

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

MONDAY, MARCH 28, 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. **Welcome New DRB Members Samuel Scull And Samy Nada!**

VII. **Election Of 2016 Chair And Vice-Chair**

- Chair
- Vice-Chair

VIII. **Consent Agenda:**

A. Approval of minutes of the January 25, 2016 meeting

Documents: [Jan 25 2016 minutes.pdf](#)

IX. **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, Waivers 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 - Waivers

DB15-0115 - Tentative Subdivision Plat

The DRB action on the Comprehensive Plan Map Amendment and Zone Map

Amendment is a recommendation to the City Council.

Documents: [Staff Report.Exhibits.pdf](#), [Exhibit B1 Applicants Notebook.pdf](#), [Exhibit B2 Applicants Plan Set.pdf](#)

X. Board Member Communications:

A. Results of the February 8, 2016 DRB Panel A meeting

Documents: [DRB-A Feb 8 2016 Results.pdf](#)

XI. Staff Communications:

XII. 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, MARCH 28, 2016

6:30 PM

VII. Consent Agenda:

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

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

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

I. Call to Order

Chair Aaron Woods 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: Aaron Woods, Dianne Knight, Cheryl Dorman, Richard Martens, Shawn O’Neil, and Council Liaison Julie Fitzgerald

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

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 briefly updated the Planning Commission on the following:

- The recently appointed Transit Master Plan Task Force would be updating the Transit Master Plan which involved a long process and a lot of public input. The Master Plan update would consider how SMART Transit operated and served people, in terms of frequency and routes, and how it interfaced with TriMet and all forms of transit around Wilsonville. In the coming months, volunteers would be needed for surveys and she asked everyone to spread the word about the surveys because having more information would result in a better update to the Transit Master Plan.
- On the November ballot, the public would be asked about the recreation/aquatic center. A Communication Plan had been developed to inform people about the aquatic center and a four-page informational brochure was available from the city manager.
- Also on the November ballot, voters would be asked whether the City of Wilsonville should deny the opportunity for the sale of recreational or medicinal marijuana. The ballot measure was a required step of Measure 91, as the City could not unilaterally make the decision; it must be referred to the voters.

VI. Consent Agenda:

- A. Approval of minutes of November 23, 2015 meeting

Shawn O’Neil moved to approve the November 23, 2015 DRB Panel B meeting minutes as presented. Richard Martens seconded the motion, which passed unanimously.

VII. Public Hearing:

- A. Resolution No. 322. Universal Health Services: Universal Health Services, Inc., Willamette Valley Behavioral Health– Applicant.** The applicant is requesting approval of an Annexation of territory, a Comprehensive Plan Map Amendment from Washington County – Future Development – 20 District (FD-20) designation to City – Industrial designation, a Zone Map Amendment from Washington County – Future Development – 20 District (FD-20) to City – Planned Development Industrial – Regional Significant Industrial

Area (PDI-RSIA) zone, a Stage I Preliminary Development Plan, Waivers, Stage II Final Plan, Site Design Review, Type 'C' Tree Plan and Signs for an 8.72 acre site. The subject site is located on Tax Lots 400, 500 and 501 of Section 2B, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Washington County, Oregon.

Case Files: DB15-0091 – Annexation
DB15-0092 – Comprehensive Plan Map Amendment
DB15-0093 – Zone Map Amendment
DB15-0094 – Stage I Preliminary Plan (Master Plan)
DB15-0095 – Two (2) Waivers
DB15-0096 – Stage II Final Plan
DB15-0097 – Site Design Review
DB15-0098 – Type C Tree Plan
DB15-0099 – Class III Signs

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

Chair Woods called the public hearing to order at 6:36 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.

Chris Neamtzu, Planning Director, noted he was filling in for Blaise Edmonds, Manager of Current Planning this evening. He announced that the criteria applicable to the application were stated on page 3 and 4 of 101 of the Staff report, which was entered into the record. Copies of the report were made available to the side of the room.

Mr. Neamtzu presented the Staff report via PowerPoint, noting the nine proposed applications included two requested waivers, and briefly reviewing the site's history, location, and surrounding features in the Coffee Creek Industrial Area. His key additional comments were as follows:

- Referencing several pictures of the site, he noted that a number of the London Plane trees at the corner of Boones Ferry Rd and Day Rd were proposed to be incorporated into the site plan (Slide 5). Currently, Day Rd had a bicycle lane, but lacked pedestrian facilities; however, the application included 5-ft sidewalks along the Boones Ferry Rd frontage, undergrounding of overhead utilities on both frontages, and a completion of an 8-ft-wide sidewalk and some street widening along the Day Rd.
 - The overhead utility lines and street trees were installed when Day Rd was improved at the time the prison was constructed in the early 2000s (Slide 6).
 - Although the site seemed relatively flat from the Day Rd, a fair amount of grade and topography could be seen looking north across the site from Boones Ferry Rd. The proposed building was about 12 to 15-ft above the grade of Boones Ferry Rd.
- Annexation. Currently, Day Rd was inside the city, so it was considered a cherry stem down to the Coffee Creek Correctional Facility, which was also inside the city. The annexation would bring the subject parcels from Washington County's jurisdiction into the corporate limits for the City of Wilsonville, and the new boundary line would simply extend around the subject property (Slide 9).
 - The application included all of the applicable material needed for an annexation, and there were no electors on the site.
- The requested Comprehensive Plan Map amendment would change the property from Washington County's Future Development (FD) 20 District to an industrial designation, which was consistent with the City's Coffee Creek Industrial Area Master Plan.

- Washington County uses a single map for their Zoning and Comprehensive Planning and takes land coming into the UGB out of whatever zone it was in initially and places into FD20, an interim zone that limits many things that could happen on the site as a precursor to it coming into the City.
- The Zone Map Amendment would change the zoning of the site from FD20 to a Planned Development Industrial Regionally Significant Industrial Area (RSIA) zone. This would be the first time the RSIA zone had been applied within the city. A couple of site-specific RSIA sites existed, the large Elligsen site and a Mentor Graphic site, but the Coffee Creek Industrial Area was entirely RSIA.
 - There were only subtle differences between the standard Planned Development Industrial (PDI) zone, which the Board was familiar with, and this PDI-RSIA. The RSIA zone was intended to limit retail operations and encourage the maintenance of large parcels, particularly 50 acres or above. However, there were none in this particular circumstance.
- The Stage I Master Plan and Stage II Plan were essentially the same since there were no phases to the project, which had been designed and would be constructed in one phase.
 - The proposed building had a 30-ft setback from the right-of-way and 16.5 ft would be dedicated along the south side Day Rd for an additional eastbound through lane and a right turn lane. (Slide 15) Day Rd would ultimately be five lanes wide. Additional dedications would occur on the north side of Day Rd consistent with the vision established for the Basalt Creek Concept Plan Area, which was right across the street.
 - The site's primary entrance was near the west property line off of Day Rd with a radiating, circular entry drive. Parking encircled the building and wrapped around the site to the south. A network of pedestrian paths connected the parking areas to the main entry.
 - The building footprint appeared larger than it was because it had openings, view corridors, and outdoor spaces for various programs where individuals attending the facility would be able to recreate outside and have different kinds of classroom training sessions outside as well.
 - The curvy, dashed line shown namely along the west side of the site indicated the drip line of the native forest edge which was not proposed to be disturbed. A couple of larger detention basins were located in the southwest and southeast corners of the site.
 - A number of fire department apparatus improvements were proposed along Boones Ferry Rd. He indicated the emergency access, which would enable a fire truck to drive off Boones Ferry, over the curb line, up on a gravel road and do a three-point turn. The improvements provided firefighting access measured hose-lay fashion for the entire east side of the building, which was a fire district requirement for the site.
 - The Utility Plan showed storm and sewer coming off to the south and southeast, and the location of the site's onsite storm drainage.
 - Some conditions of approval regarded requirements for getting sanitary sewer up into the area, but the southeast location was more of an interim fix. Ultimately, the main sanitary sewer line would come down a future line in Day Rd and head west toward the prison.
 - The site sloped down from the northwest across the site, with several feet of grade change, resulting in the building being a bit higher at the southeast portion of the site. The setback along Boones Ferry Rd ranged from more than 80-ft at its closest point to well over 140-ft at its furthest point. (Slide 17) There were a couple of low points in the middle of the site, but everything would drain south to the detention basins.
 - He noted the building had a strong presence toward the street with the orientation tilted slightly, so the building was not square to the street. The slightly askew building served many functional purposes including an opportunity to save a specimen Douglas fir tree and open the entrance area up in a way that was beneficial to the visitor experience.
 - Parking. A condition of approval required 140 parking spaces. He explained that when Staff looked at Table 5 in the Parking Code for this particular use, the standard requirements did not fit. (Slide 18) Two use categories-were fairly close, Sanitarium/Convalescent Hospital/Nursing Home/Rest Home, or Home for the Aged, and Hospital, however, this facility was neither of those exactly, but somewhere in between.

- The Applicant's initial submittal anticipated that as many as 20 percent of the total visitors to the site would be coming via an alternative mode of traffic, which seemed like a fairly high percentage to City Staff. Through the traffic report, DKS Associates, and City Engineering Staff lowered that 20 percent assumption closer to 5 percent, a much more realistic, suburban number for the amount of people coming via carpool, bus, or bicycle. In working with traffic consultants, Staff's professional opinion was that 140 parking spaces was an appropriate amount, not 200 as indicated in the table for Hospital, and certainly not 50 spaces. Staff believed the 120 spaces proposed by the Applicant would be problematic, particularly as it came to some of the overlaps between shift changes.
- The Applicant resubmitted material showing essentially, a parking lot of 16 additional spaces off the main circular entryway, and with a couple of extra parking spaces for ambulances, the total would be about 138 parking spaces, so two more parking spaces were needed in the main parking lot to reach the 140 spaces Staff identified in the condition of approval. The Applicant would discuss/address whether Staff's request for 140 spaces was a good number for them.
 - The closer view of the new parking areas shown on Slide 19 was not on the large plans, but was included in the back of the binder set. The Applicant had proposed the maximum 40 percent of compact parking spaces on the site.
- He presented two site renderings and the building elevations (Slides 20 and 21), noting the building entrance and circular drive off Day Rd and the vegetated screen wall that would house the garbage, recycling, and other containerized storage.
 - The lack of parking between the building and street gave the building a strong presence and addressed many items, including the urban form, identified in the Day Road Design Overlay, as well as a number of things Staff had been working on for the past several years with regard to the Day Road Form-Based Code, a draft Code intended to bring buildings up to the street to provide an enhanced experience for pedestrians at the street and an enhanced public realm by deemphasizing the visibility of large parking areas.
 - The gymnasium space would achieve a building height of 38 ft, 4 in and the windows at ground level would be frosted or spandrel glass, providing privacy for those inside the building. All the windows above would be transparent.
 - The dining hall adjacent to the gymnasium was lower and then connected to a two-story administration facility where administrative offices would be located and where inpatient intake would occur.
 - The building had modern architectural style, incorporating durable materials in the form of split-face CMU block, running course brick with three different colors to give it warmth and texture, and large glass windows that achieved the glazing requirement on Day Rd.
 - The single-story component along Boones Ferry Rd (east elevation) housed the visitor/patient rooms. The Applicant would speak further about security/safety issues, particularly with regard to the glazing requirements on Boones Ferry Rd, as a waiver was requested for the percentage of glass on the east elevation. There were good reasons for the request, and the Applicant had done a number of things to activate the corner at Day Rd and Boones Ferry Rd, such as installing district signage, preserving trees, and putting in public art. The existing TriMet transit stop along Boones Ferry Rd would remain.
 - The west elevation faced the tree grove and featured the building entrance.
 - The fenced opening shown on the south elevation opened to two outdoor courtyards. The color materials board provided an example of the non-climbable fence material to be used.
 - A primary design element in Form-Based Code was for buildings to have a base, body, and top, and the Applicant embraced those elements with the dark colored, split-face block at the base, the brick as the body, and then a coping at the top that went all the way around the entire building.

- Since the Form-Based Code was not in place the elements were not applicable Code criteria; however, the intent was to bridge from the Day Road Design Overlay to the new Form-Based Code system that Staff had been talking about for a few years. At some point, the Day Road Design Overlay standards would be removed and replaced with the Form Based Code. Board Member Dorman was familiar with that process, having been part of some of the work sessions and the Technical Advisory Committee on that project.
- A color materials board would be circulated during the Applicant's presentation. (Slide 22)
 - The bands of cedar wood siding in between the window treatments was a very attractive feature on the large windows facing Day Rd and the warmth of the wood added a lot to the building's elevation.
- The 62,000 sq ft building would feel much larger than it was with long frontages, open courtyards, a walking path, and basketball facility.
 - The condition requiring ADA accessibility had been met with small pathways that connected the gates on the south side to the basketball court and then the walking trail.
- A height waiver had been requested for shorter than the 48-ft high standard. Interestingly, the Day Road Design Overlay did not specify how close a 48-ft high building should be to the street, but the building was intended to frame the street.
 - The graphics on Slide 23 showed lines of equivalence to demonstrate that the shorter 38-ft building height with the proposed 30-ft setback should feel similar to the visitor at the street as the 48-ft building height required by Code with a 39-ft or greater setback, which was allowed.
- He displayed the new renderings that were emailed to the Board this morning (Slide 24) which depicted the fire department access on Boones Ferry Rd and the non-climbable fences on the south side of the building. A more mature landscape was illustrated than would be seen when installed.
 - Another photo showed the corner of Day Rd and Boones Ferry Rd, which provided an opportunity to identify the business district. The Applicant would be activating the corner with a colorful piece of art and Coffee Creek-identifying signage that would send a strong message about the type of architecture expected along the corridor and the type of development the community had envisioned. The signage would not say "Gateway" but something like Coffee Creek Business District to describe the larger area beyond the corner of Day Rd/Boones Ferry Rd.
- Examples of art work were also presented which he believed were attractive and would add interest. He looked forward to working with the team to find the appropriate piece to highlight the corner.
- The Landscape Plan featured many short bands and swaths of colorful plants and grasses, most of which were 18 to 24 inches in height. A lot of evergreen trees would be planted along the Boones Ferry Rd frontage, and the grove of trees on the main corner was being preserved. Each little pattern on the plan represented a grouping of similar shrubs that would offer different textures, colors, and feels throughout the four seasons. The plan was well-designed with a lot of native plants, relatively low maintenance and very little lawn, which was mainly in the interior courtyards.
 - The large grove of native fir trees on the west side would not be disturbed and nothing would be added to that understory.
- Lighting Plan. The Applicant was pursuing the prescriptive approach and all five lighting types were LED, full cut-off style lamps. (Slide 27)
 - The submitted photometric plans depicted very little light intrusion and no light intrusion onto the rights-of-way; the foot-candles were relatively reasonable.
 - A condition required the Applicant to turn the lights off after 10:00 pm, but the Applicant pointed out that as a 24-hour operation, the facility fell under a Code exemption for all-night 24-hour operations. Staff agreed that condition did not really apply. Given the security and

safety issues, lighting would be important all night at this site, and because the lighting plan was not very bright and the lights were all designed with full cut-off lenses, the request to waive that condition was reasonable.

- The vertical calculations at the property line (Slide 29) depicted no light spilling off the site into the rights-of-way. The street lights on all sides of the site would light the pedestrian realm and spill a bit onto the site, but the light from the site would not spill off the site.
- Type C Tree Plan. About two-thirds of the trees on the site were being saved. The handful of trees being removed included larger Douglas fir trees on the interior along the building footprint areas.
 - The Applicant did a quality job of protecting trees on the south and west of the site, as well as some of the larger London Plane trees planted with the homestead at the northeast corner to frame the walls with that identification and district signage, as well as to screen and buffer the building.
- The Sign Plan was well-designed; everything was coded by sign type and mapped by sign location as indicated on the Sign Location Plan. He reviewed the types and scale of the signage, noting the 7-ft high driveway entrance signs on Boones Ferry Rd and Day Rd were tastefully done and would help identify the entryways for those coming to the facility.
 - The Applicant had a large building with lots of linear feet but was proposing significantly less than the allowed sign area.
- He entered the following new exhibits into the record:
 - Exhibit D1: Email correspondence between Tualatin resident Grace Lucini, the Cities of Tualatin and Wilsonville Planning Staffs, and City Development Engineering Manager, Steve Adams dated January 14, 2016 through January 20, 2016. Ms. Lucini emailed Staff this morning, thanking them for their responses.
 - Exhibit D2: Memorandum dated January 22, 2016 from Planning Director Chris Neamtzu noting corrections to the Staff report, added language to Summary Finding C11, and a new Condition PF16 from City Engineering. He briefly reviewed the proposed changes.
 - Exhibit D3: Five new color renderings dated January 25, 2016 submitted by the Applicant, featuring the view east on Day Rd, the entryway, the view from Boones Ferry Rd looking south and to the north, and the gateway.
 - Exhibit D4: Email dated January 25, 2016 from Kenneth Sandblast, Director, Land Use Planning, Westlake Consultants, requesting two clarifications regarding Conditions PF13 and PDG7.
 - He noted that Development Engineering Manager, Steve Adams had agreed to the proposed changes in Condition PF13 which addressed the general direction of the future sewer connections.
 - Staff was perfectly comfortable deleting Condition PDG 7 which required the lighting to go to 50% after 10:00 pm. He explained that Exception 3 was the exception in the lighting standards for 24-hour operations. The Applicant would address the legitimate operational reasons for removing the condition.

Shawn O'Neil understood the project did not fit any particular use for a 50 or 200 parking minimum, but asked why Staff was strongly endorsing 140 parking spots.

Mr. Neamtzu explained the Applicant had provided numbers of employees for each of the three work shifts. Staff considered the 7:00 am to 5:00 pm shift, which had about 63 employees; the 3:00 pm to 11:00 pm shift, which had about 38 employees; and the two visitor times from 12:00 pm to 2:00 pm, and 7:00 pm to 9:00 pm. Staff believed the largest potential for onsite parking concerns was during shift changes and visitor times. Mr. Adams had carefully considered the matter and spoke to Scott Mansur at DKS about the numbers, but the combination of workers overlapping as they came and went as well as having visitors added up to the 140 parking spaces.

Richard Martens confirmed that Staff agreed with the proposed changes to the conditions discussed in Exhibit D4.

Cheryl Dorman confirmed that at some point, Day Rd would be a major arterial with up to five lanes as Coffee Creek continued to develop. She inquired if there were plans for bus stops or pullouts, noting she perceived the area as being busy in the future and she was concerned that buses pulling over could cause congestion.

Mr. Neamtzu replied that currently, TriMet's 96 bus line used the bike lane to pull over on Boones Ferry Rd at the corner of Day Rd on the east side of the property. The 96 Line terminated at Commerce Circle. The issue was the subject property was not in SMART's or TriMet's service district. SMART made statements to Staff, which were included as Findings, that they were prepared to serve the site. Upon annexation, the site would become part of SMART's service district. SMART was more than capable of providing service to the area long-term. SMART was engaged with the Basalt Creek Area and already had ideas for routes that would connect through the Coffee Creek Industrial Area. None were formal at this point, but SMART was working on an update to its Transit Master Plan, so he believed there would be enhanced transit service in the area.

- There were already bike lanes on Day Rd, and it was common for buses to pull over in bike lanes, so Staff was not requiring bus pullouts at this time. Additionally, SMART did not ask for one at this location, so Staff did not include it in the conditions of approval.

Steve Adams, Development Engineering Manager, added that in past conversations, SMART did not favor bus pullouts because of the difficulty for the buses to reenter the traffic lane. SMART believed it was safer and easier for their drivers to stop at the curb. The buses only stop for 15, 30 seconds, so even though there were slight traffic impacts when a bus stopped, it was a safer maneuver overall than having a bus pull out.

Mr. Martens confirmed the property on the north side of Day Rd was in Tualatin.

Mr. Neamtzu added that in the Basalt Creek planning, a contingent jurisdictional boundary had been established, which would be the East/West Basalt Creek Parkway. As of today, that area looked like it would become part of the City of Wilsonville long-term. Although everything in that area had a Tualatin address, everything between Tualatin and Wilsonville was in the Sherwood School District.

Mr. Martens confirmed all the surface drainage would go into some sort of a catch basin.

Mr. Neamtzu noted the Drainage Report was contained in the large bound packet. Conditions from the Natural Resources Staff required more analysis on low impact development (LID) to ensure that, to the maximum extent practicable, the Applicant addressed the low LID standards, which were the bio swales and linear drainage features for rainwater to collect and flow. Incorporating LID features would reduce the size of the large ponds at the south side of the site, which could be unattractive. The City had new Public Works standards in place to require LID and Staff would continue to work with the Applicant through the construction set creation to be sure those LID standards were addressed.

Mr. Adams added that as currently designed, the drainage would go to the southeast, down Boones Ferry Rd, reconnect up to the storm system on Commerce Circle, then down to the Coffee Lake Wetlands area. In his opinion, this was the preferred route to take storm water. Most of the flooding on Commerce Circle was due to the drainage channel directly to the west. As designed, the drainage would avoid the area that seemed to have the most draining problems.

Mr. Martens asked if the electrical along Day Rd would stay above ground.

Mr. Adams replied a condition required that the overhead utilities on both Day Rd and Boones Ferry Rd be brought underground.

Chair Woods called for the Applicant's presentation.

Ken Sandblast, Director, Land Use Planning, Westlake Consultants, introduced members of the design team.

Rob Minor, Universal Health Services, Inc. (UHS), stated he was from the regional office in Nashville and provided brief overview on UHS, which was celebrating its 37th year in business and operated in 37 states, the Virgin Islands, District of Columbia, and United Kingdom. In the Behavioral Division, UHS had about 22,000 behavioral health beds and about 6,500 medical/surgical beds, which would be similar to the Providence Hospital system. The company bought its first behavioral health facility in 1982, and now had 225 behavioral health facilities around the country that were acute psychiatric hospitals, like that proposed here. UHS also had a group of residential treatment centers, which were typically centers for children and adolescents placed by some jurisdiction, as well as schools, and outpatient facilities. The service lines at this acute facility would provide short-term care for people having psychiatric events. Last year, UHS served 427,000 patients and offered about 5.5 million patient days.

- Since its founding, UHS's core business model was to provide the best possible care to its patients in a safe environment that would allow for their healing and reintegration into the community. Their facilities were community-oriented. UHS considered the service lines needed for the services required in the local community and focused on those services according to the type of patients, whether adults, senior adults, adolescents, or children.
- UHS also tried to become a part of every community and had a CEO that would live locally and be involved in the community. UHS would have functions at the facility to invite the community in, such as lunch and learns. UHS typically got very involved with area school systems providing experts, doctors, nurses, and other people to go into the school systems and talk about suicide prevention, bullying, and other issues related to mental health, as well as help teachers specifically understand the children. For example, if a child was evidencing some issue that they may need some help or someone to speak to them about suicide. UHS was delighted and excited to be in Wilsonville and believed they had a great design team to bring a great facility to the area.

Chair Woods asked why UHS choose Wilsonville.

Mr. Minor responded that UHS looked at the demographics around the area; they had a facility in Beaverton and believed having a facility south of Portland would serve the greater Portland area, as well as people south of Beaverton and south into to Salem and other areas. UHS received a lot of patients from emergency rooms of regional hospitals, and this was a great location because of its access off the interstate and the availability of land.

Ron Escarda, Group Director, UHS Northwest, stated he lived in Seattle where UHS also had operations. He describing the facility and services UHS offered via PowerPoint, stating the proposed 100-bed facility would provide short-term, inpatient behavioral health care to the community. The average length-of-stays were typically nine or ten days. UHS specialized in intensive behavioral health treatment, which focused primarily on the inpatient side, but also provided outpatient services, partial hospitalization, and other linkages with the provider community. Services would be provided for adults, children and adolescents, geriatric and/or older adults, and active duty military, veterans, and their families and dependents.

- To give a little context to what UHS did, he explained the vast majority of their patients were suffering from some type of depressive episode or crisis, a mood disorder, PTSD, or anxiety disorders. Typically, a facility of this size would have about 180 FTEs and eight to ten psychiatrist

providers on staff as well as a few other providers to support the medical component, such as people who would work with the patient population regarding any medical comorbidities.

- UHS also linked with specialists in the community to make sure a comprehensive treatment experience was provided for their patients, recognizing that because some patients were in a mental health crisis, it could be the only time they actually get to see a health care provider. UHS had a higher level of sensitivity around making sure the medical and behavioral needs were being addressed in someone who may not have access to other general health care. On average, UHS typically would have 10 to 12 patients coming in and out of the facility given the length of stay and size of the facility.

Mr. Escarda and **Mr. Minor** addressed several questions from the Board as follows:

- UHS would not be separately licensed as a standalone rehab or addiction facility. If UHS treated substance abuse in this setting, it would most likely be a co-occurring disorder, such as somebody with a primary mental health diagnosis, who also had a subsequent alcohol or drug dependence issue.
- Although it depended on the patient, patients typically returned home and families or back to the settings from which they came after treatment, such as a group home. Because a fairly good-sized number of child and adolescent beds were proposed, UHS envisioned the majority of those patients would return home or to foster care or wherever they originated from. UHS had a full process and multidisciplinary treatment team that worked with discharge planning and the coordination of after-care, which essentially began at the moment of admission. At the time of discharge, it was a pretty planned-for event in terms of how patients were transitioned into both outpatient and their living situation, but also their continued access to outpatient behavioral health services post-discharge from the facility.
- All patient care areas would be locked internally so patients could not wander off the property. This was a standard process, even though there would be a combination of both voluntary and involuntary patients. It was a fairly secure facility that also used cameras. A lot of construction and design efforts inside the building were focused around safety. Because so many patients were deeply depressed or suicidal, UHS facilities had state-of-the-art anti-ligature design elements. A lot of time was spent anticipating and mitigating where patients might potentially choose to harm themselves as part of the design. UHS had many years' experience and a lot of strong support from the Corporate Risk Management Department that provided guidance about how internal facilities were designed.
- UHS did not typically have separate security staff unless there was a need due to community issues. All of the staff was very well trained to engage, interact, and manage the patient population, which was a key element of UHS. The clinical program was highly-structured, so the patients were kept very busy and a lot of the program was operated within social/multi-modal group settings. Having a structured program and well-trained staff were key to managing the patient population.
- UHS would create approximately 180 new FTE jobs and be hiring from the local community. Salaries would be in the \$45,000 to \$60,000 range on average.
- All the areas with patient access, such as courtyards and public access areas, would have non-scalable fencing. However, no fencing was proposed around the perimeter of the facility itself. Another factor was the significant HIPAA and privacy issues related to protecting the patient population, as well as mitigating the connection to the general public.
 - The fencing would be screened similar to a tennis court so no one could see in.
- Typically, UHS built 80 to 100-bed facilities. However, it did depend upon UHS's demographic and needs analysis of the respective community and what services were currently available. UHS believed the community was a bit under-bedded at this time, particularly with regard to inpatient services for children and adolescents, which was a primary reason UHS was building the facility. The facility in Beaverton at Cedar Hills did not have any child or adolescent beds; they were all for adults. Based on conversations with many of the community's mental health and inpatient providers, UHS determined that increasing the adolescent capacity would be good for the community.

- UHS facilities typically did not run at 100 percent occupancy, but 80 percent was considered full from an operational perspective because sexes and age groups could not be mixed, so 80 percent occupancy was considered “maxed-out.” The facility never comingled the adult and adolescent populations and issues around male and female populations were also observed.
 - Children and adults were also separated during dining and other activities. One of the rear courtyards would probably be designated just for children with play equipment, whereas the other outside courtyard area would be for adults with seating areas and such.

Ms. Dorman commented it was sad the community needed such a facility.

Mr. Escarda agreed, adding that unfortunately the demand for such services seemed to be increasing, not decreasing, based on the complexities of our society and some of the socioeconomic issues people were experiencing.

- Referencing the Applicant’s Building Plan, he described some of the operational parameters of the program. The two diamond-shaped, isolated areas in blue were essentially nurses’ stations, which were laid out to have continuous lines of sight down both corridors. Wherever there were patients, observational lines of sight were necessary to keep an eye on patients as they moved in and out of their rooms, group activities, and day room activities.
- The courtyard areas would function as patient activity yards, enabling patients to get some fresh air and participate in recreational therapy and a variety of different activities, most of which regarded normalizing the aspect of socialization. UHS would teach and work with the patient population to develop skills and tools to function in normal social settings in a much better way going forward.
- UHS’s process was fundamentally different than a typical medical hospital; it involved a social behavioral model. In a hospital setting, services were brought to the patient’s room. At UHS, patients were encouraged to be out of their rooms, not isolated, involved in group activities, and to interact with one another and staff.

Mr. Sandblast noted the only spot that would have any of the fencing shown on the materials board was along the south side of the two outdoor activity yard areas.

Mr. Escarda added one reason UHS wanted a one-floor configuration was for the ability and ease to move patients through the facility into different group activities, in and out of the dining room, etc. Elevators made moving patients more difficult. A one-story setting was safer for patients and staff, and made accessing visitors easier. Activities like recreation therapy, large motor movements, yoga, and pet-assisted therapy were fairly common in UHS facilities and he anticipated having similar programmatic structures at this facility.

Mr. O’Neil asked how an emergency situation, such as a fire that required evacuation, would be handled and how the facility would cooperate with local authorities. He inquired where those having to exit the building would go.

Mr. Escarda replied it would depend on the type of emergency. A true fire would require egress from the facility. During fire drills, which were done on each shift every quarter, patients would be evacuated into the gymnasium or courtyard areas because they were safe and secure and staff was able to move patients to and from those locations easily.

Mr. Sandblast stated Staff did a great job discussing the site’s details and the facts regarding the application, including the existing conditions, zoning, application of the Coffee Creek Master Plan, and how the Applicant integrated some of the Day Road Overlay District details, particularly with regard to height, glazing, and setbacks. The site did need to be annexed, so a recommendation to City Council for approval on that, as well as the Comprehensive Plan and Zone changes was requested, in addition to

approval of the Stage I and Stage II. He presented the site plan via PowerPoint, describing why the project looked as it did with these key comments:

- One thing the Applicant considered when first starting the project was the site conditions. The initial pre-application plan had a more traditional industrial development and parking design that would maximize the redevelopment of the property right out to the edges of all of the setbacks. After receiving more facts about the property at the pre-application meeting, the Applicant started over. They looked at where the groves of trees were, how the grades worked, etc. and instead of mass grading the site, started with retaining the trees on the west and south sides of the property, which guided the Applicant into the northeastern part of the property. The operational requirements of the facility, having the corridors and creating a floor plan that worked were another factor and the Applicant was able to fit the building footprint into an area of the site.
- There was a slight grade change moving south across the site, which was resulted in the small rise in grade at the southeast corner of the site. Otherwise, the Applicant worked with the existing grade, which was relatively flat through a majority of the property, on the north half of the proposed building.
- He described how the grade of the parking area would rise and fall after entering the property heading south and then southwest around the corner of the building. The undulation in the parking lot was done to minimize the amount of grading that would be needed and to facilitate the use of low impact storm water design, including surface treatment and surface flow without a lot of pipes and catch basins.
- City requirements for treatment for water quality and detention necessitated the two basin areas, which came as a result of undulating parking lot to work with the grade. The Applicant tried to minimize the basin area to avoid having the traditional holes in the ground with fencing that were an eyesore. The surface flow would be taken out to the southeast, but it was at least 40 to 50 ft to the detention facility, so in this case, the basin area was more of a depression and fully landscaped. The Applicant worked hard to avoid having a traditional catch basin facility.
- The arborist's report, which was in the record, also influenced the proposed site plan, as well as the requirements for emergency vehicles and access for the maintenance of the stormwater facility. The emergency-only and stormwater facility accesses would be all gravel surfaces that would blend into the landscaping, so they would not stand out.
- With regard to the corner, the Applicant had listened to the site and the community's plans for the area to be a gateway to the Coffee Creek Industrial District. The City had done a great amount of community effort to get the Coffee Creek Master Plan adopted, so the Applicant wanted to acknowledge that.
 - Some improvements proposed at the Day Rd/Boones Ferry Rd intersection included a low landscaping wall to provide the opportunity for the kind of significant entrance identification intended for the area, as well as some public art space. As mentioned, traffic would continue to increase at the intersection, so the Applicant wanted a significant element that would stand out for vehicular traffic waiting at that intersection and also be acknowledged by pedestrians and buses stopping along Boones Ferry Rd.
 - As conditioned, the Applicant would be doing frontage improvements and undergrounding utilities to make the environment more pedestrian-friendly along both frontages. The existing transit stop would be integrated into the south portion of the gateway. The Applicant planned to preserve and integrate as many of the trees on the corner as possible when doing the frontage improvements
- He noted 75 to 80 of the 145 to 150 trees would be retained with this plan, which was a very large number and way above average for an industrial site. Landscaping was proposed on 39 percent of the site as opposed to the 15 percent minimum, which was also extraordinary and provided a golden opportunity for this corner to set a standard for future development in the area.
- The Applicant acknowledged the City parking analysis and accepted the condition requiring 140 minimum parking spaces. He described the factors that influenced the placement of the additional

parking lot, which involved grade and tree preservation, and explained where the two remaining additional spaces could likely be accommodated.

- The Lighting Plan was designed to not cast light off of the property; not only was everything designed to cast light down, but the entire vegetated area along the edges had been retained and would be enhanced, so no light would be cast off the site.
- The only light that was proposed was for the safety and access of pedestrians, visitors, and patients, so although having the light and this continuous operation might sound onerous, no light was being cast off the property any more so than it would before or after 10:00 o'clock.
- As required by the City, the Applicant held a community meeting, which was notified to 1,500 ft, not the typical 250 ft, after he and Mr. Minor drove the area multiple times. About 110 to 112 properties received notification and about seven or eight community members attended the community meeting held about one week ago. The Applicant discussed the facility and answered questions, including questions from Grace Lucini who had submitted testimony. It was a good opportunity and UHS was very committed to that meeting.

Chair Woods commended the Applicant for doing a good job with the parking details, noting the designations for carpooling, vanpooling, etc. He asked why so many spaces were designated for compact cars.

Mr. Sandblast responded because there would be a lot of staff parking since staff would be there for extended periods of time. Secondly, the Code provided for compact spaces, and most importantly, the Applicant was attempting to work with the site as best they could, and compact spaces provided the opportunity to minimize the additional impact. The compact spaces came up very late, after the initial landscape work and pedestrian connectivity layout were completed. One plan had pushed the parking farther around to the southeast corner, but that started to impact the grades and created retaining walls. He and a couple others had pushed pretty hard to minimize the visual and aesthetic impacts to the community traveling from the freeway interchange north on Boones Ferry Rd. The Applicant then reviewed the Code and discovered the compact spaces, which enabled them to pull some of that paving back and rework that corner of the site.

- He clarified that he did not know if the employees would be driving compact cars, but even though compact spaces were smaller than standard spaces, they would be used by a standard-sized cars. He did not know that there would be an extraordinary number of compact cars.

Chair Woods asked why there were no spaces to charge electric cars.

Jarvis Payne, Walker Macy, replied they could easily be added if that was something the Board wanted, adding he believed it was a great suggestion.

Chair Woods noted that given environmental and green space concerns, many developers were starting to install electric vehicle (EV) charging stations. He would like to see at least a couple EV charging spaces and suggested that perhaps some of the 49 compact spots could be designated for electric charging.

Ms. Dorman confirmed with Staff that the City currently did not have anything in the Code requiring EV charging stations.

Craig Thompkins, SRG Partnership, continued with the Applicant's presentation, noting the key guiding design principles focused on the safety, comfort, and privacy of the patients and staff.

- The essentially one-story building not only provided a safe environment for patients, but access to the outdoors as a patient's ability had been proven to heal and improve with access to nature and daylight, which was why there were so many courtyards and thin building elements that allowed

daylight penetration into the interior spaces. Another important aspect of design was preserving the trees to promote the access to nature as part of the healing concept for the project.

- Working with City Staff and understanding all of the Day Road design requirements led to establishing a clear main entry point with the building oriented towards Day Rd. A lot of the design focused on orienting the main entry to be clearly seen from Day Rd and to provide an entry plaza experience that extended out to the sidewalk and street on the Day Rd side.
- This feature was an element of evidence-based design frequently utilized in healthcare to reduce stress and anxiety by improving wayfinding by providing only one main entry. Therefore, there was a lot of emphasis on separating service entries from the main entry to avoid confusion, including the occasionally-used ambulance entry point, which was also screened. The remainder of the building provided doorways to the outside to access the patient courtyards or emergency exits.
- With regard to fires, the building was designed to defend in place. If there was a fire in a particular place, the building would not necessarily need to be evacuated. Smoke barriers were strategically located in all parts of the building so patients and staff could be moved from one area to another while the fire was being extinguished. The facility also would have emergency power service.
- The elevation designs emphasized durable, high-quality materials, including brick, ground-face block, aluminum and glass. In certain locations, such as the division between the first and second floor areas, softer products were introduced. The materials board was displayed and circulated to the Board.
 - The cedar wood would soften the exterior. The colors were selected to maintain a warm, natural palette of color consistent with the surroundings and landscape. The no-climb fences were only on the south building elevation and would not be very visible from Boones Ferry Rd, and not at all visible from Day Rd.
 - The two-story elements visible from Day Rd were the gymnasium and the administrative element, which had administrative offices on the second floor and outpatient services on the main floor, and linked with the dining facility.
- In terms of the requested Glazing Waiver, the combination of glazing shown on the Boones Ferry and Day Rd sides averaged 20 percent, which was the requirement. However, the Boones Ferry Rd side was at 16 percent because of the patient rooms where larger windows were not wanted. The glazing on the Day Rd side was increased to 24 percent to balance that. From a design point of view, in terms of wayfinding and identifying the building with the public, the Day Rd side was the side to draw the most attention to. This was not the kind of facility that should be set right up to a sidewalk where people could look in the windows, which was why the windows were frosted and buffers of landscaping existed all around it.
- Careful attention had been paid to the screening the rooftop equipment. In a couple of small areas on the Exterior Elevations, there might be equipment poking up over the top of the parapet, but on the perspective views, the equipment was well-screened. The Applicant had tested using a 3D model to ensure no equipment was visible from the street.

Mr. Payne presented the Landscaping Plan, reviewing the renderings submitted in Exhibit D3 with these additional comments:

- Two existing Douglas fir trees at the entrance of the building were incorporated into the design. One would be in the center of the vehicular drop-off area and the other would be in the entry plaza. The street trees in the entry plaza were opened up to provide clear visibility into the project and provide a sense of welcoming.
- As mentioned, all the other plant material shown would be 3 ft or lower to maintain sight lines throughout the site for security and for easier long-term maintenance as plants under 3 ft high do not tend to become maintenance problems. A high percentage of native plants were chosen and even those plants did not grow higher than 3 ft, so there would not be the typical overgrown bramble often seen in native landscapes. A select palette of native plants was chosen to maintain a clean landscape with secure views throughout.

- In the front, a palette of perennials and shrubs were chosen that would stay even lower. Big, broad bands of monocultures were proposed to play texture and color off of one another. It would be a really strong graphic landscape that was low maintenance. All the plants would either be native or so-called friends of natives, so that after the plants were established, the amount of irrigation could be cut back significantly with a five-year goal of having to water only during the summer months when there was no rainfall.

Mr. Sandblast noted the proposed grading was accurately depicted in the Exhibit D renderings, including the existing Day Rd property entrance. Everything was drawn to scale as much as possible. The Applicant tried to ensure that the proposed street trees and existing vegetation were accurately shown, based upon the site survey and arborist's report, to make sure the renderings were as graphically accurate as possible.

Mr. Payne noted that generally in renderings, plant material was shown at 15 years of age. The City's Code required that the ground plane be 100 percent covered after three years. Based on the plant material chosen and spacing, the ground plane on this site would be 100 percent covered by plants in three years.

Mr. Thompkins noted the Entry rendering of Exhibit D, stating the Applicant needed to provide a protected, covered vehicular turnaround/drop-off area with close proximity to Day Rd for identity purposes so people knew where to go to enter the facility, which was achieved. The Applicant took measures using planted trellises to screen service areas and the ambulance entry from the view of the main entry and provide the pedestrian plaza that would come out to the sidewalk of Day Rd.

- The underside of the entry canopy was cedar wood siding shown on the materials board, as was the material between the upper and lower glazed areas on the Day Rd side.

Mr. Payne added that instead of plantings under existing trees and disturbing the roots, river cobble would be laid down as permanent, long-lasting mulch, which would introduce a different texture into the landscape.

- Referencing the Boones Looking South view (Exhibit D), he indicated six London Plane and two Douglas fir trees that were being preserved. River cobble would also be used there to avoid disturbing the existing trees' roots. The low concrete wall would utilize a small pile-footing that was less disruptive to roots than a spread-footing. Because the wall was not structural, less invasive footings could be utilized.

The wall would be a nice complement to the existing trees, sculpture, and the texture of the cobble, and a really attractive gateway feature for the project.

- The Gateway view provided a more direct view of the corner, gateway elements, and trees. Looking down Day Rd, the proposed street tree for Day Rd was exactly the same variety as the existing trees. Although they were being removed, the Applicant believed it was a good selection and that street frontage would be continued all the way down Day Rd.

Mr. Sandblast commented that preserving the trees helped solve the design problem of screening and protecting the patient care areas of the project, while providing a view corridor into the main public area of the building. That was one reason why the Applicant wanted to preserve the trees and not disturb them by moving the building up to the corner.

Mr. Payne continued, displaying the Boones Ferry North elevation (Exhibit D), noting the grade really dropped off and the building would sit on a knoll. The idea was to reestablish the native vegetation using Douglas firs and Western Red Cedar. The majority of plants placed on the bank would be natives that would stay 3 ft or lower to avoid maintenance and security issues. He indicated the gray area was the gravel fire access and maintenance access road to one detention pond. He clarified that the gray color would actually be much more subtle than it appeared on the rendering.

Mr. Sandblast also indicated the fencing for the outdoor activity yard areas, the end of the paved parking and how it would transition around the bank, and the storm swale area before it would discharge into Boones Ferry Rd. This was an example of what the community would see traveling up Boones Ferry Rd.

Mr. Payne interjected that even in the detention facility, a select group of native plant materials would be used that would not become wild eyesores and stay below 3 ft high. He believed the facility would have a more maintained appearance than their reputation usually carried.

Mr. Sandblast noted the graphical placeholder for the proposed art on the Boones Looking South view (Exhibit D3). The Applicant looked forward to working with Staff on the gateway, noting the history in the area of basalt and stone and the Basalt Creek Master Planning Area. The Applicant would try to integrate some stone into the gateway and work with Staff to get something in there to activate the corner as the gateway that the community wanted for this industrial/business district area.

- He noted the condition in Exhibit D2 requiring working with the City to make sure construction traffic would not negatively impact traffic during peak hours was acceptable. The Applicant understood these were two busy streets, and they would be working with Hoffman Construction, who had a long history of being able to deal with projects of this kind.
- The conditions of approval as prepared, including the one corrected to state from westward to north, were all acceptable to the Applicant.
- He concluded by requesting approval of the application.

Mr. Martens asked if there would be a dedicated left-turn lane on Day Rd, as he assumed most employees and others would be turning left to enter the facility.

Mr. Sandblast responded that Day Rd would be a five-lane cross-section, and per the Conditions, the Applicant would provide a 16.5 ft right-of-way dedication; however, he did not know what the City's Master Plan stated for the actual configuration of the cross-section at the intersection.

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

Martha Hill, 9710 Day Rd, stated that she and her brother owned the property. She appreciated the presentation, adding that the facility looked beautiful. She asked about submitting written questions to the Board.

Barbara Jacobson, Assistant City Attorney, clarified that if she wanted something on the record for consideration, it would have to be submitted tonight. For just answers to questions, she could contact the Staff. If she wanted something for consideration by City Council, she would need to put her questions into the record tonight.

Ms. Hill noted trees were shown near her property where the Applicant proposed adding parking spaces, and she hoped to not have parking right there. She appreciated learning that the lighting would be staying on the facility's property and not light up her family's residence. Having the lighting for safety reasons made sense. She thanked the Applicant and Staff for the presentation, which was nicely done.

Chair Woods called for the Applicant's rebuttal.

Mr. Sandblast said he appreciated Ms. Hill's comments, noting he had met her brother at the community meeting. He displayed Staff's Tree Removal Plan (Slide 31) and indicated the "crown" on Day Rd that continued to drop off as the road went west toward the creek crossing. He pointed out where the grade change occurred on the site, noting the requirement to widen and improve the road would mean further grading in the area. He explained that the bank had to be laid back a little bit with the grade, and not just

cut back and retaining walls installed. Grading the bank would result in the removal of trees in the northwest corner of the site. As the Applicant looked to accommodate the recommendation and subsequent condition for additional parking, they chose an area that did not impact the biggest stand of trees on the property. The area was chosen for parking because it was flat and had trees that were already being removed for the grading associated with the frontage improvements, providing an opportunity to accommodate the additional parking without significant tree removal.

- In addition to the trees that would be removed, some existing trees would be retained. The dashed line indicated a 30-ft setback line, which provided a sense of the depth dimension. The Applicant was also attempting to retain trees on their property, so there was less impact to trees on offsite property, like Ms. Hill's. The Applicant wanted to maintain the integrity of the stand and retain the protective trees around the edges of the grove.
- He also noted a slight berm or knoll in the northwest corner and then a substantial drop in grade from the west edge of the property across the 30 to 40 ft of setback. The trees being retained were more on the top and along the edge of the bank to maintain the integrity of the ground. The Applicant had sent a geotech soils on the whole property as part of the grading plan.

Ms. Dorman confirmed there would be natural berms, trees, and foliage that would maintain some privacy for Ms. Hill's property.

Mr. Sandblast appreciated Ms. Hill touching on the lighting. The Applicant wanted to make sure adjacent property owners were aware that they would not get a lot of light. The lights would be focused on the developed area of the property.

Chair Woods confirmed there were no additional comments at this time. He recommended adding a condition to designate a minimum of two parking spaces to accommodate EV charging stations.

Mr. Adams addressed the question about adding a left-turn lane. He explained that Day Rd already had an existing left-turn center median lane that would remain with the development. An extra eastbound lane was being added on the south side of the road, so there would be two eastbound lanes and a left-turn pocket. He stated he would work with the Applicant to make sure there was adequate left turn space for both movements to occur

Mr. Neamtzu commented that the Applicant sounded amenable to the EV charging station condition; however, it was important to note that there was no City Code to require them. He confirmed the Board could recommend, but not require EV charging stations.

Chair Woods closed the public hearing at 8:34 pm.

Staff advised on the wording of the motion to incorporate the exhibits and recommendation regarding the addition of two EV charging stations.

Shawn O'Neil moved to approve Resolution No 322, adopting the Staff report dated January 14, 2016 as amended by Exhibit D2, in which the changes to Conditions PF13 and PDG7 from Exhibit D were incorporated, with the addition of Exhibits D1 and D3, and recommending the installation of two electric vehicle charging stations. Dianne Knight seconded the motion.

Ms. Dorman believed the Applicant did a fantastic job incorporating ~~what~~ the vision for Coffee Creek Industrial Park, adding Mr. Neamtzu did a great job filling in last minute.

Mr. O'Neil added that Staff did an excellent job working with the Applicant, adding it was the best presentation he had seen in a while and he appreciated everybody's work.

Chair Woods agreed it was an excellent, detailed presentation and well worth the time spent to review it. He also commended Staff for their great work on the presentation.

The motion passed unanimously.

Chair Woods read the rules of appeal into the record.

VIII. Board Member Communications

- A. Results of the December 14, 2015 DRB Panel A meeting
- B. Results of the January 11, 2016 DRB Panel A meeting

IX. Staff Communications

Daniel Pauly, Associate Planner, noted Staff was not sure how long Mr. Edmonds would be absent, so any questions for Mr. Edmonds should be directed to him. There would be a new associate planner joining Staff soon, and she looked forward to meeting and working with the Board.

Chris Neamtzu, Planning Director, stated he would be attempting to set up carpooling for the Smart Growth Conference and his assistant, Tami Bergeron, would send out emails to that effect. He might not be able to attend, so he might be looking for someone to use his registration. He confirmed that the entire Board had been invited.

X. Adjournment

The meeting adjourned at 8:41 p.m.

Respectfully submitted,

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

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, MARCH 28, 2016

6:30 PM

VIII. 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, Waivers 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 – Waivers
DB15-0115 – Tentative Subdivision Plat

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

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 324**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL 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) AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW, TYPE C TREE PLAN, WAIVERS 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. BETH ANN BOECKMAN AND KAREN AND MARVIN LEWALLEN – OWNERS. SCOTT MILLER, SAMM-MILLER 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 March 21, 2016, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on March 28, 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 March 21, 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 Comprehensive Plan Map Amendment and Zone Map Amendment Requests (DB15-0108 and DB15-0109) for:

DB15-0110 through DB15-0115, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, Waivers, and Tentative Subdivision Plat for a 14-lot residential subdivision, 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 28th day of March, 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)*.

Aaron Woods, Chair, Panel B
Wilsonville Development Review Board

Attest:

Shelley White, Planning Administrative Assistant

Exhibit A1
Staff Report
Wilsonville Planning Division
14-Lot Single-Family Subdivision at 28500 and 28530 SW Canyon Creek Rd. South
Development Review Board Panel 'B'
Quasi-Judicial Public Hearing

Hearing Date:	March 28, 2016
Date of Report:	March 21, 2016

Application Nos.:	DB15-1008 Comprehensive Plan Map Amendment DB15-0109 Zone Map Amendment DB15-0110 Stage I Preliminary Plan DB15-0111 Stage II Final Plan DB15-0112 Site Design Review DB15-0113 Type C Tree Plan DB15-0114 Waivers DB15-0115 Tentative Subdivision Plat
--------------------------	--

Request: The Development Review Board is being asked to review a Quasi-judicial Comprehensive Plan Map Amendment, Quasi-judicial Zone Map Amendment, Class 3 Stage I Master Plan, Stage II Final Plan, Site Design Review, Type C Tree Plan, Waivers, and Tentative Subdivision Plat for the development of a 14-lot single-family subdivision.

Location: 28500 and 28530 SW Canyon Creek Road South. East side of SW Canyon Creek Road South at and just south of SW Daybreak Street. The property is specifically known as Tax Lots 900 and 1000, Section 13B, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon

Owners: Beth Ann Boeckman (28500 SW Canyon Creek Rd. S.)
Karen and Marvin Lewallen (28530 SW Canyon Creek Rd. S.)

Applicant: Scott Miller, Samm-Miller LLC

Applicant's Representative: AnneMarie Skinner, Emerio Design

Comprehensive Plan Designation (Current): Residential 0-1 dwelling units per acre
Comprehensive Plan Designation (Proposed): Residential 4-5 dwelling units per acre

Zone Map Classification (Current): RA-H (Residential Agriculture-Holding)
Zone Map Classification (Proposed): PDR-3 (Planned Development Residential-3)

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

Staff Recommendation: Approve with conditions the requested Stage I Master Plan, Stage II Final Plan, Site Design Review request, Type C Tree Plan, Waivers, and Tentative Subdivision Plat contingent on City Council approval of the Comprehensive Plan Map Amendment and Zone Map Amendment. Recommend approval to the City Council of the Comprehensive Plan Map Amendment and Zone Map Amendment.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in Any Zone
Section 4.118	Standards Applying to Planned Development Zones
Section 4.124	Standards Applying to All Planned Development Residential Zones
Section 4.124.3	PDR-3 Zone
Sections 4.139.00 through 4.139.11	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes and Amendments to the Development Code
Section 4.198	Comprehensive Plan Changes
Sections 4.200 through 4.220 Sections 4.236 through 4.270	Land Divisions
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600-4.640.20	Tree Preservation and Protection

Other Documents:	
Comprehensive Plan	
Oregon Statewide Planning Goals	

Vicinity Map

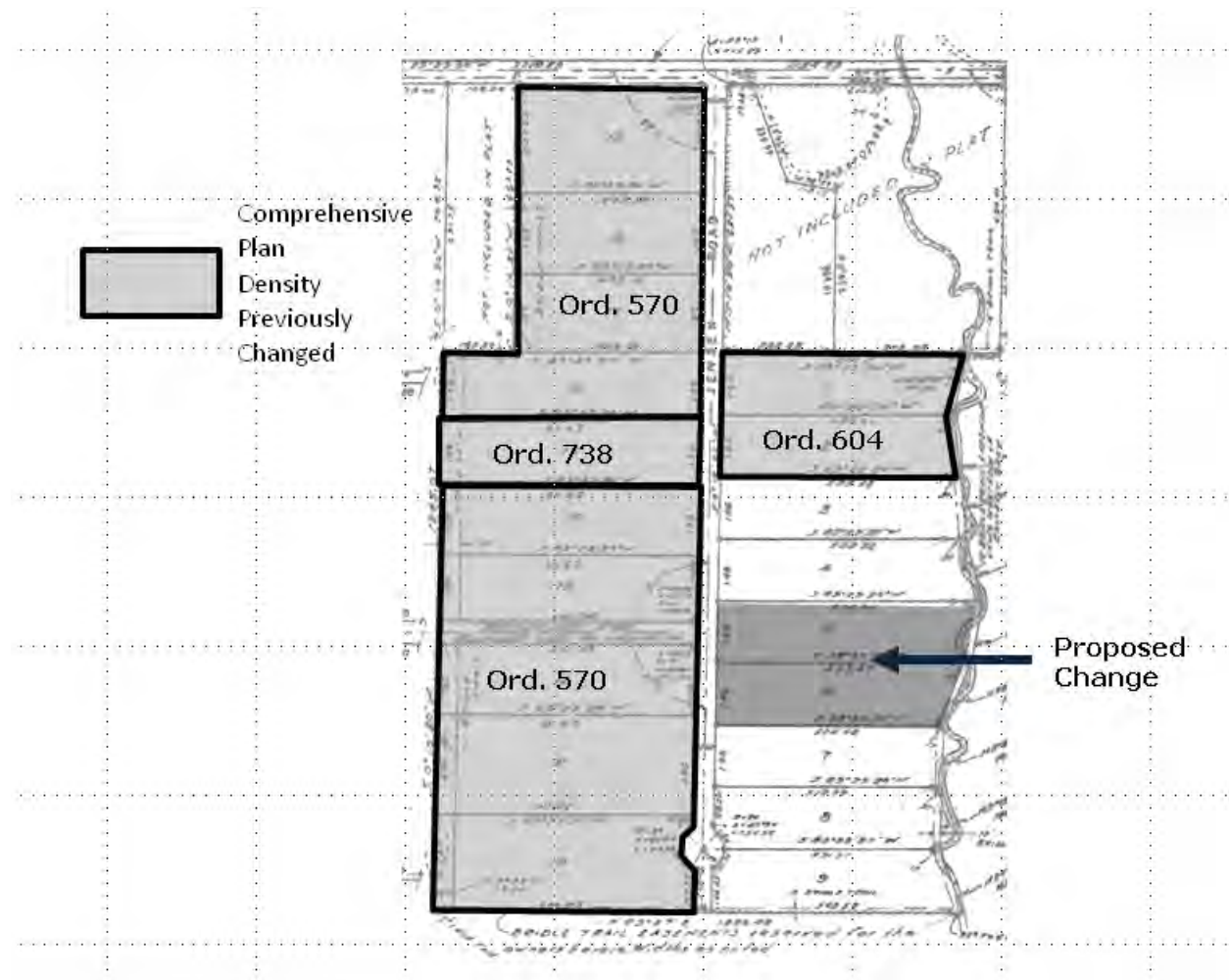


Background/Summary:

Comprehensive Plan Map Amendment (DB15-0108)

For areas of the City designated as residential on the Comprehensive Plan Map, planned densities are also indicated in dwelling units per acre. The applicant requests a change of the planned residential density of the subject properties from 0-1 dwelling units per acre to 4-5 dwelling units per acre.

The subject properties are part of the 1964 Bridle Trail Ranchettes subdivision where each lot was approximately 2 acres. When the current Comprehensive Plan Map was adopted the density for this area reflected the existing subdivision. Beginning in the mid 2000's, many of the Bridle Trail Ranchette lots were approved for Comprehensive Plan Map amendments to increase the density from 0-1 to 4-5 dwelling units an acre. Currently 12 of the original 19 Bridle Trail Ranchette lots have been approved by the City for increased density.



The first and largest approved change in this area from 0-1 to 4-5 dwelling units was in 2004 with the adoption of Ordinance No. 570 for Renaissance at Canyon Creek. The supporting staff

report discussed the need of additional single-family homes to provide housing for people working in Wilsonville as well as others desiring to live here. In addition, the findings point out the limited amount of vacant residential land within the City, and that the subject area is surrounded by residential designations for higher density.

In early 2006, Ordinance No. 604 similarly changed the comprehensive plan designation for approximately 4 acres on the east side of Canyon Creek Road South from 0-1 to 4-5 dwelling units an acre for the development of the 13-lot Cross Creek Subdivision. The same findings regarding the need of additional housing units, the limited amount of vacant land within the City, and the density of surrounding areas were made.

More recently, Ordinance No. 738 approved the same density change in 2014 for a property whose owners had elected not to participate in the 2004 project and now desired to redevelop.

The owners of the subject properties and their development partner now desire for a similar change of density for the subject property for similar reasons as the other lots redeveloped in Bridle Trail Ranchettes.

Zone Map Amendment (DB15-0109)

Contingent on approval of the Comprehensive Plan Map Amendment for an increased density of 4-5 dwelling units per acre, the subject properties would receive a corresponding PDR zoning of PDR-3. This is the same zoning as other portions of Bridle Trail Ranchettes where an increased density to 4-5 dwelling units per acre has been approved.

Stage I Master Plan (DB15-0110)

The Stage I Master Plan generally establishes the location of housing, streets, and parks and open space on the properties, reviewed in more detail with the Stage II Final Plan. The planned uses of single-family residential and parks and open space are allowed in the PDR-3 zone.

Stage II Final Plan (DB15-0111)

Traffic

While residents often understandably desire a minimum amount of traffic on streets adjacent to and near their homes, minimizing traffic on every residential street is not a sustainable standard. Rather streets are designed for a certain traffic volume and the City has a Level of Service capacity standard to ensure traffic volumes from development do not exceed street and intersection capacity. The DKS Traffic Report, see Exhibits A3 and B1, confirms the streets and nearby intersections continue to exceed the City's capacity standards with the proposed development. In addition, the City maintains a number of other standards including sidewalks to separate pedestrian and vehicle traffic, crosswalk, and signage standards, among others, to support pedestrian safety on local residential and all levels of City streets.

Utilities and Services

All utility and services are readily available to support the denser development at this location.

Parks and Open Space

The City requires 25% of residential development be open space. With the preserved SROZ area, much more than 25% of the site is open space. In addition, the City requires ¼ acre of “usable open space” in addition to the SROZ area. With the park area between Lots 3 and 4 an amount in excess of ¼ acre is provided as usable open space.

Setbacks and Lot Coverage

The lots provide for home sites meeting all applicable setbacks, besides the side yard setback for 2 story homes for which a waiver from 7 to 5 meet minimum is being requested. See waiver discussion below.

Density and Density Transfer

Of the 4.37-acre development site, 2.04 acres are within the Significant Resource Overlay Zone (SROZ), leaving 2.33 acres outside the SROZ. The minimum density for the non-SROZ area is 9 units, and the maximum 11 units. In addition Section 4.139.11 states “for residential development proposals on lands which contain the SROZ, a transfer of density shall be permitted within the development proposal site.” The Section also lays out the formula for the density transfer as 50% of the maximum density allowed for the SROZ area under the Comprehensive Plan. The maximum Comprehensive Plan density, as proposed, is 5 units per acre. For 2.04 acres 50% of the maximum allowed density is 5 units. The applicant is proposing the minimum density for the non-SROZ area (9 units) plus the permitted density transfer (5 units) for a total of 14 units.

Lot Size and Shape

The site has 2.33 acres to accommodate the 14 lots plus other improvements, including a street, private drive, and usable open space. In addition, the applicant proposes 0.18 acres of SROZ be included as non-buildable portions of private lots. As shown in the table below, 1.74 acres, or 75,794.4 square feet, of the site is available for private lots. That area, if divided equally, would allow 5,413.9 square feet per each lot. The lot sizes range from 5,000 to 6,509 square feet to accommodate block size and shape. All lots meet the minimum width and depth requirements of the PDR-3 zone (40 foot width and 60 foot depth).

