.5.2 In a voluntary conveyance of a Unit, the grantee shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor of the Unit accruing prior to the date of conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. However, upon request of a prospective purchaser, the Board shall deliver a statement of the unpaid assessments against the prospective grantor of the Unit, and the grantee in such case shall not be liable for, nor shall the Unit when conveyed be subject to, a lien filed thereafter for any unpaid assessments against the grantor in excess of the amounts set forth in the statement provided by the Board.

7.6 Acceleration of Assessments. If any assessment or other charge attributable to a particular Unit remains delinquent for more than sixty (60) days, the Board may, upon fifteen (15) days written notice to the Owner of the Unit, accelerate and demand immediate payment of all assessments and other charges which the Board reasonably determines will become due during the next succeeding twelve (12) months with respect to the Unit, or any portion thereof, as determined by the Board.

7.7 Delinquent Assessment Deposit.

7.7.1 An Owner may be required by the Board, from time to time, to make and maintain a deposit of not less than one (1) month's nor in excess of three (3) months' estimated monthly assessments and charges, which may be collected in the same manner as other assessments and charges. The delinquent assessment deposits shall be held in a separate fund. Each deposit shall be credited to the Unit of the Owner making the deposit and be for the purpose of establishing a reserve for delinquent assessments.

7.7.2 The Board may draw upon a deposit at any time when the Owner is ten (10) or more days delinquent in paying his or her assessments or other charges to the Association. The deposits shall not be considered as advance payments of regular assessments. If the Board draws upon a deposit as a result of an Owner's delinquency in the payment of any assessments, then the Owner shall continue to be responsible for the immediate and full payment of such delinquent assessment (and all penalties and costs related thereto) and thus the full restoration of the deposit, and the Board shall continue to have all of the rights and remedies for enforcing the assessment payment and deposit restoration as provided by this Declaration or under the Act.

7.7.3 Upon the sale of a Unit, the seller of the Unit shall not be entitled to a refund from the Association of any deposit or reserve account made or maintained with respect to the Unit pursuant to this or any other Section of this Declaration. Instead, any such deposit or reserve account shall continue to be held by the Association for the credit of the Unit being sold and the purchaser of the Unit shall succeed to the benefit thereof. The seller of the Unit shall be responsible for obtaining from the purchaser appropriate compensation for any such deposit or reserve account.

8. Voting Rights. Subject to the provisions of Section 20 of this Declaration, one (1) vote shall be allocated to each Unit to be exercised by the Owner of the Unit on any matter of the Association on which the Owners are entitled to vote pursuant to this Declaration, the Bylaws or the Act.

9. Occupation and Use. The Units shall be used and occupied by the Owners as primary or secondary residences.

10. Service of Process. The designated agent to receive service of process in cases described in Section 100.550(1) of the Act is named in the Condominium Information Report or Condominium Annual Report filed with the Oregon Real Estate Agency in accordance with Section 100.250(1) of the Act.

11. Annexation of Additional Property. Declarant reserves the right to annex all or any portion of the Additional Property into the Condominium.

11.1 Maximum Units. The maximum number of Units in the Condominium shall not exceed _____ (_____).

11.2 Termination Date. Declarant's right to annex the Additional Property into the Condominium shall terminate on the seventh anniversary of the date of recordation of this Declaration in the official records of Clackamas County, Oregon.

11.3 Additional Common Elements. Subject to the terms and provisions of this Declaration and any Supplemental Declaration, the Common Elements located in each prior stage of the Condominium will be used by the Owners of Units in each succeeding stage of the Condominium as it is established, and the Owners of Units in each succeeding stage of the Condominium will, after the effective date of annexation, also share in the expenses of such Common Elements in accordance with Section 5.5.2 of the Bylaws. Subject to the terms and provisions of this Declaration and any Supplemental Declaration, the Owners of Units in each prior stage of the Condominium will utilize the Common Elements located in each succeeding stage of the Condominium and will also share in the expense thereof in accordance with Section 5.5.2 of the Bylaws.

11.4 Method of Allocation. As provided in Section 5, each Unit shall be entitled to and shall have allocated to it an equal undivided fractional ownership interest in the Common Elements, and the common profits and common expenses of the Condominium shall be allocated in proportion to each Owner's interest in the Common Elements. Each Supplemental Declaration annexing Additional Property to the Condominium shall provide for a reallocation of the undivided interests in the Common Elements in accordance herewith, effective as of the date of recordation of the Supplemental Declaration. The common profits and common expenses of the Condominium shall continue to be allocated in proportion to each Owner's interest in the Common Elements. Subject to the provisions of Section 20 of this Declaration, one (1) vote shall be allocated to each Unit annexed into the Condominium.

11.5 Completion. Declarant shall complete subsequent stages in accordance with the plans and specifications prepared from time to time by or for Declarant and as approved from time to time by governmental authorities having jurisdiction thereof and by the lender(s) financing the construction of subsequent stages. Declarant reserves the right to change such plans and specifications in its sole discretion. Improvements within subsequent stages will be generally consistent with improvements in prior stages. Completion of subsequent stages will be pursued by Declarant as expeditiously as reasonably possible, subject to delays for reasons (including, but not limited to, financing availability, market conditions, labor disputes, material shortages, and acts of God) reasonably beyond the control of Declarant. All improvements for a subsequent stage shall be substantially completed before the stage is annexed into the Condominium.

11.6 Annexation Procedure. In order to annex all or any portion of the Additional Property into the Condominium, Declarant shall execute and record a Supplemental

Declaration and supplemental plat in accordance with Section 100.120 of the Act. Notwithstanding anything in this Section 11 to the contrary, no Additional Property may be annexed into the Condominium without the prior written consent of each Mortgage Insurer or Guarantor if such consent is required by any statute, ordinance, regulation or guideline of the Mortgage Insurer or Guarantor.

11.7 No Duty to Annex. Nothing in this Section 11 obligates Declarant to annex all or any portion of the Additional Property into the Condominium and the decision of whether or not to annex all or any portion of the Additional Property into the Condominium shall be within the sole and absolute discretion of Declarant.

12. Authority Regarding Easements and Other Property Rights. The Association has the authority, pursuant to Sections 100.405(5) and (6) of the Act, to execute, acknowledge and deliver on behalf of the Owners leases, easements, rights of way, licenses, and other similar interests affecting the General Common Elements and to consent to vacation of roadways within and adjacent to the Condominium, in each case, which are reasonably necessary to the ongoing development and operation of the Condominium. Except for those matters described in Section 100.405(6)(a)(B) of the Act, which the Board may approve without Owner consent, the granting of any interest pursuant to this Section 12 must be approved by at least seventy-five percent (75%) of the Owners present at a meeting of the Association or with the consent of at least seventy-five percent (75%) of all Owners solicited by any other means the Board determines is reasonable. If a meeting is held to conduct the vote, the meeting notice shall include a statement that the approval of the granting of the lease, easement, right of way, license or other similar property interest will be an item of business on the agenda of the meeting.

13. No Restrictions on Alienation. The right of an Owner to sell, transfer, or otherwise convey his or her Unit shall not be subject to any right of approval, disapproval, first refusal, or similar restriction by the Association or the Board, or anyone acting on their behalf. An Owner intending to sell his or her Unit shall deliver a written notice to the Board, at least two (2) weeks before closing, specifying: (i) the Unit to be sold; (ii) the name and address of the purchaser, the closing agent, and the title insurance company insuring the purchaser's interest; and (iii) the estimated closing date. The Board shall have the right to notify the purchaser, the title insurance company and the closing agent of the amount of any unpaid assessments and charges outstanding against the Unit, whether or not such information is requested. It is understood, however, that the failure to provide a notice of sale as provided herein shall not invalidate a sale, transfer, or other conveyance of a Unit which is otherwise valid under applicable law. Except to the extent set forth in this Section 13 and certain restrictions on leasing set forth in Section 7.1 of the Bylaws, this Declaration and the Bylaws impose no restrictions on the alienation of any Unit.

14. Rights of Access and Use; Special Declarant Rights and Easements.

14.1 In General. Each Owner shall have a perpetual right of reasonable access and use to, through, over, and of each of the Common Elements adjoining the Owner's Unit as may be required for: (i) ingress to and egress from the Owner's Unit; (ii) the support of the

Owner's Unit; and (iii) the installation, operation, repair, maintenance, and replacement of utilities and other systems serving the Owner's Unit, including, but not limited to, water, natural gas, air conditioning, cable television, electrical power and wiring, light, or plumbing. The specific reference to or reservation of any rights of access and use in this Declaration does not limit or negate the general easement for Common Elements created by the Act.

14.2 Additional Rights Created by Association. The Association, upon prior approval of the Owners holding at least seventy-five percent (75%) of the eligible votes in the Association, may create on behalf of the Owners additional rights of access and use with respect to the Common Elements. No such right may be granted with respect to a Limited Common Element unless the Owners and Mortgagees of the Unit(s) having the right to use the Limited Common Element consent to the creation of such a right. Nothing in this Section 14.2 shall be construed to enable the Association to revoke, alter, modify, or terminate any easements, rights of way, licenses, or similar interests of record on the date this Declaration is recorded.

14.3 Water Intrusion and Mold Inspection. The Board, acting on behalf of the Association, may authorize entry into any Unit or Limited Common Element to conduct a periodic inspection of the Unit for water intrusion into the Unit and/or the appearance of mold or mildew within the Unit. The inspection shall be made by an agent of the Association appointed by the Board and shall occur at such time as is reasonably convenient to the Owner (or the Owner's tenant) and the inspector. The right of entry and inspection provided in this Section 14.3 shall not in any way obligate the Association or the Board to make such an inspection, and the decision on whether to inspect Units and the frequency of such inspections, if any, shall be solely within the discretion of the Board. Nothing contained within this Section 14.3 is intended to modify the maintenance and repair obligations of any party as provided in this Declaration or the Bylaws.

14.4 Right of Entry and Access. In addition to the rights granted to Declarant and the Association elsewhere in this Declaration, the Bylaws, or by the Act, the Board, acting on behalf of the Association, Declarant, and any managing agent, manager or other person authorized by the Board or Declarant, shall have the right to enter into and have access through or over any Unit or Common Element: (i) in the case of any emergency originating in or threatening the Unit, Common Elements or other Units, (ii) requiring repairs necessary to protect public safety, whether or not the Owner is present at the time, (iii) for the purpose of performing installations, alterations, or repairs to any Common Element or Unit, (iv) to prevent damage to the Common Elements or another Unit, or (v) to inspect the Unit or Limited Common Elements to verify that the Owner is complying with the restrictions and requirements described in this Declaration, the Bylaws, and/or the Rules and Regulations, *provided that*, except in the case of an emergency, requests for entry into any Unit are made in advance and that such entry is at a time reasonably convenient to the Owner. Neither Declarant nor the Association shall be deemed guilty in any manner of trespass for entering or accessing a Unit, Limited Common Element or any other portion of the Condominium in accordance with this Section 14.4.

14.5 Easements for Staged Development. In addition to the general easements reserved by statute and by reference elsewhere in this Declaration, there is reserved a non-

exclusive easement in favor of Declarant (and Declarant's successors and assigns) over and across the Condominium for ingress and egress and over and across easements, streets, and utility lines specified or established in and for completed stages of the Condominium, as well as the right to connect thereto. This easement is reserved for the purpose of completing subsequent stages of the Condominium.

14.5.1 The easements reserved under this Section 14.5 shall entitle Declarant, in connection with the development of each successive stage of the Condominium, to tie into water, sewer, storm sewer, electrical, gas, telephone, or other utility lines of all varieties and to connect with streets and utility systems developed in the completed stage(s) of the Condominium.

14.5.2 Declarant shall bear the cost of tie-ins to such roadways and utilities and will not connect with such utilities in a manner that impairs or significantly reduces the quality of the utility service for the Condominium.

14.5.3 Declarant shall have a non-exclusive easement to construct and maintain (at any time and at Declarant's sole cost and expense and in the exercise of Declarant's sole discretion and at such locations within the Condominium) such signs as Declarant may deem necessary for the identification of the name, location and direction, and for the sale of Units and of future Units within the Additional Property.

14.6 Special Declarant Rights. As more particularly provided in this Section 14.6, Declarant has reserved the following special Declarant rights in addition to any special Declarant rights that may be set forth elsewhere in this Declaration or in the Bylaws or otherwise provided under the Act:

14.6.1 Completion of Improvements, Maintenance and Repairs and Inspections. Declarant and its agents, employees and contractors shall have the right to complete improvements, perform maintenance work and repairs and conduct inspections that are: (i) authorized by this Declaration or the Bylaws; (ii) indicated on the Plat; (iii) authorized by building permits; (iv) provided for under any Unit Sales Agreement; (v) necessary to satisfy any express or implied warranty or other obligation of Declarant; (vi) necessary to inspect for alleged defects or to verify that appropriate maintenance is being performed; or (vii) otherwise authorized or required by law. The right of inspection provided in this Section 14.6.1 shall in no way obligate Declarant to make any such inspections, and the decision on whether to inspect the Units or any other portion of the Condominium and the frequency of such inspections, if any, shall be solely within the discretion of Declarant.

14.6.2 Sales Facilities of Declarant. For so long as Declarant owns a Unit or retains the right to annex any portion of the Additional Property into the Condominium, Declarant and its agents, employees, and contractors shall be permitted to maintain upon such portion of the Condominium as Declarant may choose, such facilities as in the sole opinion of Declarant may be required, convenient, or incidental to the construction or sale of Units or future Units and appurtenant interests of the Condominium, including but not limited to, a business office, storage area, signs, model units, sales office, construction office, and parking areas for all

prospective purchasers of Declarant, and its affiliates. The provisions of this Section are subject to all applicable state and local laws, ordinances and regulations. The number, size, location, and relocation of such facilities shall be determined from time to time by Declarant in the exercise of its sole discretion; *provided*, that the maintenance and use of such facilities shall not unreasonably interfere with an Owner's use and enjoyment of his or her Unit or those portions of the Common Elements reasonably necessary for the use and enjoyment of any Owner's Unit.

14.6.3 Declarant's Easements. Declarant has a non-exclusive easement to, through, and over the Common Elements as may be reasonably necessary for the purpose of discharging Declarant's obligations or exercising special Declarant rights, whether arising under the Act or reserved in this Declaration.

14.6.4 Right of Approval. Declarant shall have the right to approve all amendments to this Declaration, the Bylaws, the Plat or the Rules and Regulations and no amendment to this Declaration, the Bylaws, the Plat or the Rules and Regulations shall be effective unless approved by Declarant in writing.

14.6.5 Right of Review. Upon reasonable advance notice to the Board, Declarant shall have the perpetual right to review and make copies of all inspection, maintenance and other records of the Association, including, without limitation, changes to the reserve study or maintenance plan required under the Act. In addition, upon request from Declarant, the Board shall provide Declarant, at Declarant's cost, copies of all inspection reports, proposed plans for alterations and copies of all warranty claims. As provided in Section 7.4 of the Bylaws, the Board shall provide Declarant with copies of submissions for alteration requests, advance notice of the Board's inspections of such alterations, and an opportunity for Declarant, its contractors or agents to accompany the Board's professional advisors on any such inspection.

14.6.6 Termination of Declarant Rights. Unless specifically provided otherwise, the special Declarant rights set forth in this Section 14.6 shall continue for so long as (i) Declarant is completing improvements which are within or may be added to the Condominium; (ii) Declarant owns a Unit or retains the right to annex all or any portion of the Additional Property into the Condominium; or (iii) ten (10) years after the date this Declaration recorded in the official records of Clackamas County, Oregon, whichever is latest; *provided*, that Declarant may voluntarily terminate any or all of such rights at any time by executing a termination instrument which references this Declaration and specifies the rights being terminated hereunder and recording the termination instrument in the official records of Clackamas County, Oregon.

15. Encroachments.

15.1 Each Unit shall have an easement over all Common Elements for the purpose of accommodating any present or future encroachment as a result of engineering errors, construction, reconstruction, repairs, settlement, shifting, or other movement of any portion of the Condominium, or any other similar cause, and any encroachment due to building overhang or projection as long as the physical boundaries of the Units are in substantial accord with the Unit boundary descriptions set forth in this Declaration and as shown on the Plat. There shall be a

valid easement for the maintenance of the encroaching Units so long as the encroachment exists and the rights and obligations of the Owners shall not be altered in any way by the encroachment.

15.2 The easement described in Section 15.1 does not relieve an Owner of liability in case of willful misconduct of an Owner or relieve any contractor, subcontractor, or materialman of liability for failure to adhere to the Plat.

15.3 The encroachments described in Section 15.1 shall not be construed to be encumbrances affecting the marketability of title to any Unit.

16. Notices to Mortgagees. The Association shall provide timely written notice of the following matters to any first Mortgagee or any Mortgage Insurer or Guarantor: Any condemnation or casualty loss that affects either a material portion of the Condominium or a Unit in which it holds an interest;

16.2 Any delinquency of sixty (60) days in the payment of common expenses assessed to a Unit in which it holds an interest;

16.3 A lapse, cancellation, or material modification of any insurance policy or fidelity bond maintained by the Association; and

16.4 Any Extraordinary Action or proposed action that requires the consent of a specified percentage of Mortgagees under this Declaration or the Bylaws.

17. Operating Entity. _____ Condominium Owners Association, an Oregon nonprofit corporation, has been organized to administer the operation and management of the Condominium and to undertake and perform all acts and duties incident thereto in accordance with the terms of the Articles and Bylaws. A copy of the Bylaws, which have been adopted by Declarant as required by Section 100.410(1) of the Act, is attached hereto as Exhibit D. The Owner of each Unit shall automatically become a member of the Association upon such Owner's acquisition of an ownership interest in a Unit and the membership of an Owner shall terminate automatically upon such Owner's being divested of all of such Owner's ownership interest in a Unit, regardless of the means by which such ownership interest is divested. Each Owner shall be entitled to exercise the voting rights allocated to his or her Unit in the manner prescribed in the Articles and Bylaws. No person or entity holding any Mortgage, lien, or other encumbrance on a Unit shall be entitled, by virtue of such Mortgage, lien, or other encumbrance, to membership in the Association or to any of the rights or privileges of such membership, except as specifically described in this Declaration. In the administration of the operation and management of the Condominium, the Association shall have and is hereby granted the authority and power to enforce the provisions of this Declaration, to levy and collect assessments, and to adopt, promulgate, and enforce the Rules and Regulations in the manner provided herein and in the Bylaws. Acquisition of an ownership interest in a Unit by an Owner shall constitute appointment of the Association as that Owner's attorney-in-fact in connection with proceedings, negotiations, settlements, and agreements arising from condemnation, destruction, liquidation, or termination of the Condominium, subject to the rights of the Owners described elsewhere in this Declaration or in the Bylaws.

18. Managing Agent. The Board shall have the authority, on behalf of the Association, to enter into a management agreement with respect to the Condominium prior to the Turnover Meeting for a term not to exceed three (3) years; provided, however, that the Board shall have the right to terminate any management agreement entered into prior to the Turnover Meeting upon not less than thirty (30) days written notice given no later than sixty (60) after the Turnover Meeting. After the Turnover Meeting, the Board shall have the authority, on behalf of the Association, to employ or contract for a managing agent or manager in accordance with the Bylaws at a compensation to be established by the Board. The Board may delegate to the managing agent or manager such duties and powers as the Board may authorize. In the absence of such appointment, the Board shall act as manager of the Condominium.

19. Taxation of Units. Each Unit, together with the undivided percentage interest in the Common Elements, shall be considered a parcel of real property subject to separate assessment and taxation by any taxing authority in a manner comparable to the taxation of other parcels of real property. The Common Elements shall not be considered a separate parcel for purposes of taxation.

20. Administrative Control. Except as otherwise provided in this Declaration or in the Bylaws, until the earlier to occur of: (i) the date that is seven (7) years after the date on which the first Unit is conveyed to an Owner other than Declarant or a successor declarant; or (ii) the date at which seventy-five percent (75%) of the one hundred fifty-seven (157) Units planned for the Condominium have been conveyed to Owners other than Declarant or a successor declarant:

20.1 Declarant may appoint and remove officers of the Association and members of the Board;

20.2 Declarant shall have three (3) votes for each Unit owned by it, notwithstanding the provisions of Section 8; and

20.3 Declarant shall have the right to exercise all powers of the Association, the Board, and the officers of the Association under this Declaration, the Bylaws, and the Act; provided, however, that, unless otherwise permitted by the Act, Declarant may not bind the Association to any management agreement, service contract, employment contract, lease of recreational areas or facilities, or contract or lease (other than a ground lease) to which Declarant is a party and which is made prior to the Turnover Meeting unless the Association or the Board is granted therein a right of termination which is exercisable without cause or penalty upon not less than thirty (30) days written notice given to the other party no later than sixty (60) days after the Turnover Meeting. Additionally, no such contract or agreement entered into by Declarant prior to the Turnover Meeting shall have a term in excess of three (3) years unless otherwise permitted under the Act.

21. Casualty.

21.1 Responsibility of Association. The Association shall be responsible for repairing, reconstructing, or rebuilding all damage or destruction of the Common Elements by casualty and, to the extent of the Association's insurance coverage, all such damage or

destruction to the Units. Each Owner shall be responsible for the repairing, reconstructing, or rebuilding of his or her Unit to the extent not covered by the Association's insurance within twelve (12) months of the occurrence of such casualty. The Association shall rebuild and restore the damaged or destroyed portions of the Common Elements and, to the extent of the Association's insurance coverage, of the Units, so that the Condominium is rebuilt and restored to substantially the same condition in which it existed prior to such damage or destruction in accordance with this Declaration and the Plat. Notwithstanding the foregoing, the Association may elect not to repair or restore the Condominium or to repair or restore the Condominium in a manner that is not substantially in accordance with this Declaration and the Plat with the prior approval of at least sixty percent (60%) of the Owners and fifty-one percent (51%) of all first Mortgagees of Units, unless a higher percentage is required by the Act. Additionally, no reallocation of interests in the Common Elements after a partial destruction of the Condominium may be effected without the prior approval of at least fifty-one percent (51%) of all first Mortgagees of Units. Unless otherwise prohibited by any statute, ordinance, regulation or guideline of a Mortgage Insurer or Guarantor, any approval of a Mortgagee required under this Section 21.1 may be presumed by the Association if such Mortgagee fails to submit a response to a written request within sixty (60) days after it receives notice of the request by certified or registered mail, return receipt requested. The Association shall represent the Owners in any proceeding, negotiation, settlement, or agreement relating to the payment of proceeds under any insurance policies held by the Association. Any such proceeds shall be payable to the Association to the extent of its interest therein. If the Condominium is to be rebuilt and restored and the proceeds of the insurance policies held by the Association are insufficient to fund the full cost of rebuilding and restoration, the difference between the amount of such proceeds and such cost may be charged to all Owners as a common expense. If the required number of Owners and first Mortgagees agree that the Condominium shall not be rebuilt and restored, the Condominium shall be considered removed from the provisions of the Act in accordance with Section 100.605 thereof, and any proceeds resulting from such removal shall be distributed in accordance with Section 100.615 of the Act.

21.2 Responsibility of Owner. If, due to the act or neglect of an Owner, or of a member of his or her family or his or her household pet or of a guest, servant, invitee, or other authorized occupant or visitor of such Owner, damage is caused to the Common Elements or to a Unit owned by others, or maintenance, repairs, or replacements are required which would otherwise be a common expense, then such Owner shall pay for the damage and the maintenance, repairs, and replacements as may be determined by the Board, to the extent not covered by the Association's insurance. Each Owner is required to carry homeowners' insurance on his or her Unit as specified in Section 9 of the Bylaws.

22. Condemnation.

22.1 Total Condemnation. In the event of condemnation of the whole of the Condominium, the compensation to be paid to the Owners shall be negotiated and finalized, including, if required, by representation in any proceeding, by the Association, subject to ratification of such compensation by the Owners holding at least seventy-five percent (75%) of the eligible votes in the Association, whether or not proceedings are necessary, and

compensation, less expenses involved, if any, in obtaining the compensation shall be paid to the Association and then distributed among the Owners in equitable proportions and payable to any Mortgagee to the extent required to obtain a discharge of Mortgage. Notwithstanding the award for the condemnation of the whole Condominium, each Owner shall have the right to separately negotiate and finalize his or her personal compensation for improvements made to the Unit, cost of moving, and other similar items personal to each Owner.

22.2 Partial Condemnation. In the event of a partial condemnation of the Condominium which includes some Units, each Owner whose Unit is condemned shall deal with the condemning authority with regard to compensation therefor, and the compensation for the Unit shall be paid to the Owner (or the Mortgagee). The Association shall negotiate compensation relating to any Common Elements. The cost, if any, of restoring the balance of the Condominium so that it may be used shall be determined by the Association and the Association shall negotiate with the condemning authority with regard to compensation for this expenditure and shall, unless the Condominium is terminated within thirty (30) days after the receipt of such compensation in accordance with the Act, reconstruct the Condominium, using the funds received for such reconstruction. Any money received by the Association for any such reconstruction shall be held in trust by the Association for the purpose of such reconstruction. Any restoration or repair of the Condominium after a partial condemnation shall be substantially in accordance with this Declaration and the Plat unless otherwise approved by at least sixty percent (60%) of the Unit Owners and at least fifty-one percent (51%) of all first Mortgagees of Units. Additionally, no reallocation of interests in the Common Elements after a partial condemnation of the Condominium may be effected without the approval of at least fifty-one percent (51%) of all first Mortgagees of Units. Unless otherwise prohibited by any statute, ordinance, regulation or guideline of a Mortgage Insurer or Guarantor, any approval of a Mortgagee required under this Section 22.2 may be presumed by the Association if such Mortgagee fails to submit a response to a written request within sixty (60) days after it receives notice of the request by certified or registered mail, return receipt requested.

23. Fidelity Bond. The Board shall require that any person or entity, including, but not limited to, employees of any professional manager, who handles or is responsible for Association funds, whether or not such person or entity receives compensation for services, to furnish a fidelity bond as the Board deems adequate under this Section 23. The bond shall name the Association as the obligee and shall cover the maximum funds that may be in the custody of the Association or the manager at any time while the bond is in force but, in any event, the aggregate amount of the bond shall not be less than the sum equal to three months aggregate assessments (including reserve assessments) on all Units. The bond shall include a provision requiring not less than ten (10) days written notice to the Association and any first Mortgagee or Mortgage Insurer or Guarantor requesting or requiring a copy thereof before cancellation or substantial modification of the bond for any reason. The premium for the bond may be paid by the Association.

24. Amendment.

24.1 How Proposed. Amendments to this Declaration shall be proposed by either a majority of the Board or by the Owners holding at least thirty percent (30%) of the total eligible votes in the Association. The proposed amendment must be reduced to writing and shall be included in the notice of any meeting at which action is to be taken thereon or attached to any written ballot or request for consent to the amendment.

24.2 Approval by Owners. Except as otherwise provided in this Declaration or the Act, an amendment to this Declaration shall be approved by the Owners holding at least seventy-five percent (75%) of the total eligible votes in the Association. If the amendment is a Material Amendment, then the amendment shall also be approved by the Owners holding more than fifty percent (50%) of the total eligible votes in the Association, exclusive of any votes held by Declarant. Additionally, for a period of ten (10) years after the recording of this Declaration in the official records of Clackamas County, Oregon or for so long as Declarant owns a Unit, whichever is longer, all amendments to this Declaration shall be approved in writing by Declarant. Except as otherwise provided in this Declaration or the Act, no amendment may change the method for determining liability for common expenses, right to common profits, or voting rights of or with respect to any Unit unless such amendment is approved by the Owner of the affected Unit. Voting on any amendment to this Declaration pursuant to this Section 24.2 shall be without regard to Declarant's enhanced voting power under Section 20.2. Notwithstanding any of the foregoing, this Declaration shall not, at any time, be modified, added to, amended, or repealed so as to eliminate, change, or impair any rights, privileges, easements, licenses, or exemptions granted herein to Declarant or its designees, or otherwise so as adversely to affect Declarant or its designees without the prior written consent of Declarant.

24.3 Approval by Mortgagees. Except as otherwise provided in this Declaration or the Act, the approval of at least fifty-one percent (51%) of those holders of first Mortgages on Units (based upon one vote for each first Mortgage held) shall be required for any Material Amendment. In addition, except as otherwise provided in this Declaration or the Act, no amendment to this Declaration may change the method for determining liability for common expenses, right to common profits, or voting rights of or with respect to any Unit unless such amendment has been approved by the holder of any first Mortgage on the affected Unit. Unless otherwise prohibited by any statute, ordinance, regulation or guideline of a Mortgage Insurer or Guarantor, any approval of a Mortgagee required under this Section 24.3 may be presumed by the Association if the Mortgagee fails to submit a response to a written proposal for an amendment to this Declaration within sixty (60) days after it receives notice of such proposal by certified or registered mail, return receipt requested.

24.4 Approval by Mortgage Insurers or Guarantors. The Association shall obtain the approval of any amendment to this Declaration by a Mortgage Insurer or Guarantor, if required by any statute, ordinance, regulation or guideline of the Mortgage Insurer or Guarantor. Without limiting the generality of the foregoing, during Declarant's period of administrative control of the Association pursuant to Section 20, all amendments to this Declaration, the Bylaws or Articles must be approved by the United States Department of Veterans Affairs (the "VA"), if the VA has guaranteed any loans secured by Units.

24.5 Recordation. Amendments to this Declaration shall be effective upon recordation of the Declaration as amended, or of the amendment thereto, certified by the chairman and secretary of the Association as being adopted in accordance with this Declaration and the applicable provisions of the Act and approved by the county assessor and the Oregon Real Estate Commissioner, if required by law, in the official records of Clackamas County, Oregon.

