

**DEVELOPMENT REVIEW BOARD MEETING**

**MONDAY, MARCH 28, 2022**

**6:30 PM**

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**Public Hearing:**

2. **Resolution No. 401 Frog Pond Estates Subdivision:** OTAK, Inc. – Representative for West Hills Land Development, LLC – Applicant and Amy Thurmond, Venture Properties, and West Linn-Wilsonville School District – Owners. Annexation and Zone Map Amendment from Rural Residential Farm Forest 5-Acre (RRFF-5) to Residential Neighborhood (RN) and Public Facility (PF) of approximately 13.22 acres between SW Boeckman Road and SW Frog Pond Lane for a 17-Lot Residential Subdivision and Future School Site, and adopting findings and conditions approving a Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat and Type C Tree Plan for the Residential Subdivision. The subject site is located at 7070 SW Frog Pond Lane, and 7035 and 7151 SW Boeckman Road on Tax Lot 1501 and a portion of Tax Lot 1500, Section 12D, a portion of Tax Lot 400, Section 12DD and Tax Lot 4500, Section 12DC, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Staff: Cindy Luxhoj, AICP, Associate Planner

Case Files:

DB21-0065	Annexation
DB21-0066	Zone Map Amendment
DB21-0067	Stage I Preliminary Plan
DB21-0068	Stage II Final Plan
DB21-0069	Site Design Review of Parks & Open Space
DB21-0070	Tentative Subdivision Plat
DB21-0071	Type C Tree Plan

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

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 401**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RFFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) AND PUBLIC FACILITY (PF) OF APPROXIMATELY 13.22 ACRES BETWEEN SW BOECKMAN ROAD AND SW FROG POND LANE FOR A 17-LOT RESIDENTIAL SUBDIVISION AND FUTURE SCHOOL SITE, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I PRELIMINARY PLAN, STAGE II FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT AND TYPE C TREE PLAN FOR THE RESIDENTIAL SUBDIVISION. THE SUBJECT SITE IS LOCATED AT 7070 SW FROG POND LANE, AND 7035 AND 7151 SW BOECKMAN ROAD ON TAX LOT 1501 AND A PORTION OF TAX LOT 1500, SECTION 12D, A PORTION OF TAX LOT 400, SECTION 12DD AND TAX LOT 4500, SECTION 12DC, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. OTAK, INC. – REPRESENTATIVE FOR WEST HILLS LAND DEVELOPMENT, LLC – APPLICANT AND AMY THURMOND, VENTURE PROPERTIES, AND WEST LINN-WILSONVILLE SCHOOL DISTRICT – OWNERS.**

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, 2022, 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, 2022, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated March 21, 2022, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB21-0065 through DB21-0071; Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, and Class C Tree Plan.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 28<sup>th</sup> day of March, 2022 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)*.

\_\_\_\_\_  
Nicole Hendrix, Acting Chair – Panel B  
Wilsonville Development Review Board

Attest:

\_\_\_\_\_  
**Shelley White, Planning Administrative Assistant**



Exhibit A1  
Staff Report  
Frog Pond Estates 17-Lot Subdivision  
Development Review Board Panel 'B'  
Quasi-Judicial Public Hearing

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**Hearing Date:** March 28, 2022

**Date of Report:** March 21, 2022

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**Application Nos.:** DB21-0065 Annexation  
DB21-0066 Zone Map Amendment  
DB21-0067 Stage I Preliminary Plan  
DB21-0068 Stage II Final Plan  
DB21-0069 Site Design Review of Parks and Open Space  
DB21-0070 Tentative Subdivision Plat  
DB21-0071 Type C Tree Removal Plan

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

**Location:** 7070 SW Frog Pond Lane, and 7035 and 7151 SW Boeckman Road. The property is specifically known as TLID 1501 and a portion of TLID 1500, Section 12D, a portion of TLID 400, Section 12DD, and TLID 4500, Section 12DC, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

**Owners:** Amy Thurmond (TLID 1501, 7070 SW Frog Pond Lane)  
Venture Properties (TLID 1500, Tract I of Frog Pond Ridge No. 2)  
West Linn-Wilsonville School District (TLID 400, 7035 SW Boeckman Road, TLID 4500, 7151 SW Boeckman Road)

**Applicant:** West Hills Land Development LLC (Contact: Dan Grimberg)

**Applicant's Rep.:** OTAK, Inc. (Contact: Li Alligood AICP)

**Comprehensive Plan Designations:** Residential Neighborhood and Public

**Zone Map Classification:** TLID 400 – Current: Public Facility (PF)  
Proposed: No change  
TLID 1500 – Current: Residential Neighborhood (RN)  
Proposed: No change

TLID 1501 – Current: Clackamas County Rural Residential Farm  
Forest 5-Acre (RRFF-5)  
Proposed: RN  
TLID 4500 – Current: RRFF-5  
Proposed: PF

**Staff Reviewers:** Cindy Luxhoj AICP, Associate Planner  
Amy Pepper, PE, Development Engineering Manager  
Kerry Rappold, Natural Resources Program Manager

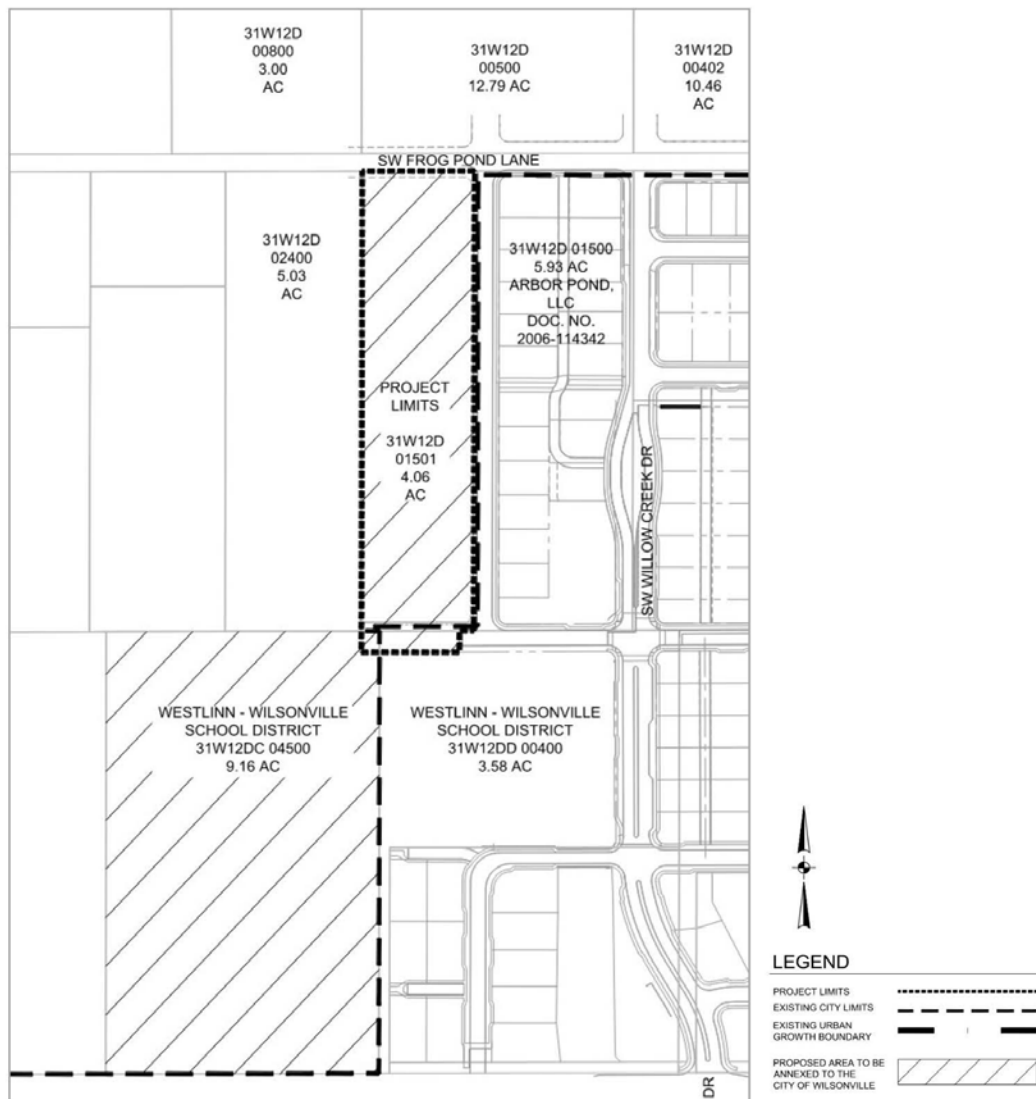
**Staff Recommendation:** Recommend approval to the City Council of the Annexation and Zone Map Amendment, approve with conditions the Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, and Type C Tree Plan, contingent on City Council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

**Applicable Review Criteria:**

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.136	Public Facility (PF) Zone
Section 4.139 through 4.139.11	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Sections 4.156.01 through 4.156.11	Signs
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering

Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes
Sections 4.200 through 4.290	Land Divisions
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600-4.640.20	Tree Preservation and Protection
Section 4.700	Annexation
<b><u>Comprehensive Plan and Sub-elements:</u></b>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<b><u>Regional and State Law and Planning Documents</u></b>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by Consent Before Public Hearing or Order for Election
Statewide Planning Goals	

## Vicinity Map



## Background:

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

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

The proposed 17-lot subdivision is the seventh development proposal in Frog Pond West. The subdivision will connect to the previously approved Frog Pond Ridge subdivision, blending together as one cohesive neighborhood consistent with the Frog Pond West Master Plan.

The City recently adopted local development regulations related to the allowance of middle housing types in response to state law and local equitable housing policies. As part of this work, changes were adopted to the Comprehensive Plan, Zone Map, Development Code, Villebois Village and Frog Pond West Master Plans, and Old Town Neighborhood Plan. The plan and associated Zone Map and Development Code amendments went into effect on November 18, 2021. As the subject applications were submitted to the City on October 20, 2021, the standards applicable at the time the City received the application (Section 4.127, Residential Neighborhood, see Exhibit A2) are used in determining compliance of the proposed subdivision with City standards. Construction of homes on the proposed lots will be subject to the revised Development Code standards for permitted uses and lot development standards.

Several land use applications have been submitted for sites near the subject property. Frog Pond Vista (DB21-0057-0063) is located to the north of Frog Pond Estates and contains features such as street extensions, pedestrian connections, and street trees that will interface with this application. Staff has reviewed this application in the context of the property to the north to ensure all shared components are consistently applied across each subdivision.

This application also includes annexation and rezoning of property owned by the West Linn-Wilsonville School District, and dedication of a portion of the property as ROW to be developed as part of the Frog Pond Estates subdivision. The undedicated portion of the property is planned for a future school.

### **Application Summary:**

#### **Annexation (DB21-0065)**

The area proposed for annexation is contiguous to land currently in the City, within the UGB, and master planned for residential development (Frog Pond Estates) and public facility (future school site). All property owners and a majority of registered voters in the annexation area have consented in writing to the annexation.



## Zone Map Amendment (DB21-0066)

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

## Stage I Preliminary Plan (DB21-0067)

*Note: Only the 4.30-acre area shown on the Tentative Subdivision Plat in Exhibit B2 is subject to this Stage I Preliminary Plan application.*

The proposed residential use, number of lots, preservation of open space, and general block and street layout are consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use unit count, the proposed Stage I Preliminary Plan area includes portions of medium lot Sub-district 4, and large lot Sub-district 7. See Finding C17 for a more detailed discussion on how the proposal meets the required density in each sub-district consistent with the Master Plan recommendations.

The Frog Pond West Master Plan established range for Sub-district 4 is 86-107 lots. Approximately 10.8% of Sub-district 4 is within the project area and the applicant proposes 12 lots. The established range for Sub-district 7 is 24-30 lots. Approximately 13.9% of Sub-district 7 is within the project area and the applicant proposes 5 lots, exceeding the proportional density requirement for the site by one (1) lot while continuing to meet minimum lot size requirements for the sub-district.

Development within small lot sub-districts greater than 10 acres must provide a minimum of 10% of the net developable area as open space. The open space must include at least 50% usable open space as defined by the Code. Because the current application does not include development within a small lot sub-district, this requirement does not apply.

## Stage II Final Plan (DB21-0068)

*Note: Only the 4.30-acre area shown on the Tentative Subdivision Plat in Exhibit B2 is subject to this Stage II Final Plan application.*

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

Proposed lot layout and size, as well as block size and access, generally demonstrate consistency with development standards established for the Residential Neighborhood (RN) zone and in the Frog Pond West Master Plan.

Regarding the protection of natural features and other resources, the project design avoids disturbance of these features and resources. The site is generally flat, varying by approximately 11 feet from northwest (240 ft. elevation) to southeast (229 ft. elevation).

