

DEVELOPMENT REVIEW BOARD MEETING

MONDAY, JANUARY 22, 2024

6:30 PM

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Public Hearing:

4. **Resolution No. 426. Canyon Creek Subdivision Tract A Open Space.** The applicant is requesting approval of a Site Design Review of Parks and Open Space in the Canyon Creek Phase 3 Subdivision.

Case File:

DB23-0012 Site Design Review of Tract A Open Space  
-Site Design Review of Parks and Open Space (SDR23-0008)

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 426**

**A RESOLUTION ADOPTING FINDINGS AND CONDITIONS OF APPROVAL, APPROVING A SITE DESIGN REVIEW OF PARKS AND OPEN SPACE IN THE CANYON CREEK PHASE 3 SUBDIVISION.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by Jennifer Arnold of Emerio Design, LLC – Applicant, on behalf of Scott Miller of Samm-Miller, LLC – Owner, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 28700 SW Canyon Creek Road South on Tax Lot 6400, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated January 11, 2024, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on January 22, 2024, 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 January 11, 2024, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB23-0012 Site Design Review of Tract A Open Space: Site Design Review of Parks and Open Space (SDR23-0008).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 22<sup>nd</sup> day of January, 2024, and filed with the Planning Administrative Assistant on \_\_\_\_\_. This resolution is final on the 15<sup>th</sup> 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)*.

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Rachelle Barrett, Acting Chair - Panel B  
Wilsonville Development Review Board

Attest:

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Shelley White, Planning Administrative Assistant



Exhibit A1  
Staff Report  
Wilsonville Planning Division  
Site Design Review of Tract A Open Space  
28700 SW Canyon Creek Road South

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

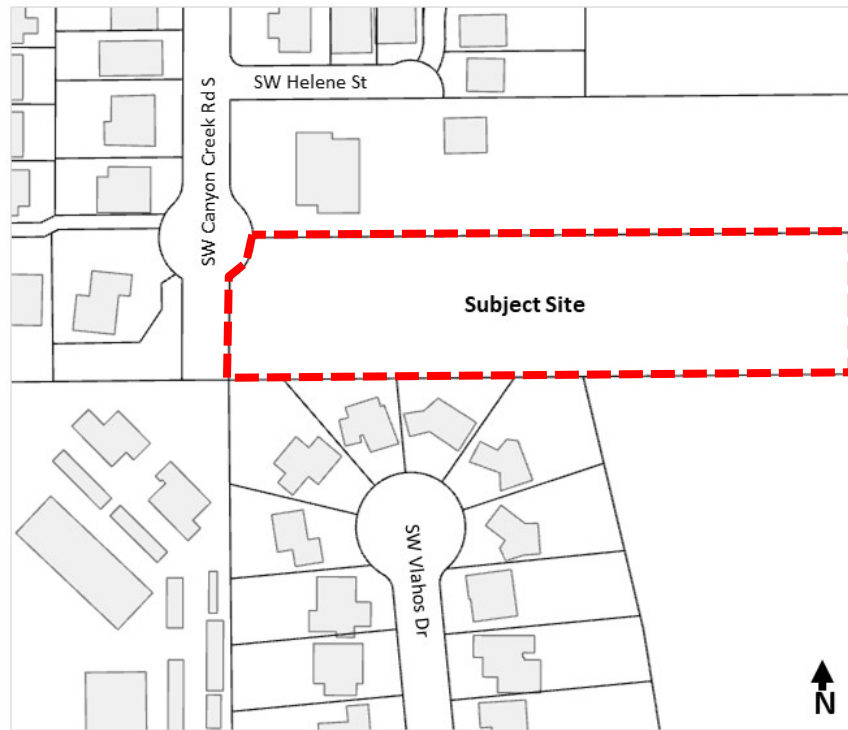
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| <b>Hearing Date:</b>                   | January 22, 2024   |
| <b>Date of Report:</b>                 | January 11, 2024   |
| <b>Application Nos.:</b>               | DB23-0012 Site Design Review of Tract A Open Space<br>- Site Design Review (SDR23-0008)  |
| <b>Request/Summary:</b>                | The request before the Development Review Board includes Site Design Review of the required open space in the Canyon Creek Phase 3 Subdivision at 28700 SW Canyon Creek Road South. Improvements include a ramped access pathway from the public street, hard and soft surface pathways within the open space, benches and other furnishings, and landscaping. |
| <b>Location:</b>                       | 28700 SW Canyon Creek Road South. The property is specifically known as Tax Lot 6400, Section 13BD, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.  |
| <b>Owner:</b>                          | Samm-Miller, LLC (Contact: Scott Miller)   |
| <b>Applicant:</b>                      | Emerio Design, LLC (Contact: Jennifer Arnold)  |
| <b>Comprehensive Plan Designation:</b> | Residential 4-5 dwelling units/acre  |
| <b>Zone Map Classification:</b>        | Planned Development Residential-3 (PDR-3)  |
| <b>Staff Reviewers:</b>                | Cindy Luxhoj AICP, Associate Planner<br>Amy Pepper, PE, Development Engineering Manager<br>Kerry Rappold, Natural Resources Manager  |
| <b>Staff Recommendation:</b>           | <u>Approve with conditions</u> the requested Site Design Review.   |

