

ORDINANCE NO. 699

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY - EXCLUSIVE FARM USE (EFU) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 27.46 ACRES, AND INCLUDING ADJACENT STREETS LOCATED AT THE EASTERLY AREA OF VILLEBOIS VILLAGE, COMPRISING TAX LOTS 300, 380 and 3000 SECTION 15, T3S-R1W, CLACKAMAS COUNTY, OREGON. REDUS OR, LLC, APPLICANT.

WHEREAS, REDUS OR, LLC has made certain development application requests, among which it has requested a Zone Map Amendment of certain property described in Attachments 1 and 2 of this ordinance; and

WHEREAS, the Wilsonville Planning Staff analyzed the request and prepared a staff report, with conditions, to the Development Review Board dated November 7, 2011, wherein it reported that the request is consistent with and meets requirements for approval of a Zone Map Amendment; and

WHEREAS, the Development Review Board Panel 'A' held a public hearing on this request on November 14, 2011, and after taking testimony, gave full consideration to the matter and recommended approval of the request to the City Council which has final approval authority over Zone Map Amendments; and

WHEREAS, on December 5, 2011, the Wilsonville City Council held a public hearing regarding the above described matter, considered the record before the Development Review Board and the staff report, took testimony, and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the city's land development code,

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings. The City Council adopts as findings and conclusions the forgoing recitals and the staff reports in this matter labeled Exhibits B and D, and incorporated herein as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended in Zoning Order DB11-0049 attached hereto as Exhibit A, from Exclusive Farm Use (EFU) zone

to Village (V) zone on Tax Lots 300, 380 and 3000 Section 15, T3S-R1W, Clackamas County, Oregon, depicted in the attached Legal Description (Zoning Order, Attachment 2), Clackamas County, Wilsonville, Oregon.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 5th day of December 2011, and scheduled the second reading on December 19th, 2011 commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

Starla Schur, MMC, Deputy City Recorder

ENACTED by the City Council on the 19th day of December, 2011, by the following votes: Yes: 5 No: 0

Starla Schur, MMC, Deputy City Recorder

DATED and signed by the Mayor this 20th day of December, 2011.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp	YES
Council President Nunez	YES
Councilor Hurst	YES
Councilor Starr	YES
Councilor Goddard	YES

Attachments:

1. Exhibit A - Zoning Order DB11-0049
2. Attachment 1: Map depicting Zone Map Amendment
3. Attachment 2: Legal Description
4. Exhibit B – Planning Division Staff Report, Zone Change findings, and Recommendation to City Council, November 22, 2011
5. Exhibit C - DRB Panel A Notice of Decision and Resolution No. 220.
6. Exhibit D - Adopted Staff Report and DRB Recommendation (Exhibit A1), November 14, 2011 and Phase 2 of SAP East, Retherford Meadows application dated August 3, 2011 on compact disk.

Exhibit A

**BEFORE THE CITY COUNCIL OF
CITY OF WILSONVILLE, OREGON**

In the Matter of the Application of
REDUS OR, LLC for
A rezoning of land and amendment of the City of
Wilsonville Zoning Map incorporated in Section
4.102 Wilsonville Code.

ZONING ORDER DB11-0049

The above-entitled matter is before the Council to consider the application of DB11-0049, for a Zone Map Amendment and an order amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the property, which is the subject of this application, is described as follows: Tax Lots 300, 380 and 3000 in Section 15, T3S-R1W, Clackamas County, Wilsonville, Oregon, including adjacent right-of-ways, and such property has heretofore appeared on the Clackamas County Zoning Map as Exclusive Farm Use (EFU).

The Council having heard and considered all matters relevant to the application, including the Development Review Board record and recommendation, finds and determines that the application should be approved, and it is therefore,

ORDERED that approximately 27.46 acres of Tax Lots 300, 380 and 3000, Section 15, T3S-R1W, Wilsonville, Clackamas County, Oregon, more particularly shown in the Zone Map Amendment Map, Attachment 1 and described in Attachment 2 to this order, is hereby rezoned to Village (V), subject to conditions detailed in the Order's adopting ordinance and such rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 5th day of December, 2011.