#### Site Design Review (DB21-0069)

*Note: Only the 4.30-acre area shown on the Tentative Subdivision Plat in Exhibit B2 is subject to this Site Design Review application.*

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

#### Tentative Subdivision Plat (DB21-0070)

*Note: Only the 4.30-acre area shown on the Tentative Subdivision Plat in Exhibit B2 is subject to this Tentative Subdivision Plat application.*

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

#### Type C Tree Removal Plan (DB21-0071)

*Note: Only the 4.30-acre area shown on the Tentative Subdivision Plat in Exhibit B2 is subject to this Type C Tree Removal Plan application.*

There are 49 trees inventoried on and off-site as part of the proposed development. The majority of the tree removal is proposed in the northern part of the site near to the existing house and accessory buildings and along the west property line on the southern part of the site where trees will be removed due to construction of proposed public streets and residential lots.

Forty-six (46) of the trees inventoried are located on the subject property. Two (2) of these trees are proposed to remain in Tract A (open space) and 3 will be preserved and protected on residential lots in the northern part of the development. The other trees are necessary for removal due to construction. Forty-one (41) trees are proposed for removal. The applicant proposes planting 43 new trees in the form of 30 street trees, 5 trees along private Street B (Tract B), 2 trees within the open space (Tract A), and 6 trees within the landscape tract (Tract D). In addition, 16 trees are proposed to be planted adjacent to the stormwater facilities in Tract C, for a total of 59 trees. The proposed mitigation (Sheets L2.00 and L2.10) is in excess of the 1:1 mitigation requirement for tree removal.

## **Discussion Points – Verifying Compliance with Standards:**

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

### **Consistency with Statewide Planning Goals**

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

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

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

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

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

## Traffic Impacts

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

- SW Stafford Road/SW Frog Pond Lane
- SW Stafford Road/SW Brisband Street
- SW Boeckman Road/SW Willow Creek Drive

The study intersections meet the City of Wilsonville's operating standard for the existing conditions. The intersections will continue to perform at Level of Service D or better with the proposed project and thus meet City standards.

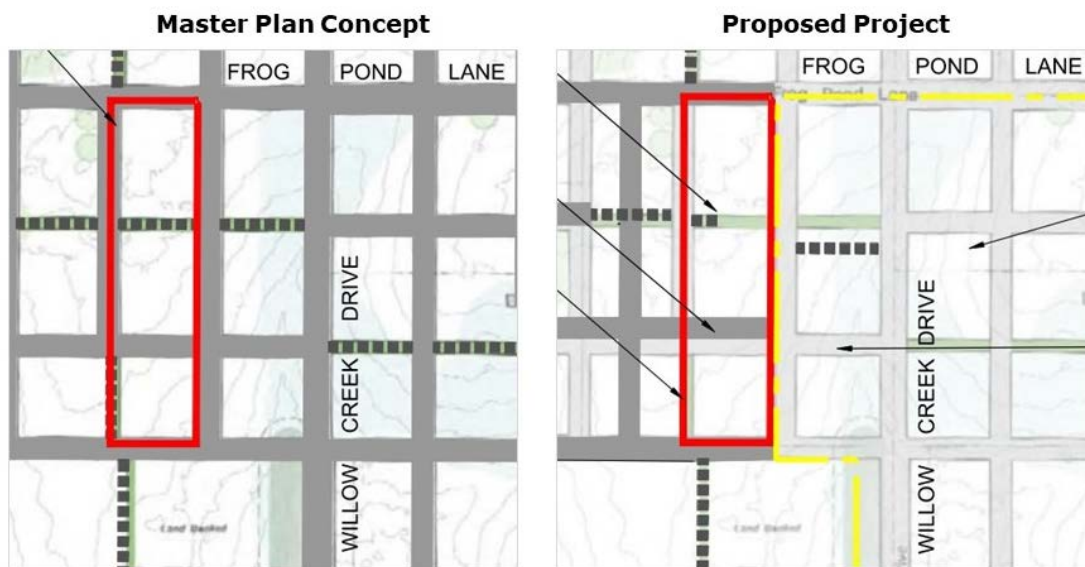
The Traffic Impact Analysis for the project (DKS, November 2021) did not include analysis of the SW Stafford Road/SW 65th Avenue intersection, as it was found to already fail to meet Clackamas County standards under existing 2021 conditions. The Clackamas County 20-year Capital Project List includes a proposed future roundabout at the SW Stafford Road/SW 65th Avenue/SW Elligsen Road intersection (Project ID 1079) as the recommended improvement. The City's Transportation System Plan identifies this as a high priority project (Project SI-03) under the jurisdiction of Clackamas County. The City's cost share of the project is 25% of the total project cost with the County funding the remaining portion. The transportation SDC's collected as part of this development will contribute toward the City's share of the proposed intersection improvement costs. As the SW Stafford Road/SW 65th Avenue intersection is outside the City's jurisdiction, it is not possible to require the completion of these improvements within the specified timeframe. The improvements will be constructed on the timeline set forth by the County's 20-Year Capital Project List. In the meantime, the City's Boeckman Creek Corridor Project, which includes improving the intersection of SW Canyon Creek Road and SW Boeckman Road, will also include temporary signalization at the SW Stafford Road/SW 65th Avenue intersection, which will improve the flow of traffic at this intersection.

## Street Demonstration Plan Compliance

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

In order to provide access throughout the subdivision, the applicant proposes some limited variations from the Street Demonstration Plan that results in a modified grid configuration of streets. As shown in the illustration below, SW Brisband Street will extend to the west along the southern site boundary. Proposed Street A will provide an east-west connection to future development to the west. Proposed Street B will provide a continuation of the pedestrian connection within Frog Pond Ridge from the east via a sidewalk connection and can be extended to the west with future development.

The proposed development will complete SW Columbine Avenue, which will connect SW Frog Pond Lane to SW Brisband Street to the south. The north-south street along the west of the site as shown in the Street Demonstration Plan is not necessary for site access or frontage, and is anticipated to be completed with future developments to the west. The ultimate number of north-south street connections connecting SW Frog Pond Lane and SW Brisband Street between SW Willow Creek Drive and SW Boeckman Road is substantially equivalent to the connections shown in the Street Demonstration Plan with the exception of the north-south street on the west side of the site, which is anticipated to be constructed in future development further to the west.



### Street Length and Connectivity

The proposed modified grid pattern provides an efficient street connection to SW Frog Pond Lane and SW Stafford Road with interior streets providing efficient pedestrian connections through the attached sidewalks and Pedestrian Connections. The grid pattern with attached sidewalks provides for a substantially equivalent level of pedestrian connectivity, with the exception of the north-south street and Pedestrian Connection on the west side of the site that is anticipated to be constructed in future development further to the west. The proposed modifications do not require out-of-direction pedestrian travel nor do they result in greater distances for pedestrian access to the proposed subdivision from the above streets than would otherwise be the case if the Street Demonstration Plan were adhered to.

### Residential Density Targets

As discussed earlier in the Application Summary of this staff report, the subject property is located in Sub-districts 4 (medium lot R-7) and 7 (large lot R-10). While the applicant proposes 12

lots in Sub-district 4, which is the maximum number allowed, 5 lots are proposed in Sub-district 7, exceeding the proportional density requirement for this part of the site by one (1) lot.

The portion of the subject property within Sub-district 7 able to accommodate lot area (90.9%) is much greater than in other subareas. Minimal right-of-way dedication is required because the section of SW Frog Pond Lane adjacent to the site is a local street, which allows driveway access, private street B is primarily located in Sub-district 4, and the majority of SW Columbine Avenue bordering the site on the east is being constructed as part of the Frog Pond Ridge subdivision. As a result, no alleys are required or proposed to provide access to the proposed lots in Sub-district 7. Therefore, the proposed site area within Sub-district 7 easily accommodates five lots that meet or exceed all dimensional standards, including minimum lot size requirements. The proposed development of five lots in this portion of Sub-district 7 exceeds minimum lot development standards while preserving significant trees and allowing for compliant future development within the master plan area.

### Balancing Uses in Planter Strips

Many design elements compete for space within the planter strips between sidewalks and streets. These elements include street trees, stormwater facilities, and streetlights while accommodating appropriate spacing from underground utilities and cross access by pedestrians. To balance these uses, the City recommends that the applicant's plans prioritize street tree and street lighting placement with appropriate spacing from utility laterals and water meters, then place stormwater facilities where space remains available and placement is desirable.

The applicant's plans generally achieve the desired balance with all street trees placed within the planter strip, with stormwater facilities and other elements located in the remaining space. Because there is a curb-tight sidewalk and no planter strip, trees are proposed to be planted in the front or side yards of residential Lots 4-8 along private Street B (Tract B).

### **Public Comments and Responses:**

The City received one public comment in support of the proposal, a copy of which is included as a D Exhibit.

## Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board recommend approval to City Council or approve, as relevant, the proposed applications (DB21-0065 through DB21-0071) with the following conditions:

### Planning Division Conditions:

#### Request A: DB21-0065 Annexation

This action recommends to the City Council approval of Annexation for the subject properties. The Zone Map Amendment (DB21-0065) and all approvals contingent on it are contingent on annexation.

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

#### Request B: DB21-0066 Zone Map Amendment

This action recommends to the City Council adoption of the Zone Map Amendment for the subject properties. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB21-0065). Case files DB21-0067, DB21-0068, DB21-0069, DB21-0070, and DB21-0071 are contingent on City Council action on the Zone Map Amendment request.

No conditions for this request.

#### Request C: DB21-0067 Stage I Preliminary Plan

Approval of DB21-0067 (Stage I Preliminary Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0066).

No conditions for this request

#### Request D: DB21-0068 Stage II Final Plan

Approval of DB21-0068 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0066).

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

<p><b>PDD 2.</b> <u><b>Prior to Final Plat Approval:</b></u> On the Final Subdivision Plat, public pedestrian and bicycle access easements, including egress and ingress, shall be established across the entirety of all pathways located in private tracts. See Finding D13.</p>
<p><b>PDD 3.</b> <u><b>General:</b></u> All crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast). See Finding D16.</p>
<p><b>PDD 4.</b> <u><b>General:</b></u> Any area, whether in a garage or in a driveway, counted as a required parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D19.</p>
<p><b>PDD 5.</b> <u><b>Prior to Final Plat Approval:</b></u> A tree protection easement shall be provided on Lots 1, 5, and 6 to protect Trees #50553, #50554, #50555, #50725, and #50726. Such easements shall be shown on the final plat and include the following provisions:</p> <ul style="list-style-type: none"> <li>• City and HOA access to inspect health of the portion of the tree root system and tree structure on the properties to ensure activity or conditions in the easement area do not impact the overall health of the trees and to perform any necessary activity to preserve tree health and maintain appropriate landscaping within the easement area.</li> <li>• Establish HOA responsibility for landscaping and tree maintenance within the easement area.</li> <li>• Limit landscaping within the tree protection easement to native plantings compatible with Oregon white oaks and other preserved species, as appropriate.</li> <li>• Require temporary and permanent drainage and irrigation be designed around easement areas to optimize the amount of water in the root zone of the trees to support their health.</li> </ul> <p>No foundations or hardscape improvements shall be placed within the portion of the root zone, which is delineated by the tree protection fencing shown on Sheet L1.00 within Exhibit B2. Fence posts for tree protection fencing within the root zones of the preserved trees shall be hand dug and supervised by the project arborist. If roots are encountered alternative fence post placement is required as determined by the project arborist. Tree protection fencing shall not be removed without the arborist present onsite and prior notice given to the Planning Division. See Finding D22.</p>
<p><b>PDD 6.</b> <u><b>Prior to Final Plat Approval:</b></u> The five preserved Trees #50553, #50554, #50555, #50725, and #50726 shall be pruned for dead branches before lots are developed. Tree #50726, a 53-inch DBH Oregon white oak, will require additional pruning to reduce weight in the crown, installation of an additional support system in the crown, which may take the form of steel cables, and installation of steel rods extending through the trunk at the main crotch to reduce the likelihood of catastrophic failure at this structural defect. All tree pruning and other protective measures shall be supervised and conducted by an ISA Certified Arborist. See Finding D22.</p>



<p><b>PDD 7.</b> <u><b>Prior to Final Plat Approval:</b></u> A waiver of remonstrance against formation of a local improvement district (LID) shall be recorded in the County Recorder’s Office as well as the City’s Lien Docket as part of the recordation of the final plat. In light of the developer’s obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee in accordance with the Development and Annexation Agreement required by PDA 1, the LID Waiver for a specific parcel within the Frog Pond Estates development shall be released upon official recording of the release of the waiver only after payment of the Infrastructure Supplemental Fee and Boeckman Bridge Fee. Further, the developer shall pay all costs and fees associated with the City’s release of the LID Waiver. See Finding D32.</p>
<p><b>PDD 8.</b> <u><b>General:</b></u> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D28.</p>

Request E: DB21-0069 Site Design Review of Parks and Open Space

<p>Approval of DB21-0069 (Site Design Review of Parks and Open Space) is contingent on City Council approval of the Zone Map Amendment request (DB21-0066).</p>	
<p><b>PDE 1.</b> <u><b>General:</b></u> Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding E3.</p>	
<p><b>PDE 2.</b> <u><b>Prior to Final Plat Approval:</b></u> All landscaping and site furnishings required and approved by the Development Review Board for common tracts shall be installed prior to Final Plat Approval unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of Final Plat Approval. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, an irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant/owner. See Finding E13.</p>	
<p><b>PDE 3.</b> <u><b>Prior to Final Plat Approval:</b></u> The applicant shall either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping. See Finding E13.</p>	
<p><b>PDE 4.</b> <u><b>Ongoing:</b></u> The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or</p>	

	Development Review Board, pursuant to the applicable sections of Wilsonville’s Development Code. See Finding E14.
PDE 5.	<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 E15 and E16.
PDE 6.	<p><b>General:</b> The following requirements for planting of shrubs and ground cover shall be met:</p> <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> <li>• Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding E20.</li> </ul>
PDE 7.	<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 E20.
PDE 8.	<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 E21.
PDE 9.	<b>Prior to issuance of any Public Works permits:</b> The applicant/owner shall install LED street lighting in compliance with the Public Works Standards and Frog Pond West Master Plan. The street lighting shall be Westbrook style streetlights. The applicant/owner shall provide a ‘stamped’ engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets. See Finding E24.