Description	Acres
Non-SROZ Area	2.33
-Streets and Private Drives	-0.48
-Tract B Usable Open Space	-0.29
=Remaining Non-SROZ Area for Private Lots	=1.56
+SROZ included as non-buildable portions of private lots	+0.18
=Total Area for Private Lots	=1.74

Significant Resource Overlay Zone (SROZ) Impacts

The only proposed impact to the SROZ area of the properties is a soft surface pedestrian trail to provide access to the area. The SROZ area will be fenced off and monitored during construction of the subdivision to protection from construction impacts.

Pedestrian Access and Circulation

The applicant's plans show sidewalks extending along the public streets and private drive and a path is provided for access into the park and natural area. The design ensures pedestrian connectivity to the front of all homes.

Parking

The applicant plans driveways of sufficient size on each lot to satisfy the minimum parking requirement. Thus, neither public streets or garages, though they are available for parking, are needed to meet minimum parking requirements.

Street and Access Improvements

Street and access improvements are proposed consistent with the City's Transportation Systems Plan and Public Works Standards and other applicable standards, with one deviation, which has been determined acceptable by the City pursuant to 201.1.03 of the Public Works Standards which allows alternative designs. See Exhibit C2. The deviation is having spacing, 94.3 feet, between Daybreak Street and the new public street rather than the 100 foot or greater standard.

Site Design Review (DB15-0111)

The scope of Site Design Review is the public landscaped areas, including the landscaping in the planter strips between the sidewalk and street as well as the park area. All landscaping and fixtures are appropriate for the site, of an acceptable quality, and professionally designed enhancing the appeal of the subdivision.

Type C Tree Plan (DB15-0113)

While the large forested area in the eastern portion of the properties is being preserved, a number of trees in the portion of site being developed are being removed. Staff has worked closely with the applicant to preserve trees where practicable, but in the end 33 trees need to be removed due to tree condition and construction impacts. More than 33 trees will be planted for mitigation.

Waivers (DB15-0114)

Side Yard Setbacks

The applicant requests a waiver for a reduction of the side yard setback for 2 story plus homes from 7 to 5 feet. The applicant argues the side yard setback waiver supports the necessary flexibility in building design to allow for variation in design of a smaller subdivision where much of the property is preserved in open space. As explained by the applicant, the required minimum lot width of 40 feet has been maintained and the additional 2 feet of setback allows for a slightly wider house on the relatively narrow 40-foot lots. A similar waiver was approved for nearby Renaissance at Canyon Creek.

However, the reduced setback will not be applied on the north of Lots 1 and 2. The setback in this area will be 10 feet, exceeding the requirement of the PDR-3 zone, but matching the requirement for the current RA-H zone. This special setback will provide a buffer between the existing home to the north and the proposed development consistent with the standards currently applicable to the properties.

Average Lot Size

A request to waive the average lot size is directly related to the number of lots and the permitted density. The relatively low number of lots within the allowed size range of the PDR-3 zone will drive down the average lot size below the 7,000 square foot standard to meet the permitted density. Renaissance at Canyon Creek and Cross Creek subdivisions also do not maintain an average lot size of 7,000 square feet.

Tentative Subdivision Plat (DB15-0115)

The tentative subdivision plat shows all the necessary information consistent with the Stage II Final Plan for dividing the properties in a manner to allow the proposed development.

Discussion Points:

Public Comments

A number of comments from nearby residents have been received. Concerns include: traffic and street safety, spacing between proposed homes, proximity of homes to the existing home to the north of the project, too much density, size of lots, loss of open space, value of larger lots, because of small lot size homes will not be similar to other "housing in the community", narrowness of lots will lead to most of the house frontage being garage, and the need of additional ingress and egress from the area.

Redevelopment of Bridle Trail Ranchettes

The 1964 Bridle Trail Ranchettes Subdivision created 19 lots, many of which were approximately 2 acres in size. In the most recent adoption of the Comprehensive Plan map the

entire subdivision was designated Residential 0-1 dwelling units per acre, and had a Zone Map designation of RA-H. Subsequently 9 of the 19 have been changed to 4-5 dwelling units per acre and rezoned as PDR-3. The current request continues the trend reflecting the continued infill with urban single-family densities of this area.

Proximity of the Existing Home to the North

Concerns have been raised by the neighbor to the north of the development and other public comments about the proximity of future homes to the existing home on the property to the north. While a waiver to the side yard setback is requested, the applicant proposes to maintain a 10 foot setback for the homes on Lots 1 and 2 maintaining the same setback requirement as the current RA-H zoning and providing additional space between the existing and proposed homes.

Republic Services Waste Collection and Turn Around

Republic Services is unable to service Lots 2 through 4. The trucks will come down the public street and turn around using the private drive. All collection bins will need to be placed along the street where the collection vehicles can reach them by coming down the street and turning around using the private drive.

Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff report adopts the applicant's responses as Findings of Fact except as noted in the staff's Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed applications (DB15-0110 through DB15-0115) and recommend approval of the comprehensive plan map amendment and zone map amendment (DB15-0008 and DB15-0009) with the following conditions:

Planning Division Conditions:

Request A: DB15-0108 Comprehensive Plan Map Amendment

No conditions for this request

Request B: DB15-0109 Zone Map Amendment

The approval of the Zone Map Amendment (DB15-0109) is contingent on City Council Approval of the Comprehensive Plan Map Amendment (DB15-0108).

Request C: DB15-0110 Stage I Preliminary Plan

The approval of the Stage I Preliminary Plan (DB15-0110) is contingent on the City Council Approval of the Zone Map Amendment (DB15-0109), which is contingent on City Council Approval of the Comprehensive Plan Map Amendment (DB15-0108).

Request D: DB15-0111 Stage II Final Plan

PDD 1. The approval of the Stage II Final Plan (DB15-0111) is contingent on the City Council Approval of the Zone Map Amendment (DB15-0109), which is contingent on City Council Approval of the Comprehensive Plan Map Amendment (DB15-0108).

PDD 2. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or Stage II Final Plan may be approved by the Planning Director through the Class I Administrative Review Process if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements. See Finding D15.

PDD 3. Prior to the recording of the final plat of the subdivision the applicant shall submit for review and approval by the City Attorney CC&R's, bylaws, etc. related to the maintenance of the open space and park area. Such documents shall assure the long-term protection and maintenance of the open space and park areas. See Finding D30.

PDD 4. The applicant shall install sidewalks meeting the design standards of curb-tight sidewalks in the City's Public Works Standards at least 5 foot in width along the

	frontage of the private drive to provide pedestrian access to the private walkways to the front entrance of homes. The sidewalk(s) shall extend past the entire width of the furthest pedestrian access to the front entrance of a home. Such sidewalks may be in the same tract as the private drive or easements over private lots. Such sidewalks shall be shown on subsequent construction drawings, including the public works permit and site plans for the individual lots affected. See Finding D71.
PDD 5.	At least one street tree, of a species and variety approved by the City through a Class I Administrative Review process, shall be installed on each lot fronting the private drive along the sidewalk. The street trees shall be installed prior to occupancy of each home. The street trees shall be in a street tree easement granted to the City assuring long term preservation and maintenance of the tree as a street tree. See Finding D100.
PDD 6.	A waiver of remonstrance against the formation of a local improvement district shall be recorded covering the subject properties. Such waiver shall be recorded in the County Recorder's Office, as well as the City's Lien Docket, prior to or as part of the recordation of the final plat for the subdivision. See Finding D115.
PDD 7.	All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D126.
PDD 8.	Temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets. See Finding D133.

Request E: DB15-0112 Site Design Review

PDE 1.	The approval of the Site Design Review request (DB15-0112) is contingent on the City Council of Approval of the Zone Map Amendment (DB15-0109), which is contingent on City Council Approval of the Comprehensive Plan Map Amendment (DB15-0108).
PDE 2.	Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding E15.
PDE 3.	All landscaping in the parking area required and approved by the Board shall be installed prior to the issuance of the 8 th building permit for the subdivision. Street trees and planter strip landscaping on or adjoining a lot shall be completed prior to occupancy of each home, 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

	<p>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 will be returned to the applicant. See Finding E34.</p>
PDE 4.	<p>The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville’s Development Code. See Finding E35.</p>
PDE 5.	<p>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 as allowed by Wilsonville’s Development Code. See Findings E36 and E37.</p>
PDE 6.	<p>The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings. • All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10” to 12” spread. • Shrubs shall reach their designed size for screening within three (3) years of planting. • Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center 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. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. • Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding E43.
PDE 7.	<p>All trees shall be balled and burlapped and conform in size and grade to “American Standards for Nursery Stock” current edition. See Finding E44.</p>
PDE 8.	<p>Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. See Finding E48.</p>

Request F: DB15-0113 Type C Tree Plan

PDF 1.	The approval of the Type C Tree Plan (DB15-0113) is contingent on the City Council of Approval of the Zone Map Amendment (DB15-0109), which is contingent on City Council Approval of the Comprehensive Plan Map Amendment (DB15-0108).
PDF 2.	This approval for removal applies only to the 33 trees identified in the Applicant's submitted materials. All other trees on the property shall be maintained unless removal is approved through separate application.
PDF 3.	The Applicant shall submit an application for a Type 'C' Tree Removal Permit on the Planning Division's Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the Applicant shall provide the City's Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff.
PDF 4.	The Applicant/Owner shall install the required 33 mitigation trees, as shown in the Applicant's sheet L1, per Section 4.620 WC.
PDF 5.	The permit grantee or the grantee's successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during the two (2) years after planting shall be replaced.
PDF 6.	Prior to site grading or other site work that could damage trees, the Applicant/Owner shall install six-foot-tall chain-link fencing around the drip line of preserved trees. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. See Finding D14.

Request G: DB15-0114 Waivers

The approval of the requested Waivers (DB15-0114) is contingent on the City Council of Approval of the Zone Map Amendment (DB15-0109), which is contingent on City Council Approval of the Comprehensive Plan Map Amendment (DB15-0108).
--

Request H: DB15-0115 Tentative Subdivision Plat

PDH 1.	The approval of the Tentative Subdivision Plat (DB15-0115) is contingent on the City Council of Approval of the Zone Map Amendment (DB15-0109), which is contingent on City Council Approval of the Comprehensive Plan Map Amendment (DB15-0108).
PDH 2.	A reserve strip shall be placed at the end of the private drive preventing future extension. See Finding H15.
PDH 3.	Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
PDH 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 the Stage II Final Plan or the Tentative Plat.
PDH 5.	Public Utility Easements shall be provided along frontages of lots and tracts consistent with the City's Public Works Standards for installation of franchise utilities. See Finding H22.
PDH 6.	Easements for sanitary or storm sewers, drainage, water mains, or other public utilities shall be dedicated wherever necessary consistent with the City's Public Works Standards. This includes over park and open space with public utilities beneath them. See Finding H22.
PDH 7.	With the final plat a street tree easement shall be granted for lots along the private drive guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property. See Finding H28.

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:

All Requests:

PF 1.	Public Works Plans and Public Improvements shall conform to the "Public Works Plan Submittal Requirements and Other Engineering Requirements" in Exhibit C1.
PF 2.	At the request of Staff, DKS Associates completed a Trip Generation Memorandum dated December 9, 2015. The project is hereby limited to no more than the following impacts.
	Estimated New PM Peak Hour Trips 14
	Estimated Weekday PM Peak Hour Trips 5
	Through Wilsonville Road Interchange Area
PF 3.	Presently a 50-ft right-of-way exists along Canyon Creek Road South; no additional right-of-way dedication will be required along the west edge of the project.
PF 4.	In anticipation of possible future extension of the proposed Public Street "A" applicant shall name this street McGraw Avenue.

PF 5.	Lot 1 will be allowed one driveway access onto Canyon Creek Road South. All other lots shall obtain access via the proposed McGraw Avenue or Private Street to be constructed with the project.
PF 6.	On frontage to Canyon Creek Road South the applicant shall be required to construct a 14-foot half-street improvement, face of curb to street centerline (asphalt roadway, curb and gutter, sidewalk, stormwater system, street lights and street trees) in compliance with Residential Street Standards as provided in the 2015 Public Works Standards. Existing street right-of-way is 50 feet; no additional right-of-way dedication is required.
PF 7.	Applicant shall make every effort to coordinate their construction activities on Canyon Creek Road South with the previously approved Renaissance 3-Lot Partition at 28525 SW Canyon Creek Road South (AR15-0060).
PF 8.	Applicant shall install an ADA ramp on Canyon Creek Road South opposite one of the existing ramps on the west side of the street at Daybreak Street.
PF 9.	Applicant shall obtain water and sanitary sewer service from the existing systems in Canyon Creek Road South.
PF 10.	Where feasible stormwater connections may be made to the public storm main in Canyon Creek Road South, provided stormwater quality and detention requirements are met.
PF 11.	Where is it not feasible to connect to the stormwater main in Canyon Creek Road South the storm outfall shall be installed to the east, at the bottom of the hill to Boeckman Creek. Location and/or installation methods shall be coordinated with Community Development staff to minimize impacts in the SROZ. The outfall and appropriate energy dissipation shall be designed and installed per Section 301.7.08 of the 2015 Public Works Standards.
PF 12.	Lot 1 will be allowed to install a SS service to the main line in Canyon Creek Road South via using a 36" long radius bend, connecting the service into the upper surface of the main line using a saddle T connection.
PF 13.	Plans submitted with this DRB application do not show sanitary service to lots 5 and 6. A sanitary main line will need to be installed in the Private Street to provide the needed service.
PF 14.	In the absence of a looped water system, the applicant shall provide calculations performed by a Registered Professional Engineer in the State of Oregon showing adequate water flow for firefighting purposes (1500 gpm flow at 20 psi residual pressure with the City's Water Treatment Plant off-line) and, at applicant's cost, schedule and perform a fire flow test at the proposed new fire hydrant. Applicant to coordinate fire flow test with City staff.
PF 15.	Per Section 201.2.01.f.2 and 501.2.04.b of the 2015 Public Works Standards a fire hydrant shall be located at the end of a dead-end water main to be extended in the future in place of a blow-off.
PF 16.	For water services to Lots 5 and 6 it is allowed and recommended that a 4" water main be installed in the Private Street.

Natural Resources Division Conditions:

All Requests

PF 1. Natural Resource Division Requirements and Advisories listed in Exhibit C3 apply to the proposed development.

Master Exhibit List:

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case File DB15-0108 through DB15-0115.

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)
- A3. Updated DKS Traffic Report with information about I-5 Interchange Impact

Materials from Applicant

- B1. Applicant's Notebook: Narrative and Submitted Materials (under separate cover)
 - 1. Application Forms
 - 2. Ownership Information
 - 3. Certification of Assessment and Liens
 - 4. Traffic Report (updated, see Exhibit A3)
 - 5. Narrative and Findings
 - 6. Reduced Drawings (not in electronic copy, same as Exhibit B2 below)
 - 7. Arborist Report
 - 8. Tree List
 - 9. Draft CC&R's
 - 10. Letter from Real Estate Broker Marla Rumpf regarding the need for more housing
 - 11. Article from "Oregon Catalyst" regarding lack of affordable housing
 - 12. Real Estate Listings in Wilsonville 3.18.16
- B2. Drawings and Plans (under separate cover)
 - Sheet 1 of 8 Cover Sheet
 - Sheet 2 of 8 Existing Conditions Map
 - Sheet 3 of 8 Preliminary Plat
 - Sheet 4 of 8 Preliminary Grading Plan
 - Sheet 5 of 8 Street 'A' Plan and Profile
 - Sheet 6 of 8 Private Street Plan and Profile
 - Sheet 7 of 8 Preliminary Storm Water and Utilities Plan
 - Sheet 8 of 8 Tree Preservation and Removal Plan
 - Sheet L1 of 2 Street Trees
 - Sheet L2 of 2 Park Plantings

Development Review Team Correspondence

- C1. Public Works Plan Submittal Requirements and Other Engineering Requirements
- C2. Memo from Steve Adams dated March 17, 2016 Regarding Street Spacing
- C3. Natural Resources Findings & Requirements

Other Correspondence/Public Comments

- D1. Email Correspondence from Mark Kochanowski dated March 14, 2016
- D2. Email from Brendan and Kristen Colyer dated March 15, 2016
- D3. Email from Erin Ward dated March 15, 2016
- D4. Letter from George Johnston dated March 17, 2016
- D5. Email Correspondence Regarding Revised Site Plan dated March 21, 2016

Findings of Fact:

1. The statutory 120-day time limit applies to this application. The application was received on December 23, 2015. On January 21, 2016 staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete. On February 1, 2016, the Applicant submitted new materials. On February 17, 2016 the application was deemed complete. The City must render a final decision for the request, including any appeals, by June 16, 2016..
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	RA-H	Single-family Residential
East:	PDR-4	Single-family Residential
South:	RA-H	Single-family Residential
West:	PDR-3	Single-family Residential

3. Previous Planning Approvals:
Current subdivision (Bridle Trail Ranchettes) approved prior to City incorporation.
4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

Conclusionary Findings:

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

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.

Details 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.

Details of Finding: The application has been submitted on behalf of the property owner, West Linn-Wilsonville School District and is signed by an authorized representative.

Pre-Application Conference Subsection 4.010 (.02)

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Details of Finding: A Pre-application conferences was held on April 23, 2015 (PA15-0008) 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.

Details 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.

Details 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.

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

Request A: DB15-1008 Comprehensive Plan Amendment

Zoning and Land Development Ordinance

Comprehensive Plan Amendment Process

Procedures and Criteria in Comprehensive Plan
Subsection 4.198 (.01)

A1. Review Criteria: “Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan.”

Finding: These criteria are satisfied.

Details of Finding: The lot of the subject development site is of sufficient size to be developed in a manner consistent the purposes and objectives of Section 4.140.

Review Bodies
Subsection 4.198 (.02)

A2. Review Criteria: “Following the adoption and signature of the Resolution by the Development Review Board or Planning Commission, together with minutes of public

hearings on the proposed Amendment, the matter shall be shall be scheduled for public hearing before the City Council.”

Finding: These criteria are satisfied.

Details of Finding: The matter is being considered by the DRB and City Council as described.

Applicant Agreeing to Conditions of Approval Subsection 4.198 (.05)

A3. Review Criteria: “In cases where a property owner or other applicant has requested an amendment to the Comprehensive Plan map and the City Council has approved the change subject to conditions, the owner or applicant shall sign a statement accepting, and agreeing to complete the conditions of approval before the Comprehensive Plan map shall be changed.”

Finding: These criteria are satisfied.

Details of Finding: The owner will be required to sign a statement accepting conditions.

Comprehensive Plan Amendment Required Findings

Meets Identified Public Need Subsection 4.198 (.01) A.

A4. Review Criteria: “Each such amendment shall include findings in support of the following: That the proposed amendment meets a public need that has been identified;”

Finding: These criteria are satisfied.

Details of Finding: The “Residential Development” portion of the Comprehensive Plan (Policy 4.1.4) identifies the need for additional housing within the City to serve housing and economic needs of residents and employees working within the City.

On the basis of the Housing Data being used for the 2015 City of Wilsonville Housing Report, of the City’s 10,283 housing units, 55% are multi-family (apartments and condos), 45% are single-family.

Policy 4.1.4 and its implementation measures that seek to “provide opportunities for a wide range of housing types, sizes, and densities at prices and rent levels to accommodate people who are employed in Wilsonville.” The proposal provides additional single-family homes supporting an ongoing desire for single-family homes at various price levels as part of Wilsonville’s strong diversity of housing unit types.

Meets Identified Public Need As Well As Reasonable Alternative Subsection 4.198 (.01) B.

A5. Review Criteria: “Each such amendment shall include findings in support of the following: That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;”

Finding: These criteria are satisfied.

Details of Finding: The proposed subdivision has similarities in site density and housing product to other subdivisions nearby such as Renaissance at Canyon Creek and Cross Creek, and provides a consistent density and development type as the area becomes more dense and urban over time. The consistency with nearby development, while accommodating the required usable open space, makes the proposed continued residential use at the proposed density meet the need for a variety of single-family homes better than other density or design options for the site.

Supports Statewide Planning Goals

Subsection 4.198 (.01) C.

A6. Review Criteria: “Each such amendment shall include findings in support of the following: That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate;”

Finding: These criteria are satisfied.

Details of Finding: With the implementation of the proposed conditions of approval, the project supports the applicable Statewide Planning Goals.

No Conflict with Other Portions of Plan

Subsection 4.198 (.02) D.

A7. Review Criteria: “Each such amendment shall include findings in support of the following: That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.”

Finding: These criteria are satisfied.

Details of Finding: The applicant is requesting an amendment of the Comprehensive Plan Map for the subject properties. The applicant does not propose to modify or amend any other portion of the Comprehensive Plan or Plan Map.

Comprehensive Plan and Plan Components

Initiating, Applying for, and Considering Plan Amendments

Who May Initiate Plan Amendments

Introduction Page 7 “Plan Amendments” 1.

A8. Review Criteria: “An Amendment to the adopted Plan may be initiated by: a. The City Council, b. The Planning Commission (for legislative amendments) or Development Review Board (for quasi-judicial amendments); or c. Application of property owner(s) or contract purchaser(s) affected or their authorized agents, as specified in #2 below.”

Finding: These criteria are satisfied.

Details of Finding: The proposed amendment has been initiated by the property owners of the subject lots.

How to Make Application

Introduction Page 7 “Plan Amendments” 2.

A9. Review Criteria: “An application for an amendment to the Plan maps or text shall be made on forms provided by the City. The application, except when initiated by the City Council, DRB, or Planning Commission, as noted in #1, above, shall be accompanied by a Plan Amendment Fee.

Finding: These criteria are satisfied.

Details of Finding: The proposed amendment has been initiated by the property owners of the subject lots who have submitted signed application forms provided by the City and paid the required application fee.

Consideration of Plan Amendments
Introduction Page 7 “Plan Amendments” 3.

A10. Review Criteria: This language specifies how the City should consider a plan amendment including: requiring the City Council consider a plan amendment only after receiving findings and recommendation from the Planning Commission or Development Review Board; having sufficient time before the first evidentiary hearing for public notice and staff report preparation, considering compliance with Statewide Planning Goals and applicable Metro Plans.

Finding: These criteria are satisfied.

Details of Finding: The City Council will consider the plan amendment only after receiving a recommendation from the Development Review Board.

Standards for Approval of Plan Amendments

Conformance with Other Portions of the Plan
Introduction Page 7 “Plan Amendments” 4. a.

A11. Review Criterion: “The proposed amendment is in conformance with those portions of the Plan that are not being considered for amendment.”

Finding: This criterion is satisfied.

Details of Finding: The change of residential density for the subject properties does not lead to nonconformance with other portions of the Comprehensive Plan.

Public Interest
Introduction Page 7 “Plan Amendments” 4. b.

A12. Review Criterion: “The granting of the amendment is in the public interest.”

Finding: This criterion is satisfied.

Details of Finding: A public interest is being met by providing needed housing. See also Finding A4.

Public Interest Best Served by Timing of Amendment
Introduction Page 7 “Plan Amendments” 4. c.

A13. Review Criterion: “The public interest is best served by granting the amendment at this time.”

Finding: This criterion is satisfied.

Details of Finding: The timing of the amendment is appropriate. See Finding A5.

Factors to Address in Amendment

Introduction Page 7 "Plan Amendments" 4. d.

A14. Review Criterion: "The following factors have been adequately addressed in the proposed amendment:

- the suitability of the various areas for particular land uses and improvements;
- the land uses and improvements in the area;
- trends in land improvement;
- density of development;
- property values;
- the needs of economic enterprises in the future development of the area;
- transportation access;
- natural resources; and
- the public need for healthful, safe and aesthetic surroundings and conditions.

Finding: This criterion is satisfied.

Details of Finding: The area is suitable for the proposed development as it is in a residential area with similar development and has the necessary public services, including streets, available. It is similar to and follows the trends in recent nearby developments such as Renaissance at Canyon Creek and Cross Creek. The density is consistent with these other recent nearby developments. No evidence has been presented that the development would negatively impact property values. Natural Resource areas are being preserved as part of the development. Design standards are being applied to ensure a healthful, safe and aesthetic surrounding.

Conflict with Metro Requirements

Introduction Page 7 "Plan Amendments" 4. e.

A15. Review Criterion: "Proposed changes or amendments to the Comprehensive Plan do not result in conflicts with applicable Metro requirements."

Finding: This criterion is satisfied.

Details of Finding: No conflicts with Metro requirements have been identified. Particularly, Wilsonville's housing mix continues to exceed Metro's requirements.

Public Notice Requirements

Introduction Page 8 "Plan Amendments" 5.

A16. Review Criterion: This language describes the noticing requirements implemented by the City's noticing requirements for quasi-judicial review.

Finding: This criterion is satisfied.

Details of Finding: Public hearing notices have or will be sent as required.

Urban Growth Management

Urbanization for Adequate Housing

Implementation Measure 2.1.1.b.

A17. Review Criteria: “Allow urbanization to occur to provide adequate housing to accommodate workers who are employed within the City.”

Finding: These criteria are satisfied.

Details of Finding: The proposal provides for additional housing density to accommodate those employed with the City. See also Finding A4.

Revenue Sources for Urbanization

Implementation Measure 2.1.1.d.

A18. Review Criteria: “Establish and maintain revenue sources to support the City’s policies for urbanization and maintain needed public services and facilities.”

Finding: These criteria are satisfied.

Details of Finding: Existing requirements for improvements and service development charges are being applied to the development proposed concurrently with the Comprehensive Plan Map amendment.

New Development and Concurrency

Implementation Measure 2.1.1.e.

A19. Review Criteria: “Allow new development to proceed concurrently with the availability of adequate public services and facilities as specified in Public Facilities and Services Section (Section C) of the Comprehensive Plan.”

Finding: These criteria are satisfied.

Details of Finding: The City’s concurrency requirements in the Development Code are being applied to the development proposed concurrently with the Comprehensive Plan Map amendment.

Encourage Master Planning

Implementation Measure 2.1.1.f.2.

A20. Review Criteria: “To maximize design quality and conformity to the Comprehensive Plan, the City shall encourage master planning of large land areas. However, as an added growth management tool, the Development Review Board may, as a condition of approval, set an annual phasing schedule coordinated with scheduled Capital Improvements, particularly streets and related transportation facilities.”

Finding: These criteria are satisfied.

Details of Finding: The subject properties are large enough, being greater than the 2 acre threshold for planned development established in Section 4.140, to be designed consistent with the City’s planned development regulations to support design quality and conformity with the Comprehensive Plan.

Public Facilities and Services

Urban Development Only Where Facilities and Services Can Be Provided

Implementation Measure 3.1.2.a.

A21. Review Criterion: “Urban development will be allowed only in areas where necessary facilities and services can be provided.”

Finding: This criterion is satisfied.

Details of Finding: Concurrency standards of the City’s development code are being applied ensuring the development proposed concurrently with this amendment request will have all necessary facilities and services provided. See Stage II Final Plan in Request D.

Paying for Facilities and Services

Implementation Measures 3.1.3.a., 3.1.4.f., 3.1.5.c., 4.1.4.h.

A22. Review Criteria: “Developers will continue to be required to pay for demands placed on public facilities/services that are directly related to their developments. The City may establish and collect systems development charges (SDCs) for any or all public facilities/services, as allowed by law. An individual exception to this standard may be justified, or SDC credits given, when a proposed development is found to result in public benefits that warrant public investment to support the development.” “The cost of all line extensions and individual services shall be the responsibility of the developer and/or property owners(s) seeking service. When a major line is to be extended, the City may authorize and administer formation of a Local Improvement District (LID). All line extensions shall conform to the City Sanitary Sewer Collection System Master Plan, urbanization policies, and Public Works Standards.” “Extensions shall be made at the cost of the developer or landowner of the property being served.” “Require new housing developments to pay an equitable share of the cost of required capital improvements for public services.”

Finding: These criteria are satisfied.

Details of Finding: All necessary codes and processes are in place to ensure the development pays for public facilities/services that are directly related to the development.

Growth and Sewer Capacity

Implementation Measure 3.1.4.b

A23. Review Criterion: “The City shall continue to manage growth consistent with the capacity of sanitary sewer facilities.”

Finding: This criterion is satisfied.

Details of Finding: Development will not be allowed unless adequate sanitary sewer capacity is available. Sewer capacity is anticipated to be available.

Land Use and Development

Variety of Housing Types

Implementation Measures 4.1.4.b, 4.1.4.j., and 4.1.4.o.

A24. Review Criterion: “Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City's desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.” “The City shall have a diverse range of housing types available within its City limits.” “The City will encourage the development of housing of various types and densities. Guided by the urbanization, public facilities, and economic elements, the City will, however, manage residential growth to ensure adequate provision of public facilities and that proposed housing satisfies local need and desires, i.e., type, price and rent levels.”

Finding: This criterion is satisfied.

Details of Finding: Wilsonville has a rich diversity of housing types. As infill has occurred in other areas of the Bridle Trail Ranchettes it has been for single-family residential of a similar density as proposed (including Renaissance at Canyon Creek and Cross Creek subdivisions). The area has been a single-family area as it develops and the proposal supports this areas continued roll as a single-family area amongst Wilsonville’s housing mix.

Encouraging Variety

Implementation Measure 4.1.4.c

A25. Review Criterion: “encouraging variety through the use of planned developments and clusters.”

Finding: This criterion is satisfied.

Details of Finding: The proposed area is relatively small for a planned development thus not a lot of variety would be expected within the development. However, a variety of lot sizes and widths are provided allowing diversity of housing products.

Housing Balance

Implementation Measure 4.1.4.d

A26. Review Criteria: “Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms.”

Finding: These criteria are satisfied.

Details of Finding: On the basis of the Housing Data for the 2015 City of Wilsonville

Housing Report of the City's 10,283 housing units, 55% are multi-family and 45% are single-family.

The proposal adds single-family to the housing mix having a minor impact on making single-family housing more balanced with multi-family. In addition, the development is proposed in a single-family area of the community where multi-family is not planned thus supporting the planned geographic distribution.

Housing Needs of Existing Residents

Implementation Measure 4.1.4.f.

A27. Review Criteria: "Accommodate the housing needs of the existing residents of the City of Wilsonville."

Finding: These criteria are satisfied.

Details of Finding: The proposed housing will fit into the rich diversity of Wilsonville's housing to allow existing residents to move up or move down, thus opening their units to others.

Housing Development and the Social and Economic Needs of the Community

Implementation Measure 4.1.4.g.

A28. Review Criteria: "Coordinate housing development with the social and economic needs of the community."

Finding: These criteria are satisfied.

Details of Finding: Wilsonville has a rich diversity of housing types, to which these additional single-family homes would contribute. The diversity of housing types supports the variety of needs of members of the community.

Jobs Housing Balance

Implementation Measures 4.1.4.l. and 4.1.4.p.

A29. Review Criteria: "The City shall work to improve the balance of jobs and housing within its jurisdictional boundaries." "In an effort to balance residential growth with the City's employment base, the City shall encourage the development of housing to meet the needs of the employees working in the City."

Finding: These criteria are satisfied.

Details of Finding: It is anticipated the planned homes could be occupied by people working in Wilsonville. The location is close to employment centers including Town Center and the industrial area north of Boeckman between Canyon Creek and Parkway.

Residential Districts and Density

Implementation Measures 4.1.4.u. and 4.1.4.z.

A30. Review Criteria: "To provide variety and flexibility in site design and densities, residential lands shown on the Land Use Map of the Comprehensive Plan have been divided into districts, with different density ranges for each district. In all residential developments,

other than those that are so small that it is not mathematically feasible to achieve the prescribed minimum density, the 80% minimum shall apply. The following density ranges have been prescribed for each district:

- Density: 0-1 units/acre
- 2-3 units/acre
- 4-5 units/acre
- 6-7 units/acre
- 10-12 units/acre
- 18-20 units/acre"

"The City shall continue to apply a minimum density standard to all zones allowing residential use, such that all development, including subdivisions, will result in the eventual build-out of 80 percent or more of the maximum number of dwelling units per net acre permitted by the zoning designation for a given development. The minimum density requirement does not apply inside areas designated by the City as open spaces or significant resource sites. The maximum-zoned density does not include the density bonus for zones that allow them."

Finding: These criteria are satisfied.

Details of Finding: The applicant requests the density to change from 0-1 dwelling units an acre to 4-5 dwelling units per acre in an area transitioning from rural residential to denser urban residential. Similar changes have occurred on other nearby properties including the areas currently occupied by Renaissance at Canyon Creek and Cross Creek subdivisions.

2-3 or 4-5 Dwelling Unit Per Acre Residential District

"Residential Planning Districts" page D-19

A31. Review Criteria: "The purpose of this district is to provide for low density residential areas. The 2-3 du/acre density would generally fall under the PDR-2 zoning district category as outlined in the Development Code. The 4-5 du/acre density would generally fall under the PDR-2 and PDR-3 (or other categories that could work out to this level of density) zoning district category as outlined in the Development Code.

The following areas should be designated and developed at this density:

1. Areas with access to a minor arterial, collector, or local streets. However, direct vehicular access from individual lots onto a minor arterial will be restricted.
2. Undeveloped areas adjacent to existing lower density developments, or near the fringe of the Urban Growth Boundary.
3. Areas where sensitivity to the natural environment or natural hazards warrant a reduced density."

Finding: These criteria are satisfied.

Details of Finding: The 4-5 dwelling units designation is appropriate as adequate access to streets is available creating traffic volumes within the limits set by the City, it is adjacent to a variety of residential densities, including low density, and it is an appropriate density to allow development while preserving the natural slope and riparian areas of the properties.

Metro Urban Growth Functional Plan

Maintaining or Increasing Housing Capacity

Title 1 3.07.110

A32. Review Criteria: “Requiring each city and county to maintain or increase its housing capacity . . .”

Finding: These criteria are satisfied.

Details of Finding: The proposal will increase the City’s housing capacity within the current City limits.

Statewide Planning Goals

Citizen Involvement

Goal 1

A33. Review Criteria: “To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”

Finding: These criteria are satisfied.

Details of Finding: A thorough citizen involvement process is being followed as defined in Wilsonville’s Development Code and Comprehensive Plan.

Land Use Planning

Goal 2

A34. Review Criteria: “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

Finding: These criteria are satisfied.

Details of Finding: The Comprehensive Plan Amendment is required to meet policies based on the statewide framework and is required to provide adequate facts to make a decision based on the applicable review criteria.

Agriculture Lands

Goal 3

A35. Review Criteria: “To preserve and maintain agricultural lands.”

Finding: These criteria are satisfied.

Details of Finding: The areas proposed for new housing development are not currently in commercial agriculture use. Increasing development within the City limits has the potential to slightly lessen the demand for housing on land currently in use for commercial agriculture.

Natural Resources, Scenic and Historic Areas, and Open Spaces
Goal 5

A36. Review Criteria: “To protect natural resources and conserve scenic and historic and open spaces.”

Finding: These criteria are satisfied.

Details of Finding: The City’s SROZ overlay standards are ensuring significant natural resources on the eastern portion of the subject properties are protected.

Air, Water and Land Resources Quality
Goal 6

A37. Review Criteria: “To maintain and improve the quality of the air, water and land resources of the state.”

Finding: These criteria are satisfied.

Details of Finding: The requirements to preserve the natural area as well as storm water requirements help maintain water quality. No significant negative impacts to air and land resources are anticipated.

Request B: DB15-0109 Zone Map Amendment

Comprehensive Plan

Diversity of Housing Types
Implementation Measure 4.1.4.b.,d.

B1. Review Criteria: “Plan for and permit a variety of housing types consistent with the objectives and policies set forth under this section of the Comprehensive Plan, while maintaining a reasonable balance between the economics of building and the cost of supplying public services. It is the City’s desire to provide a variety of housing types needed to meet a wide range of personal preferences and income levels. The City also recognizes the fact that adequate public facilities and services must be available in order to build and maintain a decent, safe, and healthful living environment.” “Encourage the construction and development of diverse housing types, but maintain a general balance according to housing type and geographic distribution, both presently and in the future. Such housing types may include, but shall not be limited to: Apartments, single-family detached, single-family common wall, manufactured homes, mobile homes, modular homes, and condominiums in various structural forms.”

Finding: These criteria are satisfied.

Explanation of Finding: On the basis of the housing data used in the 2015 City of Wilsonville Housing Report of the City’s 10,283 housing units, 55% are multi-family and 45% are single-family. Currently hundreds of new single-family home lots have been approved, mainly in Villebois, to be developed over the next few years. Only a few smaller multi-family developments are approved or under construction. In addition, the Frog Pond west planning area is planned exclusively for single-family homes as it begins

to develop in the coming years. The proposal will provide additional single-family options outside of Villebois within the existing City limits supporting a trend increasing the number of single-family homes in relation to multi-family homes.

Development Code

Zoning Consistent with Comprehensive Plan

Section 4.029

- B2. 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 met or will be satisfied.

Explanation of Finding: The applicant is applying for a comprehensive plan map amendment and a zone change concurrently with a Stage I Master Plan, Stage II Final Plan, and other related development approvals. The proposed zoning is consistent with the proposed comprehensive plan residential density of 4-5 dwelling units per acre. The approval of the zone map amendment is contingent on City approval of the related comprehensive plan map amendment.

Base Zones

Subsection 4.110 (.01)

- B3. Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

Finding: This criterion is satisfied.

Explanation of Finding: The requested zoning designation of Planned Development Residential-3 “PDR-3” is among the base zones identified in this subsection.

Standards for All Planned Development Residential Zones

Typically Permitted Uses

Subsection 4.124 (.01)

- B4. Review Criteria:** This subsection list the allowed uses in the PDR Zones.

Finding: These criteria are satisfied.

Details of Finding: The list of typically permitted uses includes single-family dwelling units, open space, and parks, which is what is proposed on the subject properties.

Appropriate PDR Zone
 Subsection 4.124 (.05)

B5. Review Criteria:

Comprehensive Plan Density	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Finding: These criteria are satisfied.

Details of Finding: PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 dwelling units per acre.

Zone Change Procedures
 Subsection 4.197 (.02) A.

B6. 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.

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

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

B7. 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.

Explanation of Finding: The proposed zone map amendment is consistent with the proposed (see Request A) Comprehensive Map designation of Residential 4-5 dwelling units per acre and as shown in Request A and Finding B1 comply with applicable Comprehensive Plan text.

Residential Designated Lands
 Subsection 4.197 (.02) C.

B8. 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.

Explanation of Finding: Findings B1 under this request and A24-A30 under Request A provide the required specific findings.

Public Facility Concurrency

Subsection 4.197 (.02) D.

- B9. 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.

Explanation of Finding: The applicant’s Exhibits B1 and B2 (compliance report and the plan sheets) demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project.

Impact on SROZ Areas

Subsection 4.197 (.02) E.

- B10. 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.

Explanation of Finding: The proposed development is being designed to preserve and protect the SROZ area on the properties.

Development within 2 Years

Subsection 4.197 (.02) F.

- B11. 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.

Explanation of Finding: Related land use approvals will expire after 2 years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors do not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

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

B12. 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.

Explanation 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 C: DB15-0110 Stage I Preliminary Plan

Planned Development Regulations

Planned Development Purpose
Subsection 4.140 (.01)

C1. Review Criterion: The proposed revised Stage I Master Plan shall be consistent with the Planned Development Regulations purpose statement which states, “The purposes of these regulations are to encourage the development of tracts of land sufficiently large to allow for comprehensive master planning, and to provide flexibility in the application of certain regulations in a manner consistent with the intent of the Comprehensive Plan and general provisions of the zoning regulations and to encourage a harmonious variety of uses through mixed use design within specific developments thereby promoting the economy of shared public services and facilities and a variety of complimentary activities consistent with the land use designation on the Comprehensive Plan and the creation of an attractive, healthful, efficient and stable environment for living, shopping or working.”

Finding: This criterion is satisfied.

Details of Finding: The planning of Stage I Master plan area allows for homes along with functional streets, preservation of significant natural resources, and the provision of a shared usable open space thus demonstrating it is of sufficient size for a planned development.

Planned Development Lot Qualifications
Subsection 4.140 (.02)

C2. Review Criterion: “Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.”

Finding: This criterion is satisfied.

Details of Finding: The property is of sufficient size to be developed in a manner consistent the purposes and objectives of Section 4.140. This is demonstrated to have a number of homes, a functional street, preserved open space, and a usable park area within the project area.

C3. **Review Criteria:** “Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned “PD.” All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code.”

Finding: These criteria are satisfied.

Details of Finding: The subject property is greater than 2 acres, is designated for residential development in the Comprehensive Plan, proposed at 4-5 dwelling units per acre, and is proposed to be zoned Planned Development Residential (PDR-3). The property will be developed as a planned development with the permitted density in accordance with this subsection.

Ownership Requirements

Subsection 4.140 (.03)

C4. **Review Criterion:** “The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included.”

Finding: This criterion is satisfied.

Details of Finding: A joint application has been made and signed by owners of both properties involved, Marv Lewallen and Beth Ann Boeckman.

Professional Design Team

Subsection 4.140 (.04)

C5. **Review Criteria:** “The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development. One of the professional consultants chosen by the applicant shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan.”

Finding: These criteria are satisfied.

Details of Finding: As can be found in the applicant’s submitted materials, appropriate professionals have been involved in the planning and permitting process. Annemarie Skinner with Emerio Design is the project manager for the planning portion of the project.

Planned Development Permit Process

Subsection 4.140 (.05)

C6. **Review Criteria:** “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 any building permit:

1. Be zoned for planned development;
2. Obtain a planned development permit; and
3. Obtain Development Review Board, or, on appeal, City Council approval.”

Finding: These criteria are satisfied.

Details of Finding: The subject property is greater than 2 acres, is designated for residential development in the Comprehensive Plan, and is zoned proposed to be zoned Planned Development Residential. The property will be developed as a planned development in accordance with this subsection.

Comprehensive Plan Consistency

Subsection 4.140 (.06)

- C7. **Review Criteria:** “The planning staff shall prepare a report of its findings and conclusions as to whether the use contemplated is consistent with the land use designated on the Comprehensive Plan.” “The applicant may proceed to apply for Stage I - Preliminary Approval - upon determination by either staff or the Development Review Board that the use contemplated is consistent with the Comprehensive Plan.”

Finding: These criteria are satisfied.

Details of Finding: The proposed project, as found elsewhere in this report, complies with the Planned Development Residential-3 zoning designation, which implements the proposed Comprehensive Plan designation of ‘Residential’ 4-5 dwelling units per acre for this property.

Application Requirements

Subsection 4.140 (.07)

- C8. **Review Criteria:** This subsection establishes that the Development Review Board shall consider a Stage I Master Plan after completion or submission of a variety of application requirements.

Finding: These criteria are satisfied.

Details of Finding: Review of the proposed revised Stage I Master Plan has been scheduled for a public hearing before the Development Review Board in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:

- The property affected by the revised Stage I Master Plan is under a joint application by the property owners, Marv Lewallen and Beth Ann Boeckman.
- The application for a Stage I Master Plan has been submitted on a form prescribed by the City.
- The professional design team and coordinator has been identified. See Finding A5.
- The applicant has stated the uses involved in the Master Plan and their locations.
- The boundary information is provided with the concurrent tentative subdivision plat request.
- Sufficient topographic information has been submitted.
- A tabulation of the land area to be devoted to various uses has been provided.
- The proposed development will be built in a single phase.
- Any necessary performance bonds will be required.
- Waivers have been requested concurrently with the Stage I Master Plan.

Standards for Residential Development in Any Zone

Outdoor Recreational Area and Open Space

Subsections 4.113 (.01) and (.02)

C9. Review Criteria: These subsections establishes general and specific requirements for recreational area and open space for residential development.

Finding: These criteria are satisfied.

Details of Finding: The list of typically permitted uses includes single-family dwelling units, open space, and parks, which is what is proposed on the subject properties.

Other Standards

Subsections 4.113 (.03) through (.14)

C10. Review Criteria: These subsections establishes a number of standards for residential development in the City including setbacks, height guidelines, residential uses for treatment and training, fences, prohibited uses, accessory dwelling units, bed and breakfasts, and needed housing.

Finding: These criteria are satisfied.

Details of Finding: These standards are proposed to be met unless a waiver has been specifically been requested.

Standards for All Planned Development Residential Zones

Typically Permitted Uses

Subsection 4.124 (.01)

C11. Review Criteria: This subsection list the allowed uses in the PDR Zones.

Finding: These criteria are satisfied.

Details of Finding: The list of typically permitted uses includes single-family dwelling units, open space, and parks, which is what is proposed on the subject properties.

Accessory Uses

Subsection 4.124 (.02)

C12. Review Criterion: This subsection list the permitted accessory uses in the PDR Zones.

Finding: This criterion is satisfied.

Details of Finding: While none of the listed accessory uses are specifically proposed, they continue to be accessory uses which would be allowed.

Appropriate PDR Zone
Subsection 4.124 (.05)

C13. Review Criteria:

Comprehensive Plan Density	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Finding: These criteria are satisfied.

Details of Finding: PDR-3 is the appropriate PDR designation based on the Comprehensive Plan density designation, as proposed, of 4-5 dwelling units per acre. See Requests A and B.

Block and Access Standards
Subsection 4.124 (.06)

C14. Review Criterion: This subsection lists the block and access standards for all PDR Zones.

Finding: This criterion is satisfied.

Details of Finding: Street locations and lot configurations are such as to support the development of blocks supportive of these standards with potential future development of adjacent properties.

PDR-3 Zone

Development Standards
Section 4.124.3

C15. Review Criterion: This subsection lists the development standards for the PDR-3 zone including lot size, setbacks, lot width, lot depth, height, and lot coverage.

Finding: This criterion is satisfied.

Details of Finding: The minimum lot size standard of 5,000 square feet is met or exceeded by each lot. The average lot size requirements have been requested to be waived as discussed in greater detail under Request D and Request G. All lots are at least 40 feet wide and 60 feet deep. Setbacks will be met except certain side setbacks which are requested to be waived. Maximum height and lot coverage will be met.

Planned Development Lot Qualifications

Lots Suitable for Planned Development
Subsection 4.140 (.02) A.

D1. Review Criteria: “Planned Development may be established on lots which are suitable for and of a size to be planned and developed in a manner consistent with the purposes and objectives of Section 4.140.”

Finding: These criteria are satisfied.

Details of Finding: The lot of the subject development site is of sufficient size to be developed in a manner consistent the purposes and objectives of Section 4.140.

Applicability of Planned Development Regulations
Subsection 4.140 (.02) B.

D2. Review Criteria: “Any site designated for development in the Comprehensive Plan may be developed as a Planned Development, provided that it is zoned ‘PD.’ All sites which are greater than two (2) acres in size, and designated in the Comprehensive Plan for commercial, residential, or industrial use shall be developed as Planned Developments, unless approved for other uses permitted by the Development Code.”

Finding: These criteria are satisfied.

Details of Finding: The subject property is greater than 2 acres, is designated for residential development in the Comprehensive Plan, and is zoned Planned Development Residential. The property will be developed as a planned development in accordance with this subsection.

Ownership Requirement for Planned Developments

All Owners Must be Involved in Application
Subsection 4.140 (.03) A.

D3. Review Criterion: “The tract or tracts of land included in a proposed Planned Development must be in one (1) ownership or control or the subject of a joint application by the owners of all the property included.”

Finding: This criterion is satisfied.

Details of Finding: A joint application has been made and signed by owners of both properties involved, Marv Lewallen and Beth Ann Boeckman.

Transfer of Land in Planned Developments
Subsection 4.140 (.03) B.

D4. Review Criterion: “Unless otherwise provided as a condition for approval of a Planned Development permit, the permittee may divide and transfer units or parcels of any development. The transferee shall use and maintain each such unit or parcel in strict conformance with the approval permit and development plan.”

Finding: This criterion is satisfied.

Details of Finding: It is understood the properties will be subdivided, lots sold, and park areas deeded to a HOA. It is understood all the lots and tracts will be maintained consistent with the Stage II Final Plan.

Professional Design of Planned Developments

Professional Design Team
Subsection 4.140 (.04) A. and B.

D5. **Review Criteria:** "The applicant for all proposed Planned Developments shall certify that the professional services of the appropriate professionals have been utilized in the planning process for development." Appropriate Professionals listed 1. through 4.

Finding: These criteria are satisfied.

Details of Finding: As can be found in the applicant's submitted materials, appropriate professionals have been involved in the planning and permitting process.

Professional Coordinator
Subsection 4.140 (.04) C. and D.

D6. **Review Criteria:** "One of the professional consultants chosen by the applicant from either 1, 2, or 3, above, shall be designated to be responsible for conferring with the planning staff with respect to the concept and details of the plan." "The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff."

Finding: These criteria are satisfied.

Details of Finding: Annemarie Skinner of Emerio Design has been designated as the professional coordinator.

Stage II Final Plan Submission Requirements and Process

Timing of Submission
Subsection 4.140 (.09) A.

D7. **Review Criterion:** "Unless an extension has been granted by the Development Review Board, within two (2) years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development"

Finding: This criterion is satisfied.

Details of Finding: The Stage II Request is being submitted concurrently with the Stage I Master Plan.

Stage I Conformance, Submission Requirements
Subsection 4.140 (.09) C.

D8. Review Criteria: “The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:” listed 1. through 6.

Finding: These criteria are satisfied.

Details of Finding: The Stage II plans substantially conforms with the Stage I Master Plan. The applicant has provided the required drawings and other documents showing all the additional information required by this subsection.

Stage II Final Plan Detail
Subsection 4.140 (.09) D.

D9. Review Criterion: “The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development.”

Finding: This criterion is satisfied.

Details of Finding: The applicant has provided sufficiently detailed information to indicate fully the ultimate operation and appearance of the development, including a detailed site plan and landscape plans.

Submission of Legal Documents
Subsection 4.140 (.09) E.

D10. Review Criterion: “Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner’s association, shall also be submitted.”

Finding: This criterion is satisfied.

Details of Finding: No additional legal documentation is required for dedication or reservation of public facilities.

Expiration of Approval
Subsection 4.140 (.09) I. and Section 4.023

D11. Review Criterion: This subsection and section identify the period for which Stage II approvals are valid.

Finding: This criterion is satisfied.

Details of Finding: The Stage II Approval, along other associated applications, will expire two (2) years after approval, unless an extension is approved in accordance with these subsections.

Consistency with Plans
Subsection 4.140 (.09) J. 1.

D12. Review Criteria: “The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.”

Finding: These criteria are satisfied.

Details of Finding: With the requested Comprehensive Plan Map Amendment, Request A, the project is consistent with the Comprehensive Plan and other applicable plans of which staff is aware.

Traffic Concurrency

Subsection 4.140 (.09) J. 2.

D13. 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.” Additional qualifiers and criteria listed a. through e.

Finding: These criteria are satisfied.

Details of Finding: A traffic study has been completed shown the proposed development will not result in congestion in excess of Level of Service D.

Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

D14. Review Criteria: “That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.”

Finding: These criteria are satisfied.

Details of Finding: Sufficient facilities and services, including utilities, are proposed to be development concurrently with the subdivision and needed utility lines are available in Canyon Creek Road South.

Adherence to Approved Plans

Subsection 4.140 (.09) L.

D15. Review Criteria: “The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development. The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses. Minor changes in an approved preliminary or final development plan may be approved by the Director of Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications, including extension or

revision of the stage development schedule, shall be processed in the same manner as the original application and shall be subject to the same procedural requirements.”

Finding: These criteria are satisfied or will be satisfied by Condition of Approval PDD 2.

Details of Finding: Condition of Approval PDD 2 ensures adherence to approved plans except for minor revisions by the Planning Director.

Residential Development Standards: Open Space and Outdoor Recreation

Purpose of Outdoor Recreational Area

Subsection 4.113 (.01) A.

D16. Review Criteria: “The purposes of the following standards for outdoor recreational area are to provide adequate light, air, open space and usable recreational facilities to occupants of each residential development.”

Finding: These criteria are satisfied.

Details of Finding: The required outdoor recreational area is proposed.

Design for Privacy

Subsection 4.113 (.01) A. 1.

D17. Review Criteria: “Outdoor recreational area shall be: Designed with a reasonable amount of privacy balanced between indoor and outdoor living areas.”

Finding: These criteria are satisfied.

Details of Finding: The proposed park area provides a shared outdoor living area without causing any privacy issues for private living areas.

Needs of Tenants

Subsection 4.113 (.01) A. 2.

D18. Review Criteria: “Recreational areas shall be provided in keeping with the needs of the prospective tenants.”

Finding: These criteria are satisfied.

Details of Finding: Providing the required area is adequate for the 14-lot subdivision.

Location Prohibitions

Subsection 4.113 (.01) A. 2.

D19. Review Criteria: “Recreational areas . . . shall not be located in required yards, parking, or maneuvering areas, or areas that are inaccessible.”

Finding: These criteria are satisfied.

Details of Finding: The proposed recreational area is not in any of the listed areas.

Waiving Outdoor Recreational Area Standard

Subsection 4.113 (.01) A. 2.

D20. Review Criteria: “Standards for outdoor recreational areas may be waived by the Development Review Board upon finding that the recreational needs of the residents will

be adequately met through the use of other recreational facilities that are available in the area.”

Finding: These criteria are satisfied.

Details of Finding: No waivers are being requested.

DRB Altering Amount of Outdoor Recreation Area Subsection 4.113 (.01) A. 4.

D21. Review Criteria: “The Development Review Board may establish conditions of approval to alter the amount of required outdoor recreation area, based on findings of projected need for the development.”

Finding: These criteria are satisfied.

Details of Finding: No additional conditions of approval are proposed.

Outdoor Recreational Area Part of Required Open Space Subsection 4.113 (.01) A. 5.

D22. Review Criteria: “Outdoor recreational area shall be considered to be part of the open space required in the following subsection.”

Finding: These criteria are satisfied.

Details of Finding: The shared outdoor recreational area is included as part of the open space requirement.

25 % Open Space Required Subsection 4.113 (.02) A.

D23. Review Criteria: “In all residential subdivisions including subdivision portions of mixed use developments where (1) the majority of the developed square footage is to be in residential use or (2) the density of residential units is equal or greater than 3 units per acre, at least twenty-five percent (25%) of the area shall be in open space excluding streets and private drives.”

Finding: These criteria are satisfied.

Details of Finding: With much of the area in the SROZ, well in excess of 25% of the properties are proposed as open space.

What Open Space Must Include Subsection 4.113 (.02) A.

D24. Review Criteria: “Open space must include, as a minimum natural areas that are preserved under the City’s SROZ regulations and usable open space such as public park area, tot lots, swimming and wading pools, grass area for picnics and recreational play, walking paths, and other like space.”

Finding: These criteria are satisfied.

Details of Finding: The open space includes the SROZ area plus the required usable open space. Additional discussion of open space can be found on page 4 of the applicant’s findings in Exhibit B1.

Usable Open Space When SROZ is Greater than 25 % of Developable Area
Subsection 4.113 (.02) A.

D25. Review Criteria: “Provided, however, where SROZ is greater than 25% of the developable area for any development, the development must also provide ¼ acre of usable park area for a development of less than 100 lots, and ½ acre of usable park area for a development of 100 lots, and pro rata amounts based on this formula for subdivisions exceeding 100 lots.”

Finding: These criteria are satisfied.

Details of Finding: A usable park area of 12,643.1 square feet (0.29 acres) is proposed outside the SROZ, exceeding the 10,890 square foot (0.25 acre) requirement.

Waiving Usable Open Space Requirement
Subsection 4.113 (.02) A.

D26. Review Criteria: “The Development Review Board may waive the usable open space requirement if there is substantial evidence in the record to support a finding that the intent and purpose of the requirement will be met in alternative ways.”

Finding: These criteria are satisfied.

Details of Finding: No related waivers are being requested.

Phasing and Usable Open Space Requirement
Subsection 4.113 (.02) A.

D27. Review Criteria: “Irrespective of the amount of SROZ, a development may not use phasing to avoid the minimum usable space requirement.”

Finding: These criteria are satisfied.

Details of Finding: No phasing is proposed.

Easements and Dedication to the Public of Open Space
Subsection 4.113 (.02) B.

D28. Review Criteria: “Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City parks standards.”

Finding: These criteria are satisfied.

Details of Finding: The open space tracts will be owned by a homeowners association.

Including Open Space Area in Density and Lot Coverage Calculations
Subsection 4.113 (.02) B.

D29. Review Criteria: “The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage.”

Finding: These criteria are satisfied.

Details of Finding: The open space area has been included in the density calculations.

Assuring Protection and Maintenance of Open Space

Subsection 4.113 (.02) C.

D30. Review Criteria: “The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or maintenance are the responsibility of a private party or homeowners’ association, the City Attorney shall review any pertinent bylaws, covenants, or agreements prior to recordation.”

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

Details of Finding: A conditions of approval requires City review of subdivision and homeowners association documents to ensure long term protection and maintenance of open space areas.

Residential Development: Setbacks for Lots Less than 10,000 Square Feet

Front Yard Setback

Subsection 4.113 (.03) B. 1.

D31. Review Criteria: “Minimum front yard setback: Fifteen (15) feet, with open porches allowed to extend to within ten (10) feet of the property line.”

Finding: These criteria are satisfied.

Details of Finding: The proposed lots will allow homes to be built meeting these setbacks.

Side Yard Setback

Subsection 4.113 (.03) B. 2.

D32. Review Criteria: “Minimum side yard setback: One story: five (5) feet; Two or more stories: seven (7) feet. In the case of a corner lot, abutting more than one street or tract with a private drive, the side yard on the street side of such lot shall be not less than ten (10) feet.”

Finding: These criteria are satisfied.

Details of Finding: All homes will be 2 or more stories and a waiver is being requested to reduce the required side yard setback from 7 feet to 5 feet. Similar setback waivers have been approved for other nearby development, including Renaissance at Canyon Creek. See Request G. See also applicant’s findings on page 5 and 8 of their narrative in Exhibit B1. The side yard setback on the north side of Lots 1 and 2 will be 10 feet.

Setbacks and Future Streets

Subsection 4.113 (.03) B. 4.

D33. Review Criteria: “No structure shall be erected within the required setback for any future street shown within the City’s adopted Transportation Master Plan or Transportation Systems Plan.”

Finding: These criteria are satisfied.

Details of Finding: No special setbacks are required for future planned streets.

Garage Door or Carport Setbacks

Subsection 4.113 (.03) B. 5.

D34. Review Criteria: “Minimum setback to garage door or carport entry: Twenty (20) feet. Wall above the garage door may project to within fifteen (15) feet of property line, provided that clearance to garage door is maintained. Where access is taken from an alley, garages or carports may be located no less than four (4) feet from the property line adjoining the alley.”

Finding: These criteria are satisfied.

Details of Finding: The proposed lots will allow homes to be built meeting these setbacks.

Rear Yard Setbacks

Subsection 4.113 (.03) B. 6.

D35. Review Criteria: “Minimum rear yard setback: One story: fifteen (15) feet. Two or more stories: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.”

Finding: These criteria are satisfied.

Details of Finding: The proposed lots will allow homes to be built meeting these setbacks.

Residential Development: Height Guidelines

Height Guidelines

Subsection 4.113 (.04)

D36. Review Criteria: “The Development Review Board may regulate heights as follows:

A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.

B. To provide buffering of low density developments by requiring the placement of buildings more than two (2) stories in height away from the property lines abutting a low density zone.

C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River from greater encroachments than would occur if developed conventionally.

Finding: These criteria are satisfied.

Details of Finding: No additional height regulations beyond the typical for the zone is recommended.

Residential Treatment Facilities

Residential Homes (Treatment Facilities) Allowed in Single-Family Development
Subsection 4.113 (.05) A.

D37. Review Criteria: “Residential Homes, as defined in Section 4.001, shall be permitted in any location where a single-family dwelling is permitted.”

Finding: These criteria are satisfied.

Details of Finding: No residential homes are proposed, however a home could be converted in the future.

Fences in Residential Development

Front Yard Fence Height

Subsection 4.113 (.08) A.

D38. Review Criteria: “The maximum height of a sight-obscuring fence located in the required front yard of a residential development shall not exceed four (4) feet.”

Finding: These criteria are satisfied.

Details of Finding: No fences are proposed in the front yard.

Side and Rear Yard Fence Height

Subsection 4.113 (.08) B.

D39. Review Criteria: “The maximum height of a sight-obscuring fence located in the side yard of a residential lot shall not exceed four (4) feet forward of the building line and shall not exceed six (6) feet in height in the rear yard, except as approved by the Development Review Board. Except, however, that a fence in the side yard of residential corner lot may be up to six (6) feet in height, unless a greater restriction is imposed by the Development Review Board acting on an application. A fence of up to six (6) feet in height may be constructed with no setback along the side, the rear, and in the front yard of a residential lot adjoining the rear of a corner lot as shown in the attached Figure.”