Tim Knapp, MAYOR

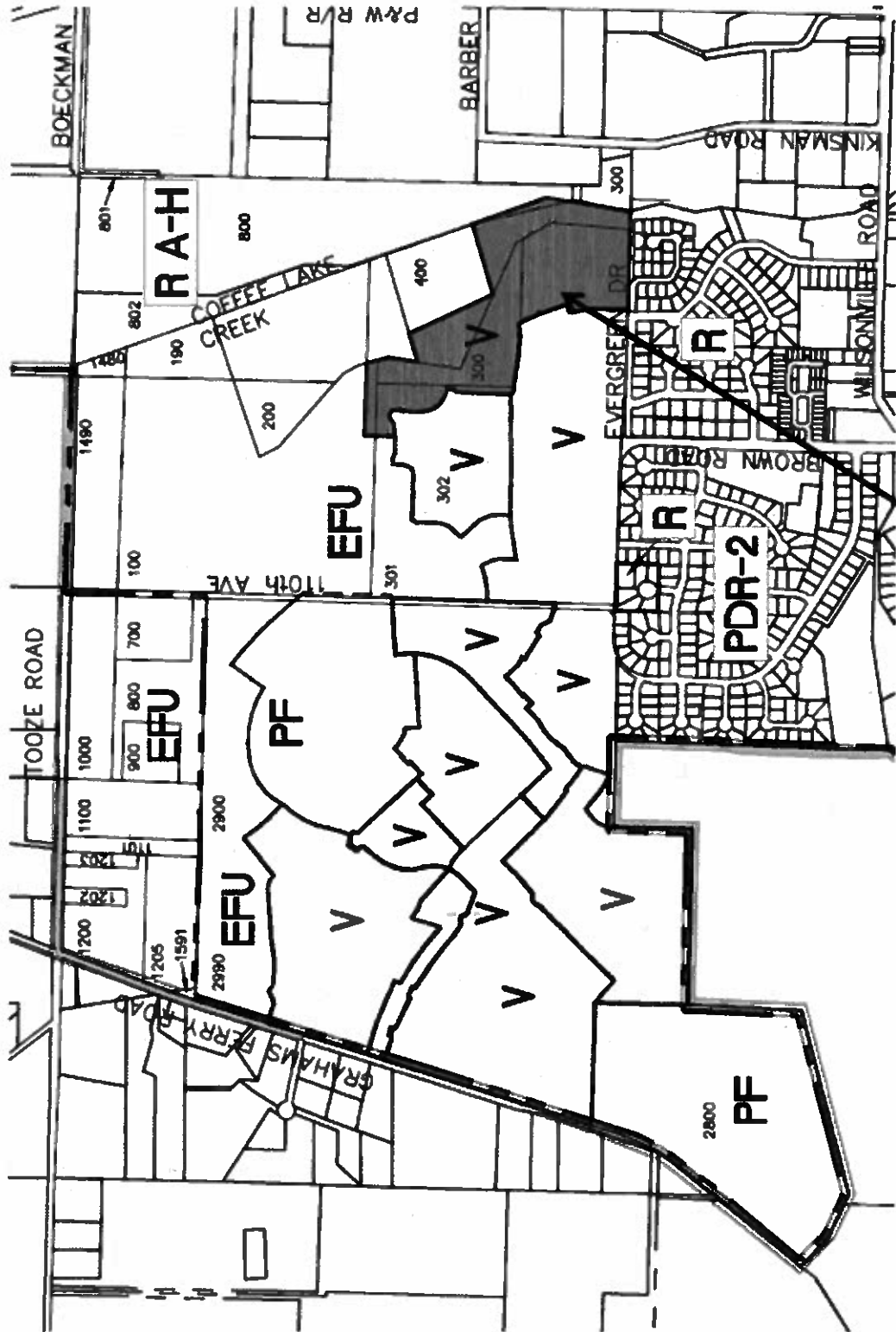
APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, MMC, City Recorder

Attachment 1 – Map depicting Zone Map Amendment
Attachment 2 – Metes & Bounds Description



LEGEND

■ SUBJECT AREA - PROPOSED VILLAGE (V) ZONE (26.67 AC)

— ZONE LINE

▬ EXISTING UGB

- - - EXISTING CITY BOUNDARY

PF EXISTING ZONING DESIGNATION

PROPOSED ZONE MAP AMENDMENT EFU TO V

ATTACHMENT 1

PROPOSED ZONE MAP
AMENDMENT

ATTACHMENT 2

April 25, 2011

LEGAL DESCRIPTION
Zone Change

Job No. 107-001

Parcel 3 of Partition Plat No. 2011-005 in the Northwest and Southwest Quarters of Section 14 and the Northeast and Southeast Quarters of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the Northwest corner of said Parcel 3; thence along the northerly boundary line of said Parcel 3, South 88°28'22" East, a distance of 474.44 feet;

thence continuing along said line, South 13°31'12" East, a distance of 149.09 feet;

thence continuing along said line, South 08°20'13" West, a distance of 188.56 feet;

thence continuing along said line, North 73°22'39" East, a distance of 195.70 feet;

thence continuing along said line, South 25°08'18" East, a distance of 604.67 feet;

thence continuing along said line, North 73°27'26" East, a distance of 481.28 feet to the Northeast corner of said Parcel 3;

thence along the easterly boundary line of said Parcel 3, South 19°29'38" East, a distance of 516.37 feet;

thence continuing along said line, South 08°57'38" West, a distance of 155.03 feet;

thence continuing along said line, South 09°32'32" West, a distance of 405.45 feet to the Southeast corner of said Parcel 3;

thence along the southerly boundary line of said Parcel 3, North 88°28'45" West, a distance of 638.98 feet to the Southwest corner of said Parcel 3;

thence along the westerly boundary line of said Parcel 3, North 01°31'01" East, a distance of 222.62 feet;

thence continuing along said line, on a 214.50 foot radius tangential curve to the left, through a central angle of 12°48'48", arc length of 47.97 feet, chord bearing of North 04°53'23" West, and chord distance of 47.87 feet;

thence continuing along said line, North 11°17'47" West, a distance of 101.80 feet;

thence continuing along said line, on a 15.00 foot radius tangential curve to the right, through a central angle of 85°46'21", arc length of 22.46 feet, chord bearing of North 31°35'24" East, and chord distance of 20.42 feet;

thence continuing along said line, on a 676.00 foot radius tangential curve to the left, through a central angle of 03°42'28", arc length of 43.75 feet, chord bearing of North 72°37'20" East, and chord distance of 43.74 feet;