<p><b>PDE 10. <u>Prior to issuance of any Public Works permits:</u></b> Consistent with the Frog Pond West Master Plan, which includes a Public Lighting Plan and recommended lighting plan hierarchy, and recommends that pedestrian connections, trailheads and paths be uniformly illuminated to define a hierarchy of travel routes, and that such illumination follow the Public Works Standards for Shared-Use Path Lighting, the applicant shall, in consultation with the City Engineer, determine if additional pedestrian-scale lighting is warranted along the pathways in Tract A and install any warranted lighting in compliance with these standards. See Finding E25.</p>
<p><b>PDE 11. <u>Prior to Final Plat Approval:</u></b> All street signs shall be installed and utilize the City-approved sign cap on street name signs throughout the entirety of the subdivision, matching the design used in the Frog Pond Crossing, Frog Pond Vista, Frog Pond Ridge, Frog Pond Meadows, Stafford Meadows and Morgan Farm subdivisions. The developers will buy the signs from the City. See Finding E28.</p>

Request F: DB21-0070 Tentative Subdivision Plat

<p>Approval of DB21-0070 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB21-0066).</p>
<p><b>PDF 1. <u>Prior to Final Plat Approval:</u></b> Any necessary easements or dedications shall be identified on the Final Subdivision Plat.</p>
<p><b>PDF 2. <u>Prior to Final Plat Approval:</u></b> 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.</p>
<p><b>PDF 3. <u>Prior to Final Plat Approval:</u></b> Where any street will be extended signs stating “street to be extended in the future” or similar language approved by the City Engineer shall be installed. See Finding D33 and F13.</p>
<p><b>PDF 4. <u>Prior to Final Plat Approval:</u></b> The applicant/owner shall submit for review and approval by the City Attorney CC&amp;R’s, bylaws, etc. related to the maintenance of the open space tracts. Such documents shall assure the long-term protection and maintenance of the open space tracts.</p>
<p><b>PDF 5. <u>Prior to Final Plat Approval:</u></b> For all public pipeline easements, public access easements, and other easements, as required by the City, shown on the Final Subdivision Plat, the applicant/owner and the City shall enter into easement agreements on templates established by the City specifying details of the rights and responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County. See Finding F17.</p>
<p><b>PDF 6. <u>Prior to Final Plat Approval:</u></b> A street tree easement shall be granted for Lots 4-8 with street trees as shown on the street tree plan, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees located on private property. See Finding F20.</p>

Request G: DB21-0071 Type C Tree Plan

Approval of DB21-0071 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0066).	
<b>PDG 1.</b>	<b>General:</b> This approval for removal applies only to the 41 trees identified in the applicant’s submitted Tree Maintenance and Protection Plan, see Exhibit B2. All other trees on the property shall be maintained unless removal is approved through separate application.
<b>PDG 2.</b>	<b>Prior to Grading Permit Issuance:</b> The applicant/owner shall submit an application for a Type ‘C’ Tree Removal Permit on the Planning Division’s Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant/owner shall provide the City’s Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant/owner shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff. See Finding G19.
<b>PDG 3.</b>	<b>General:</b> 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.
<b>PDG 4.</b>	<b>Prior to Commencing Site Grading:</b> The applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. See Finding G25.

*The following Conditions of Approval are provided by the Engineering, Natural Resources, or Building Divisions of the City’s Community Development Department or Tualatin Valley Fire and Rescue, all of which have authority over development approval. A number of these Conditions of Approval are not related to land use regulations under the authority of the Development Review Board or Planning Director. Only those Conditions of Approval related to criteria in Chapter 4 of Wilsonville Code and the Comprehensive Plan, including but not limited to those related to traffic level of service, site vision clearance, recording of plats, and concurrency, are subject to the Land Use review and appeal process defined in Wilsonville Code and Oregon Revised Statutes and Administrative Rules. Other Conditions of Approval are based on City Code chapters other than Chapter 4, state law, federal law, or other agency rules and regulations. Questions or requests about the applicability, appeal, exemption or non-compliance related to these other Conditions of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.*

## Engineering Division Conditions:

Request D: DB21-0068 Stage II Final Plan

<b>PFD 1.</b>	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1 and to specifics as found in the Frog Pond West Mater Plan (July 17, 2017).
<b>PFD 2.</b>	<b>General:</b> Streets shall be primarily constructed per the street type and cross-section as show in the Frog Pond West Master Plan.
<b>PFD 3.</b>	<b>Prior to issuance of a Public Works permit:</b> Applicant shall be required to enter into a Development and Annexation Agreement with the City.
<b>PFD 4.</b>	<b>Prior to Issuance of Public Works Permit:</b> Submit site plans to Engineering showing street improvements including pavement, curb, planter strip, street trees, sidewalk, and driveway approaches along site frontage on SW Frog Pond Lane, SW Columbine Avenue, SW Brisband Street, Street A, and Street B. Street improvements shall be constructed in accordance with the Public Works Standards.
<b>PFD 5.</b>	<b>Prior to Issuance of Public Works Permit:</b> A final stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment and flow control requirements. The stormwater report shall also include conveyance calculations to demonstrate that any downstream impacts can be mitigated. In one portion of the stormwater report, the report errantly calls out the need for a 401 Certification permit and NPDES 1200-C permit. The site does not have a wetland and for erosion control purposes, the site will require a NPDES 1200-CN permit.
<b>PFD 6.</b>	<b>Prior to Issuance of Public Works Permit:</b> The applicant shall obtain a Local Erosion Control Permit from the City of Wilsonville. Erosion control plans shall be in conformance with the requirements of an NPDES 1200-CN permit. All erosion control measures shall be in place prior to starting any construction work, including any demolition work. Permits shall remain active until all construction work is complete and the site has been stabilized. Permits will be closed out when home construction is completed and final certificates of occupancy have been issued for all homes in the subdivision.
<b>PFD 7.</b>	<b>With the Public Works Permit:</b> The applicant shall provide to the City a copy of correspondence that plans have been distributed to the franchise utilities. <b>Prior to the issuance of the Public Works Permit:</b> The applicant shall coordinate the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easement or right-of-way be required to construct or relocate a franchise utility, the applicant shall provide a copy of the recorded documents.
<b>PFD 8.</b>	<b>With the Public Works Permit:</b> The construction drawings shall show the location of the existing septic system. <b>Prior to final completeness of the Public Works</b>

	<b>Permit:</b> Submit documentation that the existing on-site septic system was properly decommissioned per the requirements of OAR 340-071-0185.
<b>PFD 9.</b>	<b>With the Public Works Permit:</b> The construction drawings shall show the location of the existing well. <b>Prior to final completeness of the Public Works Permit:</b> Submit documentation that the existing well serving this property was properly abandoned in accordance with OAR 690-240 and the Water Resources Department requirements

Request F: DB21-0070 Tentative Subdivision Plat

The following conditions are in addition to the dedications and easements shown on the Tentative Subdivision Plat	
<b>PFF 1.</b>	<b>Prior to Final Plat Approval:</b> Show dedication of a 6-foot public utility easement along the Street B frontage of Tract A.
<b>PFF 2.</b>	<b>Prior to Final Plat Approval:</b> Show dedication of a 6-foot public utility easement along the SW Frog Pond Lane, SW Columbine Avenue, Street A and Street B right-of-way frontages.
<b>PFF 3.</b>	<b>Prior to Final Plat Approval:</b> All public infrastructure improvements including but not limited to street, stormwater drainage, water quality and flow control, sanitary sewer, and water facilities shall be substantially complete with approval from the Community Development Director pursuant to Section 4.220 of the Development Code.

**Building Division Conditions:**

All Requests

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

shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch.  
(OFC 505.1) Provide a physical address on the new home, as well  
as near the intersection of the private drive/alley and public road visible from the  
approach of the private drive/alley.

## Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB21-0065 through DB21-0071. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

### Planning Staff Materials

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

### Materials from Applicant

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

- Land Use Application Forms
- Land Use Narrative
- Appendix A: Annexation Documents
- Appendix B: Preliminary Stormwater Report
- Appendix C: Traffic Impact Analysis
- Appendix D: Arborist Report
- Appendix E: Geotechnical Report
- Appendix F: CCRs and Bylaws
- Appendix G: Example House Plans
- Appendix H: Republic Services Service Provider Letter
- Appendix I: TVF&R Service Provider Letter

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

- P0.00 Cover Sheet
- P1.00 Existing Conditions – Aerial
- P1.10 Existing Conditions – Survey Mapping
- P2.00 Preliminary Site Plan
- P2.10 Preliminary Street Cross Sections
- P3.00 Preliminary Plat
- P4.00 Preliminary Utility Plan
- P5.00 Preliminary Grading Plan
- P6.00 Annexation Plan
- P7.00 Zoning Map



- P8.00 Proposed Circulation and Connectivity
- P9.00 Possible Future Development
- P10.00 Site Impacts of Street Extensions
- P11.00 Sub-districts and Density
- P12.00 Sight Lines to Boeckman Creek Corridor
- L1.00 Tree Protection Plan
- L2.00 Landscape Plans
  - L2.10 Landscape Tract Plan
  - L2.20 Landscape Details
- L3.00 Landscape Notes and Details
- IL-1 Illumination Notes
- IL-2 Illumination Details
- IL-3 Illumination Details
- IL-4 Illumination Plan

B3. Incompleteness Response Memos Dated December 29, 2021 and February 18, 2022

Development Review Team Correspondence

C1. Engineering Division Conditions

Other Correspondence

D1. Comment from Doris Wehler, Dated March 11, 2022

## Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on October 20, 2021. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on November 19, 2021. The applicant submitted additional material on December 29, 2021. Staff conducted a completeness review within the statutorily allowed 30-day review period and deemed the application complete on January 28, 2022. The City must render a final decision for the request, including any appeals, by May 28, 2022.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North	RRFF-5	Single-family Residential (Frog Pond Vista, under review)
East	RN	Single-family Residential (Frog Pond Ridge, under construction)
South	PF and RRFF-5	Rural Residential/Agriculture (future park and school sites)
West	RRFF-5	Rural Residential/Agriculture

3. Previous City Planning Approvals: None
4. The applicant has complied with Sections 4.013-4.031 of the Wilsonville Code, said sections pertaining to review procedures and submittal requirements. The required public notices have been sent and all proper notification procedures have been satisfied.

## Findings:

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

### General Information

#### Application Procedures-In General

Section 4.008

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

#### Initiating Application

Section 4.009

The owners of all property included in the application signed the application forms. West Hills Land Development LLC initiated the application with their approval.

#### Pre-Application Conference

Subsection 4.010 (.02)

Following a request from the applicant, the City held a pre-application conference for the proposal on July 1, 2021 (PA21-0016), in accordance with this subsection.

#### Lien Payment before Approval

Subsection 4.011 (.02) B.

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

#### General Submission Requirements

Subsection 4.035 (.04) A.

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

#### Zoning-Generally

Section 4.110

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

### Request A: DB21-0065 Annexation

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

## **Comprehensive Plan-Annexation and Boundary Changes**

### Consistent with Future Planned Public Services

Implementation Measure 2.2.1.a.