**Applicable Review Criteria:**

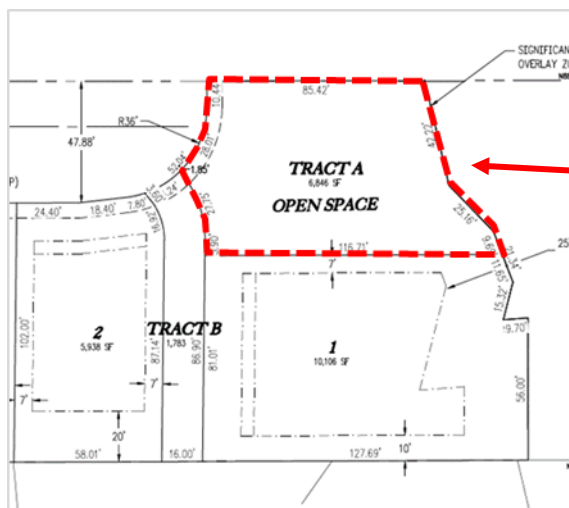
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|---|--|
| <b><u>Development Code:</u></b>                               |  |
| Section 4.001   | Definitions  |
| Section 4.008   | Application Procedures-In General                          |
| Section 4.009   | Who May Initiate Application                               |
| Section 4.010   | How to Apply   |
| Section 4.011   | How Applications are Processed                             |
| Section 4.014   | Burden of Proof  |
| Section 4.031   | Authority of the Development Review Board                  |
| Section 4.034   | Application Requirements                                   |
| Subsection 4.035 (.04)  | Site Development Permit Application                        |
| Subsection 4.035 (.05)  | Complete Submittal Requirement                             |
| Section 4.110   | Zones  |
| Section 4.113   | Standards Applying to Residential Development in All Zones |
| Section 4.118   | Standards Applying to Planned Development Zones            |
| Section 4.124   | Planned Development Residential (PDR) Zone                 |
| Section 4.140   | Planned Development Regulations                            |
| Section 4.154   | On-site Pedestrian Access and Circulation                  |
| 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 4.199.20 through 4.199.60                             | Outdoor Lighting   |
| Sections 4.300 through 4.320                                  | Underground Utilities                                      |
| Sections 4.400 through 4.450 as applicable                    | Site Design Review   |
| <b><u>Other Planning Documents:</u></b>                       |  |
| Wilsonville Comprehensive Plan<br>Previous Land Use Approvals |  |

## Vicinity Map



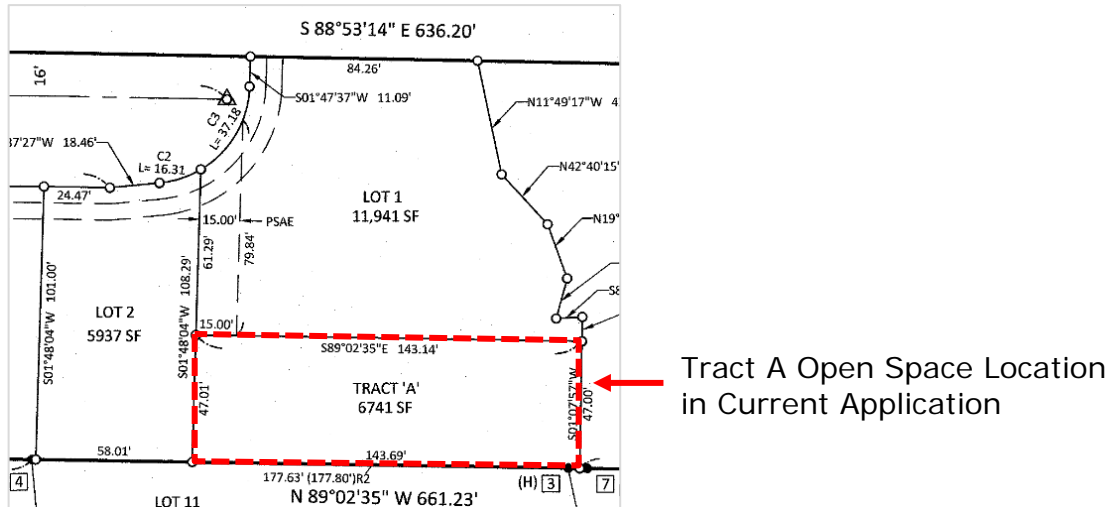
## Background:

The Canyon Creek South Subdivision was approved as a five (5)-lot residential development with a required open space area (Tract A) in April 2020, Case File No. DB20-0039 et seq. When the staff report was prepared for the Development Review Board (DRB) public hearing, only the size and general location and shape of the required usable Tract A open space area had been submitted by the applicant, as shown in the illustration below.



Tract A Open Space Location  
in DB20-0039 et seq

In response to public testimony received and subsequent discussion by the DRB at the hearing, Condition of Approval DRB 1 was added requiring the plans to be updated to swap the location of the Tract A open space with Lot 1, as illustrated below and proposed in the current application.



In addition, as further explained in Finding E1 of the DRB decision for DB20-0039 et seq, although the applicant previously proposed a professionally designed open space meeting the applicable standards for Site Design Review, this late change to the location of Tract A did not provide the applicant’s design team time to complete a professional design of the relocated open space. At that time the DRB was required to make a decision on other related applications, no evidence on the record would prevent a design of the proposed open space area meeting applicable City standards, and certainty existed that such a design could be created. Thus the DRB decision also included Conditions of Approval PDD 14 and PDE 1 specific to the Tract A open space, as follows:

- **PDD 14. Prior to Final Plat Approval:** The applicant shall submit a revised Sheet L1 showing the landscaping plan to match the new shape and square footage of the proposed usable open space area in Tract A. If the project landscape architect changes, the applicant shall submit a new Affidavit of Professional Credentials for Residential Usable Open Space Areas in the City of Wilsonville. For final approval of the revised open space area, the applicant shall return to the Development Review Board for review of the redesigned open space. See Finding D49.
- **PDE 1. Prior to Final Plat Approval:** The applicant shall submit landscape plans meeting applicable design standards and receive DRB approval of the landscape plans for the usable open space (Tract A) and install the approved landscaping unless such landscaping installation is deferred based [on] written agreement with the City.

The current application responds to these specific Conditions of Approval by requesting Site Design Review of the required Tract A open space by the DRB.

## Summary:

### Site Design Review of Parks and Open Space (SDR23-0008)

Site Design Review focuses on design of the required Tract A open space area, including access, pathways, site furnishings, and landscaping. This request is in direct response to the Conditions of Approval in Case File No. DB20-0039 et seq requiring the applicant to return to DRB for review of the open space area for conformance with the Site Design Review criteria and requirements for open space areas contained in Section 4.113, and final design approval.

## Neighborhood and Public Comments:

No public comments were received during the comment period.

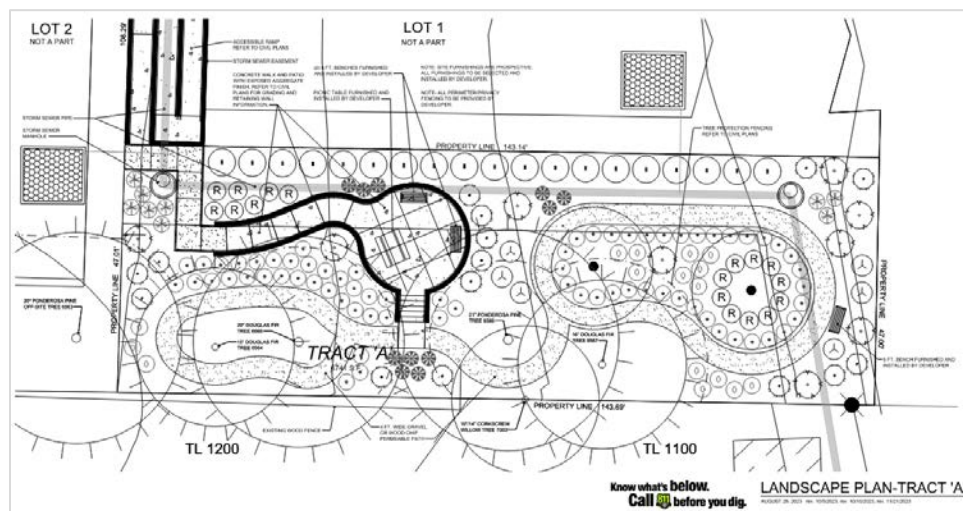
## Discussion Points – Verifying Compliance with Standards:

This section provides a discussion of key clear and objective development standards that apply to the proposed application. The Development Review Board will verify compliance of the proposed application with these standards. The ability of the proposed application to meet these standards may be impacted by the Development Review Board's consideration of discretionary review items as noted in the next section of this report.

### Site Design Review of Required Open Space per Conditions of Approval of DB20-0039 et seq

As discussed in the Background section of this staff report, the current application responds to Conditions of Approval of Case File No. DB20-0039 et seq regarding design of the Tract A open space in the Canyon Creek South Subdivision.

As demonstrated in the Findings, the Tract A open space, shown below and in the applicant's submitted plans (Exhibit B2), has been designed by a registered professional landscape architect and conforms with the Site Design Review criteria for open space in residential subdivisions.





### **Discussion Points – Discretionary Review:**

The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant. There are no discretionary review requests included as part of the proposed application.

## Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this staff report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board approve the proposed application (DB23-0012) with the following conditions:

### Planning Division Conditions:

#### Request A: Site Design Review (SDR23-0008)

|               |  |
|---------------|--|
| <b>PDA 1.</b> | <b>Ongoing:</b> The Conditions of Approval contained in DB20-0039 et seq, AR23-0005, and TR23-0013 shall continue to apply to this application.  |
| <b>PDA 2.</b> | <b>Ongoing:</b> Construction, site development, and landscaping shall be carried out and maintained 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 A6.   |
| <b>PDA 3.</b> | <b>Prior to Final Plat Approval:</b> The applicant/owner shall submit for review and approval by the City Attorney CC&Rs, bylaws, etc. related to the maintenance of Tract A. Such documents shall assure the long-term protection and maintenance of Tract A by the HOA of the subdivision. See Finding A12.  |
| <b>PDA 4.</b> | <b>General:</b> The following requirements for planting of shrubs and ground cover shall be met: <ul style="list-style-type: none"><li>• Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch.</li><li>• Native topsoil shall be preserved and reused to the extent feasible.</li><li>• 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.</li><li>• All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10-inch to 12-inch spread.</li><li>• Shrubs shall reach their designed size for screening within three (3) years of planting.</li><li>• 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-inch pot spaced 2 feet on center minimum, 2-1/4-inch pots spaced at 18-inch on center minimum.</li><li>• No bare root planting shall be permitted.</li><li>• Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting.</li><li>• Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations.</li></ul> |

|                |   |
|----------------|---|
|                | <ul style="list-style-type: none"> <li>Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding A32.</li> </ul>  |
| <b>PDA 5.</b>  | <b>General:</b> All trees shall be balled and burlapped and conform in size and grade to “American Standards for Nursery Stock” current edition. See Finding A35.   |
| <b>PDA 6.</b>  | <b>Ongoing:</b> 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 A35.  |
| <b>PDA 7.</b>  | <b>Prior to Final Plat Approval:</b> All landscaping and site furnishings required and approved by the Development Review Board for common tracts shall be installed prior to Final Plat Approval unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of Final Plat Approval. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, an irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six (6)-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant/owner. See Finding A38. |
| <b>PDA 8.</b>  | <b>Prior to Final Plat Approval:</b> The applicant shall either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of the proposed access ramp from the public right-of-way to the Tract A open space area, and site furnishings and landscaping in Tract A or (2) install all Tract A open space and related improvements. See Finding A38.  |
| <b>PDA 9.</b>  | <b>Ongoing:</b> 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 A39.  |
| <b>PDA 10.</b> | <b>Ongoing:</b> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered as allowed by Wilsonville’s Development Code. See Findings A40 and A41.   |