Finding: These criteria are satisfied.

Details of Finding: All fences will be required to meet these height requirements. No fences over 6 feet are proposed requiring DRB review.

Prohibited Fence Materials

Subsection 4.113 (.08) D.

D40. Review Criteria: “Fences in residential zones shall not include barbed wire, razor wire, electrically charged wire, or be constructed of sheathing material such as plywood or flakeboard.”

Finding: These criteria are satisfied.

Details of Finding: Installed fences will not be allowed to be made of these materials.

Prohibited Uses in Residential Areas

Prohibited Uses

Subsection 4.113 (.10)

D41. Review Criteria: This subsection lists uses prohibited in residential development including: uses for structures not specifically permitted in the applicable zone, trailers travel trailers or mobile coaches for a residence except in approved RV parks, and outdoor advertising display, signs, or advertising structures as provided in the City’s sign code.

Finding: These criteria are satisfied.

Details of Finding: No prohibited uses are proposed and these uses will continue to be prohibited.

Accessory Dwelling Units

Accessory Dwelling Units

Subsection 4.113 (.11)

D42. Review Criteria: This subsection establishes the standards for accessory dwelling units for all PDR zones, R zone, RA-H zone, and Village zone.

Finding: These criteria are satisfied.

Details of Finding: No accessory dwelling units are proposed and any future accessory dwelling units will be required to conform with this subsection.

Compliance, Conditions, and Effect on Cost of Needed Housing

Impacting Needed Housing Cost

Subsection 4.113 (.14)

D43. Review Criteria: “The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on the availability and cost of needed housing. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of housing or effectively excluding a needed housing type. However, consideration of these factors shall not prevent the Board or Planning Director from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.”

Finding: These criteria are satisfied.

Details of Finding: During review of the project no conditions or requirements have been identified that would unduly increase the cost of housing proposed in the subdivision.

Standards Applying in All Planned Development Zones

Additional Height Guidelines

Subsection 4.118 (.01)

D44. Review Criterion: “In cases that are subject to review by the Development Review Board, the Board may further regulate heights as follows:

A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.

B. To provide buffering of low density developments by requiring the placement of

three or more story buildings away from the property lines abutting a low density zone.

C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River.”

Finding: This criterion is satisfied.

Details of Finding: Staff does not recommend the Development Review Board require a height less than otherwise allowed as the allowed height provides for fire protection access, does not abut a low density zone where shorter homes are required, and does not impact scenic views of Mt. Hood or the Willamette River.

Underground Utilities

Subsection 4.118 (.02) and Sections 4.300 to 4.320

D45. Review Criteria: “Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.”

Finding: These criteria are satisfied.

Details of Finding: All utilities are required to be installed underground.

Waivers

Subsection 4.118 (.03)

D46. Review Criteria: “Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may” waive a number of standards as listed in A. through E.

Finding: These criteria are satisfied.

Details of Finding: Two waivers are being requested. See Request G.

Other Requirements or Restrictions

Subsection 4.118 (.03) E.

D47. Review Criteria: “Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may adopt other requirements or restrictions, inclusive of, but not limited to, the following:” Listed 1. through 12.

Finding: These criteria are satisfied.

Details of Finding: No additional requirements or restrictions are recommended pursuant to this subsection.

Impact on Development Cost

Subsection 4.118 (.04)

D48. Review Criteria: “The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on availability and cost. The provisions of this section shall not be used in such a

manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.”

Finding: These criteria are satisfied.

Details of Finding: It is staff’s professional opinion that the determination of compliance or attached conditions do not unnecessarily increase the cost of development, and no evidence has been submitted to the contrary.

Requiring Tract Dedications

Subsection 4.118 (.05)

D49. Review Criteria: “The Planning Director, Development Review Board, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:” Recreational Facilities, Open Space Area, Easements.”

Finding: These criteria are satisfied.

Details of Finding: No additional tracts are being required for the purposes given.

Habitat Friendly Development Practices

Subsection 4.118 (.09)

D50. Review Criteria: “To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:

A. Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;

B. Minimizing adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2 in Section 4.139.03, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit;

C. Minimizing impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2 in Section 4.139.03; and

D. Using the practices described in Part (c) of Table NR-2 in Section 4.139.03.”

Finding: These criteria are satisfied.

Details of Finding: The portions of the subject properties being developed do not contain any wildlife corridors or fish passages. The site does contain SROZ area which has been deemed as non-developable and non-buildable on the submitted plan set. No vegetation will be removed from the SROZ area. Grading on the site will be limited to only that necessary to install the required site improvements and construct houses. The applicant proposes no grading in the SROZ area. Water, sewer and storm water are available and will be designed and constructed in accordance with the Code to minimize adverse

impacts on the site, surrounding properties and environment.

Standards Applying to All Planned Development Residential Zones

Typically Permitted Uses

Subsection 4.124 (.01)

D51. Review Criteria: This subsection lists the typically permitted uses in all PDR Zones including: open space, single-family dwelling units, multi-family dwelling units subject to the density standards of the zone, public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, and manufactured homes.

Finding: These criteria are satisfied.

Details of Finding: The proposal is for single-family homes and open spaces and a park as listed as permitted uses in this subsection.

Uses Permitted Accessory to Single-Family Dwellings

Subsection 4.124 (.02)

D52. Review Criteria: This subsection lists the uses permitted accessory to single-family dwellings including: uses customarily incidental, living quarters for employees or guests, accessory dwelling units, home occupations, private garage or parking area, keeping a limited amount of boarders (up to 2), temporary construction buildings, accessory buildings, and livestock and farm animals subject to City established provisions.

Finding: These criteria are satisfied.

Details of Finding: None of the listed accessory uses are specifically listed by the applicant but will be allowed consistent with this subject.

Block and Access Standards in PDR Zones

Maximum Block Perimeter

Subsection 4.124 (.06) 1.

D53. Review Criteria: "Maximum block perimeter in new land divisions: 1,800 feet."

Finding: These criteria are satisfied.

Details of Finding: Block 1 is approximately 208 long and is separated from Block 2 and Block 3 by a public street to the south and east. The residential lot area of Block 2 is 156 feet long, with an overall length of 341 feet, and is separated from Block 1 and Block 3 by a public street and a private street to the west. Block 3 is 214 feet long and is separated from Block 1 and Block 2 by a public street to the north and a private street to the east.

Maximum Spacing Between Streets for Local Access

Subsection 4.124 (.06) 2.

D54. Review Criteria: "Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard."

Finding: These criteria are satisfied.

Details of Finding: The proposed public street providing access to the project is 94.3 feet south of Daybreak Street. The distance between the subdivision entrance and the private street is 214 feet.

Maximum Block Length
Subsection 4.124 (.06) 3.

D55. Review Criteria: "Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard."

Finding: These criteria are satisfied.

Details of Finding: Both Blocks 1 and 3 are less than 330 feet. Block 2 is 341 feet long, but contains a pedestrian pathway providing access from the public street and park to the SROZ area. Additionally, the entire eastern portion of Block 2 is SROZ that will not be developed.

PDR-3 Zone Standards

Average Lot Size
Subsection 4.124.3 (.01)

D56. Review Criteria: "Average lot size: 7,000 square feet."

Finding: These criteria are satisfied.

Details of Finding: A waiver for the average lot size has been requested. See Request G.

Minimum Lot Size
Subsection 4.124.3 (.02)

D57. Review Criteria: "Minimum lot size: 5,000 square feet."

Finding: These criteria are satisfied.

Details of Finding: All lots are proposed to be 5,000 square feet or more.

Minimum Density
Subsection 4.124.3 (.03)

D58. Review Criteria: "Minimum density at build out: One unit per 8,000 square feet."

Finding: These criteria are satisfied.

Details of Finding: Minimum density has been calculated based on the Comprehensive Plan density range, which is understood to be controlling standard for density, as has been applied elsewhere with Planned Development Residential zoning. The minimum density calculation is as follows:

Usable (non-SROZ) acres $2.33 \times 4 \text{ du/ac} = 9.32$ or 9 lots minimum

In addition, the property is permitted a density transfer from the SROZ portion of the property equal to 50% of the expected maximum density for the SROZ area, calculated as

follows:

SROZ acres $2.04 \times 5 \text{ du/ac} = 10.2 \times 0.5$ (50% SROZ transfer credit = 5.1 or 5 units)

The proposed unit count (14) is the minimum density (9) plus the permitted transfer credit (5).

Minimum Lot Width

Subsection 4.124.3 (.04) A.

D59. Review Criteria: "Minimum lot width at building line: Forty (40) feet."

Finding: These criteria are satisfied.

Details of Finding: All lot widths are 40 feet or greater as shown in the Preliminary Plat.

Minimum Street Frontage

Subsection 4.124.3 (.04) B.

D60. Review Criteria: "Minimum street frontage of lot: Forty (40) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive."

Finding: These criteria are satisfied.

Details of Finding: As shown on the tentative plat all lots have 40 feet or greater of frontage on a street or private drive.

Minimum Lot Depth

Subsection 4.124.3 (.04) C.

D61. Review Criteria: "Minimum lot depth: Sixty (60) feet."

Finding: These criteria are satisfied.

Details of Finding: As shown on the preliminary plat all lots are greater than 60 feet in depth.

Maximum Height

Subsection 4.124.3 (.04) E.

D62. Review Criteria: "Maximum building or structure height: Thirty-five (35) feet."

Finding: These criteria are satisfied.

Details of Finding: No homes will be approved for construction in this subdivision with a height greater than 35 feet.

Maximum Lot Coverage

Subsection 4.124.3 (.04) F.

D63. Review Criteria: "Maximum lot coverage: Fifty percent (50%) for lots containing less than 7000 square feet. Forty-five percent (45%) for lots between 7000 and 8000 square feet. Forty percent (40%) for lots exceeding 8000 square feet."

Finding: These criteria are satisfied.

Details of Finding: All proposed lots are less than 7,000 square feet in size and thus would be allowed up to 50% lot coverage.

Significant Resource Overlay Zone

Where SROZ Regulations Apply

Section 4.139.02

D64. Review Criteria: "The regulations of this Section apply to the portion of any lot or development site, which is within a Significant Resource Overlay Zone and its associated "Impact Areas". . . Unless otherwise exempted by these regulations, any development proposed to be located within the Significant Resource Overlay Zone and/or Impact Area must comply with these regulations."

Finding: These criteria are satisfied.

Details of Finding: The regulations apply to a significant portion of the properties within the SROZ. However, the proposed development within the SROZ is exempt.

Uses Exempt from SROZ Regulations

Section 4.139.04

D65. Review Criteria: This subsection lists the uses and activities exempt from SROZ requirements, including "The construction of new roads, pedestrian or bike paths into the SROZ in order to provide access to the sensitive area or across the sensitive area, provided the location of the crossing is consistent with the intent of the Wilsonville Comprehensive Plan. Roads and paths shall be constructed so as to minimize and repair disturbance to existing vegetation and slope stability."

Finding: These criteria are satisfied.

Details of Finding: The regulations apply to a significant portion of the properties within the SROZ. However, the proposed development of a bark pathway within the SROZ is exempt.

Density Transfer from Significant Resource Overlay Zone

Transfer of Density from SROZ Permitted

Subsection 4.139.11 (.02)

D66. Review Criteria: "For residential development proposals on lands which contain the SROZ, a transfer of density shall be permitted within the development proposal site."

Finding: These criteria are satisfied.

Details of Finding: A density transfer is proposed consistent with this subsection.

SROZ Density Transfer Formula

Subsection 4.139.11 (.02)

D67. Review Criteria: "The following formula shall be used to calculate the density that shall be permitted for allowed residential use on the property:

A. Step 1. Calculate Expected Maximum Density. The Expected Maximum Density (EMD) is calculated by multiplying the acreage of the property by the maximum density permitted in the Wilsonville Comprehensive Plan.

B. Step 2. The density that shall be permitted on the property shall be equal to the EMD obtained in Step 1, provided:

1. The density credit can only be transferred to that portion of the development site that is not located within the designated Significant Resource; and
2. 50% of the maximum number of dwelling units that are within the SROZ are allowed to be transferred to the buildable portion of the proposed development site

Finding: These criteria are satisfied.

Details of Finding: The permitted density transfer is 5 units based on the following calculation:

SROZ acres 2.04x5 du/ac (maximum density per proposed Comprehensive Plan designation) = 10.2 x 0.5 (50% SROZ transfer credit) = 5.1 or 5 units

SROZ Density Transfer Limiting Standards.

Subsection 4.139.11 (.02) B. 2.-3.

D68. Review Criteria: "2. 50% of the maximum number of dwelling units that are within the SROZ are allowed to be transferred to the buildable portion of the proposed development site provided that the standards for outdoor living area, landscaping, building height and parking shall still be met. Applicants proposing a density transfer must demonstrate compatibility between adjacent properties as well as satisfy the setback requirements of the zone in which the development is proposed or meet Section 4.139.10 A. above; and

3. The types of residential uses and other applicable standards permitted in the zone shall remain the same; and

Finding: These criteria are satisfied.

Details of Finding: The standards for outdoor living area, landscaping, building height and parking are still met as establish by other findings under this request. At 5,000 square feet the proposed lots are of a similar size as many in the area and meet the minimum of the PDR-3 zone and will allow development of homes similar to many in the area. Setbacks and relationships to adjacent properties are similar with or without the density transfer. Setbacks for the PDR-3 zone are met, as allowed to be waived under Section 4.118 applying to all Planned Development zones. Permitted single-family homes and parks and open space continue to be the only uses proposed with the density transfer. All other applicable standards are able to be met with the density transfer.

On-site Pedestrian Access and Circulation

Conformance with Standards

Section 4.154 (.01) B. 1.

D69. Review Criteria: "Development shall conform to all of the following standards:"

Finding: These criteria are satisfied.

Explanation of Finding: All of the on-site pedestrian access and circulation standards are being applied to the proposed development.

Continuous Pathway System
Section 4.154 (.01) B. 1.

D70. Review Criteria: “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: These criteria are satisfied.

Explanation of Finding: Sidewalks are shown in the applicant’s plans extending along the public streets and private drive. The design ensures pedestrian connectivity to the front of each home.

Safe, Direct, and Convenient
Section 4.154 (.01) B. 2.

D71. 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:”

Finding: These criteria are satisfied.

Explanation of Finding: Pedestrian connections are provided to all the lots and the park and natural areas either as shown on the submitted set or required by a condition of approval.

Free from Hazards/Smooth Surface
Section 4.154 (.01) B. 2. a.

D72. Review Criteria: “Pedestrian pathways are designed primarily for pedestrian safety and convenience, meaning they are free from hazards and provide a reasonably smooth and consistent surface.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed pathways are planned to be free from hazards and will be a smooth hard surface for sidewalks and an appropriate surface for natural secondary path into the park and natural area.

Reasonably Direct
Section 4.154 (.01) B. 2. b.

D73. Review Criteria: “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.”

Finding: These criteria are satisfied.

Explanation of Finding: The sidewalks and pathway provide direct access to the lots and park and natural area.

Vehicle/Pathway Separation
Section 4.154 (.01) B. 3.

D74. Review Criteria: “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: These criteria are satisfied.

Explanation of Finding: All pedestrian pathways are vertically and or horizontally separated, except as necessitated by driveway cuts.

Crosswalks

Section 4.154 (.01) B. 4.

D75. Review Criteria: “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: These criteria are satisfied.

Explanation of Finding: Marked crosswalks with contrasting paint are proposed at the crossing of the proposed public street at Canyon Creek Road South and across the proposed public street at the entrance to the pathway to the park and natural area. In addition the sidewalk at the entrance to the private drive in concrete contrasting with the asphalt of the private drive.

Pathway Width and Surface

Section 4.154 (.01) B. 5.

D76. 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 are satisfied.

Explanation of Finding: All proposed pathways are 5 feet or wider.

Parking Area Design Standards

Minimum and Maximum Parking

Subsection 4.155 (.03) G.

D77. Review Criteria: “Tables 5 shall be used to determine the minimum and maximum parking standards for various land uses. The minimum number of required parking spaces shown on Tables 5 shall be determined by rounding to the nearest whole parking space. For example, a use containing 500 square feet, in an area where the standard is one space for each 400 square feet of floor area, is required to provide one off-street parking space. If the same use contained more than 600 square feet, a second parking space would be required. Structured parking and on-street parking are exempted from the parking maximums in Table 5.”

Finding: These criteria are satisfied.

Details of Finding: Each dwelling unit requires 1 parking space. The applicant states each

lot will accommodate at least 1 exterior parking space meeting the dimensions of 20 feet lot and 12 feet wide. In addition, all homes will have at least a 1 car garage and on-street parking is provided on the proposed street.

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

D78. Review Criteria: These subsections list a number of standards affecting the design of parking areas.

Finding: These criteria are satisfied.

Details of Finding: The applicable standards are met as follows:

Standard	Met	Explanation
Subsection 4.155 (.02) General Standards		
B. All spaces accessible and usable for Parking	☒	Standard residential driveway design is proposed for the exterior parking. Staff does not have house plans to determine the accessibility of garages for parking. However, the garages are not necessary to meet minimum parking requirements.
I. Surfaced with asphalt, concrete or other approved material.	☒	Driveways and garages will be surfaced with concrete. Street surfaced with asphalt.
Drainage meeting City standards	☒	Drainage is professionally designed and being reviewed to meet City standards
Subsection 4.155 (.03) General Standards		
A. Access and maneuvering areas adequate.	☒	All off-street parking areas will be accessible off the proposed street or private drive which provide adequate area for typical vehicles to circulate.
A.2. To the greatest extent possible, vehicle and pedestrian traffic separated.	☒	Vehicle and pedestrian traffic are clearly delineated and separated except for crosswalks. Some shared vehicle and pedestrian area will exist on the private drive which is appropriate due to low traffic volumes.

Other Parking Standards and Policies and Procedures

Parking Standards Minimum Criteria

Subsection 4.155 (.02) A.

D79. Review Criteria: “The standards set forth herein shall be considered by the Development Review Board as minimum criteria.”

Finding: These criteria are satisfied.

Details of Finding: The standards are being considered minimum criteria and in many cases have been exceeded such as number and size of planned parking spaces.

Parking Variances and Waivers

Subsection 4.155 (.02) A. 1.-2.

D80. Review Criteria: “1. The Board shall have the authority to grant variances or planned development waivers to these standards in keeping with the purposes and objectives set forth in the Comprehensive Plan and this Code. 2. Waivers to the parking, loading, or bicycle parking standards shall only be issued upon a findings that the resulting development will have no significant adverse impact on the surrounding neighborhood, and the community, and that the development considered as a whole meets the purposes of this section.”

Finding: These criteria are satisfied.

Details of Finding: No variances or waivers to the parking standards are requested nor would be necessary to approve the proposed subdivision.

On-Street Parking for Parking Calculations

Subsection 4.155 (.03) F.

D81. Review Criteria: “On-street parking spaces, directly adjoining the frontage of and on the same side of the street as the subject property, may be counted towards meeting the minimum off-street parking standards.”

Finding: These criteria are satisfied.

Details of Finding: No on-street parking is being counted as required parking for the proposed subdivision.

Access, Ingress, and Egress

Access at Defined Points

Subsection 4.167 (.01)

D82. Review Criterion: “Each access onto streets or private drives shall be at defined points as approved by the City”

Finding: This criterion is satisfied.

Details of Finding: The access points are at defined points appropriate for a local street.

Health, Safety, and Welfare
Subsection 4.167 (.01)

D83. Review Criterion: “Each access onto streets or private drives shall be . . . consistent with the public's health, safety and general welfare.”

Finding: This criterion is satisfied.

Details of Finding: By virtue of meeting applicable standards of Chapter 4 as well as being required to meet Public Works Standards a finding can be made the access points will be consistent with the public’s health, safety and general welfare.

Approval of Access Points
Subsection 4.167 (.01)

D84. Review Criterion: “Such defined points of access shall be approved at the time of issuance of a building permit if not previously determined in the development permit.”

Finding: This criterion is satisfied.

Details of Finding: The Engineering Division is reviewing and approving all points of access to public streets.

Protection of Natural Features and Other Resources

Regard for Natural Terrain and Features
Section 4.171 (.02) A.

D85. 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 landforms.”

Finding: These criteria are satisfied.

Details of Finding: Development is limited to the more open gently sloping portion of the site with the forested riparian area within the SROZ being protected.

Grading Compliance with Uniform Building Code
Section 4.171 (.02) B.

D86. Review Criteria: “All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code”

Finding: These criteria are satisfied.

Details of Finding: Prior to any site earth work a grading permit must be issued by the City’s Building Division ensuring planned grading conforms with the Uniform Building Code.

Limiting Soil Disturbance
Section 4.171 (.02) C. 1.

D87. Review Criteria: “all developments 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”

Finding: These criteria are satisfied.

Details of Finding: Only areas necessary for street construction and create home sites are being graded thus minimizing the areas being disturbed.

Avoiding Erosion, Pollution, etc.

Section 4.171 (.02) C. 2.

D88. Review Criteria: “all developments shall be planned, designed, constructed and maintained so as to: 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.”

Finding: These criteria are satisfied.

Details of Finding: Erosion control measures will be required during construction and no indications exist of the development leading to accelerated erosion, pollution, contamination, or siltation of water bodies, damage to significant native vegetation, or injury to wildlife or fish habitat.

Minimize Tree Removal

Section 4.171 (.02) C. 3.

D89. Review Criteria: “all developments shall be planned, designed, constructed and maintained so as to: Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.”

Finding: These criteria are satisfied.

Details of Finding: Both the applicant and staff have carefully reviewed the tree removal plan to maximize the number of retained trees.

Timing of Vegetation Disturbance

Section 4.171 (.04) A. 1.

D90. 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.”

Finding: These criteria are satisfied.

Details of Finding: The applicant is not authorized to remove any vegetation that otherwise would not be removed for property maintenance or other non-development related reasons.

Incorporation of Trees and Wooded Area in Site Planning

Section 4.171 (.04) A. 2.

D91. Review Criteria: “All developments shall be planned, designed, constructed and maintained so that: 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.”

Finding: These criteria are satisfied.

Details of Finding: The forested riparian area along the eastern edge of the site is being preserved as part of the site planning. Both the applicant and staff have carefully reviewed the tree removal plan to maximize the number of retained trees during home development.

Preservation of Trees in Right-of-Way

Section 4.171 (.04) A. 3.

D92. Review Criteria: “All developments shall be planned, designed, constructed and maintained so that: Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.”

Finding: These criteria are satisfied.

Details of Finding: Both the applicant and staff have carefully reviewed the tree removal plan and have not found additional trees appropriate to preserve within the right-of-way.

Tree Protection During Construction

Section 4.171 (.04) B.

D93. Review Criteria: “Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:” Listed 1. through 4.

Finding: These criteria are satisfied.

Details of Finding: As required under Request F, retained trees will be protected during construction consistent with City standards.

Public Safety and Crime Prevention

Design for Public Safety

Subsection 4.175 (.01)

D94. Review Criteria: “All developments shall be designed to deter crime and insure public safety.”

Finding: These criteria are satisfied.

Details of Finding: The development will be a fairly traditional single-family subdivision to create a quiet area with eyes on the street to discourage crime.

Addressing and Directional Signing

Subsection 4.175 (.02)

D95. Review Criteria: “Addressing and directional signing shall be designed to assure identification of all buildings and structures by emergency response personnel, as well as the general public.”

Finding: These criteria is satisfied.

Details of Finding: All homes will be required to have addresses meeting applicable requirements.

Surveillance and Access

Subsection 4.175 (.03)

D96. Review Criterion: “Areas vulnerable to crime shall be designed to allow surveillance. Parking and loading areas shall be designed for access by police in the course of routine patrol duties.”

Finding: This criterion is satisfied.

Details of Finding: No parking or loading areas are proposed needing surveillance. No other areas especially vulnerable to crime are proposed.

Lighting to Discourage Crime

Subsection 4.175 (.04)

D97. Review Criterion: “Exterior lighting shall be designed and oriented to discourage crime.”

Finding: This criterion is satisfied.

Details of Finding: No specific lighting is proposed or needed to discourage crime.

Landscaping Standards

Landscape Code Compliance

Subsection 4.176 (.02) B.

D98. Review Criteria: “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: These criteria are satisfied.

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

Intent and Required Materials

Subsections 4.176 (.02) C. through I.

D99. Review Criteria: These subsections identify the various landscaping standards, including the intent of where they should be applied, and the required materials.

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

Details of Finding: All landscape areas subject to the landscape standards are required to meet the general landscape standard. The standard is met except on the frontage of the lots facing the private drive, which does not have street trees. Condition of Approval PDD 4 requires one street tree for each lot along the private drive.

Required Materials: Shrubs and trees, other than street trees, may be grouped.

Ground cover plants must fully cover the remainder of the landscaped area (see Figure 21: General Landscaping). The General Landscaping Standard has two different requirements for trees and shrubs:

- a. Where the landscaped area is less than 30 feet deep, one tree is required for every 30 linear feet.
- b. Where the landscaped area is 30 feet deep or greater, one tree is required for every 800 square feet and two high shrubs or three low shrubs are required for every 400 square feet.

Materials Provided: Street trees where driveway cuts and infrastructure placement allows, additional evergreen trees in the park area. All additional landscaping strip and park areas will have groundcover.

Landscape Area

Subsection 4.176 (.03)

D100. 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.”

Finding: These criteria are satisfied.

Details of Finding: In residential development this standard is met by the open space requirements in Section 4.113.

Landscape Locations

Subsection 4.176 (.03)

D101. Review Criteria: “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.”

Finding: These criteria are satisfied.

Details of Finding: Landscaping is provided in all the landscaping strips throughout the project in addition to the proposed park and open space.

Use of Landscaping

Subsection 4.176 (.03)

D102. Review Criteria: “Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas.”

Finding: These criteria are satisfied.

Details of Finding: While landscaping will soften homes from the street, no other buildings or off-street parking areas requiring screening are proposed.

Plant Material Variety
Subsection 4.176 (.03)

D103. Review Criteria: “Materials to be installed shall achieve a balance between various plant forms, textures, and heights.”

Finding: These criteria are satisfied.

Details of Finding: Applicant’s sheet L1 and L2 indicate a variety of landscaping materials that create the variety required by this subsection.

Native Plant Material Use
Subsection 4.176 (.03)

D104. Review Criteria: “The installation of native plant materials shall be used whenever practicable.”

Finding: These criteria are satisfied.

Details of Finding: The level of native plant use is appropriate for the application.

Buffering and Screening
Subsection 4.176 (.04)

D105. 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.

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 fence line shall require Development Review Board approval.”

Finding: These criteria are satisfied.

Details of Finding: No buffering and screening pursuant to this subsection is required or proposed.

Landscape Plans
Subsection 4.176 (.09)

D106. Review Criteria: “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: These criteria are satisfied.

Details of Finding: Applicant’s sheets L1 and L2 provide the required information.

Street Improvement Standards-Generally

Conformance with Standards and Plan

Subsection 4.177 (.01)

D107.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 as well as the Public Works Standards and the TSP with the exception of the intersection spacing between SW Daybreak Street and the proposed public street which is 94.3 feet rather than the standard of 100 feet or greater. Exhibit C2 regards the City Engineer’s approval of the reduced distance as allowed by Section 201.1.03 of the 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. Canyon Creek Road South and the proposed new public street are local streets with no specific requirements or deficiencies in the Transportation System Plan outside the typical design requirements.

Rough Proportionality

Subsection 4.177 (.01)

D108.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: Standard half street improvements are required and full-street improvements where the development is on both sides. These are the typical minimal standards and no questions regarding rough proportionality are being analyzed.

Timing of Street Improvements

Subsection 4.177 (.01)

D109.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 any home construction.

Street Improvement Standards-Adjoining Property Connectivity

Streets and Adjoining Properties
Subsection 4.177 (.02) A.

D110. 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: The public street proposed allows for future extension onto adjacent properties.

Adjoining Property Connections
Subsection 4.177 (.02) A. 1.

D111. Review Criteria: "Development shall be required to provide existing or future connections to adjacent sites through the use of access easements where applicable. Such easements shall be required in addition to required public street dedications as required in Section 4.236(.04)."

Finding: These criteria are satisfied.

Details of Finding: The proposed public street allows for future extension onto adjacent properties.

Street Improvement Standards-Right-of-Way

Right-of-Way Width Determination
Subsection 4.177 (.02) B.

D112. Review Criteria: "The City Engineer shall make the final determination regarding right-of-way and street element widths using the ranges provided in Chapter 3 of the Transportation System Plan and the additional street design standards in the Public Works Standards."

Finding: These criteria are satisfied.

Details of Finding: The proposed street is shown consistent with Figure 3-9 of the 2013 Transportation Systems Plan.

Right-of-Way Dedication
Subsection 4.177 (.02) C. 1.

D113. 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. See Request H.

Waiver of Remonstrance
Subsection 4.177 (.02) C. 2.

D114. 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 PDD 5

Details of Finding: Condition of Approval PDD 5 requires the waiver of remonstrance.

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

D115. 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-Dead End Streets

Dead-end Streets
Subsection 4.177 (.02) D.

D116. Review Criteria: “Dead-end Streets. New dead-end streets or cul-de-sacs shall not exceed 200 feet in length, unless the adjoining land contains barriers such as existing buildings, railroads or freeways, or environmental constraints such as steep slopes, or major streams or rivers, that prevent future street extension and connection. A central landscaped island with rainwater management and infiltration are encouraged in cul-de-sac design. No more than 25 dwelling units shall take access to a new dead-end or cul-de-sac street unless it is determined that the traffic impacts on adjacent streets will not exceed those from a development of 25 or fewer units. All other dimensional standards of dead-end streets shall be governed by the Public Works Standards. Notification that the street is planned for future extension shall be posted on the dead-end street.”

Finding: These criteria are satisfied.

Details of Finding: The full length of the proposed public street exceeds the 200-foot maximum for a dead-end street. However, the project does contain a private drive at the halfway point of the public street, providing an outlet and turn-around for emergency services and, while it is a dead end now, the street is designed to be extended with potential future development to the north. Only 14 lots take access from the new street or the connected private drive.

Street Improvement Standards-Clearance

Corner Vision Clearance

Subsection 4.177 (.02) E.

D117.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: The development is being designed to enable the required vision clearance to be met.

Vertical Clearance

Subsection 4.177 (.02) F.

D118.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: The development is being designed to enable the required vertical clearance to be met.

Street Improvement Standards- Interim Improvements

Interim Improvement Standards

Subsection 4.177 (.02) G.

D119.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.

Details of Finding: No interim improvements are proposed.

Street Improvement Standards-Sidewalks

Sidewalks Required

Subsection 4.177 (.03)

D120.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 on both sides of the proposed public street and

along the project frontage with Canyon Creek Road South. In addition sidewalks are required as a Condition of Approval along the private drive.

Through Zone

Subsection 4.177 (.03) A.

D121. Review Criteria: "Sidewalk widths shall include a minimum through zone of at least five feet. The through zone may be reduced pursuant to variance procedures in Section 4.196, a waiver pursuant to Section 4.118, or by authority of the City Engineer for reasons of traffic operations, efficiency, or safety."

Finding: These criteria are satisfied.

Details of Finding: All sidewalks are shown with a through zone of at least five feet.

Sidewalks on One Side

Subsection 4.177 (.03) B.

D122. 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 proposed on both sides of the proposed street as well as the project's side of Canyon Creek Road South. In addition sidewalks are required as a Condition of Approval along the private drive.

Street Improvement Standards-Bicycle Facilities and Multiuse Paths

Bicycle Facilities and TSP

Subsection 4.177 (.04)

D123. 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: The streets within and adjacent to the project do not require any bike facilities per the TSP.

Street Improvements Standards- Access Drives and Driveways

Clear Travel Lane

Subsection 4.177 (.08) A.

D124. 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: All access drives are designed to be kept clear of obstructions and

provide a clear travel lane.

Travel Lane Load Capacity

Subsection 4.177 (.08) B.

D125. Review Criteria: "Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load."

Finding: This criterion will be satisfied by Condition of Approval PDD 6.

Details of Finding: The condition of approval requires all travel lanes to be built of a hard surface capable of carrying a 23-ton load.

Emergency Vehicle Access

Subsection 4.177 (.08) C.

D126. 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: The site has been designed for sufficient access for emergency vehicles and as reviewed by TVF&R.

Emergency Access Lanes

Subsection 4.177 (.08) D.

D127. 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.

Details of Finding: All access lanes meet or exceed the minimum 12 foot standard.

Contextual Design

Subsection 4.177 (.08) E.

D128. Review Criteria: "Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation."

Finding: These criteria are satisfied.

Details of Finding: Access is typical for single-family homes and no special consideration is needed for unique vehicle types or unique traffic generation.

Access and Street Classifications

Subsection 4.177 (.08) F.

D129. Review Criteria: "The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street."

Finding: These criteria are satisfied.

Details of Finding: No access is proposed onto a collector or arterial street.

Access Restrictions

Subsection 4.177 (.08) G.

D130. Review Criteria: “The City may limit the number or location of connections to a street, or impose access restrictions where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.”

Finding: These criteria are satisfied.

Details of Finding: No safety or traffic operations concerns have are in the Transportation Impact Study that would necessitate a change to the street connection points.

Ditch and Culvert Crossings

Subsection 4.177 (.08) N.

D131. Review Criteria: “Where a proposed driveway crosses a culvert or drainage ditch, the City may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant applicable Public Works standards.”

Finding: These criteria are satisfied.

Details of Finding: No ditch or culvert crossings are proposed.

Surfacing of Temporary Driveways

Subsection 4.177 (.08) O.

D132. Review Criteria: “Except as otherwise required by the applicable roadway authority or waived by the City Engineer, temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.”

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

Details of Finding: A condition of approval requires temporary construction driveway to be paved or graveled to prevent tracking of mud onto adjacent paved streets.

Street Improvement Standards- Intersection Spacing

Transportation System Plan Table 3-2

Subsection 4.177 (.09) B.

D133. Review Criteria: “Minimum intersection spacing standards are provided in Transportation System Plan Table 3-2.”

Finding: These criteria are satisfied.

Details of Finding: All streets involved are local streets, thus access spacing is not an issue.

Exceptions and Adjustments

Subsection 4.177 (.10)

D134. Review Criteria: “The City may approve adjustments to the spacing standards of subsections (.08) and (.09) above through a Class II process, or as a waiver per Section 4.118(.03)(A.), where an existing connection to a City street does not meet the standards of the roadway authority, the proposed development moves in the direction of code compliance, and mitigation measures alleviate all traffic operations and safety concerns. Mitigation measures may include consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right in/out only), or other mitigation.”

Finding: These criteria are satisfied.

Details of Finding: No adjustments to spacing standards are proposed.

Request E: DB15-0112 Site Design Review

Objectives of Site Design Review

Proper Functioning of the Site

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

E1. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “Assure that Site Development Plans are designed in a manner that insures proper functioning of the site”

Finding: These criteria are satisfied.

Explanation of Finding: The park and landscape area has been professionally designed with significant thought on to make the site functional and safe. In addition, by virtue of satisfying applicable functional criteria as part of the Stage II Final Plan approval the area can be found to be designed to ensure proper function.

High Quality Visual Environment

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

E2. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “Assure that Site Development Plans are designed in a manner that . . . maintains a high quality visual environment”

Finding: These criteria are satisfied.

Explanation of Finding: Professional landscaping of the streetscape and the park as professional design of the layout of the subdivision meeting City standards supports a high quality visual environment.

Encourage Originality, Flexibility, and Innovation

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

E3. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;”

Finding: These criteria are satisfied.

Explanation of Finding: The design allows for a variety of plants allowing for originality and flexibility in landscape design.

Discourage Inharmonious Development

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

E4. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “Discourage monotonous, drab, unsightly, dreary and inharmonious developments;”

Finding: These criteria are satisfied.

Explanation of Finding: As indicated in Finding E2 above the professional unique design of the landscaping and subdivision layout support a high quality visual environment and thus prevent monotonous, drab, unsightly, dreary development.

Proper Site Relationships

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

E5. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “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,”

Finding: These criteria are satisfied.

Explanation of Finding: A professional site specific design has been developed that carefully considers the relationship of the street and homes to the parks, open space, and street scape.

Proper Relationships with Surroundings

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

E6. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “Conserve the City's natural beauty and visual character and charm by assuring that structures, signs and other improvements are properly related . . . to surrounding sites and structures,”

Finding: These criteria are satisfied.

Explanation of Finding: A professional site specific design has been developed that carefully considers the relationship of the street and homes to the parks, open space, and street scape.

Regard to Natural Aesthetics

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

E7. Review Criteria: “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.” “Conserve the City's natural beauty and visual character and charm . . . with due regard to the aesthetic qualities of the natural terrain and landscaping”

Finding: These criteria are satisfied.

Explanation of Finding: The natural forested riparian corridor along the eastern edge of the site is being preserved thus conserving the natural beauty. A professionally designed landscape is being installed along the streets and in the park consistent with City landscaping standards to further increase the natural and landscaping aesthetic of the project area.

Protect and Enhance City's Appeal

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

- E8. Review Criteria:** "The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards." "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;"

Finding: These criteria are satisfied.

Explanation of Finding: Preserving a natural area and adding professionally designed parks and streetscape enhance the design of the subdivision and thus the appeal as part of the City.

Stabilize Property Values/Prevent Blight

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

- E9. Review Criteria:** "The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards." "Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;"

Finding: These criteria are satisfied.

Explanation of Finding: The landscape design aims to create a pleasant residential neighborhood free from blight.

Adequate Public Facilities

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

- E10. Review Criteria:** "The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards." "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."

Finding: These criteria are satisfied.

Explanation of Finding: Any necessary facilities, particularly water service for irrigation, is available to serve the proposed landscape areas.

Pleasing Environments and Behavior

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

- E11. Review Criteria:** "The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards." "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;"

Finding: These criteria are satisfied.

Explanation of Finding: The applicant aims to create a pleasing park and open space area to be a pleasant environment supportive of positive behavioral patterns.

Civic Pride and Community Spirit

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

E12. Review Criteria: "The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards." "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;"

Finding: These criteria are satisfied.

Explanation of Finding: The landscaping aims to contribute to a subdivision where a pleasing environment where stability and pride of place contribute to individuals desire and ability to participate in civic activities.

Favorable Environment for Residents

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

E13. Review Criteria: "The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards." "Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and, thus, to promote and protect the peace, health and welfare of the City."

Finding: These criteria are satisfied.

Explanation of Finding: The landscaping aims to create an attractive residential development as an option for existing Wilsonville residents as well as attract new residents.

Jurisdiction and Power of the DRB for Site Design Review

Development Review Board Jurisdiction

Section 4.420

E14. Review Criteria: The section states the jurisdiction and power of the Development Review Board in relation to site design review including the application of the section, that development is required in accord with plans, and variance information.

Finding: These criteria will be satisfied by Condition of Approval PDE 2.

Details of Finding: A condition of approval has been included to ensure construction, site development, and landscaping are carried out in substantial accord with the

Development Review Board approved plans, drawings, sketches, and other documents. No building permits will be granted prior to development review board approval. No variances are requested from site development requirements.

Design Standards

Use of Design Standards

Subsection 4.421 (.01)

E15. 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.”

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided sufficient information demonstrating compliance with the standards of this subsection.

Preservation of Landscaping

Subsection 4.421 (.01) A.

E16. Review Criteria: “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.”

Finding: These criteria are satisfied.

Details of Finding: Much of the properties are being left as a preserved forested riparian area. Where development is being occurring, as many trees as practicable are being preserved.

Surface Water Drainage

Subsection 4.421 (.01) D.

E17. Review Criteria: “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.”

Finding: These criteria are satisfied.

Details of Finding: The drainage has been professionally designed showing the proper attention has been paid as shown on sheet 7 of Exhibit B2.

Above Ground Utility Installations

Subsection 4.421 (.01) E.

E18. Review Criteria: “Any utility installations above ground shall be located so as to have a harmonious relation to neighboring properties and site.”

Finding: These criteria are satisfied.

Details of Finding: No above ground utility installations are proposed.

Screening and Buffering of Special Features

Subsection 4.421 (.01) G.

E19. Review Criteria: “. 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.”

Finding: These criteria are satisfied.

Details of Finding: No additional screening is required for any of the listed special features.

Applicability of Design Standards

Subsection 4.421 (.02)

E20. Review Criteria: “The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.”

Finding: These criteria are satisfied.

Details of Finding: Design standards have been applied to the proposed streetscape and park area, which are the portions of the proposed development subject to site design review.

Conditions of Approval

Subsection 4.421 (.05)

E21. Review Criterion: “The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code.”

Finding: This criterion is satisfied.

Details of Finding: No additional conditions of approval are recommended to ensure the proper and efficient functioning of the development.

Color or Materials Requirements

Subsection 4.421 (.06)

E22. Review Criterion: “The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.”

Finding: This criterion is satisfied.

Details of Finding: No structures are being reviewed under site design review requiring

color or materials review.

Site Design Review Submission Requirements

Submission Requirements
Section 4.440

E23. Review Criteria: “A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:” Listed A through F.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided a sufficiently detailed landscape plan and street tree plan to review the streetscape and park area subject to site design review.

Time Limit on Site Design Review Approvals

Void after 2 Years
Section 4.442

E24. Review Criterion: “Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

Finding: This criterion is satisfied.

Details of Finding: The Applicant has indicated that they will pursue development within two (2) years and it is understood that the approval will expire after 2 years if a building permit hasn’t been issued unless an extension has been granted by the board.

Installation of Landscaping

Landscape Installation or Bonding
Subsection 4.450 (.01)

E25. Review Criterion: “All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.”

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

Details of Finding: The condition of approval will assure installation or appropriate security.

Approved Landscape Plan
Subsection 4.450 (.02)

E26. Review Criterion: “Action by the City approving a proposed landscape plan shall be binding upon the applicant. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, as specified in this Code.”

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

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

Landscape Maintenance and Watering
Subsection 4.450 (.03)

E27. Review Criterion: “All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.”

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

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

Modifications of Landscaping
Subsection 4.450 (.04)

E28. Review Criterion: “If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City’s development review process, that removal or modification must first be approved through the procedures of Section 4.010.”

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

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

Natural Features and Other Resources

Protection
Section 4.171

E29. Review Criterion: This section provides for the protection of a number of natural features and other resources including: general terrain preparation, hillsides, trees and wooded areas, high voltage powerline easements and rights of way and petroleum pipeline

easements, earth movement hazard areas, soil hazard areas, historic resources, and cultural resources.

Finding: This criterion is satisfied.

Details of Finding: The proposed design of the site provides for protection of natural features and other resources consistent with the proposed Stage II Final Plan for the site as well as the purpose and objectives of site design review. See Findings D85-D93 under Request D.

Landscaping

Landscape Standards Code Compliance

Subsection 4.176 (.02) B.

E30. Review Criterion: “All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length”

Finding: This criterion is satisfied.

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

Intent and Required Materials

Subsections 4.176 (.02) C. through I.

E31. Review Criteria: These subsections identify the various landscaping standards, including the intent of where they should be applied, and the required materials.

Finding: These criteria are satisfied.

Details of Finding: The general landscape standard has been applied throughout different landscape areas of the site and landscape materials are proposed to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which includes an analysis of the functional application of the landscaping standards. See Finding D99 under Request D.

Landscape Area and Locations

Subsection 4.176 (.03)

E32. Review Criteria: “Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be

installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.”

Finding: These criteria are satisfied.

Details of Finding: Consistent with the proposed Stage II Final Plan for the site, applicant’s sheet L1 and L2 indicates landscaping will cover well in excess of 15% of the properties, not including the private landscaping on individual lots. Landscaping is proposed in a variety of different areas including streetscapes throughout the development. A wide variety of plants have been proposed to achieve a professional design.

Buffering and Screening

Subsection 4.176 (.04)

E33. 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.

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.”

Finding: These criteria are satisfied.

Details of Finding: No screening is required.

Shrubs and Groundcover Materials

Subsection 4.176 (.06) A.

E34. Review Criteria: This subsection establishes plant material and planting requirements for shrubs and ground cover.

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

Details of Finding: The condition of approval requires that the detailed requirements of this subsection are met.

Plant Materials-Trees

Subsection 4.176 (.06) B.

E35. Review Criteria: This subsection establishes plant material requirements for trees.

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

Details of Finding: The plants material requirements for trees will be met as follows:

- The condition of approval requires all trees to be B&B (Balled and Burlapped)
- The condition of approval requires all plant materials to conform in size and grade to "American Standard for Nursery Stock" current edition."
- The applicant's planting plan lists tree sizes meeting requirements.

Types of Plant Species

Subsection 4.176 (.06) E.

E36. Review Criteria: This subsection discusses use of existing landscaping or native vegetation, selection of plant materials, and prohibited plant materials.

Finding: These criteria are satisfied.

Details of Finding: The applicant has provided sufficient information in their landscape plan (sheet L1 and L2) showing the proposed landscape design meets the standards of this subsection.

Tree Credit

Subsection 4.176 (.06) F.

E37. Review Criteria: "Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows:

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

Maintenance requirements listed 1. through 2.

Finding: These criteria are satisfied.

Details of Finding: The applicant is not requesting any of preserved trees be counted as tree credits pursuant to this subsection.

Exceeding Plant Standards

Subsection 4.176 (.06) G.

E38. Review Criterion: "Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met."

Finding: This criterion is satisfied.

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

Landscape Installation and Maintenance

Subsection 4.176 (.07)

E39. Review Criteria: This subsection establishes installation and maintenance standards for landscaping.

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

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

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- Irrigation Notes on the applicant's sheet L2 provides for irrigation during the establishment period.

Landscape Plans

Subsection 4.176 (.09)

E40. Review Criterion: "Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated."

Finding: This criterion is satisfied.

Details of Finding: Applicant's sheets L1 and L2 in Exhibit B2 provides the required information.

Completion of Landscaping

Subsection 4.176 (.10)

E41. Review Criterion: "The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review."

Finding: This criterion is satisfied.

Details of Finding: The applicant has not requested to defer installation of plant materials.

Request F: DB15-0113 Type C Tree Plan

Type C Tree Removal-General

Tree Related Site Access Subsection 4.600.50 (.03) A.

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

Finding: This criterion is satisfied.

Details of Finding: It is understood the City has access to the property to verify information regarding trees.

Review Authority Subsection 4.610.00 (.03) B.

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

Finding: This criterion is satisfied.

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

Conditions of Approval Subsection 4.610.00 (.06) A.

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

Finding: This criterion is satisfied.

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

Completion of Operation Subsection 4.610.00 (.06) B.

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

Finding: This criterion is satisfied.

Details of Finding: It is understood the tree removal will be completed by the time

construction of the subdivision is completed, which is a reasonable time frame for tree removal.

Security for Permit Compliance
Subsection 4.610.00 (.06) C.

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

Finding: This criterion is satisfied.

Details of Finding: No bond is anticipated to be required to ensure compliance with the tree removal plan as a bond is required for overall landscaping.

Tree Removal Standards
Subsection 4.610.10 (.01)

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

Finding: These criteria are satisfied.

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

- **Standard for the Significant Resource Overlay Zone:** Trees are not proposed to be removed within the Significant Resource Overlay Zone.
- **Preservation and Conservation:** The applicant has taken tree preservation into consideration, and has limited tree removal to trees that are necessary to remove for development.
- **Development Alternatives:** No significant wooded areas or trees would be preserved by design alternatives.
- **Land Clearing:** Land clearing is not proposed, and will not be a result of this development application.
- **Residential Development:** The proposed residential development preserves the wooded riparian area as well as additional trees on the site thus preserving trees where feasible and blending into the natural environment.
- **Compliance with Statutes and Ordinances:** The necessary tree replacement and protection is planned according to the requirements of tree preservation and protection ordinance.
- **Relocation or Replacement:** Tree removal is limited to where it is necessary for construction or to address nuisances or where the health of the trees warrants removal.
- **Limitation:** A tree survey has been provided.

- Additional Standards: A tree survey has been provided, and no utilities are proposed to be located where they would cause adverse environmental consequences.

Review Process

Subsection 4.610.40 (.01)

- F7. Review Criteria:** “Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.”

Finding: These criteria are satisfied.

Details of Finding: The plan is being reviewed concurrently with the Stage II Final Plan.

Tree Maintenance and Protection Plan

Section 4.610.40 (.02)

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

Finding: These criteria are satisfied.

Details of Finding: The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. See sheet 8 of Exhibit B2.

Replacement and Mitigation

Tree Replacement Requirement

Subsection 4.620.00 (.01)

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

Finding: This criterion is satisfied.

Details of Finding: 33 trees 6 inches or greater d.b.h. are proposed for removal; 36 trees are proposed to be planted, exceeding a one to one ratio.

Basis for Determining Replacement
Subsection 4.620.00 (.02)

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

Finding: These criteria are satisfied.

Details of Finding: Trees will meet the minimum caliper requirement or will be required to by Condition of Approval.

Replacement Tree Requirements
Subsection 4.620.00 (.03)

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

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

B. Replacement trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee’s successors-in-interest for two (2) years after the planting date.

C. A “guaranteed” tree that dies or becomes diseased during that time shall be replaced.

D. Diversity of tree species shall be encouraged where trees will be replaced, and diversity of species shall also be maintained where essential to preserving a wooded area or habitat.”

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

Details of Finding: The condition ensures the relevant requirements are met.

Replacement Tree Stock Requirements
Subsection 4.620.00 (.04)

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

Finding: These criteria are satisfied.

Details of Finding: A note on applicant’s sheet L2 indicates the appropriate quality.

Replacement Trees Locations
Subsection 4.620.00 (.05)

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

Finding: These criteria are satisfied.

Details of Finding: The applicant proposes to mitigate for all removed trees on site and in the appropriate locations for the proposed development.

Protection of Preserved Trees

Tree Protection During Construction
Section 4.620.10

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

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

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

Request G: DB15-0114 Waivers

Waiver 1: Reduce Setback from 7 feet to 5 feet for Two or More Stories

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

G1. Review Criteria: This subsection establishes that “notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purpose and objectives of Section 4.140, and based on findings of fact supported by the record” may waive a number of typical development standards including height and yard requirements.

Finding: These criteria are satisfied.

Details of Finding: The waiver is proposed to allow a 5 foot side yard setback rather than a 7 foot setback for homes 2 stories or greater. A finding has been made regarding implementation of the purpose and objectives of Section 4.140. See below.

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

G2. Review Criteria: This subsection establishes the purpose of the Planned Development Regulations which are as follows:

- To take advantage of advances in technology, architectural design, and functional land use design;
- To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
- To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.

- To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
- To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.
- To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
- To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
- To allow flexibility and innovation in adapting to changes in the economic and technological climate.

Finding: These criteria are satisfied.

Details of Finding: Pursuant to Subsection 4.118 (.03) A. waivers must implement or better implement the purpose and objectives listed in this subsection. The side yard setback waiver supports the necessary flexibility in building design to allow for variation in design of a subdivision where much of the property is preserved in open space. As explained by the applicant the required minimum lot width of 40 feet has been maintained and the additional 2 feet of setback allows for a slightly wider house on the narrow 40-foot lots. See also applicant’s findings on pages 5 and 8 of their narrative in Exhibit B1.

Waiver 2: Reduce Average Lot Size from 7,000 to 5,389.2 Square Feet

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

G3. Review Criteria: This subsection establishes that “notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purpose and objectives of Section 4.140, and based on findings of fact supported by the record” may waive a number of typical development standards including height and yard requirements.

Finding: These criteria are satisfied.

Details of Finding: The waiver is proposed to allow a reduction of the average lot size from 7,000 to 5,389.2 square feet. Minimum lot size is a typical development standard allowed to be waived. Due to the direct relationship between average and minimum lot size it is understood average lot size can also be waived. All lots exceed the minimum lot size, but due to the limited number of lots, most of which are less than 6,000 square feet,

the average lot size is not met. A finding has been made regarding implementation of the purpose and objectives of Section 4.140. See below.

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

G4. Review Criteria: This subsection establishes the purpose of the Planned Development Regulations which are as follows:

- To take advantage of advances in technology, architectural design, and functional land use design;
- To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives detailed in the comprehensive plan;
- To produce a comprehensive development equal to or better than that resulting from traditional lot land use development.
- To permit flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of sites characterized by special features of geography, topography, size or shape or characterized by problems of flood hazard, severe soil limitations, or other hazards;
- To permit flexibility in the height of buildings while maintaining a ratio of site area to dwelling units that is consistent with the densities established by the Comprehensive Plan and the intent of the Plan to provide open space, outdoor living area and buffering of low-density development.
- To allow development only where necessary and adequate services and facilities are available or provisions have been made to provide these services and facilities.
- To permit mixed uses where it can clearly be demonstrated to be of benefit to the users and can be shown to be consistent with the intent of the Comprehensive Plan.
- To allow flexibility and innovation in adapting to changes in the economic and technological climate.

Finding: These criteria are satisfied.

Details of Finding: Pursuant to Subsection 4.118 (.03) A. waivers must implement or better implement the purpose and objectives listed in this subsection. The average lot area supports the necessary flexibility in building and site design. As stated by the applicant, "because the site has such a large portion of SROZ area that is remaining undisturbed, all of the lots have to be contained on the western portion of the site. To achieve the density requirements, provide a viable project and preserve the SROZ area, it was necessary to decrease the average size of the lots." See also applicant's findings on pages 8 through 10 of their narrative in Exhibit B1.

Request H: DB15-0115 Tentative Subdivision Plat

Land Division Authorization

Plat Review Authority

Subsection 4.202 (.01) through (.03)

H1. 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.

H2. 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.

H3. 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 PDR-3 zone designation with requested waivers.

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

H4. 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.

H5. 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 3 of Exhibit B2 is a tentative plat submitted consistent with this subsection.

Tentative Plat Submission
Subsection 4.210 (.01) B.

H6. 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.

H7. 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 subdivision is proposed to be developed in a single phase.

Remainder Tracts

Subsection 4.210 (.01) E.

H8. 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)

H9. 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: The land division allows for construction of local streets consistent with the Transportation Master Plan.

Adjoining Streets Relationship

Subsection 4.236 (.02)

H10. 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 public street allows for the potential future extension of the street to the north. Approximately 290 feet to the north of the dead end of the new public street McGraw Avenue dead ends at the edge of the Cross Creek subdivision. Currently two intervening 2 acre lots prevent a connection of McGraw Avenue and the planned street. The intervening lots have a Comprehensive Plan designation of 0-1 dwelling units an acre reflecting the current development. While no plans or requirements, short or long term exist to require the intervening lots to develop and connect the two dead ends it is possible that the property owners may elect to change the Comprehensive Plan and Zone and pursue development similar to the subject lots and the Cross Creek Subdivision, and thus provision for street continuation should be provided for.

While a similar potential to develop properties to the south exists after a Comprehensive Plan Map amendment and Zone Map amendment, no plans exist for further development to the south nor is further density allowed under the currently adopted Comprehensive Plan Map designation. In addition, no street exists to the south for a potential connection over intervening properties. Thus no requirement exists to provide for street continuation to the property to the south.

Streets Standards Conformance

Subsection 4.236 (.03)

H11. 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 Stage II Final Plan and thus will conform with these listed standards and requirements for which compliance was reviewed with the Stage II Final Plan. See Request D.

Creation of Easements

Subsection 4.236 (.04)

H12. 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)

H13. Review Criteria: “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)

H14. 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 or will be satisfied by Condition of Approval PDH 2.

Explanation of Finding: A condition of approval requires a reserve strip preventing future continuation of the private drive.

Future Street Expansion
Subsection 4.236 (.07)

H15. 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 public street is extended to the boundary of the land division to allow for potential future extension.

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

H16. 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: No additional right-of-way is required for the proposed plat.

Street Names
Subsection 4.236 (.09)

H17. 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: No street name has been assigned, but will be required to meet the standards of this subsection.

General Land Division Requirements-Blocks

Blocks for Adequate Building Sites

Subsection 4.237 (.01) A.

H18. Review Criteria: “The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated,”

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat shows blocks of the necessary size to allow for creation of residential lots and a shared open space tract.

Blocks Consider Access and Traffic

Subsection 4.237 (.01) A.

H19. Review Criteria: “The length, width, and shape of blocks shall be designed with due . . . consideration of needs for convenient access, circulation, control, and safety of pedestrian, bicycle, and motor vehicle traffic,”

Finding: These criteria are satisfied.

Explanation of Finding: Blocks will be consistent with the Stage II Final Plan. See Request D.

Blocks and Topography

Subsection 4.237 (.01) A.

H20. Review Criteria: “The length, width, and shape of blocks shall be designed with due . . . recognition of limitations and opportunities of topography.”

Finding: These criteria are satisfied.

Explanation of Finding: The tentative subdivision plat shows blocks consistent with those proposed Stage II Final Plan. See Request D.

Block Size

Subsection 4.237 (.01) B.

H21. Review Criteria: “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 Stage II Final Plan. See Request D.

General Land Division Requirements- Easements

Utility Line Easements

Subsection 4.237 (.02) A.

H22. 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.

Finding: These criteria are satisfied or will be satisfied by Conditions of Approval PDH 5 and PDH 6.

Explanation of Finding: Many utilities will be located in the public right-of-way. A condition of approval requires public utility easements along the front of all lots and tracts for installation of franchise utilities. An additional condition of approval requires easements for any public utilities underneath private property such as the proposed private drive.

Water Course Easements

Subsection 4.237 (.02) B.

H23. Review Criteria: "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: No easements are necessary pursuant to this subsection.

General Land Division Requirements- Pedestrian and Bicycle Pathways

Mid-block Pathways Requirement

Subsection 4.237 (.03)

H24. 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 mid-block crossings are proposed or required.

Pathways for Cul-de-sacs and Unusual Block Shapes

Subsection 4.237 (.03) A.

H25. Review Criteria: “Pathways shall be required to connect to cul-de-sacs or to pass through unusually shaped blocks.”

Finding: These criteria are satisfied.

Explanation of Finding: No pathways are required pursuant to this subsection.

Required Pathway Width

Subsection 4.237 (.03) B.

H26. Review Criteria: “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 pathways are proposed or required pursuant to this subsection.

General Land Division Requirements- Tree Planting

Tree Plans Submitted with Land Divisions

Subsection 4.237 (.04)

H27. 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.”

Finding: These criteria are satisfied.

Explanation of Finding: A landscape plan has been submitted as part of the Stage II Final Plan showing the proposed tree planting.

Tree Related Easements and Right-of-Entry

Subsection 4.237 (.04)

H28. Review Criteria: “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 or will be satisfied by Condition of Approval PDH 7.

Explanation of Finding: Street trees will be planted in the public right-of-way for lots fronting Canyon Creek Road South and the proposed Public Street. Street trees for the lots fronting the private drive are required to be in an easement by a Condition of Approval.

General Land Division Requirements- Lot Size and Shape

Lot Size and Shape Appropriate

Subsection 4.237 (.05)

H29. 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 single-family residential development.

Lot Size and Shape Meet Zoning Requirements

Subsection 4.237 (.05)

H30. Review Criteria: “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 met except as requested to be waived in Request G.

On-Site Sewage Disposal

Subsection 4.237 (.05) A.

H31. Review Criteria: “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.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed residential development will be served by public sewer.

Lot Size and Width for Planned Developments

Subsection 4.237 (.05) C.

H32. Review Criteria: “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.”

Finding: These criteria are satisfied.

Explanation of Finding: A number of waivers are requested, see Request G, and the land division enables development consistent with the proposed Stage II Final Plan.

General Land Division Requirements- Access

Minimum Street Frontage Subsection 4.237 (.06)

H33. 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:”

Finding: These criteria are satisfied.

Explanation of Finding: Each lot as the required frontage of at least 40 feet.

Street Frontage Requirements for Curves and Cul-de-sacs Subsection 4.237 (.06) A.

H34. Review Criteria: “A lot on the outer radius of a curved street or tract with a private drive, or facing the circular end of a cul-de-sac shall have frontage of not less than twenty-five (25) feet upon a street or tract with a private drive, measured on the arc.”

Finding: These criteria are satisfied.

Explanation of Finding: The proposed lots do not have limited frontage on the outer radius of a curved street or cul-de-sac.

Waiver of Street Frontage Requirements Subsection 4.237 (.06) B.

H35. Review Criteria: “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.”

Finding: These criteria are satisfied.

Explanation of Finding: No waiver of lot frontage requirements is requested.

General Land Division Requirements- Other

Through Lots Subsection 4.237 (.07)

H36. 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 lots are proposed as described in this subsection.