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

### Demonstrated Need for Immediate Urban Growth

Implementation Measure 2.2.1.a.

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

### Adherence to State and Metro Annexation Laws and Standards

Implementation Measure 2.2.1.e.

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

### Orderly, Economic Provision of Public Facilities and Services

Implementation Measure 2.2.1.e. 1.

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

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

Implementation Measure 2.2.1.e. 2.

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

## **Wilsonville Development Code-Annexation**

### Authority to Review Quasi-Judicial Annexation Requests

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

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

### Procedure for Review, Etc.

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

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

### Adoption of Development Agreement with Annexation

Subsection 4.700 (.05)

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

## **Metro Code**

### Local Government Boundary Changes

Chapter 3.09

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

## **Oregon Revised Statutes (ORS)**

### Authority and Procedure for Annexation

ORS 222.111

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

### Procedure Without Election by City Electors

ORS 222.120

- A11.** The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and the request meets the applicable

requirements in State statute including the facts that all property owners and a majority of electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

#### Annexation by Consent of All Owners and Majority of Electors

ORS 222.125

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

### **Oregon Statewide Planning Goals**

#### Planning Goals – Generally

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

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

#### Housing

Goal 10

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

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

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

- Wilsonville is meeting Statewide Planning Goal 10 requirements to “provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing” and to “provide for an overall density of 8 or more dwelling units per net buildable acre.”
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Rezoning the subject property to a higher density zone consistent with the Comprehensive Plan will ensure related zone map amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing UGB and improving the capacity identified in the 2014 study. The type of housing is anticipated to be single-family; however, the approval will allow middle housing consistent with House Bill 2001 and newly implemented City code to allow middle housing types.
- The proposal directly impacts approximately 0.9% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 4.30 of 477 acres).

### **Request B: DB21-0066 Zone Map Amendment**

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

#### **Comprehensive Plan**

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

Policy 4.1.7.a.

- B1.** The subject area has Comprehensive Plan Map Designations of “Residential Neighborhood” and “Public” enabling implementation of the Frog Pond West Master Plan adopted for the subject area.

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

- B2.** The applicant requests the portion of the subject area within the Frog Pond Estates subdivision receive the zoning designation of Residential Neighborhood (RN) as required

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

The applicant requests the portion of the subject area within the future school site receive the zoning designation of Public Facility (PF), as required for areas within Comprehensive Plan Map Designation of “Public”, consistent with the Master Plan recommendation.

#### Safe, Convenient, Healthful, and Attractive Places to Live

Implementation Measure 4.1.4.c.

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

#### Residential Density

Implementation Measure 4.1.4.u.

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

### Development Code

#### Zoning Consistent with Comprehensive Plan

Section 4.029

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

#### Base Zones

Subsection 4.110 (.01)

- B6.** The requested zoning designations of RN and PF are among the base zones identified in this subsection.



## **Residential Neighborhood (RN) Zone**

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

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

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

- B8.** Concurrent with the zone map amendment request the applicant requests approval of a 17-lot residential subdivision. Single-family dwelling units, Duplex, Triplex, Quadplex, Cluster Housing, Cohousing, Cluster Housing (Frog Pond West Master Plan), open space, and public and private parks are among the permitted uses in the RN Zone.

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

- B9.** The proposed uses, number of lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use lot count, the proposed Stage I area includes portions of medium lot Sub-district 4 and large lot Sub-district 7. A full discussion of compliance with the sub-districts and residential density is included under Request C, Stage I Preliminary Plan.

## **Public Facility (PF) Zone**

Purpose of the Public Facility (PF) Zone  
Subsection 4.136 (.01)

- B10.** The request to apply the Public Facility (PF) Zone on the future school property is consistent with the purpose of this zone, as the existing and future uses are public and quasi-public uses that serve and benefit the community.

Permitted Uses in the Public Facility (PF) Zone  
Subsection 4.136 (.02)

- B11.** Public schools are among the permitted uses in the PF zone.

Dimensional Standards  
Subsection 4.136 (.04)

- B12.** All dimensional standards of the PF zone will be met. The frontage of the tax lot exceeds the minimum requirement of 75 feet.

## Request C: DB21-0067 Stage I Preliminary Plan

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

### Comprehensive Plan

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

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

Urbanization for Adequate Housing for Workers Employed in Wilsonville, Jobs and Housing Balance

Implementation Measures 2.1.1.b., 4.1.4.l., 4.1.4.p.

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

Encouraging Master Planning of Large Areas

Implementation Measure 2.1.1.f.2.

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

City Obligated to do its Fair Share to Increase Development Capacity within UGB

Implementation Measure 2.2.1.b.

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

Urban Development Only Where Necessary Facilities can be Provided

Implementation Measure 3.1.2.a.

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

### Provision of Usable Open Space

Implementation Measures 3.1.11.p., 4.1.5.kk.

- C6. The subject property does not include land within a small lot sub-district and, therefore, is not required to provide usable open space. However, the applicant has included a small open space area and Pedestrian Connection in Tract A where two mature trees are being preserved.

### Consistency with Street Demonstration Plans May Be Required

Implementation Measure 3.2.2.

- C7. Section 4.127 requires the area subject to the Stage I Preliminary Plan be consistent with the street demonstration plan in Figure 18 of the Frog Pond West Master Plan. The proposed street layout is generally consistent with the street demonstration plan with variations as noted in Finding D10.

### Wide Range of Housing Choices, Planning for a Variety of Housing

Policy 4.1.4., Implementation Measures 4.1.4.b., 4.1.4.c., 4.1.4.d., 4.1.4.j., 4.1.4.o.

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

### Accommodating Housing Needs of Existing Residents

Implementation Measure 4.1.4.f.

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

## Planned Development Regulations

### Planned Development Lot Qualifications

Subsection 4.140 (.02)

- C10. The planned 17-lot subdivision will accommodate residential building lots, provide functional public streets, and be surrounded by open space and recreational opportunities consistent with the purpose of Section 4.140. The proposed subdivision is 4.06 acres and is suitable for planning and development. The property is not currently nor is it proposed to be zoned "PD" (Planned Development). Concurrently with the request for a Stage I Preliminary Plan, the applicant proposes to rezone the property to RN (Residential Neighborhood). Pursuant to the Frog Pond West Master Plan development in the RN zone follows the same planned development procedure as PDR zones.

Ownership Requirements  
Subsection 4.140 (.03)

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

Professional Design Team  
Subsection 4.140 (.04)

**C12.** Li Alligood, AICP, of Otak, Inc. is the coordinator of a professional design team with all the necessary disciplines including engineers, a landscape architect, and a planner, among other professionals.

Planned Development Application Requirements  
Subsection 4.140 (.07)

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

- The property affected by the Stage I Preliminary Plan is under an application by the property owners.
- The applicant submitted a Stage I Preliminary Plan request on a form prescribed by the City.
- The applicant identified a professional design team and coordinator. See Finding C12.
- The applicant has stated the uses involved in the Stage I Preliminary Plan and their locations.
- The applicant provided boundary information.
- The applicant has submitted sufficient topographic information.
- The applicant provided a tabulation of the land area to be devoted to various uses.
- The applicant does not propose a stage development schedule.
- Any necessary performance bonds will be required.

**Standards for Residential Development in Any Zone**

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

**C14.** The Frog Pond West Master Plan controls outdoor recreational area and open spaces for the subject and surrounding areas. The amount of open space in the proposed development is consistent with the Frog Pond West Master Plan.

## Residential Neighborhood Zone

### Permitted Uses

Subsection 4.127 (.02)

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

### Residential Neighborhood Sub-districts

Subsection 4.127 (.05)

**C16.** The proposed Stage I Preliminary Plan area includes portions of medium lot Sub-district 4 and large lot Sub-district 7.

### Minimum and Maximum Residential Lots

Subsection 4.127 (.06)

**C17.** The proposed number of residential lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential lot count, the proposed Stage I area includes portions of medium lot Sub-district 4 and large lot Sub-district 7. The following table summarizes how the proposed residential lots in each Sub-district are generally consistent with the Master Plan recommendations. While the applicant proposes 12 lots in Sub-district 4, which is the maximum number allowed, 5 lots are proposed in Sub-district 7, exceeding the proportional density calculation for this part of the site by one (1) lot.

Sub-district and Land Use Designation	Gross Site Area (ac)	Percent of Sub-district	Established lot range for Sub-district	Lot Range for Site	Proposed Lots	Total lots within Sub-district - Approved and Proposed
4 – R-7	2.7	10.8%	86-107	9-12	12	21 Approved 12 Proposed 33 Total
7 – R-10	1.4	13.9%	24-30	3-4	5	0 Approved 5 Proposed 5 Total
Total	6			12-16	17	

The proportional density allocation does not account for site-specific characteristics that influence the ability of a specific property to accommodate residential lots meeting minimum dimensional standards. The portion of the subject property within Sub-district 7 able to accommodate lot area (90.9%) is much greater than in other subareas. Minimal right-of-way dedication is required because the section of SW Frog Pond Lane adjacent to the site is a local street, which allows driveway access, private street B is primarily located in Sub-district 4, and the majority of SW Columbine Avenue bordering the site on the east is being

constructed as part of the Frog Pond Ridge subdivision. As a result, no alleys are required or proposed to provide access to the proposed lots in Sub-district 7. Therefore, the proposed site area within Sub-district 7 easily accommodates five lots that meet or exceed all dimensional standards, including minimum lot size requirements. The proposed development of 5 lots in this portion of Sub-district 7 exceeds minimum lot development standards while preserving significant trees and allowing for compliant future development within the master plan area. The configuration of lots as proposed will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

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

**C18.** The proposed Stage I Preliminary Plan area does not include residential land designated R-5 in the Frog Pond West Master Plan, thus the code does not require any of the net developable area to be in open space. However, open space is provided, as noted in Finding D10.

**Request D: DB21-0068 Stage II Final Plan**

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

**Stage II Final Plan Submission Requirements and Process**

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

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

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

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

- SW Stafford Road/SW Frog Pond Lane
- SW Stafford Road/SW Brisband Street
- SW Boeckman Road/SW Willow Creek Drive

The study intersections meet the City of Wilsonville’s operating standard for the existing conditions. The study intersections will continue to perform at Level of Service D or better with the proposed project and thus meet City standards.

The Traffic Impact Analysis for the project (DKS, November 2021) did not include analysis of the SW Stafford Road/SW 65<sup>th</sup> Avenue intersection, as it was found to already fail to meet Clackamas County standards under existing 2021 conditions. The Clackamas County 20-year Capital Project List includes a proposed future roundabout at the SW Stafford Road/SW 65<sup>th</sup> Avenue/SW Elligsen Road intersection (Project ID 1079) as the recommended improvement. The City's Transportation System Plan identifies this as a high priority project (Project SI-03) under the jurisdiction of Clackamas County. The City's cost share of the project is 25% of the total project cost with the County funding the remaining portion. The transportation SDC's collected as part of this development will contribute toward the City's share of the proposed intersection improvement costs. As the SW Stafford Road/SW 65<sup>th</sup> Avenue intersection is outside the City's jurisdiction, it is not possible to require the completion of these improvements within the specified timeframe. The improvements will be constructed on the timeline set forth by the County's 20-Year Capital Project List. In the meantime, the City's Boeckman Creek Corridor Project, which includes improving the intersection of SW Canyon Creek Road and SW Boeckman Road, will also include temporary signalization at the SW Stafford Road/SW 65<sup>th</sup> Avenue intersection, which will improve the flow of traffic at this intersection.

#### Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

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

#### Adherence to Approved Plans

Subsection 4.140 (.09) L.

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

### **General Residential Development Standards**

#### Effects of Compliance Requirements and Conditions on Cost of Needed Housing

Subsection 4.113 (.13)

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

#### Underground Utilities Required

Subsection 4.118 (.02) and Sections 4.300 to 4.320

- D6.** The applicant proposes installation of all new utilities underground. The applicant or City will underground all existing utility lines fronting the subject properties.

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

D7. The applicant has designed the project to minimize grading to only what is required to install site improvements and build homes. The applicant has designed, and will construct, water, sewer, and stormwater infrastructure in accordance with the applicable City requirements in order to minimize adverse impacts on the site, adjacent properties, and surrounding resources.