25. Termination. Termination of the Condominium shall be effected in accordance with Section 100.600 of the Act and any other applicable provision of the Act. Unless a higher percentage is required under the Act, a termination upon the substantial destruction of the Condominium or the substantial taking in a condemnation of the Condominium shall require the consent of at least fifty-one percent (51%) of all first Mortgagees of Units and a termination for any other reason shall require the consent of at least sixty-seven percent (67%) of all first Mortgagees of Units. Unless otherwise prohibited by any statute, ordinance, regulation or guideline of a Mortgage Insurer or Guarantor, any approval of a Mortgagee required under this Section 25 may be presumed by the Association if such Mortgagee fails to submit a response to a written request within sixty (60) days after it receives notice of the request by certified or registered mail, return receipt requested.

26. Extraordinary Actions. Unless a higher percentage is required under this Declaration, the Bylaws or the Act, in which case such higher percentage shall apply, all Extraordinary Actions must be approved by the Owners entitled to cast at least sixty-seven percent (67%) of the votes of the Owners present, in person or by proxy, and voting at a meeting of the Association, such vote including at least a majority of the votes of all Owners present, in person or by proxy, and voting at the meeting other than Declarant; provided, however, that the following Extraordinary Actions must be approved by the Owners entitled to cast at least sixty-seven percent (67%) of the total authorized votes of all Owners, including at least a majority of the total authorized votes entitled to be cast by Owners other than Declarant: (i) termination of the Condominium; (ii) dissolution of the Association; and (iii) conveyance of all Common Elements. Additionally, during Declarant's period of administrative control of the Association, pursuant to Section 20, all Extraordinary Actions must be approved by the VA, if the VA has guaranteed any loans secured by Units. In the event of an inconsistency between the provisions contained in this Section 26 and any provision contained elsewhere in this Declaration, the provisions contained in this Section 26 shall control.

27. Dispute Resolution.

27.1 Required Procedure. Except as otherwise provided in this Section 27 below or elsewhere in this Declaration, to the fullest extent allowed by law, all claims, controversies, or disputes, whether they are statutory, contractual, tort claims, and/or counterclaims between or among Declarant, Declarant's successors and assigns, the Association, and/or Owner(s) (collectively, the "Parties" and individually, a "Party") which arise out of or are related to the Condominium, the Act, this Declaration, the Bylaws, the Articles of Incorporation of the Association, or the Rules and Regulations, or which relate to the interpretation or breach of the Act, this Declaration or the Bylaws, the Articles of Incorporation of the Association, or the

Rules and Regulations (collectively referred to as “Claims”) shall be resolved in accordance with the procedures specified herein. The following matters are excluded from this dispute resolution clause and do not constitute Claims: (i) judicial or non-judicial foreclosure or any other action or proceeding to enforce assessments, fines, interest or a trust deed, mortgage, Association lien, or land sale contract; (ii) a forcible entry and detainer action; (iii) actions by the Association pursuant to Section 5.7 of the Bylaws prior to summary abatement and removal of a structure or other condition that violates this Declaration, the Bylaws or any Rules and Regulations; (iv) actions for the appointment of a receiver pursuant to Section 5.10 of the Bylaws; (v) provisional remedies such as injunctions or the filing of a lis pendens; or (vi) the filing or enforcement of a mechanic’s lien. The filing of a notice of pending action (lis pendens) or the application to any court having jurisdiction thereof for the issuance of any provisional process remedy described in Rules 79 through 85 of the Oregon Rules of Civil Procedure (or corresponding federal statutory remedies), including a restraining order, attachment, or appointment of receiver, shall not constitute a waiver of the right to mediate or arbitrate under this Section, nor shall it constitute a breach of the duty to mediate or arbitrate. The proceeds resulting from the exercise of any such remedy shall be held by the Party obtaining such proceeds for disposition as may be determined by an agreement of the Parties pursuant to a mediation or by the arbitration award.

27.2 Negotiated Resolution. The Parties will seek a fair and prompt negotiated resolution of Claims and shall meet at least once to discuss and seek to resolve such Claims, but if this is not successful, all Claims shall be resolved in small claims court, by mediation or by binding arbitration as set forth in Sections 27.3, 27.4 or 27.5 below, as applicable.

27.3 Mediation. Prior to mediation of any Claim, the Parties shall have endeavored to resolve disputes through the process set forth in Section 27.2 above. All Claims that are not resolved by such process shall be subject to mediation as a condition precedent to arbitration. The request for mediation may be made concurrently with the filing of a demand for arbitration as set forth in Section 27.5 below, but, in such event, mediation shall proceed in advance of arbitration, which shall be stayed pending mediation for a period of sixty (60) days from the date of filing, unless stayed for a longer period by agreement of the parties. All mediation shall be in Clackamas County, Oregon with any dispute resolution program available that is in substantial compliance with the standards and guidelines adopted under ORS 36.175, as it may be amended. The foregoing requirement does not apply to circumstances in which irreparable harm to a Party will occur due to delay or litigation or an administrative proceeding initiated to collect assessments, other than assessments attributable to fines.

27.4 Small Claims. All Claims that have not been resolved by mediation and which are within the jurisdiction of the Small Claims Department of the Circuit Court of the State of Oregon shall be brought and determined there, and all Parties shall be deemed to have waived their right to a jury trial with respect to such Claims.

27.5 Arbitration. Prior to arbitration of any Claim, the Parties shall have endeavored to resolve disputes through the processes set forth in Section 27.2, 27.3 and 27.4 above, as applicable. All Claims that have not been resolved by such processes shall be resolved by binding arbitration. Such arbitration shall be conducted by one arbitrator selected by the

Parties, or, if the Parties cannot agree on an arbitrator within thirty (30) days after a request for arbitration, the arbitrator shall be appointed by the presiding judge of the Circuit Court for Clackamas County, Oregon. The arbitration shall be conducted by and pursuant to the then effective arbitration rules of Construction Arbitration Services, Inc., or another reputable arbitration service selected by Declarant. If Declarant is not a Party to such dispute, the arbitration service shall be selected by the Board acting on behalf of the Association. Any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

27.6 Claims Procedure. An Owner or the Association may not commence arbitration against Declarant or any contractor, subcontractor or supplier for construction defects unless the Owner or the Association, as applicable, has given written notice of the claim and permitted them to view, inspect and respond to the claimed defect, as required by law.

OREGON LAW CONTAINS IMPORTANT REQUIREMENTS YOU MUST FOLLOW BEFORE YOU MAY COMMENCE ARBITRATION OR A COURT ACTION AGAINST ANY CONTRACTOR, SUBCONTRACTOR OR SUPPLIER FOR CONSTRUCTION DEFECTS. BEFORE YOU COMMENCE ARBITRATION OR A COURT ACTION YOU MUST DELIVER A WRITTEN NOTICE OF ANY CONDITIONS YOU ALLEGE ARE DEFECTIVE TO THE CONTRACTOR, SUBCONTRACTOR OR SUPPLIER YOU BELIEVE IS RESPONSIBLE FOR THE ALLEGED DEFECT AND PROVIDE THE CONTRACTOR, SUBCONTRACTOR OR SUPPLIER THE OPPORTUNITY TO MAKE AN OFFER TO REPAIR OR PAY FOR THE DEFECTS. YOU ARE NOT OBLIGATED TO ACCEPT ANY OFFER MADE BY THE CONTRACTOR, SUBCONTRACTOR OR SUPPLIER. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER STATE LAW. FAILURE TO MEET THOSE DEADLINES OR FOLLOW THOSE PROCEDURES WILL AFFECT YOUR ABILITY TO COMMENCE ARBITRATION OR A COURT ACTION.

27.7 No Attorneys' Fees. Unless otherwise expressly provided for under the Act or elsewhere in this Declaration or the Bylaws, no Party in the arbitration, mediation or other proceeding shall be entitled to recover costs or attorneys' fees in connection therewith.

27.8 Claims by Association. To the fullest extent allowed by law and except for Claims in an amount less than or equal to \$7,500, no Claim shall be initiated by the Association without approval from the Owners holding seventy-five percent (75%) of the total eligible votes in the Association. The foregoing vote requirement shall not be required to institute or respond to the following: (i) actions for delinquent assessments, fines or other charges under this Declaration, the Bylaws or the Rules and Regulations; (ii) actions initiated by the Association during Declarant's period of administrative control pursuant to Section 20 of this

Declaration; (iii) actions challenging ad valorem taxation or condemnation proceedings; (iv) actions initiated against any contractor or vendor hired by the Association or supplier of goods and services to the Association; (v) the defense of claims filed against the Association or the assertion of counterclaims in proceedings instituted against it (except for non-mandatory counterclaims); (vi) actions to appoint a receiver pursuant to Section 5.10 of the Bylaws; or (vii) actions to summarily abate, enjoin and remove a structure or condition that violates this Declaration, the Bylaws or the Rules and Regulations.

27.9 Confidentiality. The Parties shall keep all discussions of disputes, all settlements and arbitration awards and decisions confidential and shall not disclose any such information, whether directly or indirectly, to any third parties unless compelled to do so by an order of a court of competent jurisdiction. The Parties agree in the event a Party breaches its confidentiality obligation that the other Party or Parties to the dispute shall be entitled to seek and obtain any and all equitable remedies, including injunctive relief and specific performance and each Party hereby waives any claim or defense that the other Party has an adequate remedy at law for any such breach and the Parties agree that the aggrieved Party shall not be required to post any bond or other security in connection with any such equitable relief.

28. General Provisions.

28.1 No Impairment. The creation of this Condominium shall not be impaired and title to the Units and Common Elements shall not be rendered unmarketable or otherwise affected by reason of any insignificant failure of this Declaration or the Plat or any amendment thereto to comply with the Act.

28.2 No Partition. Except where permitted by the Act, the Common Elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale, or other voluntary or involuntary transfer of interest in the Common Elements made without the Unit to which that interest is allocated is void.

28.3 No Waiver of Strict Performance. The failure of the Board in any one or more instances to insist upon the strict performance of this Declaration, the Bylaws, or the Rules and Regulations, or to exercise any right or option contained in such documents, or to serve any notice or to institute any action, shall not be construed as a waiver or relinquishment for the future enforcement of such term, covenant, condition, or restriction, but such term, covenant, condition, or restriction shall remain in full force and effect. The receipt by the Board of any assessment from an Owner, with knowledge of any such breach, shall not be deemed a waiver of such breach, and no waiver by the Board of any provision hereof shall be deemed to have been made unless expressed in writing and signed by the Board.

28.4 Severability. Each provision of this Declaration and the Bylaws shall be deemed independent and severable and shall be valid and enforceable to the fullest extent permitted by law. If any term or provision of this Declaration or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, whether under the Act or otherwise, the remainder of this Declaration and the application of such term or provision to

persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby.

28.5 Liability for Utility Failure, Etc. Except to the extent covered by insurance obtained by the Board pursuant to this Declaration or the Bylaws, neither the Association nor the Board nor Declarant shall be liable for: (i) any failure of any utility or other service to be obtained and paid for by the Association; (ii) injury or damage to person or property caused by the elements, or resulting from electricity, noise, smoke, water, rain (or other liquid), dust, or sand which may leak or flow from the outside or from any parts of Unit structures, or from any of its pipes, drains, conduits, appliances, or equipment, or from any other places; or (iii) inconvenience or discomfort resulting from any action taken to comply with any law, ordinance, or order of a governmental authority. No diminution or abatement of common expense assessments shall be claimed or allowed for any such utility or service failure, or for such injury or damage, or for such inconvenience or discomfort.

28.6 Transfer of Declarant's Powers. Declarant, at any time in the exercise of its sole discretion, may sell, assign, transfer, encumber, or otherwise convey to any person, upon such terms and conditions as Declarant may determine, any or all of Declarant's rights, powers, easements, privileges, and authority arising hereunder by virtue of Declarant's capacity as Declarant (which rights, powers, easements, privileges, and authority are in addition to those arising from Declarant's ownership of one or more Units).

28.7 Compliance with Certain Financing Requirements. The terms and provisions of this Declaration are intended to comply with the requirements of the Federal National Mortgage Association, the U.S. Department of Housing and Urban Development, the Federal Housing Administration and the United States Department of Veterans Affairs in effect as of the date of this Declaration for insuring, guaranteeing and providing financing for any Unit in the Condominium (the "Financing Requirements"). In the event of any inconsistency between a provision of this Declaration and the Financing Requirements, the Financing Requirements shall control and the inconsistent provision of this Declaration shall be deemed amended and construed and interpreted as is necessary to comply with the Financing Requirements unless otherwise inconsistent with the Act. Notwithstanding the foregoing, if there is an inconsistency between the requirements of the Federal National Mortgage Association, the requirements of the U.S. Department of Housing and Urban Development and the Federal Housing Administration or the requirements of the United States Department of Veterans Affairs, the more restrictive requirements shall control and this Declaration shall be construed and interpreted as is necessary to comply with the more restrictive requirements.

29. Warranty; Releases and Waiver of Claims.

29.1 Home Builder's Limited Warranty. In each Unit Sales Agreement, Declarant, as seller, provided to each initial Owner of a Unit a Home Builder's Limited Warranty (the "Limited Warranty") in addition to any statutory warranties required under the Act. On or before closing, each Owner was provided with a sample copy of the Limited Warranty and acknowledged that he or she read and understood the Limited Warranty.

29.2 Dispute Resolution Process. Each Owner and the Association acknowledges and agrees that the Limited Warranty sets forth the procedures for resolving claims thereunder. Such process includes the right of Declarant to investigate and to cure alleged defects. The Limited Warranty may compel arbitration of disputes that Declarant and any Owner and/or the Association are unable to resolve by the other processes set forth therein. The dispute resolution procedures set forth in the Limited Warranty shall be the sole method for resolving any and all disputes and/or claims between Declarant, any Owner and/or the Association with respect to alleged construction defects and/or warranty claims. In the event of any discrepancy between the dispute resolution procedures set forth in Section 27 above and the dispute resolution procedures set forth in the Limited Warranty, the dispute resolution procedures set forth in the Limited Warranty shall control.

29.3 RELEASE AND WAIVER OF ALL FUTURE CLAIMS. IN EXCHANGE AND CONSIDERATION FOR THE LIMITED WARRANTY AND TO THE FULLEST EXTENT ALLOWED BY APPLICABLE LAW, EACH OWNER, FOR ITSELF AND ALL SUBSEQUENT OWNERS OF A UNIT, HEREBY WAIVES AND RELINQUISHES ANY AND ALL CLAIMS WHEREVER ARISING AGAINST DECLARANT AND ITS AGENTS, SUCCESSORS, EMPLOYEES, AFFILIATES, CONTRACTORS, REPRESENTATIVES, OFFICERS, DIRECTORS, MEMBERS AND PARTNERS, AND AGAINST THE ASSOCIATION OR ANY BOARD MEMBER THEREOF (COLLECTIVELY, THE "DECLARANT PARTIES"), RELATING TO OR ARISING FROM THE CONDITION OF THE CONDOMINIUM AT ANY TIME. THIS WAIVER IS ABSOLUTE AND UNCONDITIONAL, AND THIS RELEASE AND WAIVER APPLIES WHETHER OR NOT THE OWNER HAS KNOWLEDGE OF ANY POTENTIAL CAUSE OF ACTION FOR SUCH CLAIMS. THIS WAIVER APPLIES TO CLAIMS UNDER ANY LEGAL THEORY OTHER THAN THE WARRANTY GIVEN IN EACH UNIT SALES AGREEMENT, INCLUDING BUT NOT LIMITED TO NEGLIGENCE, NEGLIGENCE PER SE, NEGLIGENT OR INTENTIONAL MISREPRESENTATION, DEFECTIVE CONSTRUCTION, BREACH OF CONTRACT, UNLAWFUL TRADE PRACTICE, BREACH OF FIDUCIARY DUTY, STRICT LIABILITY, NUISANCE, TRESPASS OR ANY OTHER THEORY, WHETHER ARISING FROM STATUTE, CONTRACT, TORT OR OTHERWISE. THIS WAIVER INCLUDES, WITHOUT LIMITATION, CLAIMS RELATING TO CONSTRUCTION DEFECTS, WATER INTRUSION, MOLD, MILDEW, FUNGUS AND/OR ODORS IN THE UNIT OR COMMON ELEMENTS; PRODUCTS OR CONDITIONS IN THE UNIT OR COMMON ELEMENTS, INCLUDING FOR EXAMPLE CARBON MONOXIDE, RADON OR CARPET GLUE; NOISE OR SOUND TRANSMISSION; LOSS OF USE; EMOTIONAL DISTRESS; INCIDENTAL OR CONSEQUENTIAL DAMAGES; ATTORNEYS' FEES AND COSTS; OR RELOCATION EXPENSES (TEMPORARY OR OTHERWISE). EACH OWNER ACKNOWLEDGES THAT DECLARANT IS NOT OBLIGATED TO PROVIDE THE OWNERS ANY WARRANTY OTHER THAN THE ONE-YEAR WARRANTY REQUIRED UNDER THE ACT AND THAT THE LIMITED WARRANTY IS PROVIDED IN EXCHANGE FOR THE OWNER'S VOLUNTARY AND INTENTIONAL WAIVER OF THE CLAIMS SET FORTH IN THIS SECTION 29.3. EACH OWNER ACKNOWLEDGES THAT DECLARANT WOULD HAVE REQUIRED A SIGNIFICANTLY HIGHER PURCHASE PRICE FOR THE UNIT IF THE OWNER DECLINED TO PROVIDE THE FOREGOING RELEASE AND WAIVER. THIS

RELEASE AND WAIVER SHALL BE BINDING UPON EACH OWNER, ALL SUCCESSOR OWNERS OR OCCUPANTS OF THE UNITS, THE ASSOCIATION, AND THEIR RESPECTIVE EMPLOYEES, CONTRACTORS, PROPERTY MANAGERS, BROKERS, HEIRS, SUCCESSORS, ASSIGNS, GUESTS AND INVITEES. EACH OWNER AGREES THAT CLAIMS OF THE ASSOCIATION ARE DERIVATIVE OF CLAIMS OF THE UNIT OWNERS AND THAT THE ASSOCIATION WILL BE BOUND BY THE FOREGOING WAIVER. THIS WAIVER SHALL ACT AS A COMPLETE BAR AND DEFENSE AGAINST ANY RELEASED OR WAIVED CLAIM. EACH OWNER ACKNOWLEDGES THAT IT HAS READ AND UNDERSTANDS THIS WAIVER, AND THAT IT HAS HAD AN OPPORTUNITY TO SEEK AND CONSULT COUNSEL REGARDING THIS WAIVER.

29.4 TIME LIMITATION ON ACTIONS. IT IS THE INTENT OF THE PARTIES THAT THE RELEASE AND WAIVER OF CLAIMS IN THIS SECTION 29 BE COMPREHENSIVE AND FINAL. TO THE EXTENT IT IS DETERMINED THAT ANY CLAIM AGAINST ANY DECLARANT PARTY, UNDER ANY LEGAL THEORY, SURVIVES THE FOREGOING RELEASE AND WAIVER FOR ANY REASON, SUCH CLAIM MUST BE BROUGHT ON THE EARLIER OF (A) WITHIN SIXTY (60) DAYS AFTER THE DATE THE OWNER KNEW OR REASONABLY SHOULD HAVE KNOWN OF FACTS SUFFICIENT TO PUT THE OWNER ON NOTICE OF THE CLAIM, OR (B) WITH RESPECT TO THE UNIT AND RELATED LIMITED COMMON ELEMENTS, BY NO LATER THAN THE FIRST ANNIVERSARY OF THE CLOSING DATE OR (C) PRIOR TO THE EXPIRATION OF THE APPLICABLE STATUTE OF LIMITATIONS OR (D) WITH RESPECT TO THE GENERAL COMMON ELEMENTS, ON THE LATER TO OCCUR OF (I) THE FIRST ANNIVERSARY OF THE DATE OF THE FIRST CONVEYANCE OF A UNIT IN THE CONDOMINIUM TO A UNIT OWNER OTHER THAN DECLARANT OR (II) THE FIRST ANNIVERSARY OF THE DATE OF COMPLETION OF CONSTRUCTION OF THE GENERAL COMMON ELEMENT IN QUESTION. ANY AND ALL SUCH CLAIMS NOT BROUGHT WITHIN THIS TIME PERIOD WILL BE DEEMED TIME BARRED, REGARDLESS OF WHEN THE OWNER ACTUALLY DISCOVERED THE ALLEGED BASIS FOR THE CLAIM. FOR PURPOSES OF THIS SECTION 29, A CLAIM IS "BROUGHT" WHEN ARBITRATION IS FORMALLY INITIATED OR A COMPLAINT IS FILED IN THE APPROPRIATE COURT AND SERVED PROMPTLY ON DECLARANT.

29.5 Personal Property. Notwithstanding any other provision of this Section 29, Declarant has given no warranty with respect to any appliances, equipment, and other consumer products as defined in the Magnusson-Moss Warranty Act or the Uniform Commercial Code installed in the Units or Common Elements. Each Owner has agreed that the warranties of appliances, equipment and other consumer products installed in the Units or Common Elements are those of the manufacturer or supplier and are not warranted by Declarant. To the extent assignable, all such manufacturer or supplier warranties have been assigned to Owner, effective on the closing of such Owner's purchase of his or her Unit(s) from Declarant. Declarant has made no representations or guarantees regarding the existence or validity of any manufacturer or supplier warranties or the performance by any manufacturer or supplier of its warranty obligations. With respect to any manufactured products, each Owner expressly has assumed the risk, as against Declarant, that such products may be defective. Each Owner warranted that he or

she had an adequate opportunity to investigate the condition of the manufactured products, and he or she relied solely on such independent investigation in purchasing the Unit.

29.6 No Other Warranties. TO THE FULLEST EXTENT ALLOWED BY LAW, DECLARANT HAS MADE NO OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES OF HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY WARRANTIES REGARDING CONSUMER PRODUCTS AS DEFINED IN THE MAGNUSSON-MOSS WARRANTY ACT OR THE UNIFORM COMMERCIAL CODE, WITH RESPECT TO THE BUILDINGS, UNITS, COMMON ELEMENTS, OR ANY OTHER PART OF THE CONDOMINIUM OTHER THAN THOSE EXPRESSLY DESCRIBED IN EACH UNIT SALES AGREEMENT. WITHOUT LIMITATION TO THE FOREGOING, AND EXCEPT FOR THE EXPRESS WARRANTY OF EACH UNIT SALES AGREEMENT, DECLARANT HAS MADE NO REPRESENTATION OR WARRANTY REGARDING (I) COMPLIANCE WITH APPLICABLE BUILDING CODES, (II) ACOUSTICS, CONSISTENCY OF FLOOR SLOPE, OR SOUND TRANSFERENCE WITHIN THE CONDOMINIUM, (III) LIGHT, AIR OR VIEW, OR (IV) THE ABILITY OF THE BUILDING ENVELOPE OR ANY COMPONENTS OF THE CONDOMINIUM TO WITHSTAND WATER INTRUSION. Declarant has made no warranty regarding sound transmission between Units or the level or adequacy of sound insulation in a Unit or the Common Elements. The terms of the warranties set forth in each Unit Sales Agreement shall not be extended by any warranty repair or replacement work performed or caused to be performed by Declarant or its representatives. Declarant shall not be responsible for and the warranties set forth in each Unit Sales Agreement shall not cover: (i) damage exacerbated by an Owner, the Association, or other parties, or allowed by an Owner or the Association to be exacerbated, including, without limitation, damages exacerbated by an Owner or the Association, as applicable, failing to allow Declarant access to the Unit or Condominium, as applicable, to perform warranty work; (ii) any modifications to a Unit, the Common Elements, or the Condominium made by parties other than Declarant; (iii) any items covered by a manufacturer's or supplier's warranty as set forth in Section 29.5 above; (iv) damage caused by normal wear and tear; or (v) conditions or defects caused by or resulting from the failure of Owner or the Association to perform normal and routine maintenance of a Unit and/or the Common Elements, as applicable.

29.7 Defects. For purposes of Declarant's warranties as set forth in each Unit Sales Agreement, "defect(s)" or "defective" means a flaw in the materials or workmanship used in constructing the Unit or Common Elements that: (i) materially affects the structural integrity of the Unit or Common Elements; (ii) has an obvious and material negative impact on the appearance of the Unit or Common Elements; (iii) jeopardizes the life or safety of the occupants of the Unit; or (iv) results in the inability of the Unit or the applicable Common Elements to provide the functions that can reasonably be expected in a condominium dwelling. So long as the Unit is completed substantially in accordance with Declarant's plans and specifications, minor deviations and variations therefrom such as, without limitation, paint color, window and floor coverings, countertops and cabinets, appliances, plumbing and electrical fixtures, hardware and other decorations, and other finish work shall not be considered "defects." Deficiencies inherent in the quality of a particular component or element of a Unit and/or the Common

Elements shall not be considered defects due to workmanship or materials. Conditions caused by or resulting from the failure of an Owner or the Association to perform normal and routine maintenance of a Unit and/or the Common Elements, as applicable, shall not be considered “defects.” The Owners’ maintenance obligations are set forth in the Limited Warranty and in the Bylaws. Any warranty work performed by Declarant and its representatives will be during Declarant’s normal weekday hours, and Owner agrees to provide access therefor.

29.8 Right of Inspection. By appointment arranged in advance, Declarant, its agents and assigns shall have the continuing right, but not the obligation, after the conveyance of each Unit by Declarant to inspect an Owner’s Unit and the Common Elements at reasonable times to identify and correct any conditions for which Declarant could potentially be responsible under the Unit Sales Agreement or any applicable law.

29.9 Acoustics, Light, Air and View. Declarant has made no representation or warranty regarding the existence of or changes in the level of noise, light, air or view benefiting or burdening any Unit specifically or the Condominium generally. Each Owner acknowledges that Declarant will have no liability if the current level of noise, light, air or view affecting a Unit changes due to future developments. Each Owner acknowledges that as is typical in residential condominiums, the Units are not soundproof and Declarant has made no warranty or representation regarding the degree that exterior sounds will infiltrate any Unit. Unit occupants may hear some degree of noise from the nearby streets, from nearby residences and from nearby common areas. The Association, and not Declarant, will have the responsibility of enforcing rules against disturbing other members of the Association, however noise occurring outside the Unit may be audible inside the Unit to some degree. Each Owner also acknowledges that any removal of the finished flooring or other alterations within a Unit or any other part of the Condominium may adversely affect the noise levels within the Units.

29.10 Mold. Each Owner acknowledges that mold is a commonly occurring natural substance that can grow in the Units and the Common Elements where water infiltration and humidity exist. Each Owner also acknowledges that there is controversy regarding whether and to what extent certain types of mold are toxic to humans. Each Owner understands and agrees that Declarant will not be liable for any property damage or bodily injury suffered by the Unit’s occupants and resulting from the presence of mold. Each Owner is hereby advised to regularly cause his or her Unit and the Common Elements to be inspected for mold or any other dangerous condition. Owners should take prompt action to remedy underlying water infiltration and humidity conditions that are causing any mold discovered and thereby avoid any possibility of damage or injury from long-term exposure to mold.

29.11 Covenants Running with the Land. The provisions of this Section 29 are intended to touch and concern the Condominium and shall be deemed covenants running with the land. Each and every term of this Section 29 shall, to the fullest extent allowed by law, bind each initial Owner of a Unit, the Association and each subsequent Owner or transferee of a Unit.

30. Disclosures; Disclaimers.

30.1 Unit Square Footage. Unit square footage may be different from the square footage shown on plans and specifications or advertising brochures, which are based on good faith estimates. Variations in size may be seen even between Units having the same floor plan.

30.2 Model Units. Model Units and their appurtenances and furnishings are displayed only for illustration purposes and shall not be deemed to be an agreement or commitment by Declarant to deliver the Unit being purchased by Owner in accordance with any such model Unit or with the same or similar appurtenances and furnishings shown in such model Unit. The furnishings, decorations, gas fireplaces, appliance drip pans, custom colors or textures, and other appurtenances and finish work in or to any model Unit are not included in the sale of the Unit(s); provided, however, that such items may be included in the sale of a specified model Unit if, and only to the extent, the Unit Sales Agreement for that model Unit specifically describes appurtenances and furnishings as part of the sale. Unless expressly stated otherwise in the Unit Sales Agreement, each Owner acknowledged that he or she was not purchasing a model Unit, each of which was professionally decorated and furnished.

30.3 Wood Flooring Disclosure. Wood is not a man-made product and consequently it is subject to variations in grain and color. These variations are among the characteristics which make wood attractive for use as a floor covering. On the other hand, because wood is a natural product, it is subject to seasonal expansion and contraction as a result of the normal fluctuation of temperature and humidity. There is more moisture in indoor air during warm wet weather such as is common in early summer than during winter months when forced air heating results in very dry indoor conditions. Wood flooring will absorb moisture from the air during wet conditions, consequently expanding in width, and lose moisture, then contracting, when conditions are drier. This gradual and continual expansion and contraction can result in cracks appearing in wood flooring from time to time. This cracking may be more accentuated near heat registers and appliances where warm dry air blows across the wood. These cracks may also appear accentuated due to the white stain used in today's popular floor finishes. Declarant cannot control moisture conditions during the life of the product and therefore cannot warrant the product against cracks which appear after move-in unless they exceed 1/8" in width and occur within the One-Year Warranty (as defined in the Unit Sales Agreement) period. When selecting wood as a floor finish, Owners are advised to take into account the proper care which it requires. Wood is very sensitive to liquid, therefore spills left standing will result in floor damage. Detergents and waxes cannot be used on wood flooring without damaging the finish and scratches and depressions are often the result of normal foot traffic and are difficult and costly to repair. High heeled shoes are often the culprit. Various carpet backings may cause a chemical reaction causing color gradation to the wood floor. Owners are advised to use caution in placing rugs over hardwood.