Lot Side Lines
Subsection 4.237 (.08)

H37. 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: The side lines for the parcels run at or near a right angle to the street and the front lot lines.

Large Lot Divisions
Subsection 4.237 (.09)

H38. 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 proposed lots or tracts are planned.

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

H39. Review Criteria: The Planning Director or Development Review Board may establish special: (.10) 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. (.11) 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)

H40. 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)

H41. Review Criteria: “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

Defining Lots of Record
Section 4.250

H42. 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 existing lots are of record as part of the plat of Bridle Trail Ranchettes, and the resulting lots will be of record.

Public Improvements

Improvements-Procedures
Section 4.260

H43. 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 PF 1 and Exhibit C1.

Improvements-Requirements
Section 4.262

H44. 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: Conformance with these requirements will be ensured through the Engineering Division's, and Building Division's where applicable, permit and inspection process.



117 Commercial Street NE
 Suite 310
 Salem, OR 97301
 503.391.8773
 www.dksassociates.com

MEMORANDUM

DATE: December 9, 2015
TO: Steve Adams, P.E., City of Wilsonville
FROM: Scott Mansur, P.E. *Sm*
 Jordin Ketelsen, EIT
 Rachel Vogt, EIT



SUBJECT: Canyon Creek Subdivision Trip Generation Memorandum

P15018-018

This memorandum documents trip generation estimates for the proposed 14 lot subdivision off of Canyon Creek Road S (parcels 28530 and 28500) opposite of Daybreak Road in Wilsonville, Oregon. Currently, each parcel is occupied by a single family housing unit. There is also a proposed private road which will end at the south property line and an approximately 10,000 sq. ft. park on the east side of the site area. The proposed internal street for the site would be a public street and will stub at the north end for future connectivity.

This memorandum will analyze the impact this subdivision would have on the SW Canyon Creek Road/SW Daybreak Street intersection. It will also evaluate the site plan's internal circulation for vehicle and pedestrian safety. The following sections include the existing intersection operations, surrounding traffic network impacts, site plan review, and summary of findings.

Project Trip Generation and Distribution

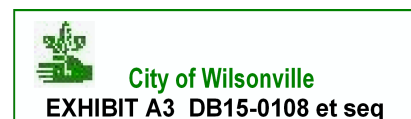
Trip generation is the method used to estimate the number of p.m. peak hour vehicles that are added to the surrounding traffic network from the proposed 14 lot subdivision. The trip rates utilized for this study were provided by the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition*,¹ and are shown below in Table 1. The results of this analysis indicate that the proposed subdivision is expected to generate 14 p.m. peak hour trips (9 in, 5 out).

Table 1: Trip Generation for Proposed Expansion

Land Use (ITE Code)	Units (DU*)	Trip Rate	P.M. Peak Hour Trips		
			In	Out	Total
Single-Family Detached Housing (210)	14 DU	1.00	9	5	14

*DU = Dwelling Unit

¹ *Trip Generation, 9th Edition*, Institute of Transportation Engineers, 2012.





Trip distribution for new project traffic was calculated based on existing traffic patterns identified in the p.m. peak hour intersection counts conducted on Tuesday, November 7th (see Figure 2). Based on existing traffic patterns at the study intersection, it was assumed that 70% of the traffic leaving the subdivision would travel north along SW Canyon Creek Road and 30% would travel south. Figure 1 below displays the project trips and distribution.

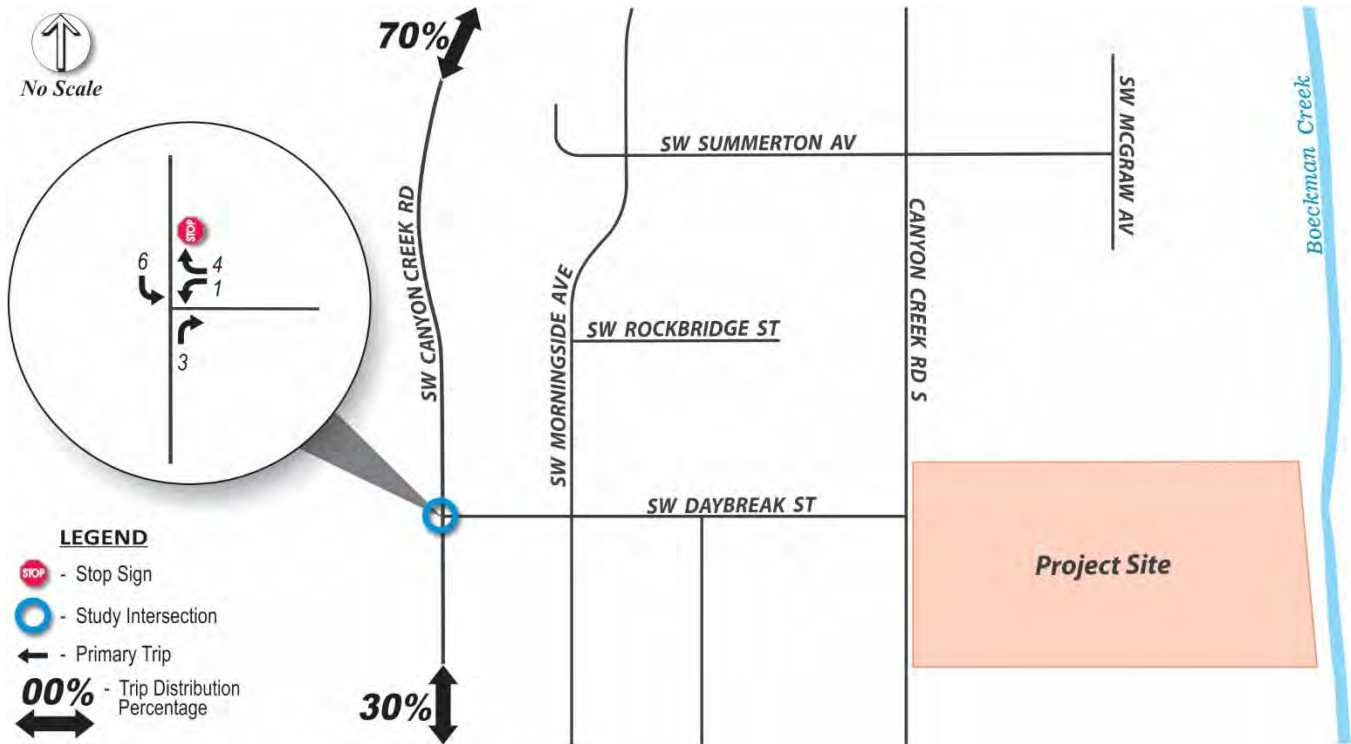


Figure 1: Project Trips and Distribution

Project Trips through City of Wilsonville Interchange Areas

The project trips through the two City of Wilsonville I-5 interchange areas were estimated based on the trip generation and distribution assumptions used in the *Renaissance Homes Transportation Impact Study*.² The proposed development is expected to generate 3 p.m. peak hour trips through the I-5/Elligsen Road interchange area and 2 p.m. peak hour trips through the I-5/Wilsonville Road interchange area.

² *Renaissance Homes Transportation Impact Study*, DKS Associates, September 2004.



Intersection Operations

Intersection operations were analyzed for the weekday p.m. peak hour (highest hour between 4:00-6:00 p.m.) at the SW Canyon Creek Road/SW Daybreak Street intersection. The existing intersection operations were analyzed based on the 2010 HCM methodology for unsignalized intersections³ for the following scenarios:

- Existing Weekday p.m. Peak Hour
- Existing + Project
- Existing + Stage II (traffic from developments that have Stage II approval or are under construction)
- Existing + Project + Stage II

Level of service (LOS) ratings and volume-to-capacity (V/C) ratios are two commonly used performance measures that provide a good picture of intersection operations. In addition, they are often incorporated into agency mobility standards.

- Level of service (LOS): A “report card” rating (A through F) based on the average delay experienced by vehicles at the intersection. LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. LOS D and E are progressively worse operating conditions. LOS F represents conditions where average vehicle delay has become excessive and demand has exceeded capacity.
- Volume-to-capacity (V/C) ratio: A decimal representation (typically between 0.00 and 1.00) of the proportion of capacity that is being used at a turn movement, approach leg, or intersection. It is determined by dividing the peak hour traffic volume by the hourly capacity of a given intersection or movement. A lower ratio indicates smooth operations and minimal delays. As the ratio approaches 1.00, congestion increases and performance is reduced. If the ratio is greater than 1.00, the turn movement, approach leg, or intersection is oversaturated and usually results in excessive queues and long delays.

The City of Wilsonville requires all intersections of public streets to meet its minimum acceptable level of service (LOS) standard of LOS D for peak periods. For each of these analysis scenarios, the unmitigated impacts for the study area will be completed for the study intersection. Where the City’s level of service D standard cannot be maintained, improvements will be identified to mitigate operating conditions. Additional analysis will then be performed with any recommended improvements in place to determine the resulting levels of service.

Existing Intersection Operations

Existing traffic operations at the study intersections were determined for the p.m. peak hour based on the 2010 Highway Capacity Manual methodology. The estimated delay, LOS, and V/C ratio of each study intersection is shown in Table 2. As shown, the study intersection currently meets the City’s operating standards. Existing intersection volumes can be seen in Figure 2 at the top of the next page.

³ *Highway Capacity Manual 2010*, Transportation Research Board, Washington DC, 2010



Table 2: Existing Study Intersection Operations

Intersection	Operating Standard	Existing		
		Delay	LOS	V/C
Two-Way Stop Controlled				
SW Canyon Creek Road/SW Daybreak Street	LOS D	10	B	0.07
<u>Unsignalized Intersections:</u> LOS = Level of Service of Major Street/Minor Street V/C = Volume-to-Capacity Ratio of Worst Movement				

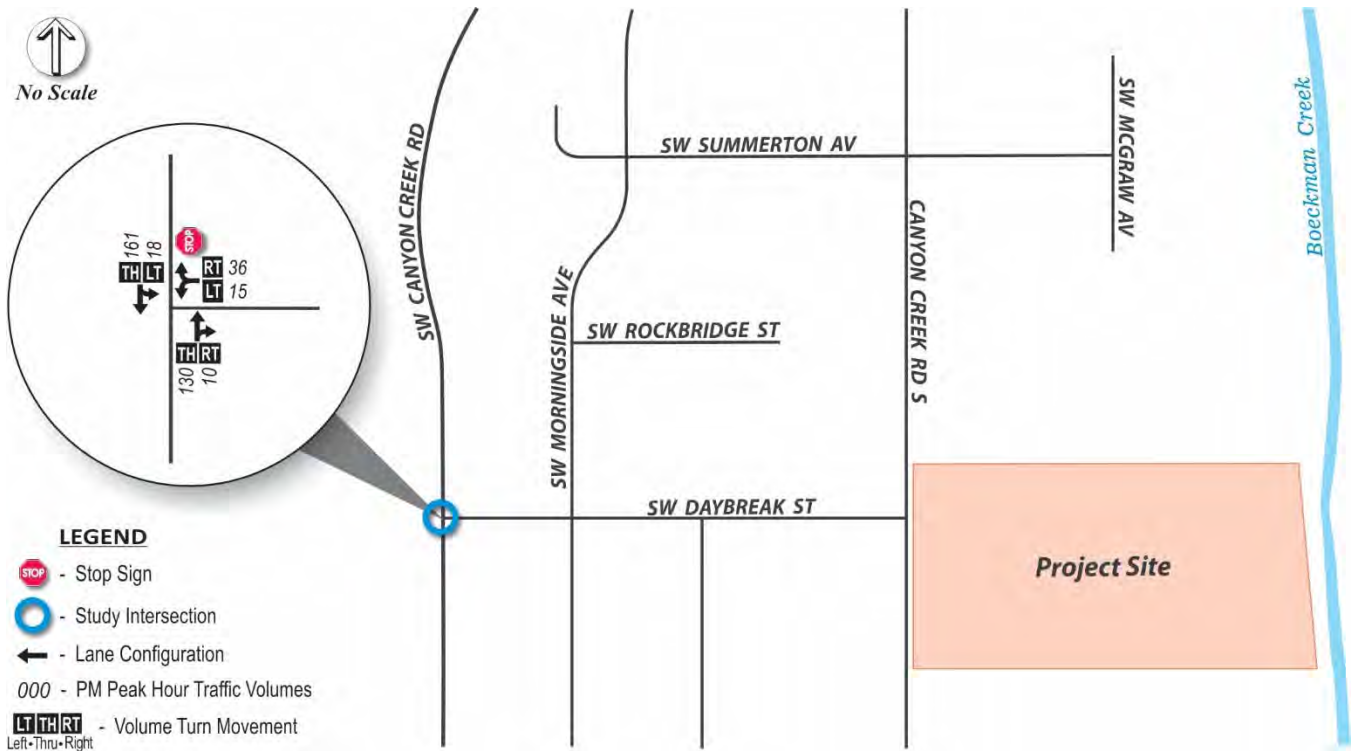


Figure 2: 2015 Existing Intersection Volumes

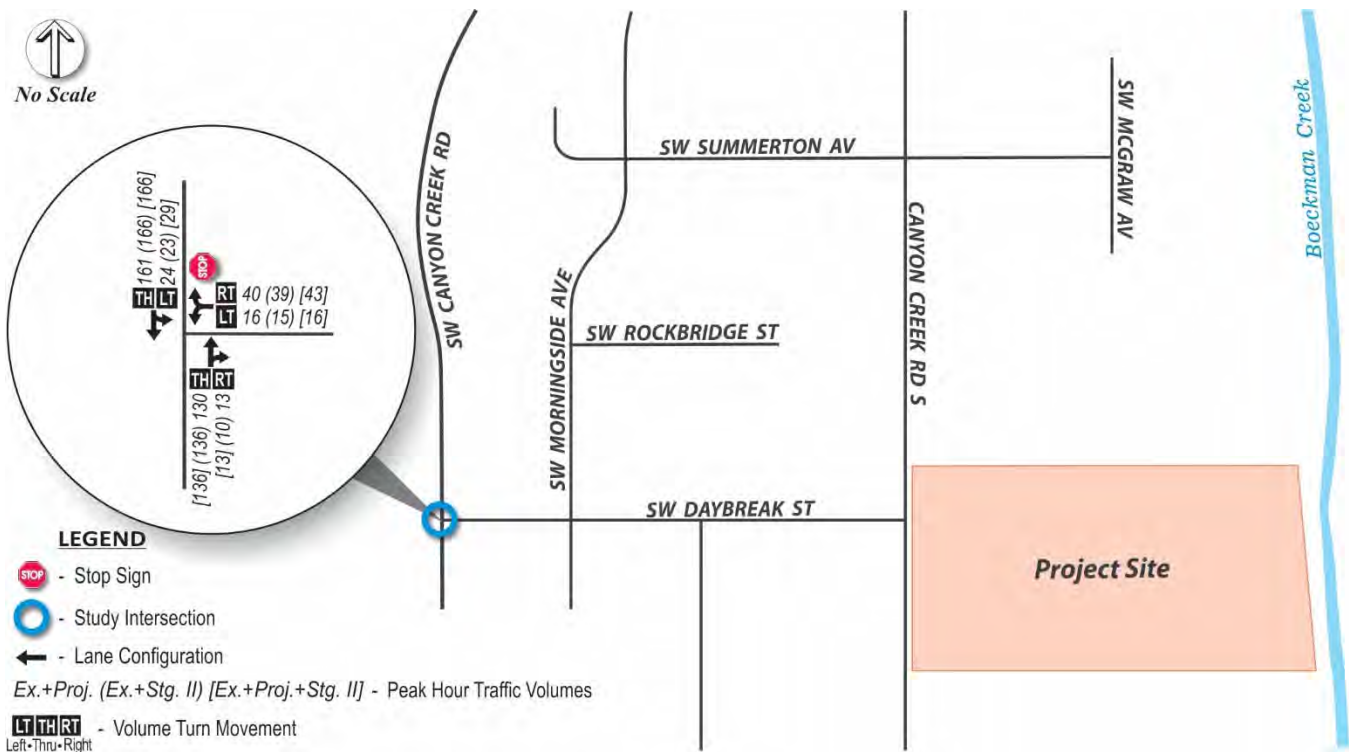
Future Traffic Operations

The impacts of the increased traffic of the subdivision were evaluated at the study intersection for the weekday p.m. peak hour. The impact analysis includes trip generation, trip distribution, p.m. peak hour project trips through the study intersections. The analysis also includes scenarios that account for Stage II approved developments in the area, including those under construction or built but not yet occupied. As shown in Table 3, the intersection meets the City’s operating standards for each scenario. Volumes for each scenario are included in Figure 3 at the top of the next page.



Table 3: Future Project and Stage II Intersection Operations

Intersection	Operating Standard	Existing + Project			Existing + Stage II			Existing + Stage II + Project		
		Delay	LOS	V/C	Delay	LOS	V/C	Delay	LOS	V/C
Two-Way Stop Controlled										
SW Canyon Creek Road/SW Daybreak Street	LOS D	10.1	B	0.08	10.2	B	0.08	10.2	B	0.09
<u>Unsignalized Intersections:</u> LOS = Level of Service of Major Street/Minor Street V/C = Volume-to-Capacity Ratio of Worst Movement										



Site Plan Review

The applicant’s preliminary site plan was provided with the Traffic Study Request letter and is attached to the appendix.⁴ It was reviewed to evaluate site access and internal circulation for vehicles, as well as pedestrian and bicycle connections.

⁴ Request for Traffic Study submitted to City of Wilsonville by Marvin and Karen Lewallen, Emerio Design, dated October 23, 2015 and forwarded to DKS by Steve Adams, City of Wilsonville, on October 23, 2015.



Site Access and Internal Circulation

The proposed 14 lot subdivision would utilize the existing residential streets (Daybreak Street and SW Canyon Creek Road S) that currently serve the existing residential area as well as a new proposed internal public road that will stub at the north end for future connectivity. This public road would connect to SW Canyon Creek Road S approximately 100 feet south of the existing SW Canyon Creek Road S/SW Daybreak Street intersection. The site plan also indicates a new private road will be necessary to access two of the fourteen lots. A 10,000 square foot park is also proposed on the eastern edge of the site that would provide the minimum required 2,800 square feet of recreational area for the subdivision.⁵ Based on the site plan, the proposed facility's internal roadway network provides adequate circulation into and out of the development.

Pedestrian and Bicycle Connections

The site features sidewalks along the proposed new public road. Added sidewalks are recommended along the frontage of Canyon Creek Road S as well as ADA accommodating ramps to connect to the existing sidewalk network in the Renaissance at Canyon Creek Subdivision. The existing sidewalks through the Renaissance at Canyon Creek Subdivision also connect to the Rectangular Rapid Flashing Beacon (RRFB) on the south leg of the SW Canyon Creek Road/SW Daybreak Street intersection that provides enhanced pedestrian crossing opportunities on Canyon Creek Road.

Summary

Key findings for the proposed 14-lot subdivision on Canyon Creek Road South are as follows:

- The proposed expansion is expected to generate 14 p.m. peak hour trips (9 in/5 out).
- Existing, future project, and Stage II developments traffic operations for the SW Canyon Creek Road/Daybreak Street intersection meet the City's operating standards and therefore do not require off-site mitigations to the study area transportation network.

Please let us know if you have any questions.

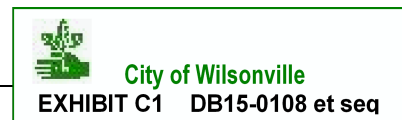
⁵ City of Wilsonville City Codes, Section 4.113

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 - 2014.
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.



Community Development
29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone 503-682-4960
Fax 503-682-7025
TDD 503-682-0843
Web www.ci.wilsonville.or.us

MEMO
Engineering Division

DATE: March 17, 2016

TO: Dan Pauly, AICP
Associate Planner

FROM: Steve R. Adams, P.E.
Development Engineering Manager

RE: Boeckman Lewallen Subdivision

The off-set alignment between the proposed McGraw Avenue and Daybreak Street was looked into by Engineering. While having opposing streets centerlines align is preferred by Engineering and discussed in Section 201.2.15 of the Public Works Standards, the volume of traffic on the proposed McGraw Avenue is anticipated to be sufficiently low as to not create a safety issue and an offset alignment was granted by the City Engineer.

Should you have further questions or concerns regarding this matter, please contact me at 503-682-4960.

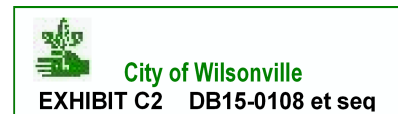


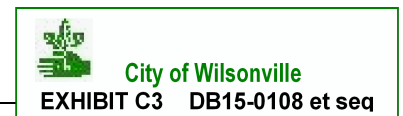
Exhibit C3
Natural Resources Findings & Requirements

Stormwater Management Requirements

1. Submit a drainage report and drainage plans. The report and plans shall demonstrate the proposed stormwater facilities satisfy the requirements of the 2015 Public Works Standards. Low Impact Development shall be utilized to the maximum extent practicable to mimic the natural runoff conditions of the pre-developed site.
2. Pursuant to the 2015 Public Works Standards, infiltration testing shall be conducted to determine the site's suitability for the proposed stormwater management facilities. Testing shall be conducted or observed by a qualified individual working under the supervision of a Professional Engineer, Registered Geologist, or Certified Engineering Geologist licensed in the State of Oregon.
3. Provide profiles, plan views, landscape information, and specifications for the proposed stormwater facilities consistent with the requirements of the 2015 Public Works Standards.
4. Pursuant to the 2015 Public Works Standards, the applicant shall submit a maintenance plan (including the City's stormwater maintenance and access easement) for the proposed stormwater facilities prior to approval for occupancy of the associated development.
5. Pursuant to the 2015 Public Works Standards, access shall be provided to all areas of the proposed stormwater facilities. At a minimum, at least one access shall be provided for maintenance and inspection.

Significant Resource Overlay Zone

6. The applicant shall submit the SROZ mapping as ARCGIS shape files or a compatible format.
7. All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Program Manager. Native plants are required for landscaping in the SROZ.
8. Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6') tall cyclone fences with metal posts pounded into the ground at 6'-8' centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area.
9. The applicant is required to use habitat-friendly development practices to the extent practicable for any encroachment into the SROZ and the Impact Area.
10. The applicant shall minimize the impact to the SROZ and the Impact Area during construction of the pathway in Tract 'B'.
11. The Significant Resource Overlay Zone (SROZ), inclusive of Tract 'B' and Lots 3-6, shall be identified in a conservation easement. The applicant shall record the conservation easement with Clackamas Court Clerk's office. The conservation easement shall include language prohibiting any disturbance of natural vegetation without first obtaining approval from the City Planning Division and the Natural Resources Program Manager. The conservation easement shall be reviewed by the City Attorney prior to recording.



Other Requirements

12. The applicant shall comply with all applicable state and federal requirements for the proposed construction activities (e.g., DEQ NPDES #1200–CN permit).
13. 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.

From: Mark Kochanowski
Sent: Monday, March 14, 2016 12:34 PM
To: Pauly, Daniel
Subject: 15 home proposal.....2 major concerns....

Daniel – I could not connect with Annemarie – I left her a message about 2 of the more major concerns I wanted to try and address with her. Please forward this email to her and cc me if you may. Maybe we can do a conference call today or tomorrow am.

1 – Livability - more focused in the corner of my property – such as sound levels (garage door openers, etc) privacy issues, constant people traffic, people conversations, vehicle traffic, possible vehicle emissions, diminished privacy, etc.

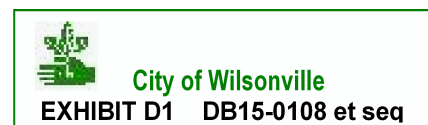
2 – Privacy – the house 1 proposed would have it's 2 or 3 story wall towering right up against my house and concerns with a property where 3 bedrooms are and the 7' setback of the giant wall of their 2 or 3 story home and it's long wall against my property in this area. I ask that HOUSE 1 not be built with a great wall against my bedroom area and that BACKYARDS are what I see and have the impact of. Cannot this plan have 14 homes instead of 15 homes. There is a HUGE difference in dimension – 7 feet to a structure vs about 25-35 feet (with assumptions) to the back side of a house. Why cannot house # 1 be eliminated ??

I understand this may create more space in numerous back yards and stretch this to a much more LONGER rectangular lot – but why not?

This is one of my biggest concerns.

Thanks.

Mark Kochanowski
28450 SW Canyon Creek Road S.
Wilsonville
Cell: 503-730-5692



From: Mark Kochanowski
Sent: Monday, March 14, 2016 4:26 PM
To: 'Annemarie Skinner'; Pauly, Daniel
Subject: RE: 15 home proposal.....2 major concerns....

Annemarie – sounds much better, one dimension I will see if I have in your NARRATIVE packet – is **what would be the approx. feet from the SW Canyon Creek Road – to where the backside building/roofline would be of home # 2?** I know you don't have these details because of the home/lot layouts yet – but a estimate would help me. In other words – I want to envision what distance this # 2 2 or 3 home / backside wall/roofline approaches our pool and bedroom area. I will want to look at this dimension and measure it off on the side of my property to get a feel on this.

But – yes removal of home want takes away the blood boil in me....if u can make that work for you.....

Thanks.

Mark k

From: Annemarie Skinner [<mailto:annemarie@emeriodesign.com>]
Sent: Monday, March 14, 2016 2:51 PM
To: Pauly, Daniel <pauly@ci.wilsonville.or.us>
Cc: Mark Kochanowski <markkoch63@hotmail.com>
Subject: RE: 15 home proposal.....2 major concerns....

Hello Daniel and Mark,

Thank you for this information. It's really helpful and good suggestions. Provided I can get the developer to concur, what if we eliminate Lot 1 as a building lot and instead make it a landscaped area with rock, shrubs, trees, etc.? It would not be a usable park/recreation area, simply landscaping.

Daniel, I know you mentioned combining Lots 7 and 8 into one and thereby eliminating a lot. What are your thoughts on leaving 7 and 8 as is, but eliminate Lot 1? We still reduce the overall number of lots from 15 to 14, but this seems like a much more pleasing and palatable option to Mark.

Thoughts?

Thank you,
AnneMarie

From: Pauly, Daniel [<mailto:pauly@ci.wilsonville.or.us>]
Sent: Monday, March 14, 2016 12:39 PM
To: Anne Marie Skinner (annemarie@emeriodesign.com) <annemarie@emeriodesign.com>
Cc: Mark Kochanowski <markkoch63@hotmail.com>
Subject: FW: 15 home proposal.....2 major concerns....



Daniel Pauly, AICP | Associate Planner | City of Wilsonville | Planning Division
29799 SW Town Center Loop East | Wilsonville OR 97070 | ☎: 503.682.4960 | ✉: pauly@ci.wilsonville.or.us

From: Mark Kochanowski [<mailto:markkoch63@hotmail.com>]
Sent: Monday, March 14, 2016 12:34 PM
To: Pauly, Daniel
Subject: 15 home proposal.....2 major concerns....

Daniel – I could not connect with Annemarie – I left her a message about 2 of the more major concerns I wanted to try and address with her. Please forward this email to her and cc me if you may. Maybe we can do a conference call today or tomorrow am.

1 – Livability - more focused in the corner of my property – such as sound levels (garage door openers, etc) privacy issues, constant people traffic, people conversations, vehicle traffic, possible vehicle emissions, diminished privacy, etc.

2 – Privacy – the house 1 proposed would have it's 2 or 3 story wall towering right up against my house and concerns with a property where 3 bedrooms are and the 7' setback of the giant wall of their 2 or 3 story home and it's long wall against my property in this area. I ask that HOUSE 1 not be built with a great wall against my bedroom area and that BACKYARDS are what I see and have the impact of. Cannot this plan have 14 homes instead of 15 homes. There is a HUGE difference in dimension – 7 feet to a structure vs about 25-35 feet (with assumptions) to the back side of a house. Why cannot house # 1 be eliminated ??

I understand this may create more space in numerous back yards and stretch this to a much more LONGER rectangular lot – but why not?

This is one of my biggest concerns.

Thanks.

Mark Kochanowski
28450 SW Canyon Creek Road S.
Wilsonville
Cell: 503-730-5692

From: BRENDAN KRISTEN COLYER
Sent: Tuesday, March 15, 2016 9:00 PM
To: Pauly, Daniel
Subject: 15 Home Development Concerns/Canyon Creek South & Daybreak

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Wilsonville City Planner,

We are writing on behalf of our family and our neighborhood to let you know of our concerns for the 15 house development currently planned for the intersection of Canyon Creek South and Daybreak. We understand that building must occur, in fact we live in one of the Stone Bridge Homes NW Development house on the Summerton Street, but we're concerned with number of homes and the proximity of some new construction to existing homes/property lines, as well as, increased traffic.

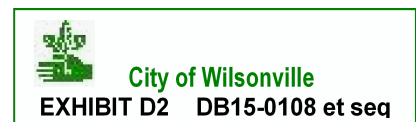
1) We are worried about the increase in traffic and how that will impact our boys playing out in the neighborhood. We are so fortunate to live in an area where our kids are safe to play outside in our yards and on our streets. Renaissance Homes has recently added 11 and have 5 - 6 more coming in, that has increased traffic through our area by a minimum of 30 cars. 15 more homes, factoring 2 cars minimum per home puts us at 30 more. 60 cars. We'd like to think everyone drives safely, but I've seen cars fly down Canyon Creek South so we know that isn't the case.

2) We view the developments by Renaissance and Stone Bridge NW as very responsible in respect to number of homes per acre. The houses aren't on top of each other. By looking at the plot map up for discussion, homes 1 and 2 are clearly squeezed in, barely giving the future home owners any "space." Not to mention, the property line is ridiculously close to the neighbor on the North side. Even a slight change from 15 to 13 homes and orienting the roads/driveway as they are in our Cross Creek neighborhood would be a huge benefit.

We know development isn't going to stop and is truly necessary. We just ask you to consider the impact that 15 additional homes will have to our neighborhood and our children. We love Wilsonville for the small, safe feel. Please help keep it that way.

Kind regards,

Brendan and Kristen Colyer



From: 4WARDS
Sent: Tuesday, March 15, 2016 11:00 PM
To: Pauly, Daniel
Subject: Development Review Board Members - Canyon Creek South

Follow Up Flag: Follow up
Flag Status: Flagged

Development Review Board Members,

With respect, I am shocked by the outrageous plan to cram 15 houses onto two tax lots on Canyon Creek South. With a single exit to our neighborhood, 11 new homes just built and 6 more homes already going in this spring on two Canyon Creek South lots, I don't know how anyone can justify more crowded development here. We moved to this neighborhood because of the family-friendly quiet streets and proximity to nature. It's going to be a sad day when there's a traffic jam at Daybreak trying to exit the neighborhood. I strongly disagree with Wilsonville's current growth rate. We love the open spaces, deer, creeks and trees in our town. Please don't support the development of every inch of Wilsonville. This is not the place for another development, we don't want it and we don't have the egress to support it. The large lots are beautiful and precious. If there must be development, please suggest far fewer homes. Thank you for your time.

Best regards,
Erin Ward



*George & Marijo Johnston
7897 SW Daybreak St
Wilsonville, OR 97070*

March 17, 2016



Development Review Board Members
Planning Division, Attn: Daniel Pauly
29799 SW Town Center Loop East
Wilsonville, OR 97070

Re: 15-Lot Single-family Subdivision 28500 and 28530 SW Canyon Creek Rd. South

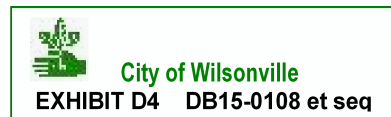
Dear Mr. Pauly,

We are concerned about the proposed 15 single family development planned at 28500 and 28530 SW Canyon Creek Rd., South. The reasons for our concern:

1. The lots are smaller than the City of Wilsonville established 5,000 sq. ft. Some lots are 3,700 sq. ft.
2. The proposed setbacks are only 5 ft, this should be at least 7 ½ ft.
3. These houses, since they are on small lots, will not be similar to housing already in the community.
4. There is only 1 egress from the community at this time. The other egress has been taken away. There should be another egress and ingress. Canyon Creek Road South should be opened to Boeckman Rd.
5. The houses that are on small lots will have a frontage of garage no neighborhood appeal.
- 6.

Sincerely,

George Johnston



From: Annemarie Skinner <annemarie@emeriodesign.com>
Sent: Monday, March 21, 2016 9:39 AM
To: BRENDAN KRISTEN COLYER; Mark Kochanowski; 4wardfam@gmail.com
Cc: Pauly, Daniel; Laurie Barr
Subject: RE: revised layout Canyon Creek Road South

Thank you for your reply. I will pass these comments along to the applicant.

Annemarie

From: BRENDAN KRISTEN COLYER [mailto:pdxcolyer@msn.com]
Sent: Monday, March 21, 2016 9:27 AM
To: Mark Kochanowski <markkoch63@hotmail.com>; 'Annemarie Skinner' <annemarie@emeriodesign.com>;
4wardfam@gmail.com
Cc: 'Pauly, Daniel' <pauly@ci.wilsonville.or.us>; Laurie Barr <laurieandnathan@gmail.com>
Subject: RE: revised layout Canyon Creek Road South

Hello Annemarie,

Thank you for sharing the revised layout for the Canyon Creek Road South development. While we appreciate the attempt to make this development more responsible and respectful toward the current neighbors and neighborhood, we are still concerned with the overcrowding of homes and how that will affect our neighborhood community. The plan you shared with us still includes homes 1 and 2, which are not only crammed in to the lot, but greatly impedes on the current neighbor to the North. Additionally, the increased traffic from cars entering at either Daybreak or Morningside will be of great concern for the amount of children in our neighborhood that play outside. Simply put, while we expect people to drive responsibly, with the increase in development of homes we have seen an increase of speeding and irresponsible drivers. The safety of our neighborhood and our children should be everyone's number one priority.

At this time we ask that the developer reconsider the plans to make them more responsible and respectful toward the current neighbor, neighborhood, and overall safety. We will be at the City Hall meeting on March 28 and, while other neighbors did not submit a formal letter, I know of a handful that plan on attending to make statements against the current plans.

Kind Regards,

Kristen Colyer

From: markkoch63@hotmail.com
To: annemarie@emeriodesign.com; pdxcolyer@msn.com; 4wardfam@gmail.com
CC: pauly@ci.wilsonville.or.us; laurieandnathan@gmail.com
Subject: RE: revised layout Canyon Creek Road South
Date: Mon, 21 Mar 2016 16:05:11 +0000

Hi Annemarie – I guess home # 1 is put back in there now ? I guess my privacy, noise, and livability are still a concern now for us again. The noise of a 10 foot setback so close to our 3 bedrooms and that of a garage door

opener(s) and vehicle / emissions into garage # 1 are a concern. What about the root system and branches of the 2 large trees hugging that property line as well?

Thanks.

Mark k.

From: Annemarie Skinner [<mailto:annemarie@emeriodesign.com>]

Sent: Monday, March 21, 2016 8:48 AM

To: pdxcolyer@msn.com; Mark Kochanowski <markkoch63@hotmail.com>; 4wardfam@gmail.com

Cc: Pauly, Daniel <paul@ci.wilsonville.or.us>

Subject: revised layout Canyon Creek Road South

Hello

After reviewing the public comments submitted to the City of Wilsonville, the applicant decided to revise the layout to the Canyon Creek Road South project by making the following modifications:

1. Reduce number of lots from 15 to 14
2. Increase minimum lot size of all lots to at least 5,000 square feet
3. Eliminate the waiver request for lots smaller than the minimum
4. Add a 10-foot wide side yard setback along the north side line of Lots 1 and 2

I have attached to this email the revised plans. Please feel free to let me know if you have any questions regarding these revisions.

Thank you,

Annemarie Skinner | [503.746.8812](tel:503.746.8812) | www.emeriodesign.com

8285 SW Nimbus Avenue, Suite 180, Beaverton, OR 97008

**Application for
Zone Change; Comprehensive Plan Map Amendment; Site Design Review;
Planned Development/Subdivision; Stage I/II Review; Type C Tree Removal**

**Tax Map/Lot:
31W13B 00900
31W13B 01000**

Table of Contents

Application

Deed for 28500 SW Canyon Creek Road South
Deed for 28530 SW Canyon Creek Road South
Certification of Assessments and Liens
Proof of Payment for Traffic Study
Traffic Study
Narrative

Plans

Sheet 1 – Cover Sheet
Sheet 2 – Existing Conditions Map
Sheet 3 – Preliminary Plat
Sheet 4 – Preliminary Grading Plan
Sheet 5 – Street 'A' Plan and Profile
Sheet 6 – Private Street Plan and Profile
Sheet 7 – Preliminary Storm Water and Utilities Plan
Sheet 8 – Tree Preservation and Removal Plan
Sheet L1 – Street Trees
Sheet L2 – Park Planting

Exhibits

Exhibit 1 – Tree Plan for Canyon Creek Subdivision
Exhibit 2 – Tree Table
Exhibit 3 – Proposed By-Laws
Exhibit 4 – Housing Data Letter
Exhibit 5 – Oregon Catalyst article dated April 16, 2015
Exhibit 6 – Wilsonville Real Estate for Sale



City of Wilsonville
EXHIBIT B1 DB15-0108 et seq

CITY OF WILSONVILLE

29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone: 503.682.4960
Fax: 503.682.7025

Web: www.ci.wilsonville.or.us

Pre-Application meeting date:

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

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Applicant:

Samm-Miller, LLC

Address: 10211 SW Barber St.
Wilsonville, OR 97070

Phone: 503-619-3110

Fax:

E-mail: samm-miller@comcast.net

Authorized Representative:

Anne Marie Skinner

Address: 8285 SW Nimbus #100

Phone: 971-330-1129

City: Beaverton, OR 97008

E-mail: annemarie@emeridedesign.com

Property Owner:

Beth Boeckman
28500 SW Canyon Creek S

Wilsonville, OR 97070

Phone: 285.30 SW Canyon Creek S

Wilsonville, OR 97070

Fax:

E-mail: marylewallen@yahoo.com

Property Owner's Signature:

See attached

Printed Name: Beth Boeckman Date:

Applicant's Signature (if different from Property Owner):

See attached

Printed Name: Scott Miller Date:

Site Location and Description:

Project Address if Available: 28500 + 28530 SW Canyon Creek Ad. South Suite/Unit

Project Location: 28500 + 28530 SW Canyon Creek Ad. South

Tax Map #(s): 31W 13B Tax Lot #(s): 900 + 1000 County: Washington Clackamas

Request: Zone change to PDA-3; Comp Map to 4-5; Site Design Review; 5 water; Type C Tree removal Plan and Type C Permit; Stage I Plan; 14 lot pre plat planned dev

Project Type: Class I Class II Class III

Residential Commercial Industrial Other (describe below)

Application Type:

- Annexation
- Final Plat
- Plan Amendment
- Request for Special Meeting
- SROZ/SRIR Review
- Type C Tree Removal Plan
- Villebois SAP
- Zone Map Amendment
- Appeal
- Major Partition
- Planned Development
- Request for Time Extension
- Staff Interpretation
- Tree Removal Permit (B or C)
- Villebois PDP
- Other
- Comp Plan Map Amend
- Minor Partition
- Preliminary Plat
- Signs
- Stage I Master Plan
- Temporary Use
- Villebois PDP
- Conditional Use
- Parks Plan Review
- Request to Modify Conditions
- Site Design Review
- Stage II Final Plan
- Variance
- Waiver

CITY OF WILSONVILLE

29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone: 503.682.4960
Fax: 503.682.7025

Web: www.ci.wilsonville.or.us

Pre-Application meeting date:

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

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Applicant:

Samm-Miller, LLC

Address: 10211 SW Barber St.

Wilsonville, OR 97070

Phone: 503-819-3610

Fax: _____

E-mail: Samm-miller@comcast.net

Authorized Representative:

Scott Miller

Address: 10211 SW Barber St.

Wilsonville, OR 97070

Phone: 503-819-3610

Fax: _____

E-mail: Samm-miller@comcast.net

Property Owner:

Beth Boeckman

Address: 28500 SW Canyon Creek South
Wilsonville, OR 97070

Phone: _____

Fax: _____

E-mail: _____

Property Owner's Signature:

Beth Boeckman

Printed Name: Beth Boeckman Date: 12-7-15

Applicant's Signature (if different from Property Owner):

Scott J. Miller

Printed Name: Scott Miller Date: 12-7-15

Site Location and Description:

Project Address if Available: 28500 SW Canyon Creek South, Wilsonville, OR 97070 Suite/Unit _____

Project Location: _____

Tax Map #(s): _____ Tax Lot #(s): _____ County: Washington Clackamas

Request: _____

Project Type: Class I Class II Class III

Residential Commercial Industrial Other (describe below)

Application Type:

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Appeal | <input type="checkbox"/> Comp Plan Map Amend | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Major Partition | <input type="checkbox"/> Minor Partition | <input type="checkbox"/> Parks Plan Review |
| <input type="checkbox"/> Plan Amendment | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Request to Modify Conditions |
| <input type="checkbox"/> Request for Special Meeting | <input type="checkbox"/> Request for Time Extension | <input type="checkbox"/> Signs | <input type="checkbox"/> Site Design Review |
| <input type="checkbox"/> SROZ/SRIR Review | <input type="checkbox"/> Staff Interpretation | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Stage II Final Plan |
| <input type="checkbox"/> Type C Tree Removal Plan | <input type="checkbox"/> Tree Removal Permit (B or C) | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Villebois SAP | <input type="checkbox"/> Villebois PDP | <input type="checkbox"/> Villebois PDP | <input type="checkbox"/> Waiver |
| <input type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> Other | | |

CITY OF WILSONVILLE

29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone: 503.682.4960
Fax: 503.682.7025

Web: www.ci.wilsonville.or.us

Pre-Application meeting date:

**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

Incomplete applications will not be scheduled for public hearing until all of the required materials are submitted.

TO BE COMPLETED BY APPLICANT:

Please PRINT legibly

Applicant:

Samm-MILLER, LLC
Address: 10211 SW Barber St.
Wilsonville, OR 97070
Phone: 503-819-3610
Fax: _____
E-mail: Samm-miller@comcast.net

Authorized Representative:

Scott Miller
Address: 10211 SW Barber St.
Wilsonville, OR 97070
Phone: 503-819-3610
Fax: _____
E-mail: Samm-miller@comcast.net

Property Owner:

Marv & Karen Lewallen
Address: 28530 SW Canyon Creek South
Wilsonville, OR 97070
Phone: 509-280-5266
Fax: _____
E-mail: marvlewallen@yahoo.com

Property Owner's Signature:

[Signature]
Printed Name: Marv & Karen Lewallen Date: 12/8/15

Applicant's Signature (if different from Property Owner):

[Signature]
Printed Name: Scott Miller Date: 12-7-15

Site Location and Description:

Project Address if Available: 28530 SW Canyon Creek South, Wilsonville, OR 97070 Suite/Unit _____

Project Location: _____

Tax Map #(s): _____ Tax Lot #(s): _____ County: Washington Clackamas

Request: _____

Project Type: Class I Class II Class III

Residential Commercial Industrial Other (describe below)

Application Type:

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Appeal | <input type="checkbox"/> Comp Plan Map Amend | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Major Partition | <input type="checkbox"/> Minor Partition | <input type="checkbox"/> Parks Plan Review |
| <input type="checkbox"/> Plan Amendment | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Request to Modify Conditions |
| <input type="checkbox"/> Request for Special Meeting | <input type="checkbox"/> Request for Time Extension | <input type="checkbox"/> Signs | <input type="checkbox"/> Site Design Review |
| <input type="checkbox"/> SROZ/SRIR Review | <input type="checkbox"/> Staff Interpretation | <input type="checkbox"/> Stage I Master Plan | <input type="checkbox"/> Stage II Final Plan |
| <input type="checkbox"/> Type C Tree Removal Plan | <input type="checkbox"/> Tree Removal Permit (B or C) | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Villebois SAP | <input type="checkbox"/> Villebois PDP | <input type="checkbox"/> Villebois PDP | <input type="checkbox"/> Waiver |
| <input type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> Other | | |

AFTER RECORDING RETURN TO:
Ref. Ref:R Theobald / Paul
114, Box 729
Cathy, OR 97013-0729

SEND TAX STATEMENTS TO:
Kenneth E. Boeckman
28300 SW Canyon Creek Road
Wilsonville, OR 97070

**BARGAIN AND SALE DEED
(DEED OF GIFT)**

RECITALS:

- The owners of the real property hereinafter described are as follows:
 - VERNON E. BOECKMAN, an undivided 90%.
 - KENNETH E. BOECKMAN and BETH ANN BOECKMAN, husband and wife, an undivided 10%.
- The purpose of this Deed is for VERNON E. BOECKMAN to convey as a gift, his remaining undivided interest (90%) in the real property.

KNOW ALL MEN BY THESE PRESENTS, that VERNON E. BOECKMAN, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto KENNETH E. BOECKMAN and BETH ANN BOECKMAN, husband and wife, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns an undivided 90% interest (value less than \$180,000.00) in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to wit:

A tract of land situated in the Northwest one-quarter of Section 13, Township 3 South, Range 1 West of the Willamette Meridian, being all of Lot 5, Bridle Trail Ranchette and a part of said Northwest one-quarter of Section 13, Township 3 South, Range 1 West of the Willamette Meridian, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 5, Bridle Trail Ranchette; thence North 89°29'30" East along said Northern Boundary line of said Lot 5, and the Easterly extension thereof, 652.48 feet to the North-South centerline of said Section 13; thence South 0°40' West along said North-South centerline 146.01 feet; thence leaving said North-South centerline, South 89°29'30" West parallel with the Northern boundary of said Lot 5, 651.22 feet to the Easterly right of way of Jensen Road; thence North 0°10'30" East along said Easterly right of way line, 146.00 feet to the place of beginning. Subject to a 15.00 foot Bridle Trail Easement lying Westerly, adjacent to and contiguous to the Easterly boundary of the herein described tract.

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

Fee shall hereafter be vested in KENNETH E. BOECKMAN and BETH ANN BOECKMAN, husband and wife.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$NIL. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration. This is a deed of gift, the fair market value of which does not exceed \$180,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEED TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 5th day of January, 1999.

Vernon E. Boeckman
VERNON E. BOECKMAN - GRANTOR

99-001858

STATE OF OREGON }
County of Clackamas } ss.

January 5, 1999

Before me personally appeared the above named VERNON E. BOECKMAN, and acknowledged the foregoing instrument to be his voluntary act and deed.

Janice N. Vladek
Notary Public for Oregon
My Commission Expires: 8-22-2001



STATE OF OREGON 99-001959
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 88803 635.00
DATE AND TIME: 01/07/99 04:45 PM
JOHN KAUFFMAN, COUNTY CLERK

2

When recorded return to: *and send tax stmts. to:*
Marvin A Lewallen
Karen J Lewallen
28530 SW Canyon Creek Rd South
Wilsonville, OR 97070

Clackamas County Official Records 2012-024445
Sherry Hall, County Clerk 04/23/2012 09:17:44 AM
D-D Cnt=1 SIn=6 KARLYNWUN \$52.00
\$10.00 \$16.00 \$10.00 \$10.00

Filed for Record at Request of **First American Title Accommodation**
Spokane Teachers Credit Union Recording Assumes No Liability
Escrow Number: 12-00214-KT

QUIT CLAIM DEED

THE GRANTOR KAREN J. LEWALLEN, WHO ACQUIRED TITLE AS KAREN J. MARTIN AND MARVIN A. LEWALLEN, WIFE AND HUSBAND for and in consideration of Mere change in identity in hand, conveys and quit claims to KAREN J. LEWALLEN AND MARVIN A. LEWALLEN, WIFE AND HUSBAND the following described real estate, situated in the County of Clackamas County State of Oregon, together with all after acquired title of the grantor(s) therein:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND BY THIS REFERENCE INCORPORATED HEREIN.

Tax Parcel Number(s): 00806685

Dated: April 18, 2012

[Signature]
KAREN J. LEWALLEN

[Signature]
MARVIN A. LEWALLEN

STATE OF ~~OREGON~~ Washington)
COUNTY OF ~~Spokane~~) SS:

I certify that I know or have satisfactory evidence that Karen J. Lewallen and Marvin A. Lewallen the person(s) who appeared before me, and said person(s) acknowledged that they signed this instrument and acknowledge it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 4-18-12

[Signature]

Notary Public in and for the State of Washington
Residing at: Spokane
My appointment expires: 8-15-12



FIRST AMERICAN 1853642- TO
First American Title Accommodation
Recording Assumes No Liability

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

A tract of land situated in the Northwest one-quarter of Section 13, Township 3 South, Range 1 West, of the Willamette Meridian, in Clackamas County, Oregon, being all of Lot 6, BRIDLE TRAIL RANCHETTS, and a part of said Northwest one-quarter of Section 13, Township 3 South, Range 1 West, of the Willamette Meridian, described as follows:

BEGINNING at the Northwest corner of Lot 6, BRIDLE TRAIL RANCHETTS; thence North $89^{\circ}29'30''$ East along the Northerly boundary line of said Lot 6, and the Easterly extension thereof, 651.22 feet to the North-South centerline of said Section 13, Township 3 South, Range 1 West, of the Willamette Meridian; thence South $0^{\circ}40'$ West, 146.01 feet; thence leaving the said North-South centerline, South $89^{\circ}29'30''$ West parallel with the Northerly line of said Lot 6, BRIDLE TRAIL RANCHETTS, 649.98 feet to the Easterly right of way line of Jenson Road; thence North $0^{\circ}10'30''$ East along said Easterly right of way line 146.00 feet to the place of beginning.

NOTE: This legal description was created prior to January 1, 2008.



29799 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax

CERTIFICATION OF ASSESSMENTS AND LIENS

"It is the policy of the City of Wilsonville that no permits of any kind shall either be issued or application processed for any applicant who owes or for any property for which there is any payment which is past due owing to the City of Wilsonville until such time as said sums owed are paid." (Resolution #796)

Project/Property Address: 22500 SW Canyon Creek Rd S
Wilsonville, OR 97070

Aka Tax Lot(s) 900 on Map(s) 31413B

Applicant: SAMM Miller, LLC

Address: 10211 SW Barber St
Wilsonville, OR 97070

Property Owner: Beth Boeckman

Address: 22500 SW Canyon Creek Rd S
Wilsonville, OR 97070

In reference to the above, the City of Wilsonville records show that the following amount is due to the City:

Principal Amnt Due \$ 0 Current Non-Current

Comments: No liens at this time

Dated: 12/22/15

Finance Department: Katie Cook

(This certification shall be null and void 120 days following the Finance Department date of signature)



29799 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1016 Fax

CERTIFICATION OF ASSESSMENTS AND LIENS

"It is the policy of the City of Wilsonville that no permits of any kind shall either be issued or application processed for any applicant who owes or for any property for which there is any payment which is past due owing to the City of Wilsonville until such time as said sums owed are paid." (Resolution #796)

Project/Property Address: 28530 SW Canyon Creek Ad 5
Wilsonville, OR 97070

Aka Tax Lot(s) 1000 on Map(s) 31W 13B

Applicant: GAMM-Miller LLC

Address: 10211 SW Barber St
Wilsonville, OR 97070

Property Owner: Marv and Karen Lewallen

Address: 28530 SW Canyon Creek Ad 5
Wilsonville, OR 97070

In reference to the above, the City of Wilsonville records show that the following amount is due to the City:

Principal Amnt Due \$ 0 Current Non-Current

Comments: No liens at this time

Dated: 12/22/15

Finance Department: Kati Cook

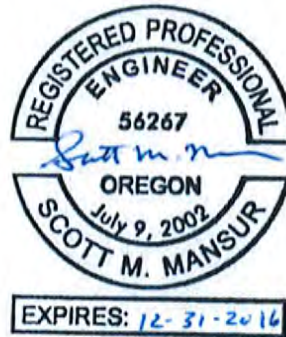
(This certification shall be null and void 120 days following the Finance Department date of signature)



117 Commercial Street NE
 Suite 310
 Salem, OR 97301
 503.391.8773
 www.dksassociates.com

MEMORANDUM

DATE: December 9, 2015
TO: Steve Adams, P.E., City of Wilsonville
FROM: Scott Mansur, P.E. *Sm*
 Jordin Ketelsen, EIT
 Rachel Vogt, EIT



SUBJECT: Canyon Creek Subdivision Trip Generation Memorandum

P15018-018

This memorandum documents trip generation estimates for the proposed 14 lot subdivision off of Canyon Creek Road S (parcels 28530 and 28500) opposite of Daybreak Road in Wilsonville, Oregon. Currently, each parcel is occupied by a single family housing unit. There is also a proposed private road which will end at the south property line and an approximately 10,000 sq. ft. park on the east side of the site area. The proposed internal street for the site would be a public street and will stub at the north end for future connectivity.

This memorandum will analyze the impact this subdivision would have on the SW Canyon Creek Road/SW Daybreak Street intersection. It will also evaluate the site plan's internal circulation for vehicle and pedestrian safety. The following sections include the existing intersection operations, surrounding traffic network impacts, site plan review, and summary of findings.

Project Trip Generation and Distribution

Trip generation is the method used to estimate the number of p.m. peak hour vehicles that are added to the surrounding traffic network from the proposed 14 lot subdivision. The trip rates utilized for this study were provided by the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition*,¹ and are shown below in Table 1. The results of this analysis indicate that the proposed subdivision is expected to generate 14 p.m. peak hour trips (9 in, 5 out).

Table 1: Trip Generation for Proposed Expansion

Land Use (ITE Code)	Units (DU*)	Trip Rate	P.M. Peak Hour Trips		
			In	Out	Total
Single-Family Detached Housing (210)	14 DU	1.00	9	5	14

*DU = Dwelling Unit

¹ *Trip Generation, 9th Edition*, Institute of Transportation Engineers, 2012.



Trip distribution for new project traffic was calculated based on existing traffic patterns identified in the p.m. peak hour intersection counts conducted on Tuesday, November 7th (see Figure 2). Based on existing traffic patterns at the study intersection, it was assumed that 70% of the traffic leaving the subdivision would travel north along SW Canyon Creek Road and 30% would travel south. Figure 1 below displays the project trips and distribution.



Figure 1: Project Trips and Distribution

Intersection Operations

Intersection operations were analyzed for the weekday p.m. peak hour (highest hour between 4:00-6:00 p.m.) at the SW Canyon Creek Road/SW Daybreak Street intersection. The existing intersection operations were analyzed based on the 2010 HCM methodology for unsignalized intersections² for the following scenarios:

- Existing Weekday p.m. Peak Hour
- Existing + Project
- Existing + Stage II (traffic from developments that have Stage II approval or are under construction)
- Existing + Project + Stage II

² Highway Capacity Manual 2010, Transportation Research Board, Washington DC, 2010



Level of service (LOS) ratings and volume-to-capacity (V/C) ratios are two commonly used performance measures that provide a good picture of intersection operations. In addition, they are often incorporated into agency mobility standards.

- **Level of service (LOS):** A “report card” rating (A through F) based on the average delay experienced by vehicles at the intersection. LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. LOS D and E are progressively worse operating conditions. LOS F represents conditions where average vehicle delay has become excessive and demand has exceeded capacity.
- **Volume-to-capacity (V/C) ratio:** A decimal representation (typically between 0.00 and 1.00) of the proportion of capacity that is being used at a turn movement, approach leg, or intersection. It is determined by dividing the peak hour traffic volume by the hourly capacity of a given intersection or movement. A lower ratio indicates smooth operations and minimal delays. As the ratio approaches 1.00, congestion increases and performance is reduced. If the ratio is greater than 1.00, the turn movement, approach leg, or intersection is oversaturated and usually results in excessive queues and long delays.

The City of Wilsonville requires all intersections of public streets to meet its minimum acceptable level of service (LOS) standard of LOS D for peak periods. For each of these analysis scenarios, the unmitigated impacts for the study area will be completed for the study intersection. Where the City’s level of service D standard cannot be maintained, improvements will be identified to mitigate operating conditions. Additional analysis will then be performed with any recommended improvements in place to determine the resulting levels of service.

Existing Intersection Operations

Existing traffic operations at the study intersections were determined for the p.m. peak hour based on the 2010 Highway Capacity Manual methodology. The estimated delay, LOS, and V/C ratio of each study intersection is shown in Table 2. As shown, the study intersection currently meets the City’s operating standards. Existing intersection volumes can be seen in Figure 2 at the top of the next page.

Table 2: Existing Study Intersection Operations

Intersection	Operating Standard	Existing		
		Delay	LOS	V/C
Two-Way Stop Controlled				
SW Canyon Creek Road/SW Daybreak Street	LOS D	10	B	0.07
<u>Unsignalized Intersections:</u>				
LOS = Level of Service of Major Street/Minor Street				
V/C = Volume-to-Capacity Ratio of Worst Movement				



Figure 2: 2015 Existing Intersection Volumes

Future Traffic Operations

The impacts of the increased traffic of the subdivision were evaluated at the study intersection for the weekday p.m. peak hour. The impact analysis includes trip generation, trip distribution, p.m. peak hour project trips through the study intersections. The analysis also includes scenarios that account for Stage II approved developments in the area, including those under construction or built but not yet occupied. As shown in Table 3, the intersection meets the City’s operating standards for each scenario. Volumes for each scenario are included in Figure 3 at the top of the next page.

Table 3: Future Project and Stage II Intersection Operations

Intersection	Operating Standard	Existing + Project			Existing + Stage II			Existing + Stage II + Project		
		Delay	LOS	V/C	Delay	LOS	V/C	Delay	LOS	V/C
Two-Way Stop Controlled										
SW Canyon Creek Road/SW Daybreak Street	LOS D	10.1	B	0.08	10.2	B	0.08	10.2	B	0.09
Unsignalized Intersections: LOS = Level of Service of Major Street/Minor Street V/C = Volume-to-Capacity Ratio of Worst Movement										

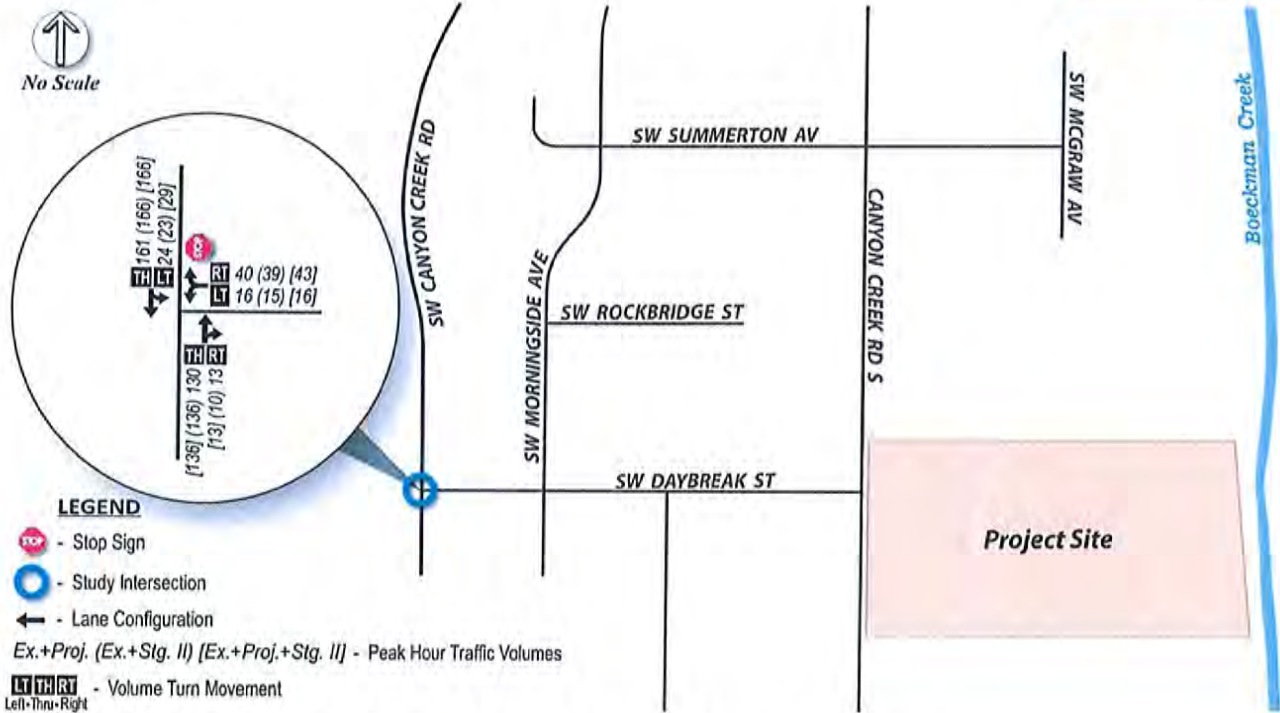


Figure 3: Future Scenario Traffic Volumes

Site Plan Review

The applicant’s preliminary site plan was provided with the Traffic Study Request letter and is attached to the appendix.³ It was reviewed to evaluate site access and internal circulation for vehicles, as well as pedestrian and bicycle connections.