**Residential Neighborhood (RN) Zone**

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

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

Standard	R-7 Medium Lot Sub-district 4		R-10 Large Lot Sub-district 7		Compliance Notes
	Required	Proposed	Required	Proposed	
Min. Lot Size	6,000 sf	6,101-9,106 sf	8,000 sf	9,208-12,568	Standard is met.
Min. Lot Depth	60 ft	94.48-123.65 ft	60 ft	106.33-141.88 ft	Standard is met.
Min. Lot Width	35 ft	50-83.91 ft	40 ft	84.67-97.29 ft	Standard is met.
Max. Lot Coverage	45%	45% max	40%	60% max	Standard can be met. Example floor plan footprints range from 1,268 to 2,480 sq ft. One or more could be placed on each proposed lot without exceeding max. lot coverage.
Max. Bldg Height	35 ft	35 ft max	35 ft	35 ft max	Standard can be met. Per applicant's materials, houses will be max 35 ft height.
Min. Front Setback	15 ft	15 ft min	20 ft	12 ft min	Standard can be met.
Min. Rear Setback	15 ft	15 ft min	20 ft	15 ft min	Standard can be met.
Min. Side Setback	5 ft (10 ft for corner lots)	5 ft min (10 ft min on corner lots)	5 ft (10 ft for corner lots); 20 ft	5 ft min (10 ft min on corner lots)	Standard can be met.



			combined, 10 ft min for lots >10,000 sf with $\geq$ 70 ft frontage		
Min. Garage Setback from Alley	18 ft	18 ft min	18 ft	18 ft min	Standard can be met.
Min. Garage Setback from Street	20 ft	20 ft min	20 ft	20 ft min	Standard can be met.

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

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

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

Open Space Requirements  
 Subsection 4.127 (.09)

**D10.** As stated in Subsection 4.127 (.09) B. 2., R-5 sub-districts require 10% of the net developable area to be in open space. Net developable area does not include land for nonresidential uses, SROZ-regulated lands, streets and private drives, alleys and pedestrian connections. Of this open space, 50% is to be usable open space. The project does not contain any portion of an R-5 sub-district; therefore these standards do not apply. However, the applicant is providing a small open space and pedestrian connection (Tract A and private Street B).

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

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

Street Segment	Generally Consistent with Figure 18	Allowed Variation	Explanation of Variation
SW Frog Pond Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SW Columbine Avenue	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SW Brisband Street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Public Street A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shifted slightly north of alignment in Street Demonstration Plan.
Private Street B and Tract A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Includes Pedestrian Connection consistent with alignment in Street Demonstration Plan.
Tract D	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tract D is a landscaped area that provides a connection between the Pedestrian Connection in Frog Pond Ridge to east and its continuation along Private Street B and in Tract A.

The applicant’s narrative and plan sheets (see Sheets P8.00 through P10.00 and P12.00) provide additional explanation for the proposed deviations from the Street Demonstration Plan as follows. The Street Demonstration Plan shows a north-south street running south from SW Frog Pond Lane to proposed Street A. A pedestrian access is also shown from proposed Street A south to SW Brisband Street. Per the applicant’s code response and Sheet P10.00, placing these facilities along the west side of the subject site would result in the loss of four lots in Sub-district 4 (Lots 6, 11, 12, and 17), which would be below the required

minimum density for this sub-district as shown on Sheet P11.00. The subject site is approximately 220 ft. wide. The parcel immediately to the west is approximately 45 feet wider than the subject parcel and is more able to accommodate this future street right of way and pedestrian access. See applicant's Sheet P9.00 for a potential layout for this adjacent parcel.

In addition, as shown in Sheet P10.00, extending a street from SW Frog Pond Lane south to the proposed Street A would result in the removal of a 50" DBH Giant Sequoia, a 49" DBH Ponderosa Pine, a 48" DBH Oregon White Oak (Gary Oak) and a 53" Oregon White Oak (Gary Oak), all of which are viable and proposed for protection.

The proposed modified grid pattern provides an efficient street connection to SW Frog Pond Lane and SW Stafford Road with interior streets providing efficient pedestrian connections through the attached sidewalks and Pedestrian Connections. The grid pattern with attached sidewalks provides for a substantially equivalent level of pedestrian connectivity, with the exception of the north-south street and Pedestrian Connection on the west side of the site that is anticipated to be constructed in future development further to the west. The proposed modifications do not require out-of-direction pedestrian travel nor do they result in greater distances for pedestrian access to the proposed subdivision from the above streets than would otherwise be the case if the Street Demonstration Plan were adhered to.

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

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

Standard			Compliance Notes
Main Entrance Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Width Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met. Subdivision includes a majority of lots greater than 50 feet in width at the front lot line.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Orientation Towards Alley or Shared Driveway	Alleys or Shared Driveways in Subdivision	No Alleys or Shared Driveways in Subdivision	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Residential Design Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Small-Lot Subdistricts – House Plan Variety	Required Duplex/Attached Units	Provided Duplex/Attached Units	No small lot area proposed in subdivision.
	0	0	
Fences	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Homes Adjacent to School and Parks and Public Open Spaces	Schools or Parks adjacent to Lots	N/A	Lots 15-17 face a future park and school site on the south of SW Brisband Street. Lots 5 and 6 abut private open space in Tract A and are not subject to these standards.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

## **On-site Pedestrian Access and Circulation**

### Continuous Pathway System

Section 4.154 (.01) B. 1.

**D13.** The submitted plans show sidewalks along the frontages of all lots providing a continuous pathway system throughout the proposed subdivision. In addition to the sidewalk system, a pedestrian/bicycle connection is proposed through Tract A. This additional connection is consistent with Figure 18 of the Frog Pond West Master Plan. The proposal also enables connections to future adjacent development. To ensure full access and function of the planned pathway system for the public, Condition of Approval PDD 2 requires public access easements across all pathways within private tracts.

### Safe, Direct, and Convenient

Section 4.154 (.01) B. 2.

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

### Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

**D15.** The proposed design vertically and or horizontally separates all sidewalks and pathways from vehicle travel lanes except for driveways and crosswalks.

### Crosswalks Delineation

Section 4.154 (.01) B. 4.

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

### Pathway Width and Surface

Section 4.154 (.01) B. 5.

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

## **Parking Area Design Standards**

### Minimum and Maximum Parking

Subsection 4.155 (.03) G.

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

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

**D19.** The applicable standards are met as follows:

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

**Other General Regulations**

Access, Ingress and Egress  
Subsection 4.167 (.01)

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

**Protection of Natural Features and Other Resources**

General Terrain Preparation  
Section 4.171 (.02)

**D21.** The site has been planned and designed to avoid the natural features on the site, including mature trees along the west property boundary. Grading, filling, and excavating will be conducted in accordance with the Uniform Building Code. The site will be protected with erosion control measures and the mature trees to be retained will be protected with fencing to avoid damage. The removal of trees is necessary for site development, but replacement trees will be planted per the provisions of this code.

## Trees and Wooded Areas

### Section 4.171 (.04)

**D22.** Existing vegetation will not be disturbed, injured or removed prior to land use and permit approvals. Existing trees have been retained wherever possible; however, trees will need to be removed to provide area for home construction. Mature trees along the west property line have been prioritized for protection, and one has been incorporated into a private open space tract (Tract A) to allow for preservation. Lots 1, 5 and 6 encroach into the root protection zone (RPZ) of these protected trees. A Condition of Approval will require the lots to be subject to a tree protection easement so that building footprints are outside RPZs. Alternative construction techniques will be used where intrusion into the RPZs cannot be avoided.

In addition, a Condition of Approval will require the five preserved trees to be pruned for dead branches before lots are developed. Tree #50726, a 53-inch DBH Oregon white oak, will require additional pruning to reduce weight in the crown, installation of an additional support system in the crown, which may take the form of steel cables, and installation of steel rods extending through the trunk at the main crotch to reduce the likelihood of catastrophic failure at this structural defect. All tree pruning and other protective measures will be supervised and conducted by an ISA Certified Arborist.

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

## Earth Movement Hazard Area

### Subsection 4.171 (.07)

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

## Historic Resources

### Subsection 4.171 (.09)

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

## Public Safety and Crime Prevention

### Design for Public Safety, Addressing, Lighting to Discourage Crime

#### Section 4.175

**D25.** The design of the Frog Pond Estates development deters crime and ensures public safety. The lighting of the streets and pedestrian connections allow for visibility and safety. The orientation of homes toward streets provides “eyes on the street.” All dwellings will be

addressed per Building and Fire Department requirements to allow identification for emergency response personnel. Dwellings will have exterior porch lighting, which will support the streetlights to provide safety and visibility.

## **Landscaping Standards**

### **Intent and Required Materials**

Subsections 4.176 (.02) C. through I.

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

### **Types of Plant Material, Variety and Balance, Use of Natives When Practicable**

Subsection 4.176 (.03)

**D27.** The applicant proposes a professionally designed landscape using a variety of plant material. There are no parking areas proposed and no parking area landscaping is required. The landscape plans included in the applicant's materials (Sheets L1.00-L3.00) illustrate the location and type of landscaping within public rights-of-way and tracts. The design includes a variety of native plants in stormwater facilities and where feasible in the open space area.

## **Street Improvement Standards**

### **Conformance with Standards and Plan**

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

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

### **Street Design Standards-Future Connections and Adjoining Properties**

Subsection 4.177 (.02) A.

**D29.** The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. Future connections to adjacent sites are anticipated to the west. The proposed design provides for continuation of streets with Frog Pond Ridge to the east. SW Brisband Street is extended west, consistent with the Frog Pond West Master Plan. Public Street A and private Street B provide east-west streets consistent with the Street Demonstration Plan. SW Columbine Avenue contains connections to the pedestrian connection in Frog Pond Ridge and, through Tract A, continuation of the pathway to the



adjacent property to the west. These connections are generally consistent with the pedestrian connections shown in these locations on the Street Demonstration Plan.

#### City Engineer Determination of Street Design and Width Subsection 4.177 (.02) B.

**D30.** The City Engineering Division has preliminarily found the street designs and widths to be consistent with the cross sections shown in the Frog Pond West Master Plan with the modifications as noted in Finding D28, above. The Engineering Division will check final conformance with the cross sections shown in the Frog Pond West Master Plan during review of the Public Works permit.

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

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

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

**D32.** This Subsection requires that a waiver of remonstrance against formation of a local improvement district (LID) be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of recordation of a final plat. This requirement is contained in the Development and Annexation Agreement and notes that in light of the developer's obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee, release of the LID Waiver for a specific parcel within the Frog Pond Estates development may occur upon official recording of the release of the waiver only after payment of these fees, and will require the developer to pay all costs and fees associated with the City's release of the waiver. Condition of Approval PDD 7 outlines the process to be followed with respect to the required LID Waiver and its release for a specific parcel.

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

**D33.** The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. One permanent dead-end street, private Street B, is proposed by the applicant. It is approximately 150 ft. long and serves four lots. The applicant proposes two temporary dead-end streets, SW Brisband Street and Public Street A, pending extension to the west with future development. Proposed Street A is approximately 200 ft. long and serves six lots. SW Brisband Street is approximately 200 ft. long and serves three lots. The number of homes accessed by these streets is less than the maximum allowed for a dead end street. Notification of extension will be posted on the end of this street as required by Condition of Approval PDF 3.

Corner Vision Clearance  
Subsection 4.177 (.02) E.

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

Vertical Clearance  
Subsection 4.177 (.02) F.

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

Interim Improvement Standards  
Subsection 4.177 (.02) G.

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

Sidewalks Requirements  
Subsection 4.177 (.03)

**D37.** The applicant proposes sidewalks along all public street frontages abutting proposed lots.

Bicycle Facility Requirements  
Subsection 4.177 (.04)

**D38.** The proposed street cross-sections as shown on Sheet P2.10 comply with the master plan cross-sections and are not required to include buffered bike lanes.

Pathways in Addition to, or in Lieu of, a Public Street  
Subsection 4.177 (.05)

**D39.** A Pedestrian Connection is proposed through Tract A and private Street B, connecting to Frog Pond Ridge to the east and future development on the property to the west. The proposed connection achieves a similar level of connectivity desired for this particular block.

Transit Improvements Requirements  
Subsection 4.177 (.06)

**D40.** The applicant does not propose any transit improvements within the proposed subdivision. As the Frog Pond area develops, additional transit service may be added; any transit improvements would be addressed at the time the need for additional transit service is identified.

## Intersection Spacing

Offset Intersections Not Allowed  
Subsection 4.177 (.09) A.

**D41.** The applicant does not propose any offset intersections.

Minimum Street Intersection Spacing in Transportation System Plan Table 3-2  
Subsection 4.177 (.09) B.

**D42.** Streets within the development are local streets, including SW Frog Pond Lane, which is a local street west of SW Willow Creek Drive. These streets are not subject to minimum spacing standards. One individual lot access (Lot 1) is proposed to SW Frog Pond Lane, and access to all other lots is proposed from local streets or private Street B.

### **Request E: DB21-0069 Site Design Review of Parks and Open Space**

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

#### **Objectives of Site Design Review**

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

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

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

**E2.** The City code affords the applicant's design team flexibility to create an original design appropriate for the site while ensuring consistency with the Frog Pond West Master Plan, particularly for street trees and landscaping in the public right-of-way.