30.4 Vegetation. Grass, trees and other vegetation, if any, even if remaining at close of purchase of a particular Unit, escrow and occupancy, may not survive and may need to be replaced at the sole expense of the Association. No warranty of quality or survival was given

by Declarant with respect to grass, trees and other vegetation. Further, each Owner is advised that native trees are often subject to governmental regulation and may not necessarily be removed at will.

30.5 Sound Transmission. As provided in the Unit Sales Agreement, each Owner acknowledges and agrees that it is normal to experience some transmission of sound between Units, that on occasion these sounds are heard in normal conditions with typical noise levels, that Declarant made no warranty regarding soundproofing, transmission of sound between units and/or levels or adequacy of sound insulation, and that transmission of sound between Units shall not be considered a construction defect. Each Owner further acknowledges that he or she has had ample opportunity to discern to his or her satisfaction the level of sound and sound transmission at the Unit at various times of day, that sound levels may differ over time depending on a variety of factors, and that he or she has accepted all current and potential future sound levels. The consideration paid to Declarant for each Unit reflects the Owner's acceptance of sound transmissions, and each Owner acknowledges that Declarant would have required a higher purchase price for any additional sound insulation or any warranties regarding sound.

30.6 Floodplain Restrictions. As required by 24 CFR 55.12(6)(iii), any construction and landscaping activities (except for minor grubbing, clearing of debris, pruning, sodding, seed, and similar activities) in any portions of the Condominium consisting of a 100-year floodplain, if any, shall be conducted only in ways that preserve such floodplain and no building shall be constructed within any such floodplain.

*(Remainder of Page Intentionally Left Blank;
Signature Page Follows)*

IN WITNESS WHEREOF, Declarant has executed this Declaration, which shall be effective upon its recording in the official records of Clackamas County, Oregon.

Declarant: POLYGON WLH LLC, a
Delaware limited liability company

By: _____
Fred Gast, Senior Vice President – Division
President

STATE OF _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me on this ____ day of _____, 20____, by Fred Gast, Senior Vice President – Division President of POLYGON WLH LLC, a Delaware limited liability company, on behalf of the limited liability company.

Notary Public for _____
My Commission Expires: _____

The foregoing Declaration is approved pursuant to ORS 100.110 this ____ day of _____, 20__ and in accordance with ORS 100.110(8), this approval shall automatically expire if this Declaration is not recorded within one (1) year from this date.

GENE BENTLEY
Oregon Real Estate Commissioner

By: _____

Name: _____

Title: _____

The foregoing Declaration is approved pursuant to ORS 100.110 this ____ day of _____ 20__.

ASSESSOR & TAX COLLECTOR FOR
CLACKAMAS COUNTY

By: _____

Name: _____

Title: _____

EXHIBIT A

Property Description

EXHIBIT B

Additional Property Description

EXHIBIT C

Area of Units and Allocations

<u>Building and Unit</u>	<u>Area in Square Feet</u>	Allocation of Ownership Interests in Common Elements <u>and of Common Profits and Expenses</u>
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EXHIBIT D

Bylaws

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Exhibits to Declaration

Exhibit A - Property Description

Exhibit B - Additional Property Description

Exhibit C - Area of Units and Allocations

Exhibit D - Bylaws of _____ Condominium Owners Association

After Recording Return To:

**SUPPLEMENTAL DECLARATION OF CONDOMINIUM
OWNERSHIP FOR _____ CONDOMINIUM
SUPPLEMENTAL PLAT NO. __: ANNEXATION OF STAGE __**

This SUPPLEMENTAL DECLARATION OF CONDOMINIUM OWNERSHIP FOR _____ CONDOMINIUM SUPPLEMENTAL PLAT NO. __: ANNEXATION OF STAGE __ (this "Supplemental Declaration") is executed by Polygon WLH LLC, a Delaware limited liability company ("Declarant"), and shall be effective upon its recording in the official records of Clackamas County, Oregon pursuant to the provisions of the Oregon Condominium Act (ORS §§100.005-100.990) (the "Act").

Recitals

A. Declarant previously executed that certain Declaration of Condominium Ownership for _____ Condominium (the "Original Declaration"), and those certain Bylaws of _____ Condominium Owners Association (the "Bylaws"), both of which were recorded in the official records of Clackamas County, Oregon on _____, 20__ as Document No. 20__ - _____. Section 11 of the Original Declaration confers on Declarant the authority to annex additional property to the Condominium, including the property legally described on the attached Exhibit A (the "Stage __ Property").

B. Declarant now desires to annex the Stage __ Property to the Condominium on the terms and conditions contained in this Supplemental Declaration.

Declarations

1. Definitions. Capitalized terms used in this Supplemental Declaration and not otherwise defined shall have the meanings given to such terms in the Original Declaration.

2. Property Subject to Annexation. The Stage __ Property hereby annexed to the Condominium pursuant to Section 11 of the Original Declaration and the Act is the land in fee simple legally described on the attached Exhibit A, together with all easements, rights, and appurtenances belonging thereto and all improvements now existing or hereafter constructed on such land.

3. Buildings and Units.

3.1 General Description of Buildings. The Stage ___ Property includes _____ (____) buildings designated numerically as Buildings _____, as shown on the _____ Condominium, Supplemental Plat No. ____, Annexation of Stage ___ (the “Supplemental Plat”) being recorded in the official records of Clackamas County, Oregon concurrently herewith. Building ___ contains _____ (____) Units; Building ___ contains _____ (____) Units; and Building _____ contains _____ (____) Units. The Buildings have _____ (____) stories and are made of wood construction and have composition roofs. The Buildings do not have basements.

3.2 General Description, Location, and Designation of Units. Upon recording of this Supplemental Declaration and the Supplemental Plat, the Condominium shall consist of a total of _____ (____) Units. The Units are designated numerically on the Supplemental Plat as numbers _____ through _____, inclusive, _____ through _____, inclusive, and _____ through _____, inclusive. Units _____ through _____, inclusive, are located in Building _____. Units _____ through _____, inclusive, are located in Building _____. Units _____ through _____, inclusive, are located in Building _____. The designation and location of each Unit in the Stage ___ Property (the “Stage ___ Units”) are shown on the Supplemental Plat.

3.3 Unit Boundaries. Each Stage ___ Unit shall be bounded by the interior surfaces of its perimeter and demising walls, floors, ceilings, windows and window frames, doors and door frames, and trim, and shall include both the interior surfaces so described (including the unexposed face of the sheetrock or other similar material and the underside of the finished floor or top surface of any concrete slab, as applicable) and the air space so encompassed, but shall exclude those portions of the walls, floors or ceilings that materially contribute to the structural or shear capacity of the Building in which the Stage ___ Unit is located. In addition, each Stage _____ Unit shall include: (a) the outlet of any utility service lines, including, but not limited to, water, sewer, electricity, gas, refrigeration, waste disposal and cable television, and of heating, ventilation and air conditioning ducts, but shall not include any part of such lines or ducts themselves and (b) all spaces, nonbearing interior partitions, interior windows, interior doors and all other fixtures and improvements located within the boundaries of the Stage ___ Unit. The enclosed garage designated on the Supplemental Plat for a Stage _____ Unit, as bounded in the manner described above in this Section 3.3 (including the garage door opening device located therein), and the fireplace within each Stage ___ Unit (but not the chimney extending above the roofline of the Stage ___ Unit) shall also form a part of the Stage ___ Unit.

3.4 Unit Areas. The area in square feet of each Stage ___ Unit is listed on the attached Exhibit B, along with the area in square feet of the Units created pursuant to the Declaration, and is shown on the Supplemental Plat.

NOTICE

THE SQUARE FOOTAGE AREAS STATED IN EXHIBIT B OF THIS SUPPLEMENTAL DECLARATION AND ON THE SUPPLEMENTAL PLAT FOR THE STAGE ____ UNITS ARE BASED ON THE BOUNDARIES OF THE STAGE ____ UNITS AS DESCRIBED IN THIS SUPPLEMENTAL DECLARATION AND MAY VARY FROM THE AREA OF THE STAGE ____ UNITS CALCULATED FOR OTHER PURPOSES.

3.5 Use. The Stage ____ Units are intended for residential use in accordance with the Declaration and the Bylaws. The Stage ____ Units shall only be leased or rented in accordance with the procedures set forth in the Bylaws.

4. Designation of Common Elements.

4.1 General Common Elements. General Common Elements annexed to the Condominium pursuant to this Supplemental Declaration (the “Stage ____ General Common Elements”) include all portions of the Stage ____ Property other than the Stage ____ Units and Stage ____ Limited Common Elements (defined below), as such General Common Elements are generally described in Section 5 of the Original Declaration and as shown on the Supplemental Plat.

4.2 Limited Common Elements. The Limited Common Elements annexed to the Condominium pursuant to this Supplemental Declaration (the “Stage ____ Limited Common Elements”) are the same as those generally described in Section 6 of the Original Declaration and as shown on the Supplemental Plat. The Stage ____ Limited Common Elements consist of the following portions of the Condominium:

4.2.1 The _____ [insert walkways, decks, patios, porches, as applicable] adjoining the Stage ____ Units, the exclusive use of each _____ being reserved for the Stage ____ Unit that the _____ adjoins, as shown on the Supplemental Plat.

4.2.2 The driveways providing access to the garage portions of the Stage ____ Units, the exclusive use of each driveway being reserved for the Stage ____ Unit that the driveway adjoins, as shown on the Supplemental Plat [if applicable].

5. Interest in Common Elements. The Units created pursuant to the Original Declaration and the Stage ____ Units shall each be entitled to an equal undivided fractional ownership interest in all of the Common Elements, as set forth on the attached Exhibit B.

6. Method of Allocation. The common profits and the common expenses of the Condominium shall be allocated in proportion to each Owner’s interest in the Common Elements, as set forth on Exhibit B. Subject to the provisions of Section 20 of the Original Declaration, one (1) vote shall be allocated to each Unit to be exercised by the Owner of the Unit on any matter of the Association on which the Owners are entitled to vote pursuant to the

Original Declaration, this Supplemental Declaration, the Bylaws or the Act, as set forth in Section 8 of the Original Declaration.

7. Service of Process. The designated agent to receive service of process in cases described in Section 100.550(1) of the Act is named in the Condominium Information Report or Condominium Annual Report, which has been filed in accordance with Section 100.250(1) of the Act.

8. Authority Regarding Easements and Other Property Rights. The Association has the authority, pursuant to Section 100.405(5) of the Act, to execute, acknowledge, deliver, and record on behalf of the Owners leases, easements, rights of way, licenses, and other similar interests affecting the Common Elements and to consent to vacation of roadways within and adjacent to the Condominium, in each case, which are reasonably necessary to the ongoing development and operation of the Condominium. The granting of any interest pursuant to this Section 8 shall first be approved by the Owners in accordance with Section 12 of the Original Declaration, unless otherwise allowed to be approved by the Board under Section 100.405(6)(a)(B) of the Act.

9. Effect of Original Declaration. The Stage ____ Property shall be governed by the provisions of the Original Declaration and shall be treated for all purposes as forming part of, respectively, the Property, the Units, the General Common Elements and the Limited Common Elements, as applicable, created pursuant to the Original Declaration. This Supplemental Declaration may be amended only in accordance with the provisions set forth in Section 24 of the Original Declaration with respect to amendment of the Original Declaration. Without limiting the generality of the foregoing, any amendment to this Supplemental Declaration of a material adverse nature to Mortgagees shall also require the prior written approval of at least fifty-one percent (51%) of the holders of first Mortgages on Units (based upon one vote for each first Mortgage held). Unless otherwise prohibited by any statute, ordinance, regulation or guideline of a Mortgage Insurer or Guarantor, any approval of a Mortgagee required under this Section 9 may be presumed by the Association if such Mortgagee fails to submit a response to a written proposal for an amendment to this Supplemental Declaration within sixty (60) days after it receives notice of such proposal by certified or registered mail, return receipt requested. The Original Declaration, as supplemented by this Supplemental Declaration, remains in full force and effect.

10. Severability. Each provision of this Supplemental Declaration and the Original Declaration shall be deemed independent and severable, and the invalidity or partial invalidity of any provision shall not affect the validity or enforceability of the remaining part of that or any other provision of this Supplemental Declaration or the Original Declaration.

*(Remainder of Page Intentionally Left Blank;
Signature Page Follows)*

IN WITNESS WHEREOF, Declarant has executed this Supplemental Declaration to be effective upon its recording in the official records of Clackamas County, Oregon.

Declarant: POLYGON WLH LLC,
a Delaware limited liability company

By: _____
Fred Gast, Senior Vice President – Division
President

STATE OF _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me on this ____ day of _____, 20__, by Fred Gast, Senior Vice President – Division President of Polygon WLH LLC, a Delaware limited liability company, on behalf of the limited liability company.

Notary Public for the State of _____
My Commission Expires: _____

The foregoing Supplemental Declaration is approved pursuant to ORS 100.110 this ____ day of _____ 20____, and in accordance with ORS 100.110(8), this approval shall automatically expire if this Supplemental Declaration is not recorded within one (1) year from this date.

GENE BENTLEY
Oregon Real Estate Commissioner

By: _____

Name: _____

Title: _____

The foregoing Supplemental Declaration is approved pursuant to ORS 100.110 this ____ day of _____ 20____.

ASSESSOR & TAX COLLECTOR FOR
CLACKAMAS COUNTY

By: _____

Name: _____

Title: _____

EXHIBIT A

Legal Description of Stage ___ Property

EXHIBIT B

Unit Areas and Allocations

<u>Building and Unit</u>	<u>Area in Square Feet</u>	Allocation of Ownership Interests in Common Elements <u>and of Common Profits and Expenses</u>
--------------------------	----------------------------	--

PHASE 10 CENTRAL MONT BLANC NO. 2 PRELIMINARY DEVELOPMENT PLAN

TL 2900, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SECTION 15 W.M.
CITY OF WILSONVILLE, OREGON

APPLICANT:

POLYGON WLH, LLC
109 E. 13TH ST.
VANCOUVER, WA 98660
[P] 503-221-1920
CONTACT: FRED GAST

PLANNER:

PACIFIC COMMUNITY DESIGN, INC
12564 SW MAIN STREET
TIGARD, OR 97223
[P] 503-941-9484
CONTACT: STACY CONNERY, AICP

CIVIL ENGINEER:

PACIFIC COMMUNITY DESIGN, INC
12564 SW MAIN STREET
TIGARD, OR 97223
[P] 503-941-9484
CONTACT: JESSIE KING, PE

SURVEYOR:

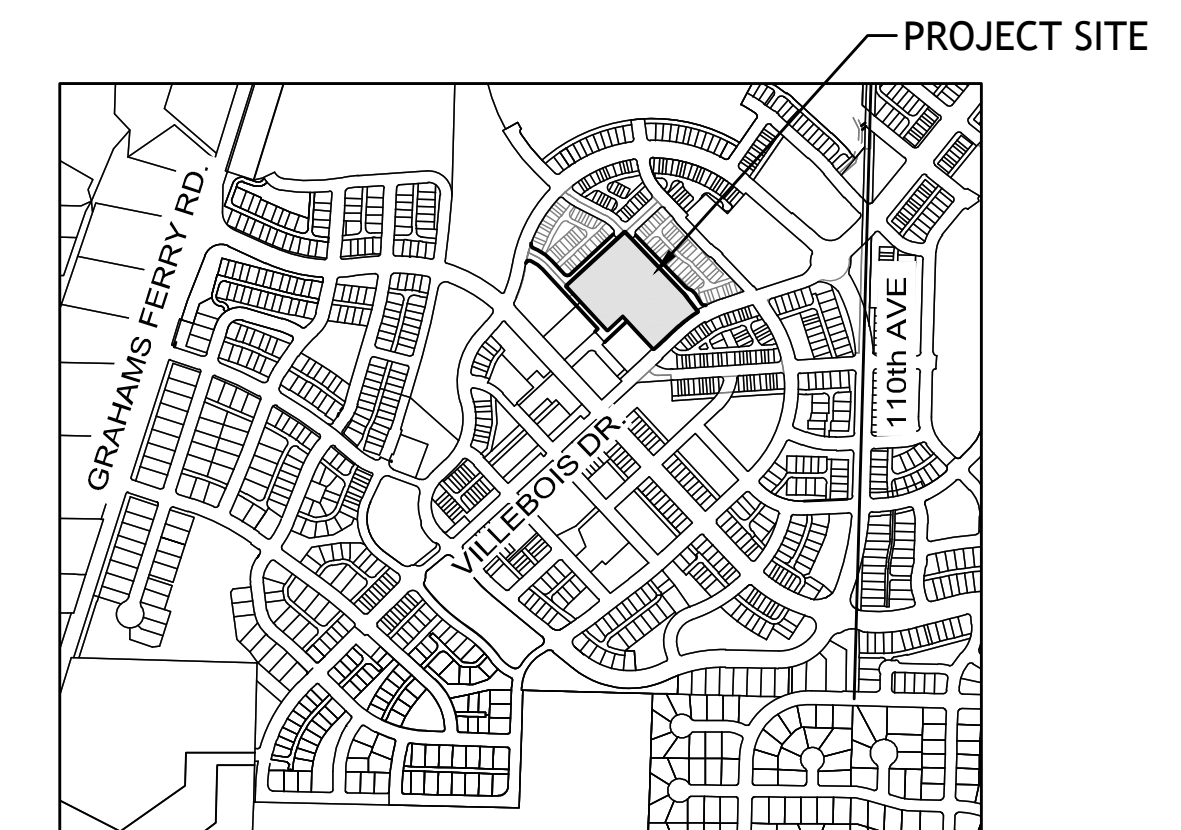
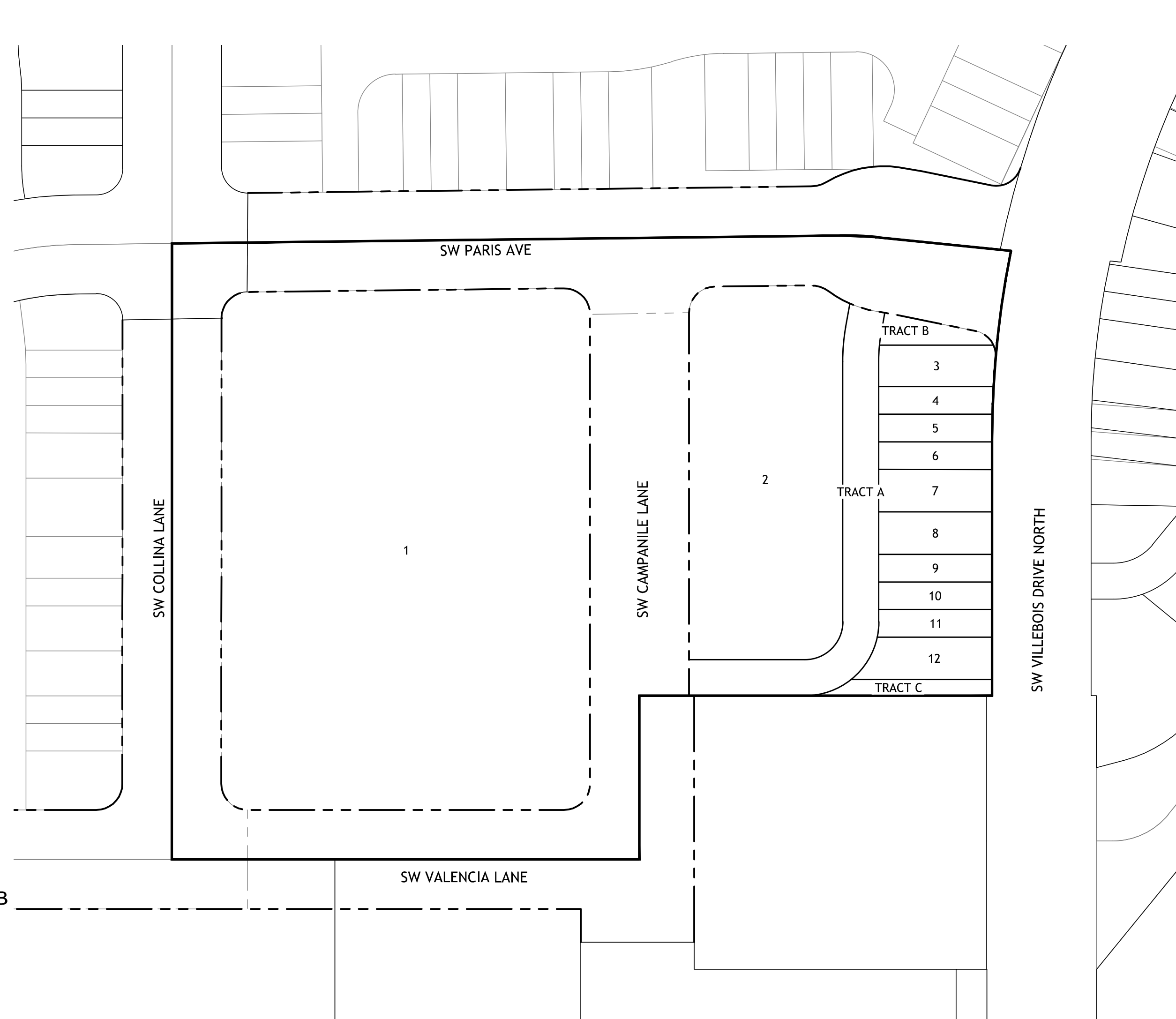
PACIFIC COMMUNITY DESIGN, INC
12564 SW MAIN STREET
TIGARD, OR 97223
[P] 503-941-9484
CONTACT: TRAVIS JANSEN, PLS, PE

LANDSCAPE ARCHITECT:

PACIFIC COMMUNITY DESIGN, INC
12564 SW MAIN STREET
TIGARD, OR 97223
[P] 503-941-9484
CONTACT: KERRY LANKFORD, RLA, CLARB

GEOTECHNICAL ENGINEER:

GEODESIGN, INC.
15575 SW SEQUOIA PARKWAY, SUITE 100
PORTLAND, OR 97224
[P] 503-968-8787
CONTACT: SHAWN DIMKE, PE



VICINITY MAP

UTILITIES & SERVICES:

WATER:	CITY OF WILSONVILLE
STORM:	CITY OF WILSONVILLE
SEWER:	CITY OF WILSONVILLE
POWER:	PORTLAND GENERAL ELECTRIC
GAS:	NORTHWEST NATURAL
FIRE:	TUALATIN VALLEY FIRE & RESCUE
POLICE:	CLACKAMAS COUNTY SHERIFF
SCHOOL:	WEST LINN / WILSONVILLE SCHOOL DISTRICT 3JT
PARKS:	CITY OF WILSONVILLE
PHONE:	FRONTIER
WASTE DISPOSAL:	UNITED DISPOSAL SERVICE
CABLE:	COMCAST

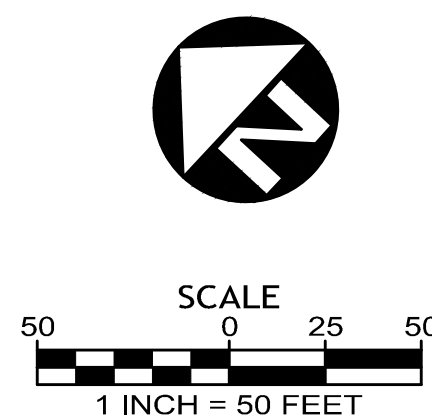
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ELEVATION DATUM: NAVD 88, ELEVATION = 202.991

SHEET INDEX:

- 1 COVER SHEET
- 2 EXISTING CONDITIONS & DEMOLITION PLAN
- 3 SITE / LAND USE PLAN
- 4 CONDO SITE PLAN
- 5 PRELIMINARY PLAT
- 6 (NOT USED)
- 7 PRELIMINARY GRADING & EROSION CONTROL PLAN
- 8 PRELIMINARY COMPOSITE UTILITY PLAN
- 9 CIRCULATION PLAN & STREET SECTIONS
- 10 PARKING PLAN
- 11 TREE PRESERVATION PLAN
- 12 STREET TREE PLAN



ELEVATION DATUM: NAVD 88



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

Preliminary
Development
Plan

COVER
SHEET

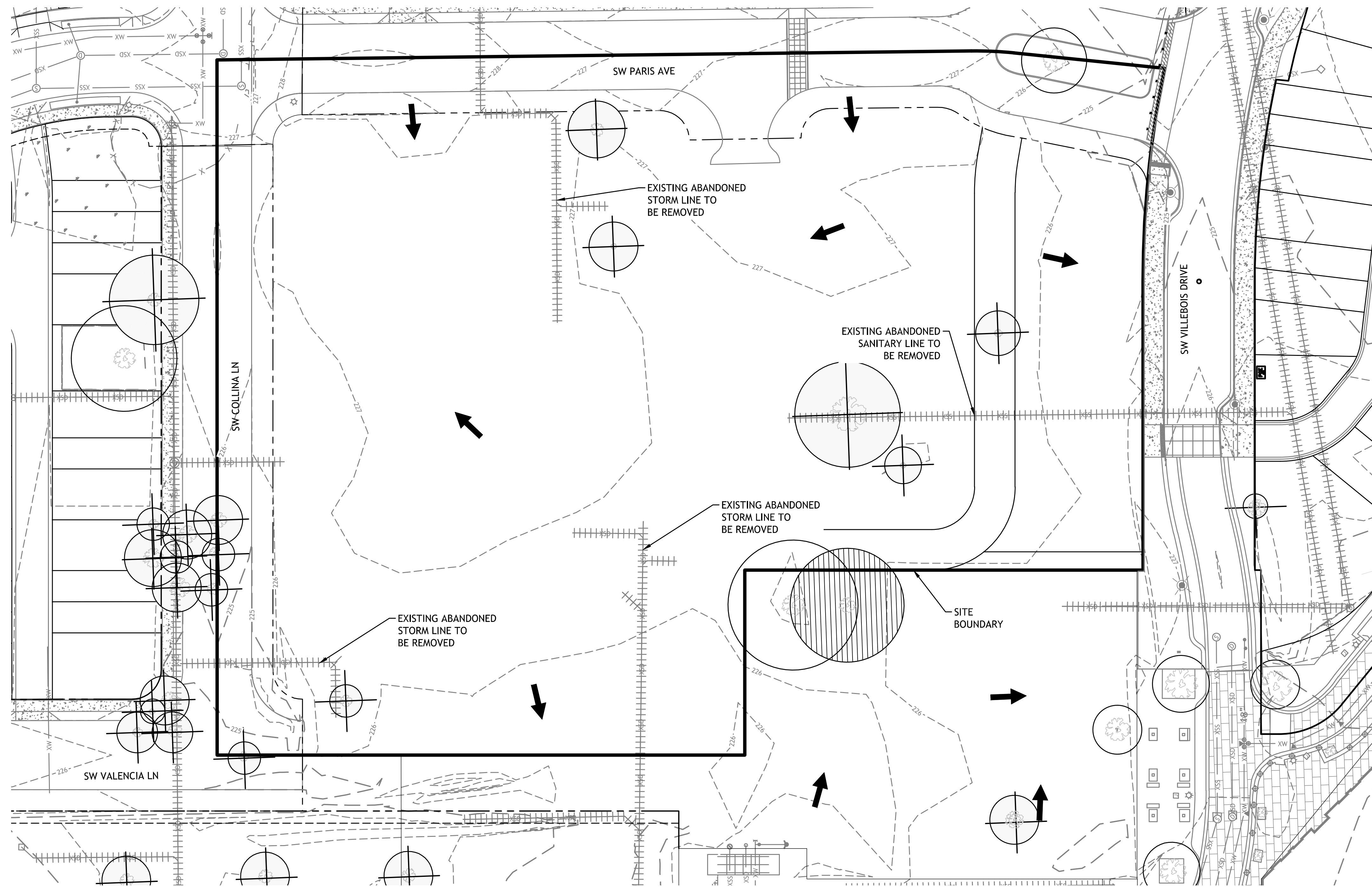
City of Wilsonville
EXHIBIT B2 DB16-0020 et seq

1st Submittal Date: 5/9/2016

1

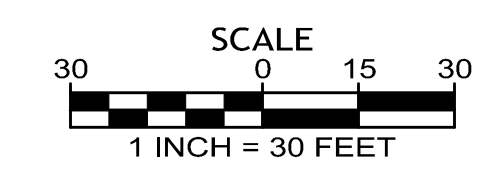
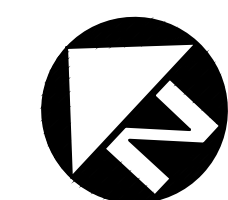
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ELEVATION DATUM: NAVD 88



LEGEND

- EASEMENT LINES
- EXISTING RIGHT-OF-WAY
- EXISTING CENTERLINE
- EXISTING PROPERTY LINE
- EXISTING BOUNDARY LINE
- EXISTING SIDEWALK
- - - EX 1-FOOT CONTOURS
- - - EX 5-FOOT CONTOURS
- EX SANITARY SEWER
- EX STORM DRAIN
- XW EX WATER LINE
- XG EX GAS LINE
- XE EX BURIED POWER LINE
- EX OVERHEAD POWER LINE
- XCOM EX CABLE TV LINE
- XT EX TELEPHONE LINE
- ⊙ EX SANITARY MANHOLE
- ⊙ EX SANITARY CLEANOUT
- ⊙ EX STORM MANHOLE
- ⊙ EX AREA DRAIN
- ⊙ EX CURB INLET
- ⊙ EX STORM CLEANOUT
- ⊙ EX FIRE HYDRANT
- ⊙ EX WATER METER
- ⊙ EX WATER VALVE
- ⊙ EX BLOW-OFF
- ⊙ EX AIR RELEASE VALVE
- ⊙ EX GAS VALVE
- ⊙ EX CABLE RISER
- ⊙ EX TELEPHONE RISER
- ⊙ EX LIGHT POLE
- EXISTING FENCE
- EXISTING ELECTRIC VAULT
- EXISTING RETAINING WALL
- ⊙ EX TREES TO REMAIN DRAINAGE
- SLOPE DIRECTION