*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, performance standards, 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 Findings and Conditions:**

|               |  |
|---------------|--|
| <b>PFA 1.</b> | <b><u>Prior to Final Plat Approval:</u></b> Applicant shall dedicate a public access easement over all portions of the ADA accessible path.  |
| <b>PFA 2.</b> | <b><u>Prior to Construction of Tract A Open Space Improvements:</u></b> Applicant shall submit construction drawings showing the proposed improvements, including a landscaping plan for review and approval under the existing Public Works permit. |

## Master Exhibit List:

Entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The list below includes exhibits for Planning Case File No. DB23-0012 and reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

### Planning staff Materials

- A1. Staff report and Findings (this document)
- A2. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)

### Materials from Applicant

- B1. **Applicant's Narrative and Materials** – *Available Under Separate Cover*
  - Signed Application Form
  - Narrative
- B2. **Applicant's Drawings and Plans** – *Available Under Separate Cover*
- B3. Incompleteness Response Letter Dated October 17, 2023 – *Available Under Separate Cover*

## Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The application was received on September 6, 2023. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application incomplete on October 5, 2023. The applicant submitted additional materials on October 23, 2023. Staff conducted a second completeness review within the statutorily allowed 30-day review period and found the application to be complete on November 22, 2023. The City must render a final decision for the request, including any appeals, by March 21, 2024.
2. Surrounding land uses are as follows:

| Compass Direction | Zone  | Existing Use   |
|-------------------|-------|--|
| North             | FDA-H | Residential  |
| East              | PDR-4 | Significant Resource Overlay Zone (SROZ) and Residential |
| South             | PDR-4 | Residential  |
| West              | PDR-3 | Residential  |

3. Previous Planning Approvals:  
Bridle Trial Ranchetts – Approved prior to City incorporation  
AR20-0032 – Class 2 Administrative Review 2-Lot Partition  
DB20-0039 et seq – Canyon Creek 5-Lot Subdivision  
TR21-0242 – Type C Tree Removal Permit – 16 trees as approved by DB20-0044  
AR23-0005 – Administrative Relief of Setback at 28700 SW Canyon Creek Road South  
TR23-0013 – Type C Tree Removal Permit – one (1) tree additional to those approved by DB20-0044 and TR21-0242
4. The applicant has complied with Sections 4.008 through 4.011, 4.013-4.031, 4.034 and 4.035 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

## Findings:

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

### General Information

#### Application Procedures - In General Section 4.008

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

#### Initiating Application Section 4.009

The application has been submitted by Scott Miller for the property owner, Samm-Miller, LLC, and is signed by the owner's authorized representative and the applicant.

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

A pre-application conference was held for the Canyon Creek South Subdivision on March 28, 2019 (PA19-0006) in accordance with this subsection. As the current application responds to specific conditions of approval of the previously approved DB20-0039 et seq, a subsequent pre-application conference was not required.

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

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

#### General Submission Requirements Subsections 4.035 (.04) A. and 4.035 (.05)

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

#### Zoning - Generally Section 4.110

The proposed development is in conformity with the applicable zoning district and City review uses the general development regulations listed in Sections 4.140 through 4.199.

## **Request A: Site Design Review of Required Open Space (SDR23-0008)**

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

### **Planned Development Regulations**

#### Planned Development Purpose & Lot Qualifications

Subsection 4.140 (.01) and (.02)

- A1.** The proposed improvements to the Tract A open space are consistent with the Planned Development Regulations purpose statement and lot qualifications.

#### Ownership Requirements

Subsection 4.140 (.03)

- A2.** The property owner, Samm-Miller, LLC, represented by Scott Miller, signed the application.

#### Professional Design Team

Subsection 4.140 (.04)

- A3.** The design was led by credentialed professionals. Brian Lind, Emerio Design, LLC, is the registered professional landscape architect for the project and the same landscape architect who was originally associated with the previously approved Canyon Creek South Subdivision project (DB20-0039 et seq).

#### Submission Timing in Relation to Stage 1 and Stage 2 Approvals

Subsection 4.140 (.09) A. and I. and Section 4.023

- A4.** The current application is requesting approval of Site Design Review of the required Tract A open space in the previously approved subdivision to fulfill the Conditions of Approval PDD 14 and PDE 1 of Case File No. DB20-0039 et seq. While not within two (2) years of the Stage 1 and Stage 2 approvals, the development has been under construction since it was approved in 2020 and, thus, is vested, including the subject Conditions of Approval for returning to the DRB for review and approval of the Tract A open space design.

#### Consistency with Plans

Subsection 4.140 (.09) J. 1.