thence continuing along said line, North 19°13'54" West, a distance of 92.00 feet;

thence continuing along said line, North 20°07'33" West, a distance of 92.34 feet;

thence continuing along said line, on a 350.00 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North 24°20'54" West, central angle of 02°31'07", arc length of 15.39 feet, chord bearing of North 64°23'33" East, and chord distance of 15.38 feet;

thence continuing along said line, North 26°52'00" West, a distance of 20.00 feet;

thence continuing along said line, on a 15.00 foot radius non-tangential curve, concave northerly, with a radius point bearing North 26°52'00" West, central angle of 96°25'05", arc length of 25.24 feet, chord bearing of North 68°39'28" West, and chord distance of 22.37 feet;

thence continuing along said line, North 20°26'55" West, a distance of 73.11 feet;

thence continuing along said line, North 29°42'39" West, a distance of 55.17 feet;

thence continuing along said line, on a 157.50 foot radius non-tangential curve, concave northerly, with a radius point bearing North 24°29'50" West, central angle of 28°43'00", arc length of 78.94 feet, chord bearing of South 79°51'39" West, and chord distance of 78.12 feet;

thence continuing along said line, North 85°46'50" West, a distance of 101.53 feet;

thence continuing along said line, on a 157.50 foot radius tangential curve to the right, through a central angle of 04°29'07", arc length of 12.33 feet, chord bearing of North 83°32'18" West, and chord distance of 12.33 feet;

thence continuing along said line, North 81°17'43" West, a distance of 189.72 feet;

thence continuing along said line, on a 827.50 foot radius tangential curve to the left, through a central angle of 04°49'20", arc length of 69.65 feet, chord bearing of North 83°42'22" West, and chord distance of 69.62 feet;

thence continuing along said line, on a 15.00 foot radius tangential curve to the right, through a central angle of 87°34'37", arc length of 22.93 feet, chord bearing of North 42°19'44" West, and chord distance of 20.76 feet;

thence continuing along said line, North 01°27'35" East, a distance of 307.59 feet;

thence continuing along said line, on a 157.50 foot radius tangential curve to the right, through a central angle of 14°15'36", arc length of 39.20 feet, chord bearing of North 08°35'23" East, and chord distance of 39.10 feet;

thence continuing along said line, North 15°43'11" East, a distance of 10.13 feet;

thence continuing along said line, on a 15.00 foot radius tangential curve to the right, through a central angle of 77°35'24", arc length of 20.31 feet, chord bearing of North 54°30'53" East, and chord distance of 18.80 feet;

thence continuing along said line, North 03°18'35" East, a distance of 55.00 feet;

thence continuing along said line, on a 157.50 foot radius non-tangential curve, concave northeasterly, with a radius point bearing North 03°18'35" East, central angle of 87°15'17", arc length of 239.85 feet, chord bearing of North 43°03'46" West, and chord distance of 217.34 feet;

thence continuing along said line, North 00°33'52" East, a distance of 127.19 feet;

thence continuing along said line, on a 15.00 foot radius tangential curve to the right, through a central angle of 76°35'26", arc length of 20.05 feet, chord bearing of North 38°51'35" East, and chord distance of 18.59 feet;

thence continuing along said line, North 08°14'11" West, a distance of 59.20 feet;

thence continuing along said line, on a 15.00 foot radius non-tangential curve, concave northeasterly, with a radius point bearing North 12°50'42" West, central angle of 92°46'47", arc length of 24.29 feet, chord bearing of North 56°27'19" West, and chord distance of 21.72 feet;

thence continuing along said line, South 77°04'09" West, a distance of 55.06 feet;

thence continuing along said line, on a 15.00 foot radius non-tangential curve, concave northwesterly, with a radius point bearing South 79°56'04" West, central angle of 90°47'41", arc length of 23.77 feet, chord bearing of South 35°19'55" West, and chord distance of 21.36 feet;

thence continuing along said line, on a 720.50 foot radius tangential curve to the right, through a central angle of 06°42'11", arc length of 84.29 feet, chord bearing of South 84°04'51" West, and chord distance of 84.24 feet;

thence continuing along said line, North 01°27'35" East, a distance of 197.16 feet to the POINT OF BEGINNING.

Containing 26.67 acres, more or less.

Basis of bearing per Partition Plat No. 2011-005.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2011

N:\proj\107-001\09 Drawings\06 Survey\Legals\107001.Legal-Zone Change.dwg - SHEET: Page 1 Apr. 25, 11 - 2:08 PM tcj