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

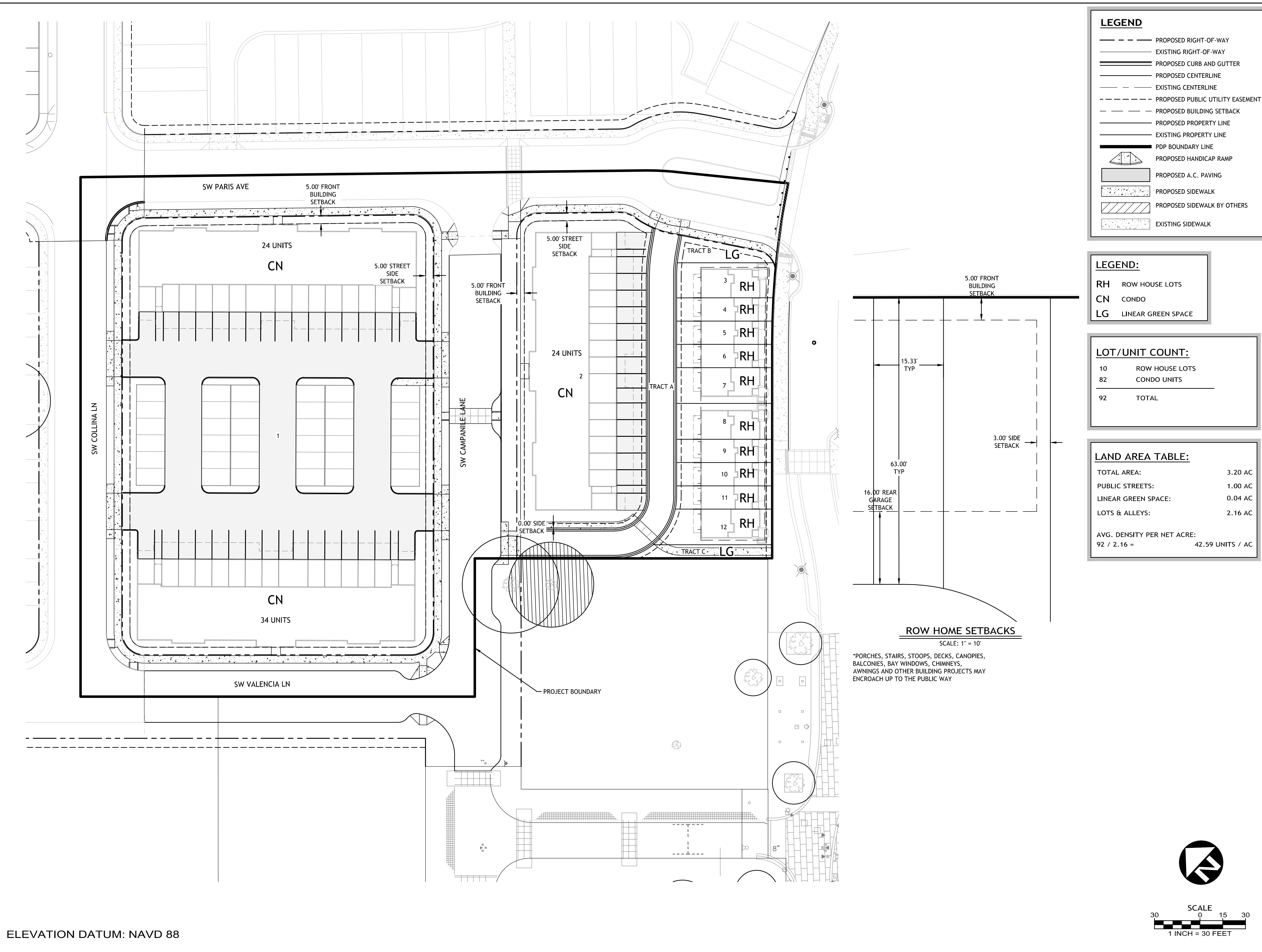
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Plan

EXISTING
CONDITIONS
AND
DEMOLITION
PLAN

1st Submittal Date: 5/9/2016

2

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LEGEND

- PROPOSED RIGHT-OF-WAY
- EXISTING RIGHT-OF-WAY
- === PROPOSED CURB AND GUTTER
- PROPOSED CENTERLINE
- EXISTING CENTERLINE
- - - PROPOSED PUBLIC UTILITY EASEMENT
- PROPOSED BUILDING SETBACK
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- PDP BOUNDARY LINE
- PROPOSED HANDICAP RAMP
- PROPOSED A.C. PAVING
- PROPOSED SIDEWALK
- PROPOSED SIDEWALK BY OTHERS
- EXISTING SIDEWALK

LEGEND:

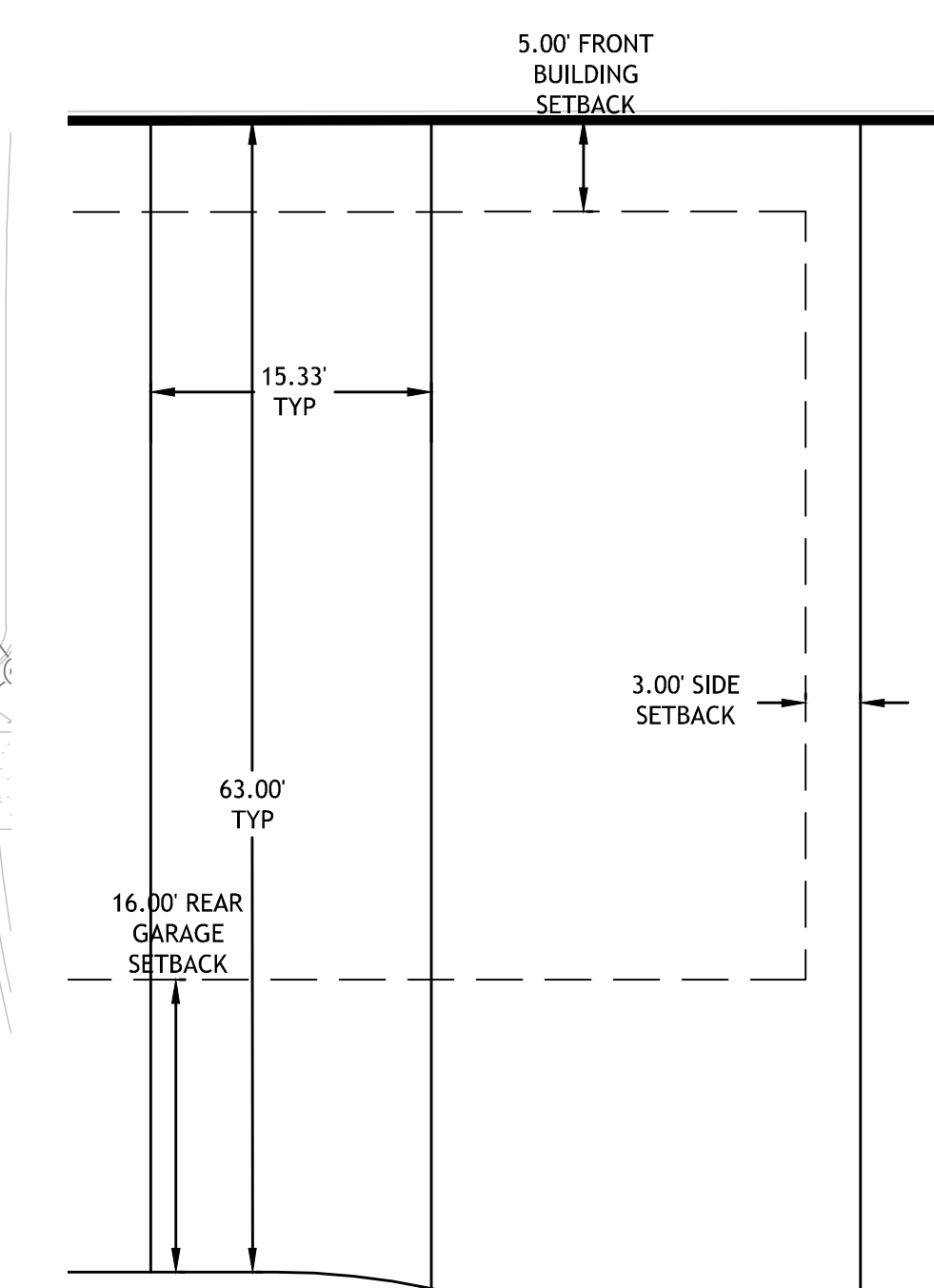
- RH ROW HOUSE LOTS
- CN CONDO
- LG LINEAR GREEN SPACE

LOT/UNIT COUNT:

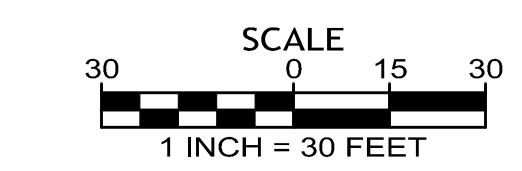
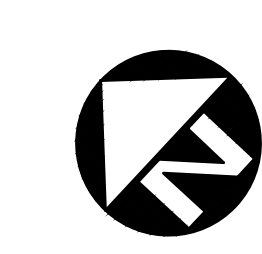
10	ROW HOUSE LOTS
82	CONDO UNITS
92	TOTAL

LAND AREA TABLE:

TOTAL AREA:	3.20 AC
PUBLIC STREETS:	1.00 AC
LINEAR GREEN SPACE:	0.04 AC
LOTS & ALLEYS:	2.16 AC
AVG. DENSITY PER NET ACRE:	92 / 2.16 = 42.59 UNITS / AC



*PORCHES, STAIRS, STOOPS, DECKS, CANOPIES, BALCONIES, BAY WINDOWS, CHIMNEYS, AWNINGS AND OTHER BUILDING PROJECTS MAY ENCROACH UP TO THE PUBLIC WAY



ELEVATION DATUM: NAVD 88



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

**PDP 10C
MONT BLANC
NO. 2**

Preliminary
Development
Plan

**SITE / LAND USE
PLAN**

1st Submittal Date: 5/9/2016



Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

Preliminary
Development
Plan

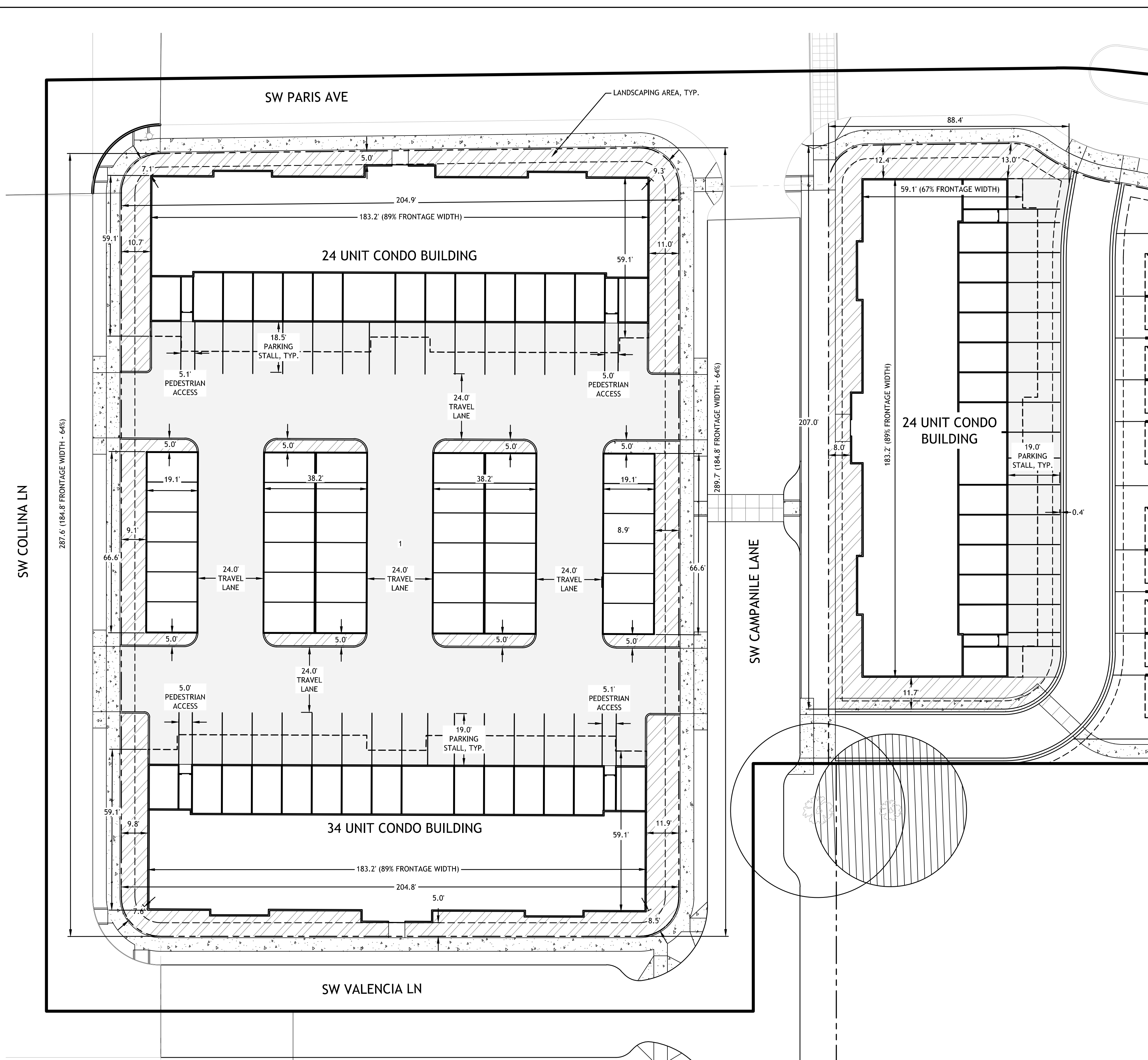
CONDO
SITE PLAN

1st Submittal Date: 5/9/2016

4

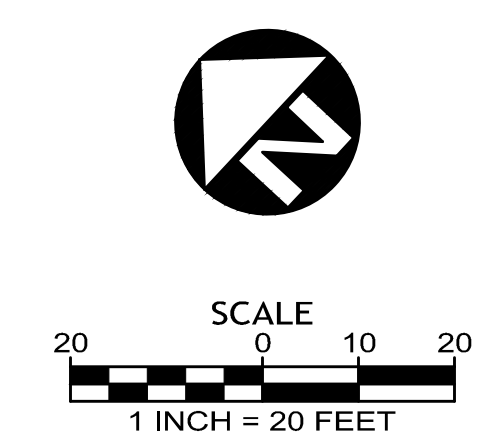
UNIT TYPE - SQUARE FOOTAGE	BEDROOM - BATHROOM COUNT	24 UNIT BUILDING	34 UNIT BUILDING	TOTAL UNIT TYPE COUNT
A - 732 SF	1-1	4	6	14
B - 1,120 SF	2-2	8	12	28
C - 1,036 SF	2-2	10	14	34
D - 1,342 SF	3-2	2	2	6
TOTAL		24	34	82

LOT 1:	
TOTAL AREA:	1.35 AC
LOT COVERAGE:	0.72 AC (53%)
LANDSCAPING AREA:	0.20 AC (15%)
LOT 2:	
TOTAL AREA:	0.40 AC
LOT COVERAGE:	0.27 AC (68%)
LANDSCAPING AREA:	0.09 AC (23%)



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ELEVATION DATUM: NAVD 88





Villebois



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

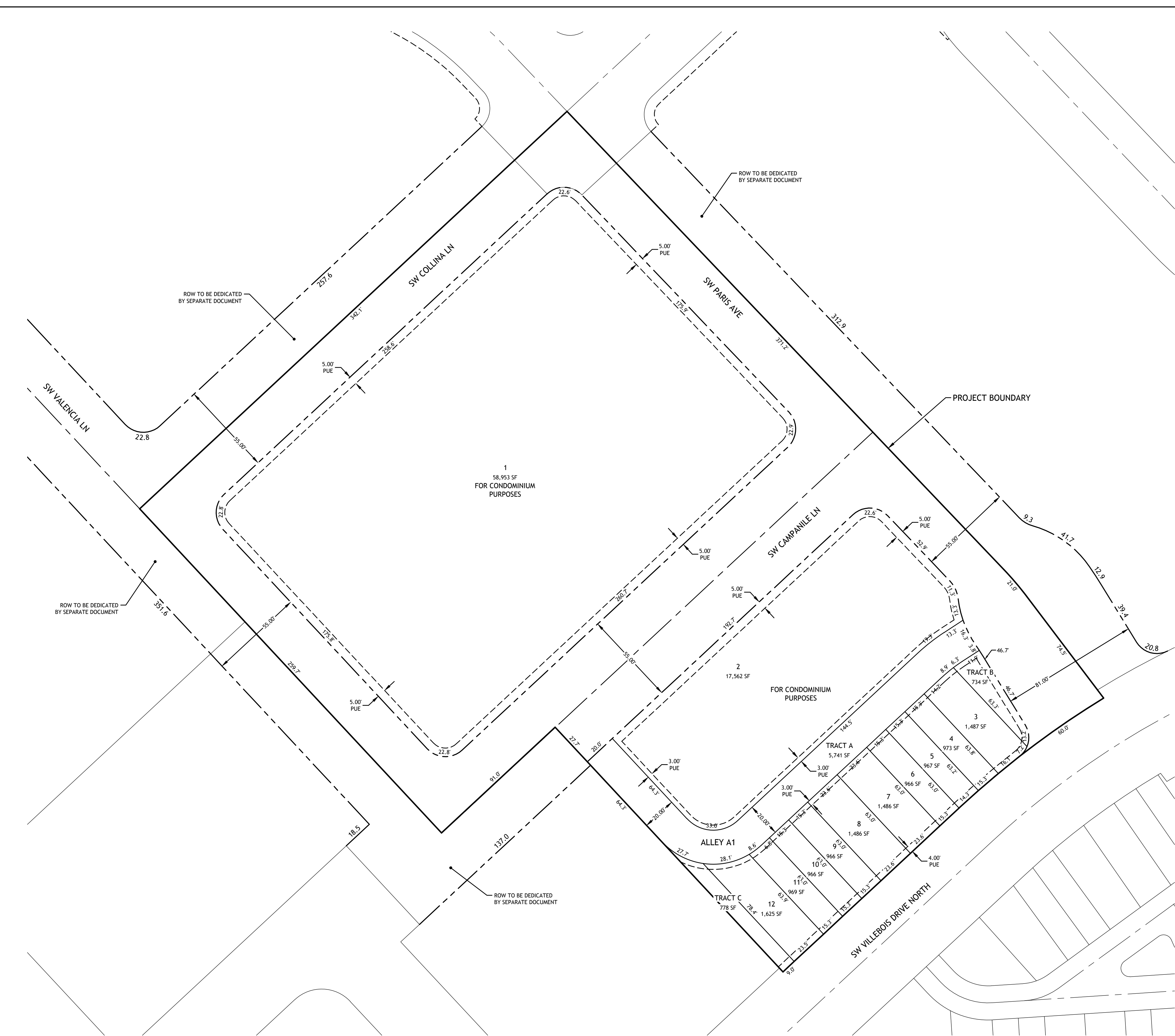
Preliminary
Development
Plan

PRELIMINARY
PLAT

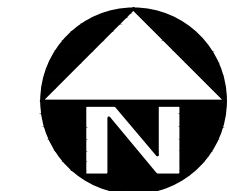
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5

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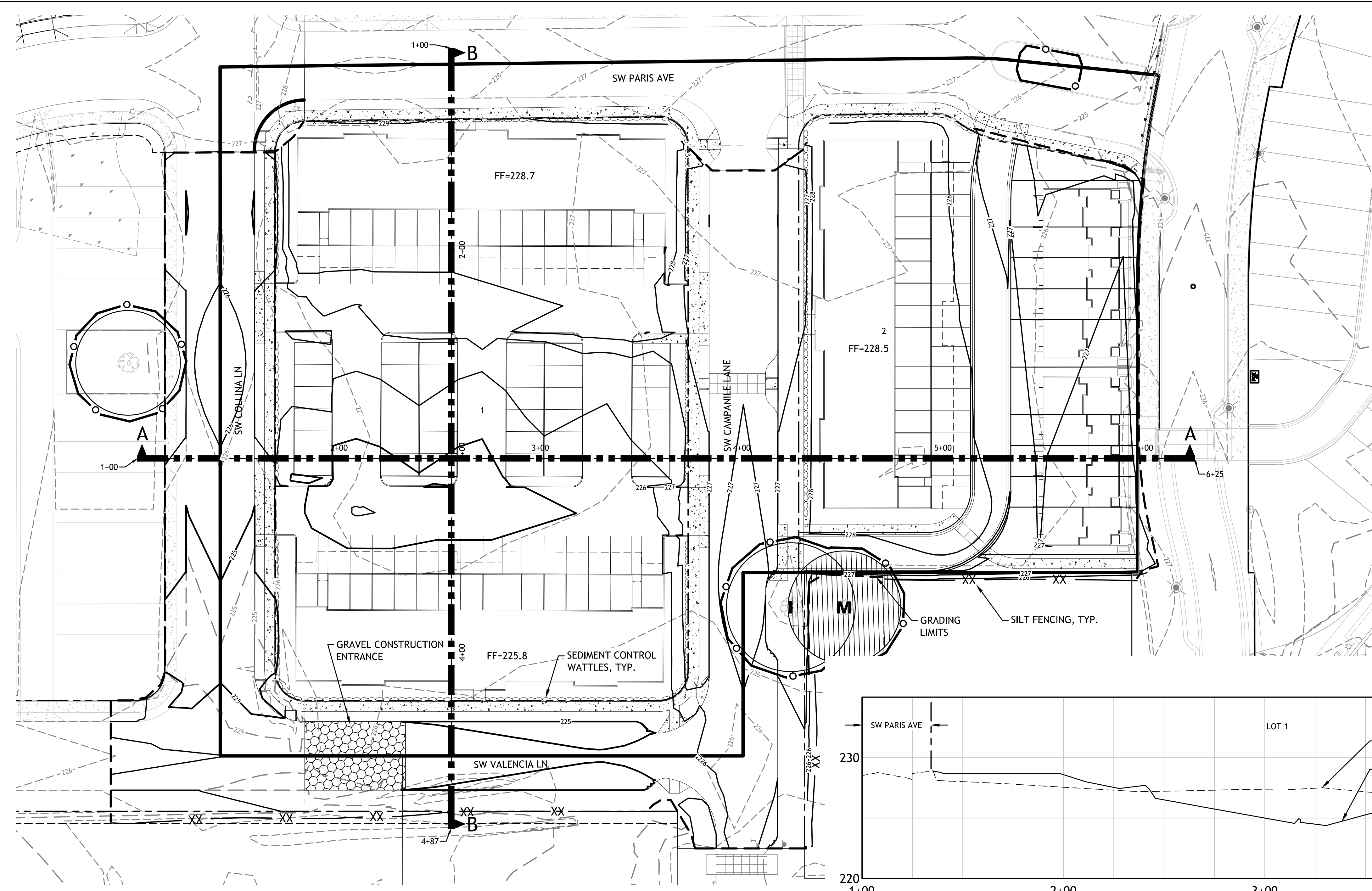


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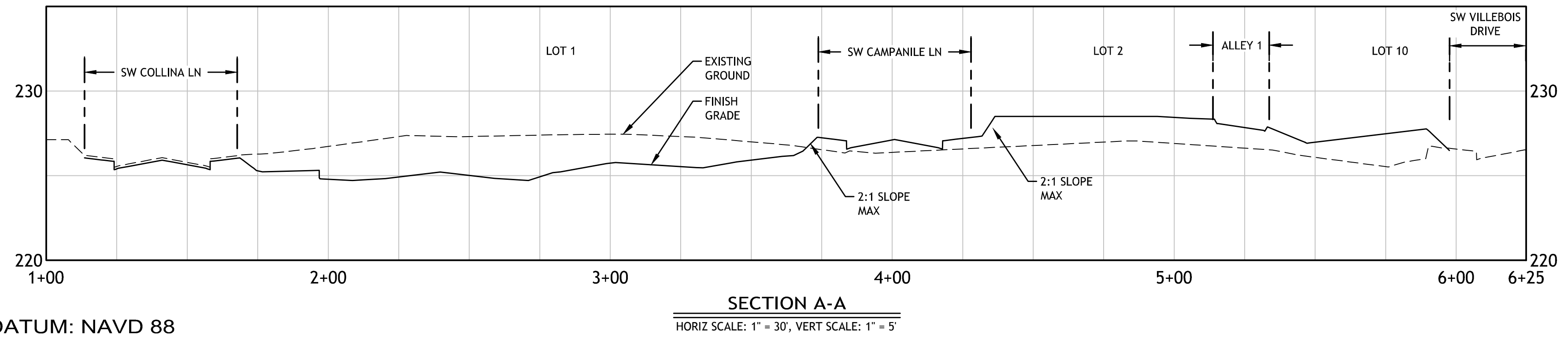
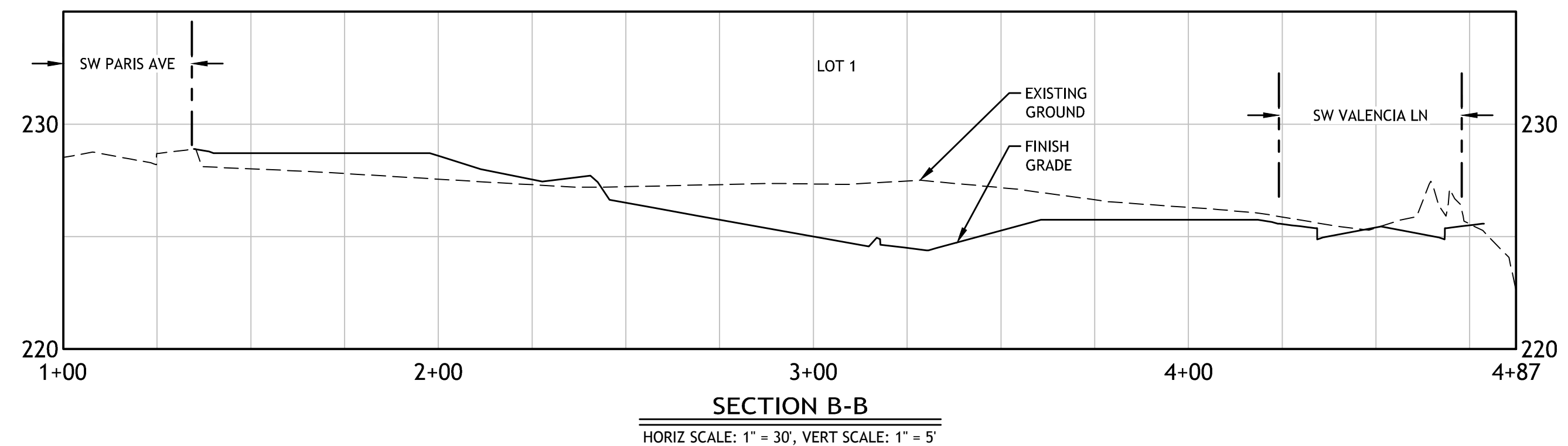
SCALE
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LEGEND:

- - - 324 - - - EX 2-FT CONTOUR
- - - 320 - - - EX 10-FT CONTOUR
- 324 — FG 2-FT CONTOUR
- 320 — FG 10-FT CONTOUR
- ▬▬▬▬▬▬ PROPOSED RETAINING WALL
- ▬▬▬▬▬▬ GRADING LIMITS
- — — — — EXISTING FENCE
- XX — SEDIMENT FENCE
- ○ ○ ○ ○ WATTLES
- ☀ ☀ ☀ EX TREES TO REMAIN
- ▬▬▬▬▬ SECTION CUT LINE, SEE SHEET X FOR DETAILS.