Site Access and Internal Circulation

The proposed 14 lot subdivision would utilize the existing residential streets (Daybreak Street and SW Canyon Creek Road S) that currently serve the existing residential area as well as a new proposed internal public road that will stub at the north end for future connectivity. This public road would connect to SW Canyon Creek Road S approximately 100 feet south of the existing SW Canyon Creek Road S/SW Daybreak Street intersection. The site plan also indicates a new private road will be necessary to access two of the fourteen lots. A 10,000 square foot park is also proposed on the eastern edge of the site that would provide the minimum required 2,800 square feet of recreational area for the subdivision.⁴ Based on the site plan, the proposed facility’s internal roadway network provides adequate circulation into and out of the development.

³ Request for Traffic Study submitted to City of Wilsonville by Marvin and Karen Lewallen, Emerio Design, dated October 23, 2015 and forwarded to DKS by Steve Adams, City of Wilsonville, on October 23, 2015.

⁴ City of Wilsonville City Codes, Section 4.113



Pedestrian and Bicycle Connections

The site features sidewalks along the proposed new public road. Added sidewalks are recommended along the frontage of Canyon Creek Road S as well as ADA accommodating ramps to connect to the existing sidewalk network in the Renaissance at Canyon Creek Subdivision. The existing sidewalks through the Renaissance at Canyon Creek Subdivision also connect to the Rectangular Rapid Flashing Beacon (RRFB) on the south leg of the SW Canyon Creek Road/SW Daybreak Street intersection that provides enhanced pedestrian crossing opportunities on Canyon Creek Road.

Summary

Key findings for the proposed 14-lot subdivision on Canyon Creek Road South are as follows:

- The proposed expansion is expected to generate 14 p.m. peak hour trips (9 in/5 out).
- Existing, future project, and Stage II developments traffic operations for the SW Canyon Creek Road/Daybreak Street intersection meet the City's operating standards and therefore do not require off-site mitigations to the study area transportation network.

Please let us know if you have any questions.

Background Information: The applicant requests approval for a zone change and comprehensive map amendment to PDR-3, along with Stage I and II Site Development Review and Planned Development approval for a 14-lot single-dwelling residential subdivision. Two waiver requests are also included as part of this application. The subject property is made up of two parcels, each with an existing house. All existing structures on the site will be removed as part of the development.

Access will take place from a new public street off of SW Canyon Creek Road South. It will extend to the northern-most edge of the site and dead-end as a stub street, as required by the City of Wilsonville (the City) for connectivity with future northern development. All of the lots will have driveways off of this new public street, with the exception of Lots 6 and 7 which will access off of a private street tract and Lot 1 which will take direct access from SW Canyon Creek Road South.

Sewer, water and storm are available from existing lines in SW Canyon Creek Road South. These lines will be extended through the new public street, with individual services provided to each lot. Storm water will be detained in LIDA planters and discharged to the creek to the east.

The site contains SROZ area on the eastern portion of the property. This area will not be disturbed or developed in any way. The site does not contain any flood plain, wetlands or fish and wildlife habitat. Care has been taken to retain all the trees in the SROZ area. Additionally, out of the existing viable trees, specifically four fir trees, a pine tree and a maple tree will be retained in area that is not SROZ.

WILSONVILLE CODE (Code)
CHAPTER 4 - PLANNING AND LAND DEVELOPMENT

Section 4.008 Application Procedures – In General

Response: This application represents a request for a Stage I and Stage II Site Development Permit, Quasi-judicial zone change, Quasi-judicial change to the map of the Comprehensive Plan and a 14-lot subdivision developed as a Planned Development, with waivers. The subject property is 4.37 acres, which is more than 2 acres in size, and as such the requested zone is PDR- 3. The required usable and non-usable open space is shown on Sheet 3 of the submitted plans. A traffic study was completed by DKS Associates on December 9, 2015.

Section 4.009 Who May Initiate Applications

Response: The subject site consists of two different parcels, each under separate ownership. The site addressed as 28530 SW Canyon Creek Road South is presently owned by Marvin and Karen LeWallen. The site addressed as 28500 SW Canyon Creek Road South is presently owned by Beth Boeckman. All three of the current property owners have signed the application.

Section 4.010 How To Apply

Response: Numerous contacts via emails, phone calls and two meetings have been made with the City of Wilsonville regarding this project. A pre-application conference was held on October 21, 2015 and a second pre-application conference was held on December 3, 2015. Contact has been made with Steve Adams, Kerry Rappold and Blaise Edmonds of the City of Wilsonville and Jason Arn from Tualatin Valley Fire and Rescue via emails and/or phone calls. An additional meeting with Dan Pauly was held on March 15, 2016 to discuss revisions to the layout. Phone calls and emails were exchanged between Dan Pauly and the applicant's representative between March 15 and March 18, 2016.

Phone calls and emails with the adjacent property owner to the north, Mark Kochanowski, have also been exchanged. Written letters of opposition from three property owners (Brendan and Kristen Colyer, Erin Ward, George Johnston) within the vicinity were forwarded to the applicant on March 18, 2016. As a result of public comment and additional emails, phone calls and meeting with the City staff, the originally proposed 15-lot subdivision has been reduced to 14 lots, all lots have been increased to at least 5,000 square feet in size, the waiver request for a minimum lot size reduction has been eliminated and the applicant is voluntarily increasing the minimum side setback to ten feet along the north boundary line for Lots 1 and 2.

Section 4.011 How Applications are Processed

Response: The required filing fee is \$13,106.40. Upon initial application submittal on December 23, 2015, \$9,780.00 of that total required fee was paid. The remaining portion of the required fee totaling \$3,326.40 was paid on January 22, 2016. Staff will review the application for completeness as outlined in the Code.

Section 4.012 Public Hearing Notices

Response: Pursuant to Section 4.0102, City Staff will publish and mail the required notices and perform any required property postings.

Section 4.013 Hearing Procedures

Response: The applicant acknowledges that public hearings are necessary for this application and that the hearing body shall approve, conditionally approve or deny the application. The applicant further acknowledges that a final decision shall be made within 120 days of the application being deemed completed.

Section 4.014 Burden of Proof

Response: The applicant acknowledges that the burden of proving that the necessary findings of fact can be made for approval of this application rests with the applicant. The applicant feels that the materials that have been submitted as attachments to the application, along with all of the items addressed in this narrative, provide enough information that the City can make the appropriate findings to approve this application.

Section 4.015 Findings and Conclusions

Response: The applicant acknowledges that the Findings and Conclusions may or may not contain conditions of approval and that any graphic or written information submitted or presented shall automatically be included as requirements of any approval.

Section 4.113 Standards Applying to Residential Developments In Any Zone

(.01) Outdoor Recreational Area In Residential Developments

5. *Outdoor recreational area shall be considered to be part of the open space required in the following subsection.*

Response: The outdoor recreational area is being provided via the required open space as allowed per the subsection noted above. The preliminary site plan identifies 2.15 acres or 93,451.7 square feet of the subject site as Tract B – which is the open space area. 12,643.1 square feet (0.29 acres) of that area is usable. Included in the usable area is a park with a bark path leading from the public street, through the park and to the non-usable SROZ. The remaining 80,804.7 square feet (1.86 acres) of Tract B is

non-usable SROZ. A complete discussion of the proposed outdoor recreation is below under Section 4.113(.02).

(.02) *Open Space Area shall be provided in the following manner:*

Response: The entire developed square footage of the project is for residential use as a 14-lot single-dwelling residential subdivision. The gross acreage of the site is 4.37 acres or 190,357.20 square feet. After deducting the 21,041.8 square feet of private and public street area, the remaining net square footage of the entire site is 169,315.4 square feet. The site has 89,006.1 square feet of non-usable SROZ which equates to 52.5% of the net acreage, which is greater than the minimum 25% requirement. A usable park area outside of the SROZ is being provided in the amount of 12,979.4 square feet which exceeds the minimum ¼-acre usable park area requirement for 100 or less lots where SROZ is greater than 25% of the developable area. The entire open space area of 93,784.1 square feet includes the entire SROZ area, the usable park area and a bark path leading from the public sidewalk adjacent to the public street, through the usable park and through the SROZ area, ending midway through the SROZ area.

The usable park area is not intended to be a standard, generic play park with flat, lawn areas and swing sets. Rather, the intent behind the proposed park is to create an extension of the natural and native feel of the SROZ area, but in a space that can be utilized on a daily basis by residents of the subdivision for family gatherings and barbecues. The applicant proposes to provide a barbecue and table and benches in the flatter area of the park to act as a gathering area for small family events and other small neighborhood get-togethers. To preserve the native vegetation/natural feel of the park, the provided pathway extending from the public sidewalk to the pathway in the SROZ area, will be a man-made bark pathway in keeping with the pathway being provided in the SROZ area. The usable park area pathway will not be graded so as to retain the natural vegetation and natural feel of this area, as well as to provide a very small-scale "hiking trail experience" for the residents of the subdivision and their guests. There are significant grade changes in the usable park area. These are purposely being retained, again, to provide more of a forest-type "hiking and adventure" setting for active physical activity rather than lounging on flat grass.

(.03) *Building Setbacks (for Fence Setbacks, see subsection .08)*

B. *For lots not exceeding 10,000 square feet:*

1. Minimum front yard setback: Fifteen (15) feet, with open porches allowed to extend to within ten (10) feet of the property line.

Response: The front setbacks will meet the minimum Code requirements. The fronts of the proposed houses will be a minimum of 15 feet from the front property line. Open front porches will be a minimum of ten feet from the front property line. The minimum required setbacks are reflected on the preliminary plan and will be reviewed for compliance during the building permit process.

2. Minimum side yard setback: One story: five (5) feet; Two or more stories: seven (7) feet. In the case of a corner lot, abutting more than one street or tract with a private drive, the side yard on the street side of such lot shall be not less than ten (10) feet.

Response: All of the proposed dwellings will be a minimum of five feet from the side property lines, even those two or more stories. A waiver for Lots 3 through 14, and the south side property line of Lots 1 and 2, is being requested as part of the application, addressed later in the narrative, from the required seven-foot setback to a five-foot side yard setback for houses two or more stories. The north side property line of Lots 1 and 2 will have a 10-foot wide setback, which is more than the minimum of 7 feet, but is being provided by the developer to provide more of a buffer between the new houses on Lots 1 and 2 and the existing house to the north.

Street side yard setbacks shall be a minimum of ten feet as per the requirement of the Code. The minimum required setbacks and the side setback waiver request are reflected on the Preliminary Plat and will be verified for compliance during the building permit review process. The 10-foot north side setback for Lots 1 and 2 is also reflected on the Preliminary Plat.

3. In the case of a key lot, ...

Response: This project does not propose any key lots.

4. No structure shall be erected within the required setback for any future street...

Response: This project does not propose any structures within any required setbacks for any future street areas.

5. Minimum setback to garage door or carport entry: Twenty (20) feet. Wall above the garage door may project to within fifteen (15) of property line, provided that clearance to garage door is maintained.

Response: All garage door and/or carport entries will be a minimum of 20 feet from the property line. Walls above the garage door will possibly project over the garage to

within 15 feet of the property line, and clearance to the garage door will be maintained. The minimum setbacks are reflected on the preliminary plan and will be verified through the building permit review process.

6. Minimum rear yard setback: One story: fifteen (15) feet. Two or more stories: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.

Response: Single-story dwellings will be at least 15 feet from the rear property line. Dwellings more than two stories will be at least 20 feet from the rear property line. No accessory buildings are proposed as part of this application. The minimum setbacks are reflected on the preliminary plan and will be verified for compliance through the building permit review process.

(.04) Height Guidelines

In the R-5 District: A. The permitted residential density shall be no more than five (5) units per acre and no less than four (4) units per acres, except as permitted by Section 300-2 or by 302-6.2 below; and B. A lot shall be at least fourteen thousand (14,000) square feet in area in order to be divided.

Response: The subject site does not have any scenic vistas of Mt. Hood or the Willamette River. The proposal is for a single-family residential subdivision. Multifamily dwellings are not proposed and will not be part of the development. This is not a building permit application and specific building plans have yet to be determined, but it's anticipated that the houses will be either one-story or two-story dwellings, not exceeding 35 feet in height.

(.05) Residential uses for treatment or training

Response: This project does not propose any Residential Homes or Residential Facilities. This section is not applicable.

(.06) Off Street Parking

Response: The Code requires one off-street parking space per single-residential dwelling unit. The required space will be provided via an on-site driveway on each lot which will be a minimum of 20 feet long by 12 feet wide. It is anticipated that each house will have at least a one-car garage which will provide an additional parking space, for a total of two off-street parking spaces.

(.07) Signs

Response: No signage is proposed as part of this application or development.

(.08) Fences

Response: A four-foot tall fence is proposed along the outer western boundary separating SW Canyon Creek Road South from the subdivision lots. A six-foot tall sight-obscuring fence will be installed along the north and south outer boundary of the development. A four-foot tall open fence will be constructed on Lots 3, 4, 5 and 6 along the SROZ boundary line that is contained within these lots. No other fencing is proposed as part of this application. After construction of individual houses, lot owners may choose to erect fencing along lot lines in accordance with the rules contained in this subsection.

(.09) Corner Vision

Response: Proposed fencing and landscaping will meet vision clearance requirements as specified in Section 4.177.

(.10) Prohibited Uses

Response: This application is not for anything other than single-dwelling residential lots in a subdivision. Detached dwellings are proposed, and they are allowed in the requested zone. The proposal does not include any trailers, travel trailers or mobile coaches as residences. The development does not propose any outdoor advertising displays, advertising signs or advertising structures.

(.11) Accessory Dwelling Units

Response: This application is not for accessory dwelling units. None are being proposed at this time.

(.12) Reduced Setback Agreements

Response: Reduced setback agreements are not being proposed as part of this application.

(.13) Bed and Breakfasts

Response: This application does not include any proposals for any bed and breakfasts.

Section 4.118 Standards applying to all Planned Development Zones

(.01) *Height Guidelines: In "S" overlay zones, the solar access provisions...*

Response: The subject property is not located in an "S" overlay zone, therefore these standards are not applicable to this application.

(.02) *Underground Utilities shall be governed by Sections 4.300 to...*

Response: Sections 4.300 to 4.320 are addressed later in this narrative.

(.03) *Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:*

A. *Waive the following typical development standards:*

Response: This application requests waivers addressed individually as follows:

1. **Side Yard Setback from 7 feet to 5 feet for houses two or more stories.** House plans/designs have not been chosen for the development. The applicant presumes that some of the chosen house plans will be two-story in size. It should be noted that this is the only setback waiver being requested. All other setbacks will be met as outlined in the Code. Additionally, this setback waiver request is only a two-foot difference from the minimum standard and is consistent with the setback requirement for a single-story house. The applicant has held to the required minimum lot width of 40 feet, and the additional two feet of setback will allow for a slightly wider house on the narrower 40-foot wide lots, should a two-story house plan be chosen. The additional width in the house that will be available as a result of this waiver request affords more opportunity for varying housing designs and a range of house sizes which gives diversity and interest to the development, rather than having the same type and size of house on every lot. Finally, this waiver request **does not include the north side setback for Lots 1 and 2.** Rather, the north side setback for Lots 1 and 2 will be a minimum 10-foot setback, regardless of the number of stories of the house. This setback has been reflected on the Preliminary Plat and will be noted on the Final Plat as well and should be placed as a condition of approval. This extra setback addresses concerns of the norther neighboring property owner in having new houses too close to his existing house.
2. **Average lot size from 7,000 square feet to 5,389.29 square feet.** The minimum density requirement for this project is 13 lots. The proposed project meets the

minimum density requirement of 13 lots and has one additional lot for a total of 14 lots. Because the site has such a large eastern portion of SROZ area (2.04 acres) that has to be preserved, all of the required building lots to achieve minimum density have to be contained on the western portion of the site. To achieve the minimum density requirement of at least 13 lots, preserve the SROZ area and provide the required ¼ acre of usable park space, it is impossible to meet the average lot size requirement.

The numbers simply do not allow for the average lot size requirement to be met. This is why: from the gross area of 4.37 acres, after deducting the area for street right-of-way, the private street tract, the required ¼ acre of usable park space and the entire non-buildable SROZ area, there is a total of 75,450 square feet (or 1.73 acres) left out of the original 4.37 acres. Note that a portion of the SROZ area has been included in that 75,450-square foot figure as the eastern portion of Lots 2 through 5 to ensure those lots meet the minimum lot size.

75,450 square feet divided by 14 lots proposed (only one more than the minimum required) = 5,389.29 square foot average

75,450 square feet divided by 13 lots minimum density required = 5,803.85 square foot average

Even if the applicant was able to eliminate one lot (which is not possible as will be discussed below) and reduce the number of lots in the project from 14 to 13 lots, the average minimum lot size still cannot be met at 13 lots.

The Code states in Section 4.118(.03)B.2. that the minimum density standards of residential zones shall not be waived by the Board. The minimum density requirement for this project is 13. Therefore, it is impossible to meet the both minimum density requirement and the average lot size requirement given all the aforementioned Code requirements and property constraints. Essentially, then, the Code requirements present a conflict in that the minimum density requirement can't be met if the average lot size requirement is met, and the average lot size requirement can't be met if the minimum density requirement is met. Since the minimum density requirement can't be waived, as per Section 4.118(.03)B.2., the only available option is to request waiver of the average lot size requirement. It should be noted that this occurrence is specific to this project due to the large area of SROZ as well as the added requirement of ¼ acre of usable park and might not occur on other pieces of property that lack SROZ and/or if the ¼-acre usable park requirement was to be eliminated.

It should be emphasized that almost half of the subject site is SROZ, leaving not much area to devote to building lots once the square footages for public street, private street and required 1/4-acre usable park area have been deducted. The applicant has taken great care in providing an aesthetically-pleasing layout with a beautiful and scenic entry viewpoint of the forest park, leading to the SROZ. The applicant has worked with the neighbor to the north to alleviate concerns regarding having a house right outside his bedroom. The applicant has provided extra amenities and park area (as discussed below). The applicant is a resident of Wilsonville and has a vested interest in the City and its growth. The applicant desires to build a worthwhile project that will grow in value for the City and surrounding neighborhood over the years. Obviously, the lot count could be reduced from 14 to 13, but to what avail? The minimum average lot size still will not meet the 7,000-square foot standard and the loss of one lot could jeopardize the entire project. While one less lot doesn't seem significant to development overall, to this particular project it could mean the difference between the ability to move forward or not. It should be noted that all the proposed lots meet the minimum lot size requirement of 5,000 square feet and all minimum setback requirements will be met with the exception of a two-foot side setback reduction which will not apply to the north side setbacks of Lots 1 and 2.

There is a definite need for detached single-family houses as evidenced by a letter from Marla Rumpf, principal broker for Windermere Real Estate, identified as Exhibit 4. Ms. Rumpf obtained information from the City indicating a current population of 21,484 and an availability of only 62 single-family houses on the market. While one lot doesn't make that much of a difference to the overall issue of lack of single-family housing, 14 lots, on the other hand, does make more of an impact.

The proposed layout has been reworked and revised many times to present a project that will be of value, worth and benefit to the City and provide single-family houses with options for varying lot sizes. Approving the project as presented with 14 lots with an average lot size of 5,389.29 square feet allows this project to go forward and provide lots at a size and price affordable for members of the community. View approval of this waiver in specific regard to the individual characteristics and specificities of this particular subject property, the layout being provided and the intent for lot-size diversity specific to this applicant.

The following two items are not waivers, per se, but are exceptions. They are being addressed in this narrative regardless.

- 1. New street over 200 feet in length that dead-ends without a turn-around.** The proposed public street has to be over 200 feet in length to provide connectivity with the parcel to the north for its future development. Future connectivity extensions/stub streets are required by the City. Providing a turn-around at the very end of the street would, therefore, be on the adjoining property over which the applicant has no control. The applicant did approach the adjoining northern property owner, Mark Kochanowski, regarding purchasing his parcel for inclusion in the current application. Mr. Kochanowski was not interested as he just recently purchased his property in October. Placing a turn-around at the end of the street on the subject site would result in even smaller lot sizes and a smaller lot average.

A private street for access to Lots 5 and 6 has been strategically placed, however, at the midway point of the new public street. While the project hasn't provided a turn-around at the end of the dead-end/stub street, the project has still provided a turn-around via the proposed private street tract. The turn-around happens to be located at the midway point of the public street rather than the end of the public street, but the turnaround has been provided regardless, and breaks up the length of the new public street.

The applicant feels this meets the intent of the requirement, namely providing turnaround access for emergency service vehicles and waste disposal trucks. Jason Arn at Tualatin Valley Fire and Rescue has indicated this private street is an acceptable turn-around alternative for emergency services purposes. Waste disposal trucks will not go past the curvature of the new public street. Rather, residents of Lots 3 and 4 will roll their trash and recycling bins to the point of curvature. The waste disposal trucks will then empty the bins at the point of curvature and back up in the midway turn-around point provided via the private street tract.

- 2. Street offset of less than 100 feet and not in alignment with the adjacent public street.** The proposed public street is offset 94.3 feet from the existing SW Daybreak Street which is only very slightly less than the 100-foot offset requirement. Offsetting the additional 5.7 feet would make Lots 7 through 10 shorter by 5.7 feet and Lots 11-14 longer by 5.7 feet. As currently presented, these lots are similar in length. This 5.7-foot adjustment would make these lots disproportional in size. The lots as proposed, with the public street offset at 94.3 feet, are more consistent in size and aesthetically-pleasing.

Since SW Canyon Creek Road South is only a local street and ends shortly to the south of the proposed development, the City Engineer indicated a direct alignment with SW Daybreak Street would not be required. The traffic study

indicates the project will generate 14 p.m. peak hour trips. With the lack of traffic being generated by the project, as well as the lack of continuing southerly traffic due to the dead-end nature of SW Canyon Creek Road South, queuing will not be a problem and thus the lack of alignment is justified. The proposed offset location provides guests and residents entering the development an immediate view of the naturally-vegetated forest-area park that abuts the SROZ area, thus providing a scenic entry that would otherwise not be available if the proposed public street had to be aligned with SW Daybreak Street and/or meet the 100-foot offset.

In return for the requested waivers and exceptions, the developer is making additional enhancements to the project. The minimum park area requirement is 10,890 square feet. The project is providing 12,979.4 square feet of park area which is 2,089.4 square feet over the minimum requirement.

A man-made bark pathway leading from the park to the SROZ area is being installed. This pathway provides connectivity from the sidewalk along the public street, to the park area and through the SROZ area. Eventually the City plans on installing a pathway system in this SROZ area. The applicant's proposed pathway, then, will give connection to the City's future pathway plans for the area. A table and bench will be provided at the end of the pathway to provide a resting place for residents of the development.

As part of the development, a four-foot tall open fence will be constructed on Lots 3, 4, 5 and 6 along the SROZ boundary line to provide protection to the SROZ area. Fencing will also be installed along the development's north and south perimeter boundary and the Canyon Creek Road South frontage.

Amenities in the park include a gas-hookup barbecue unit and a picnic table under an existing stand of mature trees. These specific mature trees are being expressly retained to preserve the natural, forested area of the site and to enhance the intent of the usable park – which is to provide a very small-scale “forest” experience for residents of the development. Screening landscaping will be planted along both the north and south property lines of the park.

It is further noted that the applicant has worked with Mark Kochanowski, the adjacent north property owner, by specifically eliminating the side yard setback waiver request for the north property lines of Lots 1 and 2 – which are the two lots closest to Mr. Kochanowski's existing house. Instead, the applicant will be providing an increased side setback of 10 feet along this north property line, as well as fencing along the property line and landscaping installed within the 10-foot wide setback area consisting of Blue Oat Grass, Compact Oregon Grapes and Landscape Roses. The increased setback,

fencing and landscaping will serve as privacy, screening and buffering from the residential activities that will occur on Lots 1 and 2.

B. *The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:*

1. *Open space requirements in residential areas;*
2. *Minimum density standards of residential zones;*
3. *Minimum landscape, buffering and screening standards;*

Response: The open space requirement is being met and exceeded with approximately 12,979.4 square feet of usable park area which exceeds the minimum ¼-acre requirement. The minimum density standards of the PDR-3 zone are being met and have been addressed in detail later in this document under Section 4.124. The minimum landscape standards are all being met as shown on the Landscaping Plan.

C. *The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways, and the action taken will not violate any applicable, federal, state or regional standards:...*

Response: None of these items are being requested as waivers.

(.04) *The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.*

Response: The applicant acknowledges the Planning Director and Development Review Board will not attach conditions that will unnecessarily increase the cost of the development, and further acknowledges that conditions that are attached are done so to meet the minimum requirements of the Comprehensive Plan and Code.

(.05) *The Planning director, Development Review Board, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:*

- A. *Recreational Facilities: The Director, Board, or Council, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development consistent with adopted Park standards and Parks and Recreation Master Plan.*
- B. *Open Space Area*
- C. *Easements*

Response: The proposed development does not include any recreational facilities, other than the required usable park area. The main street providing access will be a public street, dedicated to the City and under the City's jurisdiction. The required usable Open Space Area is depicted as Tract B. A public utility easement is shown on the Preliminary Plat.

(.06) *Nothing in this Code shall prevent the owner of a site that is less than two (2) acres in size from...*

Response: The subject property is more than two acres in size. This subsection is not applicable to the application.

(.07) *Density Transfers. In order to protect significant open space or resource areas, the Development Review Board may authorize the transfer of development densities from one portion of a proposed development to another. Such transfers may go to adjoining properties, provided that those properties are considered to be a part of the total development under consideration as a unit.*

Response: Because the site does contain SROZ area, a significant portion of the site is non-developable and non-buildable. This application utilizes the density transfer available pursuant to this subsection. The calculations are noted in detail later in this document under Section 4.124(.05).

(.08) *Wetland Mitigation and other mitigation for lost or damaged resources.*

Response: The subject property does not contain any wetlands. This section of the Code is therefore not applicable to this application.

(.09) *Habitat-Friendly Development Practices. To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:*

- A. *Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;*
- B. *Minimizing adverse hydrological impacts on water resources, ...*

- C. *Minimizing impacts on wildlife corridors and fish passage, ...*
- D. *Using the practices described...*

Response: The subject property does not contain any wildlife corridors or fish passages. The site does contain SROZ area which has been deemed as non-developable and non-buildable on the submitted plan set. No vegetation will be removed from the SROZ area. Grading on the site will be limited to only that necessary to install the required site improvements and construct houses. There will not be any grading in the SROZ area. Water, sewer and storm water are available and will be designed and constructed in accordance with the Code to minimize adverse impacts on the site, surrounding properties and environment.

Section 4.120 Zones. RA-H Residential Agricultural – Holding Zone

Response: The subject parcels are currently zoned RA-H. The purpose of this zone is to preserve the future urban level development potential of the property. It is because of that purpose that this application is proceeding. Part of this application requests a zone change to PDR-3 to allow development of the site as a single-dwelling residential planned development and allow it to realize its full development potential, as per Code.

Section 4.124 Standards Applying To All Planned Development Residential Zones

(.01) Examples of principal uses that are typically permitted:

Response: This proposal is for a 14-lot subdivision that will contain single-dwelling units and open space. Both of these uses are listed as examples of principal uses that are typically permitted in a planned development. The project meets this standard.

(.02) Permitted accessory uses to single family dwellings:

Response: This application is only for single-dwellings. Accessory uses or structures are not part of this application.

(.03) Permitted accessory uses for multiple-family dwelling units:

Response: This standard is not applicable to this application as the project will not contain any multiple-family dwelling units.

(.04) Uses permitted subject to Conditional Use Permit requirements:

Response: This application does not include any conditional use permit requests.

(.05) *Appropriate PDR zone based on Comprehensive Plan Density:*

Response: This application includes a request for a zone change to PDR-3 and a comprehensive plan density of 4-5 units per acre as per Table 1 in this subsection of the Code. The minimum and maximum densities for this project are as follows:

Total Gross Acreage: 4.37 acres
Total SROZ: 2.04 acres
Total Usable Acreage: 2.33 acres (gross – SROZ)

SROZ acres $2.04 \times 4 \text{ du/ac} = 8.16 \times .50$ (50% SROZ transfer credit) = 4.08 or **4**
SROZ acres $2.04 \times 5 \text{ du/ac} = 10.2 \times .50$ (50% SROZ transfer credit) = 5.1 or **5**

Usable acres $2.33 \times 4 \text{ du/ac} = 9.32$ or **9 minimum lots**
Usable acres $2.33 \times 5 \text{ du/ac} = 11.65$ or **11 maximum lots**

4 transfer credit lots + 9 = 13 minimum lots
5 transfer credit lots + 11 = 16 maximum lots

The project proposes 14 lots which is more just one more than the minimum, but less than the maximum by two, thus meeting the standard.

(.06) *Block and access standards:*

Response: Block 1 is approximately 208 long and is separated from Block 2 and Block 3 by a public street to the south and east. The residential lot area of Block 2 is 156 feet long, with an overall length of 341 feet, and is separated from Block 1 and Block 3 by a public street and a private street to the west. Block 3 is 214 feet long and is separated from Block 1 and Block 2 by a public street to the north and a private street to the east. The proposed public street providing access to the project is 94.3 feet south of Daybreak Street. The distance between the subdivision entrance and the private street is 214 feet. Both Blocks 1 and 3 are less than 330 feet. Block 2 is 341 feet long, but contains a pedestrian pathway providing access from the street and park to the SROZ area. Additionally, the entire eastern portion of Block 2 is non-usable SROZ that will not be developed.

(.07) *Signs*

Response: This project is not proposing any signs at this time.

(.08) *Parking*

Response: The requirements of Section 4.155 will be addressed in detail later in this narrative.

(.09) *Corner Vision Clearance*

Response: The landscaping and fencing that is proposed as part of this application will meet all requirements of Section 4.177.

Section 4.124.3 PDR-3

- (.01) *Average lot size: 7,000 square feet*
- (.02) *Minimum lot size: 5,000 square feet*
- (.03) *Minimum density at build out: One unit per 8,000 square feet.*

Response: The proposed project has 14 residential lots ranging in size from 5,000 square feet to 6,258 square feet. The average lot size is 5,389.29 square feet. As proposed, the project does not meet the minimum average lot size of 7,000 square feet. However, a waiver is being requested for this item and is addressed above in the comments for Section 4.118. The square footage of the site, less the SROZ area, is 101,351.1 square feet. That square footage divided by 8,000 equals 12.67 or 12, thus the minimum density at build out requirement has been met, and exceeded by two, with a total of 14 buildable lots.

- (.04) *Other standards:*
 - A. *Minimum lot width at building line: Forty (40) feet*
 - B. *Minimum street frontage of lot: Forty (40) feet*
 - C. *Minimum lot depth: Sixty (60) feet*
 - D. *Setbacks: per Section 4.113(.03)*
 - E. *Maximum building or structure height: Thirty-five (35) feet*
 - F. *Maximum lot coverage: Fifty percent (50%) for lots containing less than 7000 square feet.*

Response: As can be seen on the submitted preliminary plat, all of the proposed lots are at least a minimum of 40 feet wide at the building line, 40 feet at the street frontage and 60 feet deep. The setbacks are shown on the submitted preliminary plat as well. All of the required setbacks are met (15-foot front; 10-foot open front porch; 20-foot garage door; 10-foot street side; 15-foot rear for single story and 20-foot rear for two or more stories; 5-foot side for single story) with the exception of the required minimum 7-foot side yard setback for houses two or more stories. A waiver is being requested for this side setback from 7 feet to 5 feet for the minimum side yard setback for houses two or more stories. This waiver request has been addressed earlier in this document in the comments for Section 4.118 above. The only exception to this waiver request is the

north side line of Lots 1 and 2. Instead of requesting a waiver from the minimum, the applicant is instead requesting a condition of approval to increase the minimum to a 10-foot side setback along the north line of Lots 1 and 2. Maximum building height will be 35 feet. All of the proposed lots are less than 7,000 square feet, thus the maximum lot coverage will be 50% for all the proposed lots.

Section 4.139 Significant Resource Overlay Zone (SROZ) Ordinance

Response: The subject site has an identified SROZ area. The SROZ area is on the eastern portion of the subject property and is clearly demarcated on the submitted site plans with cross-hatching. The SROZ area consists of 89,021.1 square feet. The required 25-foot buffer area has also been shown on the submitted plans in a hatched area. There are four lots that have SROZ and SROZ-buffer area on their eastern rear portion. This entire area on each of the four lots has been designated as a non-usable, non-buildable residential conservation easement. The developer will construct a four-foot tall open fence on these lots along the SROZ boundary line. The SROZ area will not have any development. A man-made bark path will be installed from the usable park area leading into the SROZ area. None of the existing trees in the SROZ area are being removed. Since no development can or will take place in the SROZ area, the density transfer allowed pursuant to Section 4.139.11 is included as part of this project. The calculations are given earlier in this narrative under Section 4.124(.05).

Section 4.140 Planned Development Regulations

- (.01) Purpose
- (.02) Lot Qualification
- (.03) Ownership
- (.04) Professional Design
- (.05) Planned Development Permit Process
- (.06) Staff Report
- (.07) Preliminary Approval (Stage One)

Response: The subject property is more than two acres in size and is being zoned to PDR-3 which meets the lot qualification requirements for a Planned Development. The site is currently owned by different property owners, all of whom are listed on the application and have signed the application as the property owners. Appropriate professionals consisting of a registered landscape architect (Gretchen Vadnais), a professional planner (Anne Marie Skinner), a registered engineer (Eric Evans) and a licensed land surveyor (King Phelps) are representing this project. The professional planner (Anne Marie Skinner) has been designated to be responsible for conferring with planning staff with respect to the concept and details of the proposed plan.



The applicant acknowledges that, prior to issuance of any building permit, the approvals must be obtained for the PDR-3 zone, the planned development permit and Development Review Board/City Council approval. The applicant has had a pre-application conference, as noted earlier in this narrative. This application represents the Preliminary review of the planned development. It also represents the zone change and zone boundary amendment to PDR-3 which must be approved by City Council. City staff will review this submittal for completeness and the applicant will re-submit any revised or missing materials.

The submitted application, obtained from the City Planning Department, has been signed by the property owners. The professional design team has been noted above, with the professional planner being the designated coordinator for the project. The development will not include any mixed uses; rather, it will be solely single-dwelling structures.

The submitted Existing Conditions Map (Sheet 2) shows the boundary and topography of the property and has been stamped and signed by King Phelps, a licensed land surveyor. Sheet 3 of the submitted plan set shows the site data as follows:

Total Site Area:	190,357.2 square feet
Public/Private Street:	21,041.8 square feet
SROZ Area:	89,006.1 square feet
Tract B Total:	93,784.1 square feet
Tract B non-usable:	80,804.7 square feet
Tract B usable:	12,979.4 square feet

The intention is to proceed to commence construction of the project within two years after approval of the development plan. Phasing is not proposed at this time.

The requested waivers are a waiver from the average lot size of 7,000 square feet and a side yard setback from 7 feet to 5 feet for houses two or more stories on all of the lots except the north lot line for Lots 1 and 2. There is also an exception request for a dead-end street longer than 200 feet not having a turnaround and for the proposed public street not aligning with the existing SW Daybreak Street adjacent to the west. The detailed waiver requests and exceptions are discussed earlier in this document under Section 4.118.

The applicant acknowledges that a public hearing will be scheduled for this approval and that the Board may approve or disapprove the application or require changes or impose conditions of approval necessary to ensure conformity to the criteria and regulations of the Code.

Section 4.154 On-site Pedestrian Access and Circulation

Response: The subject site is only 4.37 acres in size and results in a one-phase 14-lot subdivision that is fully connected via the one public street and proposed private street tract. Public sidewalks will be provided along both sides of the proposed street and along the subject property's SW Canyon Creek Road South frontage. Sidewalks will also be provided on both sides of the private street tract, but will be located on the front of the adjacent lots in sidewalk easements. All of the proposed sidewalks will provide safe pedestrian interconnectivity for all of the lots and residents throughout the development. All lots immediately front public sidewalks.

In addition, a five-foot wide bark pathway is proposed in the park area leading from the public sidewalk, through the park, to the SROZ area and ending in the SROZ area. This pathway effectively provides a safe and usable connection for residents and guests of the subdivision to walk from their houses, to the public sidewalk, then along the public sidewalk to the park and SROZ area. By being directly connected with the proposed sidewalks, which are directly connected to street frontage in front of houses, direct pedestrian access will be available throughout the development.

With the addition of the sidewalks on both sides of the public street, both sides of the private street tract, along the subject property's SW Canyon Creek Road South frontage and the park pathway connection to the public sidewalk system, on-site pedestrian access and circulation will safely and effectively take place.

Two crosswalks are proposed as part of this application. Both are depicted on the submitted plan set. One crosswalk will be provided at the intersection of the new proposed public street with the existing SW Canyon Creek Road South. Another crosswalk will be provided across the proposed public street, from public sidewalk to public sidewalk, where the proposed bark pathway meets the public sidewalk. This crosswalk will provide a safe crossing route for residents to cross from side to side to access the park and the pathway. The proposed crosswalks shall be clearly marked with contrasting paint, as noted on the submitted plan set.

Section 4.155 General Regulations – Parking, Loading and Bicycle Parking

Response: This project is for a single-dwelling residential subdivision. On-street parking is not required, but is being provided anyway on one side of the proposed public street. Parking structures or parking lots are not required as required off-street parking is being provided on each lot via the driveways which will be a minimum of 20 feet long by 12 feet wide to provide one off-street parking space which meets the Code requirement



of one space per dwelling unit. Additionally, proposed houses will have at least a single-car garage which provides yet another parking space. For single-dwelling residential use, there are no parking maximums and no bicycle parking requirements.

Section 4.167 General Regulations – Access, Ingress and Egress

Response: This project is for a planned development. It does not contain any building permit requests at this time, nor have house designs been chosen. At the time of requesting building permits for each lot, an individual site plan will be prepared showing the location of the house and the location and dimensions of the driveway for that specific lot. The shown defined access points on future plans will meet all Code requirements for ingress and egress and will be reviewed for compliance during the building permit process.

Section 4.171 General Regulations – Protection of Natural Features and Other Resources

Response: The site does not contain any hillside areas, flood plains or other significant landforms. There is a Significant Natural Resource Overlay zone on the eastern portion of the site which has been deemed as non-usable area in a separate tract. This area will not be disturbed at all, with the exception of native plant plantings. Topography is shown on the Existing Conditions Map, and a Preliminary Grading Plan has been included in the plan set submittal. All grading, filling and excavating done in connection with the development shall be done in accordance with the Code. The development has been designed to limit the extent of disturbance of soils. The site does not include any erosion areas, lakes, rivers, streams or fish habitats. Any wildlife habitat or wetlands are contained in the SROZ which is non-developable and non-usable. Vegetation in the SROZ will remain undisturbed. Additionally, the applicant will be added native vegetation to the SROZ area to increase the natural scenic character of the site.

The subject property does not have any slopes greater than 25%.

A Tree Preservation and Removal Plan has been included with the plan sheets showing the size, condition, location and action of all existing trees on the site as certified by an arborist. Every effort has been made to retain all trees except those that are in the way of the required frontage improvements, the new public street, the proposed private road or future dwellings. The site currently has a total of 57 existing trees. The arborist has determined that ten of those 57 existing trees are non-viable, dead, diseased or dying and, as such, should be removed. Those ten identified non-viable trees are, therefore, shown as trees being removed on the Tree Preservation and Removal Plan. All of the remaining 47 viable trees are being retained with the exception of those that



will impede construction of infrastructure, street improvements, driveways and building sites. Specifically, the tree tagged as Tree #15 is a viable 26" Douglas Fir that will have to be removed. Unfortunately, there is a significant grade change between this tree and the area for the proposed street. After significant consultation with the arborist, he determined that it is not possible to protect the root zone of Tree #15 in a sufficient manner that would sustain it through the grading that will be necessary to install the public street improvements adjacent to it. Tree #14 and Tree #16 sit just far enough back that the arborist is of the opinion their root zone will be fine during the construction process and thus those two trees are being retained to enhance the natural feel of the usable "forest" park. Tree #28 and #29 are also viable trees that have to be removed because of grading. The arborist has determined, once again, that the required root zone protection area is simply not possible to maintain based upon the grading that will need to take place to construct the required street.

A Landscaping Plan has also been included with the submittal showing proposed trees and other plantings proposed for the development.

The subject property does not have any high voltage powerline easements or rights-of-way or any petroleum pipeline easements.

The site does not have any earth movement hazard areas, soil hazard areas or flood plain areas.

Section 4.175 Public Safety and Crime Prevention

Response: While this application is only a Stage I/II application, the applicant acknowledges that all addressing for future home sites and directional signage shall be done in accordance with the Code. The project does not have any parking or loading areas to trigger the need for surveillance or exterior parking lot lighting.

Section 4.176 Landscaping, Screening, and Buffering

Response: This project is a residential subdivision and does not contain any parking lots, therefore there aren't any requirements for parking lot landscaping or parking lot landscaped planter islands. The site will not contain any commercially-used waste or recycling bins, loading areas or exterior mechanical and utility equipment that will require screening from public view.

The existing SROZ area is remaining undisturbed. All existing trees and vegetation will remain to aid in conserving and protecting natural resources and any wildlife habitat that may be residing in the SROZ area.

Trees are proposed along the north and south boundaries of the usable park area to provide screening for both the houses adjacent to the park area, as well as the users of the park themselves. The usable park area will also contain a gas-hookup barbecue unit and a picnic table underneath an existing stand of mature trees. A five-foot wide bark path will be installed by hand and will lead from the public sidewalk, through the usable park area to the SROZ area ending with a table and benches.

The tree survey shown on the Tree Preservation and Removal Plan (Sheet 8) shows a total of 57 existing trees on the site. Ten of these trees are deemed non-viable and will be removed. The Street Trees plan, which is Sheet L1, shows the actual location and placement of a total of 20 street trees being added to the site in the street landscape buffer area along the site's public street area and SW Canyon Creek Road South frontage area. These trees are a combination of six Red Maple trees, nine Golden Rain Trees and five Tupelo trees. The LIDA swale planting includes Soft Rush, Spreading Rush and Strawberry. Ground cover to be planted in the street landscape buffers will be Sand Strawberry and shrubs include Blue Oat Grass, Compact Oregon Grape and Landscape Roses. Installation, maintenance, irrigation, root barriers and tree planting details are shown on Sheet L1 and Sheet L2, with a Street Tree Planting Detail depicted on Sheet 6. The Street Tree Planting Detail notes the placement standards required by Public Works. Notes have also been placed on Sheet L1 reflecting placement requirements for the proposed street trees.

Additionally, the Preliminary Storm Water and Utilities Plan depicts the proposed location of all proposed street trees. The purpose of this depiction is to illustrate the placement of the proposed street trees in relation to proposed and existing utilities and to show the proposed placement complies with the placing requirements of the Public Works Standards. The Preliminary Plat also notes that all street tree placement shall meet the standards of Public Works Standards.

Section 4.177 *Street Improvement Standards*

Response: There will be two internal streets – one a public street accessing off of SW Canyon Creek Road South and extending to the site's northern property line and ending in a stub to provide connectivity for future development to the north; and the second, a private street Tract A. Lots 5 and 6 will access off of the private street. Lot 7 may access off of either the private street or the public street depending upon house layout. In no event shall more than four lots access off of the proposed private street tract. Sidewalk will be constructed on both sides of both the proposed public and private streets. On-street parking will be available on one side of the public street. Sidewalk will be installed along the site's SW Canyon Creek Road South frontage as

well. The full length of the proposed public street exceeds the 200-foot maximum for a dead-end street. However, the project does contain a private street at the halfway point of the public street, providing an outlet and turn-around for emergency services and, while it's a dead-end street now, at some point in the future it will be a through street and its connection clear to the northern-most property line is actually required to meet the Code requirements for future connectivity.

A public street is being provided, so a multiuse pathway is not being provided. Transit improvements are not required as the site is not adjacent to a major transit street. On-street bicycle facilities shall be provided as per the requirements of the Code. The proposed residential private access drive (Tract A) provides vehicular access to no more than four lots (Lots 5 and 6; possibly Lot 7). Tract A shall be constructed to meet all of the Code requirements. Access driveway and driveway approaches shall be designed to meet all the Code requirements and shall be reviewed for compliance during the building permit process.

It should be noted that the proposed public street off of SW Canyon Creek Road South does not align with the opposite SW Daybreak Street, and it's only offset by 94.3 feet. However, the City Engineer indicated approval of the non-alignment and non-standard offset due to the dead-end nature of SW Canyon Creek Road South and not being a through street, along with the limited traffic that will result from this 14-lot subdivision. Additionally, SW Canyon Creek Road South is a local street – not a collector or arterial. This has also been requested as a waiver as per Section 4.177(.10). The applicant feels that the proposed location of the street provides a more aesthetically-pleasing view of the subdivision as vehicles entering will have a direct view of the natural, forested park area. Alignment with SW Daybreak Street would make this view impossible as the proposed park area already exists in its natural state and the existing nature and vegetation can't be moved – thus, the entrance to the subdivision has to be moved to accommodate the existing nature and topography of the site.

Section 4.197 *Zone Changes and Amendments To This Code – Procedures*

(.01) *The following procedure shall be followed in applying for an amendment to the text of this Chapter:*

B. *In recommending approval of a proposed text amendment, the Planning Commission shall, at a minimum, adopt findings relative to the following:*

1. *That the application was submitted in compliance with the procedures set forth in Section 4.008; and*

Response: This application represents a request for a Site Development Permit Review, Quasi-judicial zone change, Quasi-judicial change to the map of the Comprehensive Plan and a 14-lot subdivision developed as a Planned Development, with waivers. The subject property is 4.37 acres, so it's over 2 acres in size and as such the requested zone is PDR- 3. The required usable and non-usable open space is shown on the site plan. A traffic study was completed by DKS Associates on December 9, 2015.

- 2. The amendment substantially complies with all applicable goals, policies and objectives set forth in the Comprehensive Plan; and*

Response: The narrative addresses how this proposed project meets all the requirements of the Code. The Code is developed as a method of achieving the goals and policies in the Comprehensive Plan; therefore, compliance with the Code equals substantial compliance with the Comprehensive Plan.

- 3. The amendment does not materially conflict with, nor endanger, other provisions of the text of the Code; and*

Response: This project only proposes a map amendment to the subject property. The project does not propose changes to any of the text of the Comprehensive Plan, nor does it propose changes to any portions of the Comprehensive Plan Map other than its own designation.

- 4. If applicable, the amendment is in compliance with Statewide Land Use Planning Goals and related administrative rules; and*

Response: As per Oregon Revised Statute 197.013 implementation and enforcement of acknowledged comprehensive plans and land use regulations are matters of statewide concern. Oregon Revised Statute 197.005 states that cities are responsible for the development of local comprehensive plans. The City of Wilsonville has an adopted comprehensive plan which is in compliance with Oregon Planning and Goals and Guidelines. As outlined throughout this narrative, this project has been shown to be in compliance with Wilsonville's Comprehensive Plan when developed. Therefore, when developed, the project will also be in compliance with the Statewide Planning and Goals and Guidelines.

- 5. If applicable, the amendment is necessary to ensure that the City's Land Use and Development Ordinance complies with mandated requirements of State or Federal laws and/or statutes.*

Response: As per Oregon Revised Statute 197.013 implementation and enforcement of acknowledged comprehensive plans and land use regulations are matters of statewide

concern. Oregon Revised Statute 197.005 states that cities are responsible for the development of local comprehensive plans. The City of Wilsonville has an adopted comprehensive plan which is in compliance with Oregon Planning and Goals and Guidelines. As outlined throughout this narrative, this project has been shown to be in compliance with Wilsonville's Comprehensive Plan when developed. Therefore, when developed, the project will also be in compliance with the Statewide Planning and Goals and Guidelines.

(.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, Section 4.125(.18)(B)(2) or, in the case of a Planned Development, Section 4.140; and

Response: As has been previously stated in this narrative, the application was submitted in accordance with the procedures set forth in Section 4.140. The portion of the narrative under Section 4.140 addresses the application submittal in detail.

B. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text; and

Response: The narrative addresses how this proposed project meets all the requirements of the Code. The Code is developed as a method of achieving the goals and policies in the Comprehensive Plan; therefore, compliance with the Code equals substantial compliance 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 Measures 4.1.4.b, d, e, q, and x of Wilsonville's Comprehensive Plan text; and

Response: Implementation Measure 4.1.4.b refers to providing a variety of housing types and that adequate public facilities and services must be available in order to building and maintain a decent, safe, and healthful living environment. The City of Wilsonville is a growing area and this development will provide 14 additional single-family dwellings for those families and individuals seeking detached, individual housing units rather than apartments or condominiums. Sewer, water and storm are currently available in SW Canyon Creek Road South and will be extended by the developer through the new public street. The submitted Traffic Impact Analysis has indicated no adverse impacts to

traffic and that the current transportation system can adequately handle the additional trips generated through this development.

Implementation Measure 4.1.4.d encourages construction and development of diverse housing types while maintaining a balance between housing types. The City of Wilsonville has an overabundance of apartment buildings and multi-family dwellings. This project will provide detached single-family dwelling that will help equalize the current housing situation. Additionally, the range of lot sizes from 3,803 square feet to 6,258 square feet provides options for those individuals seeking a larger single-family detached dwelling with some yard or little to no yard. The smaller lots provide the "little to no yard" option.

Implementing Measure 4.1.4.e discusses targets being set in order to meet the City's Goals for housing and assure compliance with State and regional standards. The project will be providing an additional 14 single-family detached dwellings to the City to assist in meeting its housing requirements for its citizens. A portion of the Comprehensive Plan states the "prevailing vacancy rates for all types of housing as of January 1987, within the City were extremely low" and that this "indicates that the demand for housing Wilsonville exceeded the supply." A letter, identified as Exhibit 4, from Marla Rumpf has been submitted as evidence that the housing situation is probably worse than it was in 1987. Ms. Rumpf provides the following statistics obtained from the City of Wilsonville:

Current population	21,484
Available single-family homes	62

Breakdown of Types of Housing Units in Wilsonville:

Single-family homes	4,420
Apartment units	4,967
Condo units	563

Of the 9,950 housing units in the City, less than half are single-family homes. This would seemingly indicate there is a need for additional single-family homes in the City. Ms. Rumpf concludes her letter with the following: "Obviously this proves that we are in desperate need of more single family homes. Hopefully the City is working on this."

Implementing Measures 4.1.4.q and 4.1.4.x refer to mobile homes, manufactured dwellings and apartments. This proposal is for single-family detached dwellings, so these portions of the comprehensive plan aren't applicable to this project.

- 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: Storm, sewer and water lines currently exist in SW Canyon Creek Road South, which is the western boundary of the subject property. Extensions will take place from the main lines in SW Canyon Creek Road South through the new public street. Individual services will then be provided to each lot from the new public street. Sidewalks will be constructed along the portion of SW Canyon Creek Road South that fronts the subject site. A new public street and a new private street tract will be constructed as part of the development, with installation of sidewalks on both sides of the new public and private street.

- 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 abut 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 contain any identified natural hazard or geologic hazard. The site does contain, however, a Significant Resource Overlay Zone area which has been delineated on all the submitted plan sheets. This area has been deemed as non-usable and non-buildable and will be preserved for open space area. The proposed lots that back up to the SROZ area will have a four-foot tall open fence constructed along the SROZ boundary line to prevent use of or construction in this area. Additionally, a no-build/non-usable conservation easement will be placed over the entire SROZ area.

- F. *That the applicant is committed to a development schedule demonstrating that 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 intends to proceed with the development process well within two 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 that insure that the project development substantially conforms to the applicable development standards.

Response: This narrative describes how the proposed development complies with all the standards of the Code, acknowledging compliance with any attached conditions of approval to ensure the development proceeds in a manner consistent with the City's standards and regulations. The applicant is requesting some waivers from required standards, but the applicant has added additional features to mitigate for those waivers, which are addressed in detail under the subsection of this document pertaining to waiver.

H. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property. The applicant shall demonstrate compliance with the Transportation Planning Rule, specifically by addressing whether the proposed amendment has a significant effect on the transportation system pursuant to OAR 660-012-0060. A Traffic Impact Analysis (TIA) shall be pursued pursuant to the requirements in Section 4.133.05.(01).

Response: The proposed development will take access from an existing local street, SW Canyon Creek Road South. From this road, a new public street will be constructed. A Traffic Impact Analysis was performed by Scott Mansur of DKS on December 9, 2015. That analysis has been included as part of the package submittal. The summary of that analysis concludes that traffic operations for the SW Canyon Creek Road/Daybreak Street intersection meet the City's operating standards and therefore do not require off-site mitigations to the study area transportation network. The analysis recommends adding sidewalks along the frontage of Canyon Creek Road South. The Preliminary Plat shows the addition of sidewalks along this frontage, with ADA ramps at each corner of the new public street.

Section 4.198 Comprehensive Plan Changes – Adoption by the City Council

- (.01) Proposals to amend the Comprehensive Plan, or to adopt new elements or sub-elements of the Plan, shall be subject to the procedures and criteria contained in the Comprehensive Plan. Each such amendment shall include findings in support of the following:*
- A. That the proposed amendment meets a public need that has been identified;*

Response: The proposed project will provide 14 single-family detached houses meeting the public need for detaching housing. Each of the following exhibits provide evident relating to the need for housing.

An article from Oregon Catalyst, dated April 16, 2015 and identified as Exhibit 5, speaks to the lack of affordable housing in Oregon overall. The article states that housing stock has not kept up with demand and working families are struggling to meet their most basic needs for affordable housing.

A search on one real estate website identified only 31 homes for sale in the City of Wilsonville (included in this packet as Exhibit 6). Of those 31, ten are over \$500,000 in listing price. Of the remaining 21 listed on this particular site, seven of the homes were townhomes, condos or attached houses. One of the listing items was for bare ground. Therefore, out of the 31 listings, that leaves 13 single-family detached houses available for sale at less than \$500,000 in listing price.

A letter, identified as Exhibit 4, from Marla Rumpf has been submitted as evidence that the housing situation needs to be addressed. Ms. Rumpf provides the following statistics obtained from the City of Wilsonville:

Current population	21,484
Available single-family homes	62

Breakdown of Types of Housing Units in Wilsonville:

Single-family homes	4,420
Apartment units	4,967
Condo units	563

Of the 9,950 housing units in the City, less than half are single-family homes. This would seemingly indicate there is a need for additional single-family homes in the City. Ms. Rumpf concludes her letter with the following: "Obviously this proves that we are in desperate need of more single family homes. Hopefully the City is working on this."

B. That the proposed amendment meets the identified public need at least as well as any other amendment or change that could reasonably be made;

Response: This application seeks a zone and comprehensive plan map amendment that would allow a minimum density of 13 lots and a maximum density of 16 lots on the subject property. Single-family detached houses will be built on each of the proposed 14 lots. The identified public need, as previously addressed, is for single-family detached housing. The requested amendment serves to satisfy this need better than requesting an amendment for a commercial or industrial designation – neither of which would address single-family housing. It is better than a high density designation which would result in attached or multi-family housing, which would not meet the identified need of single-family detached houses. It is better than the lowest density designation as the lowest

density designation would provide fewer lots available for single-family detached housing, and thus not address the need as well as the requested designation.

C. That the proposed amendment supports applicable Statewide Planning Goals, or a Goal exception has been found to be appropriate; and

Response: Goal 10 of Oregon's Statewide Planning Goals is to provide for the housing needs of citizens of the State. This project addresses that goal.

D. That the proposed change will not result in conflicts with any portion of the Comprehensive Plan that is not being amended.

Response: The City of Wilsonville is a growing city with the general public seeking individual housing units rather than attached housing, apartments, condominiums or multi-family dwelling units. This project proposes to help meet the City's housing needs for single-dwelling structures at a higher density than would be allowed by the property's current Plan Map designation of RA-H – which only allows for one house. The proposed change will not result in conflict with any portion of the Plan as both the Comprehensive Plan and the Zoning Map are being changed as part of this request. Additionally, the City's Comprehensive Plan asked that the following factors are addressed in the proposed amendment:

- Suitability of the various areas for particular land uses and improvements – The subject property is surrounded by properties that have either had plan map and zoning designation changes or are designated as RA-H and are therefore slated for future higher density development. The subject property, then, is very suitable for the proposed use given the surrounding uses and zones.
- The land uses and improvements in the area – Again, the subject property is surrounded by housing, some at lower density and some at higher density. The proposed use of 14 lots for single-family detached housing blends with the development on both the east and west of the property and future development slated for the properties to the north and south given their current designation of RA-H.
- Trends in land development – As has been demonstrated previously in this document, there is a need for single-family detached housing units. This application addresses the trend in developing properties for use as detached houses rather than multi-family, attached townhomes or condo units.
- Density of development – The subject property has a required minimum density of 13 lots and a required maximum density of 16 lots. The application seeks to strike a happy medium between the minimum and maximum by providing one more than the minimum and two less than the maximum. The intent is to provide a variety of lot sizes in the development, while not overwhelming with site with too

many of a small size packed into a limited space, but also allowing enough lots to make the project viable and feasible for the developer.

- Property values – Housing plans have not yet been chosen for the development, but it's assumed most of the houses will be two-story homes with attached one- or two-car garages. The design of the subdivision with the proposed amenities, along with the houses that will eventually be selected, is aimed at increasing the property values of the surrounding properties by providing a quality development.
- The needs of economic enterprises in the future development of the area – As commerce and industry grow in Wilsonville, the number of employed people will increase resulting in a need for more housing in Wilsonville. This project seeks to accommodate the anticipated economic growth by providing housing to individuals employed in Wilsonville and thus enable them to live, work and play in the same community – that community being Wilsonville.
- Transportation access – The proposed project will be installing a new public street off of the existing SW Canyon Creek Road South. There will also be a private street tract. Sidewalks are being provided on both sides of all the streets, and a pedestrian pathway has been included for connection with the City's future pathway plan.
- Natural resources – Most of the eastern half of the entire property is SROZ area. All of the SROZ area will remain undisturbed. The vegetation and existing trees in the SROZ area are remaining and will be protected during construction. Care has been taken to route the storm drain line around any existing trees.
- The public need for healthful, safe and aesthetic surroundings and conditions – The need for single-family detached houses has been addressed throughout this narrative. The proposed project provides sidewalks, pedestrian pathways and crosswalks. The SROZ area is remaining undisturbed and will have additional native vegetative plantings to enhance the existing vegetation. A usable park area is being provided with a small, slightly sloped pathway for a "mini" hiking opportunity within the community. The existing apple trees in the northwest corner are being retained and that area is being designated as an orchard/fruit park for the development. The location of the new street has been specifically designed such that the first view of the subdivision is the wooded park and SROZ area beyond that. The entire project, then, has been designed to provide opportunities for active recreating, while still maintaining the existing wooded, natural vegetation.

The City's Comprehensive Plan asks for certain factors to be adequately addressed in the proposed amendment. Each of these factors has been addressed above and throughout this document. Accordingly, since the applicable factors of the City's Comprehensive Plan have been adequately addressed, it stands to reason that the

requested project does not conflict with any portion of the Comprehensive Plan – as applicable portions have been addressed.

Section 4.199 Outdoor Lighting

Response: This portion of the Code is applicable to lighting in public facilities, commercial, industrial and multi-family housing projects with common areas or to major additions or modifications to existing exterior lighting systems in public facilities, commercial, industrial and multi-family housing projects with common areas. The proposed project is not a public facility, a commercial project, an industrial project or a multi-family housing project; rather, the proposed development is for single-dwelling structures in a 15-lot subdivision. Section 4.199 is, therefore, not applicable to this development.

LAND DIVISIONS

Section 4.210 Application Procedure

Response: As has been previously noted earlier in this narrative, two pre-application conferences have been held for this project. A licensed land surveyor, King Phelps, has signed and stamped the Existing Conditions Map. A professional engineer, Eric Evans, has certified the Preliminary Plat and other plan sheets – with the exception of the tree plan prepared by a certified arborist and the landscaping plan prepared by a registered landscape architect.