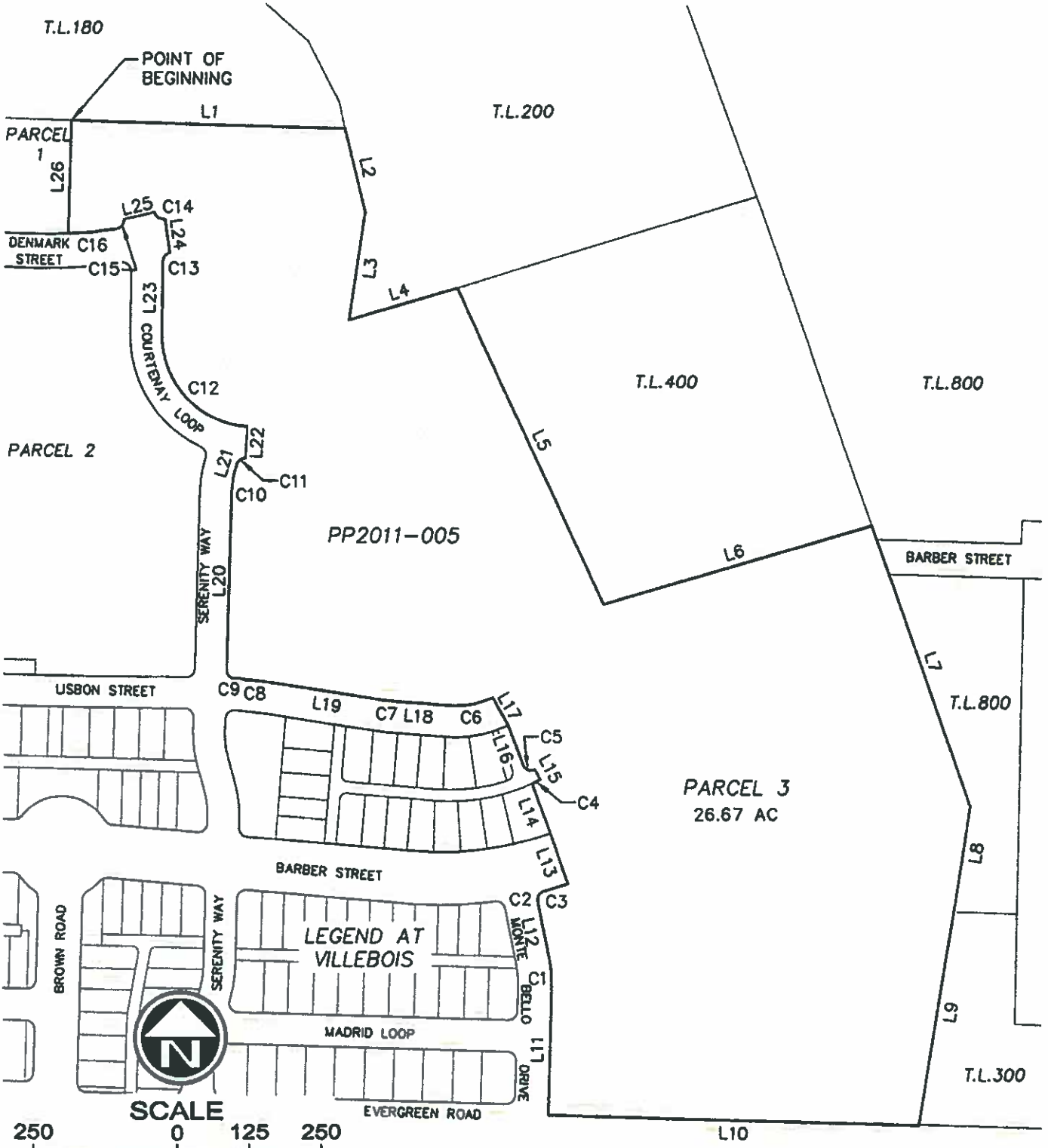


EXHIBIT "A"

DRAWN BY: TCJ DATE: 4/25/11
 REVIEWED BY: _____ DATE: _____
 PROJECT NO.: 107-001
 SCALE: 1"=250'

PAGE 5 OF 6
 Ordinance No. 699

*Pacific Community
 Design*

[T] 503-941-9484 [F] 503-941-9485

LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°28'22"E	474.44'
L2	S13°31'12"E	149.09'
L3	S08°20'13"W	188.56'
L4	N73°22'39"E	195.70'
L5	S25°08'18"E	604.67'
L6	N73°27'26"E	481.28'
L7	S19°29'38"E	516.37'
L8	S08°57'38"W	155.03'
L9	S09°32'32"W	405.45'
L10	N88°28'45"W	638.98'
L11	N01°31'01"E	222.62'
L12	N11°17'47"W	101.80'
L13	N19°13'54"W	92.00'
L14	N20°07'33"W	92.34'
L15	N26°52'00"W	20.00'
L16	N20°26'55"W	73.11'
L17	N29°42'39"W	55.17'
L18	N85°46'50"W	101.53'
L19	N81°17'43"W	189.72'
L20	N01°27'35"E	307.59'
L21	N15°43'11"E	10.13'
L22	N03°18'35"E	55.00'
L23	N00°33'52"E	127.19'
L24	N08°14'11"W	59.20'
L25	S77°04'09"W	55.06'
L26	N01°27'35"E	197.16'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	47.97'	214.50'	12°48'48"	47.87'	N04°53'23"W
C2	22.46'	15.00'	85°46'21"	20.42'	N31°35'24"E
C3	43.75'	676.00'	3°42'28"	43.74'	N72°37'20"E
C4	15.39'	350.00'	2°31'07"	15.38'	N64°23'33"E
C5	25.24'	15.00'	96°25'05"	22.37'	N68°39'28"W
C6	78.94'	157.50'	28°43'00"	78.12'	S79°51'39"W
C7	12.33'	157.50'	4°29'07"	12.33'	N83°32'18"W
C8	69.65'	827.50'	4°49'20"	69.62'	N83°42'22"W
C9	22.93'	15.00'	87°34'37"	20.76'	N42°19'44"W
C10	39.20'	157.50'	14°15'36"	39.10'	N08°35'23"E
C11	20.31'	15.00'	77°35'24"	18.80'	N54°30'53"E
C12	239.85'	157.50'	87°15'17"	217.34'	N43°03'47"W
C13	20.05'	15.00'	76°35'26"	18.59'	N38°51'35"E
C14	24.29'	15.00'	92°46'47"	21.72'	N56°27'19"W
C15	23.77'	15.00'	90°47'41"	21.36'	S35°19'55"W
C16	84.29'	720.50'	6°42'11"	84.24'	S84°04'51"W