ELEVATION DATUM: NAVD 88

SCALE
0 15 30
1 INCH = 30 FEET



POLYGON NW COMPANY



GEODESIGN, INC

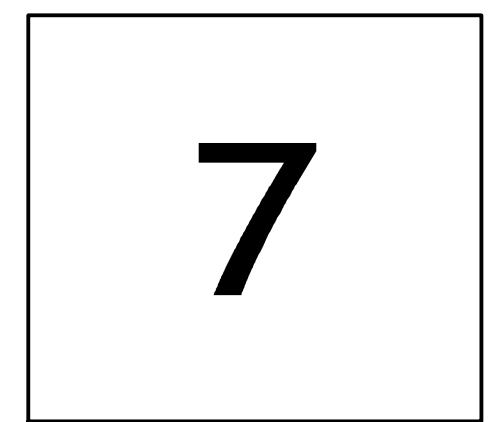
REVISIONS	
DATE	DESCRIPTION

**PDP 10C
MONT BLANC
NO. 2**

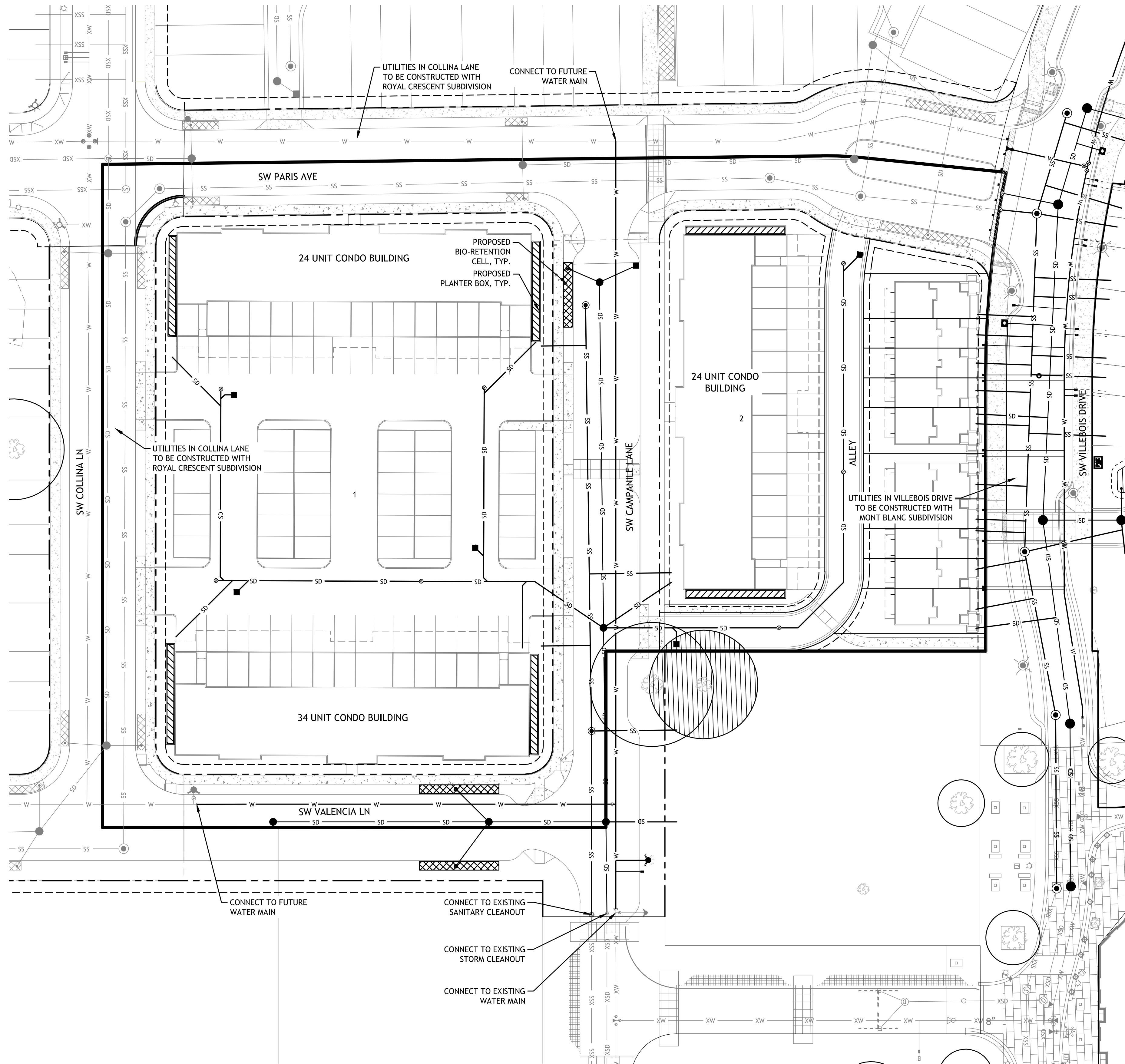
Preliminary
Development
Plan

**PRELIMINARY
GRADING &
EROSION
CONTROL PLAN**

1st Submittal Date: 5/9/2016



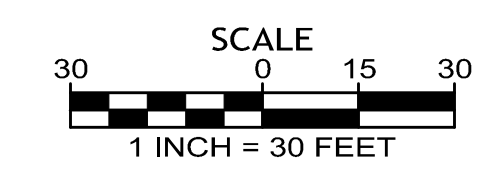
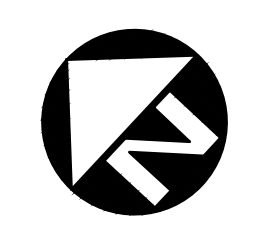
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LEGEND

- EASEMENT LINES
- SS PROPOSED SANITARY SEWER
- XSS EX SANITARY SEWER
- SD PROPOSED STORM DRAIN
- XSD EX STORM DRAIN
- W PROPOSED WATER LINE
- XW EX WATER LINE
- XG EX GAS LINE
- XE EX BURIED POWER LINE
- XOH EX OVERHEAD POWER LINE
- XCOM EX CABLE TV LINE
- XT EX TELEPHONE LINE
- PROPOSED SANITARY MANHOLE
- EX SANITARY MANHOLE
- PROPOSED SANITARY CLEANOUT
- EX SANITARY CLEANOUT
- PROPOSED STORM MANHOLE
- EX STORM MANHOLE
- PROPOSED CATCH BASIN
- EX CATCH BASIN
- PROPOSED STORM CLEANOUT
- EX STORM CLEANOUT
- PROPOSED FIRE HYDRANT
- EX FIRE HYDRANT
- PROPOSED WATER METER
- EX WATER METER
- PROPOSED WATER VALVE
- EX WATER VALVE
- PROPOSED BLOW-OFF
- EX BLOW-OFF
- PROPOSED AIR RELEASE VALVE
- EX AIR RELEASE VALVE
- PROPOSED THRUST BLOCK
- EX THRUST BLOCK
- EX GAS VALVE
- EX CABLE RISER
- EX TELEPHONE RISER

ELEVATION DATUM: NAVD 88



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

PDP 10C
MONT BLANC
NO. 2

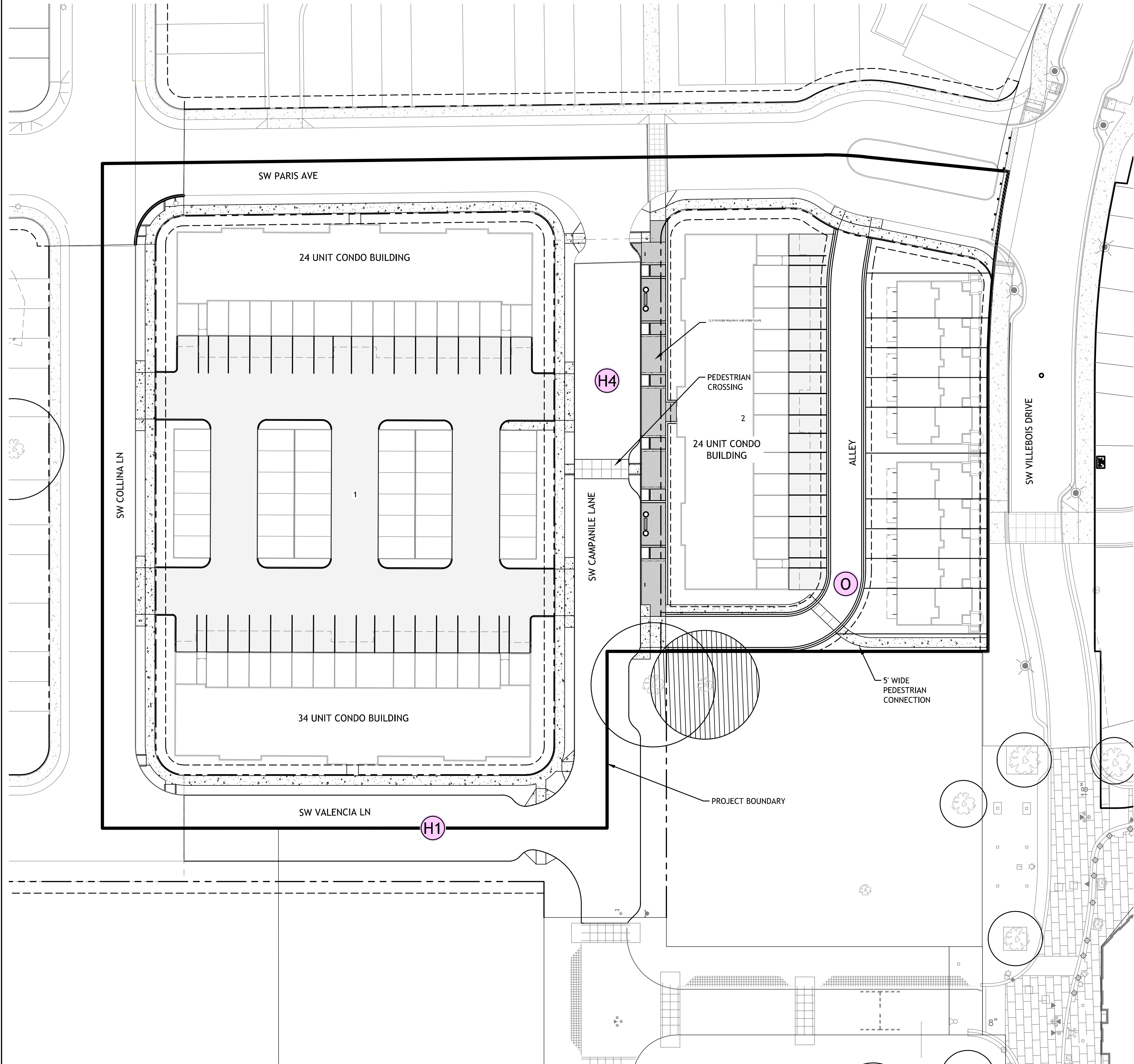
Preliminary
Development
Plan

PRELIMINARY
COMPOSITE
UTILITY
PLAN

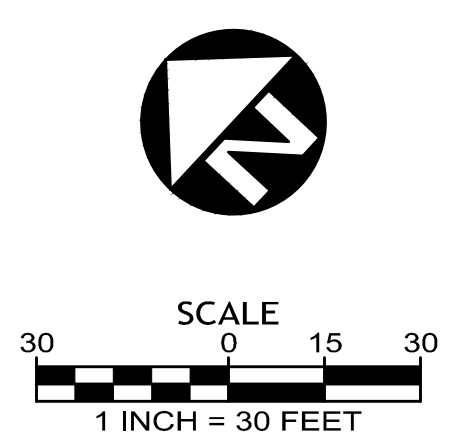
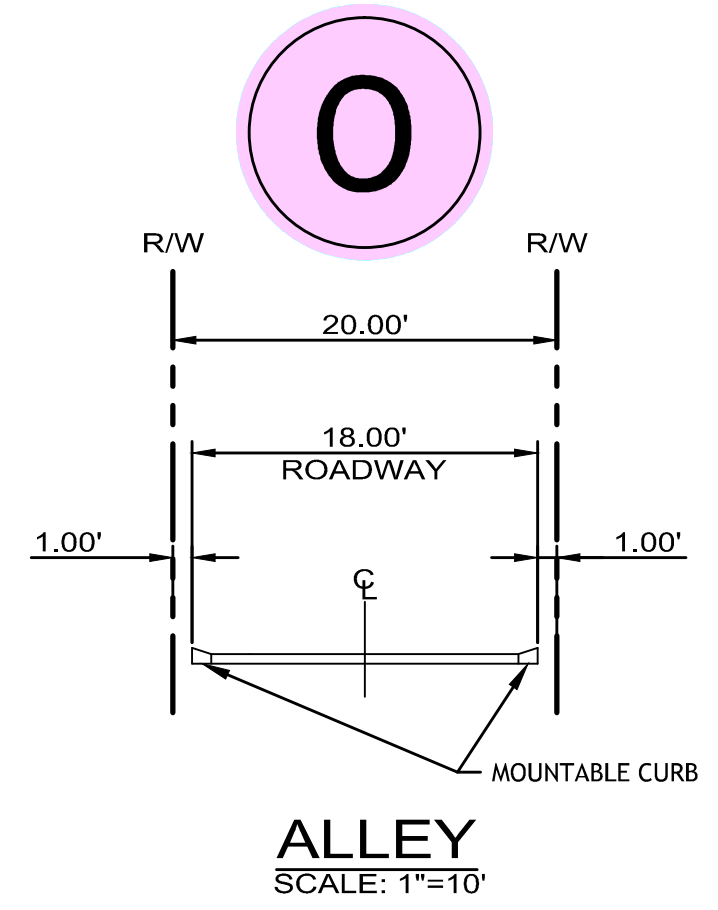
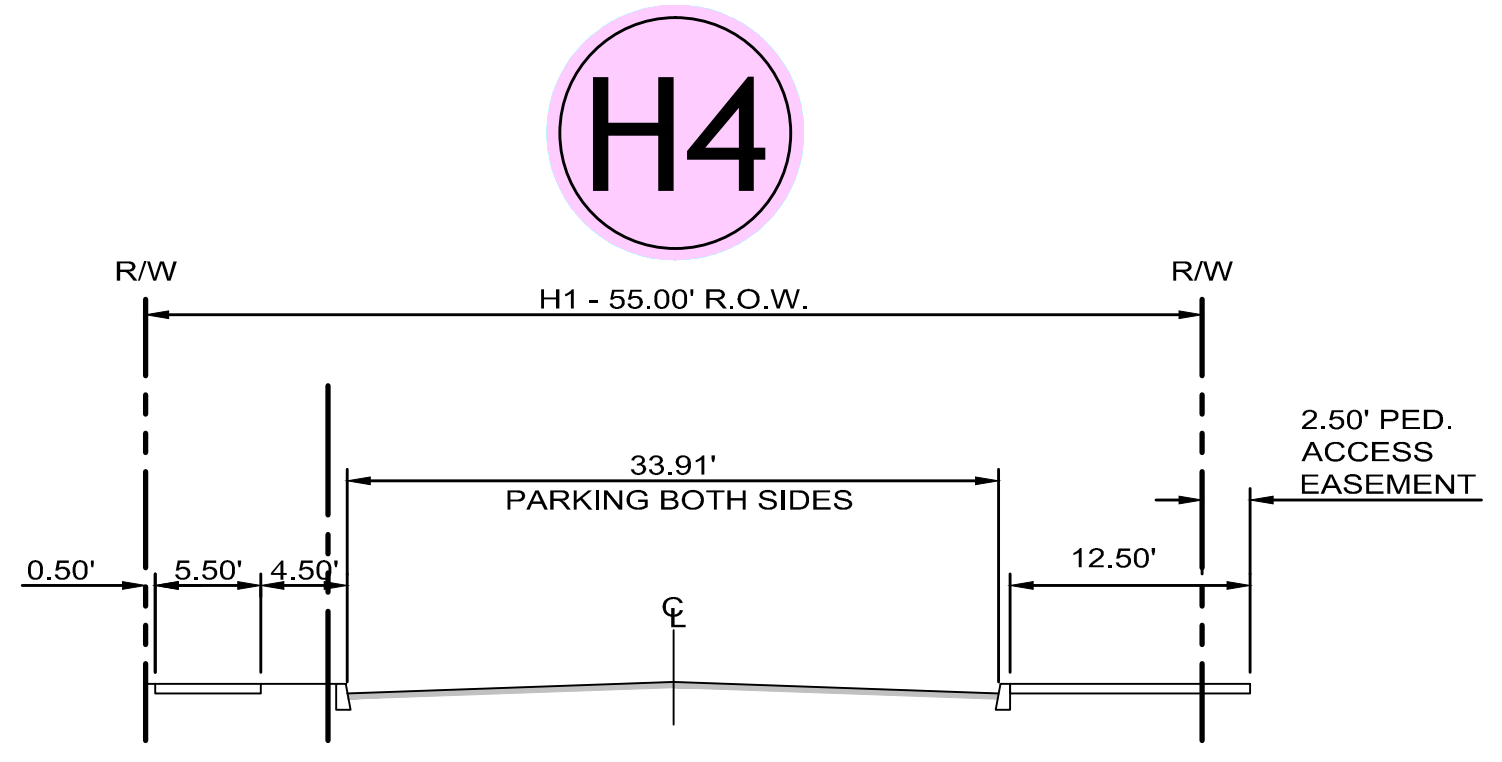
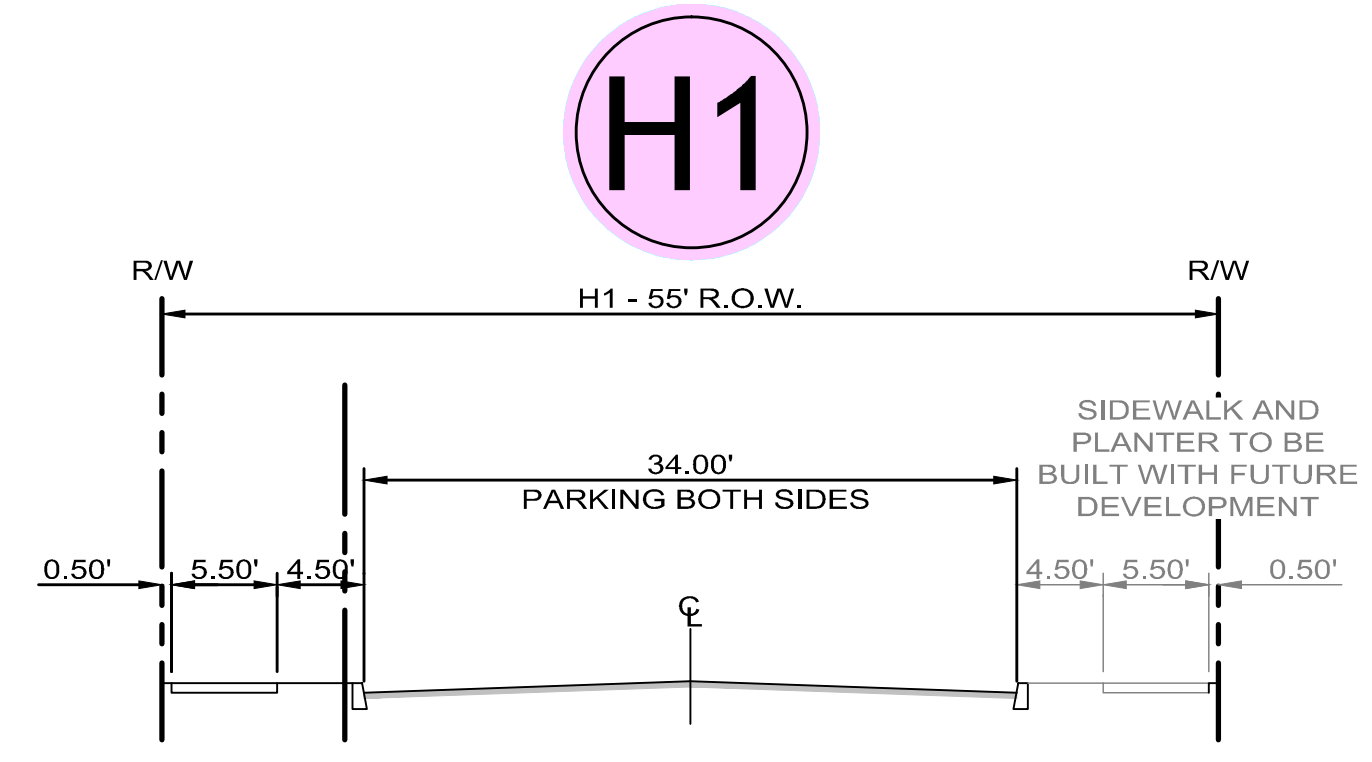
1st Submittal Date: 5/9/2016

8

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ELEVATION DATUM: NAVD 88



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DATE	DESCRIPTION

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MONT BLANC
NO. 2

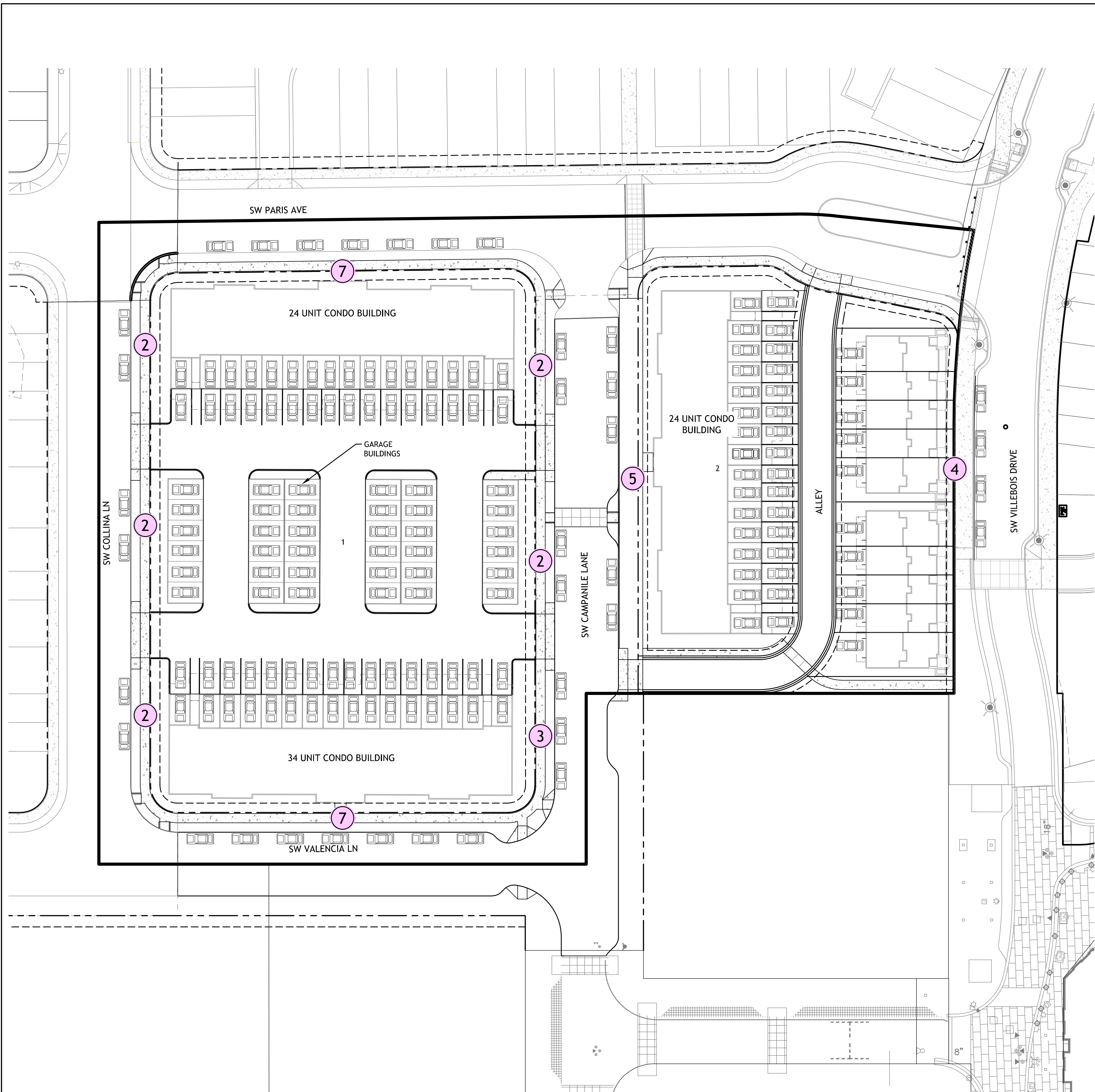
Preliminary
Development
Plan

CIRCULATION
PLAN

1st Submittal Date: 5/9/2016

9

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ELEVATION DATUM: NAVD 88

LEGEND

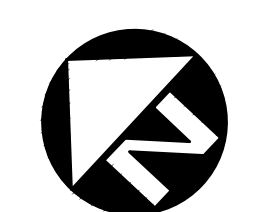
- PROPOSED RIGHT-OF-WAY
- EXISTING RIGHT-OF-WAY
- PROPOSED CURB AND GUTTER
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- ▲ PROPOSED HANDICAP RAMP
- ▨ PROPOSED SIDEWALK
- ▨ EXISTING SIDEWALK
- PARKING SPACE

OFF STREET PARKING

- REQUIRED**
- ROW HOUSES:
10 UNITS AT 1 SPACE/UNIT = 10 SPACES
- PROVIDED**
- ROW HOUSES:
10 - UNITS W/1 CAR GARAGE + 1 DRIVEWAY = 20 SPACES
20 SPACES
- REQUIRED**
- CONDO BUILDINGS:
(14) 1-BEDROOM UNITS AT 1 SPACE/UNIT = 14 SPACES
(62) 2-BEDROOM UNITS AT 1.5 SPACES/UNIT = 93 SPACES
(6) 3-BEDROOM UNITS AT 1.75 SPACES/UNIT = 11 SPACES
118 SPACES
- PROVIDED**
- CONDO BUILDINGS:
(48) 1-CAR GARAGES WITH 1 DRIVEWAY SPACE = 96 SPACES
(36) 1-CAR GARAGES = 36 SPACES
132 SPACES

ON STREET PARKING

- PROVIDED**
- CAMPANILE LANE: 12 SPACES
 - VALENCIA LANE: 7 SPACES
 - PARIS AVE: 7 SPACES
 - COLLINA LANE: 6 SPACES
 - VILLEBOIS DRIVE NORTH: 4 SPACES
36 SPACES



SCALE
0 15 30
1 INCH = 30 FEET



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DATE	DESCRIPTION

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NO. 2

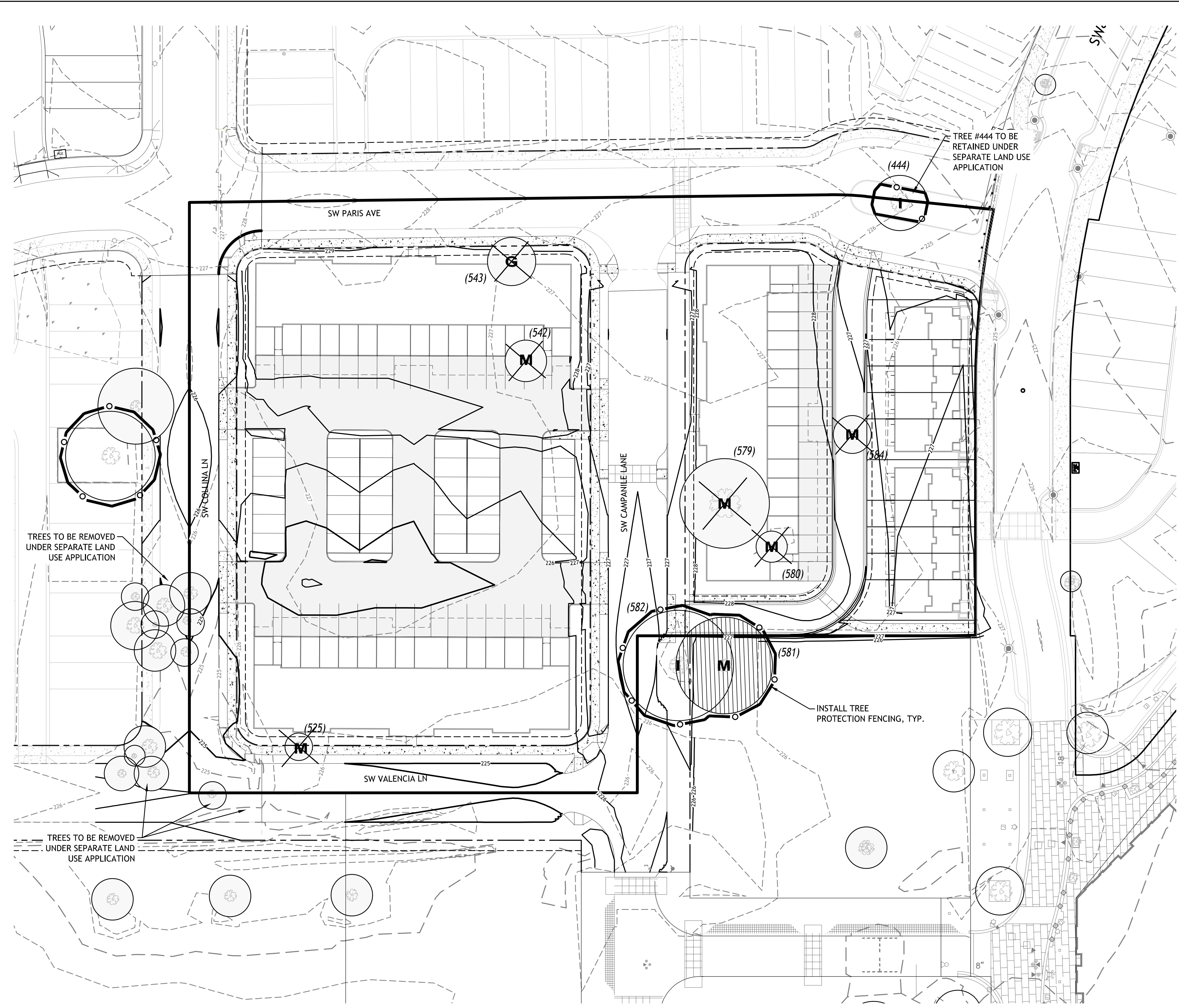
Preliminary
Development
Plan

PARKING
PLAN

1st Submittal Date: 5/9/2016

10

N:\proj\395-054\09 Drawings\03 Planning Sheets - Planning submittal\395054\11 TREE PROTECTION.dwg - SHEET: 22x34 May, 13, 16 - 11:33 AM kcs



LEGEND:

- I IMPORTANT
- G GOOD
- M MODERATE
- P POOR
- NE NOT EXAMINED
- (Circle with cross-hatch) EXISTING TREES LIKELY TO BE REMOVED
- (Circle with diagonal lines) EXISTING TREES TO BE REMOVED
- (Circle with 'X') EXISTING TREES TO BE REMOVED
- (Circle with 'I') TREE PROTECTION FENCING
- (Dashed line) GRADING LIMITS

NOTES
 ALL CONSTRUCTION AND GRADING WITHIN TREE PROTECTION ZONE IS TO BE COMPLETED UNDER DIRECT SUPERVISION OF PROJECT ARBORIST. CONTACT: MORGAN HOLLEN PHONE: 503-646-4349

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

CLASSIFICATION METHOD:
 TREES WERE RATED BASED ON THE FOLLOWING CONSIDERATIONS:
 1. HEALTH
 2. SPECIES (NATIVES WITH HABITAT AND ECOSYSTEM VALUE)
 3. COMPATIBILITY WITH DEVELOPMENT
 4. FORM / VISUAL INTEREST / MATURE SIZE

TREES RANKED AS IMPORTANT WERE RATED HIGH IN ALL FOUR AREAS.