- A5.** The proposed subdivision is consistent with the Residential 4-5 dwelling units/acre designation in the Comprehensive Plan and the site's zoning, Planned Development Residential-3 (PDR-3).

#### Adherence to Approved Plans

Subsection 4.140 (.09) L.

- A6.** A Condition of Approval will ensure adherence to approved plans unless modified under the proper authority.



## **Standards Applying to Residential Developments in Any Zone**

### Open Space Standards within Residential Developments

Subsection 4.113 (.01) A. and B.

**A7.** The Tract A open space is proposed as part of the previously approved Canyon Creek Subdivision, thus this section applies. The purpose and intent of the open space requirements are met through the provision of Tract A, a 6,741-square-foot usable open space area, along with an additional 44,198 square feet of open space located within the Significant Resource Overlay Zone (SROZ). As over half of the subject property is classified as SROZ, well in excess of 25 percent of the property is proposed as open space, substantially exceeding the requirement. The open space has been designed by a registered professional landscape architect and will allow for adequate light, air, open space and usable recreational facilities for residents of the development.

### Open Space Area Required, Characteristics and Usable Space

Subsection 4.113 (.01) C. and D.

**A8.** The proposed five-lot subdivision must provide 25% open space, half of which (12.5%) must be located outside of the SROZ and be usable open space programmed for active recreational use. The applicant has provided Tract A to be the usable open space area for the subdivision. The gross development area (GDA) of the site, including Tract A, is 105,727 square feet. After removing the SROZ area of 44,198 square feet, the net buildable area is 53,836 square feet. Twenty-five percent (25%) of the GDA is 13,459 square feet and 12.5% of the site GDA is 6,729 square feet. The revised Tract A open space area shown on the plans is now 6,741 square feet, which meets the minimum usable open space requirement for the proposed subdivision.

## **Standards Applying to All Planned Development Zones**

### Waivers

Subsection 4.118 (.03) A. through D.

**A9.** The applicant has not requested any waivers to the standards applying to all planned development zones.

### Other Requirements or Restrictions

Subsection 4.118 (.03) E.

**A10.** No additional requirements or restrictions are recommended pursuant to this subsection.

### Impact on Development Cost

Subsection 4.118 (.04)

**A11.** In staff's professional opinion, the determination of compliance or attached conditions of approval do not unnecessarily increase the cost of development and no evidence has been submitted to the contrary.

Dedications or Easements for Recreation Facilities, Open Space, Public Utilities  
Subsection 4.118 (.05)

**A12.** Conditions of Approval require the applicant to dedicate a public access easement over all portions of the ADA accessible path providing access to and within the Tract A open space area, and require adoption of CC&Rs assigning responsibility for maintenance of Tract A to the HOA of the subdivision.

Habitat Friendly Development Practices  
Subsection 4.118 (.09)

**A13.** Grading will be limited to that needed for the proposed improvements, no significant native vegetation would be retained by an alternative site design, and no impacts on wildlife corridors or fish passages have been identified.

**Planned Development Residential (PDR) Zone**

Typically Permitted Uses  
Subsection 4.124 (.01)

**A14.** The applicant is proposing design of an open space area, which is an outright allowed use in the PDR-3 zone.

**On-site Pedestrian Access and Circulation**

Continuous Pathway System, Vehicle Pathway Separation, Width and Surface  
Subsection 4.154 (.01) B.1. through B.6.

**A15.** The applicant has proposed a ramped pathway from the public right-of-way providing access to the Tract A open space. The path continues into the open space as a hard surface walkway meeting ADA requirements to a small plaza area with a picnic table and benches. A soft surface path extends in a looped configuration further into the open space area with another bench located near to the SROZ boundary. No changes to pedestrian circulation and access within the subdivision, outside of the Tract A open space, are proposed or required with the current application.

**Other Development Standards**

Access, Ingress, and Egress  
Section 4.167

**A16.** Pedestrian access to the subdivision from SW Canyon Creek Road South is provided as part of the development and no changes are proposed to the approved plans for this access.

## Natural Features and Other Resources

### Section 4.171

**A17.** Over half of the subdivision property is protected as part of the City's SROZ and its buffer area. In addition, numerous preserved and protected mature trees are located along the south and west boundaries of the site, with six (6) of these trees in the southern part of the Tract A open space. The site slopes from the north and west to the east and south toward the SROZ, necessitating the proposed ramp from the public right-of-way to the Tract A open space to provide safe, ADA accessible access to the area. There are no structures of any historic or cultural designation needing protection, and no overhead powerlines, high voltage powerline easements or rights-of-way, or petroleum pipeline easements on the site.