## **Jurisdiction and Power of the DRB for Site Design Review**

### Development Review Board Jurisdiction Section 4.420

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

## **Design Standards**

### Preservation of Landscaping Subsection 4.421 (.01) A. and Section 4.171

- E4.** The site layout takes into consideration existing landscaping and preserving it where possible. Mature trees exist on the site, with the drip lines and root zones of the trees located on future residential lots. The applicant has included a pedestrian connection and open space (Tract A) and tree protection and preservation easements on Lots 1, 5 and 6, that allow for the preservation of these healthy mature trees.

### Relation of Proposed Buildings to Environment Subsection 4.421 (.01) B.

- E5.** Two structures are proposed within Tract A: a picnic table and split rail fence. A chain link fence is proposed around the stormwater facility in Tract C. No buildings are proposed with this application. The split rail fence is intended to provide separation from adjacent lots while minimizing visual impact, and the chain link fence around the stormwater facility is intended to provide protection for the public. See Sheets L2.00 and L2.20 for details.

### Surface Water Drainage Subsection 4.421 (.01) D.

- E6.** As demonstrated in the applicant's plans, attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. The location of LIDA facilities within the planter strips of the public streets, stormwater facilities within tracts, and details of LIDA facility planting are shown in Sheets P4.00 and L2.00-L3.00. Appendix B in Exhibit B1 includes the Preliminary Stormwater Report Plan.

### Above Ground Utility Installations Subsection 4.421 (.01) E.

- E7.** The applicant proposes no above ground utility installations. Existing overhead lines will be undergrounded. Each lot will be served by a sanitary sewer line (see Sheet P4.00). Storm sewage disposal is provided by a storm drain system connecting to each on-site stormwater facility.

## Screening and Buffering of Special Features

Subsection 4.421 (.01) G.

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

## Applicability of Design Standards

Subsection 4.421 (.02)

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

## Conditions of Approval Ensuring Proper and Efficient Functioning of Development

Subsection 4.421 (.05)

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

## Site Design Review Submission Requirements

### Submission Requirements

Section 4.440

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

## Time Limit on Site Design Review Approvals

### Void after 2 Years

Section 4.442

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

## Installation of Landscaping

### Landscape Installation or Bonding

Subsection 4.450 (.01)

- E13.** A Condition of Approval ensures all landscaping in common tracts shall be installed prior to Final Plat Approval, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City

Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant. A Condition of Approval further requires that the applicant, prior to Final Plat Approval, either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping.

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

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

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

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

#### Modifications of Landscaping Subsection 4.450 (.04)

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

### **Natural Features and Other Resources**

#### Protection Section 4.171

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

## Landscaping

### Landscape Standards Code Compliance

Subsection 4.176 (.02) B.

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

### Intent and Required Materials

Subsections 4.176 (.02) C. through I.

**E19.** The general landscape standard applies throughout different landscape areas of the site and the applicant proposes landscape materials to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which includes an analysis of the functional application of the landscaping standards. See Finding D27.

### Quality and Size of Plant Material

Subsection 4.176 (.06)

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

### Landscape Installation and Maintenance

Subsection 4.176 (.07)

**E21.** Installation and maintenance standards are or will be met by Conditions of Approval as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- Landscape Note No. 1 on the applicant's Sheet L2.10 provides for irrigation, including during the establishment period.

### Landscape Plans

Subsection 4.176 (.09)

**E22.** The applicant's submitted landscape plans, Sheets L2.00-L3.00, provide the required information.

Completion of Landscaping  
Subsection 4.176 (.10)

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

### **Public Lighting Plan**

#### Lighting of Local Streets

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

**E24.** Sheets P4.00 and IL-4 in Exhibit B2 show proposed street lights on local streets. The Frog Pond Master Plan requires PGE Option 'B' LED with Westbrook 35W LED and 18' decorative aluminum pole (20-foot mounting height with 4 foot mast arm). These are dark sky friendly and located with a professionally designed layout to minimize negative effects on future homes, provide for safety, and use a consistent design established by the Frog Pond West Master Plan. The applicant's materials specify the required fixture and a Condition of Approval ensures the standard is met.

#### Lighting of Pathways

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

**E25.** The Frog Pond West Master Plan requires a Public Lighting Plan and recommended light plan hierarchy to define various travel routes within Frog Pond. Pedestrian connections, trailheads, and paths are required to be uniformly illuminated and shall follow the Public Works Standards for Shared Use Path Lighting. The applicant's plans do not show lighting along the Pedestrian Connection in Tract A. Because a street light is proposed at the westernmost end of private Street B adjacent to Tract A, no additional lights are proposed within Tract A. The applicant has indicated that a photometric analysis can be provided prior to site permitting to verify compliance with the City's Public Works Standards. Condition of Approval PDE 10 requires the applicant to coordinate with the City to determine if any additional pedestrian scale lighting is warranted along the proposed Pedestrian Connection.

### **Street Tree Plan**

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

**E26.** The Street Tree Plan provides guidance tied to the street typology for Frog Pond West, with an overall intent to beautify and unify the neighborhood while providing a variety of tree species. The Frog Pond West Master Plan intends to achieve continuity through consistent tree types and consistent spacing along both sides of a street. There are no lots on public streets with trees located within easements or on private lots, and all trees are properly placed within the planter strip within the public right-of-way. Trees are proposed on private lots along private Street B as there is no planter strip along this street.



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

Street Name	Street Type	Proposed Species	Compliance Notes
SW Frog Pond Lane	Primary	Tulip Tree	
SW Brisband Street	Primary	American Linden	
SW Columbine Avenue	Neighborhood	Katsura Tree	
Public Street A	Neighborhood	Glenleven Little Leaf Linden	
Private Street B	Pedestrian Connection on Street Tree Plan	English Oak	Pedestrian Connection tree on private lots next to Tract B with final location to be determined during construction.
Tract A Pedestrian Connection	Pedestrian Connection	English Oak	

### Gateways, Monuments and Signage

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

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

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

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

### Request F: DB21-0070 Tentative Subdivision Plat

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

## **Land Division Authorization**

### Plat Review Authority

Subsection 4.202 (.01) through (.03)

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

### Undersized Lots Prohibited

Subsection 4.202 (.04) B.

- F2.** The proposed lots meet the dimensional standards of the RN zone and the R-7 and R-10 sub-districts. See Finding D8 under Request D.

## **Plat Application Procedure**

### Pre-Application Conference

Subsection 4.210 (.01)

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

### Tentative Plat Preparation

Subsection 4.210 (.01) A.

- F4.** Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm, Otak, Inc. prepared the tentative plat.

### Tentative Plat Submission

Subsection 4.210 (.01) B.

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

### Phases to Be Shown

Subsection 4.210 (.01) D.

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

### Remainder Tracts

Subsection 4.210 (.01) E.

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

## Street Requirements for Land Divisions

### Master Plan or Map Conformance

#### Subsection 4.236 (.01)

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

The 2018 Parks and Recreation Master Plan identifies a Future School and a Future Outdoor Recreation Location (defined in the Frog Pond West Master Plan as a neighborhood park) south of the subject site and east of the future school site. The 2017 Frog Pond West Master Plan defines the types of parks and open space anticipated within the Frog Pond West area. Proposed street improvements will provide access to the future neighborhood park location.

### Adjoining Streets Relationship

#### Subsection 4.236 (.02)

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

### Streets Standards Conformance

#### Subsection 4.236 (.03)

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

### Topography

#### Subsection 4.236 (.05)

- F11.** The street layout recognizes topographical conditions and no street alignment adjustments from the Frog Pond West Master Plan are necessary.

### Reserve Strips

#### Subsection 4.236 (.06)

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

### Future Street Expansion

#### Subsection 4.236 (.07)

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

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

**F14.** The project will dedicate 41.45 ft. of additional right-of-way along SW Brisband Street; 9 ft. of additional right-of-way along SW Frog Pond Lane; and 6 ft. of additional right-of-way along SW Columbine Avenue.

**Street Names**  
Subsection 4.236 (.09)

**F15.** The proposed development continues SW Frog Pond Lane, SW Brisband Street, and SW Columbine Avenue, which were established by previous development applications in the Frog Pond neighborhood to the east and south. The applicant has not proposed names for Public Street A and Private Street B. All proposed street names are subject to approval by the City Engineer who will check them to not be duplicative of existing street names and otherwise conforming to the City's street name system at the time of Final Plat review.

**General Land Division Requirements-Blocks**

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

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

**General Land Division Requirements-Easements**

**Utility Line Easements**  
Subsection 4.237 (.02) A.

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

**Water Courses**  
Subsection 4.237 (.02) B.

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

## **General Land Division Requirements-Pedestrian and Bicycle Pathways**

### Mid-block Pathways Requirement Subsection 4.237 (.03)

**F19.** The three blocks that will be created by the proposed subdivision are all less than 330 ft. in length, therefore, bicycle and pedestrian pathways are not required or proposed. The proposed Pedestrian Connection located in Tract A, connecting along Private Street B, is consistent with the Street Demonstration Plan in the Master Plan and meets the cross-section requirements. Conditions of Approval ensure public access to this path.

## **General Land Division Requirements-Tree Planting**

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

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

## **General Land Division Requirements-Lot Size and Shape**

### Lot Size and Shape Appropriate Subsection 4.237 (.05)

**F21.** The size, width, shape, and orientation of lots comply with the identified sub-districts in the Frog Pond West Master Plan. See Finding D11 in Request D.

## **General Land Division Requirements-Access**

### Minimum Street Frontage Subsection 4.237 (.06)

**F22.** The full width of the front lot line of each lot fronts a public street or private drive, except for Lot 6, which fronts Tract A and Private Street B, and is accessed via this private drive. All lots, including Lot 6, meet or exceed the minimum lot width at the front lot line.

## **General Land Division Requirements-Other**

### Lot Side Lines Subsection 4.237 (.08)

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

### Corner Lots Subsection 4.237 (.13)

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

## **Lots of Record**

Lots of Record  
Section 4.250

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

## **Request G: DB21-0071 Type C Tree Removal Plan**

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

### **Type C Tree Removal**

Review Authority When Site Plan Review Involved  
Subsection 4.610.00 (.03) B.

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

Reasonable Timeframe for Removal  
Subsection 4.610.00 (.06) B.

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

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

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

### **General Standards for Tree Removal, Relocation or Replacement**

Preservation and Conservation  
Subsection 4.610.10 (.01)

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

Per the arborist's report included on Sheet L1.00 in Exhibit B2, 46 trees on-site and 3 off-site trees were inventoried. Of the 46 trees on site, two (2) are proposed to remain in Tract A (open space) and three (3) will be preserved and protected on residential lots in the northern part of the development. Forty-one (41) trees are proposed for removal, with the majority

of the tree removal proposed in the northern part of the site near to the existing house and accessory buildings and along the west property line on the southern part of the site.

As shown on sheet L1.00, most of the trees to be removed are located within the grading limits of SW Frog Pond Lane or within the building envelope of the proposed lots. The location of those streets was determined by the Frog Pond West Master Plan and the City's block length and perimeter standards. Removal of the trees is necessary for construction of site improvements, including utilities, streets, and detached residential dwellings. In addition, grading of each lot is needed to accommodate residential development and associated site improvements (driveways and walkways, stormwater management, outdoor yard areas, etc.). Reducing building footprints by increasing height is not a viable alternative as the height limit in the RN zone is 35 ft., or 2.5 stories.

#### Development Alternatives

Subsection 4.610.10 (.01) C.

- G5.** The Frog Pond West Master Plan provides clear direction for street connections, residential densities, and preservation of the SROZ. Preservation and conservation of five (5) out of 46 trees on site is proposed. The applicant proposes tree protection fencing in order to ensure their preservation during construction and tree protection and preservation easements to ensure their long-term health. Conditions of Approval ensure this criterion is met.

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

Subsection 4.610.10 (.01) D.

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

#### Residential Development to Blend into Natural Setting

Subsection 4.610.10 (.01) E.

- G7.** New tree plantings, preservation of 5 existing trees, and new native ground cover proposed within Tract A and stormwater facilities allow the development to blend with the natural elements of the property. The project area is otherwise relatively flat land without significant natural features with which to blend.

#### Compliance with All Applicable Statutes and Ordinances

Subsection 4.610.10 (.01) F.

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

#### Tree Relocation and Replacement, Protection of Preserved Trees

Subsection 4.610.10 (.01) G.

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

Tree Removal Limitations  
Subsection 4.610.10 (.01) H.

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

### **Additional Standards for Type C Permits**

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

**G11.** The applicant submitted the required Tree Survey, and Tree Maintenance and Protection Plan (see Exhibit B2 and Sheet L1.00).