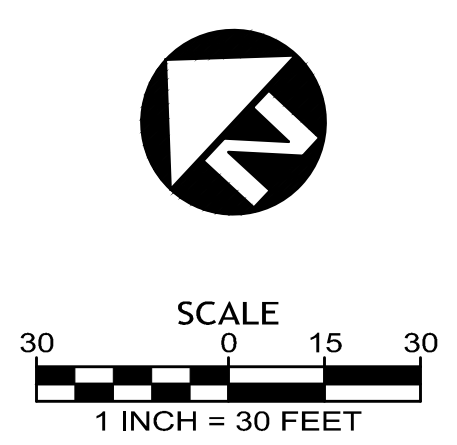
TREES IN THE GOOD CATEGORY HAD GOOD HEALTH AND WERE A DESIRABLE SPECIES, BUT HAD IRREGULAR FORM OR LESS COMPATIBILITY WITH DEVELOPMENT.

TREES IN THE MODERATE CATEGORY HAD GOOD TO MODERATE HEALTH AND FORM, BUT WERE A LESS DESIRABLE SPECIES OR MAY BE LESS COMPATIBLE WITH DEVELOPMENT.

TREES IN THE POOR CATEGORY HAD POOR HEALTH AND/OR SUBSTANTIAL DAMAGE.

NOTES:
 1. THE INFORMATION PROVIDED WITHIN THE PROJECT BOUNDARY IS BASED ON AN ON-SITE EVALUATION OF THE EXISTING TREES BY ARBORIST MORGAN HOLLEN AND WAS PROVIDED IN A TREE REPORT INCLUDED WITH THE APPLICATION MATERIALS.

ELEVATION DATUM: NAVD 88



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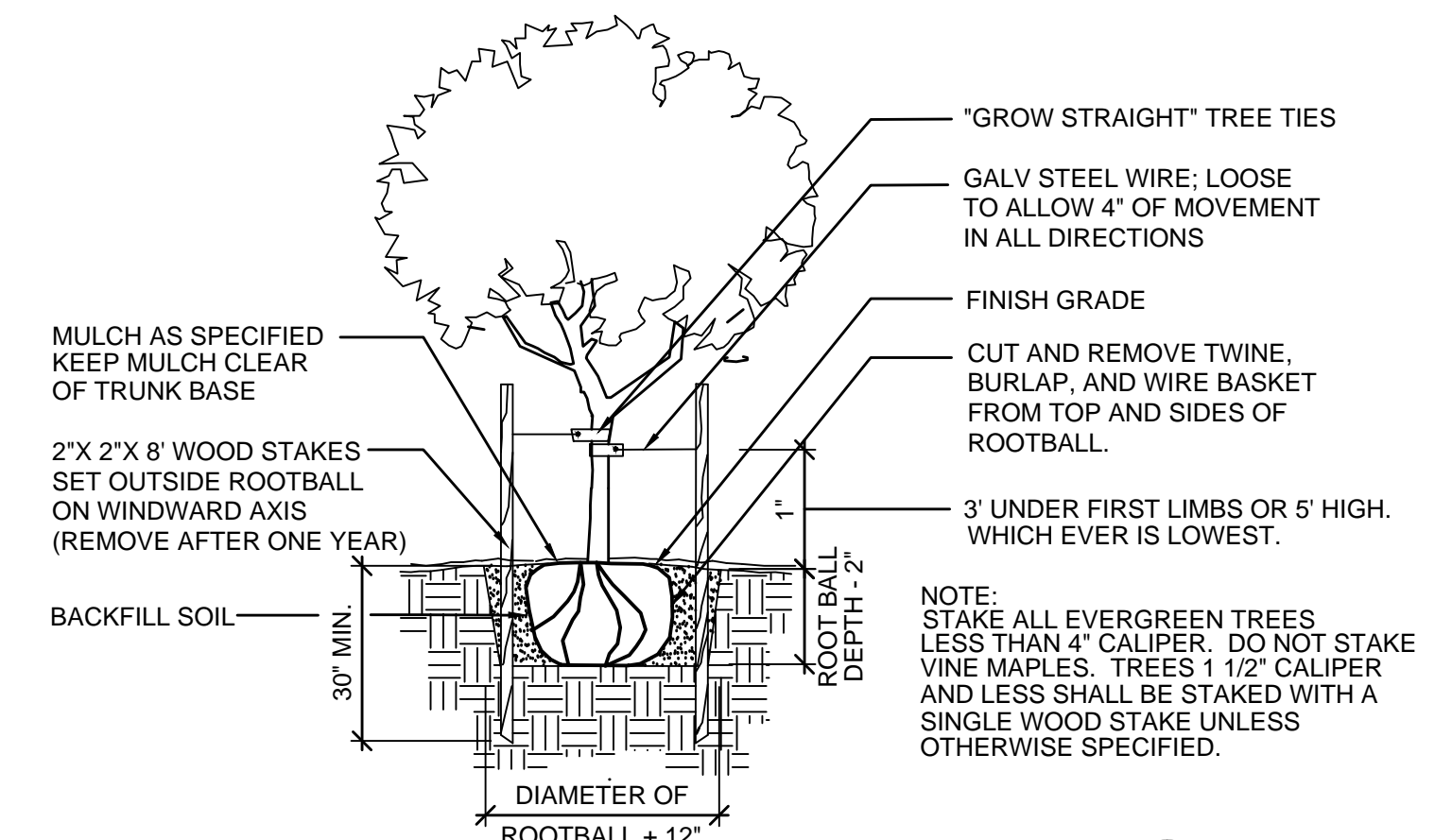
Preliminary
 Development
 Plan

**TREE
 PRESERVATION
 PLAN**

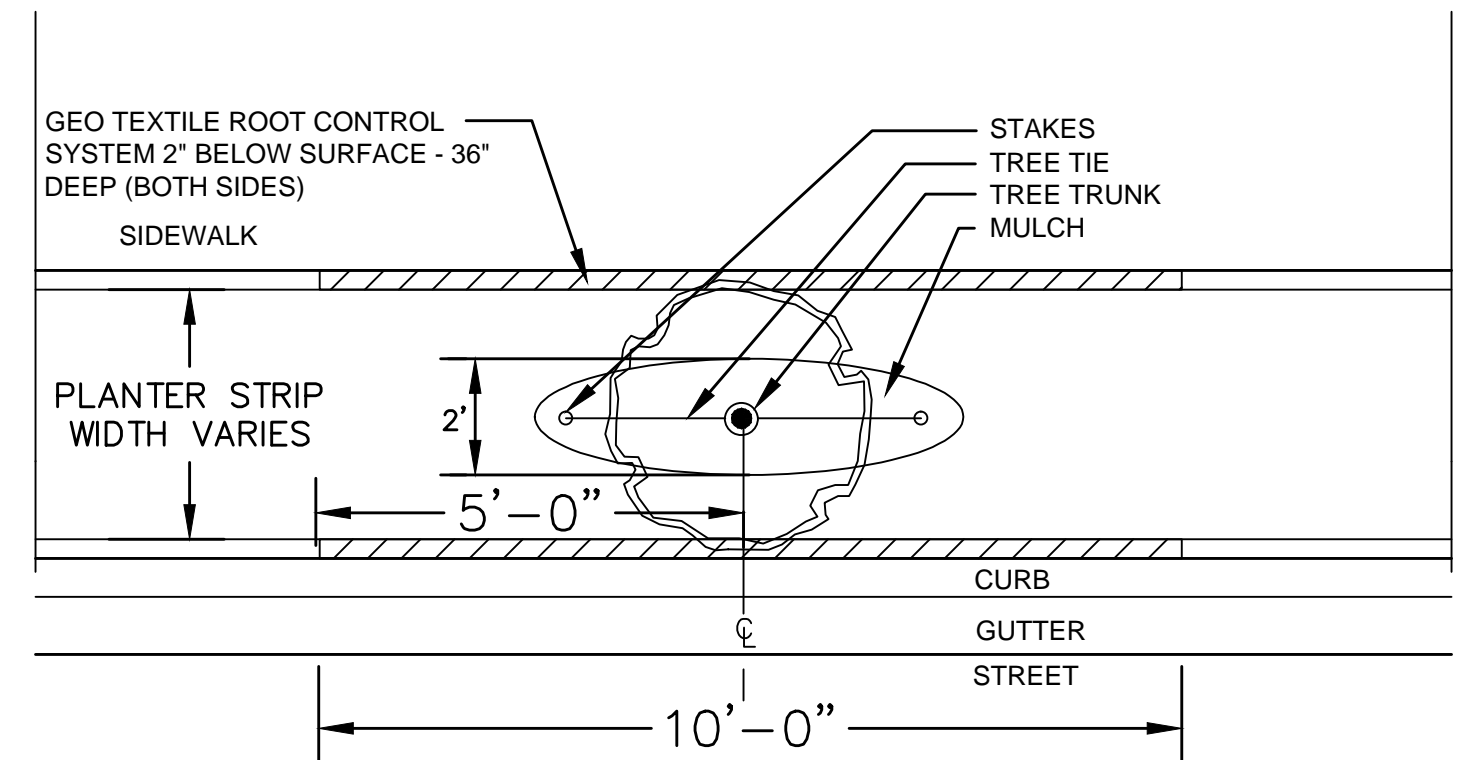
1st Submittal Date: 5/9/2016

**PLANTING LEGEND
STREET TREES**

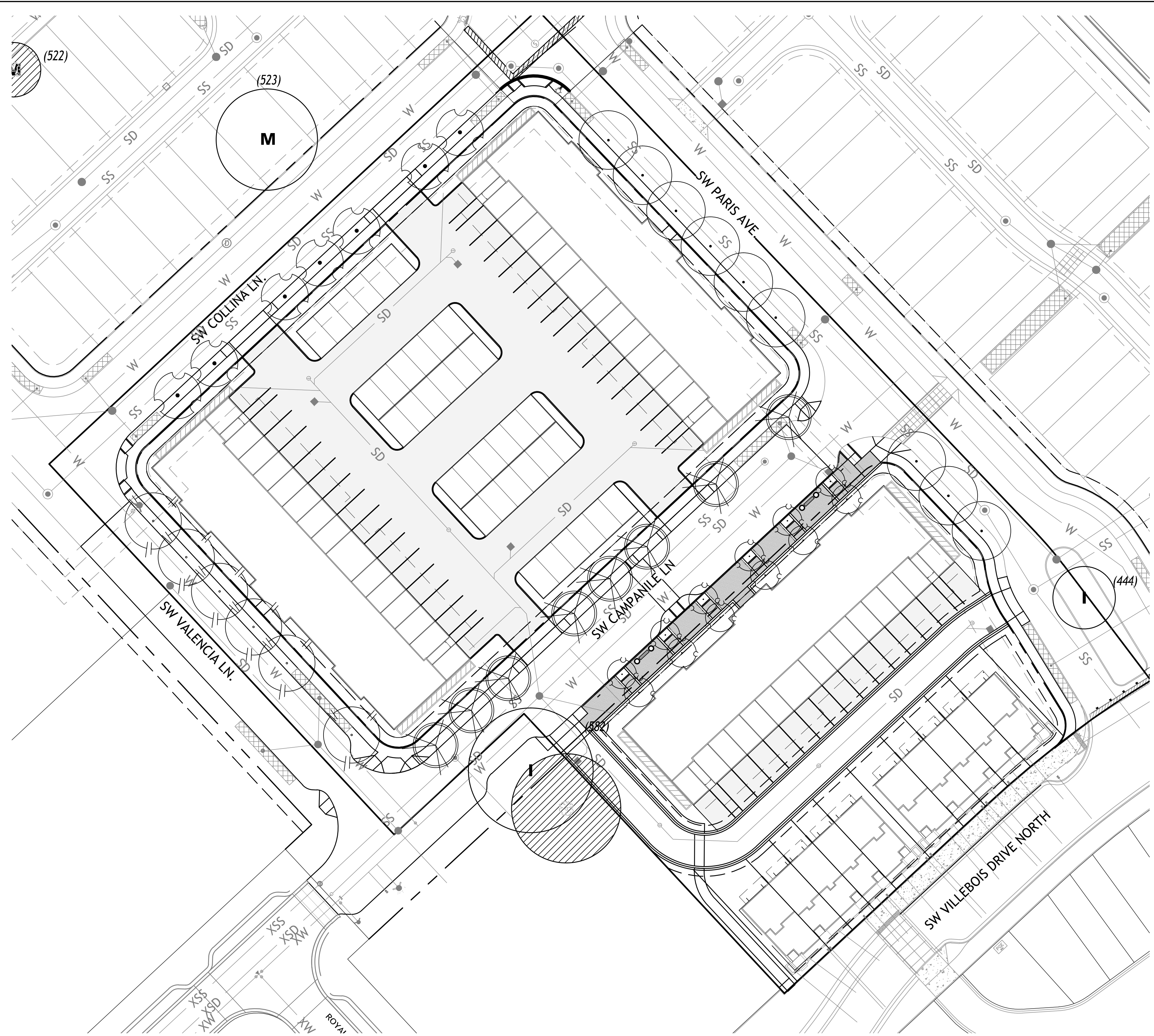
SYMBOL	QUANTITY	COMMON NAME / BOTANICAL NAME, SIZE AND DESCRIPTION
	9	AUTUMN BLAZE MAPLE / ACER FREEMANII 'AUTUMN BLAZE': 2 1/2" CAL. B&B, 25' O.C.
	7	CRIMEAN LINDEN / TILIA X EUCHLORA: 2 1/2" CAL. B&B, 25' O.C.
	6	URBANITE ASH / FRAXINUS PENNSYLVANICA 'URBANITE': 2 1/2" CAL. B&B, 25' O.C.
	8	AUTUMN GOLD GINKGO / GINKGO BILOBA 'AUTUMN GOLD': 2 1/2" CAL., B&B, 25' O.C.
	12	ARMSTRONG RED MAPLE/ ACER X FREEMANII 'ARMSTRONG': 2 1/2" CAL., B&B, 25' O.C.



TREE STAKING DETAIL
SCALE: N.T.S.

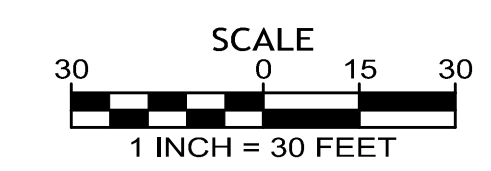
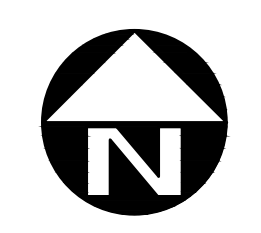


TREE PLANTER AND BARRIER DETAIL FOR TREES WITHIN RIGHT OF WAY
SCALE: N.T.S.



1 STREET TREE - PLANTING PLAN

ELEVATION DATUM: NAVD 88



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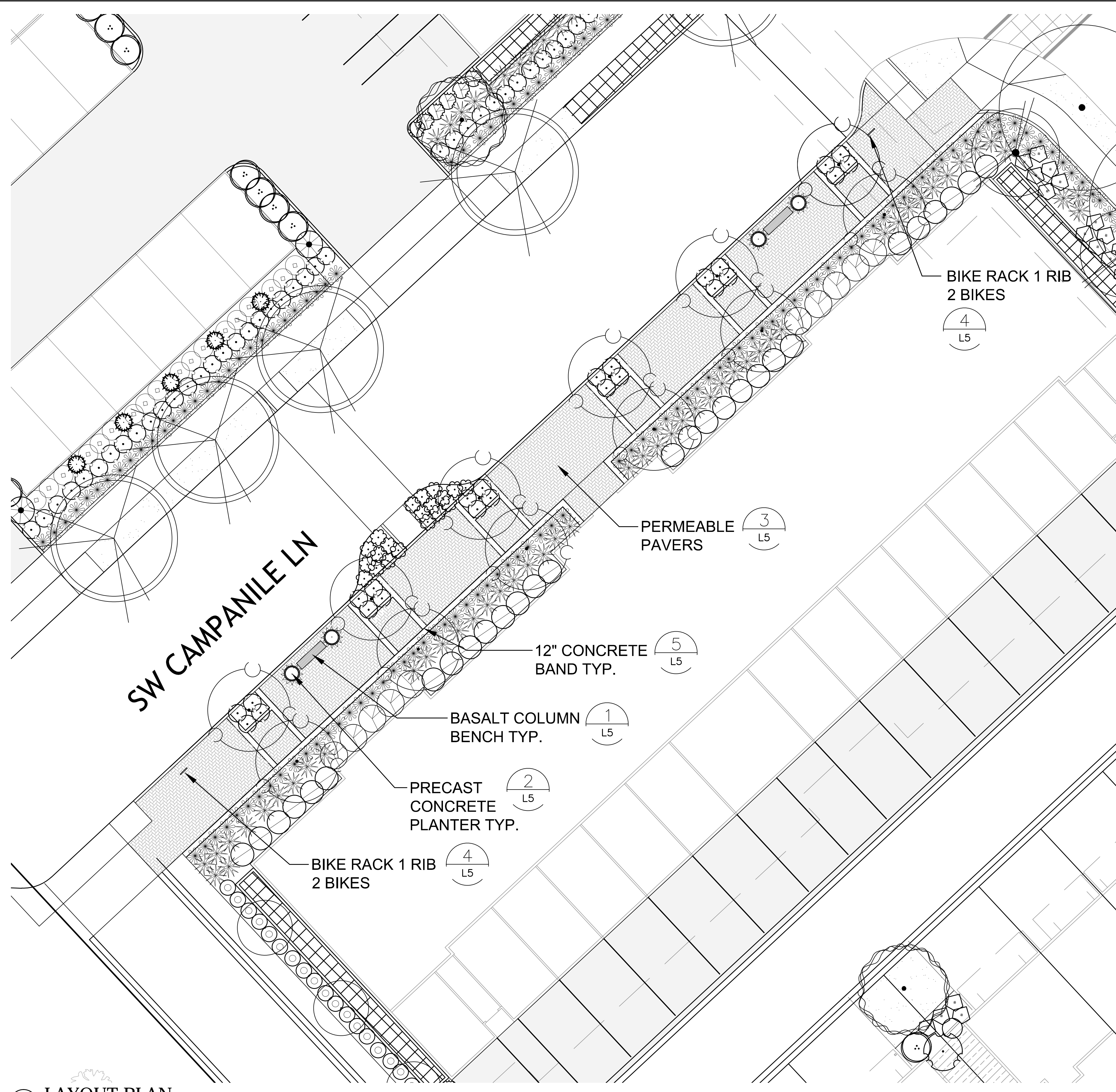
STREET TREE
PLANTING PLAN

1st Submittal Date: 5/9/2016

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NOTES

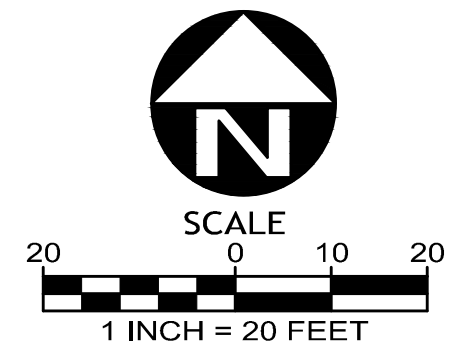
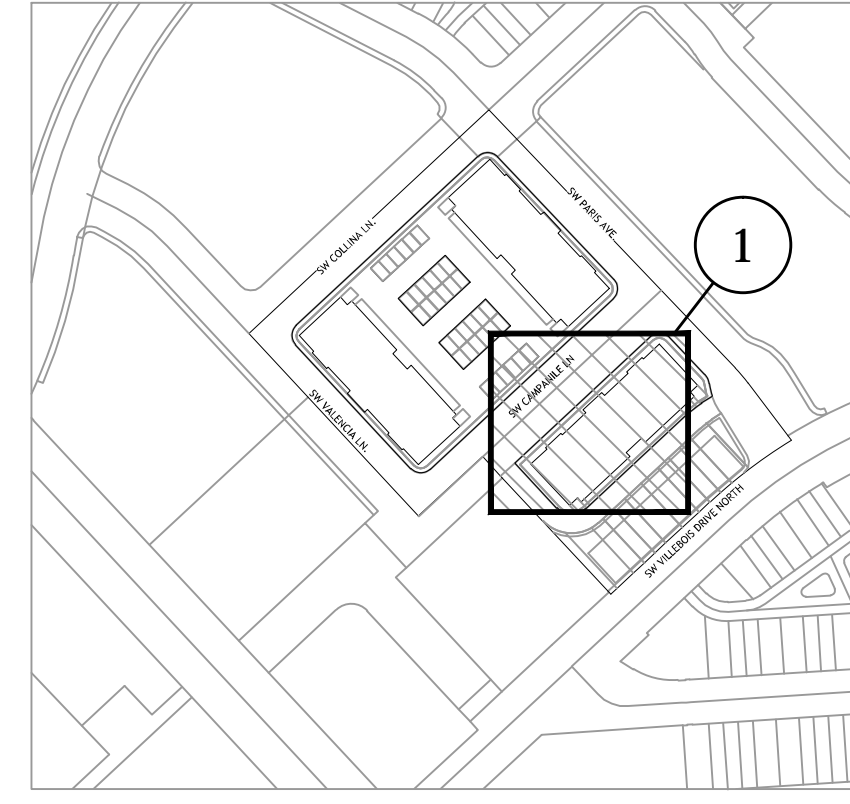
- 1.) SEE CIVIL PLANS FOR ROADWAY AND CURB ELEVATIONS
- 2.) SEE SHEETS L5 LANDSCAPE MATERIALS DETAILS.

LEGEND

- 1 L5 BASALT COLUMN BENCH
SIZE: 72" LENGTH X 18" HEIGHT
- 2 L5 PRECAST CONCRETE PLANTER
COLOR: BROWN GRAY
SIZE: 2.29' X 2.78' X 3.28'
- 4 L5 BICYCLE RACK
MANUFACTURER: FUNCTION FIRST BIKE SECURITY
MODEL: THE BIKE RIB
FINISH: POWDERCOATED PAINT, BLACK
SIZE: 1.25" SCH. 40 STEEL PIPE, 18 WIDE, 32" HT.
- 3 L5 PERMEABLE PAVERS
MANUFACTURER: WILLAMETTE GRAYSTONE
MODEL: AQUABRIC PERMEABLE CONCRETE PAVER
CONTACT: GALE SHROEDER @ (971) 241-0312
SIZE: 5' X 10' X 60MM
COLOR: AUTUMN BLEND
FINISH: CENTURY
PATTERN: HERRINGBONE - SEE PLANS FOR DIRECTION
- 5 L5 12" WIDE FLUSH CONCRETE BAND - LIGHT BROOM FINISH
- SCORE AS SHOWN

1 LAYOUT PLAN

ELEVATION DATUM: NAVD 88



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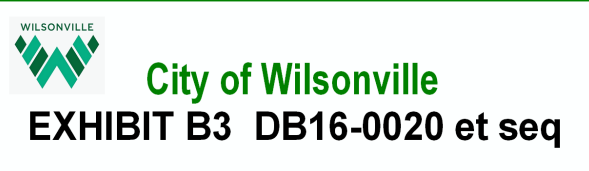
GEODESIGN, INC

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DATE	DESCRIPTION

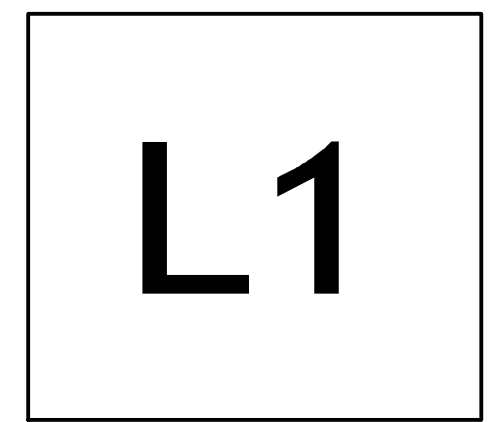
FDP 10C
MONT BLANC
NO. 2

Final
Development
Plan

LAYOUT
PLAN

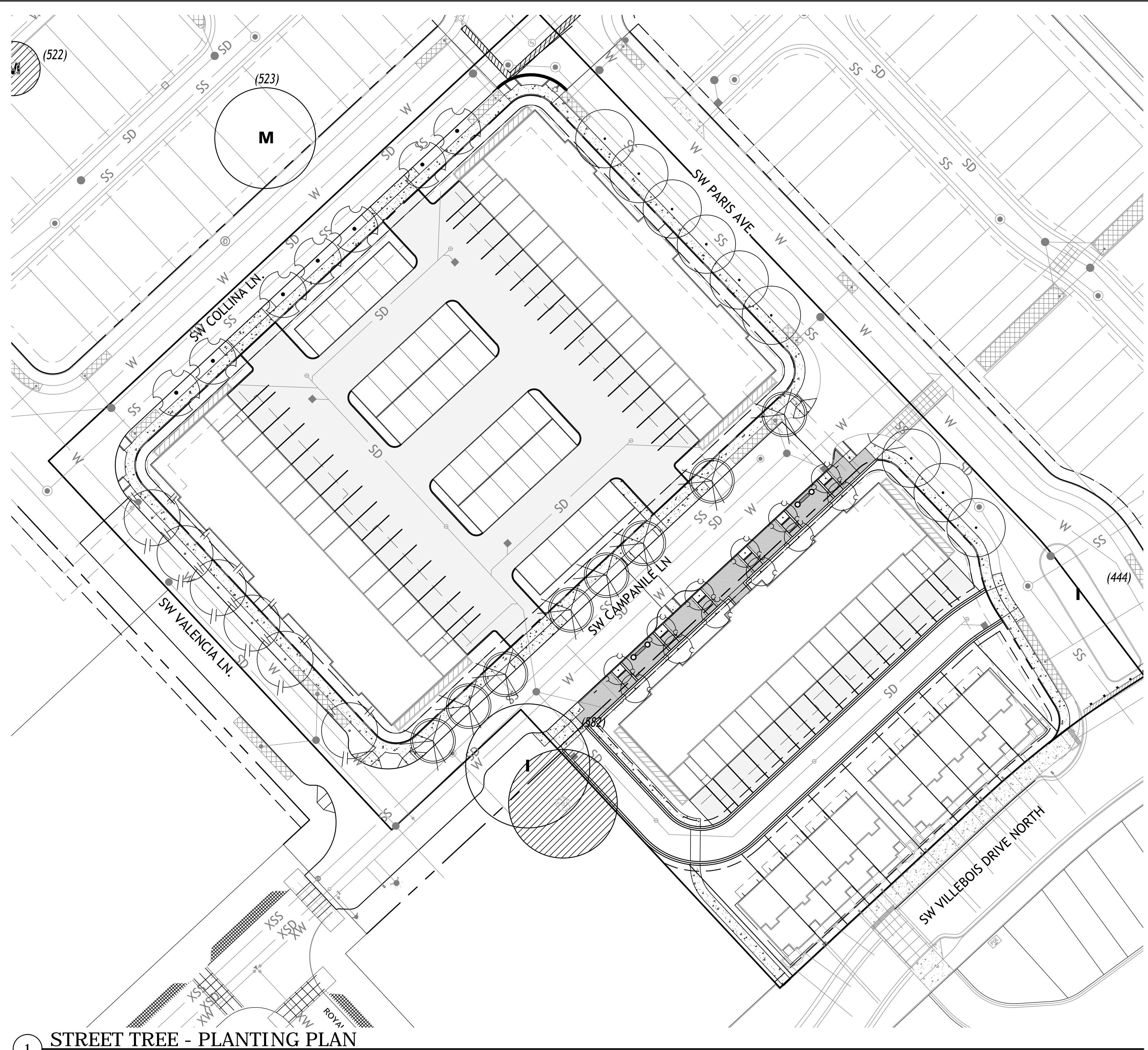


1st Submittal Date: 5/9/2016



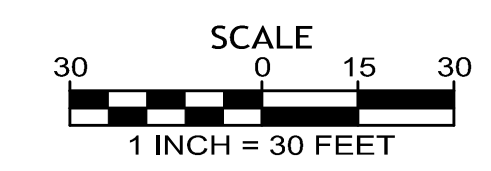
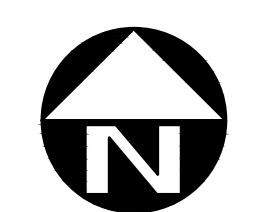
PLANTING LEGEND
STREET TREES

SYMBOL	QUANTITY	COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION
	9	AUTUMN BLAZE MAPLE / ACER FREEMANII 'AUTUMN BLAZE': 2 1/2" CAL. B&B, 25' O.C.
	7	CRIMEAN LINDEN / TILIA X EUCHLORA: 2 1/2" CAL. B&B, 25' O.C.
	6	URBANITE ASH / FRAXINUS PENNSYLVANICA 'URBANITE': 2 1/2" CAL. B&B, 25' O.C.
	8	AUTUMN GOLD GINKGO / GINKGO BILOBA 'AUTUMN GOLD': 2 1/2" CAL., B&B, 25' O.C.
	12	ARMSTRONG RED MAPLE / ACER X FREEMANII 'ARMSTRONG': 2 1/2" CAL., B&B, 25' O.C.