## Outdoor Lighting

### Sections 4.199.20 through 4.199.60

**A18.** A streetlight is proposed in the public right-of-way near the proposed ramp, which will provide lighting for open space users. However, no lighting of the ramp or pathway, or within the Tract A open space area is required or proposed.

## Public Safety and Crime Prevention

### Design for Public Safety, Surveillance and Access

#### Subsections 4.175 (.01) and (.03)

**A19.** No evidence has been presented that the design and function of the Tract A open space will prevent surveillance or encourage crime.

### Addressing and Directional Signing

#### Subsection 4.175 (.02)

**A20.** No changes to addressing or directional signage are proposed with the current application.

### Lighting to Discourage Crime

#### Subsection 4.175 (.04)

**A21.** As discussed above, no changes are proposed with the current application to previously approved outdoor lighting and surveillance systems, which are designed and will continue to discourage crime on the site.

## Site Design Review

### Open Space Requirements Objectives and Design

#### Subsection 4.400 (.01), 4.400 (.02) and Subsection 4.421 (.03)

**A22.** The Tract A open space has been professionally designed by a credentialed professional and meets applicable landscape and site design standards. Professional design and meeting the landscape and site design standards ensures the proposed Tract A open space design meets the standards and objectives of Site Design Review. Specifically:

- The proposed picnic table and benches are typical of open space areas, are appropriate for the site function, and are well designed.
- Landscaping is designed appropriately and integrates with the mature preserved trees in the open space area, providing a pleasing environment for users.
- The proposed design of Tract A allows for landscaping requirements to be met while supporting use of the open space for recreation, and creates a visual environment that is compatible with surrounding residential uses.
- Tract A provides recreation for residents of the subdivision, as well as a landscaped buffer between houses in the proposed subdivision and the residential area to the south, thus sustaining the comfort, health and tranquility of the community.
- Installation of landscaping in the open space will provide a pleasing environment for users of the site.
- The proposal will not impact the availability or orderly, efficient and economic provision of public services and facilities, which are available and adequate for the subject property.

#### Development Review Board Jurisdiction Section 4.420

**A23.** A Condition of Approval will ensure construction, site development, and landscaping are carried out in substantial accordance with the DRB-approved plans, drawings, sketches, and other documents. No building permits will be granted prior to Development Review Board approval of the Tract A open space design. No variances are requested from site development requirements.

#### Design Standards Subsection 4.421 (.01) A. through G.

**A24.** The applicant has provided sufficient information demonstrating compliance with the standards of this subsection as follows:

- **Pursuant to Standard A** (Preservation of Landscape), over half of the subdivision property is protected as part of the City's SROZ and its buffer area. In addition, numerous preserved and protected mature trees are located along the south and west boundaries of the site, with six (6) of these trees in the southern part of the Tract A open space. The trees will be preserved and protected and proposed landscaping within Tract A is proposed to be primarily native trees, shrubs and groundcover to blend with the natural setting of the site.
- **Pursuant to Standard B** (Relation of Proposed Buildings to Environment), the proposed picnic table and benches have been placed in appropriate locations and designed to blend with the environment of the open space area.
- **Pursuant to Standard C** (Drives, Parking, and Circulation), no parking is proposed for the Tract A open space. A ramp provides connection between the open space and the public right-of-way, and both hard and soft surface paths provide circulation within the area for residents of the subdivision.
- **Pursuant to Standard D** (Surface Water Drainage), there is no indication this project

will have a negative impact on surface water drainage.

- **Pursuant to Standard E** (Utility Service), no above ground utility installations are proposed in the Tract A open space and no changes to utility service are included in the current application.
- **Pursuant to Standard F** (Advertising Features), no signs are proposed as part of the current application; therefore, this standard does not apply.
- **Pursuant to Standard G** (Special Features), no special features are proposed for the Tract A open space.

### Conditions of Approval

Subsection 4.421 (.05)

**A25.** The Development Review 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 the Code. In making this determination of compliance and attaching conditions, the DRB is required, however, to consider the effects of this action on the availability and cost of needed housing. No conditions of approval in addition to those already included in this staff report are recommended to ensure the proper and efficient functioning of the proposed improvements.