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

**G12.** The Utility Plan (Sheet P4.00) shows a design to minimize impact on the environment to the extent feasible given existing conditions, particularly the natural drainage area. The City will further review utility placement in relation to the drainage area and preserved trees during review of construction drawings and utility easement placement on the final plat.

### **Type C Tree Plan Review**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

**Tree Relocation, Mitigation, or Replacement**

Tree Replacement Required  
Subsection 4.620.00 (.01)

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

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

**G22.** The applicant proposes mitigating removed trees on a basis well in excess of one tree for each tree removed, proposing 43 replacement trees (see Sheet L2.00). Thirty (30) street trees are proposed, 5 trees along private Street B (Tract B), 2 trees within the open space (Tract A), and 6 trees within the landscape tract (Tract D). In addition, 16 trees are proposed to be planted adjacent to the stormwater facilities in Tract C, for a total of 59 trees. Stormwater Tract C also contains tree plantings, however, due to their size and growing habit these tree do not qualify as mitigation trees as they are more similar to a shrub. For mitigation purposes, only the Douglas-fir and western red cedar within Tract C have been counted

toward the total. Staff does not recommend any inch per inch mitigation. Sheets L2.00 through L2.10 show all trees proposed for planting as mitigation as 2-inch caliper, or the equivalent 6- to 8-foot for conifer trees.

#### Replacement Plan and Tree Stock Requirements

Subsections 4.620.00 (.03) and (.04)

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

#### Replacement Trees, City Tree Fund

Subsection 4.620.00 (.05)

**G24.** As shown on the Street Tree Planting Plan (Sheet L2.00), some of these replacement trees consist of street trees. Trees will likely be planted on the individual dwelling lots at the time of site development but are not proposed to be included in the replacement tree plans. The applicant does not propose to pay into the City Tree Fund.

#### Protection of Preserved Trees

##### Tree Protection During Construction

Section 4.620.10

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

**Section 4.127 Residential Neighborhood (RN) Zone.**

(.01) Purpose.

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

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

(.02) Permitted uses:

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



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

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

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

- (.05) Residential Neighborhood Zone Sub-districts:
  - A. RN Zone sub-districts may be established to provide area-specific regulations that implement legislative master plans.
    - 1. For the Frog Pond West Neighborhood, the sub-districts are listed in Table 1 of this code and mapped on Figure 6 of the Frog Pond West Master Plan. The Frog Pond West Master Plan Sub-District Map serves as the official sub-district map for the Frog Pond West Neighborhood.
- (.06) Minimum and Maximum Residential Units:
  - A. The minimum and maximum number of residential units approved shall be consistent with this code and applicable provisions of an approved legislative master plan.
    - 1. For the Frog Pond West Neighborhood, Table 1 in this code and Frog Pond West Master Plan Table 1 establish the minimum and maximum number of residential units for the sub-districts.
    - 2. For parcels or areas that are a portion of a sub-district, the minimum and maximum number of residential units are established by determining the proportional gross acreage and applying that proportion to the minimums and maximums listed in Table 1. The maximum density on a parcel may be increased, up to a maximum of 10% of what would otherwise be permitted, based on an adjustment to an SROZ boundary that is consistent with 4.139.06.
  - B. The City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions.

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

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

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

(.07) Development Standards Generally

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

(.08) Lot Development Standards:

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

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

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

Table 2: Neighborhood Zone Lot Development Standards

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

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

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

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

(.09) Open Space:

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

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

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

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

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



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

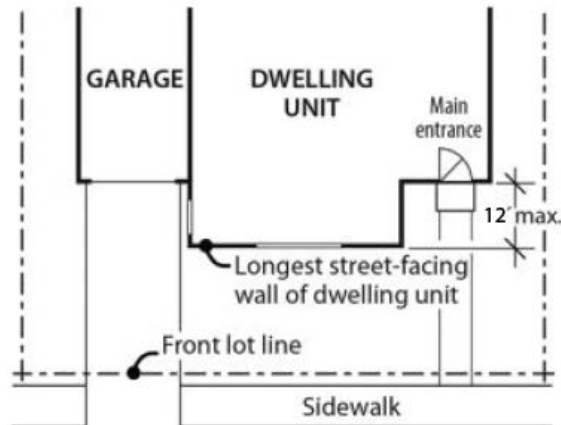
- c. The minimum land area for an individual open space is 2,000 square feet, unless the Development Review Board finds, based on substantial evidence in the record, that a smaller minimum area adequately fulfills the purpose of this Open Space standard.
- d. The Development Review Board may reduce or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

(.10) Block, access and connectivity standards:

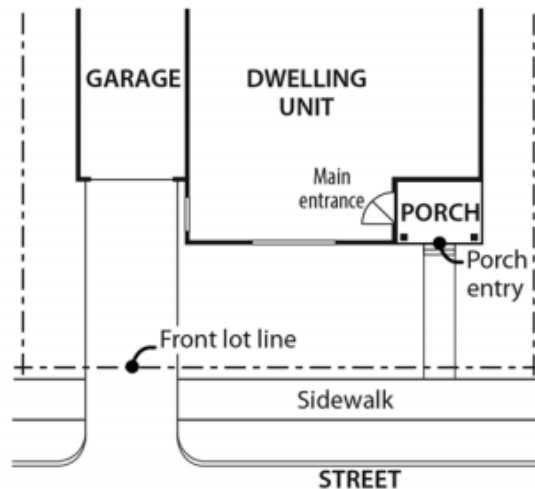
- A. Purpose. These standards are intended to regulate and guide development to create: a cohesive and connected pattern of streets, pedestrian connections and bicycle routes; safe, direct and convenient routes to schools and other community destinations; and, neighborhoods that support active transportation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

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

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



**Main Entrance Opening onto a Porch**



(.15) Garage Standards

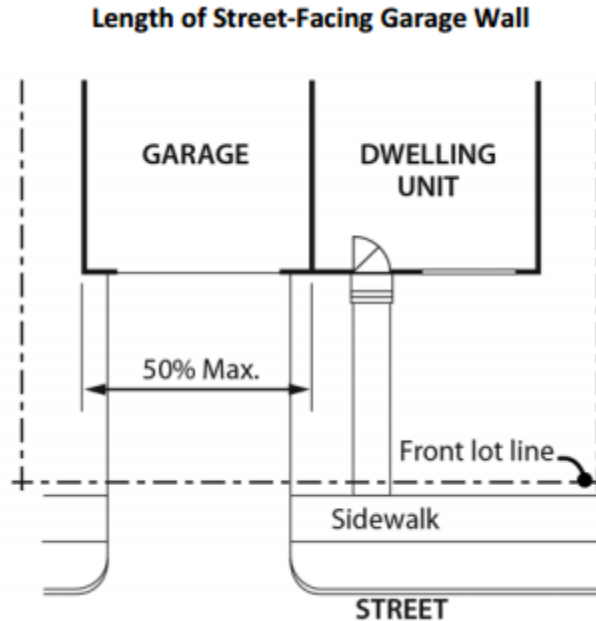
A. Purpose. These standards:

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

street from inside the residence.

B. Street-Facing Garage Walls

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



(.16) Residential Design Standards

A. Purpose. These standards:

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

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

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

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

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

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

(.17) Fences

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

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

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





## Memorandum

**To:** Cindy Luxhoj AICP, Associate Planner, City of Wilsonville  
**From:** Li Alligood, AICP  
**Copies:** Dan Grimberg, West Hills Land Development; Project files  
**Date:** December 29, 2021  
**Subject:** Otak Responses for Frog Pond Estates Subdivision – DB21-0065 and DB21-0071 – Land Use Incompleteness Comments per letter dated November 19, 2021  
**Project No.:** 020141.000

*City of Wilsonville Site Development application forms submitted regarding the property described above list you as the applicant. The City received your applications on October 20, 2021, for Annexation, Zone Map Amendment, Stage I Master Plan, Stage II Final Plan, Site Design Review of Open Space, Tentative Subdivision Plat, and Type C Tree Removal Plan for the Frog Pond Estates subdivision.*

*The submitted application is incomplete, based on the applicable provisions of ORS 227.178(2) and Subsection 4.035(.05) Wilsonville Code ("WC"), due to the following missing items 1-8:*

- 1. Tabulation of land area devoted to various uses, minimum and average lot size, distance of subject property to any structures on adjacent properties, and location of streets, private drives, and driveways on adjacent properties to be shown on plans. See Subsections 4.035 (.04), 4.140 (.07), and 4.210 (.01) WC.*

**RESPONSE:** Sheets P1.00 and P1.10 have been updated to show the location of streets, private drives, and driveways on adjacent properties. The required tabulation has been added to Sheet P2.00.

- 2. General location and type/purpose of all existing and anticipated easements to be shown on Preliminary Plat. Among the various easements, include public access easements over tracts and lots with bicycle and pedestrian facilities, as well as any pipeline easements for public utilities in tracts. Tract B (Street B) is missing 6' PUE. The Preliminary Plat states Tract C includes sanitary sewer pipeline and water pipeline easements, both to benefit the City of Wilsonville, but neither of these public utilities are located on Tract C. Tract A and Lots 1 and 5 are missing Tree Protection and Preservation Easements over their entirety to benefit the City of Wilsonville. See Subsection 4.210 (.01) B. 16. WC.*

**RESPONSE:** Sheet P3.00 has been updated to include 6-foot wide PUEs at Tract/Street B. Tract C language has been revised to correct the reference. Tract A now has a tree preservation easement over its entirety. Lots 1 and 5 have tree preservation easements over portions of the lots.

- 3. Insufficient findings to demonstrate compliance with the minimum and maximum density targets for Subdistricts 4 and 7 based on the subject site's percentage of each. While adjustment in the net area of a subdistrict is allowed to account for SROZ not listed in Table 3, adjustment is not allowed for proposed/approved ROW dedicated as part of another subdivision, in this case Frog Pond Ridge. See Subsection 4.127 (.05) and (.06) WC and Appendix C of the Frog Pond West Master Plan.*

**RESPONSE:** Additional findings have been added to demonstrate compliance with the minimum and maximum density targets. A new Sheet P11.00 has been added to demonstrate how the subdistrict densities have been calculated. The applicant requests than any further requested information be an approvability item rather than an incompleteness item.



City of Wilsonville  
Exhibit B3 DB21-0065 et al

**4. At Insufficient findings to explain deviations from the Street Demonstration Plan, particularly relating to the following (see Figure 18 of the Frog Pond West Master Plan and Subsection 4.127 (.10) WC.):**

- A missing Local Street connection between SW Frog Pond Lane and proposed Local Street A on the west side of the site.
- A missing Pedestrian Connection between proposed Local Street A and SW Brisband Street on the west side of the site.
- Offset of Pedestrian Connection along Private Street B (Tract B) and Tract A from the Pedestrian Connection in the Frog Pond Ridge subdivision to east, resulting in loss of sight line to the Boeckman Creek Corridor to the west as illustrated in Figure 13 of the Frog Pond West Master Plan.
- Demonstration that the proposed deviations from the Street Demonstration Plan will not prevent adjacent properties from achieving compliance.

**RESPONSE:** Additional findings have been added to the narrative to explain deviations from the Street Demonstration Plan. Sheet P8.00 has been updated, a new Sheet P9.00 has been added to demonstrate potential future development of adjacent properties, and a new Sheet P10.00 has been added to illustrate the impacts of the identified connections on existing mature trees. A new Sheet 12.00 has been added to illustrate proposed sight lines to Boeckman Creek.

**5. Insufficient findings to demonstrate compliance with the Public Lighting Plan throughout the site and lack of information on proposed pathway lighting for Pedestrian Connection in Tract A consistent with the Frog Pond West Master Plan. See Public Lighting Plan beginning on page 77, and Figure 42 of the Frog Pond West Master Plan and Subsection 4.034 (.05) WC.**

**RESPONSE:** Additional findings have been provided in the responses to 4.210 WC (which is referenced by Subsection 4.034(.05) WC referenced above) to demonstrate compliance with the Public Lighting Plan and Sheets IL-1 to IL-4 have been added to demonstrate street lighting. As shown in Sheet IL-4, a street light (luminaire) is proposed at the western end of Tract B and no additional lighting is proposed within Tract A.

**6. Insufficient and/or inaccurate findings to demonstrate compliance with surface water drainage requirements, no street-side LIDA water quality facilities shown for SW Frog Pond Lane or other streets and lots (only Tract C facility for Lots 12 through 17), and lack of a downstream analysis/evaluation of capacity at the discharge point in the existing culvert within SW Brisband Street or at the discharge to the existing storm facility in the preliminary stormwater report. Stormwater is being split at stormwater manhole 142 feet north of SW Brisband Street/SW Columbine Avenue intersection, yet there is no evaluation of capacity. See Subsection 4.421 (.01) D.**

**RESPONSE:** The preliminary stormwater report included as Appendix B has been updated to include conveyance analysis with Brisband culvert and extension of utilities to the west.