1 STREET TREE - PLANTING PLAN

ELEVATION DATUM: NAVD 88



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REVISIONS	
DATE	DESCRIPTION

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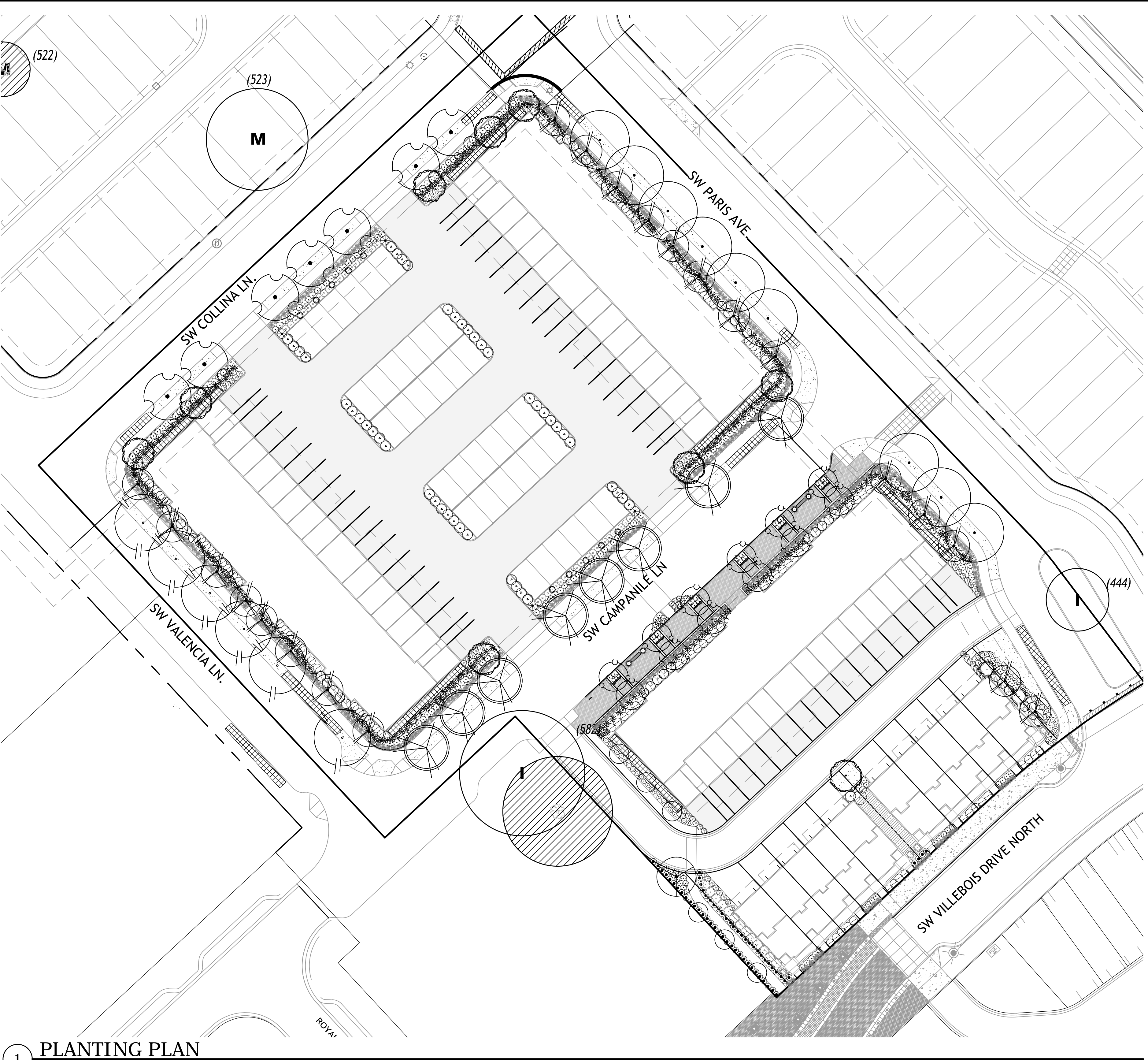
Final
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STREET TREE
PLANTING PLAN

1st Submittal Date: 5/9/2016

L2

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1 PLANTING PLAN

ELEVATION DATUM: NAVD 88

PLANTING LEGEND

TREES

SYMBOL	COMMON NAME / BOTANICAL NAME, SIZE AND DESCRIPTION
	CHINESE KOUSA DOGWOOD / CORNUS KOUSA CHINENSIS: 2' CAL.
	BLUREIANA PLUM / PRUNUS X BLUREIANA: 2' CAL. B&B
	CHINESE REDBUD / CERCIIS CHINENSIS: 2' CAL. B&B
	VINE MAPLE / Acer circinatum: 2' Cal., B&B
	INCENSE CEDAR / CALOCEDRUS DECURRENS: 6'-10' HT., B&B

SHRUBS

SYMBOL	COMMON NAME / BOTANICAL NAME, SIZE AND DESCRIPTION
	STARBURST® DOUBLE GOLD EVERGREEN DAYLILY HEMEROCALLIS X 'MONOLD': 2 GAL.
	ANTHONY WATERER SPIREA / SPIREA BUMALDA ANTHONY WATERER: 3 GAL.
	'CRIMSON PYGMY' BARBERRY / BERBERIS THUNBERGII 'CRIMSON PYGMY': 3 GAL.
	DAVID VIBURNUM / VIBURNUM DAVIDI: 3 GAL.
	DWARF BURNING BUSH / EUONYMUS ALATA 'COMPACTA': 3 GAL.
	DOUBLE FILE VIBURNUM / VIBURNUM P. TOMENTOSUM: 3 GAL.
	FOREST FLAME PIERIS / PIERIS JAPONICA 'FOREST FLAME': 3 GAL.
	ISANTI REDOSER DOGWOOD / CORNUS SERICEA 'ISANTI': 3 GAL.
	HYDRANGEA MACROPHYLLA 'RED SENSATION' P.P. #18,197: 3 GAL.
	RHOODENDRON 'JEAN MARIE DE MONTEGUE': 3 GAL.
	THUNBERG SPIREA / SPIREA THUNBERGII: 3 GAL.
	OTTO LUYKEN LAUREL / PRUNUS LAUROCERASUS 'OTTO LUYKEN': 3 GAL.
	RHOODENDRON 'PJM': 24"-30", B&B, 5' O.C.
	SKYROCKET JUNIPER / JUNIPERUS VIRGINIANA 'SKYROCKET': 6' HT., B&B
	WICHITA BLUE JUNIPER / JUNIPERUS SCOPULORUM 'WICHITA': 6' HT., B&B

ORNAMENTAL GRASS

SYMBOL	COMMON NAME / BOTANICAL NAME, SIZE AND DESCRIPTION
	DWARF FOUNTAIN GRASS PENNISETUM ALOPECUROIDES 'WAMELI': 2 GAL.
	DWARF VARIEGATED MAIDEN GRASS MISCANTHUS SINENSIS 'DINIELAND': 2 GAL.
	VARIEGATED JAPANESE SILVER GRASS MISCANTHUS SINENSIS 'VARIEGATUS': 2 GAL.
	NEW ZEALAND FLAX / PHORMIUM 'SHIRAZ': 2 GAL.

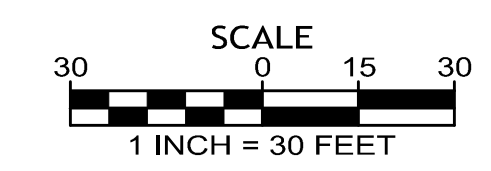
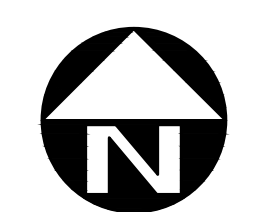
LAWN AND GROUNDCOVER

SYMBOL	COMMON NAME / BOTANICAL NAME, SIZE AND DESCRIPTION
	MULCH MULCH 2" MIN. DEPTH, MEDIUM TO FINE GROUND DOUGLAS FIR
	LAWN PRO-TIME 309 (SUPREME MIX) GRASS SEED BY HOBBS AND HOPKINS, LTD. AT A RATE OF 8 LBS/1000 SQUARE FEET.

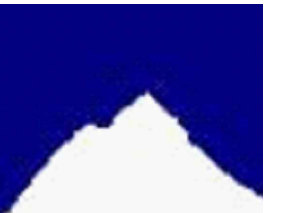
NOTE:
 1. LANDSCAPE AREAS WILL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM DESIGNED BY CONTRACTOR. CONTRACTOR WILL PROVIDE MATERIALS AND INSTALL ALL IRRIGATION DOWNSTREAM OF THE WATER METER.
 2. DO NOT PROVIDE IRRIGATION WITHIN THE EXISTING TREES TO REMAIN DRIPLINE.

BIORETENTION CELL PLANTING LEGEND

SYMBOL	COMMON NAME / Botanical name: Size and Description
	WEeping ALASKAN CEDAR / Chamaecyparis nootkatensis 'Pendula': 7'-8' HL, B&B
	PACIFIC DOGWOOD / Cornus nuttallii: 2' Cal., B&B
	NOOTKA ROSE / Rosa nutkana: #1 CONTAINER
	RED TWIG DOGWOOD / Cornus sericea: #1 CONTAINER
	KELSEY DOGWOOD / Cornus sericea 'Kelsey': #1 CONTAINER
	SNOWBERRY / Symphoricarpos alba: #1 CONTAINER
	'WETMOIST' AREA PLUGS: (4" PLUGS @ 12" O.C.)
	SLOUGH SEDGE / Carex obovata 34%
	SOFT RUSH / Juncus tenuis 33%
	SMALL FRUITED BULRUSH / Scirpus microcarpus 33%



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Pacific Community Design

GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

FDP 10C
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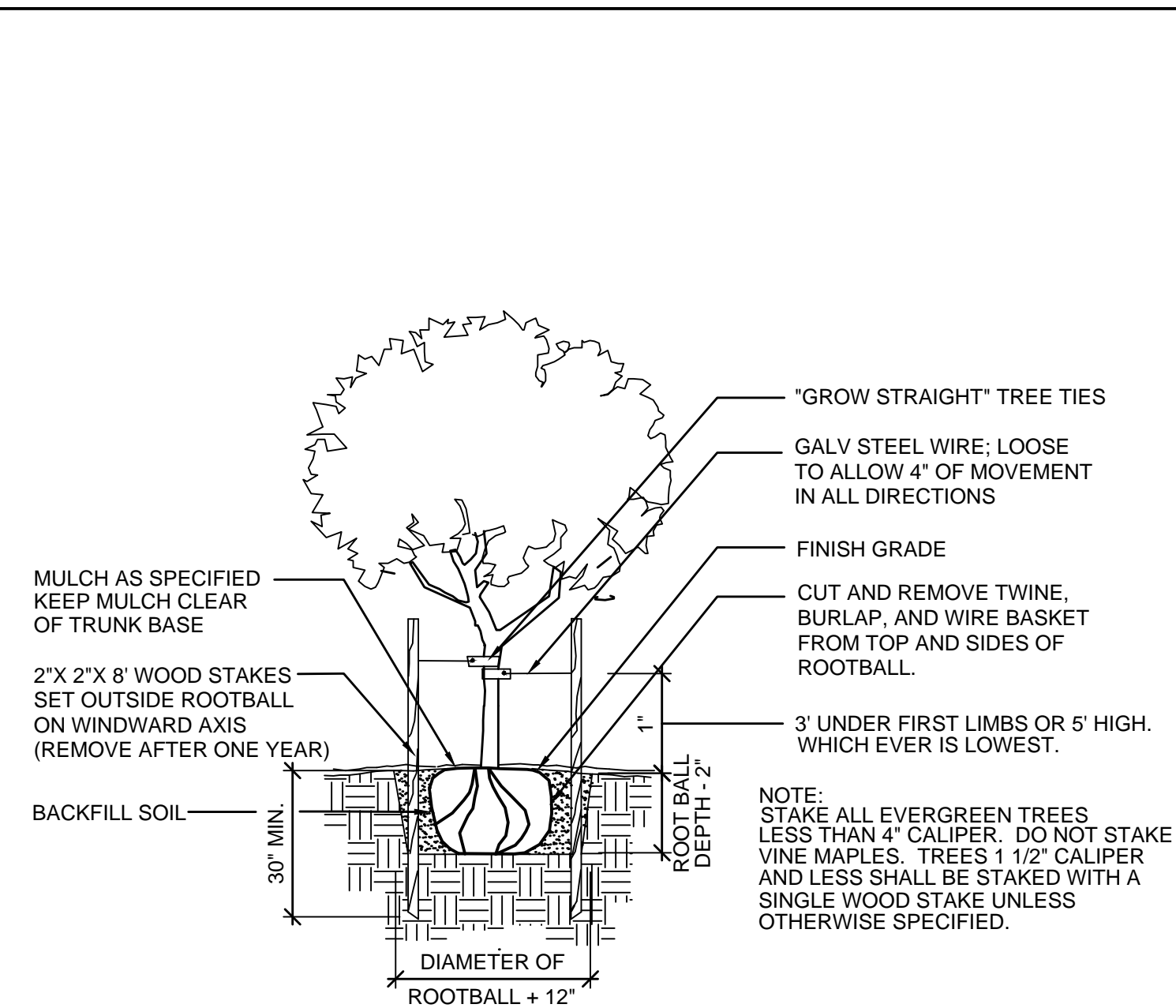
Final
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Plan

PLANTING
PLAN

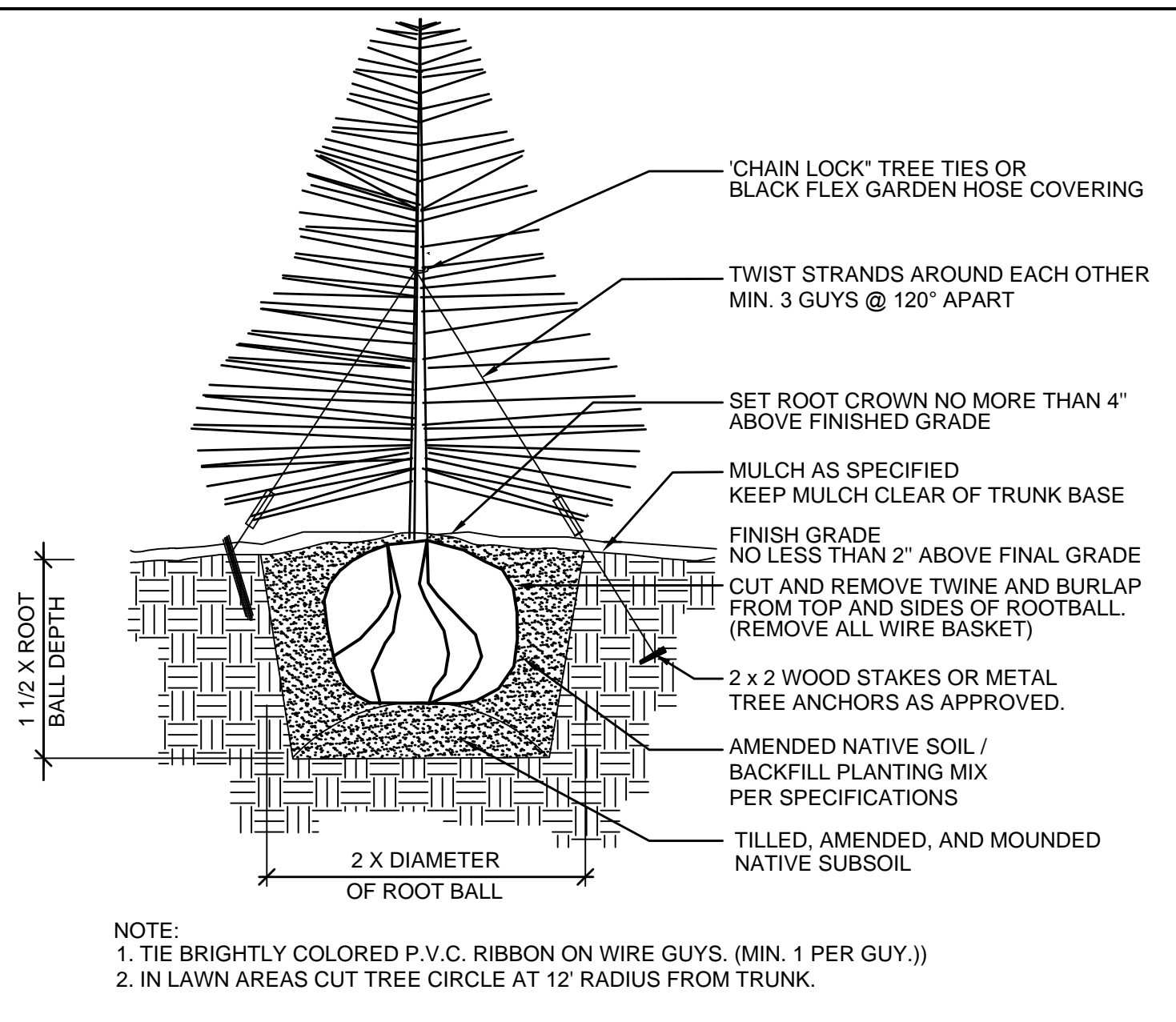
1st Submittal Date: 5/9/2016

L3

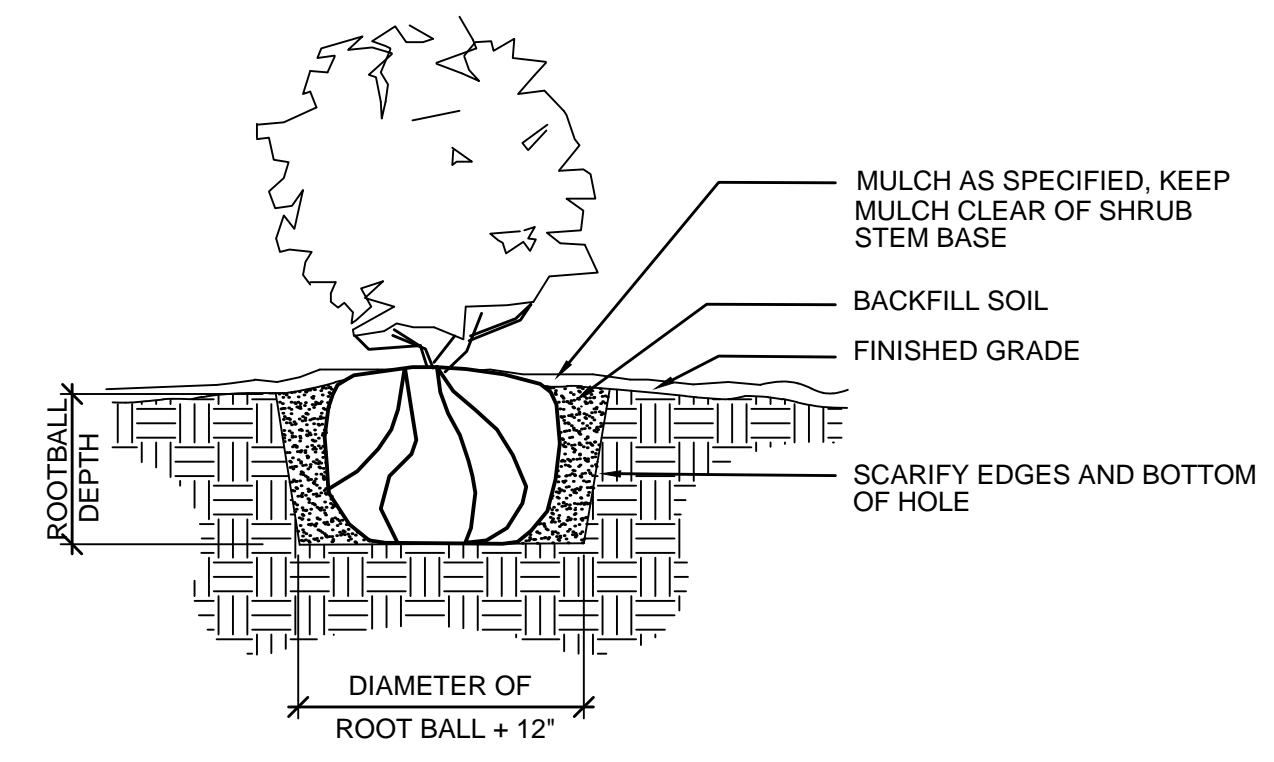
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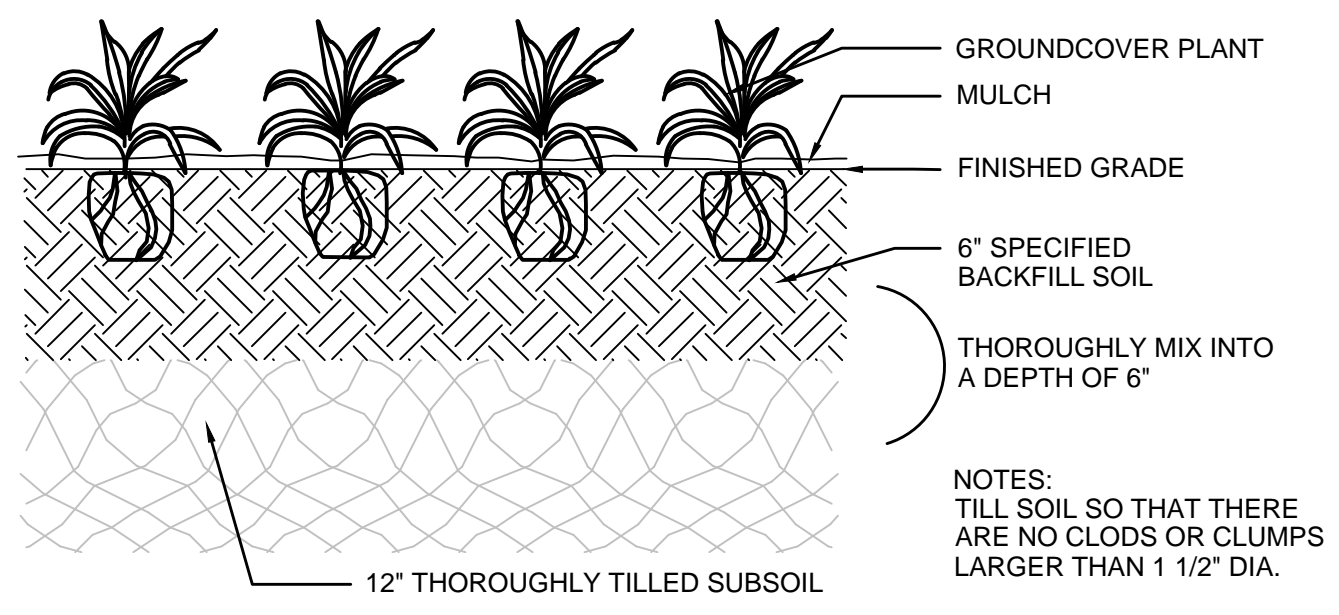
TREE STAKING DETAIL
SCALE: N.T.S. 1
L4



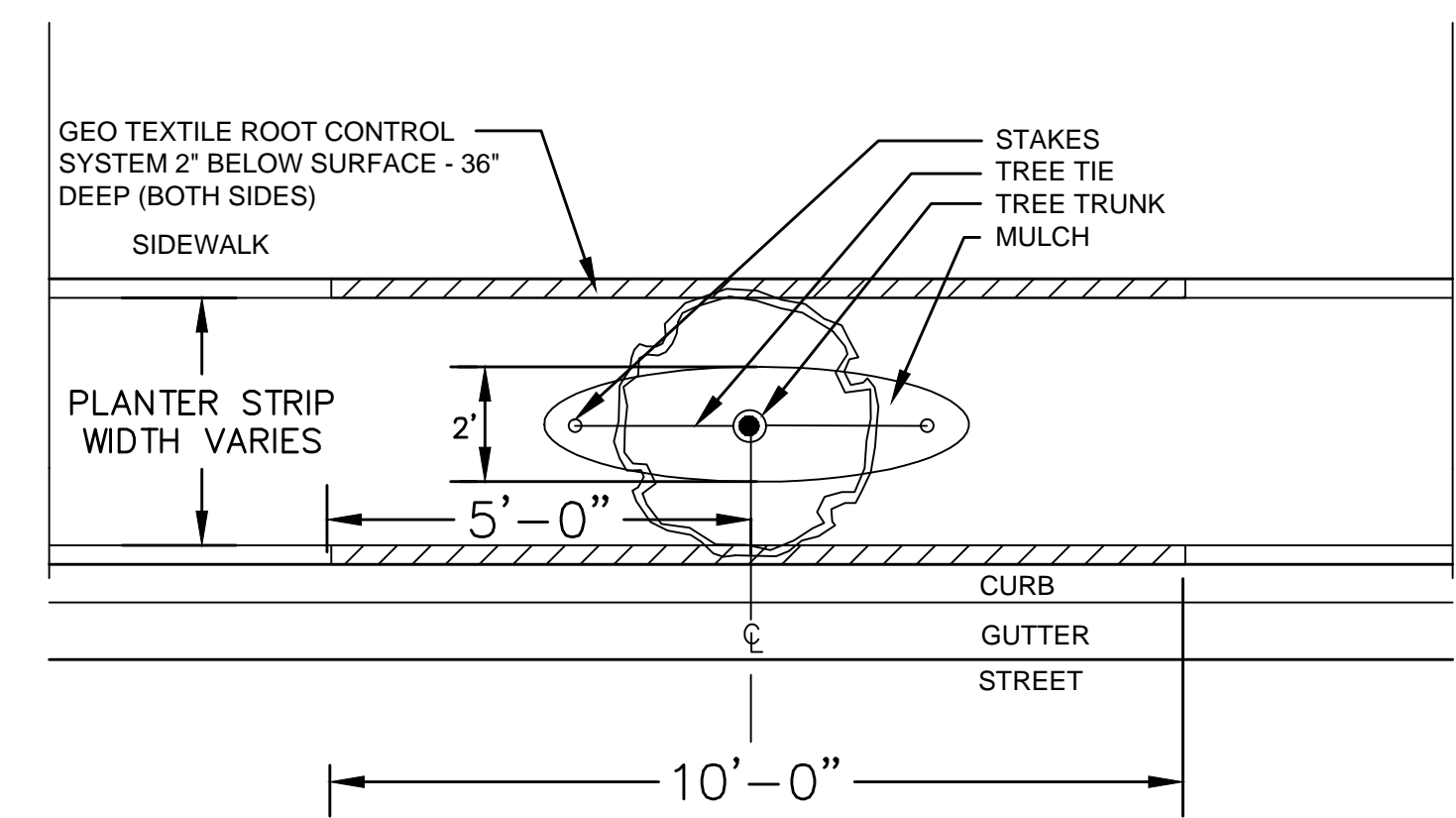
CONIFER TREE GUYING DETAIL
SCALE: N.T.S. 2
L4



SHRUB PLANTING DETAIL
SCALE: N.T.S. 3
L4



GROUNDCOVER PLANTING DETAIL
SCALE: N.T.S. 4
L4



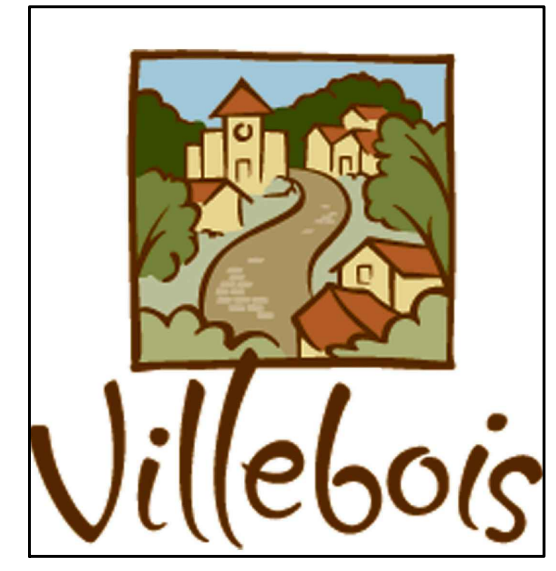
TREE PLANTER AND BARRIER DETAIL FOR TREES WITHIN RIGHT OF WAY
SCALE: N.T.S. 5
L4

GENERAL NOTES: LANDSCAPE PLAN

1. THE CONTRACTOR SHALL VERIFY WITH OWNER AND UTILITY COMPANIES THE LOCATIONS OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL DETERMINE IN THE FIELD THE ACTUAL LOCATIONS AND ELEVATIONS OF ALL EXISTING UTILITIES WHETHER SHOWN ON THE PLANS OR NOT. THE CONTRACTOR SHALL CALL UTILITY PROTECTION SERVICE 72 HOURS PRIOR TO CONSTRUCTION.
2. THE CONTRACTOR SHALL EXAMINE FINISH SURFACE, GRADES, TOPSOIL QUALITY AND DEPTH. DO NOT START ANY WORK UNTIL UNSATISFACTORY CONDITIONS HAVE BEEN CORRECTED. VERIFY LIMITS OF WORK BEFORE STARTING.
3. CONTRACTOR TO REPORT ALL DAMAGES TO EXISTING CONDITIONS AND INCONSISTENCIES WITH PLANS TO ODR.
4. ALL PLANT MASSES TO BE CONTAINED WITHIN A BARK MULCH BED, UNLESS NOTED OTHERWISE.
5. BED EDGE TO BE NO LESS THAN 12" AND NO MORE THAN 18" FROM OUTER EDGE OF PLANT MATERIAL BRANCHING. WHERE GROUND-COVER OCCURS, PLANT TO LIMITS OF AREA AS SHOWN.
6. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE IN ALL LANDSCAPE BEDS AND ALL LAWN AREAS.
7. CONTRACTOR TO FINE GRADE AND ROCK-HOUND ALL TURF AREAS PRIOR TO SEEDING, TO PROVIDE A SMOOTH AND CONTINUAL SURFACE, FREE OF IRREGULARITIES (BUMPS OR DEPRESSIONS) & EXTRANEOUS MATERIAL OR DEBRIS.
8. QUANTITIES SHOWN ARE INTENDED TO ASSIST CONTRACTOR IN EVALUATING THEIR OWN TAKE-OFFS AND ARE NOT GUARANTEED AS ACCURATE REPRESENTATIONS OF REQUIRED MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS BID QUANTITIES AS REQUIRED BY THE PLANS AND SPECIFICATIONS. IF THERE IS A DISCREPANCY BETWEEN THE NUMBER LABELED ON THE PLANT TAG AND THE QUANTITY OF GRAPHIC SYMBOLS SHOWN, THE GRAPHIC SYMBOL QUANTITY SHALL GOVERN.
9. COORDINATE LANDSCAPE INSTALLATION WITH INSTALLATION OF UNDERGROUND SPRINKLER AND DRAINAGE SYSTEMS.
10. WITH THE EXCEPTION OF THOSE TREES INDICATED ON THE TREE REMOVAL PLAN, CONTRACTOR SHALL NOT REMOVE ANY TREES DURING CONSTRUCTION WITHOUT THE EXPRESS WRITTEN CONSENT OF THE ODR. EXISTING VEGETATION TO REMAIN SHALL BE PROTECTED AS DIRECTED BY THE ODR.
11. WHERE PROPOSED TREE LOCATIONS OCCUR UNDER EXISTING OVERHEAD UTILITIES OR CROWD EXISTING TREES, NOTIFY ODR TO ADJUST TREE LOCATIONS.
12. LANDSCAPE MAINTENANCE PERIOD BEGINS IMMEDIATELY AFTER THE COMPLETION OF ALL PLANTING OPERATIONS AND WRITTEN NOTIFICATION TO THE ODR. MAINTAIN TREES, SHRUBS, LAWNS AND OTHER PLANTS UNTIL FINAL ACCEPTANCE OR 90 DAYS AFTER NOTIFICATION AND ACCEPTANCE, WHICHEVER IS LONGER.
13. REMOVE EXISTING WEEDS FROM PROJECT SITE PRIOR TO THE ADDITION OF ORGANIC AMENDMENTS AND FERTILIZER. APPLY AMENDMENTS AND FERTILIZER PER THE RECOMMENDATIONS OF THE SOIL ANALYSIS FROM THE SITE.
14. BACK FILL MATERIAL FOR TREE AND SHRUB PLANTING SHALL CONTAIN: ONE PART FINE GRADE COMPOST TO ONE PART TOPSOIL BY VOLUME, BONE MEAL PER MANUFACTURE'S RECOMMENDATION, AND SLOW RELEASE FERTILIZER PER MANUFACTURER'S RECOMMENDATION.
15. GROUND COVERS AND PERENNIALS SHALL BE PLANTED WITH A MAXIMUM 2 INCH COVER OF BARK MULCH WITH NO FOLIAGE COVERED.
16. CONTRACTOR SHALL OBTAIN WRITTEN APPROVAL FOR ALL PLANT MATERIAL SUBSTITUTIONS FROM THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. PLANT SUBSTITUTIONS WITHOUT PRIOR WRITTEN APPROVAL THAT DO NOT COMPLY WITH THE DRAWINGS AND SPECIFICATIONS MAY BE REJECTED BY THE LANDSCAPE ARCHITECT AT NO COST TO THE OWNER. THESE ITEMS MAY BE REQUIRED TO BE REPLACED WITH PLANT MATERIALS THAT ARE IN COMPLIANCE WITH THE DRAWINGS.
17. ALL PLANT MATERIALS SHALL BE NURSERY GROWN WITH HEALTHY ROOT SYSTEMS AND FULL BRANCHING, DISEASE AND INSECT FREE AND WITHOUT DEFECTS SUCH AS SUN SCALD, ABRASIONS, INJURIES AND DISFIGUREMENT.
18. ALL PLANT MATERIAL SHALL BE INSTALLED AT THE SIZE AND QUANTITY SPECIFIED. THE LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR SUB-STANDARD RESULTS CAUSED BY REDUCTION IN SIZE AND/OR QUANTITY OF PLANT MATERIALS.
19. LANDSCAPE AREAS WILL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM DESIGNED BY CONTRACTOR. CONTRACTOR WILL PROVIDE MATERIALS AND INSTALL ALL IRRIGATION DOWNSTREAM OF THE WATER METER.