DRAWN BY: TCJ DATE: 4/25/11
 REVIEWED BY: _____ DATE: _____
 PROJECT NO.: 107-001
 SCALE: _____



**CITY COUNCIL MEETING
STAFF REPORT**

**City Council Exhibit B
PLANNING DIVISION
STAFF REPORT & RECOMMENDATION
Quasi-Judicial Public Hearing
*Retherford Meadows, Villebois***

Meeting Date: December 5, 2011
Report Date: November 22, 2011
Source of Item: Planning Division

Contact: Blaise Edmonds
Contact Telephone Number: 503-570-1573
Contact E-Mail: edmonds@ci.wilsonville.or.us

ISSUE STATEMENT:

REDUS OR, LLC is seeking approval of a Zone Map Amendment to change the Clackamas County Exclusive Farm Use Zone (EFU) to the City of Wilsonville Village (V) Zone. This action will allow the development of 88 – detached single family dwelling units in Specific Area Plan – East, Phase 2E, Villebois. The subject property is adjacent to the east side of Lowrie Primary School.

BACKGROUND:

SAP East was approved in 2004. Since the approval the Villebois Village Master Plan was amended in 2006 to update the Parks Master Plan and in 2010 to move the primary school site from SAP North to SAP East which resulted in a corresponding residential density shift from SAP East to SAP North. The proposed Zone Map Amendment and the DRB Panel A approval of the Preliminary Development Plan for 2 East addresses the remainder of Phase 2 on the SAP East Phasing Plan, which the amendment to the 2010 Villebois Master Plan for Lowrie Primary School did not address. So Council is being asked to review the November 14th recommendation from Development Review Board – Panel A to amend the Wilsonville Zoning Map for approximately 27.46 acres to the Village (V) Zone. The subject property currently carries the Comprehensive Plan Map designation of ‘Residential-Village’.

The attached findings for the Zone Map Amendment in this Exhibit ‘B’ together with the DRB adopted and amended staff report (Exhibit A1), with findings and conditions of approval, support the Development Review Board’s recommendation for approval of the Zone Map Amendment. Panel A also approved Requests A, B, D, E, F and G listed on the following page.

Request A DB11-0047 Preliminary Development Plan – 2E (Retherford Meadows)
Request B DB11-0048 Specific Area Plan (SAP) East Refinements
Request C DB11-0049 Zone Map Amendment – 2E (Retherford Meadows)
Request D DB11-0050 Tentative Subdivision Plat – 2E (Retherford Meadows)
Request E DB11-0051 Type ‘C’ Tree Plan – 2E (Retherford Meadows)
Request F DB11-0052 Final Development Plan – 2E (Retherford Meadows)
Request G AR11-0064 SAP- East Phase Modification

Requests A, B, D, E, F and G are contingent upon Council approval of the Zone Map Amendment. General background documents for the above approvals are included in the City Council packet also including the complete record on a compact disk labeled Exhibit D.

PDP-2 East has been thoughtfully planned to complement the entire Villebois community. Pedestrian and bicycle access will be provided by the street and sidewalk improvements surrounding and through the site.

RELATED POLICIES CONSIDERATIONS TO THE ZONE MAP AMENDMENT:

- The proposed Zone Map Amendment meets the Planning and Land Development Ordinance and with the applicable goals, policies, and implementation measures of Wilsonville Comprehensive Plan and with the Villebois Master Plan.
- Primary facilities, i.e., public streets, water and sanitary sewer, are or shortly will be available and are of adequate size to serve the property. Adequate facilities can be provided.
- Rezoning would allow implementation of the Villebois Village Master Plan, which provides for a compact mixed-use development that will conserve energy by reducing the amount of and length of vehicle trips by making bicycle and pedestrian transportation viable alternatives for many trips.

RELATED POLICIES CONSIDERED BY THE DRB TO THE PRELIMINARY DEVELOPMENT PLAN:

- Preliminary Development Plan – PDP-2 East. The DRB approved a modification to the land use categories previously identified for the SAP-East. The modified PDP-2E includes 27.46 acres. Included components are 8.85 acres as single family residential lots and alleys, 5.72 acres as rights-of-way, 12.36 acres as parks and open space, and the remaining 0.53 acres reserved for future development.
- The DRB approved PDP-2 East totaling 88 residential lots, including 20 standard lots, 28 medium lots and 40 small detached lots. The DRB approved refinements resulted in the retention of an existing wetland that previous plans presumed would be filled, a larger useable park area, a larger area for LG-17 allowing for additional preservation of ‘important’ existing trees, and approved the overall residential unit count close to the original density for the subject area. Because of the down turn in the economy the Applicant is seeking to build smaller and more affordable houses to make the project market ready. The approved refinement to housing density exceeds the 10% in the shift from one land use category to

another land use category as demonstrated in the table below. However, pursuant to Subsection 4.125(.18)(J)(a)(vi)WDC, the approved refinement is necessary to protect important community resources which in this case is the wetland within the project.