**7. Demonstrate the project will provide connection for future development to the west by extending water, sanitary sewer, and stormwater utilities to the western extent of the development on SW Frog Pond Lane, Local Street A, and SW Bisband Street.**

**RESPONSE:** Sheet P4.00 has been updated to show all three utilities extended to the western property limits. Stormwater extension will have limitations due to grades and existing basins. Sewer extension will have limitations due to grades and existing basins.

**8. Clarify if fencing is proposed around the stormwater facility in Tract C and if so, provide information on design and materials of the fence.**

**RESPONSE:** A black chain link fence has been added to Sheets L2.10 and L2.20.

*In addition to the incompleteness items 1-8 listed above, the following questions and comments regarding compliance came to City staff's attention while reviewing the materials for completeness. This list is not intended to be a comprehensive review of potential compliance issues, which will occur upon receipt of a completed application. Please respond and/or incorporate into updated materials as appropriate.*

**Planning Comments**

**A.** *Clarify why only two street trees are shown along Local Street A (Lots 9-14) and SW Brisband Street (Lots 15-17), no street trees are shown along Private Street B (Lots 5-8) on Sheet L2.00, and trees proposed on SW Columbine Avenue are inadequately spaced. In addition, some utility connections, such as on Lots 2, 3, 10, 13, and 15, may be placed too close to street trees. Placement of utilities and utilization of planter strips for stormwater management must be balanced with the provision of street trees consistent with Figure 43 of the Frog Pond West Master Plan and Subsection 4.176 (.06) WC.*

**RESPONSE:** The street tree plan on Sheet L2.00 has been updated to add offset circles to street tree plan showing required Wilsonville offset distances for street tree placement. Some utilities have been relocated, which allowed the addition of 2 street trees.

**B.** *The proposed Pedestrian Connection in Tract A does not meet the cross section requirements, including minimum path and/or planter strip width, identified for Pedestrian Connections as illustrated in Figure 25 of the Frog Pond West Master Plan. The presence of the Oregon White Oak being preserved in Tract A may substitute for some of the required Pedestrian Connection street trees in this area.*

**RESPONSE:** A cross-section for the pedestrian access path has been added to Sheet P2.10, and the proposed Pedestrian Connection in Tract A has been revised to meet minimum path width requirements of 10 ft. Since the Pedestrian Connection is located within an open space tract, planter strips are not proposed. An additional pedestrian connection tree has been added.

**C.** *Indicate water consumption categories (high, moderate, low, and interim or unique) on Landscape Plan. See Subsections 4.176 (.09) and 4.440 (.01) WC.*

**RESPONSE:** This information has been added to Sheet P2.10.

**D.** *Provide detail of outdoor site furnishings (benches, tables, garbage cans, lighting, etc.) in open space areas. See Subsection 4.440 (.01) WC.*

**RESPONSE:** See Sheets L2.00 and L2.20 for site furnishing details in open space areas. No lighting is proposed in these areas.

**E.** *Clean up plan P4.00 by removing extra red boxes showing lot dimensions.*

**RESPONSE:** Sheet P4.00 has been reprinted and the red boxes removed.

**F.** *Clean up plan L2.00 by removing layer showing trees and notation behind picnic table detail in L2.00.*

**RESPONSE:** This layer has been removed from Sheet L2.00.

**G.** *Clean up inconsistencies between Arborist Report in Appendix D, L1.00 of plan set, and findings. Provide spread and canopy, both common and botanical name of each tree, and describe health and condition of each tree in inventory. Show grade changes proposed that may impact trees on Tree Protection Plan. See Subsection 4.610.40 (.02).*

**RESPONSE:** Appendix D has been revised with additional information, and Sheet L1.00 and the findings have been updated to incorporate these revisions.

**H.** *Clean up drawing duplications on plans included with TVF&R service provider permit in Appendix I.*

**RESPONSE:** These duplications have been removed.

**Building Comments**

**I.** *Example house plans reflect incorrect edition of the Oregon Residential Specialty Code; the house plans need to comply with the 2021 ORSC.*

**RESPONSE:** The example house plans are included to demonstrate that the development can meet the housing variety requirements of Frog Pond West. References to the ORSC have been removed. Compliance with ORSC will be confirmed at the time of building permit submittal.

**Engineering Comments**

**J.** *Intersection of SW Columbine Avenue and Local Street A is missing curb ramps on east side of intersection.*

**RESPONSE:** Plans include two opposing ramps along Columbine - these are included with updated Frog Pond Ridge Phase 2 plans.

**K.** *Pedestrian pathway on east side of SW Columbine Avenue has no receiving curb ramp on the west side of SW Columbine Avenue.*

**RESPONSE:** A pedestrian pathway ramp has been added to west side of Columbine Ave to provide receiving for the pathway.

**L.** *Pedestrian pathway (from Tract G in Frog Pond Ridge to Private Street B) is not contiguous.*

**RESPONSE:** See revised findings and Sheets P8.00 and P9.00 for further explanation of this pathway route.



## Memorandum

**To:** Cindy Luxhoj AICP, Associate Planner, City of Wilsonville  
**From:** Li Alligood, AICP and Keith Buisman, PE  
**Copies:** Dan Grimberg, West Hills Land Development; Project files  
**Date:** February 18, 2022  
**Subject:** Otak Responses for Frog Pond Estates Subdivision – DB21-0065 and DB21-0071 – Land Use Approvability Comments per letter dated January 28, 2022  
**Project No.:** 020141.000

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*Please note our request that the comments and corrections included in the attached list related to compliance, which came to City staff's attention during the second round of completeness review, be addressed and/or incorporated as appropriate in the final set of application materials.[...]*

### **Planning Comments**

A. *Show location of Cross Section F (P2.10) on P2.00, Preliminary Site Plan.*

**RESPONSE:** The location has been added to P2.00.

B. *Change reference on P3.00, in General Note 2, from Tract C to Tract B.*

**RESPONSE:** This reference has been changed.

C. *Regarding street trees (L2.00), provide street trees along Private Street B in Lots 4-8 where spacing allows, since there is no planter strip along this private street.*

**RESPONSE:** Five (5) street trees have been added along Private Street B, with a note that the exact location will be determined during construction.

D. *Regarding density calculations, clean up inconsistencies in the data in tables among P7.00, P11.00, and findings (particularly Page 6 of narrative).*

**RESPONSE:** The table has been removed from P7.00 and the narrative has been revised to reflect the table included in P11.00.

E. *On Page 17 of the narrative, correctly locate the red box indicating the subject property on excerpted Figure 6 from the Frog Pond West Master Plan.*

**RESPONSE:** Complete.

F. *On Page 18 of the narrative, correct the proposed minimum lot size shown in Table 4 to correspond with the lot sizes shown on P2.00.*

**RESPONSE:** The proposed minimum lot size on Page 18/Table 4 of the narrative has been corrected to 6,101 sq. ft. per the lot sizes on P2.00.

G. *Regarding site impacts of street extensions (P10.00), indicate which additional two lots would be lost in Subdistrict 4, in addition to Lots 12 and 17, if a street were extended south from SW Frog Pond Lane to Street A as described on Page 20 of the narrative.*

**RESPONSE:** Sheet P10.00 has been updated to reflect the removal of four lots as noted in the narrative.

*H. Regarding trees to be protected and removed, clean up inconsistencies in data among Arborist Report in Appendix D, L1.00, and findings.*

**RESPONSE:** The findings related to tree protection have been updated to be consistent with the Arborist Report and Sheet L1.00.

*I. Clean up drawing duplications on plans included with TVF&R service provider permit in Appendix I of the digital submittal (Staff notes that the hard copy submittal has been corrected).*

**RESPONSE:** Extraneous graphics have been deleted.

*J. Provide a Word version of the narrative/findings.*

**RESPONSE:** A word version of the narrative and findings is included with this submittal.

*Engineering Comments*

*K. Update plans, stormwater materials, and findings to reflect modifications to surface water drainage facilities discussed between the applicant and City Engineering staff. Include stormwater memorandum/report addendum and supporting plans demonstrating compliance with surface water drainage requirements in submittal materials.*

**RESPONSE:** The plans and Appendix B have been updated per discussions between the applicant and City Engineering staff. The narrative references these plan sheets and supporting documents.

Exhibit C1  
Public Works Plan Submittal Requirements  
and Other Engineering Requirements

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

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

3. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.
4. All public utility/improvement plans submitted for review shall be based upon a 22" x 34" format and shall be prepared in accordance with the City of Wilsonville Public Work's Standards.
5. Plans submitted for review shall meet the following general criteria:
  - a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
  - b. Design of any public utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
  - c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.



- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
  - e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
  - f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
  - g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
  - h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
  - i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
  - j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
  - k. All engineering plans shall be printed to PDF, combined to a single file, stamped and digitally signed by a Professional Engineer registered in the State of Oregon.
  - l. All plans submitted for review shall be in sets of a digitally signed PDF and three printed sets.
6. Submit plans in the following general format and order for all public works construction to be maintained by the City:
- a. Cover sheet
  - b. City of Wilsonville construction note sheet
  - c. General construction note sheet
  - d. Existing conditions plan.
  - e. Erosion control and tree protection plan.
  - f. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
  - g. Grading plan, with 1-foot contours.
  - h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
  - i. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.
  - j. Street plans.
  - k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference.
  - l. Stormwater LIDA facilities (Low Impact Development): provide plan and profile views of all LIDA facilities.
  - m. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.



- n. Where depth of water mains are designed deeper than the 3-foot minimum (to clear other pipe lines or obstructions), the design engineer shall add the required depth information to the plan sheets.
  - o. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure. Note that although storm water detention facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set.
  - p. Detailed plan for water quality facility (both plan and profile views). Note that although storm water quality facilities are typically privately maintained they will be inspected by Natural Resources, and the plans must be part of the Public Works Permit set.
  - q. Composite franchise utility plan.
  - r. City of Wilsonville detail drawings.
  - s. Illumination plan.
  - t. Striping and signage plan.
  - u. Landscape plan.
7. Design engineer shall coordinate with the City in numbering the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to City's numbering system.
  8. The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
  9. Applicant shall work with City Engineering before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
  10. The applicant shall be in conformance with all stormwater and flow control requirements for the proposed development per the Public Works Standards.
  11. A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City.
  12. The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.

13. Storm water quality facilities shall have approved landscape planted and/or some other erosion control method installed and approved by the City of Wilsonville prior to streets and/or alleys being paved.
14. The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
15. All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
16. Streetlights shall be in compliance with City dark sky, LED, and PGE Option C requirements.
17. Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
18. No surcharging of sanitary or storm water manholes is allowed.
19. The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
20. A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
21. The applicant shall provide a 'stamped' engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.
22. All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
23. Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.

24. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.
25. The applicant shall provide adequate sight distance at all project street intersections, alley intersections and commercial driveways by properly designing intersection alignments, establishing set-backs, driveway placement and/or vegetation control. Coordinate and align proposed streets, alleys and commercial driveways with existing streets, alleys and commercial driveways located on the opposite side of the proposed project site existing roadways. Specific designs shall be approved by a Professional Engineer registered in the State of Oregon. As part of project acceptance by the City the Applicant shall have the sight distance at all project intersections, alley intersections and commercial driveways verified and approved by a Professional Engineer registered in the State of Oregon, with the approval(s) submitted to the City (on City approved forms).
26. Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections.
27. Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.
28. The applicant shall provide the City with a Stormwater Maintenance and Access Easement Agreement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Applicant shall provide City with a map exhibit showing the location of all stormwater facilities which will be maintained by the Applicant or designee. Stormwater or rainwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.
29. The applicant shall "loop" proposed waterlines by connecting to the existing City waterlines where applicable.
30. Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.
31. For any new public easements created with the project the Applicant shall be required to produce the specific survey exhibits establishing the easement and shall provide the City with the appropriate Easement document (on City approved forms).

### 32. Mylar Record Drawings:

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

**From:** [Doris Wehler](#)  
**To:** [Luxhoj, Cindy](#)  
**Subject:** DRB hearing on Frog Pond Estates  
**Date:** Friday, March 11, 2022 12:49:11 PM

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**[This email originated outside of the City of Wilsonville]**

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Development Review Board members:

These are my comments on the proposed annexation and rezoning of 13.22 acres for a 17-lot residential subdivision up for hearing on April 18, 2022. I have reviewed the map showing the property and find it very favorable. It is in keeping with the original plan for Frog Pond West in that it includes some large lots, as well as medium sized lots. Homes to be built will fit very well into the neighborhood and offer an opportunity for residents to live very close to the planned primary school and park.

With the approval of this subdivision, hopefully the city will soon begin development of the adjacent park in their capital improvement plan.

Doris Wehler  
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