### Color or Materials Requirements

Subsection 4.421 (.06)

**A26.** The structures proposed in the Tract A open space include a picnic table and benches. These use recycled plastic molded and colored to look like natural wood and black coated metal supports and assembly components. A six (6)-foot-tall sight-obscuring fence is proposed along the southern boundary of the open space area shared with Tax Lot 1100 to the south. The proposed materials reflect and blend with the surrounding environment while creating a unique neighborhood feature for subdivision residents.

## Site Design Review Submission Requirements

### Submission Requirements

Section 4.440

**A27.** The applicant has submitted materials in addition to requirements of Section 4.035, as applicable.

## Time Limit on Site Design Review Approvals

### Time Limit on Approval

Section 4.442

**A28.** The current application will expire two (2) years after approval, unless a building permit has been issued and substantial development has taken place or an extension is approved in accordance with this section.

## Landscaping Standards

### Landscaping Standards Purpose

Subsection 4.176 (.01)

**A29.** Through complying with the various landscape standards in Section 4.176 the applicant has demonstrated that the design of the Tract A open space is in compliance with the landscaping and screening purpose statement.

### Landscape Code Compliance

Subsection 4.176 (.02) B.

**A30.** No waivers or variances to landscape standards have been requested.

### Intent and Required Materials

Subsections 4.176 (.02) C.

**A31.** As shown on the landscape plan (Exhibit B2), the Tract A open space is designed to meet the General Landscaping Standard as appropriate for areas that are generally open. A mix of ground cover, evergreen and deciduous shrubs, and deciduous trees as proposed to be planted. Existing mature trees along the south property boundary are proposed for protection and preservation and the landscape plan shows native plantings and a soft surface path, as appropriate, within the dripline of these trees. A six (6)-foot-tall sight-obscuring wooden fence is proposed along the south property boundary shared with Tax Lot 1100 to provide privacy for and separation from this neighbor.

### Shrubs and Groundcover Materials

Subsection 4.176 (.06) A.

**A32.** Proposed shrubs include longleaf and creeping mahonia, apricot drift and baldhip rose, pink winter currant, evergreen huckleberry, and spring bouquet laurustinus. Groundcover includes western columbine and blue wildrye. A Condition of Approval ensures that the detailed requirements of this subsection are met.

### Types of Plant Species

Subsection 4.176 (.06) E.

**A33.** The applicant has provided sufficient information in their landscape plan showing the proposed landscape design meets the standards of this subsection.

### Exceeding Plant Standards

Subsection 4.176 (.06) G.

**A34.** The selected landscape materials do not violate any height or vision clearance requirements.

## Landscape Installation and Maintenance

### Subsection 4.176 (.07)

- A35.** Conditions of Approval ensure that installation and maintenance standards are or will be met including that plant materials be installed to current industry standards and properly staked to ensure survival, and that plants that die are required to be replaced in kind, within one (1) growing season, unless appropriate substitute species are approved by the City. A permanent underground irrigation system is proposed as noted on the landscape plan.

## Landscape Plan Requirements

### Subsection 4.176 (.09)

- A36.** The applicant's landscape plan (Exhibit B2) provides the required information including proposed landscape areas, type, installation size, number and placement of materials and plant material list.

## Completion of Landscaping

### Subsection 4.176 (.10)

- A37.** The applicant has not requested to defer completion of landscaping.

## Installation of Landscaping

### Landscape Installation or Bonding

#### Subsection 4.450 (.01)

- A38.** A Condition of Approval will assure installation or appropriate security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director, is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant. A Condition of Approval further requires that the applicant, prior to Final Plat approval, either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of the proposed access ramp from the public right-of-way to the Tract A open space area, and site furnishings and landscaping in Tract A, or (2) install all Tract A open space and related improvements.

Approved Landscape Plan  
Subsection 4.450 (.02)

**A39.** Action by the City approving a proposed landscape plan is binding on the applicant. A Condition of Approval will ensure that substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan will not be made without official action of the Planning Director through a Class 1 or Class 2 Administrative Review or Development Review Board and provide ongoing assurance the criterion is met.

Landscape Maintenance and Watering  
Subsection 4.450 (.03)

**A40.** A Condition of Approval will ensure landscaping is continually maintained in accordance with this subsection.

Modifications of Landscaping  
Subsection 4.450 (.04)

**A41.** A Condition of Approval will provide ongoing assurance that this criterion is met by preventing modification or removal of landscaping without appropriate City review.