The City provided the application form which has been completed and also contains the signatures of the property owners. The application fee has been submitted with the application, along with the appropriate number of copies of the plans. The applicant has not yet selected a name for the subdivision. When one is selected, it will not duplicate or resemble the name of any other subdivision in Clackamas or Washington County. Items 1 through 26 under Section 4.210(.01)B have been included as part of the submission package, are included on the plan sheets and/or have been addressed in the narrative.

Section 4.236 General Requirements - Streets

Response: The development proposes one public street and one private street, both of which meet the standards in Section 4.177 as addressed previously in this narrative. The public street is a 47-foot wide right-of-way area with parking on one side. The private street is 25 feet wide. Sidewalks are provided on both sides of both the public and private streets. The public street extends to the north boundary line, and dead-ends, to provide connectivity for future development. As per the Code, a turn-around has not

been provided pursuant to Section 4.236(.07) which states “the resulting dead-end street may be approved without a turn-around.” At the time of development, the appropriate notification will be posted at the north end of the stub street alerting people that the street is planned for future extension. Neither the public nor the private street have yet been named; when names are chosen, they will not duplicate the names of existing streets.

Section 4.237 General Requirements – Other

Response: Blocks – The proposed development is made up of three blocks. Block 1 is approximately 208 feet long from west to east. Block 3 is approximately 214.30 feet long from west to east. Block 2 slightly exceeds the 330-foot long maximum; however, a bark pedestrian pathway is being provided from the park area to the SROZ area, and Block 2 also contains the SROZ area as its eastern half, which is non-developable.

Easements - Proposed public utility easements are shown on the Preliminary Grading Plan and the Preliminary Storm Water and Utilities Plan. The site does not contain any water courses.

Pedestrian and bicycle pathways – A bark pathway has been provided leading from the proposed public sidewalk, through the park area and into the SROZ area in Block 2.

Tree Planting – The trees to be planted as part of this development are shown on the submitted Street Trees Plan and Park Planting Plan, Sheet L1 and Sheet L2, respectively.

Lot Size and Shape – The proposed lots meet the minimum lot width and depth standards, as well as the minimum street frontage. There are some lots that are smaller than the required minimum of 5,000 square feet, and the average lot size of the development is less than the requirement minimum of 7,000 square feet. However, these two items have been requested as waivers and have been addressed previously in this narrative.

Access – All of the proposed lots meet the minimum frontage requirement of 40 feet at the street.

Through Lots – The proposal does not have any through lots.

Lot side lines – All of the side lot lines run at right angles to the street or private street tract.

Large lot land divisions – The subject property is being divided to its maximum. No re-division is possible due to the proposed lot sizes and the non-developable SROZ area.

Building line – All of the minimum building setbacks are being met in the proposed development with the exception of the side yard setback for houses that are two or more stories. A waiver has been requested for this setback and has been addressed earlier in this narrative.

Build-to line – The applicant is unaware of, or proposing, any build-to lines. The applicant is proposing adherence to the Code with the exception of the aforementioned side yard setback waiver.

Land for public purposes – The development proposes a public street to be dedicated to the public as shown on the submitted plans.

Corner lots – All of the corner lots in the proposed development have a corner radius of over ten feet as shown on the submitted preliminary plat.

UNDERGROUND UTILITIES

Section 4.300 General

Response: All utilities serving this development shall be installed underground. A note will be placed on all engineering and construction drawings and the final plat indicating installation of underground utilities shall take place in accordance with the Code requirements.

SITE DESIGN REVIEW

Section 4.421 Criteria and Application of Design Standards

Response: Preservation of Landscape – The subject site has a large SROZ area of over one acre. This entire area is being preserved as non-usable, non-developable open space. A conservation easement is being placed on the rear of Lots 2, 3, 4 and 5 to preserve the non-usable area of those lots. The landscaping in the SROZ area will not be disturbed. The viable trees on the site that can remain, will be remaining.

Relation of Proposed Buildings to Environment – This application does not include proposals for any structures. Future structures will be single-unit dwellings which will meet the standards set forth in the Code and the conditions of approval for this development. Adherence to these standards will be reviewed during the building permit process.

Drives, Parking and Circulation – This project does not propose any commercial uses, buildings or parking lots/structures. A public street is proposed which will dead-end at the north boundary to provide connectivity for future development. Individual driveways and driveway approaches for future houses will be reviewed for compliance with the Code during the building permit process.

Surface Water Drainage – A preliminary storm water plan and calculations have been submitted as part of this application package. LIDA planters are proposed and are shown on the preliminary storm water plan.

Utility Service – As has been stated previously, required public utility easements are shown on the submitted plans. Additionally, utilities for the development will be installed underground and in compliance with this Code.

Advertising Features – The project does not include any advertising features.

Special Features – The project does not include any special features.

Section 4.440 Procedure

Response: The current application is for a planned development preliminary plat, zone change and comprehensive plan map amendment. House designs, elevations and floor plans are not part of the application and have not yet been chosen or determined. A preliminary plat has been submitted with this package. A Landscape Plan has also been included as part of the submission. A Street Trees planting plan has been provided, which is Sheet L1, and shows the actual placement location of a proposed 20 street trees, being a combination of red maple, golden rain tree and tupelo. The project is not proposing any signage. Architectural drawings and a Color Board are not applicable as this application does not include any structures.

TREE PRESERVATION AND PROTECTION

Section 4.600.50 Application For Tree Removal Permit

Response: Section 4.600.50(.02) states that where a site is proposed for development necessitating plat review, application for a Tree Removal Permit shall be made as part of the site development application. Pursuant to this requirement, this application submittal includes the non-refundable application fee and the completed application for a Tree Removal Permit. The current application is for a planned development preliminary plat, zone change and comprehensive plan map amendment. House

designs, elevations and floor plans are not part of the application and have not yet been chosen or determined. A preliminary plat has been submitted with this package. A Landscape Plan has also been included as part of the submission. The project is not proposing any signage. Architectural drawings and a Color Board are not applicable as this application does not include any structures.

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.*

Response: There aren't any existing trees being removed from the Significant Resource Overlay Zone area.

B. *Preservation and Conservation.*

Response: The proposed development limits tree removal to only those that are non-viable or are immediately in the way of street construction, street frontage improvements or house pad sites. All trees in the SROZ area are being retained.

C. *Developmental Alternatives.*

Response: The proposed development limits tree removal to only those that are non-viable or are immediately in the way of street construction, street frontage improvements or house pad site. All trees in the SROZ area are being retained.

D. *Land Clearing.*

Response: As shown on Sheet 8, the Tree Preservation and Removal Plan, the only trees being removed in relation to land clearing are those in area of street rights-of-way, proposed building sites and other site improvements. Additionally, those trees identified as non-viable trees are being removed.

E. *Residential Development.*

Response: This is an application for a residential subdivision. The remaining trees have been left to provide the applicable lots with shade and tree canopy coverage.

F. *Compliance With Statutes and Ordinances.*

Response: The applicant acknowledges that all activity pertaining to trees will be in compliance with the applicable statutes and ordinances.

G. Relocation or Replacement.

Response: Tree replacement and protection of the remaining trees has been addressed in detail in comments for Section 4.620.00.

H. Limitation.

Response: A tree survey has been performed by a certified arborist and is part of Sheet 8, the Tree Preservation and Removal Plan. The applicant and arborist have limited tree removal to only those trees that have been identified as non-viable or those that are immediately in the way of site improvements or future building sites and, as such, will not survive grading. Care has been taken to preserve two out of three existing evergreen trees in the park area. One of these three, identified as Tree #15, is developed to the point that the roots extend to the area where grading will take place for the new public street and sidewalk. The arborist determined there wasn't any viable way to preserve this Tree #15, that it wouldn't survive the grading necessary for the required improvements. The street would have to be moved to the west, and thus, would not have the northern alignment required for connectivity with the existing street to the north. The other two, however, identified as Tree #14 and Tree #16, are just far enough to the east that, with the installation of a wall, Tree #14 and Tree #16 will be able to be preserved. Tree #7, #8, #11 and #30 are viable evergreen trees and are all being preserved with the appropriate root protection zone area depicted on the Tree Preservation and Removal Plan. There are two viable evergreen trees that are unable to be preserved due to grading necessary for the street. These are Tree #28 and Tree #29. The root protection zone area necessary to preserve these two trees is of such a size that it will be impossible to perform the required grading to install the street and stay outside of that protection zone.

I. Additional Standards for Type C Permits.

1. Tree survey.

Response: A tree survey has been provided on Sheet 8 of the submitted site plan drawings.

2. Platted Subdivisions.

Response: Sheet 8 of the submitted plan drawing set is the required Tree Removal and Preservation Plan which includes all required criteria for tree protection during construction.

3. *Utilities.*

Response: Only those trees that are non-viable or in the way of site improvements or future building sites are being removed. A tree survey has been performed by a certified arborist and is part of Sheet 8, the Tree Preservation and Removal Plan. The applicant and arborist have limited tree removal to only those trees that have been identified as non-viable or those that are immediately in the way of site improvements or future building sites and, as such, will not survive grading. Care has been taken to preserve two out of three existing evergreen trees in the park area. One of these three, identified as Tree #15, is developed to the point that the roots extend to the area where grading will take place for the new public street and sidewalk. The arborist determined there wasn't any viable way to preserve this Tree #15, that it wouldn't survive the grading necessary for the required improvements. The street would have to be moved to the west, and thus, would not have the northern alignment required for connectivity with the existing street to the north. The other two, however, identified as Tree #14 and Tree #16, are just far enough to the east that, with the installation of a wall, Tree #14 and Tree #16 will be able to be preserved. Tree #7, #8, #11 and #30 are viable evergreen trees and are all being preserved with the appropriate root protection zone area depicted on the Tree Preservation and Removal Plan. There are two viable evergreen trees that are unable to be preserved due to grading necessary for the street. These are Tree #28 and Tree #29. The root protection zone area necessary to preserve these two trees is of such a size that it will be impossible to perform the required grading to install the street and stay outside of that protection zone.

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 this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, by may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration*

of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.

Response: A Type C Tree Removal Permit has been included with this application. No trees shall be removed until after approval of this application.

(.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:...*
 3. *Tree Protection.*
 4. *Easements and Setbacks.*
 5. *Grade Changes.*
 6. *Cost of Replacement.*
 7. *Tree Identification.*

Response: Sheet 8 of the submitted plans is identified as the Tree Removal and Preservation Plan. Property shape and dimensions are included on the plan, as well as the site's topography, the tree survey, a statement regarding tree protection, easements and setbacks, contours and a statement regarding tree identification. New trees being planted are shown on Sheets L1 and L2. There is an estimated cost of \$350 per tree for each tree to be planted.

Section 4.620.00 *Tree Relocation, Mitigation, Or Replacement*

Response: Tree planting will take place within one year of tree removal. There are a total of 57 trees currently existing on the site. All trees identified by the arborist as non-viable, diseased or dying are being removed to preserve the health of the viable trees that will remain. Any viable trees that are proposed to be removed are being removed because their existing location impedes installation of new streets, house pad sites or street frontage improvements. A tree survey has been performed by a certified arborist and is part of Sheet 8, the Tree Preservation and Removal Plan. The applicant and arborist have limited tree removal to only those trees that have been identified as non-viable or those that are immediately in the way of site improvements or future building sites and, as such, will not survive grading. Care has been taken to preserve two out of three existing evergreen trees in the park area. One of these three, identified as Tree #15, is developed to the point that the roots extend to the area where grading will take place for the new public street and sidewalk. The arborist determined there wasn't any viable way to preserve this Tree #15, that it wouldn't survive the grading necessary for

the required improvements. The street would have to be moved to the west, and thus, would not have the northern alignment required for connectivity with the existing street to the north. The other two, however, identified as Tree #14 and Tree #16, are just far enough to the east that, with the installation of a wall, Tree #14 and Tree #16 will be able to be preserved. Tree #7, #8, #11 and #30 are viable evergreen trees and are all being preserved with the appropriate root protection zone area depicted on the Tree Preservation and Removal Plan. There are two viable evergreen trees that are unable to be preserved due to grading necessary for the street. These are Tree #28 and Tree #29. The root protection zone area necessary to preserve these two trees is of such a size that it will be impossible to perform the required grading to install the street and stay outside of that protection zone.

The Street Trees plan, which is Sheet L1, shows 20 trees that are 2" or more in diameter being planted as street tree replacements for the trees being removed. The narrative submitted by the certified arborist as Exhibit 1 references the fact that all trees will be nursery stock meeting requirements of the American Association of Nurserymen American Standards for Nursery Stock for top grade. New tree planting locations are indicated on the submitted Sheet L1 and Sheet L2. As can be seen on Sheet L2, there are 16 trees being planted around the park area – ten trees along the north border of the park consisting of eight Weeping Alaska Cedars and two Douglas Firs, and seven trees along the south border of the park consisting of four Weeping Alaska Cedars and three Douglas Firs. Two existing Ponderosa Pine trees will remain in the park area to provide shade to the barbecue unit and picnic table.

Section 4.620.10 **Tree Protection During Construction**

Response: Refer to Sheet 8 of the submitted site plans for notes contained therein stating that all trees being retained will be identified by numbered metal tags with the numbers identified in the site's tree survey and that they will be clearly identified on all construction documents. Remaining trees will be protected during construction through use of a six-foot high chain link fence secured to the ground with eight-foot metal posts driven into the ground.

Assumptions and Limiting Conditions

Multnomah Tree Experts, Ltd. 8325 SW 42nd Ave. Portland, OR 97219
(503) 452-8160 Fax (503) 452-2921 peter@multnomahtree.com

1. Client warrants any legal description provided to the Consultant is correct and titles and ownerships to property are good and marketable. Consultant shall not be responsible for incorrect information provided by Client. Client agrees to defend, indemnify, and hold Consultant, its officers, directors, employees, and agents harmless from any claims or damages, including attorney fees, arising out of acts or omissions of Client in connection with work performed pursuant to this Agreement.
2. All data will be verified insofar as feasible; however, the Consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
3. The Consultant shall not be required to give testimony or attend court or hearings by reason of this report unless subsequent contractual arrangements are made, including additional fees.
4. The report and any values expressed therein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
5. Sketches, drawings and photographs in the report are intended as visual aids and may not be to scale. The reproduction of information generated by others will be for coordination and ease of reference. Inclusion of such information does not constitute a representation by the consulting arborist, or by Multnomah Tree Experts, Ltd., as to the sufficiency or accuracy of the information.
6. Unless expressed otherwise, information in the report covers only items that were examined, and reflects the condition of those items at the time of inspection. The inspection is limited to visual examination of accessible items without laboratory analysis, dissection, excavation, probing, or coring, unless otherwise stated.
7. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.
8. The report is the completed work product. Any additional work, including production of a site plan, addenda and revisions, construction of tree protection measures, tree work, or inspection of tree protection measures, for example, must be contracted separately.
9. Loss or alteration of any part of the report invalidates the entire report. Ownership of any documents produced passes to the Client only when all fees have been paid.

Peter Torres

Peter Torres

CCB# 154349

Certified Arborist PN-0650B

Exhibit 1

Tree Plan for Canyon Creek Subdivision

This Tree Plan is required by Section 4.610.40. Type C Permit as part of the site development application for the Canyon Creek Subdivision in Wilsonville, Oregon. Trees were inventoried by an ISA Certified Arborist. The attached Tree Table includes all trees that are 6 inches in diameter (d.b.h.) and larger. There are 57 trees and 15 of them will be protected. Root protection zones (RPZs) have been listed in the Tree Table. All trees to remain on the site have been tagged with metal tags that are to remain in place throughout the development. Tag numbers are keyed to the tree survey map and Tree Table provided with the application.

Trees being preserved during development will be cordoned off with fencing built at the edge of root protection zones before construction activity begins. Fencing will consist of 6-foot high metal chain link secured with 8-foot metal posts. Without supervision by an arborist a root protection zone may be entered only for tasks like surveying, measuring and sampling. Upon completion of the task the fence must be closed. Without authorization, none of the following is allowed within a root protection zone:

1. New buildings;
2. Grade change or cut and fill, during or after construction;
3. New impervious surfaces;
4. Utility or drainage field placement;
5. Staging or storage of materials and equipment during construction;
6. Vehicle maneuvering during construction.

Forty-two trees will be removed and Section 4.620.00. requires that each removed tree be replaced with a 2-inch caliper tree within one year of removal. Replacement trees shall be 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. The trees must be staked, fertilized and mulched, and shall be guaranteed by the permit grantee for two years after the planting date. The particular species and locations will be determined by the landscape designer.

The goal of this Tree Plan is to meet the requirements of the tree preservation code, and to observe all laws, rules, and regulations. All trees to be removed should be verified and marked and all tree protection measures should be inspected and approved before any clearing or grading work begins. It is the owner's responsibility to implement this tree plan fully, and to monitor the construction process to its conclusion. Deviations can result in tree damage, liability, and violations of the City Code.

No.	Species	DBH	Height	Health etc.	Action	RPZ
34	apple	6	18	topped	remove	0
35	apple	7	18	topped	remove	0
36	apple	7	18	topped	remove	0
37	apple	5	18	topped	remove	0
38	Norway maple	15	18	viable	remove	0
39	apple	7	18	topped	remove	0
40	bird cherry	9	18	trunk decay; non-viable	remove	0
41	bird cherry	9	18	trunk decay; non-viable	remove	0
42	plum	5,6	18	viable	remove	0
43	Scouler willow	28	18	viable	remove	0
44	red pine	19	18	viable	remove	0
45	red pine	19	18	viable	remove	0
46	red pine	16	18	viable	remove	0
47	Douglas fir	24	18	viable	remove	0
48	red pine	9	18	viable	remove	0
49	Douglas fir	18	18	viable	remove	0
50	red pine	16	18	viable	remove	0
51	English hawthorn	9	18	viable	preserve	6
52	red alder	10	18	viable	preserve	8
53	Douglas fir	46	18	viable	preserve	30
54	Douglas fir	12	18	viable	preserve	12
55	Douglas fir	11	18	viable	remove	0
56	Douglas fir	10	18	viable	remove	0
57	Douglas fir	12	18	viable	preserve	10

Species

apple- *Malus sylvestris*
 bird cherry- *Prunus avium*
 crab apple- *Malus* sp.
 Douglas fir- *Pseudotsuga menziesii*
 English hawthorn- *Crataegus* sp.
 grand fir- *Abies grandis*
 Norway maple- *Acer platanoides*

paper birch- *Betula papyrifera*
 plum- *Prunus* sp.
 ponderosa pine- *Pinus ponderosa*
 red alder- *Alnus rubra*
 red pine- *Pinus rubra*
 Scouler willow- *Salix scouleriana*

Exhibit 2

No.	Species	DBH	Height	Health etc.	Action	RPZ
1	paper birch	14	20	terminal decline due to wood borers	remove	0
2	paper birch	12	20	terminal decline due to wood borers	remove	0
3	paper birch	11	22	terminal decline due to wood borers	remove	0
4	paper birch	12	20	terminal decline due to wood borers	remove	0
5	paper birch	11	16	terminal decline due to wood borers	remove	0
6	paper birch	13	18	terminal decline due to wood borers	remove	0
7	grand fir	12	30	viable	remove	0
8	grand fir	14	30	viable	remove	0
9	grand fir	15	22	viable	remove	0
10	grand fir	15	24	viable	remove	0
11	grand fir	13	30	viable	remove	0
12	paper birch	11	16	terminal decline due to wood borers	remove	0
13	paper birch	11	18	terminal decline due to wood borers	remove	0
14	ponderosa pine	37	18	viable	remove	0
15	Douglas fir	26	18	viable	remove	0
16	ponderosa pine	25	18	viable	remove	0
17	Douglas fir	27	18	viable	preserve	20
18	Douglas fir	22	18	viable	preserve	16
19	Douglas fir	30	18	viable	preserve	16
20	grand fir	8	18	viable; size estimated; no tag; blackberries at base	preserve	8
21	Douglas fir	51	18	viable	preserve	30
22	Douglas fir	48	18	viable	preserve	30
23	Douglas fir	64	18	viable	preserve	30
24	Douglas fir	14	18	viable; size estimated; no tag; blackberries at base	preserve	14
25	Douglas fir	40	18	viable	preserve	30
26	Douglas fir	58	18	viable	preserve	30
27	crab apple	11	18	viable	remove	0
28	Douglas fir	20	18	viable	remove	0
29	Douglas fir	42	18	viable	remove	0
30	Douglas fir	36	18	viable	remove	0
31	apple	6	18	topped	remove	0
32	apple	5	18	topped	remove	0
33	apple	5	18	topped	remove	0

AFTER RECORDING, RETURN TO:
SAMM-MILLER, LLC
10211 SW Barber St.
Wilsonville, OR 97070

BYLAWS
OF
THE ASSOCIATION OF HOME OWNERS
OF CANYON CREEK SOUTH SUBDIVISION

70068138.1

Exhibit 3

TABLE OF CONTENTS
(continued)

	Page
ARTICLE 1 GENERAL PROVISIONS	1
1.1 Identity	1
1.2 Bylaws Subject to Other Documents	1
1.3 Applicability	1
ARTICLE 2 ORGANIZATION OF ASSOCIATION	1
ARTICLE 3 OWNERS' MEETINGS	1
3.1 Turnover Meeting	1
3.2 Annual Meetings	2
3.3 Special Meetings	2
3.4 Location of Meeting	2
3.5 Notice of Meeting	2
3.6 Quorum and Voting of Owners	2
3.7 Proxies	3
ARTICLE 4 BOARD	3
4.1 Election, Number, and Term Prior to the Turnover Meeting	3
4.2 Election, Number, and Term After the Turnover Meeting	4
4.3 Powers and Duties	4
4.4 Regular Meetings	5
4.5 Special Meetings	5
4.6 Notice of Special Meetings	5
4.7 Quorum of Directors	6
4.8 Manner of Directors Acting	6
4.9 Vacancies on Board	6
4.10 Presumption of Assent	6
4.11 Removal of Directors	6
4.12 Reimbursement of Directors	6
4.13 Attendance by Owners	6
ARTICLE 5 OFFICERS	6
5.1 Number	6
5.2 Election and Term of Office	7

TABLE OF CONTENTS
(continued)

	Page
5.3 Removal	7
5.4 Vacancies	7
5.5 President	7
5.6 Secretary	7
5.7 Treasurer	7
ARTICLE 6 FIDELITY BONDS	8
ARTICLE 7 FINANCIAL RECORDS	8
ARTICLE 8 CONTRACTS	8
ARTICLE 9 LOANS	9
ARTICLE 10 CHECKS, DRAFTS, AND VOUCHERS	9
ARTICLE 11 DEPOSITS	9
ARTICLE 12 TAX RETURNS	9
ARTICLE 13 RULES AND REGULATIONS	9
ARTICLE 14 BUDGET	10
ARTICLE 15 COMMON EXPENSES ASSESSMENTS	10
ARTICLE 16 MAINTENANCE PLAN	11
ARTICLE 17 RESERVE STUDY	11
ARTICLE 18 RESERVE ACCOUNT ASSESSMENTS	11
18.1 Reserve Account	11
18.2 Reserve Account Assessments	12
18.3 Reserve Items	12
18.4 General Operating Reserve	12
ARTICLE 19 INITIAL ASSESSMENT	13
19.1 Contribution to Working Capital	13
19.2 Payment of Common Expenses by Declarant or Owner	13
19.3 Temporary Reduction of Assessment Amount	13
ARTICLE 20 SPECIAL ASSESSMENTS	13
20.1 Majority of the Board	13
20.2 Owner's Consent	14
ARTICLE 21 COLLECTION AND PAYMENT OF ASSESSMENTS	14

TABLE OF CONTENTS
(continued)

	Page
21.1 Payment	14
21.2 Late Charges	14
21.3 Liens	14
21.4 Interest	15
ARTICLE 22 INSURANCE	15
22.1 Property Insurance	15
22.2 Liability Insurance	15
22.3 Additional Insureds	16
22.4 Additional Provisions	16
22.5 Annual Review	16
ARTICLE 23 INDEMNIFICATION OF DIRECTORS AND OFFICERS	16
ARTICLE 24 REPAIR AND MAINTENANCE	17
ARTICLE 25 COLLECTION FROM TENANTS	17
ARTICLE 26 COMPLIANCE	18
26.1 Subordination	18
26.2 Interpretation	18
ARTICLE 27 RESTRICTIONS ON USE	18
ARTICLE 28 LITIGATION AND PROCEEDINGS	19
ARTICLE 29 DISPUTE RESOLUTION	20
ARTICLE 30 AMENDMENTS	20

BYLAWS
OF
THE ASSOCIATION OF HOME OWNERS
OF CANYON CREEK SOUTH SUBDIVISION

ARTICLE 1

GENERAL PROVISIONS

1.1 **Identity.** The Association of Home Owners of Canyon Creek South Subdivision (the "Association") has been organized for the purpose of administering the operation and management of the Canyon Creek South Subdivision, in accordance with the terms of these Bylaws. The Declaration of Home Owners for Canyon Creek South Subdivision (the "Declaration"), was made and executed by SAMM-MILLER, LLC, an Oregon limited liability company ("Declarant"), and is being recorded simultaneously herewith in the records of Clackamas County, Oregon. Except as otherwise provided herein, all capitalized terms herein shall have the meanings set forth in the Declaration.

1.2 **Bylaws Subject to Other Documents.** The provisions of these Bylaws apply to the Subdivision and are expressly subject to the terms, provisions, and conditions contained in the Articles of Incorporation and the Declaration.

1.3 **Applicability.** Declarant approves and adopts these Bylaws and annexes the same to the Declaration, which Bylaws and Declaration shall govern the operation and use of the Subdivision. These Bylaws shall run with the land and shall be binding on and for the benefit of Declarant and its successors and assigns, acting as the present Association, and its successors and assigns, and on all subsequent Owners and Mortgagees, tenants, occupants, employees, and others who use the Subdivision.

ARTICLE 2

ORGANIZATION OF ASSOCIATION

The initial meeting of the Owners shall be held within 30 days following the recording of these Bylaws. Declarant shall give at least 10 but not more than 50 days' written notice of the initial meeting to all persons who are Owners on the date of mailing of the notice.

ARTICLE 3

OWNERS' MEETINGS

3.1 **Turnover Meeting.** No later than 90 days after the Turnover, Declarant shall call a meeting of the Owners (the "Turnover Meeting"). Declarant shall give notice to each Owner at

least 10 but not more than 50 days prior to the meeting. The notice shall state the purpose of the meeting and the time and place at which the meeting is to be held. At the Turnover Meeting:

3.1.1 Declarant shall relinquish control of the administration of the Association and the Owners shall assume the control;

3.1.2 If a quorum of Owners is present, the Owners shall elect not fewer than the number of directors sufficient to constitute a quorum of the Board; and

3.1.3 Declarant shall deliver to the Association all relevant business records of the Association and any other information or property required to be delivered.

If Declarant fails to call the Turnover Meeting within the time specified above, the meeting may be called and notice given by any Owner or the holder of any first Mortgage.

3.2 **Annual Meetings.** The annual meeting of the Owners shall be held each year following the Turnover Meeting on the day and month the Turnover Meeting was held, or the next business day following such date. At each annual meeting, the Voting Owners shall, by ballot, elect one director and transact such other business as may come before the meeting. If an annual meeting of the Owners is not held on the date designated herein for any annual meeting, the Board shall cause the annual meeting to be held as soon thereafter as is convenient, but in no event more than 60 days after the designated date for such meeting, by proper notice to the Owners of the date of the annual meeting.

3.3 **Special Meetings.** Special meetings of the Owners for any purpose or purposes may be called by the President (defined in Section 5.1 below) or a majority of the directors and shall be called by the President at the written request of at least 50 percent of the Voting Owners.

3.4 **Location of Meeting.** The Board shall designate the location for all annual and special meetings of the Owners.

3.5 **Notice of Meeting.** Written or printed notice stating the place, date, and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called shall be delivered to each Owner not less than 10 nor more than 50 days before the date of the meeting, either personally or by mail, by or at the discretion of the President, the Secretary (defined in Section 5.1 below), or the officer or persons calling the meeting. If mailed, such notice shall be deemed to be delivered when it is deposited in the United States mail, addressed to the Owner at his or her last known address on the records of the Association, with postage thereon prepaid.

3.6 **Quorum and Voting of Owners.**

3.6.1 At any meeting of the Owners, a quorum shall be present if more than 50 percent of the Voting Owners are present (in person or by proxy); and the concurring vote of more than 50 percent of such Voting Owners present at a meeting at which a quorum is present (a "Majority of the Voting Owners") shall be

valid and binding upon the Association, except as otherwise provided by law, these Bylaws, or the Declaration. If less than 50 percent of the Voting Owners are present at a meeting, a majority of the Voting Owners present may adjourn a meeting and reconvene without further notice; provided, however, that a quorum shall not be necessary to proceed with and hold a binding Turnover Meeting; and provided further that the quorum for any meeting that replaces a meeting that was adjourned for lack of a quorum shall be 50 percent of the quorum amount that was required for the meeting that was adjourned for lack of a quorum. The Voting Owners present at a duly organized meeting may continue to transact business until adjournment, even if the Voting Owners then present to do not otherwise constitute a quorum.

3.6.2 If any Voting Owner owns or represents more than one Home, he or she shall have the number of votes corresponding to the number of Homes that he or she owns or represents. In the event that a Voting Owner pledges his or her vote regarding a special matter to a Mortgagee under a duly recorded Mortgage and notice thereof has been given to the Secretary, only the vote of the Mortgagee will be recognized in regard to the special matter upon which the vote is so pledged.

3.6.3 An administrator, executor, guardian, or trustee may vote in person or by proxy at any meeting of the Owners with respect to any Home 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 that he or she shall satisfy the Secretary that he or she is the executor, administrator, guardian, or trustee holding such Home in such capacity.

3.6.4 Whenever any Home is owned by two or more persons jointly, according to the records of the Association, in the absence of protest by a coowner or the delivery to the Association of a valid court order establishing the authority of a person to exercise the vote allocated to that Home, only one of the coowners then present will be allowed to exercise the vote allocated to that Home. In the event of protest by a coowner, the vote for the affected Home shall be divided by the number of coowners, and each coowner shall cast an substantially equal fractional vote. In the event a valid court order establishes the authority of a person to exercise the vote or a portion of the vote allocated to a Home, the vote for the affected Home shall be voted in accordance with the court order.

3.7 **Proxies.** At all meetings of the Owners, a Voting Owner may vote by proxy executed in writing by the Voting Owner or by his or her duly authorized attorney-in-fact. Such proxy shall be delivered to the Secretary before or at the time of the meeting, shall be dated, and shall provide that the proxy cannot be revoked without prior written notice to the Association. Such proxy shall expire on the date set forth in the writing, upon sale of a Home by its Owner, or one year after it is signed, whichever is earlier.

ARTICLE 4

BOARD

4.1 **Election, Number, and Term Prior to the Turnover Meeting.** Until the Turnover Meeting, the number of directors of the Association shall be three. Until the Turnover Meeting, the directors shall be elected by the Declarant, and the term of each director shall expire on the date that is one year after the director is elected, or on the date of the Turnover Meeting, whichever is earlier. Until the Turnover Meeting, the directors of the Association do not need to be Owners. Until the Turnover Meeting, the rights, duties, and functions of the Board shall be exercised by Declarant.

4.2 **Election, Number, and Term After the Turnover Meeting.** At and after the Turnover Meeting, the number of directors of the Association shall be three. On the date of the Turnover Meeting and continuing thereafter, each director shall be elected by a single ballot, with each Voting Owner permitted to vote for three nominees. On the date of the Turnover Meeting and continuing thereafter, the term of office of each director will be fixed, one for a term of three years, one for a term of two years, and one for a term of one year. The nominee receiving the highest number of votes shall be the three-year director, the nominee receiving the second highest number of votes shall be the two-year director, and the nominee receiving the third highest number of votes shall be the one-year director. At the expiration of the term of office of any director, a successor shall be elected to a term of three years by a Majority of the Voting Owners. Following the Turnover Meeting, each director must be a Owner.

4.3 **Powers and Duties.** The Board shall have all the powers and duties necessary for the administration of the affairs of the Association and Association property, except such powers which may not be delegated to the Board by the Owners pursuant to law or the terms of the Declaration or these Bylaws. The powers and duties to be exercised by the Board shall include, but shall not be limited to, the following:

4.3.1 Operation, care, upkeep, maintenance, repair, and replacement of the Common Property and Association property and payment for the expense thereof;

4.3.2 Preparation, adoption, and amendment of the Budget (defined in Article 14 below) and the Maintenance Plan (defined in Article 16 below);

4.3.3 Preparation, review, and update of the Reserve Study;

4.3.4 Assessment and collection of the General Assessments (defined in Section 21.1 below) and any special assessments, all in accordance with the provisions of these Bylaws;

4.3.5 Employment and dismissal of independent contractors as are necessary or convenient for the efficient maintenance, upkeep, and repair of the Common Property and Association property;

4.3.6 Employment of legal, accounting, or other personnel for reasonable compensation to perform such services as may be required for the proper administration of the Common Property Association Property, and the Association;

4.3.7 Opening of bank accounts on behalf of the Association and in the name of the Association and designating the signatories therefore;

4.3.8 Preparation and distribution of annual financial statements in accordance with these Bylaws and annual preparation and filing of all required income tax returns or forms for the Association;

4.3.9 Preparation, adoption, and enforcement of the Rules and Regulations (defined in Article 13 below);

4.3.10 Maintenance of a current mailing address for the Association;

4.3.11 Selling, leasing, mortgaging, voting the votes appurtenant to (other than for the election of directors), or otherwise dealing with Homes acquired by the Association or its designee;

4.3.12 Making additions and improvements to, or alterations of, the Common Property and payment of the same out of the Reserve Account, or specifically assessing the Homes for the expense thereof as a Common Expense;

4.3.13 Modifying, removing, or eliminating all or any portion of any landscaping portion of the Common Property;

4.3.14 Establishing one or more committees that shall report to the Board and may make recommendations to the Board, provided that at least one member of each committee is a director;

4.3.15 Enforcement by legal means of the provisions of the Declaration, these Bylaws, and the Rules and Regulation;

4.3.16 Imposition of reasonable fines on an Owner for violations of the Declaration, these Bylaws, or the Rules and Regulations, provided that the fine is based on a resolution adopted by the Board and a copy of such resolution is delivered to each Home, mailed to the mailing address of each Home, or mailed to the mailing address designated in writing by the Owner of each Home, prior to the imposition of such fine, and further provided that a written notice of the alleged violation and the fine to be imposed is delivered to the Owner and the Owner is given an opportunity to be heard as to the violation; and

4.4 **Regular Meetings.** A regular meeting of the Board shall be held without notice, other than this Section 4.4, immediately after and at the same place as the annual meeting of Owners. The Board may provide by resolution the time and place for the holding of additional regular meetings without notice other than such resolution. The initial organization meeting shall be held immediately following the organization meeting of the Owners described in Article 2.

4.5 **Special Meetings.** Special meetings of the Board may be called by or at the request of the President or any one director. The person or persons authorized to call a special meeting of the Board may fix the place for holding any special meeting called by them.

4.6 **Notice of Special Meetings.** Notice of any special meeting shall be given at least 72 hours previous thereto by written notice delivered personally or mailed to each director at his or her residence or business address. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, so addressed, with postage thereon prepaid. Any director may waive notice of any meeting. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because a meeting was not lawfully called or convened. Neither the business to be transacted nor the purpose of any regular or special meeting of the Board need be specified in the notice or waiver of notice of such meeting. If at any time a majority of the Homes are occupied as principal residences, notice of meetings of the Board shall be posted at the Subdivision at least three days prior to the meeting.

4.7 **Quorum of Directors.** A majority of the directors shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than such majority is present at a meeting, a majority of the directors present may adjourn the meeting from time to time without further notice. Each director shall have one vote.

4.8 **Manner of Directors Acting.** The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board.

4.9 **Vacancies on Board.** Any vacancy occurring on the Board may be filled by the affirmative vote of a majority of the remaining directors even if there exists less than a quorum of directors. A director elected to fill a vacancy shall be elected for the unexpired term of predecessor in office. Any directorship to be filled by reason of an increase in the number of directors or by reason of the removal of one or more directors shall be filled by election at an annual meeting or at a special meeting of the Owners called for that purpose.

4.10 **Presumption of Assent.** A director who is present at a meeting of the Board at which action on any matter is taken shall be presumed to have assented to the action taken unless his or her dissent is entered in the minutes of the meeting or unless he or she shall file a written dissent to such action with the person acting as the Secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the Secretary immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

4.11 **Removal of Directors.** Any director may be removed with or without cause at a meeting expressly called for that purpose by a vote of a Majority of the Voting Owners entitled to vote on such removal. After the Turnover Meeting, any director who ceases to be a Owner shall cease to be a director.

4.12 **Reimbursement of Directors.** The directors shall not receive compensation but shall be reimbursed for their reasonable expenses related to attendance at meetings of the Board.

4.13 Attendance by Owners. All meetings of the Board shall be open to Owners. ORS 94.635 requires that the bylaws include the procedures set forth in ORS 94.640(10), which provides:

In a planned community in which the majority of the lots are the principal residences of the occupants, meetings of the board of directors must comply with the following:

(a) For other than emergency meetings, notice of board of directors' meetings shall be posted at a place or places on the property at least three days prior to the meeting or notice shall be provided by a method otherwise reasonably calculated to inform lot owners of such meetings;

(b) Emergency meetings may be held without notice, if the reason for the emergency is stated in the minutes of the meeting; and

(c) Only emergency meetings of the board of directors may be conducted by telephonic communication or by the use of a means of communication that allows all members of the board of directors participating to hear each other simultaneously or otherwise to be able to communicate during the meeting. A member of the board of directors participating in a meeting by this means is deemed to be present in person at the meeting.

ARTICLE 5

OFFICERS

5.1 **Number.** The officers of the Association shall be a President (the "President"), a secretary (the "Secretary"), and a treasurer (the "Treasurer"), each of whom shall be elected by the Board. No more than two offices may be held by the same person. Officers shall not be required to be Owners.

5.2 **Election and Term of Office.** The officers shall be elected annually by the Board at the first meeting of the Board held after the annual meeting of the Owners. If the election of officers is not held at such meeting, the election shall be held as soon thereafter as is convenient. Each officer shall hold office until his or her successor has been duly elected and qualified, or until his or her death, or until he or she resigns or has been removed in the manner herein provided.

5.3 **Removal.** Any officer elected or agent designated by the Board may be removed by the Board whenever, in its judgment, the best interests of the Association will be served thereby; but such removal shall be without prejudice to the contract rights, if any, of the persons so removed.

5.4 **Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification, or otherwise shall be filled by the Board for the unexpired portion of a term.

5.5 **President.** The President shall have all the powers and duties of a President. The President shall, when present, preside at all meetings of the Owners and the Board and shall perform all duties incident to such office and such other duties as may be prescribed by the Board from time to time. He or she shall be the principal executive officer of the Association and shall be subject to the control of the Board. He or she shall, in general, supervise and control all the business and affairs of the Association and sign with the Secretary, or any other proper

officer of the Association authorized by the Board, any deeds, mortgages, bonds, contracts, or other instruments that the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or by these Bylaws to some other officer or agent of the Association, or shall be required by law to be otherwise signed or executed.

5.6 **Secretary.** The Secretary shall (i) keep the minutes of the meetings of Owners and the Board in one or more books provided for that purpose; (ii) see that all notices are duly given in accordance with the provisions of these Bylaws, or as required by law; (iii) be custodian of the Association records; and (iv) in general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the President or the Board.

5.7 **Treasurer.** The Treasurer shall (i) have charge and custody of and be responsible for all funds of the Association; (ii) receive and give receipts for moneys due and payable to the Association from any source whatsoever; (iii) deposit all moneys in the name of the Association in such banks, trust companies, or other depositories as shall be selected by the Board; (iv) approve payment vouchers; (v) prepare or cause to be prepared and filed any required income tax return or forms for the Association; and (vi) in general, perform all the duties incident to the office of the Treasurer and such other duties as from time to time may be assigned to him or her by the President or by the Board, including approving payment vouchers for maintenance and repair of the Common Property or the Association property.

ARTICLE 6

FIDELITY BONDS

The Association, through the Board, may require that all officers, directors, employees, and agents of the Association handling or responsible for its funds shall furnish adequate fidelity bonds. The premiums on any such bonds shall be Common Expenses.

ARTICLE 7

FINANCIAL RECORDS

The Association shall keep all records required by law to be maintained by the Association. Such records shall be located within the State of Oregon. Within 90 days after the end of each fiscal year, the Board shall cause to be prepared an annual financial statement consisting of a balance sheet and income and expenses statement for the preceding fiscal year, and shall distribute to each Owner a copy of the annual financial statement. Upon receipt of a written request made in good faith for a proper purpose, the Association shall make available to any Owner and any Mortgagee, for its inspection or duplication during normal business hours or under other reasonable circumstances, current copies together with any amendments thereto of the Declaration, these Bylaws, the recorded Plat, if feasible, the Rules and Regulations, and the books, records, and financial statements of the Association. The Association shall provide, within 10 business days of receipt of a written request from an Owner, a written statement that provides (i) the amount of assessments due from the Owner and unpaid at the time the request was received, including General Assessments (defined in Section 21.1 below) and special

assessments, fines, penalties, accrued interest, and other charges; (ii) the percentage rate at which interest accrues on assessments that are not paid when due; and (iii) the percentage rate used to calculate the charges for a late payment or the amount of a fixed charge for a late payment; provided, however, that the Association is not required to comply with the above provisions 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. Upon written request of a prospective purchaser, the Association shall make the information that is available to Owners, available for examination and duplication by the prospective purchaser during reasonable hours. The Association may charge a reasonable fee for furnishing any documents, information, or records described in this Article 7.

ARTICLE 8

CONTRACTS

The Board may authorize any officer, director, agent, or agents to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association; and such authority may be general or confined to specific instances.

ARTICLE 9

LOANS

No loan shall be contracted on behalf of the Association, and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board and approved by the affirmative vote of 75 percent of the Voting Owners present at a duly noticed meeting of Owners in which at least a quorum is present. Such authority may be general or confined to specific instances.

ARTICLE 10

CHECKS, DRAFTS, AND VOUCHERS

All checks, drafts, vouchers, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Association shall be signed by such officer, officers, agent, or agents of the Association and in such manner as shall from time to time be determined by the resolution of the Board.

ARTICLE 11

DEPOSITS

All funds of the Association not otherwise employed shall be deposited from time to time to the credit of the Association in such banks, savings and loan associations, or other depositories located within the State of Oregon as the Board may select. All assessments shall be deposited in a bank account or bank accounts in the name of the Association. All expenses of the Association shall be paid from the Association's bank account or bank accounts.

ARTICLE 12

TAX RETURNS

The Board annually shall cause the necessary income tax returns to be filed for the Association.

ARTICLE 13

RULES AND REGULATIONS

Until the Turnover, Declarant may adopt, amend, or modify rules and regulations to govern the details of the operation and use of the Homes and Common Property, including any rules desirable to prevent unreasonable interference with the use of the Subdivision by the Owners (the "Rules and Regulations"). After the Turnover Meeting, the Board shall have the power to adopt, modify, or amend the Rules and Regulations as they deem desirable. The Rules and Regulations, shall be binding as though they were a part hereof.

ARTICLE 14

BUDGET

The Board at least annually shall prepare and adopt a budget for revenues, expenditures, and reserves for the Association (the "Budget"). A summary of the Budget shall be distributed to all Owners within 30 days following adoption. If the Board fails to adopt the Budget for any year, the last adopted Budget will continue in effect. The Budget shall be prepared based upon the Maintenance Plan and Reserve Study and shall include the sums required to be allocated to the Reserve Account pursuant to the Reserve Study.

ARTICLE 15

COMMON EXPENSES ASSESSMENTS

15.1 Beginning on the date the first Home is sold or otherwise transferred to someone other than Declarant (the "First Closing"), and except as otherwise provided in the Declaration or these Bylaws, each Owner shall be obligated to pay assessments imposed by the Association and each Owner shall pay its portion of the Common Expenses Assessment (defined in Section 15.5 below) in accordance with the provisions of Section 9.2 of the Declaration.

15.2 Prior to the date that any Home is owned by someone other than Declarant, Declarant shall pay all operating and maintenance expenses of the Subdivision.

15.3 Each Owner's portion of the Common Expenses Assessment for each calendar year shall be due on the fifth day of each month in twelve substantially equal installments with the first payment due on January 5 of each year.

15.4 The Board, in its sole discretion, or the Manager, at the direction of the Board, may round up the amount of each Owner's installment of its portion of the Common Expenses Assessment to the next whole-dollar amount.

15.5 The term "Common Expenses Assessment" means, for each calendar year, the Association's estimate of the total Common Expenses, determined in accordance with the Budget. The term "Common Expenses" means, for each calendar year:

15.5.1 Expenses of administration of the Subdivision;

15.5.2 Expenses of maintenance, repair, or replacement of the Common Property and Association property, if any;

15.5.3 Any amount by which the Common Expenses Assessment actually collected for the prior calendar year were insufficient to pay all of the Common Expenses for such calendar year;

15.5.4 The costs of utilities for the General Common Property and other utilities of the Subdivision that have a common meter or that are not separately billed to the Owners, such as water and sewer;

15.5.5 The cost of insurance or bonds obtained in accordance with these Bylaws;

15.5.6 Legal, accounting, and other professional fees of the Association;

15.5.7 The amount of any deductible owed under any insurance policy carried by the Association pursuant to Article 22.

15.5.8 The amount reallocated to the current Owners pursuant to Section 21.3, to the extent not previously accounted for pursuant to Section 15.5.3; and

15.5.9 Any other items that are properly chargeable as an expense of the Association.

ARTICLE 16

MAINTENANCE PLAN

Declarant will prepare a maintenance plan (the "Maintenance Plan") as required by Section 4.3.2 of these Bylaws. The Maintenance Plan shall describe and include a schedule for the maintenance, repair and replacement of all property for which the Association has maintenance, repair, or replacement responsibilities.

ARTICLE 17

RESERVE STUDY

The Board shall annually conduct a reserve study, or review and update an existing reserve study, of the Reserve Items (defined in Section 18.3 below) to determine the amount needed to fund the major maintenance, repair, and replacement of the Reserve Items (the "Reserve Study"). The Reserve Study shall include: (a) identification of all Reserve Items, (b) the estimated remaining useful life of each Reserve Item as of the date of the Reserve Study, (c) an estimated cost of maintenance and repair of each Reserve Item for the remainder of its useful life and the replacement cost of each Reserve Item at the end of its useful life, and (d) a 30year plan describing the amount and timing of contributions required to be made to the Reserve Account (defined in Section 18.1 below) to fund the estimated maintenance, repair, and replacement schedule set forth in the Reserve Study, adjusted for estimated inflation and anticipated interest to be earned on the funds held in the Reserve Account.

ARTICLE 18

RESERVE ACCOUNT ASSESSMENTS

18.1 **Reserve Account.** Pursuant to the provisions of these Bylaws, Declarant has established a reserve account in the name of the Association (the "Reserve Account"). The Reserve Account shall be funded by the Owners through the payment of the Reserve Fund Assessments (defined in Section 18.2 below). Each Owner shall pay it's portion of the Reserve Fund Assessments in accordance with the provisions of the Declaration. The Reserve Account shall be used only for the purpose of collecting the Reserve Fund Assessments and for payment of obligations for maintenance, repair, or replacement of Reserve Items. The funds in the Reserve Account shall be kept separate from other funds of the Association. In no event shall the funds in the Reserve Account be used for the payment of obligations that reasonably could be funded as part of the Common Expenses.

18.2 **Reserve Account Assessments.** Beginning on the date of the First Closing, and except as otherwise provided in the Declaration or these Bylaws, each Owner shall be obligated to pay his or her portion of the Reserve Fund Assessments (in accordance with the Declaration). However, after the date of the First Closing, with respect to any Home still owned by Declarant, the portion of the Reserve Fund Assessments attributable to such Home shall not be due until the earlier of the date such Home is sold or otherwise transferred to another, or the Turnover. Each Owner's portion of the Reserve Fund Assessments shall be due at the same time as that Owner's portion of the Common Expenses Assessment is due. The Board, in its sole discretion, may round up each Owner's portion of the amount of the Reserve Fund Assessments to the next whole-dollar amount or to the next quarter-dollar amount. The term "Reserve Fund Assessments" means the amount of money required to be collected in the current year, as estimated in the Reserve Study, to fund the estimated maintenance, repair, and replacement schedule set forth in the Reserve Study. However, each year hereafter, upon receipt of the Reserve Study, the Board shall determine whether the Reserve Account Assessments for the current and future years should be adjusted and whether it is appropriate to include additional items as "Reserve Items." In the event that the Board determines an adjustment to the amount of the Reserve Account Assessments is appropriate, the Reserve Fund Assessments may be adjusted accordingly. A Owner's portion of the Reserve Fund Assessments may be increased as

necessary, if such Owner benefits from an expenditure from the Reserve Account so that the Reserve Account can be maintained in an amount sufficient to meet the needs for which the account was established.

18.3 **Reserve Items.** The following shall constitute "Reserve Items":

18.3.1 Those items of the Common Property which all or part of will normally require major maintenance, repair, or replacement in more than one year and less than 30 years, including, without limitation, structural elements and mechanical equipment;

18.3.2 The painting of all exterior painted surfaces of the Common Property; and

18.3.3 Maintenance, repair, or replacement of other items as may be required under the Declaration or these Bylaws.

18.4 **General Operating Reserve.** The Board shall create and maintain a general operating reserve account (the "General Operating Reserve Account") by allocation and payment thereto from the amount collected by the Association as the Common Expenses Assessment of amounts determined by the Board to be needed for the General Operating Reserve Account. The General Operating Reserve Account shall be used to pay Common Expenses that exceed budgeted amounts. The Initial Working Capital Contribution (defined in Section 19.1) shall be deposited into the General Operating Reserve Account. However, in no event may the Association use any Initial Working Capital Contribution for any purpose, including, but not limited to the use to make up any Budget deficits, prior to Turnover. Additionally, in no event shall the Association use any Initial Working Capital Contribution to defray any of the expenses, reserve contributions, or construction costs of Declarant.

ARTICLE 19

INITIAL ASSESSMENT

19.1 **Payment of Common Expenses by Declarant or Owner.** If Declarant or any other Owner pays all or a portion of the Common Expenses, that person's portion of the Common Expenses Assessment shall be reduced by the amount paid by such person. However, in no event shall such person's portion of the Reserve Fund Assessments be reduced.

19.2 **Temporary Reduction of Assessment Amount.** Prior to the Turnover, if the Common Expenses are temporarily less than projected because some or most of the Homes are not yet sold or occupied, Declarant shall have the authority to reduce temporarily the amount of the Common Expenses Assessment to reflect the lower Common Expenses.

ARTICLE 20

SPECIAL ASSESSMENTS

20.1 **Majority of the Board.** By the vote of a majority of the directors, the Board shall have the power to levy special assessments against an Owner or all Owners for the following purposes:

20.1.1 To correct a deficit in the operating budget;

20.1.2 To collect amounts due to the Association from an Owner for breach of the Owner's obligations under the Declaration, these Bylaws, or the Rules and Regulations;

20.1.3 To make repairs or renovations to the Common Property if sufficient funds are not available from the General Operating Reserve Account or the Reserve Account; or

20.1.4 To make capital acquisitions, additions, or improvements to Common Property costing less than \$2,500.

20.2 **Owner's Consent.** The Board must obtain consent of at least 75 percent of the Voting Owners present at a meeting of the Owner's in which a quorum is present before the Board may levy special assessments against an Owner or all Owners for the purpose of making capital acquisitions, additions, or improvements to the Common Property costing \$2,500 or more.

ARTICLE 21

COLLECTION AND PAYMENT OF ASSESSMENTS

21.1 **Payment.** Each Owner's portion of the Common Expenses Assessment and the Reserve Fund Assessments (collectively, the "General Assessments") shall be paid in advance, without demand, and on the fifth calendar day of each month. The Treasurer of the Association shall collect the assessments and, upon request, each Owner shall be entitled to receive from the Treasurer at the time of payment of the assessments an itemized statement of the anticipated Common Expenses. The itemized statement of anticipated Common Expenses shall be prepared in the manner determined by the Board.

21.2 **Late Charges.** The Board may impose a late charge not to exceed 5 percent of the amount of any assessment that is not paid within 10 days after it is due. The imposition of a late charge shall be without prejudice to any other remedy available to the Association.

21.3 **Liens.** The Association shall have the authority and the duty to levy and enforce the collection of the General Assessments and any special assessments. Whenever the Association levies any assessment against a Home, the Association, upon complying with this Section 21.3, shall have a lien upon such Home and the undivided interest in the Common Property appertaining to such Home for: (i) the reasonable value of such Common Expenses allocable to such Home; (ii) any unpaid assessments; (iii) interest (described in Section 21.4); (iv) late charges (described in Section 21.2); (v) costs or other amounts levied under the Declaration or these Bylaws; and (vi) attorney fees. The lien shall be prior to all other liens or encumbrances upon the Home, except for tax and public improvement assessment liens, and a

first Mortgage. Recording of the Declaration constitutes record notice and perfection of the lien for assessments.

Each assessment shall be a separate and personal debt and obligation of the Owner of the Home at the time the assessment fell due and shall be collectible as such. Such personal obligation shall not pass to successors in title unless assumed by them or required by law. The Board may cause to be filed in the deed records of Clackamas County a notice of lien claim with respect to any assessment that has not been paid within 30 days after the date that the Association notified the Owner that an assessment was not paid when due, but must do so before instituting any suit to foreclose the lien. The Association shall be entitled to recover, in any suit to foreclose or action to recover a money judgment for unpaid assessments, interest on the delinquent assessments at the rate of 12 percent per annum and costs, including reasonable attorney fees in such suit or action, or any appeal therefrom. If the Association files a notice of lien claim in the deed records of Clackamas County, the Owner of the Home shall reimburse the Association for the cost of preparing and filing the notice.

A lien for assessments shall not be affected by any sale or transfer of a Home, except that a sale or transfer pursuant to a foreclosure of a first Mortgage, or a deed in lieu of foreclosure of a first Mortgage, provided that written notice has been given to the Association and the deed is recorded not later than 30 days after the date such notice is mailed. A lien for any delinquent assessments extinguished pursuant to this Section 21.3 shall be reallocated to the current Owners as a Common Expenses Assessment as provided in Section 15.5.10. Any such sale or transfer pursuant to a foreclosure shall not relieve the purchaser or transferee of a Home from liability for, nor the Home from the lien of, an assessment made thereafter.

In case of foreclosure, the Owner of the foreclosed Home shall be required to pay a reasonable rental for the Home; and the plaintiff in the foreclosure suit shall be entitled to the appointment of a receiver to collect the rental, without regard to the value of the security. An action to recover a money judgment, together with reasonable attorney fees for unpaid assessments, may be maintained without foreclosing or waiving the lien securing the claim for common proceeds.

21.4 **Interest.** All assessments that are not paid when due shall bear interest at the rate of 12 percent per annum, which interest shall commence on the due date for the payment of such assessment.

ARTICLE 22

INSURANCE

22.1 **Property Insurance.** The Association shall obtain and maintain at all times property insurance, including, but not limited to, fire, extended coverage, vandalism, and malicious mischief, and all other perils customarily covered for similar types of projects, insuring the Common Property, including fixtures, equipment, and other property that a holder of a first Mortgage would ordinarily require to be insured. The insurance shall be in an amount equal to 100 percent of replacement cost of the property insured.

22.2 **Liability Insurance.** The Association shall obtain and maintain at all times liability insurance in the amount of at least \$1,000,000 for each occurrence covering the legal liability of the Association, the Owners individually, and the Manager, including, but not limited to, the Board, the public, and the Owners and their invitees or tenants, incident to ownership, supervision, control, or use of the Common Property. There may be excluded from the policy required under this Section 22.2, coverage of a Owner, other than coverage as a member of the Association or Board, for liability arising out of acts or omissions of that Owner and liability incident to the ownership or use of the part of the Subdivision as to which that Owner has the exclusive use or occupancy. Liability insurance required under this Section 22.2 shall be issued on a comprehensive liability basis and shall provide a cross-liability endorsement providing that the rights of a named insured under the policy shall not prejudice any action against another named insured.

22.3 **Additional Insureds.** The foregoing provisions and requirements relating to property or liability insurance notwithstanding, 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 (each of whom shall be referred to herein as the "Insurance Trustee"), who shall have exclusive authority to negotiate losses under any policy providing property or liability insurance. Each Owner appoints any Insurance Trustee or substitute Insurance Trustee designated by the Association as an 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 purpose. The Association or any Insurance Trustee shall receive, hold, or otherwise properly dispose of any proceeds of insurance in trust for Owners and their first Mortgagee, as their interests may appear.

22.4 **Additional Provisions.** 94.685 Specification of insurance for individual lots.

(1) Unless provided in the declaration, the bylaws shall specify:

- (a) The insurance an owner must obtain, if any.
- (b) The insurance, if any, an individual owner is precluded from obtaining;
- (c) The responsibility for payment of the amount of the deductible in an association insurance policy; and
- (d) Whether or not the insurance coverage obtained and maintained by the board of directors may be brought into contribution with insurance bought by owners or their mortgagees.

(2) The declaration or bylaws may provide that the responsibility for payment of the amount of the deductible may be prescribed by resolution adopted by the board of directors. [1981 c.782 §54; 1999 c.677 §23; 2007 c.409 §16]. The Board shall make every effort to secure insurance policies that provide for the following:

22.4.1 A waiver of subrogation by the insurer as to any claims against the Board, the Manager, the Owners, and their respective servants, agents, and guests;

22.4.2 A provision that the policy cannot be canceled, invalidated, or suspended on account of the conduct of any one or more individual Owners;

22.4.3 A provision that the policy cannot be canceled, invalidated, or suspended on account of the conduct of any officer or employee of the Association or the Manager without prior demand in writing that the Board or Manager cure the defect; and

22.4.4 A provision that any "no other insurance" clause in the policy exclude individual Owners' policies and not otherwise prevent such individual policies from providing coverage for damage to Homes or Common Property. A policy may contain a deductible in the amount specified in the declaration or bylaws. The deductible amount shall be added to the face amount of the policy in determining whether the insurance equals at least the full replacement cost.

22.4.5 (4) Notwithstanding a provision in the declaration or bylaws that imposes a maximum deductible amount in an association insurance policy, if the board of directors determines that it is in the best interest of the association and owners as provided in subsection (5) of this section, the board may adopt a resolution authorizing the association to obtain and maintain an insurance policy with a deductible amount exceeding the specified maximum, but not in excess of the greater of:

(a) The maximum deductible acceptable to the Federal National Mortgage Association; or

(b) \$10,000.

(5) In making the determination under subsection (4) of this section, the board of directors shall consider such factors as the availability and cost of insurance and the loss experience of the association.

(6) Not later than 10 days after adoption of a resolution under subsection (4) of this section, the board of directors shall ensure that a copy of the resolution and a notice described in ORS 94.676 are:

(a) Delivered to each owner; or
(b) Mailed to the mailing address of each owner or to the mailing address designated in writing by the owner.

22.5 **Annual Review.** At least annually, the Board shall review the adequacy of the insurance coverage of the Association.

ARTICLE 23

INDEMNIFICATION OF DIRECTORS AND OFFICERS

Subject to the provisions of this Article 23, each director and officer of the Association now or hereafter in office, and his or her heirs, executors, and administrators, shall be indemnified by the Association against all costs, expenses, amounts, or liability, including

attorney fees, that are reasonably incurred by or imposed upon him or her in connection with or resulting from any action, suit, proceeding, or claim to which he or she may be made a party, or in which he or she may be or become involved by reason of his or her acts or omissions or alleged acts or omissions as a director or officer, or any settlement thereof, whether or not he or she continues to be a director or officer at the time of incurring such costs, expenses, or amounts. Such indemnification shall not apply, however, with respect to any matter as to which a director or officer is finally adjudged in an action, suit, or proceeding to have been individually guilty of willful misfeasance or malfeasance in the performance of his or her duties as a director or officer. Further, the indemnification provided herein shall, with respect to any settlement of any suit, action, proceeding, or claim, include reimbursement of any amounts paid and expenses reasonably incurred by a director or officer in settling such suit, action, proceeding, or claim when, in the judgment of the Board, a settlement or reimbursement appears to be in the best interest of the Association. The foregoing right of indemnification shall be in addition to and not exclusive of any and all other rights as to which any such director or officer may be entitled under any agreement, vote of Owners, or otherwise.