	Current Unit Count in SAP E	Proposed Unit Count in SAP E	% Change
Medium/Standard/ Large/Estate	190	153	-19.5% or -37 units
Small Detached/ Small Attached/ Row Homes/ Neighborhood Apt.	381	421	+10.5% or +40 units
Total	571	574	+0.5% or +3 units

The revised PDP-2 East results in a total of 2,536 units within Villebois. This is 236 units above the density of 2,300 units required to be obtained across Villebois, meeting the refinement criteria.

- Phasing Plan Revision. The DRB approved revised boundaries of phases within SAP-East, as well as four sub-phases within 2E.
- Refinements to Specific Area Plan. The DRB approved eight (8) refinements, including street alignments, park and open space expansions, changes to utility alignments corresponding to street alignments, density and land use revisions.
- Tentative Subdivision Plat. The DRB approved a Tentative Subdivision Plat of PDP-2E into 88 residential lots, alley, park and open space Tracts A through N, and associated site improvements.
- Tree Removal Plan. The DRB approved a Type ‘C’ tree removal and protection plan. In order to construct the project, included is the removal of 171 of 194 trees. The submitted tree plan has not been updated to reflect trees removed for construction of the sanitary sewer in SW Madrid Loop and Coffee Lake Drive.
- Final Development Plan (FDP). The DRB approved a FDP which includes 12.36 acres of parks, open space and linear greens.
- Wetland Impacts of Proposed Residential Lots. A Wetland Permit has not been submitted to, nor secured from, the Oregon Division of State Lands/U.S. Army Corps of Engineers for impacts of proposed lots within PDP-2E. The Applicant is aware of this, and has indicated that the required permit will be pursued following City action. As a result, City approval of proposed impact to Lots 13 – 17, Lot 26, and Lots 27 – 28 will be contingent upon DSL/Corps approval of the proposed configuration. Disapproval or required modification of the proposed lot configuration by DSL/Corps would require that the application be returned to the DRB for revision.

- The DRB approved series of retaining walls bordering the wetland to retain lots above the existing wetland. The walls will be as tall as six (6) feet above the wetland grade below. Fences are required atop the retaining walls to protect pedestrians from the hazard of falling.
- Construction of Required Open Space Improvements by City. The Applicant notes that the City has agreed to design and install improvements to RP-8 and OS-4 as a result of a recent settlement agreement. This agreement affects compliance with Code provisions requiring completion of parks and open space improvements within PDP-2E.
- Previously-dedicated Rights-of-Way. Portions of the existing platted rights-of-way of *SW Courtenay Loop South* and *SW Serenity Way* are not shown, especially where they terminate within the existing wetland. The Applicant has indicated that they propose to reconfigure these rights-of-way and rename the dedicated segment of SW Courtenay Loop South as SW Serenity Way. Staff has confirmed with the County Surveyor that this reconfiguration cannot be achieved through a re-plat, but must instead either remain, or be vacated.
- The West Linn – Wilsonville School District owns the property proposed to become the westerly portion of realigned right-of-way of SW Courtenay Loop South/SW Serenity Way, mentioned above. In order to achieve the configuration illustrated in the submitted drawings, the Applicant will be required to secure dedication of this proposed right-of-way from the current owner as a condition of this action.
- Previous dedication of alleys in the previous phase, PDP-1E, does not extend access privileges to this project site. The Applicant must secure necessary consent from Matrix Development or the homeowners’ association of Legend at Villebois, whichever is applicable, in order to assure continuous vehicular circulation over the proposed alleys.

COUNCIL OPTIONS:

Approve with conditions or deny the Zone Map Amendment.

STAFF’S RECOMMENDATION:

Staff respectfully recommends that the City Council act favorably on the Development Review Board recommendation to approve the Zone Map Amendment. Appropriate Council action would be adoption of the proposed Zone Map Amendment Ordinance.

ATTACHMENTS:

Exhibit A - Zoning Order DB11-0049

Attachment 1: Map depicting zone change

Attachment 2: Legal Description

Exhibit B – Planning Division Staff Report, zone change findings and Recommendation to City Council, November 22, 2011

Exhibit C - DRB Panel ‘A’ Notice of Decision and Resolution 220.

Exhibit D - DRB Amended and Adopted Staff Report and Recommendation (Exhibit A1), November 14, 2011 and Phase 2 of SAP East, Retherford Meadows application dated August 3, 2011 on compact disk.

City Council Exhibit B Continued

STAFF REPORT

**Villebois PDP-2E, Zone Map Amendment (Retherford Meadows)
(Approved and Adopted by the DRB on November 14, 2011)**

**WILSONVILLE PLANNING DIVISION
Quasi-judicial Public Hearing**

HEARING DATE: December 5, 2011
DATE OF REPORT: November 22, 2011

APPLICATION NO.: Request C: DB11-0049: Zone Map Amendment

The companion applications: Request A DB11-0047 - Preliminary Development Plan – 2E (Retherford Meadows), Request B DB11-0048 - Specific Area Plan (SAP) East Refinements, Request D DB11-0050 - Tentative Subdivision Plat – 2E (Retherford Meadows), Request E DB11-0051 - Type ‘C’ Tree Plan – 2E (Retherford Meadows), Request F DB11-0052 - Final Development Plan – 2E (Retherford Meadows) and Request G AR11-0064 - SAP- East Phase Modification are contingent upon City Council approval of the Zone Map Amendment. General background documents for the above approvals are included in the City Council packet (Council. The Development Review Board adopted the staff recommendation and findings included as DRB Exhibit A1 as amended.