ELEVATION DATUM: NAVD 88

N:\proj\395-054\09 Drawings\03 Planning Sheets - Planning Submittal\Landscapes\FDP\395054-[4]DETAILS-PLANT-FDP.dwg - SHEET.L4 May, 13, 16 - 11:38 AM kei



POLYGON NW COMPANY



GEODESIGN, INC

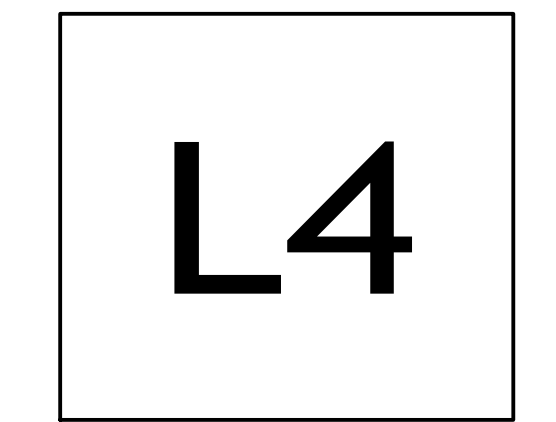
REVISIONS	
DATE	DESCRIPTION

FDP 10C
MONT BLANC
NO. 2

Final
Development
Plan

**PLANTING
DETAILS & NOTES**

1st Submittal Date: 5/9/2016





BASALT COLUMN BENCH

SCALE: N.T.S

1
L5



PRECAST CONCRETE PLANTER

SCALE: N.T.S

2
L5



CONCRETE UNIT PAVERS WITH HELL-PROOF POLYMERIC SAND JOINTS
 MANUFACTURER: WILLAMETTE GRAYSTONE
 MODEL: AQUABRIC PERMEABLE CONCRETE
 COLOR: AUTUMN BLEND
 FINISH: CENTURY
 SIZE: 5" X 10" X 60MM - HARRINGBONE PATTERN

PAVERS

SCALE: N.T.S

3
L5



MANUFACTURER: FUNCTION FIRST BIKE SECURITY
 MODEL: THE BIKE RIB
 MATERIAL: STEEL PIPE
 FINISH: BLACK AND POWDERCOATED
 SIZE: 1.25" SCHEDULE 40 STEEL PIPE, 18"W x 32"H

BIKE RACK

SCALE: N.T.S

4
L5



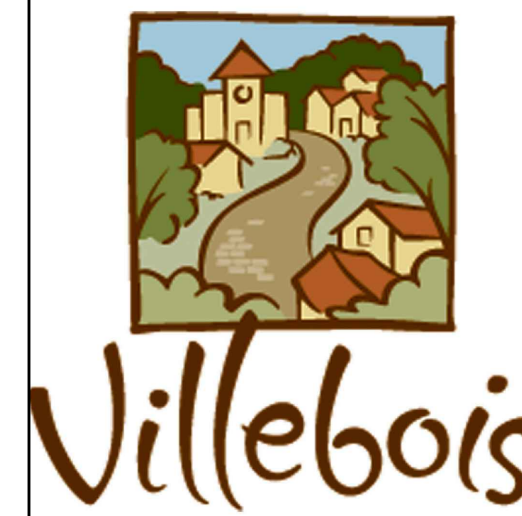
PAVER CONCRETE BAND

SCALE: N.T.S

5
L5

N:\proj\395-054\09 Drawings\03 Planning Sheets - Planning Submittal\Landscape\FDP\395054-[4]DETAILS-PLANT-FDP.dwg - SHEET.L5 May, 13, 16 - 11:37 AM kei

ELEVATION DATUM: NAVD 88



POLYGON NW COMPANY



GEODESIGN, INC

REVISIONS	
DATE	DESCRIPTION

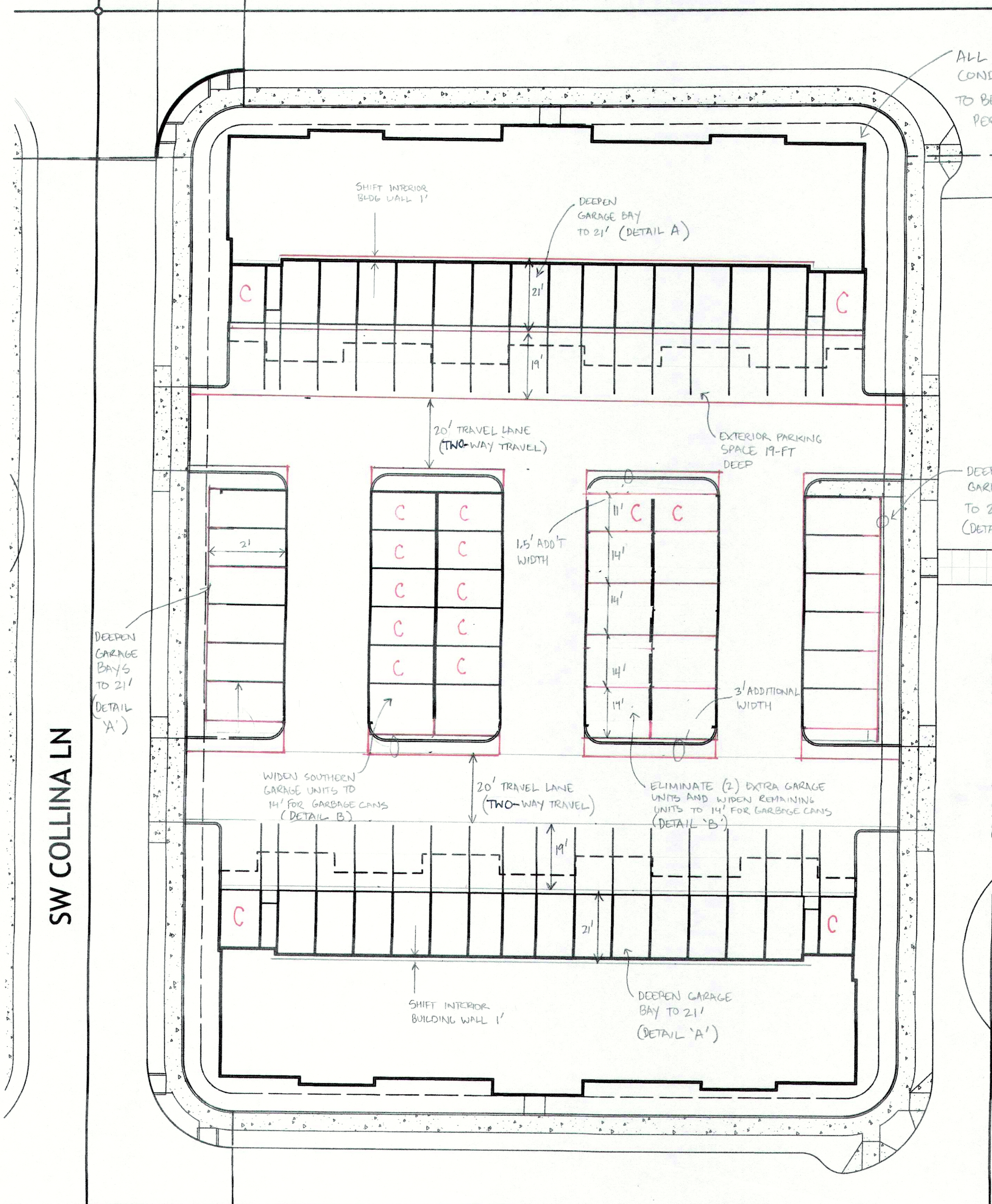
FDP 10C
 MONT BLANC
 NO. 2

Final
 Development
 Plan

PLANTING
 DETAILS & NOTES

1st Submittal Date: 5/9/2016

L5

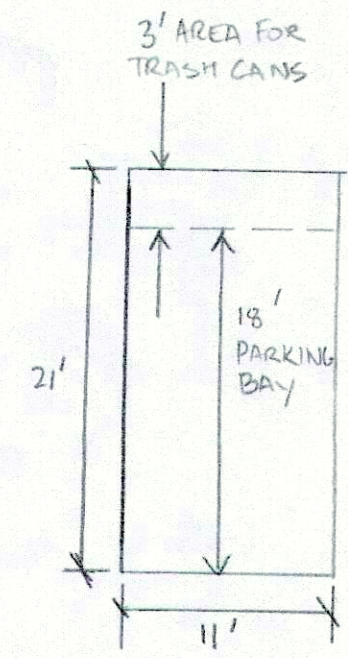


ALL THREE CONDO BLDG'S TO BE MODIFIED PER THIS PLAN

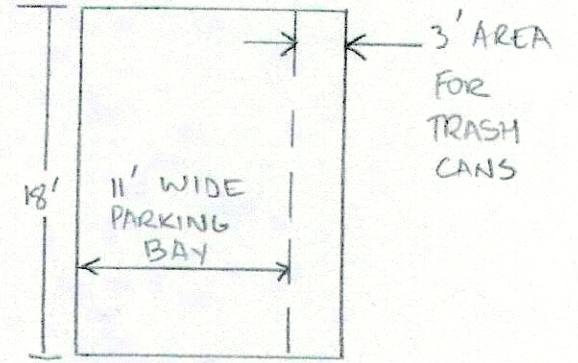
1" = 20'

64 STD. PARKING BAYS
 18 COMPACT PARKING BAYS
 (22 % COMPACT SPACES)

DEEPEN GARAGE BAYS TO 21' (DETAIL A)



DETAIL 'A'
 1" = 10'



DETAIL 'B'
 1" = 10'

SW COLLINA LN

SW CAMPANILE LN



10295 SW Ridder Road, Wilsonville, OR 97070
O: 503.570.0626 F: 503.982.9307 republicservices.com

July 19, 2016

Stacy Connery, AICP
Pacific Community Design
12564 SW Main Street
Tigard OR 97223

Re: 82 condominiums & 10 row houses in Villebois

Dear Stacy;

Thank you for sending me your site plans again for this development in Wilsonville. I appreciate the markings showing the cart and bin placements.

My Company: Republic Services of Clackamas & Washington Counties has the franchise agreement to service this area with the City of Wilsonville, and Clackamas County. We will provide complete residential waste removal and recycling services as needed on a weekly basis for these sites.

We can service the row houses as designed by going down the alley behind the garages; if we have at least 20 feet of alley access and the carts are set out away from the buildings.

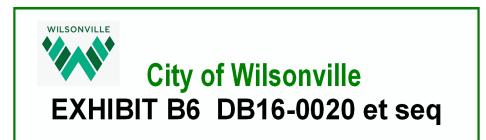
The condominiums would be serviced also by our trucks going behind the garages. This means 164 carts plus glass bins would have to be set out for service by 6:00 AM on their designated service day. All carts and bins would have to be marked with the appropriate unit number. Each cart needs to be a couple of feet apart for the grippers on the arm to be able to pick-up.

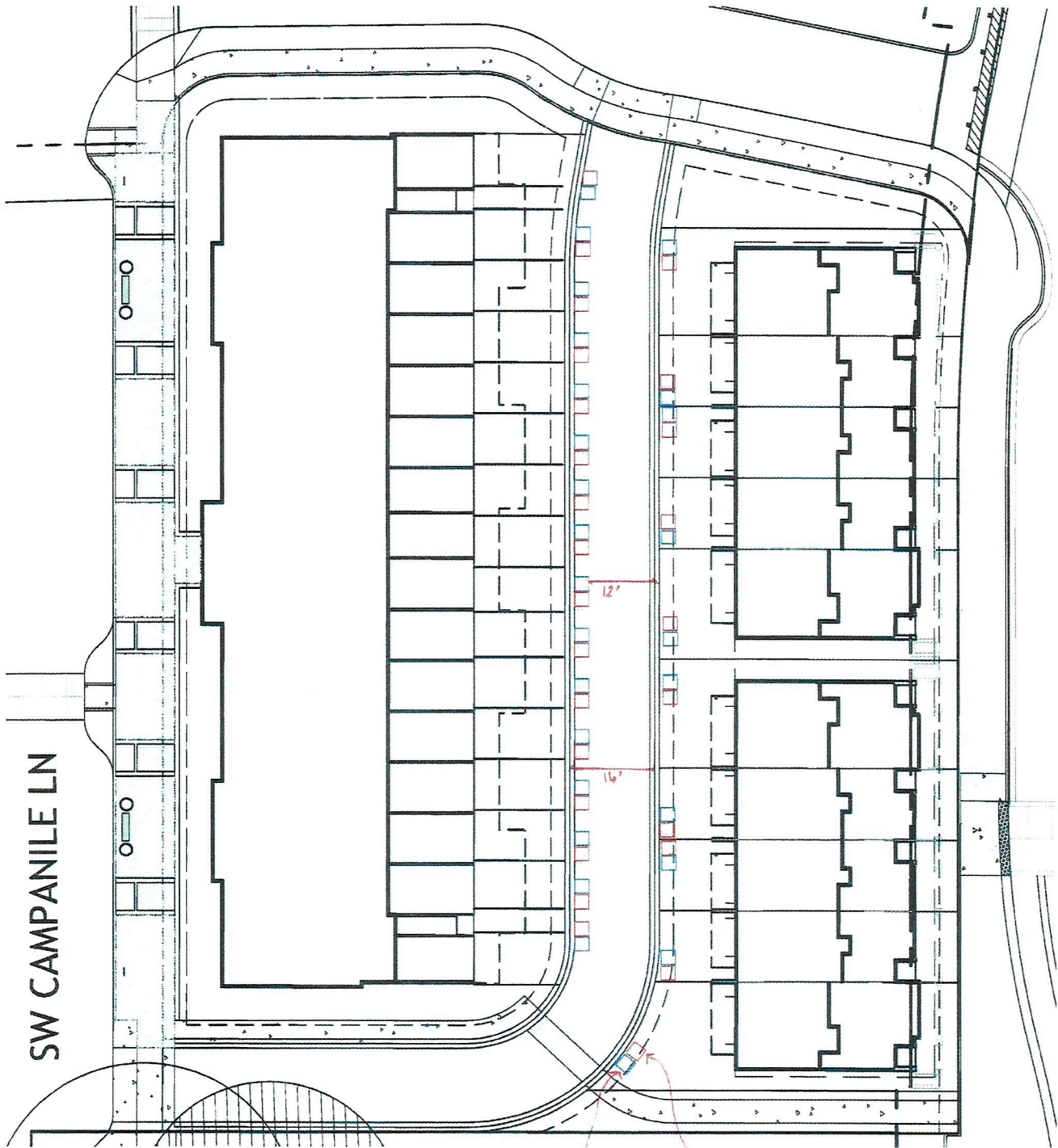
Thanks Stacy for your help and concerns for our services prior to this project being developed.

Sincerely,

A handwritten signature in blue ink that reads "Frank J. Lonergan".

Frank J. Lonergan
Operations Manager
Republic Services Inc.





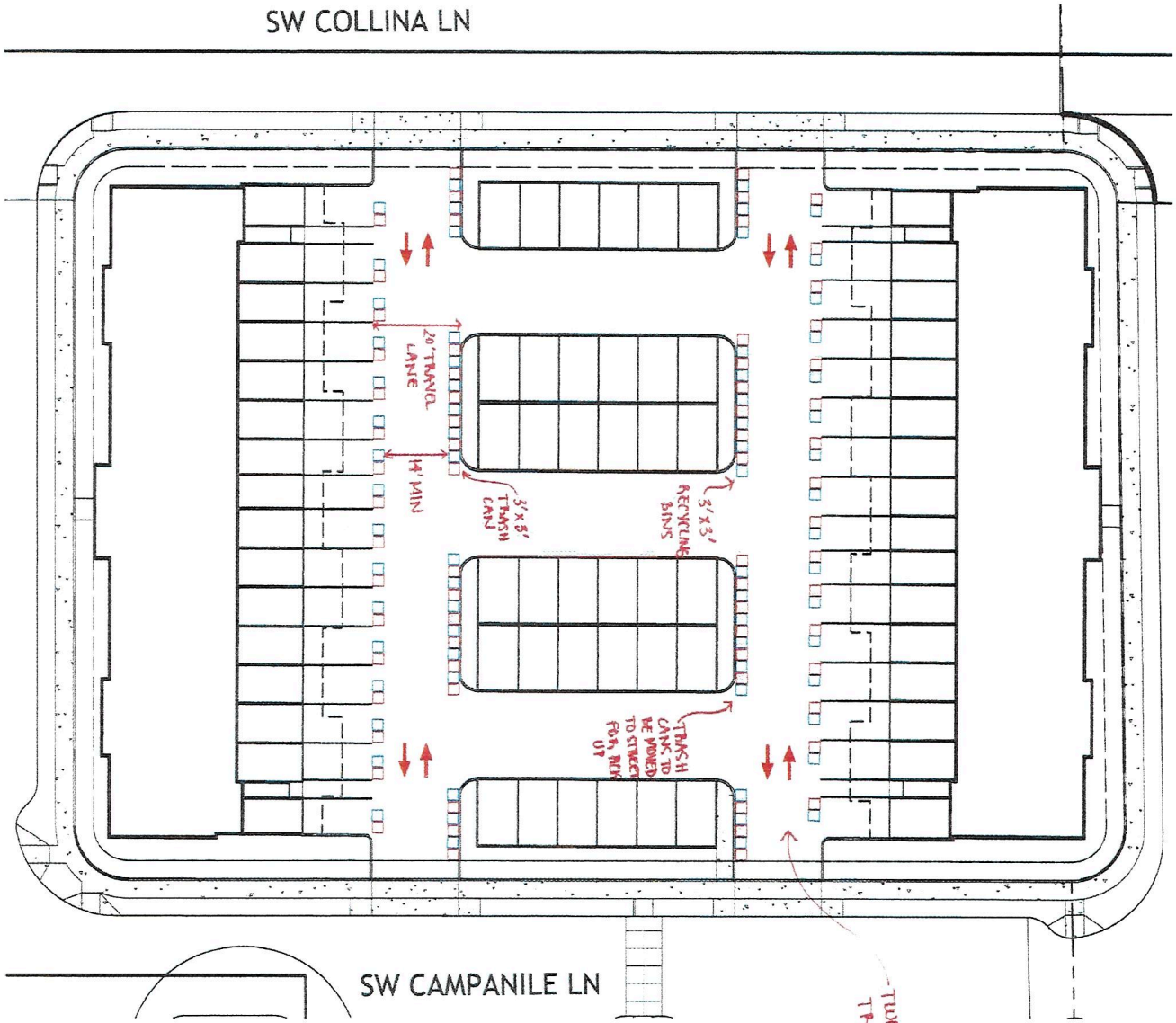
SW CAMPANILE LN

3'x3' RECYCLING BIN

3'x3' TRASH CAN

Frank J. Louerza
7/19/16

SW COLLINA LN



Frank J. Longenecker
7/19/16

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JULY 25, 2016

6:30 PM

VIII. Board Member Communications:

A. Results of the May 9, 2016 DRB Panel A meeting

City of Wilsonville

Development Review Board Panel A Meeting Meeting Results

DATE:	MAY 9, 2016	
LOCATION:	29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR	
TIME START:	6:32 P.M.	TIME END: 8:30 P.M.

ATTENDANCE LOG

BOARD MEMBERS	STAFF
Kristin Akervall	Chris Neamtzu
Ronald Heberlein	Barbara Jacobson
James Frinell	Daniel Pauly
Fred Ruby	Steve Adams
	Eric Mende
	Connie Randall

AGENDA RESULTS

AGENDA	ACTIONS
CITIZENS' INPUT	None.
CONSENT AGENDA	
A. Approval of minutes of April 11, 2016 DRB Panel A meeting	A. Unanimously approved as presented
PUBLIC HEARING	
<p>A. Resolution No. 326. Republic Services Temporary Use Permit Renewal: Ben Altman, Pioneer Design Group, LLC – representative for Jason Jordan, Republic Services- applicant. The applicant is requesting renewal of a Class 3 2-Year Temporary Use Permit for 2 modular office structures adjacent to the offices on the east side of the property along Ridder Road. The site is located on Tax Lot 1400, Section 2C, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon. Staff: Daniel Pauly.</p> <p style="padding-left: 40px;">Case File: DB16-0012 – Class 3 Temporary Use Permit</p>	A. Unanimously approved Resolution No. 326
<p>B. Resolution No. 327. Republic Services/SORT Bioenergy: Ben Altman, Pioneer Design Group, LLC – representative for Jason Jordan, Republic Services and Paul Woods, SORT Bioenergy - applicants. The applicant is requesting Annexation, a Comprehensive Plan Map Amendment from Washington County – Future Development (FD-20) designation to City – Industrial (I) designation, and a Zone Map Amendment from Washington County – Future Development (FD-20) zone to City Planned Development Industrial – Regional Significant Industrial Area (PDI-RSIA) zone, a Stage I Master Plan revision for an expanded Republic Services campus, Stage II Final Plan for SORT Bioenergy, Site Design Review for SORT Bioenergy, Waivers for SORT Bioenergy and Type C Tree Plan for SORT Bioenergy to allow for future expansion of Republic Services</p>	B. Unanimously approved Resolution No. 327 with corrections

<p>operations and allow for the development of facilities to convert commercial food waste into biogas and use the biogas to generate electricity among other uses. The subject site is located on Tax Lot 600 of Section 2C, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon. Staff: Daniel Pauly.</p> <p>Case Files: DB16-0004 – Annexation DB16-0005 – Comprehensive Plan Map Amendment DB16-0006 – Zone Map Amendment DB16-0007 – Stage I Master Plan revision DB16-0008 – Stage II Final Plan (SORT Bioenergy) DB16-0009 – Site Design Review (SORT Bioenergy) DB16-0010 – Waivers (SORT Bioenergy) DB16-0011 – Type C Tree Plan (SORT Bioenergy)</p> <p><i>The DRB action on the Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment is a recommendation to the City Council.</i></p>	
BOARD MEMBER COMUNICATIONS	
A. Results of the April 25, 2016 DRB Panel B meeting	None.
STAFF COMMUNICATIONS	
	Staff advised on the training session to follow the regular meeting.

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JULY 25, 2016

6:30 PM

VIII. Board Member Communications:

B. Results of the June 13, 2016 DRB Panel A meeting

City of Wilsonville

Development Review Board Panel A Meeting Meeting Results

DATE: JUNE 13, 2016		TIME END: 6:55 P.M.
LOCATION: 29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR		
TIME START: 6:30 P.M.		

ATTENDANCE LOG

BOARD MEMBERS	STAFF
Mary Fierros Bower	Barbara Jacobson
Kristin Akervall	Daniel Pauly
Ronald Heberlein	Jennifer Scola
James Frinell	
Fred Ruby	

AGENDA RESULTS

AGENDA	ACTIONS
CITIZENS' INPUT	None.
CONSENT AGENDA	
A. Approval of minutes of May 9, 2016 DRB Panel A meeting	A. Approved as amended
PUBLIC HEARING	
A. Resolution No. 328. 8855 SW Holly Lane Monument Sign: Two G's Real Estate - Owner/Applicant. The applicant is requesting approval of a Class 3 Sign Permit for a new multi-tenant monument sign at 8855 SW Holly Lane. The site is located on Tax Lot 303, Section 23AA, T3S, R1W, Clackamas County, Oregon. Staff: Jennifer Scola. Case File: DB16-0019 - Class 3 Sign Permit	A. Unanimously approved Resolution No. 328 with amendments to condition PD5.
BOARD MEMBER COMUNICATIONS	None.
STAFF COMMUNICATIONS	
	Daniel Pauly updated the Board on the Republic Services/SORT Bioenergy application, which was approved by City Council on first reading.

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JULY 25, 2016

6:30 PM

VIII. Board Member Communications:

C. Results of the July 11, 2016 DRB Panel A meeting

City of Wilsonville

Development Review Board Panel A Meeting Meeting Results

DATE: JULY 11, 2016		TIME END: 7:32 P.M.
LOCATION: 29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR		
TIME START: 6:30 P.M.		

ATTENDANCE LOG

BOARD MEMBERS	STAFF
Mary Fierros Bower, Chair	Daniel Pauly
Kristin Akervall	Barbara Jacobson
James Frinell	Chris Neamtzu
Fred Ruby	Steve Adams
	Connie Randall

AGENDA RESULTS

AGENDA	ACTIONS
CITIZENS' INPUT	None.
CONSENT AGENDA	
A. Approval of minutes of June 13, 2016 DRB Panel A meeting	A. Approved as presented.
PUBLIC HEARING	
<p>A. Resolution No. 329. 12-Lot Single Family Subdivision (Ash Park): Randy Myers, Brownstone Development – Applicant. The applicant is requesting approval of a modification to a previously approved condition of approval, Tentative Partition Plat, Modified Stage I Preliminary Plan, Stage II Final Plan, Tentative Subdivision Plat, Site Design Review, Type 'C' Tree Plan and Waivers for a 12-lot single family subdivision. The subject property is located at 8195 SW Maxine Lane on Tax Lot 2700 of Section 13B, T3S, R1W, Clackamas County, Oregon. Staff: Connie Randall</p> <p>Case File: AR15-0088 Modification to Condition of Approval (87AR25) DB15-0075 Remedial Partition – Tentative Partition Plat DB15-0076 Modify Stage I Master Plan for Ash Meadows DB15-0077 Stage II Final Plan DB15-0078 Tentative Subdivision Plat DB15-0079 Site Design Review DB15-0080 Type C Tree Removal Plan DB15-0082 3 Waivers</p>	A. Unanimously approved as presented with the addition of Exhibits A3 and C3.
BOARD MEMBER COMMUNICATIONS	None.
STAFF COMMUNICATIONS	None.