ARTICLE 24

REPAIR AND MAINTENANCE

24.1 Each Owner shall promptly perform all maintenance and repair work that is needed within his or her own Home to prevent any negative effect on the Common Property of the Subdivision or a part thereof belonging to other Owners, and every Owner shall be responsible for the damages and liabilities that his or her failure to maintain and repair may cause, including, but not limited to, damage caused by plugged toilets and bath drains, overloaded electrical outlets, and clothes washer and dishwasher overflow.

24.2 All repairs of internal installations of a Home, such as water, lights, gas, power, sewage, telephones, air-conditioners, heaters, sanitary installations, doors, windows, lamps, and all other accessories and appliances belonging to the Home area, shall be at the sole expense of the Owner of such Home.

24.3 An Owner shall reimburse the Association for any expenditures incurred in repairing or replacing any portion of the Common Property that was damaged through such Owner's fault, or the fault of Owner's tenants, guests, servants, invitees, or authorized occupants or visitors and that is not otherwise covered by insurance policies carried by the Owner or the Association for the Owner's or the Association's benefit. In such circumstances, the insurance obtained by the Owner shall be deemed to be the primary coverage.

ARTICLE 25

COLLECTION FROM TENANTS

All leases or rental agreements for Homes shall be in writing and specifically subject to the requirements of the Declaration, these Bylaws, and the Rules and Regulations. If the Owner shall at any time rent or lease his or her Home and shall default for a period of 30 days or more in the payment of any assessments against such Home, or any installment thereof, the Board may, at its option, so long as such default continues, demand and receive from

any tenant occupying the Home, the rent due or becoming due from such tenant, up to an amount sufficient to pay all assessments due from the Owner, including interest, penalties and other costs allowed under the Declaration or these Bylaws, if any, and any such payment of such rent to the Association by the tenant shall, to the extent of the amount paid to the Association, discharge such tenant of its obligations due to the Owner under the lease. But any such demand or acceptance of rent by the Association from any tenant shall not be deemed to be a consent to or approval of any lease or a release or discharge of any of the obligations of the Owner under the Declaration or these Bylaws. In the event the Association makes demand upon the tenant as aforesaid, the tenant shall not have the right to question the right of the Association to make such demand, but shall be obligated to make said payments to the Association, with the effect as aforesaid; provided, however, the Association may not exercise this right if a receiver has been appointed to take charge of the Home pending a Mortgage foreclosure or if a Mortgagee is in possession pending a Mortgage foreclosure.

ARTICLE 26

COMPLIANCE

26.1 **Subordination.** These Bylaws are subordinate and subject to the provisions of the Declaration and all amendments thereto; and in case of any conflict, the Declaration shall control.

26.2 **Interpretation.** To the extent these Bylaws are inconsistent with the terms of ORS 94, or any successor to such statute, applicable to the Subdivision, ORS 94, or the successor to such statute, shall control over the terms of these Bylaws. Unless preempted by the terms of these Bylaws, the terms of ORS 94 applicable to the Subdivision shall also apply to the Subdivision. In the event any provision of these Bylaws is held to be invalid, such invalidity shall not render invalid any other provision hereof that can be given effect. Nothing in these Bylaws shall be deemed or construed to authorize the Association or the Board to conduct or engage in any act or business for profit on behalf of any or all of the Owners.

ARTICLE 27

RESTRICTIONS ON USE

The Owners shall require their employees, occupants, tenants, servants, invitees, and authorized visitors to comply with the following restrictions:

27.1 No part of a Home shall be used for other than residential purposes and related uses, provided that, subject to compliance with local ordinances and other restrictions of record, an Owner may use a Home as a "home office" so long as clients, customers, and employees do not regularly visit the "home office."

27.2 At no time shall use of the General Common Property be obstructed, nor shall anything be stored in the General Common Property, without the prior written consent of the Association.

27.3 Without the prior written consent of the Association, nothing shall be done or kept in any Home or in the Common Property that (a) will increase the rate of insurance described in Article 22, (b) change the terms on which the insurance described in Article 22 will be provided, (c) is in violation of any law or regulation of any governmental authority, or (d) unreasonably interferes with the use of any Home or the Common Property by any other Owner or occupants.

27.4 No waste shall be committed in, on, or about the Common Property.

27.5 Without the prior written consent of the Association, no Owner shall cause or permit anything (including, without limitation, a sign, awning, canopy, shutter, or radio or television antenna) to hang, be displayed, or otherwise be affixed to or placed on the outside walls or doors of the Homes.

27.6 No noxious or offensive activity shall be carried on in the Common Property, nor shall anything be done therein, either willfully or negligently, that may be or may become an annoyance or nuisance to the other Owners or occupants.

27.7 Nothing shall be done in, on, or to the Common Property that would impair the structural integrity of the Improvements or any part thereof or that would structurally change the Improvements or any part thereof except as is otherwise provided herein or in the Declaration.

27.8 Not violate any of the Rules or Regulations.

27.9 In no event may satellite television antennas or dishes, or window-mounted air conditioners be installed in, on, or about any Home without prior written approval by the Association, which approval may be withheld in the Association's sole discretion.

27.10 The Board shall approve the initial and any and all subsequent changes to a Home's exterior appearance through any of the following within 30 days of notice from Owner. If the Board does not provide direction or approval within 30 days of notice from Owner, than it shall be presumed approved by the Board:

- a. Exterior paint color
- b. Exterior roof color, material and style
- c. Any ancillary structure on a Home's property (e.g. shed, awning, etc.)

ARTICLE 28

LITIGATION AND PROCEEDINGS

To the extent required, the Board shall notify the Owners prior to instituting litigation or administrative proceedings. With regard to any pending litigation involving the Association, the Board shall periodically report to the Owners as to the status (including settlement offers), progress, and method of funding such litigation. Nothing in this paragraph shall be construed as requiring the Board to disclose any privileged communication between the Association and its counsel.

ARTICLE 29

DISPUTE RESOLUTION

In the event of any dispute regarding these Bylaws or the Subdivision, the dispute must be settled in accordance with the terms of the Declaration.

ARTICLE 30

AMENDMENTS

30.1 Declarant acting alone may amend these Bylaws to comply with the requirements of any applicable statute, ordinance, regulation, or guideline of the Federal Housing Administration, the U.S. Department of Veterans Affairs, Rural Development, or the Farm Service Agency of the United States Department of Agriculture, 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 Subdivisions; provided that if the need to amend these Bylaws arises after the Turnover Meeting has occurred, then the amendment must be approved by the Association as otherwise set forth herein or otherwise provided in the Declaration.

30.2 Amendments to these Bylaws may be proposed to the Owners by resolution of the Board or by an Owner. If proposed by the Board, any proposed amendment shall be delivered in writing, either personally or by mail, to each Owner not less than seven nor more than 50 days before the date of the meeting at which the proposed amendment will be voted upon. If mailed, such notice or request shall be deemed to be delivered when deposited in the United States mail addressed to the Owner at his or her last known address on the records of the Association, with postage thereon prepaid. If proposed by an Owner, any proposed amendment shall be attached to any request of the Owner for amendment submitted. No amendment of the Bylaws proposed in either of such ways shall be effective unless approved by at least 75 percent of the Voting Owners, either in writing or at a duly constituted meeting, and until a copy of the Bylaws, as amended, or the amendment thereto, has been certified by the President and Secretary, and recorded with the recording officer of Clackamas County, Oregon.

30.3 No amendment to these Bylaws may reduce or eliminate the right of any Mortgagee, without the prior written consent of each affected Mortgagee.

30.4 For so long as Declarant owns one or more Homes, these Bylaws, the Rules and Regulations, and the Declaration may not be modified, added to, amended, or repealed so as to eliminate, change, or impair any rights, privileges, easements, licenses, or exemptions granted therein or herein to Declarant or its designee, or otherwise in a way that adversely affects Declarant or such designee, unless Declarant or its designee has given its written approval in each such instance.

[Signature page follows]

The undersigned hereby adopts the foregoing on behalf of the Association as the Bylaws of the Association, this ___ day of _____, 20__.

DECLARANT:

_____, an Oregon limited liability company

By: _____

Name: _____

Its: _____

STATE OF OREGON)
) SS
COUNTY OF _____)

This instrument was acknowledged before me on _____, 20__,
by _____ as _____ of _____.

Notary Public for Oregon
My commission expires:



March 17, 2016

To Whom It May Concern:

I am a Realtor in the Portland metropolitan area and have been for nearly 24 years. I work primarily in the SW Portland area and all the way through Aurora. The talk of the town lately has been with the price of the homes in Portland that are jumping up so rapidly, our buyers are being forced to move South. I worked with the City of Wilsonville and acquired some stats from them.

Current population is 21,484 bodies
Current homes on market (single family) 62
Current Breakdown of homes/apts/condos in Wilsonville:

4420 Single Family Homes
4967 Apartments
563 Condos

New permits issued for homes, 264 single family permits in 2015/2016 so far.

Obviously this proves that we are in desperate need of more single family homes. Hopefully the City is working on this.

Sincerely,

Marla Rumpf
Owner, Principal Broker

Windermere Bridgeport Realty Group
Bridgeport • Charbonneau

Bridgeport Office | 16760 SW Upper Boones Ferry Rd. #103 | Portland, OR 97224 | 503-639-7914 | Fax 503-639-5202
Charbonneau Office | 31960 Charbonneau Drive #105 | Wilsonville, OR 97070 | 503-694-1011 | Fax 503-694-1021

Exhibit 4



Oregon Catalyst

Oregon's premier conservative political blog (since 2005)



[Back to Home Page](#)

Oregon's self-created problem: Lack of affordable housing

G+ 2 | Facebook Like 120

by In the news Thursday, April 16, 2015

by Sen. Doug Whitsett

"the proposed solution is to spend a great deal of other peoples' money, on yet another government program, to try and solve the problem without addressing its cause"



The Legislative process often involves bringing various stakeholders together to find solutions to difficult problems. But sometimes, those problems are the result of well-meant but misguided government policies. Too often, the only proposed solutions involve the further expansion of government programs.

A lack of affordable housing has become one of Oregon's most significant problems. It is reaching a crisis point in places like Bend, where housing stock has not kept up with demand. Working families are struggling to meet their most basic needs for affordable housing.

Since the 1970s, Oregon has pioneered a unique land-use system that heavily regulates the use of every parcel of land in the state. This top-down system restricts the amount of land that cities and counties can zone for residential, commercial and industrial use. Other states have zoning systems in place, but they are not driven by the state government in the same way that Oregon's statewide central planning regulates landowners. **Not one of the other 49 states has chosen to follow our central planning lead since the enactment of Senate Bill 100 in 1973.**

A proposed solution for our state's affordable housing woes was presented before the Ways and Means Transportation and Economic Development Subcommittee during a Wednesday, April 8 public hearing. Rep. Gail Whitsett (R-Klamath Falls) is a member of that subcommittee and participated in the hearing.

The particular request before the Legislative Assembly takes the form of **Senate Bill 5513**, the budget bill for the Oregon Housing and Community Services Department (OHCS). The **actual sources of the money** appropriated to support this agency and how that money is spent is **anything but transparent**.

During the public hearing, it was confirmed that the Oregon Housing Authority has approximately 49 programs with 64 funding sources, in addition to those run by the U.S. Department of Housing and Urban Development (HUD). It includes \$15.7 million in appropriations from the state's General Fund, as well as \$11.9 million in lottery revenue from the Administrative Services Economic Development Fund. It also provides \$155 million in federal funds for the agency from HUD and \$119 million in non-HUD federal funding.

The preponderance of the funding appears to be designated to pay the principle and interest due on previously borrowed money. Past funding for those programs has thus far incurred over \$1 billion in bonded indebtedness for the State of Oregon and its taxpayers.

Also included in SB 5513 is an OHCS request to borrow \$100 million to fund the construction of new affordable housing. Of that \$100 million, \$85 million would come from the sale of General Obligation bonds, with the remainder being raised from the sale of Lottery Revenue bonds.

The program was included in former Governor Kitzhaber's Recommended Budget. In spite of the change in governors since the start of the legislative session in February, the program and its funding allocation remain a priority for new Governor Kate Brown.

A particular source of frustration for the legislators on the committee is the lack of details attached to this \$100 million plan. The purposes for the funding request were inadequately structured and had virtually no sideboards. Instead, lawmakers were given promises that those important details would be worked out through the use of various advisory councils.

Testimony offered at the hearing revealed that the purpose of the \$100 million is to pursue a "production agenda" involving the building of 3,000 to 4,000 housing units. The state would buy the land, which would then be developed by an as-yet-undetermined third party, with all of this being paid for by an unidentified mix of state and private money.

Questions were also raised about the differences between private and public sector development costs. Simple math dictates that the proposed costs of building these "affordable" housing units would exceed \$250 per square foot. **This calculates to more than \$300,000 for an average, 1,200 square-foot single living unit!**

Rep. Whitsett asked how the state planned to repay the bonds that would be used to raise the \$100 million for the program. She was informed that those dollars would come from future general fund and lottery fund revenues. Her questions regarding the total future principle and interest required to repay the borrowed money went unanswered. I estimate that repayment amount to be about \$190 million, assuming six percent interest and a 25-year repayment period.

In my opinion, **this proposed "affordable" housing project is a clear example of a solution to a problem that didn't exist until government created the crisis.** A basic understanding of supply and demand would reveal that deliberately restricting the amount of buildable land is going to cause that land to become much more expensive. But instead of addressing the restrictive and heavy handed land-use policies that caused this problem in the first place, **the proposed solution is to spend a great deal of other peoples' money, on yet another government program, to try and solve the problem without addressing its cause.**

If Oregon was truly serious about addressing its affordable housing crisis, it would initiate legislation to address the initial cause of the problem, which is the fact that it is against the law to build a home on the vast majority of the land located within the state. Unfortunately, the proposed solution is to give another blank check to a state agency in the hopes that spending more of other peoples' money will somehow solve

TIAA® Official Site

Get Advice & Guidance Tailored To Your Needs. Schedule A Call!



GET EMAIL UPDATES:

Enter your email address:

Delivered by FeedBurner



CATALYST SITE SEARCH

ARCHIVES

Archives [Select Month](#)

INFORMATION

- [Catalyst Home](#)
- [About OregonCatalyst.com](#)
- [Our Contributors](#)
- [Submitting a Guest Column](#)
- [Oregon Political News](#)
- [Media Resources](#)
- [Catalyst Links](#)
- [Privacy Policy](#)
- [Site Admin](#)

Exhibit 5

Wilsonville Real Estate for Sale

Wilsonville / Wilsonville Home Search

31 Results



16 Photos

\$3,995,000

30000 SW 35TH DR Wilsonville, OR 97070

Single Family Home

5 Beds 6 Baths
11,111 sqft 2,700,720 sqft Lot 62 Acres

Neighborhood: Tigard

[View Details](#)



25 Photos

\$3,400,000

24968 Southwest Quarryview Drive Wilsonville, OR 97070

Single Family Home

4 Beds 6 Baths 4+ Car Garage
7,934 sqft 209,524 sqft Lot 4.81 Acres

Neighborhood: CLAOA

[View Details](#)



16 Photos

\$1,998,000

16880 SW WILSONVILLE RD Wilsonville, OR 97070

Single Family Home

5 Beds 6.5 Baths
7,346 sqft 115,870 sqft Lot 2.66 Acres

Neighborhood: Tigard Subdivision: WILLAMETTE RIVER

[View Details](#)



Price Reduced

16 Photos

\$869,000

31090 SW COUNTRY VIEW LOOP Wilsonville, OR 97070

Single Family Home

5 Beds 4.5 Baths
5,269 sqft 7,841 sqft Lot 0.18 Acres

Neighborhood: Tigard

Reduced by \$10,000 (1.14%) on 02/19/16

[View Details](#)

Exhibit 6



31 Photos

\$749,000

26717 SW COLVIN LN Wilsonville, OR 97070

Single Family Home

3 Beds

3.5 Baths

3,776 sqft

6,098 sqft Lot

0.14 Acres

Neighborhood: Tigard

[View Details](#)



20 Photos

\$589,900

7936 SW SUMMERTON ST Wilsonville, OR 97070

Single Family Home

4 Beds

2.5 Baths

3,313 sqft

5,227 sqft Lot

0.12 Acres

Neighborhood: Tigard

[View Details](#)



16 Photos

\$589,000

32480 SW LAKE POINT CT Wilsonville, OR 97070

Single Family Home

2 Beds

2.5 Baths

2,500 sqft

6,534 sqft Lot

0.15 Acres

Neighborhood: Tigard

Reduced by \$10,400 (1.74%) on 03/12/16

[View Details](#)



32 Photos

\$578,000

12127 SW GRENOBLE ST Wilsonville, OR 97070

Single Family Home

4 Beds

3 Baths

3,082 sqft

6,098 sqft Lot

0.14 Acres

Neighborhood: Tigard Subdivision: VILLEBOIS

[View Details](#)



25 Photos

\$519,900

11663 SW GRENOBLE ST Wilsonville, OR 97070

Single Family Home

4 Beds

3 Baths

2,899 sqft

6,098 sqft Lot

0.14 Acres

Neighborhood: Tigard Subdivision: Villebois

[View Details](#)



24 Photos

\$510,000

28501 SW Meadows Lp Wilsonville, OR 97070

Single Family Home

4 Beds

2.5 Baths

3 Car Garage

2,812 sqft

6,970 sqft Lot

0.16 Acres

[View Details](#)

1 2 3 4 »



Oregon Real Estate, REALTOR®
Specializing in Wilsonville
Email: available@househunt.com
Office: 888-832-2244



The listing data, photos and other data related to real estate for sale on this website are distributed by Listhub, Inc. The accuracy of this information is deemed reliable but is not guaranteed.

© Copyright 1995 - 2016 <http://www.wilsonvillehomes4sale.com/>

Wilsonville Real Estate for Sale

Wilsonville / Wilsonville Home Search

31 Results



\$499,900

31300 SW COUNTRY VIEW LN Wilsonville, OR 97070

Single Family Home

4 Beds

3.5 Baths

2,965 sqft

10,454 sqft Lot

0.24 Acres

Neighborhood: Tigard Subdivision: Charbonneau
Reduced by \$25,100 (4.78%) on 03/04/16

[View Details](#)



\$490,000

11659 SW GRENOBLE ST Wilsonville, OR 97070

Single Family Home

3 Beds

2.5 Baths

2,591 sqft

6,098 sqft Lot

0.14 Acres

Neighborhood: Tigard

[View Details](#)



\$479,900

29303 SW CHARLOTTE LN Wilsonville, OR 97070

Single Family Home

4 Beds

3 Baths

2,862 sqft

3,485 sqft Lot

0.08 Acres

Neighborhood: Tigard Subdivision: VILLEBOIS

[View Details](#)



\$459,000

7070 SW FALLEN LEAF ST Wilsonville, OR 97070

Single Family Home

5 Beds

3 Baths

2,679 sqft

4,792 sqft Lot

0.11 Acres

Neighborhood: Tigard Subdivision: ARBOR CROSSING

[View Details](#)



\$415,000

6920 SW BOECKMAN RD Wilsonville, OR 97070

Single Family Home

3 Beds **2.5 Baths**
1,687 sqft 13,068 sqft Lot 0.3 Acres

Neighborhood: Tigard

[View Details](#)



\$408,000

29861 SW Camelot St Wilsonville, OR 97070

Single Family Home

3 Beds **2.5 Baths** **2 Car Garage**
2,249 sqft 7,405 sqft Lot 0.17 Acres

Subdivision: Park at Merryfield

[View Details](#)



\$375,000

29170 SW ORLEANS AVE Wilsonville, OR 97070

Single Family Home

3 Beds **2.5 Baths**
1,703 sqft 3,049 sqft Lot 0.07 Acres

Neighborhood: Tigard Subdivision: VILLEBOIS

[View Details](#)



\$374,900

32074 SW CHARBONNEAU DR 10E Wilsonville, OR 97070

Single Family Home

2 Beds **3 Baths**
2,036 sqft

Neighborhood: Tigard Subdivision: CHARBONNEAU

[View Details](#)



\$349,900

11791 SW BARBER ST Wilsonville, OR 97070

Single Family Home

4 Beds

2.5 Baths

1,642 sqft

1,742 sqft Lot

0.04 Acres

Neighborhood: Tigard

[View Details](#)



\$339,900

11234 SW Barber St Wilsonville, OR 97070

Single Family Home

3 Beds

2.5 Baths

2 Car Garage

1,698 sqft

2,178 sqft Lot

0.05 Acres

Subdivision: Polygon NW at Villebois

Reduced by \$100 (0.03%) on 03/14/16

[View Details](#)

« 1 2 3 4 »



Oregon Real Estate, REALTOR®
Specializing in Wilsonville
Email: available@househunt.com
Office: 888-832-2244



The listing data, photos and other data related to real estate for sale on this website are distributed by Listhub, Inc. The accuracy of this information is deemed reliable but is not guaranteed.

© Copyright 1995 - 2016 http://www.wilsonvillehomes4sale.com/

Wilsonville Real Estate for Sale

Wilsonville / Wilsonville Home Search

31 Results



\$320,000

28067 SW MORGAN ST Wilsonville, OR 97070

Single Family Home

4 Beds

2.5 Baths

1,766 sqft

5,227 sqft Lot

0.12 Acres

Neighborhood: Tigard

[View Details](#)



\$319,000

7975 SW TENNIS CT Wilsonville, OR 97070

Single Family Home

3 Beds

1.5 Baths

1,188 sqft

14,375 sqft Lot

0.33 Acres

Neighborhood: Tigard

Reduced by \$6,000 (1.85%) on 03/05/16

[View Details](#)



\$300,000

0 SW Bruck LN Wilsonville, OR 97070

Single Family Home **15 Acres**

653,400 sqft

lot

Neighborhood: Tigard

[View Details](#)



\$298,000

9355 SW 5TH ST Wilsonville, OR 97070

Single Family Home

2 Beds

2 Baths

1,344 sqft

6,098 sqft Lot

0.14 Acres

Neighborhood: Tigard Subdivision: OLD TOWN

[View Details](#)



\$279,900

8260 SW WOODBRIDGE CT Wilsonville, OR 97070

Townhome or Condo

2 Beds 1.5 Baths

1,176 sqft

Neighborhood: Tigard Subdivision: CHARBONNEAU

[View Details](#)



\$270,000

8270 SW MAXINE LN 51 Wilsonville, OR 97070

Single Family Home

2 Beds 2.5 Baths

1,338 sqft

Neighborhood: Tigard Subdivision: ASH MEADOWS

[View Details](#)



\$270,000

8270 SW MAXINE LN 47 Wilsonville, OR 97070

Single Family Home

2 Beds 2.5 Baths

1,346 sqft

Neighborhood: Tigard Subdivision: ASH MEADOWS

[View Details](#)



\$270,000

8324 SW MAXINE LN 46 Wilsonville, OR 97070

Single Family Home

2 Beds 2.5 Baths

1,338 sqft 1,307 sqft Lot 0.03 Acres

Neighborhood: Tigard

[View Details](#)



\$265,000 8270 SW MAXINE LN 49 Wilsonville, OR 97070

Single Family Home
 2 Beds 2.5 Baths
 1,338 sqft

Neighborhood: Tigard Subdivision: ASH MEADOWS

[View Details](#)

5 Photos



\$265,000 8270 SW MAXINE LN 50 Wilsonville, OR 97070

Single Family Home
 2 Beds 2.5 Baths
 1,346 sqft

Neighborhood: Tigard Subdivision: ASH MEADOWS

[View Details](#)

5 Photos

« 1 2 **3** 4 »



Oregon Real Estate, REALTOR®
 Specializing in Wilsonville
 Email: available@househunt.com
 Office: 888-832-2244



The listing data, photos and other data related to real estate for sale on this website are distributed by Lishub, Inc. The accuracy of this information is deemed reliable but is not guaranteed.

© Copyright 1995 - 2016 <http://www.wilsonvillehomes4sale.com/>

CANYON CREEK SOUTH 14-LOT SUBDIVISION

14 LOT SUBDIVISION
 NW 1/4 SECTION 13, T. 3S, R. 1W, W.M.
 CITY OF WILSONVILLE, OREGON

LEGEND

	LANDSCAPE HEDGE
	FLOW LINE
	FENCE
	EXISTING MAJOR CONTOUR LINE
	EXISTING MINOR CONTOUR LINE
	PROPOSED MAJOR CONTOUR LINE
	PROPOSED MINOR CONTOUR LINE
	SIGNIFICANT RESOURCE OVERLAY ZONE (SROZ)
	SANITARY SEWER LINE
	STORM DRAIN LINE
	GAS LINE
	WATER LINE
	OVERHEAD UTILITIES LINE
	UNDERGROUND UTILITIES LINE
	COMMUNICATIONS LINE
	ELECTRIC LINE
	FIRE HYDRANT
	AIR RELEASE
	WATER BLOWOFF
	WATER METER/SERVICE
	WATER VAULT
	IRRIGATION SPRINKLER HEAD
	CULVERT / OUTFALL
	STORM DRAIN MANHOLE
	CATCH BASIN / AREA DRAIN
	SANITARY SEWER MANHOLE
	UTILITY MANHOLE
	UTILITY CLEAN OUT
	UTILITY VALVE
	UTILITY POLE
	UTILITY GUY POLE
	UTILITY GUY WIRE
	UTILITY/LIGHT POLE
	LIGHT POLE
	LIGHT POLE WITH ARM
	LIGHT SIGNAL JUNCTION BOX
	JUNCTION BOX
	ELECTRIC METER/SERVICE
	ELECTRIC PEDESTAL
	ELECTRIC VAULT
	TELEPHONE MANHOLE
	COMMUNICATIONS PEDESTAL
	COMMUNICATIONS VAULT
	GAS METER/SERVICE
	GAS PEDESTAL
	DECIDUOUS TREE
	EVERGREEN TREE
	SIGN POST
	MAILBOX
	SIDEWALK TO BE INSTALLED AT TIME OF STREET CONSTRUCTION

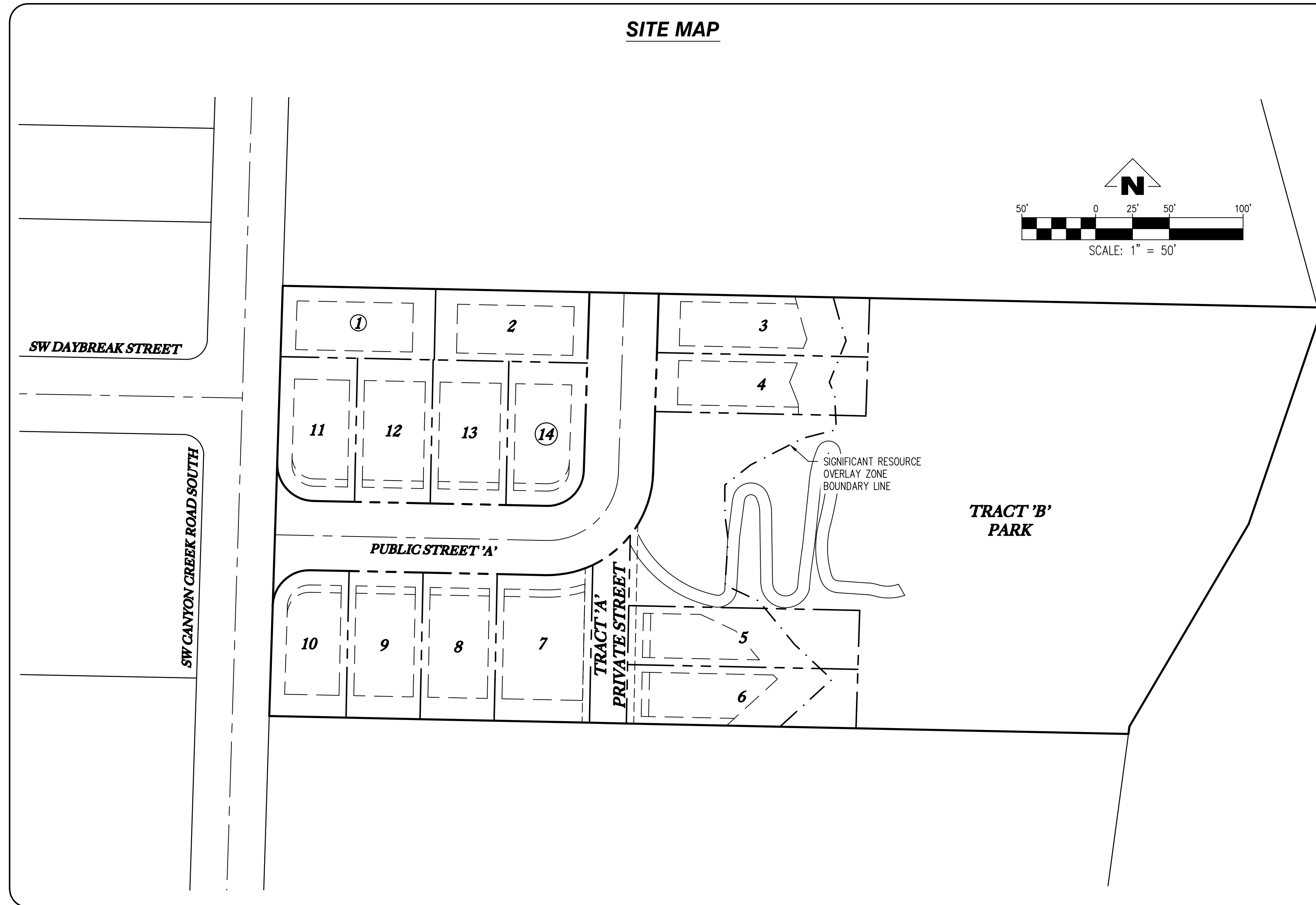
ENGINEER'S NOTE TO CONTRACTOR

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

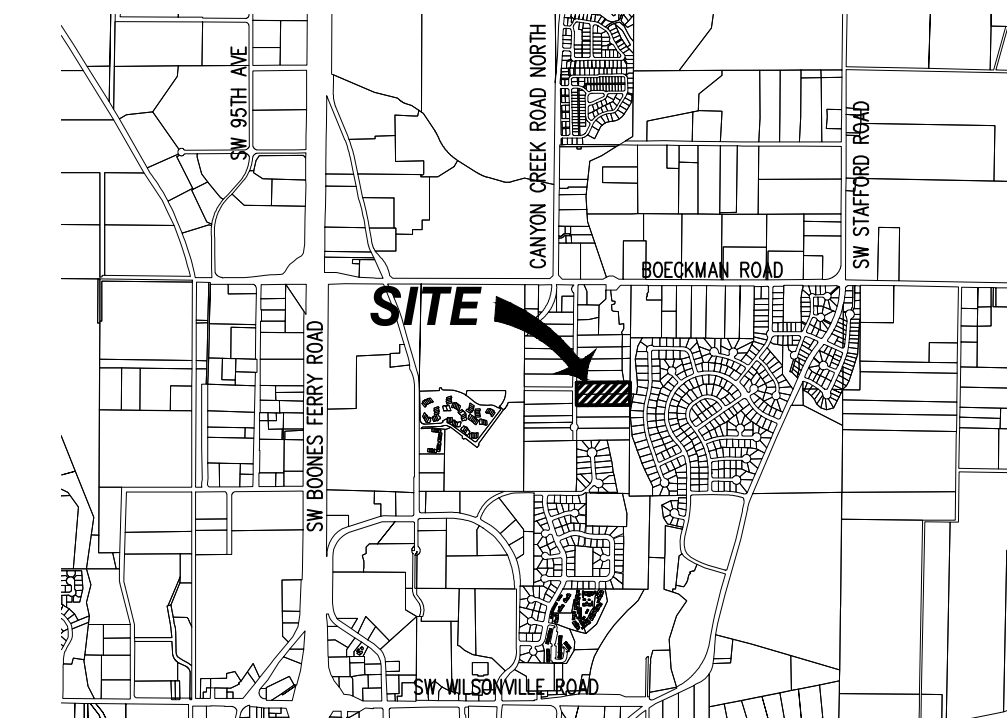
THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

SITE MAP



VICINITY MAP



DRAWING INDEX

Sheet Number	Sheet Title
1	COVER SHEET
2	EXISTING CONDITIONS MAP
3	PRELIMINARY PLAT
4	PRELIMINARY GRADING PLAN
5	STREET 'A' PLAN AND PROFILE
6	PRIVATE STREET PLAN AND PROFILE
7	PRELIMINARY STORM WATER AND UTILITIES PLAN
8	TREE PRESERVATION AND REMOVAL PLAN
L1	STREET TREES
L2	PARK PLANTING

PROJECT CONTACTS

APPLICANT:

SAMM-MILLER LLC
 10211 SW BARBER ST.
 WILSONVILLE, OR 97070

LAND USE, CIVIL ENGINEER AND SURVEYOR:

EMERIO DESIGN, LLC
 8285 SW NIMBUS AVE., STE. 180
 BEAVERTON, OR 97008
 LAND USE CONTACT: ANNE MARIE SKINNER
 ENGINEER CONTACT: ERIC EVANS
 SURVEYOR CONTACT: KING PHELPS
 (503) 746-8812 (P)
 (503) 639-9592 (F)

OWNERS:

BETH ANN BOECKMAN
 28500 SW CANYON CREEK RD S
 WILSONVILLE, OR 97070
 AND
 MARVIN AND KAREN LEWALLEN
 28530 SW CANYON CREEK RD S
 WILSONVILLE, OR 97070

SITE DATA

AREA:	4.37 Ac.
PROPOSED ZONING:	PDR-3
TAX MAP:	31W13B
TAX LOTS:	09000 AND 01000
NO. OF LOTS:	14

THIS DESIGN COMPLIES WITH ORS 92.044 (7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE (1) FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN EXCEPTIONS NOT FINAL FIELD LOCATION CHANGES SHALL BE PERMITTED IF THAT CHANGE WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN THE PROHIBITED AREA.

BENCHMARK INFORMATION

VERTICAL DATUM IS BASED ON NAVD 88 (GEOID 2012A) BASED ON (RTK) CORRECTIONS FROM THE OREGON STATE REFERENCE NETWORK.

DATUM = NAVD 88

NOTICE TO EXCAVATORS:

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.
 (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

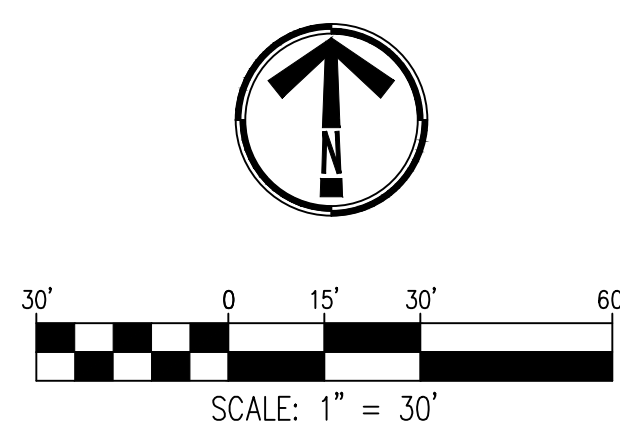
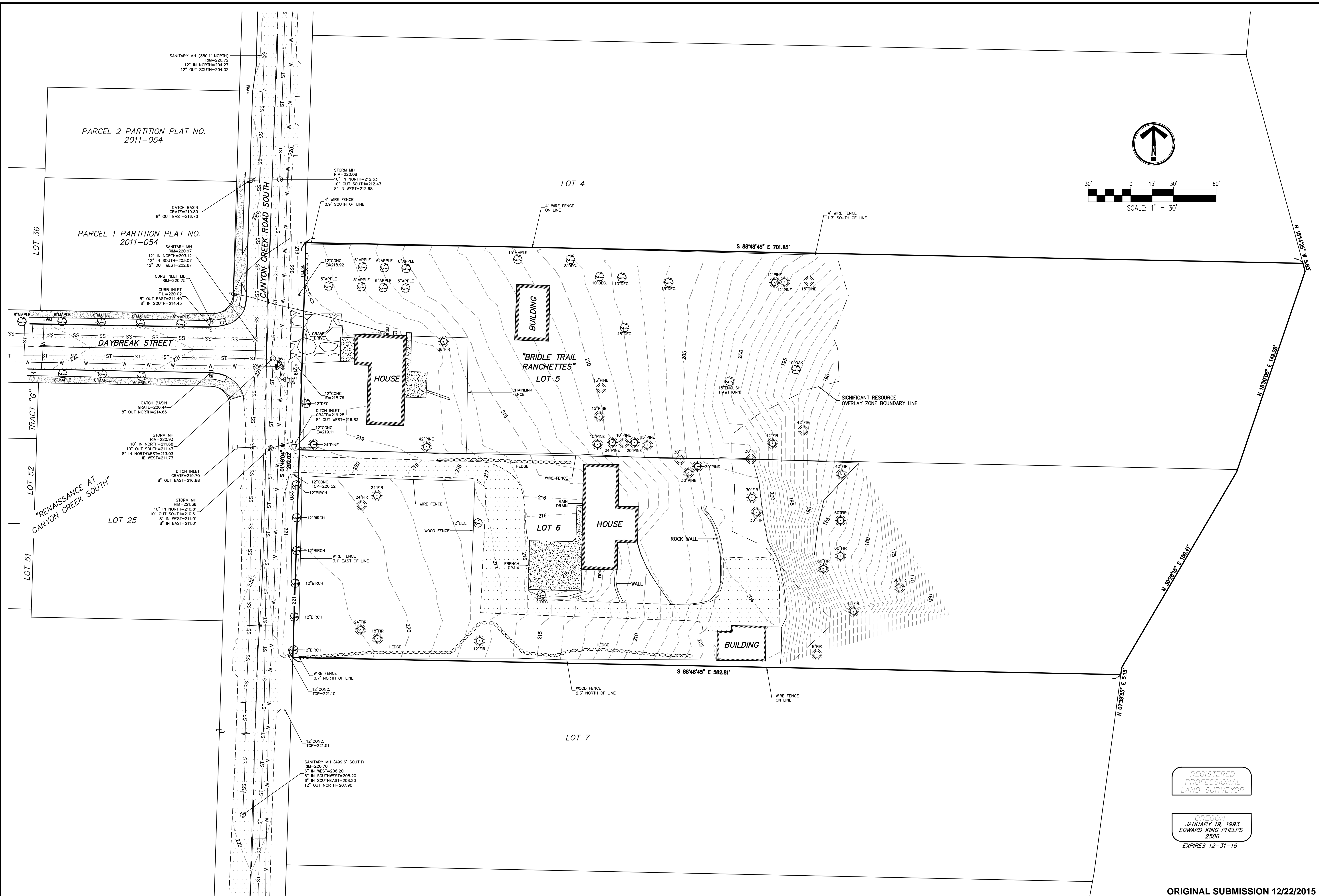
Dig Safely.

Call the Oregon One-Call Center
 DIAL 811 or 1-800-332-2344

EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS	503-226-4211 Ext.4313
M-F 7am-6pm	
AFTER HOURS	503-226-4211
PGE	503-464-7777
CENTURY LINK	1-800-491-0118
FRONTIER	1-800-921-8101
CLEAN WATER SERVICES	503-681-3600
CITY OF TIGARD PUBLIC WORKS	503-718-2591

NO.	DATE	DESCRIPTION
1	1/26/16	REVISIONS FROM INCOMPLETE LETTER DATED 1/21/16
2	3/18/16	REDUCED NUMBER OF LOTS FROM 15 TO 14



CANYON CREEK SUBDIVISION
 TAX LOTS 0900 AND 01000
 TAX MAP 31W13B
 NW 1/4 OF SEC. 13, T.3S R.1W W.M.
 WILSONVILLE, OREGON

**EXISTING CONDITIONS
 MAP**

NO.	DATE	DESCRIPTION
1	1/26/16	REVISIONS FROM INCOMPLETE LETTER DATED 1/21/16
2	3/18/16	REDUCED NUMBER OF LOTS FROM 15 TO 14

EMERIO
Design

8285 SW ANIBUS AVE, SUITE 180
 BEAVERTON, OREGON 97008
 PHONE: (503) 639-9592
 FAX: (503) 639-9592
 www.emeriodesign.com

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JANUARY 19, 1993
 EDWARD KING PHELPS
 2586
 EXPIRES 12-31-16

SHEET
2
 OF
8

ORIGINAL SUBMISSION 12/22/2015

FILED: \Projects\500-015 Canyon Creek South.dwg from 500-015_02topo Layout: 2 EXISTING CONDITIONS MAP, Plot Date: 3/20/2016 1:48 PM, by: ddog

PRELIMINARY PLAT

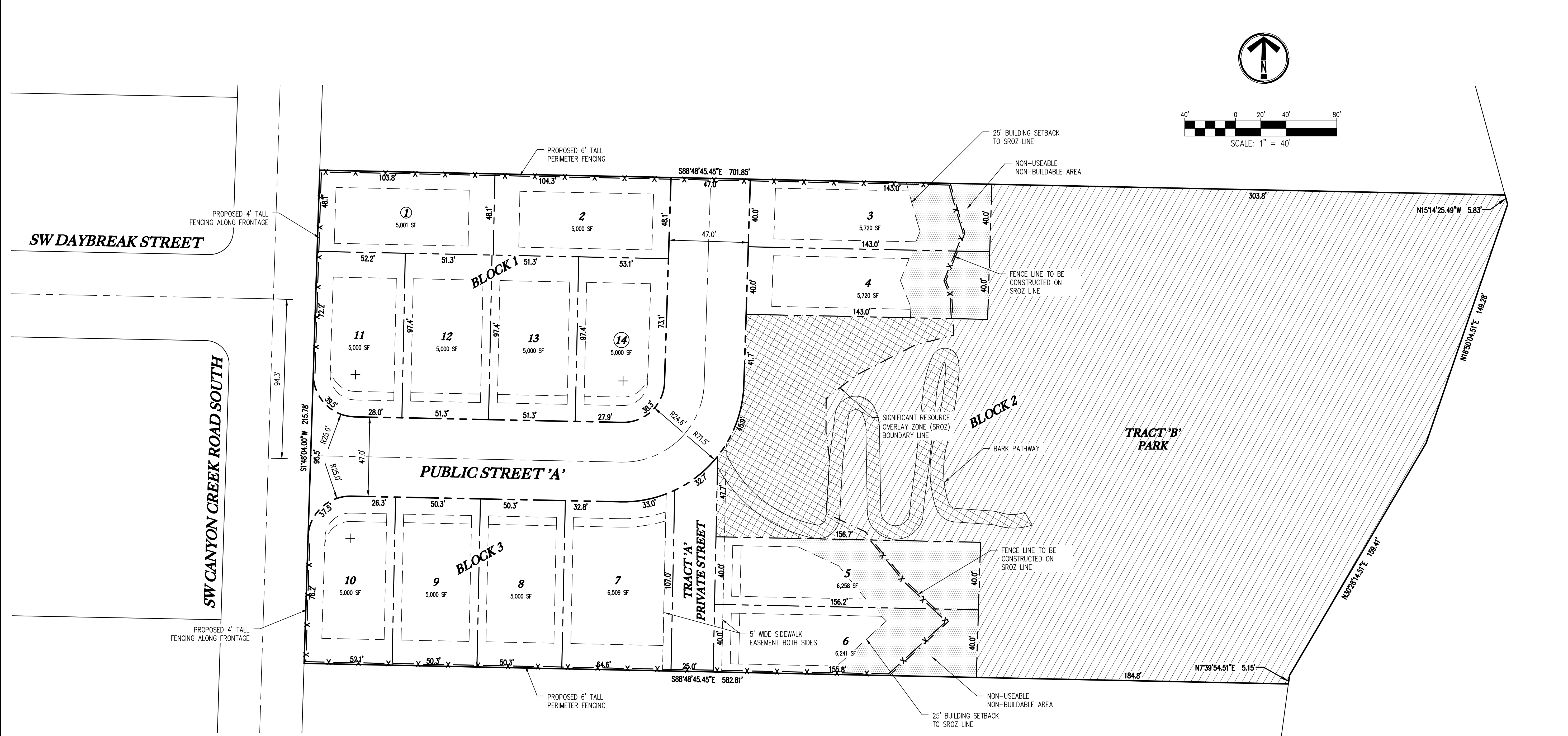
NO.	DATE	DESCRIPTION
1	1/26/16	REVISIONS FROM INCOMPLETE LETTER DATED 1/21/16
2	3/18/16	REDUCED NUMBER OF LOTS FROM 15 TO 14

EMERIO
Design

8265 SW ANNIS AVE, SUITE 180
 BEAVERTON, OREGON 97008
 PHONE: (503) 639-9992
 FAX: (503) 639-9992
 www.emeriodesign.com

PRELIMINARY
 NOT FOR
 CONSTRUCTION

FILE D:\Projects\500-015 Canyon Creek South\dwg\plan\500-015_03.plt, Layout: 3 PRELIMINARY PLAT, Plot Date: 3/20/2016 1:48 PM, by: ddog



LEGEND

- RESIDENTIAL CONSERVATION EASEMENT ON LOTS 3, 4, 5 AND 6
- NON USABLE AREA
- USABLE AREA

TRACT 'B' DATA

USABLE AREA: 0.30 ACRES (12,979.4 SQ. FT.)
 NON-USABLE AREA: 1.86 ACRES (80,804.7 SQ. FT.)
 TOTAL AREA: 2.15 ACRES (93,784.1 SQ. FT.)

PARCEL DATA

AREA: 4.37 Ac.
 PROPOSED ZONING: PDR-3
 TAX MAP: 31W13B
 TAX LOTS: 09000 AND 01000
 NO. OF LOTS: 14

MINIMUM SETBACKS

FRONT: 15'
 OPEN FRONT PORCH: 10'
 SIDE: 5'
 (REQUESTING WAIVER FROM 7' TO 5' FOR LOTS 3-14 AND SOUTH SIDE ONLY FOR LOTS 1 AND 2)
 STREET SIDE: 10'
 GARAGE DOOR: 20'
 REAR: 15' SINGLE STORY
 20' TWO OR MORE STORIES
 MAX HEIGHT: 35'
 MAX LOT COVERAGE: 50%

10' NORTH SIDE SETBACK FOR LOTS 1 AND 2
 5' SOUTH SIDE SETBACK FOR LOTS 1 AND 2

SITE DATA

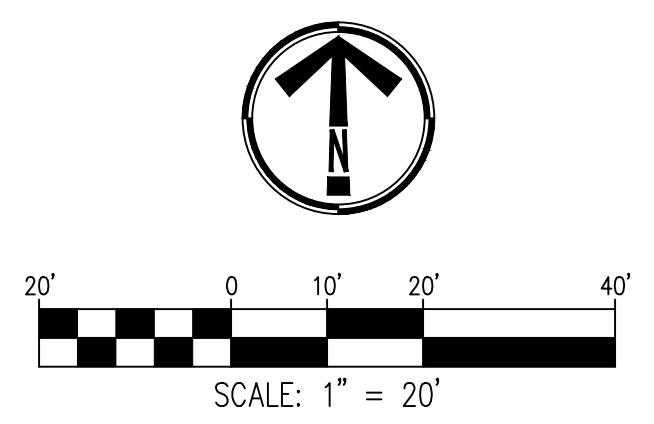
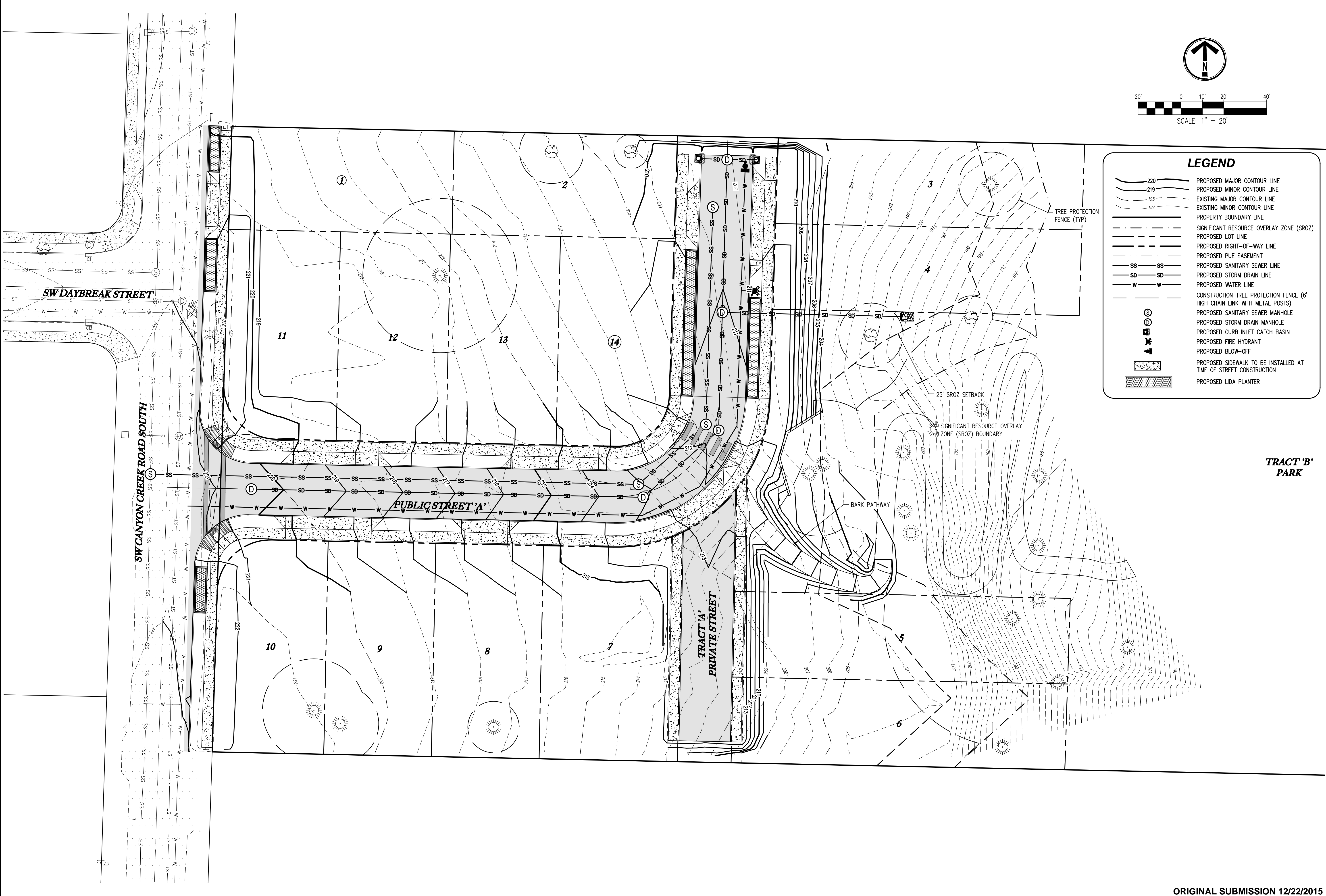
ZONE: PDR-3

TOTAL SITE AREA: 4.37 ACRES (190,357.2 SQ. FT.)
 PUBLIC/PRIVATE STREET: 0.48 ACRES (21,041.8 SQ. FT.)
 SROZ AREA: 2.04 ACRES (89,006.1 SQ. FT.)

14 LOTS
 MINIMUM LOT SIZE: 5,000 SQ. FT.
 MAXIMUM LOT SIZE: 6,509 SQ. FT.
 AVG. LOT SIZE: 5,389.2 SQ. FT.

NOTES:

- SW CANYON CREEK ROAD SOUTH AND SW DAYBREAK STREET ARE PUBLIC STREETS UNDER THE JURISDICTION OF THE CITY OF WILSONVILLE. THE PROPOSED PUBLIC STREET 'A' WILL ALSO BE UNDER WILSONVILLE'S JURISDICTION.
- FOLLOWING PLANNING APPROVAL AND PREPARATION AND APPROVAL OF REQUIRED CONSTRUCTION DRAWINGS THE FOLLOWING IMPROVEMENTS WILL BE INSTALLED: PUBLIC STREET 'A', PRIVATE STREET, SIDEWALKS ALONG ALL STREET FRONTAGES, TREE PLANTINGS AND LANDSCAPING SHOWN ON THE LANDSCAPING PLAN, AMENITIES IN PARK AS SHOWN ON LANDSCAPING PLAN AND BARK PATHWAY, ASSOCIATED UTILITIES.
- UNDERGROUND INSTALLATION OF UTILITIES SHALL TAKE PLACE IN ACCORDANCE WITH WILSONVILLE'S CODE REQUIREMENTS.
- CROSSWALKS (WHERE A PATHWAY CROSSES A PARKING AREA OR DRIVEWAY) SHALL BE CLEARLY MARKED WITH CONTRASTING PAINT OR PAVING MATERIALS (e.g. PAVERS, LIGHT-COLOR CONCRETE INLAY BETWEEN ASPHALT, OR SIMILAR CONTRAST).
- ALL STREET TREE PLACEMENT SHALL MEET THE STANDARDS OF PUBLIC WORKS STANDARDS.



LEGEND

	PROPOSED MAJOR CONTOUR LINE
	PROPOSED MINOR CONTOUR LINE
	EXISTING MAJOR CONTOUR LINE
	EXISTING MINOR CONTOUR LINE
	PROPERTY BOUNDARY LINE
	SIGNIFICANT RESOURCE OVERLAY ZONE (SROZ)
	PROPOSED LOT LINE
	PROPOSED RIGHT-OF-WAY LINE
	PROPOSED PUE EASEMENT
	PROPOSED SANITARY SEWER LINE
	PROPOSED STORM DRAIN LINE
	PROPOSED WATER LINE
	CONSTRUCTION TREE PROTECTION FENCE (6' HIGH CHAIN LINK WITH METAL POSTS)
	PROPOSED SANITARY SEWER MANHOLE
	PROPOSED STORM DRAIN MANHOLE
	PROPOSED CURB INLET CATCH BASIN
	PROPOSED FIRE HYDRANT
	PROPOSED BLOW-OFF
	PROPOSED SIDEWALK TO BE INSTALLED AT TIME OF STREET CONSTRUCTION
	PROPOSED LIDA PLANTER

TRACT 'B' PARK

CANYON CREEK SUBDIVISION
TAX LOTS 0900 AND 01000
TAX MAP 31W13B
NW 1/4 OF SEC. 13, T.3S R.1W W.M.
WILSONVILLE, OREGON
 CANYON CREEK ROAD SOUTH SUBDIVISION 500-015

PRELIMINARY GRADING PLAN

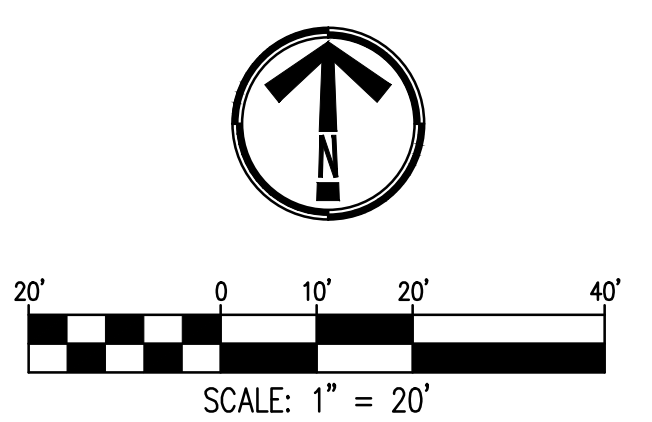
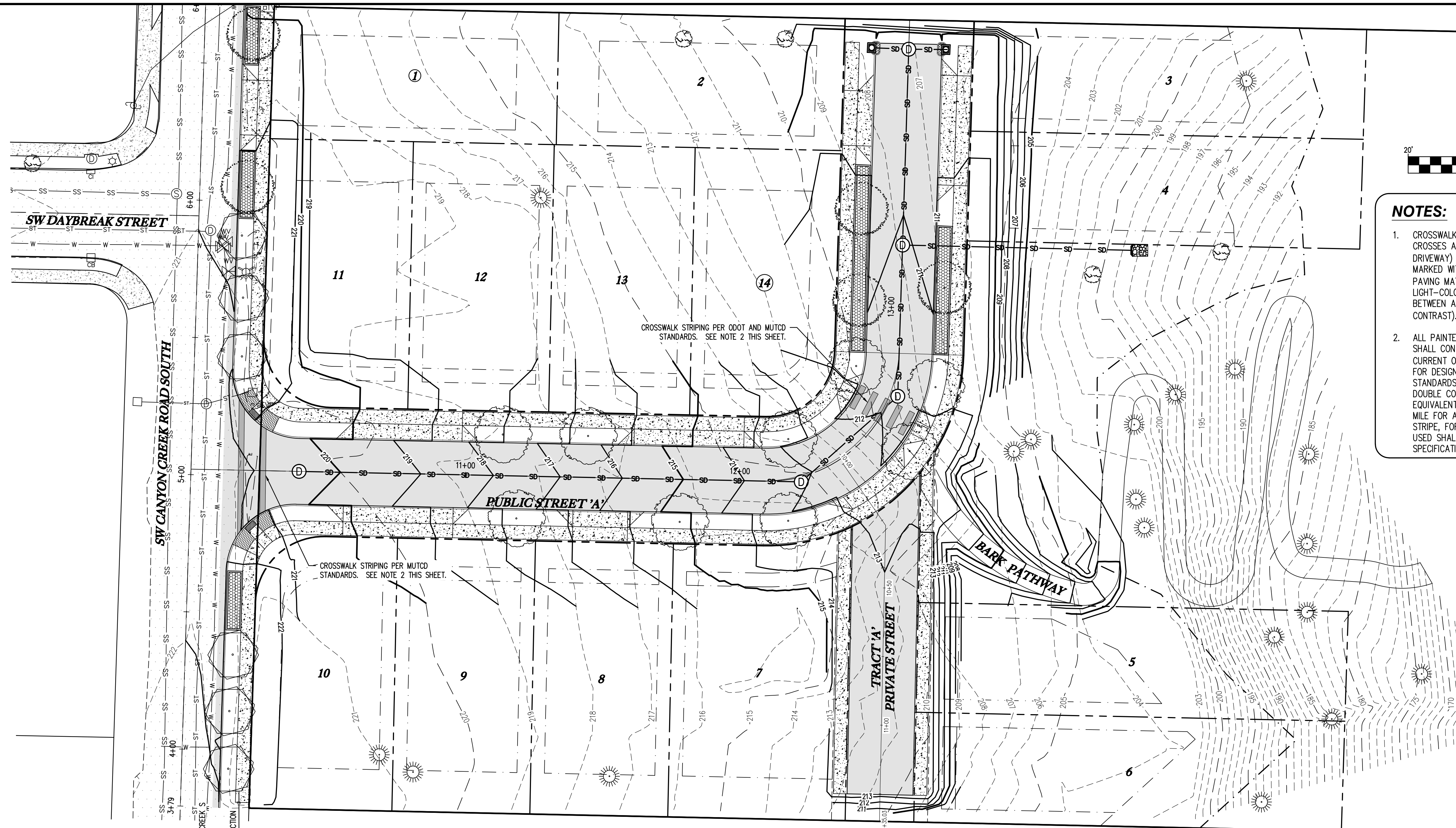
REVISIONS	
NO.	DESCRIPTION
1	DATE 1/26/16 DESCRIPTION FROM INCOMPLETE LETTER DATED 1/21/16
2	DATE 3/18/16 DESCRIPTION REDUCED NUMBER OF LOTS FROM 15 TO 14

EMERIO Design
 8285 SW NIMBUS AVE, SUITE 180
 BEAVERTON, OREGON 97008
 PHONE: (503) 639-9992
 FAX: (503) 639-9992
 www.emeriodesign.com

PRELIMINARY NOT FOR CONSTRUCTION

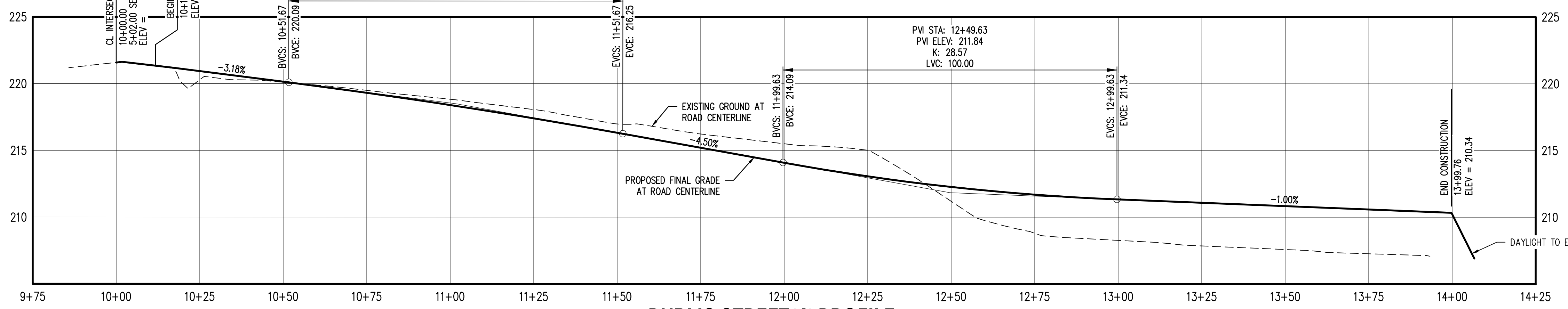
SHEET **4** OF **8**

FILED: \Projects\500-015 Canyon Creek South\dwg\plan\500-015_04gradr PLAN, Plot Date: 3/20/2016 1:49 PM, by: dawg



- NOTES:**
- CROSSWALKS (WHERE A PATHWAY CROSSES A PARKING AREA OR DRIVEWAY) SHALL BE CLEARLY MARKED WITH CONTRASTING PAINT OR PAVING MATERIALS (e.g. PAVERS, LIGHT-COLOR CONCRETE INLAY BETWEEN ASPHALT, OR SIMILAR CONTRAST).
 - ALL PAINTED PAVEMENT MARKINGS SHALL CONFORM TO THE MOST CURRENT ODOT/APWA STANDARDS FOR DESIGN AND CONSTRUCTION STANDARDS. ALL PAINT SHALL BE DOUBLE COATED AT 15-MILS WET, EQUIVALENT TO 17-GALLONS PER MILE FOR A 4-INCH WIDE SOLID STRIPE, FOR EACH COAT. PAINT USED SHALL MEET ODOT STANDARD SPECIFICATION 00865.