APPLICANT/OWNER: REDUS OR Land, LLC

APPLICANT’S REP.: Pacific Community Design, Inc.

REQUEST: Review of a proposed Zone Map Amendment for Retherford Meadows of SAP-East (PDP-2E) on approximately 27.46 acres within Villebois Village to the *Village* zone. Proposed uses are those permitted under Wilsonville Code Section 4.125.

LOCATION: The subject property is generally located east of SW Serenity Way, north of SW Lisbon Street, and east of SW Montebello Drive north of SW Evergreen Court.

LEGAL DESCRIPTION: Tax Lots 300, 380 and 3000 in Section 15; Township 3S, Range 1W; Clackamas County.

LAND USE DESIGNATIONS: *Wilsonville Comprehensive Plan Map Designation: Residential-Village*

ZONING DESIGNATIONS: Wilsonville Zone Map Classification: Clackamas County *Exclusive Farm Use (EFU)*. Proposed application DB11-0049 seeks to rezone the subject property to the Village (V) zone. Upon approval of request for Zone Map Amendment to *Village* (File No. DB11-0049), the zone map classification will be amended. The proposed development is reviewed under the applicable criteria for the *Village* Zone.

STAFF REVIEWERS: Michael R. Wheeler, Steve Adams, Don Walters, Kerry Rappold and Drew DuBois

APPLICABLE CRITERIA:

Planning and Land Development Ordinance: 4.008 – 4.035; 4.125 and 4.197. **Other Planning Documents:** Comprehensive Plan; Transportation Systems Plan; Storm Water Master Plan; Villebois Village Master Plan; SAP-East (Case file 04 DB 22 et seq. Includes: SAP-East Architectural Pattern Book, SAP-East Signage and Wayfinding Plan, SAP-East Community Elements Book, SAP-East Master Fencing Plan, SAP-East Rainwater Management Program); SAP-East PDP-1E (DB05-0011 et seq); SAP-East PDP-2EaE (DB10-0023 et seq).

Summary:

Zone Map Amendment. The proposal is to change the County EFU zone on 27.46 acres within Villebois Village to the Village (V) zone. The proposed residential uses are permitted under Wilsonville Code Section 4.125. The proposed Zone Map Amendment would enable the development permitting process for this area of Villebois.

Conclusion and Recommendation:

Staff has reviewed the Applicant’s analysis of compliance with the applicable criteria (Sections II through VI of the submittal notebook). The analysis adequately demonstrates compliance with the City’s Comprehensive Plan (*Villebois Village Master Plan* and *Specific Area Plan-East*) and the Planning & Land Development Ordinance. The Staff report adopts the Applicant’s responses as Findings of Fact except as noted in the Findings and modified by proposed Conditions of Approval. 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 City Council approve the proposed Zone Map Amendment with the following condition:

Based on the applicant’s findings, findings of fact, analysis and conclusionary findings, staff recommends that the City Council approve the Zone Map Amendment project identified as PDP-2E (Retherford Meadows), known as case files DB11-0049.

The DRB approval the Zone Map Amendment with the following condition:

Request C, DB11-0049: Zone Map Amendment

Approval of a Zone Map Amendment for PDP-2E is contingent upon City Council approval of the request. The DRB recommends City Council approval of the requested Zone Map Amendment, DB11-0049.

DRB EXHIBIT LIST FOR ZONE MAP AMENDMENT:

A1. DRB Staff Report for Requests A through G under separate cover.

A2. Council Powerpoint presentation prepared by staff.

B. Applicant's Written and Graphic Materials:

B1. VILLEBOIS PDP – 2 EAST

(NOTEBOOK SUBMITTED UNDER SEPARATE COVER)

SECTION I ZONE CHANGE

- IVA Supporting Compliance Report
- IVB Zone Change Map [See detailed list, Exhibit B4, below]
- IVC Legal Description & Sketch

B2. SECTION IVB ZONE CHANGE MAP

Proposed Zone Map Amendment

C. General Correspondence:

- C1.** Letters (Neither For Nor Against): None submitted
- C2.** Letters (In Favor): None submitted
- C3.** Letters (Opposed): None submitted

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on August 3, 2011. On August 26, 2011, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on September 14, 16, 22, and October 7, 2011, the applicant submitted additional materials. On October 13, 2011, the application was deemed complete. The City must render a final decision for the request, including any appeals, by February 2, 2012.
2. Projects surrounding PDP-2E are within SAP-East, which will be developed as a mixed use project with residential uses.
3. Prior SAP-East land use actions include:

Villebois Village Ordinances and Resolutions

Legislative:

02PC06 - Villebois Village Concept Plan
02PC07A - Villebois Comprehensive Plan Text
02PC07C - Villebois Comprehensive Plan Map
02PC07B - Villebois Village Master Plan
02PC08 - Village Zone Text
04PC02 – Adopted Villebois Village Master Plan
LP-2005-02-00006 – Revised Villebois Village Master Plan
LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)

Quasi Judicial:

04 DB 22 et seq – SAP-East
DB05-0011 et seq – PDP-1E, Legend at Villebois
DB10-0023 et seq – PDP-2aE, Lowrie Primary School
AR10-0073 Partition Plat – Lowrie Primary School

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.