PUBLIC STREET 'A' PLAN
SCALE: 1"=20'



PUBLIC STREET 'A' PROFILE
SCALE: 1"=20' HORZ. 1"=5' VERT.

CANYON CREEK SUBDIVISION
TAX LOTS 0900 AND 01000
TAX MAP 31W13B
NW 1/4 OF SEC. 13, T.3S R.1W W.M.
WILSONVILLE, OREGON
CANYON CREEK ROAD SOUTH SUBDIVISION 500-015

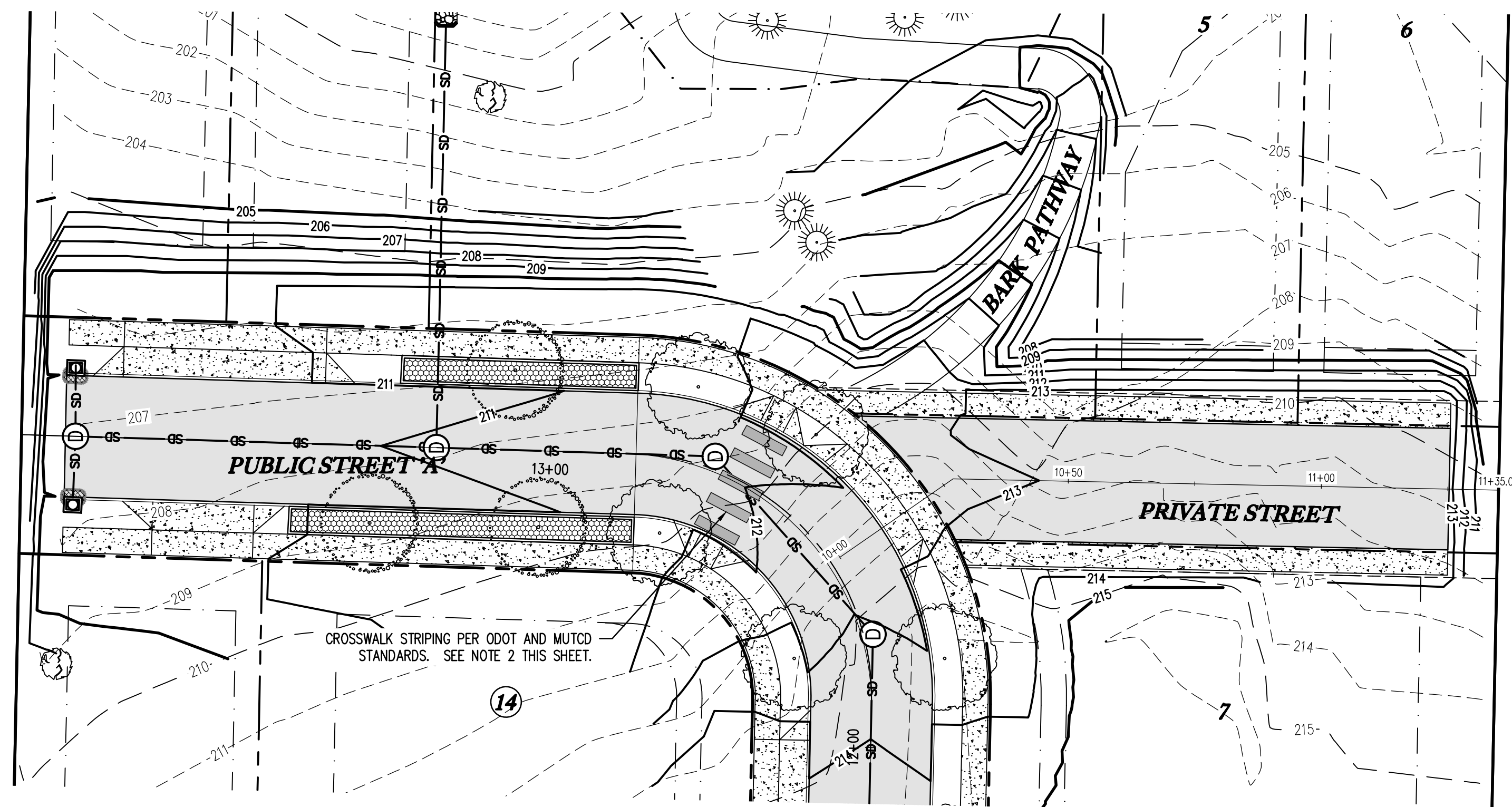
STREET 'A' PLAN AND PROFILE

NO.	DATE	DESCRIPTION
1	1/26/16	REVISIONS FROM INCOMPLETE LETTER DATED 1/21/16
2	3/18/16	REDUCED NUMBER OF LOTS FROM 15 TO 14

EMERIO Design
8285 SW NIMBUS AVE, SUITE 180
BEAVERTON, OREGON 97008
PHONE: (503) 639-9992
FAX: (503) 639-9992
www.emeriodesign.com

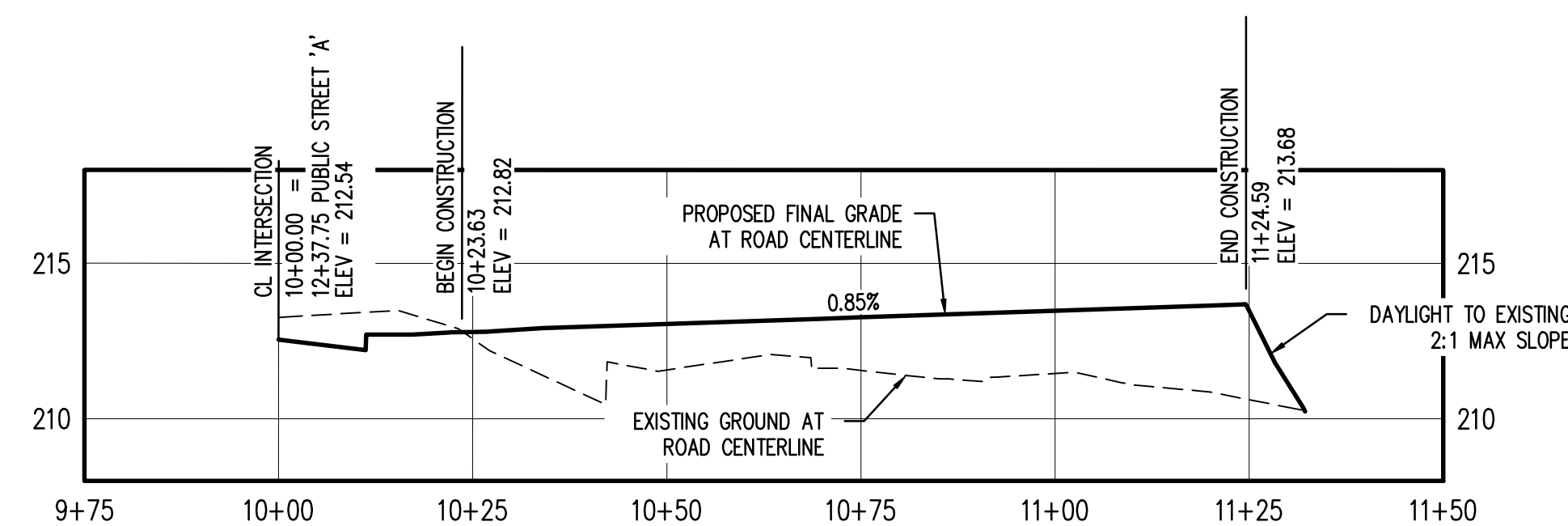
PRELIMINARY NOT FOR CONSTRUCTION

FILED: \Projects\500-015 Canyon Creek South\dwg\plan\500-015_05street_Profile.dwg Plot Date: 3/20/2016 1:50 PM by: ddog



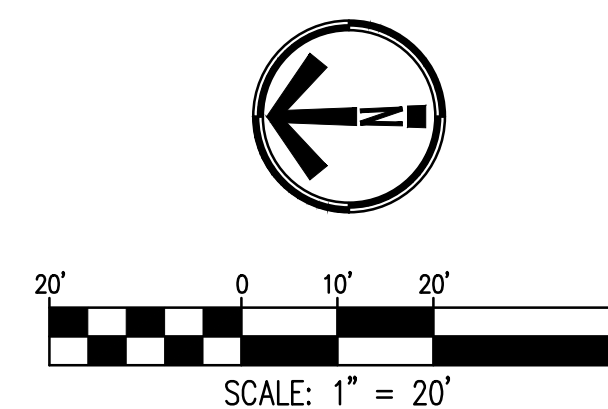
PRIVATE STREET PLAN

SCALE: 1" = 20'



PRIVATE STREET PROFILE

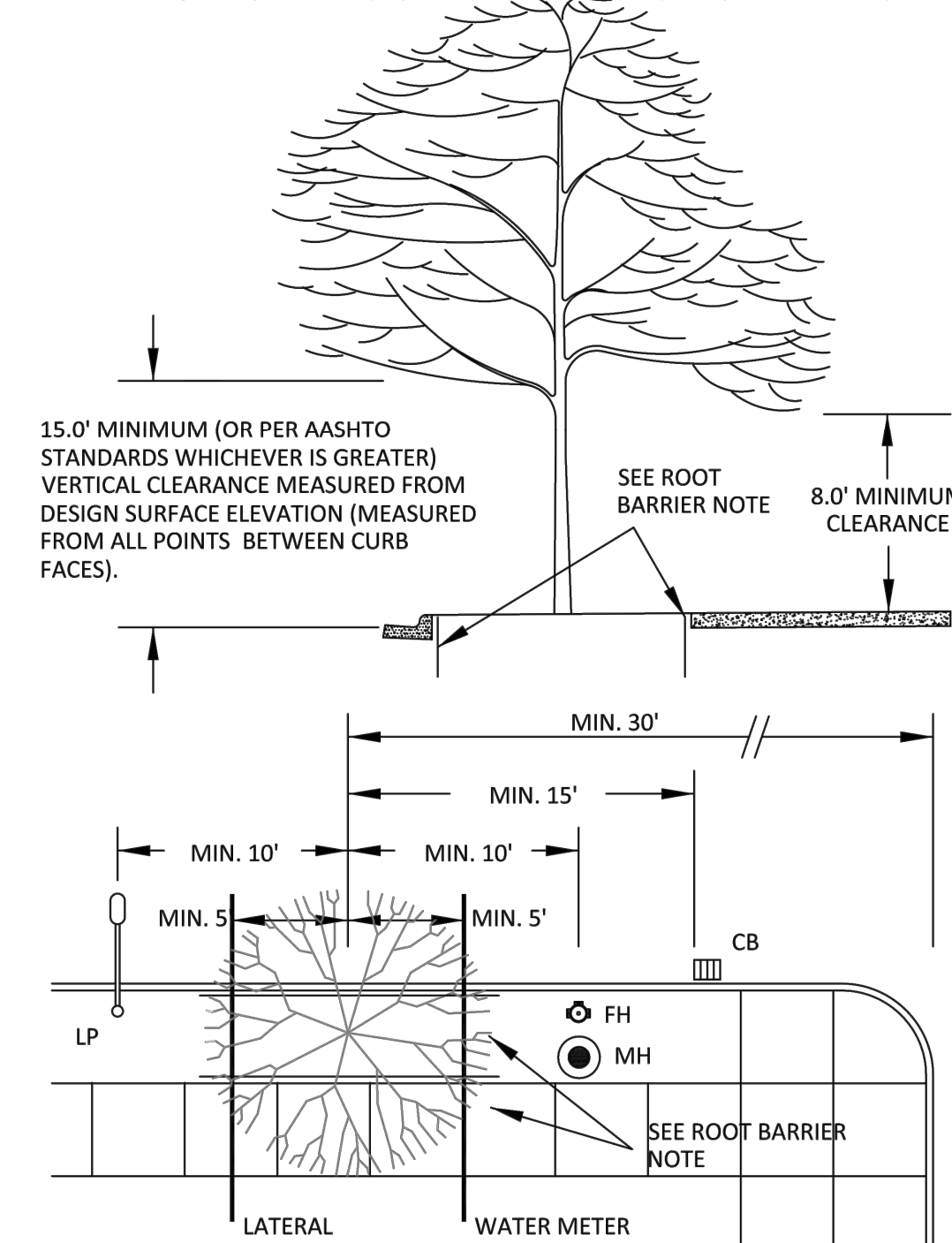
SCALE: 1" = 20' HORIZ. 1" = 5' VERT.



NOTES:

- CROSSWALKS (WHERE A PATHWAY CROSSES A PARKING AREA OR DRIVEWAY) SHALL BE CLEARLY MARKED WITH CONTRASTING PAINT OR PAVING MATERIALS (e.g. PAVERS, LIGHT-COLOR CONCRETE INLAY BETWEEN ASPHALT, OR SIMILAR CONTRAST).
- ALL PAINTED PAVEMENT MARKINGS SHALL CONFORM TO THE MOST CURRENT ODOT/APWA STANDARDS FOR DESIGN AND CONSTRUCTION STANDARDS. ALL PAINT SHALL BE DOUBLE COATED AT 15-MILS WET, EQUIVALENT TO 17-GALLONS PER MILE FOR A 4-INCH WIDE SOLID STRIPE, FOR EACH COAT. PAINT USED SHALL MEET ODOT STANDARD SPECIFICATION 00865.

This Detail Drawing may not be altered or changed in any manner except by the City Engineer. It is the responsibility of the user to acquire the most current version.



- NOTES:**
- 5' MINIMUM CLEARANCE FROM UNDERGROUND UTILITIES AND LATERALS. LANDSCAPE DESIGN OF TREES AND ENGINEERING DESIGN OF UNDERGROUND SERVICES SHALL BE COORDINATED.
 - TREES SHALL BE CENTERED BETWEEN CURB AND SIDEWALK.
 - CITY APPROVED ROOT BARRIER METHOD TO BE USED FOR ALL STREET TREES LOCATED WITHIN 8 FEET OF ALL CURBS AND SIDEWALKS. ROOT BARRIER SHALL EXTEND TO A DISTANCE OF 20" CENTERED WITH THE TREE BASE. BARRIER SHALL BE 2"-4" FROM CURB OR SIDEWALK AND EXTEND A MINIMUM OF 24" IN DEPTH.
 - WHEN TREES ARE WITHIN TREE WELLS, ROOT BARRIER SHALL BE PLACED ON ALL SIDES.
 - PARALLEL PARKING: LOCATE TREE BETWEEN ON-STREET PARKING SPACES. THIS LOCATION PRECLUDES DOORS OPENING ONTO TREES AND PASSENGERS EXITING IN CONFLICT WITH TREE PLACEMENT.
 - DIAGONAL PARKING: LOCATE TREE MINIMUM 3' AWAY FROM LEFT STALL LINE TOWARD THE CENTER OF THE PARKING SPACE. THIS LOCATION ATTEMPTS TO AVOID THE FRONT END OF THE PARKED CAR OVERHANGING THE CURB.

Street Tree Location and Clearances			CITY OF WILSONVILLE PUBLIC WORKS STANDARDS
DRAWING NUMBER: RD-1240	DRAWN BY: SR	SCALE: N.T.S.	
FILE NAME: RD-1240.DWG	APPROVED BY: NK	DATE: 12/31/14	

REVISIONS	
NO.	DATE
1	1/26/16
2	3/18/16

DESCRIPTION
REVISIONS FROM INCOMPLETE LETTER DATED 1/21/16
REDUCED NUMBER OF LOTS FROM 15 TO 14

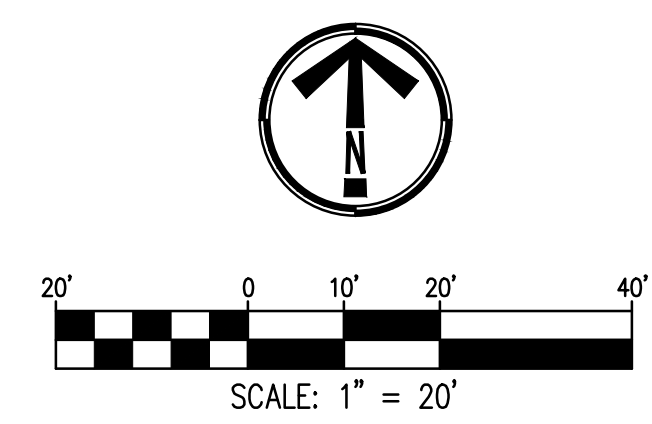
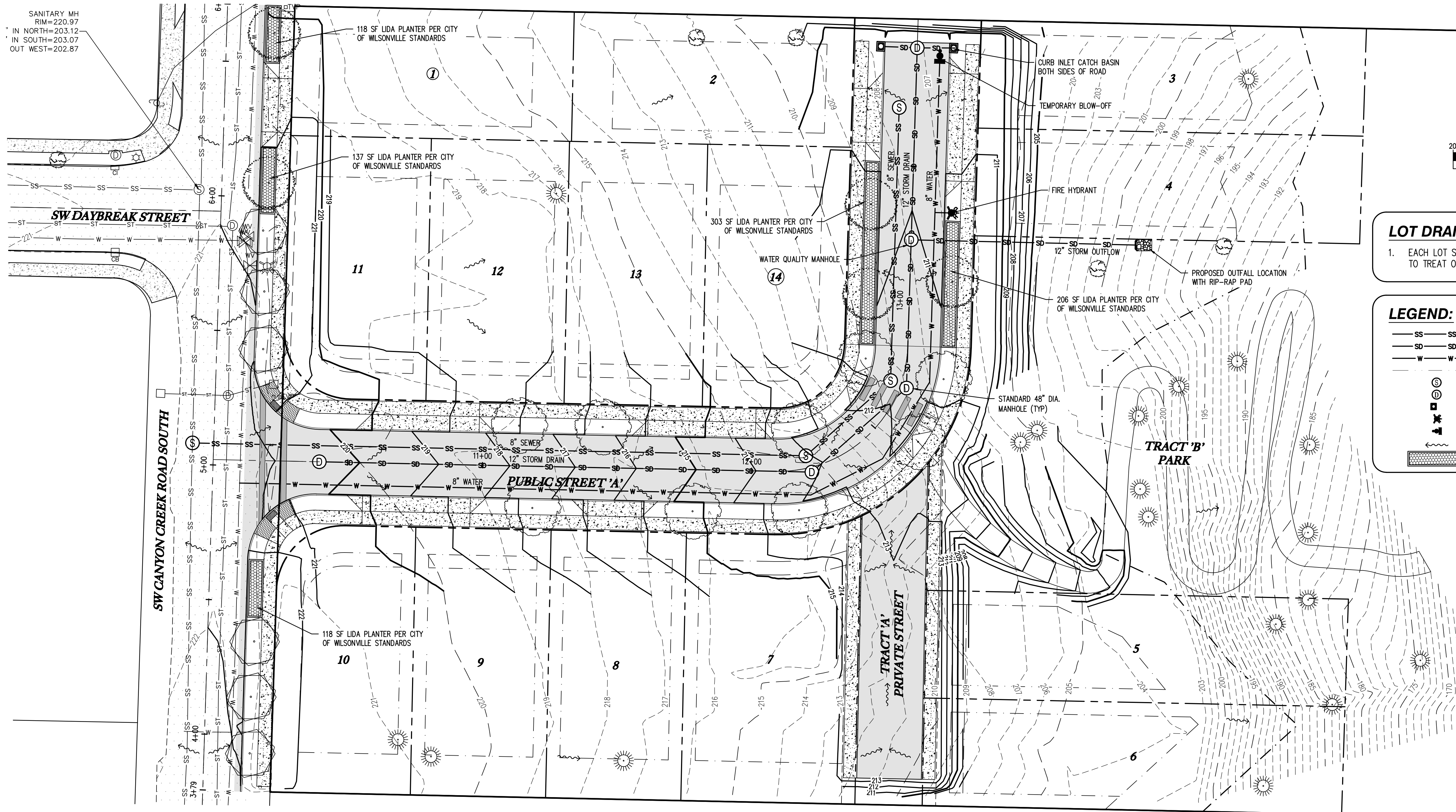
EMERIO Design
8285 SW NIMBUS AVE, SUITE 180
BEAVERTON, OREGON 97008
PHONE: (503) 639-9992
FAX: (503) 639-9992
www.emeriodesign.com

PRELIMINARY NOT FOR CONSTRUCTION

SHEET **6** OF **8**

CANYON CREEK SUBDIVISION
TAX LOTS 0900 AND 01000
TAX MAP 31W13B
NW 1/4 OF SEC. 13, T.3S R.1W W.M.
WILSONVILLE, OREGON

PRIVATE STREET PLAN AND PROFILE



LOT DRAINAGE NOTE:

1. EACH LOT SHALL HAVE AN ON SITE LIDA PLANTER TO TREAT ON SITE STORM DRAINAGE.

LEGEND:

—SS—SS—	PROPOSED SANITARY SEWER LINE
—SD—SD—	PROPOSED STORM DRAIN LINE
—W—W—	PROPOSED WATER LINE
—PUE—	PROPOSED PUE EASEMENT
⊙	PROPOSED SANITARY SEWER MANHOLE
⊙	PROPOSED STORM DRAIN MANHOLE
⊙	PROPOSED CURB INLET CATCH BASIN
⊙	PROPOSED FIRE HYDRANT
⊙	PROPOSED BLOW-OFF
→	STORM DRAINAGE FLOW DIRECTION
▨	LIDA PLANTER

PRELIMINARY STORM WATER PLAN
 SCALE: 1"=20'

CANYON CREEK SUBDIVISION
 TAX LOTS 0900 AND 01000
 TAX MAP 31W13B
 NW 1/4 OF SEC. 13, T.3S R.1W W.M.
 WILSONVILLE, OREGON
 CANYON CREEK ROAD SOUTH SUBDIVISION 500-015

PRELIMINARY STORM WATER AND UTILITIES PLAN

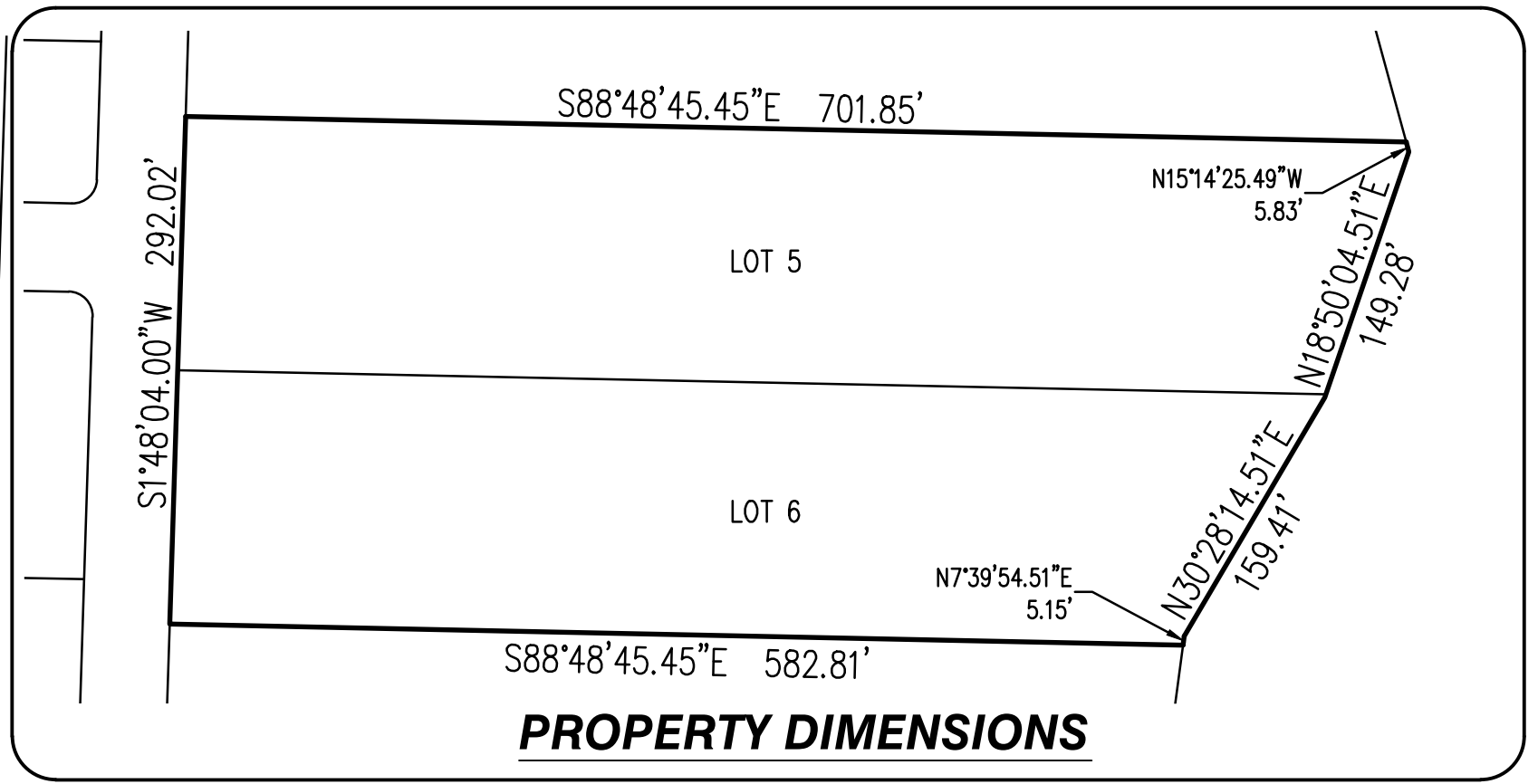
REVISIONS	
NO.	DESCRIPTION
1	DATE 1/26/16 DESCRIPTION FROM INCOMPLETE LETTER DATED 1/21/16
2	DATE 3/18/16 DESCRIPTION REDUCED NUMBER OF LOTS FROM 15 TO 14

EMERIO Design

8285 SW ANIBUS AVE, SUITE 180
 BEAVERTON, OREGON 97008
 PHONE: (503) 639-9992
 FAX: (503) 639-9992
 WWW.EMERIODSIGN.COM

PRELIMINARY NOT FOR CONSTRUCTION

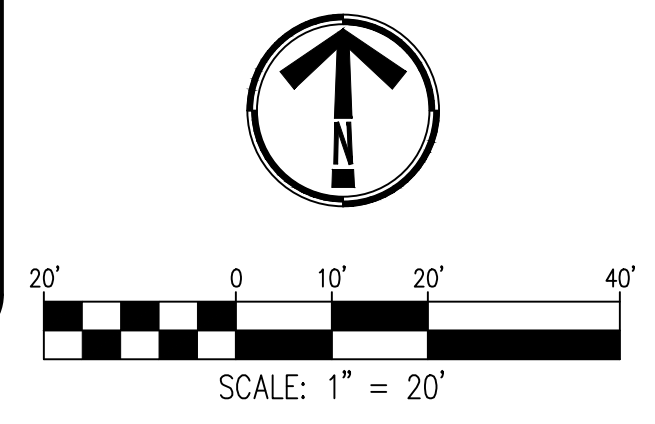
FILED: Projects\500-015 Canyon Creek South (dwg) from 500-015_07.stm, Layout: 7 PRELIMINARY STORM WATER AND UTILITIES PLAN, Plot Date: 3/20/2016 1:50 PM, by: ddog



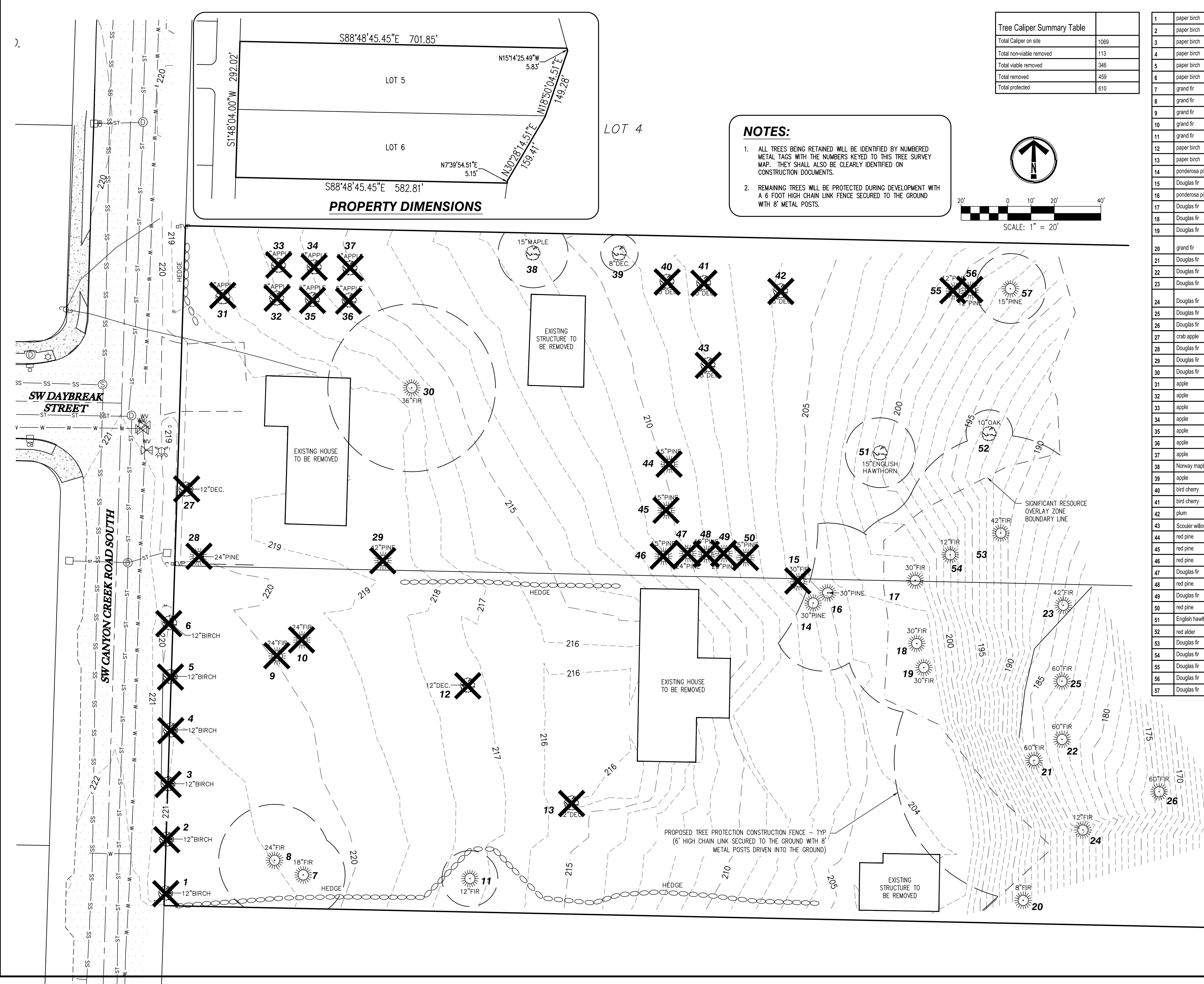
NOTES:

- ALL TREES BEING RETAINED WILL BE IDENTIFIED BY NUMBERED METAL TAGS WITH THE NUMBERS KEYED TO THIS TREE SURVEY MAP. THEY SHALL ALSO BE CLEARLY IDENTIFIED ON CONSTRUCTION DOCUMENTS.
- REMAINING TREES WILL BE PROTECTED DURING DEVELOPMENT WITH A 6 FOOT HIGH CHAIN LINK FENCE SECURED TO THE GROUND WITH 8\"/>

Tree Caliper Summary Table	
Total Caliper on site	1069
Total non-viable removed	113
Total viable removed	346
Total removed	459
Total protected	610



1	paper birch	14	20	terminal decline due to wood borers	remove
2	paper birch	12	20	terminal decline due to wood borers	remove
3	paper birch	11	22	terminal decline due to wood borers	remove
4	paper birch	12	20	terminal decline due to wood borers	remove
5	paper birch	11	16	terminal decline due to wood borers	remove
6	paper birch	13	18	terminal decline due to wood borers	remove
7	grand fir	12	30	viable	
8	grand fir	14	30	viable	
9	grand fir	15	22	viable	remove
10	grand fir	15	24	viable	remove
11	grand fir	13	30	viable	
12	paper birch	11	16	terminal decline due to wood borers	remove
13	paper birch	11	18	terminal decline due to wood borers	remove
14	ponderosa pine	37	70	viable	
15	Douglas fir	26	70	viable	remove
16	ponderosa pine	25	70	viable	
17	Douglas fir	27	75	viable	
18	Douglas fir	22	60	viable	
19	Douglas fir	30	75	viable	
20	grand fir	8	40	viable; size estimated; no tag; blackberries at base	
21	Douglas fir	51	130	viable	
22	Douglas fir	48	120	viable	
23	Douglas fir	64	140	viable	
24	Douglas fir	14	45	viable; size estimated; no tag; blackberries at base	
25	Douglas fir	40	130	viable	
26	Douglas fir	58	150	viable	
27	crab apple	11	15	viable	remove
28	Douglas fir	20	45	viable	remove
29	Douglas fir	42	60	viable	remove
30	Douglas fir	36	70	viable	
31	apple	6	12	viable, topped	remove
32	apple	5	12	viable, topped	remove
33	apple	5	12	viable, topped	remove
34	apple	6	12	viable, topped	remove
35	apple	7	12	viable, topped	remove
36	apple	7	12	viable, topped	remove
37	apple	5	12	viable, topped	remove
38	Norway maple	15	18	viable	
39	apple	7	16	viable, topped	
40	bird cherry	9	16	trunk decay	remove
41	bird cherry	9	18	trunk decay	remove
42	plum	6	14	viable	remove
43	Scouler willow	28	26	viable	remove
44	red pine	19	44	viable	remove
45	red pine	19	36	viable	remove
46	red pine	16	28	viable	remove
47	Douglas fir	24	50	viable	remove
48	red pine	9	30	viable	remove
49	Douglas fir	18	50	viable	remove
50	red pine	16	42	viable	remove
51	English hawthorn	9	18	viable	
52	red alder	10	18	viable	
53	Douglas fir	46	90	viable	
54	Douglas fir	12	36	viable; added to map	
55	Douglas fir	11	20	viable	remove
56	Douglas fir	10	22	viable	remove
57	Douglas fir	12	22	viable	



**CANYON CREEK SUBDIVISION
TAX LOTS 0900 AND 01000
TAX MAP 31W13B
NW 1/4 OF SEC. 13, T.3S R.1W W.M.
WILSONVILLE, OREGON**

**8 TREE PRESERVATION
AND REMOVAL PLAN**

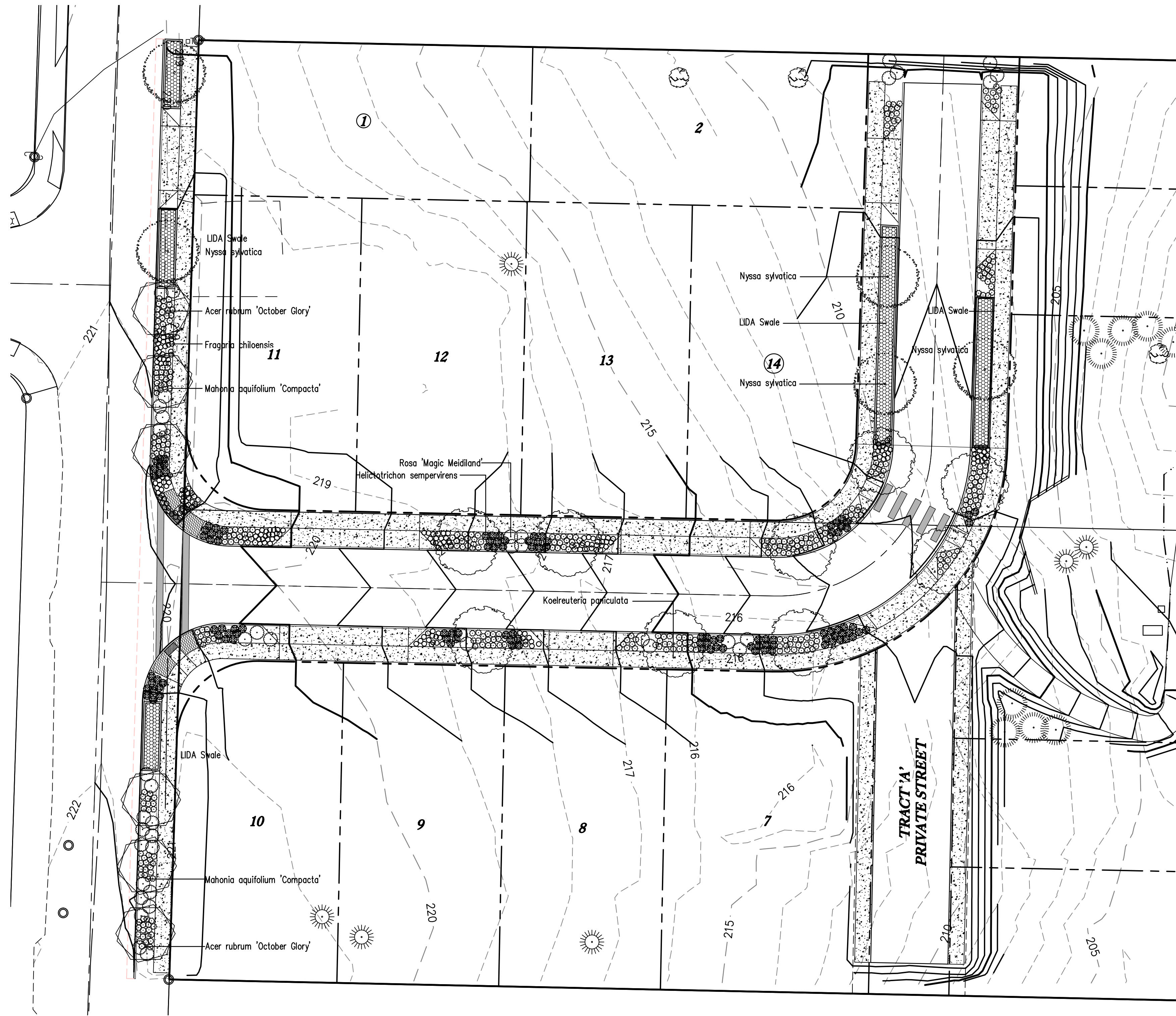
REVISIONS		
NO.	DATE	DESCRIPTION
1	1/26/16	REVISIONS FROM INCOMPLETE LETTER DATED 1/21/16
2	3/18/16	REDUCED NUMBER OF LOTS FROM 15 TO 14

**EMERIO
Design**

8285 SW Nimbus Ave, Suite 180
Beaverton, Oregon 97008
FAX: (503) 639-9592
www.emeriodesign.com

FILED: Projects 1500-015 Canyon Creek South (dwg) from 1500-015_08tree, Layout: 8 TREE PRESERVATION AND REMOVAL PLAN, Plot Date: 1/20/2016 1:51 PM, by: doug

SHEET
OF
8



STREET TREES LOCATION NOTES

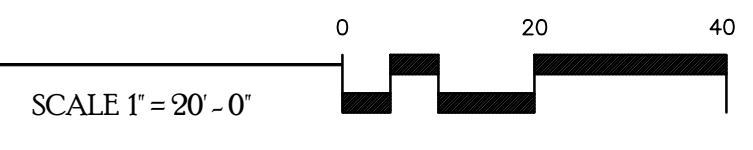
- 5' MINIMUM CLEARANCE FROM UNDERGROUND UTILITIES AND LATERALS. LANDSCAPE DESIGN OF TREES AND ENGINEERING DESIGN OF UNDERGROUND SERVICES SHALL BE COORDINATED.
- TREES SHALL BE CENTERED BETWEEN CURB AND SIDEWALK.
- CITY APPROVED ROOT BARRIER METHOD TO BE USED FOR ALL STREET TREES LOCATED WITHIN 8 FEET OF ALL CURBS AND SIDEWALKS. ROOT BARRIER SHALL EXTEND TO A DISTANCE OF 20" CENTERED WITH THE TREE BASE. BARRIER SHALL BE 2"-4" FROM CURB OR SIDEWALK AND EXTEND A MINIMUM OF 24" IN DEPTH.
- WHEN TREES ARE WITHIN TREE WELLS, ROOT BARRIER SHALL BE PLACED ON ALL SIDES.
- PARALLEL PARKING: LOCATE TREE BETWEEN ON-STREET PARKING SPACES. THIS LOCATION PRECLUDES DOORS OPENING ONTO TREES AND PASSENGERS EXITING IN CONFLICT WITH TREE PLACEMENT.

- NOTES:**
- SEE CIVIL SHEET 6 FOR STREET TREE PLANTING DETAIL.
 - TRACT 'A' WILL BE PLANTED WITH BLUE OAT GRASS, COMPACT OREGON GRAPES AND LANDSCAPE ROSES ALONG ITS NORTH, SOUTH AND EAST BOUNDARY. ADDITIONAL APPLE TREES WILL BE PLANTED AS SPACING ALLOWS.

STREET TREES

SYMBOL	(QUANTITY) SIZE	SCIENTIFIC NAME COMMON NAME
TREES		
	2" (6) Caliper	<i>Acer rubrum 'October Glory'</i> "O.G." Red Maple
	2" (9) Caliper	<i>Koelreuteria paniculata</i> Golden Rain Tree
	2" (5) Caliper	<i>Nysa sylvatica</i> Tupelo
SHRUBS		
	(110) 1 gallon	<i>Helictotrichon sempervirens</i> Blue Oat Grass
	(395) 1 gallon	<i>Mahonia aquifolium 'Compacta'</i> Compact Oregon Grape
	(42) 1 gallon	<i>Rosa 'Magic Meidiland'</i> 'M.M.' Landscape Rose
GROUND COVER		
	(200) 1 gallon	<i>Fragaria chiloensis</i> Sand Strawberry
LIDA SWALE PLANTING		
	(350) 1 gallon	<i>Juncus effusus</i> Soft Rush
	(350) 1 gallon	<i>Juncus patens</i> Spreading Rush
	(145) 1 gallon	<i>Fragaria chiloensis</i> Strawberry

NOTE:
ALL STREET TREE PLACEMENT SHALL MEET THE STANDARDS OF PUBLIC WORKS STANDARDS.



Gretchen Vadnais
landscape architects,
I.L.C.
12115 nw old quarry rd
portland, or 97232
503.646.3517

December 21, 2015
ORIGINAL SUBMISSION 12/22/2015

CANYON CREEK SUBDIVISION
TAX LOTS 0900 AND 01000
TAX MAP 31W13B
NW 1/4 OF SEC. 13, T.3S R.1W W.M.
WILSONVILLE, OREGON
CANYON CREEK ROAD SOUTH SUBDIVISION 500-015

STREET TREES

NO.	DATE	DESCRIPTION
1	1/26/16	REVISIONS FROM INCOMPLETE LETTER DATED 1/21/16
2	3/18/16	REDUCED NUMBER OF LOTS FROM 15 TO 14

EMERIO Design
8285 SW NIMBUS AVE, SUITE 180
BEAVERTON, OREGON 97008
TEL: (503) 638-9592
FAX: (503) 638-9592
www.emeriodesign.com

PARK PLANTING

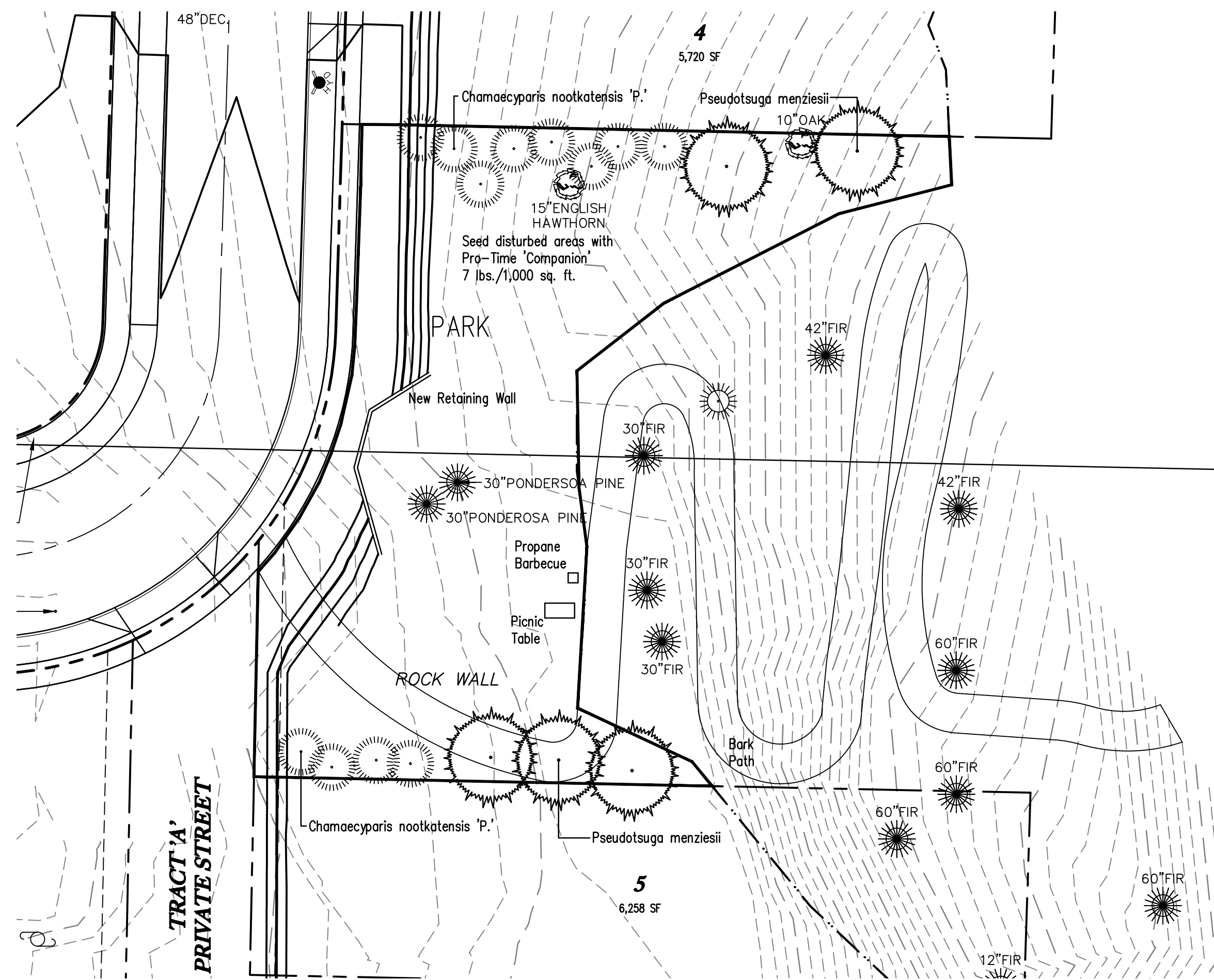
SYMBOL	(QUANTITY) SIZE	SCIENTIFIC NAME COMMON NAME
TREES		
	(11) 8"	<i>Chamaecyparis nootkatensis 'Pendula'</i> Weeping Alaska Cedar
	2" (5) Caliper	<i>Pseudotsuga menziesii</i> Douglas-fir
SEEDING		
Pro Time Companion in disturbed areas 7 lbs. per 1,000 sq. ft.		



MITIGATION PLANTING

Areas disturbed by the construction of the bark path are to be mitigation in accordance with section 4.139.07 of the Development Code for the City of Wilsonville. No trees will be removed. Shrubs removed shall be replaced at a rate of 25 shrubs per 500 square feet of disturbance. Shrubs to be 1 gallon in size and a minimum of 12" in height.

Shrubs to be: *Symphoricarpos albus* (Snowberry), *Rubus parvifolia* (Thimbleberry) and *Gaultheria shallon* (Salal).



PLANTING NOTES

Final rough grades will be established by the General Contractor, fine finish grades by the Landscape Contractor. Top of mulch at all planting beds to be 1" below top of curbs or adjacent paving.

Plant material: All plant material shall be nursery grown under climatic conditions similar to or harder than those at the site. All plants shall be of normal habit of growth, healthy, vigorous, and free of disease, insects, insect eggs and larvae.

Trees: All trees shall be healthy grown nursery stock, be a minimum of 1-1/2" caliper at 6 inches above ground level, and be at least 8-10 feet high conforming in size and grade with the standard for nursery stock ANSI Z60.1-1990 1990 ed. All trees shall have a single straight trunk, a well developed leader with tops and roots characteristic of the species, cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted. Bare root stock shall leave a root system sufficient to insure survival and healthy growth. Balled and burlap (B&B) stock shall leave a natural sound ball sufficient to insure survival and healthy growth. All trees which are grafted are to be grafted at a minimum height of 7 feet above ground level.

Topsoil: Backfill for planting holes to be 2/3 topsoil, 1/3 textural soil amendment. Shrub beds to have 6" of topsoil and 2" of textural soil amendment. Lawn areas to have minimum 4" topsoil. Any imported topsoil used is to be fertile, friable, and free of noxious weeds and debris. Textural soil amendments may be well rotted manure or commercial compost. Landscape architect shall field inspect prepared topsoil prior to any planting being done.

Fertilizer: 10-15-10 slow release on shrubs, trees, and groundcovers. All plants to receive applications of fertilizer according to manufacturer's recommendation.

Mulch: Minimum 2" medium grind, well-rotted bark mulch or commercial compost.

Planting: Stones, mortar, rubbish, and any material harmful to plant life are all to be removed from all planting areas.

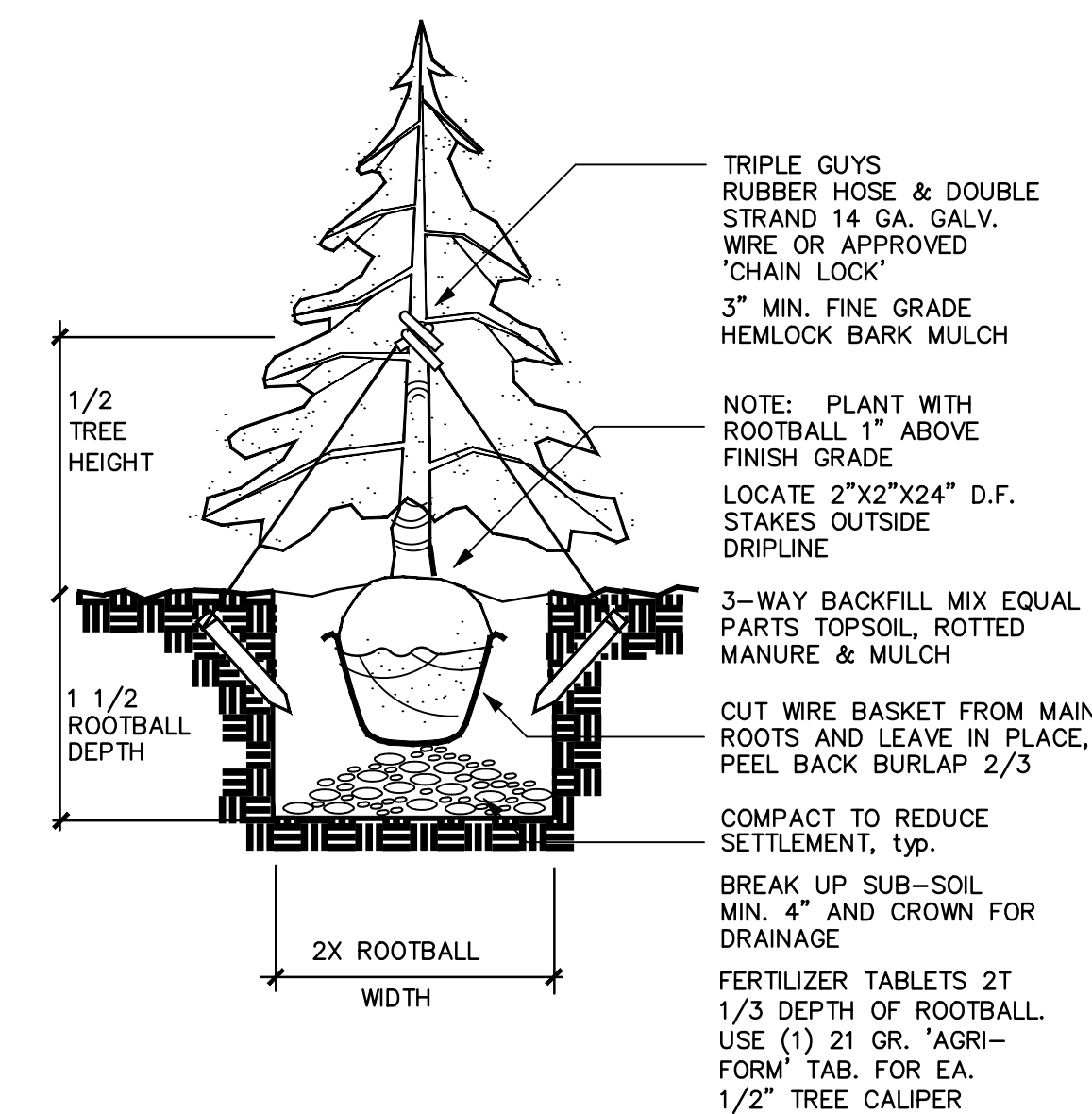
- All planting areas to be raked smooth prior to planting. Lawn areas to be raked smooth and rolled prior to planting.
- Sod areas to be watered prior to placement of sod.
- All planting holes are to be twice the diameter of the plant root ball or system. Sides and bottom of holes are to be broken up.
- All plants to be watered in when the planting holes have been half filled with soil. The irrigation system is not to be used to water plants in.
- Apply fertilizer when the planting hole is 3/4 full.
- Finished planting level of plants to be at or slightly above level grown in nursery.
- Landscape Architect shall inspect all planting and give written approval before owner will accept the landscaping work (from the general contractor) as being complete.

Maintenance: Begin maintenance immediately after each shrub and tree is planted. Protect and maintain plantings for a period of 60 days after acceptance. Water, weed, cultivate, maintain mulch, and reset plants to proper grades and upright positions as required.

Guarantee: Guarantee all plant material after final acceptance for duration of two full growing seasons or for two years, whichever is longer. Replace plant materials not surviving or in poor condition; except only loss or damage due to freezing, vandalism, or acts and neglects on the part of others.

IRRIGATION NOTES

Irrigation to be by watering truck through the guarantee period.



1
L2 SECTION EVERGREEN TREE PLANTING DETAIL N.T.S.



Gretchen Vadnais
landscape architects,
12115 nw old quarry rd
l.l.c.
portland, or 97232
503.646.3517

December 21, 2015
ORIGINAL SUBMISSION 12/22/2015

CANYON CREEK SUBDIVISION
TAX LOTS 0900 AND 01000
TAX MAP 31W13B
NW 1/4 OF SEC. 13, T.3S R.1W W.M.
WILSONVILLE, OREGON

PARK PLANTING

NO.	DATE	DESCRIPTION
1	1/26/16	REVISIONS FROM INCOMPLETE LETTER DATED 1/21/16
2	3/18/16	REDUCED NUMBER OF LOTS FROM 15 TO 14

EMERIO Design
8285 SW NIMBUS AVE, SUITE 180
BEAVERTON, OREGON, 97008
TEL: (503) 638-9592
FAX: (503) 638-9592
www.emeriodesign.com

SHEET
L2 OF 2

FILED: [Project] 500-015 Canyon Creek South Long [sep] Canyon Creek Southpark-L2, Layout: L2 PARK PLANTING, Plot Date: 3/20/2016 1:52 PM, by: dng

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, MARCH 28, 2016

6:30 PM

IX. Board Member Communications:

**A. Agenda Results of the February 8, 2016 DRB
Panel A meeting**

City of Wilsonville

Development Review Board Panel A Meeting Meeting Results

DATE:	FEBRUARY 8, 2016	
LOCATION:	29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR	
TIME START:	6:33 P.M.	TIME END: 8:27 P.M.

ATTENDANCE LOG

BOARD MEMBERS	STAFF
Mary Fierros Bower	Daniel Pauly
Kristin Akervall	Barbara Jacobson
James Frinell	Chris Neamtzu
Ronald Heberlein	Steve Adams

AGENDA RESULTS

AGENDA	ACTIONS
CITIZENS' INPUT	None.
CONSENT AGENDA	
A. Approval of minutes of January 11, 2016 DRB Panel A meeting	A. Unanimously approved as presented.
PUBLIC HEARING	
<p>A. Resolution No. 323 Advance Road Middle School: Mr. Keith Liden, AICP, Bainbridge – Representative for West Linn-Wilsonville School District – Applicant/Owner. The applicant is requesting approval of Stage II Final Plan, Site Design Review, Tentative Partition Plat, and Class 3 Sign Permit for a new public middle school. The subject site is located on Tax Lots 2000, 2300, 2400 and 2500 of Section 18, Township 3 South, Range 1 East, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly.</p> <p>Case Files: DB15-0100 – Stage II Final Plan DB15-0101 – Site Design Review DB15-0102 – Tentative Partition Plat DB15-0107 – Class 3 Sign Permit</p>	<p>A. Unanimously approved with revised and corrected conditions and an additional condition requiring that screening be installed at the end of the temporary cul-de-sac on Hazel St.</p> <p style="color: blue;">Kristin Akervall recused herself from this hearing.</p>
<p>B. Resolution No. 321. Villebois Phase 4 North – Calais East at Villebois: Stacy Connery, AICP, Pacific Community Design, Inc. – representative for Fred Gast, Polygon NW Company- applicant. The applicant is requesting approval of an Annexation and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Village (V) for the approximately 1 acre property located at 11700 SW Tooze Road, an Amendment to SAP North, a Preliminary Development Plan, Tentative Subdivision Plat, Type C Tree Plan, and Final Development Plan for a 63-lot single family subdivision in Villebois and associated improvements. The subject site is located on Tax Lots 1100, 1101 and 1203 of Section 15, and Tax Lot 8900 of Section 15BA, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon. Staff: Daniel Pauly</p>	<p>B. Unanimously approved with amended conditions, including those in new Exhibit B8.</p>

<p>Case Files: DB15-0084 – Annexation (<i>Tax Lot 1203 only</i>) DB15-0085 – Zone Map Amendment (<i>Tax Lot 1203 only</i>) DB15-0086 – SAP North Amendment DB15-0087 – Preliminary Development Plan DB15-0088 – Tentative Subdivision Plat DB15-0089 – Type C Tree Plan DB15-0090 – Final Development Plan</p> <p><i>The DRB action on the Annexation and Zone Map Amendment is a recommendation to the City Council.</i></p> <p><i>This item was continued to this date and time certain at the January 11, 2016 DRB Panel A meeting.</i></p>	
BOARD MEMBER COMUNICATIONS	
A. Results of the January 25, 2016 DRB Panel B meeting	Staff addressed questions about the behavioral health facility being approved in an industrial zone.
STAFF COMMUNICATIONS	
	Smart Growth Conference in Portland Feb 11-13, 2016.