(Applicant's Section IV)

CITY OF WILSONVILLE COMPREHENSIVE PLAN

Compact Urban Development – Implementation Measures

Implementation Measure 4.1.6.a:

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

C1. The subject area is within SAP-East, which was previously approved as part of case file 04 DB 22 et seq and found to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance. Implementation Measure 4.1.6.a is met.

Implementation Measure 4.1.6.b:

The Villebois Village Master Plan shall contain the following elements:

C2. The current proposal is for a preliminary development plan implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved. This provision is therefore not applicable.

Implementation Measure 4.1.6.c:

The “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.

C3. This application proposes a zone change to “Village” for the subject 27.46 acre premises, which carries the Residential-Village Plan Map Designation. Implementation Measure 4.1.6.c is met.

Implementation Measure 4.1.6.d:

The “Village” Zone District shall allow a wide range of uses that befit and support an “urban village,” including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses.

C4. The subject property is not in the central core area. The property is comprised of 27.46 acres within Specific Area Plan – East of the Villebois Master Plan. It will provide residential uses (88 units residential development) and 12.36 acres of parks and open space within Villebois. The project narrative (Section IIA of Exhibit B1, the PDP-2E submittal (Council Exhibit E on CD)

lists the proposed range of residential units, the lot sizes of which are interspersed to provide a diverse mix of housing. The proposed residential land use and housing types in this area are generally consistent with those portrayed in the Villebois Village Master Plan, which this regulation is intended to implement. Implementation Measure 4.1.6.d is met.

CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

Section 4.029. Zoning to be Consistent with Comprehensive Plan.

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

C5. This zone change application is being requested concurrently with a Preliminary Development Plan (PDP) and Tentative Plat for the subject premises in conformance with the code. The PDP application material is located in Section II of the application notebook, and the Tentative Plat application material in Section III. Section 4.029 - Zoning Consistent with the Comprehensive Plan is met.

Section 4.110 - Zoning – Zones

(.01) The following Base Zones are established by this Code:

(F) Public Facility, which shall be designated “PF”

(H) Village, which shall be designated “V” [per Section 4.125 enabling amendments (File No. 02PC08)]

C6. The subject property is within the city limits of Wilsonville and is currently zoned Exclusive Farm Use (EFU). This request is for a zone change to “Village”. The zone change request is being reviewed concurrently with a Preliminary Development Plan (PDP-2E), which emphasizes residential uses. Residential use is not allowed in the EFU Zone, therefore, the “Village” zoning designation is most appropriate for the subject property to implement the *Villebois Village Concept Plan*. Upon approval of the proposed rezoning, the development will therefore meet Section 4.110.

Section 4.125 - Village (V) Zone

(.01) Purpose.

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

C7. The subject premises lies within the area designated “Residential – Village” on the Comprehensive Plan Map. This request is for a zone change to “Village”.

(.02) Permitted Uses

C8. The proposed residential use listed in the associated application for a Preliminary Development Plan (see Section II of the application notebook) are consistent with the land uses permitted under the Village zone. The proposed PDP-2E will create lots intended for single-family detached dwellings, as well as park and open space. The proposed residential uses are permitted under the Village zone.

(.18) Village Zone Development Permit Process

B. Unique Features and Processes of the Village (V) Zone

2. ... *Application for a zone change shall be made concurrently with an application for PDP approval...*

C9. The application for a zone change is being made concurrently with an application for PDP-2E.

Section 4.136 - PF – Public Facility Zone

(.01) Purpose:

The PF zone is intended to be applied to existing public lands and facilities; including quasi-public lands and facilities, which serve and benefit the community and its citizens. Typical uses permitted in the PF zone are schools, churches, public buildings, hospitals, parks and public utilities. Not all of the uses permitted in this zone are expected to be publicly owned.

C10. The subject property is currently zoned Exclusive Farm Use (EFU). The property's most recent use was agriculture.

Section 4.197 Zone Changes and Amendments to this Code – Procedures.

(.02) *In recommending approval or denial of a proposed zone map amendment, the Planning Commission or Development Review Board shall at a minimum, adopt findings addressing the following criteria:*

A. *That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140; and*

C11. This application has been submitted in accordance with the procedures set forth in Section 4.140, which requires that:

(A) *All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of building permit: 1. Be zoned for planned development; and*

(B) *Zone change and amendment to the zoning map are governed by the applicable provisions of the Zoning Sections, inclusive of Section 4.197.*

C12. This zone change application will establish the appropriate zone for this development and will be governed by the appropriate Zoning Sections.

B. *That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan Text.*

C13. Comprehensive Plan Implementation Measure 4.1.6.c states “the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.” Since the “Village” zone must be applied to areas designated Residential Village on the Comprehensive Plan map, and is the only zone that may be applied to these areas, its application to these areas is consistent with the Comprehensive Plan, which describes the “Village” zone as implementing the Residential – Village Comprehensive Plan Map designation.

C. *In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text; and*

C14. As noted above, Comprehensive Plan Implementation Measure 4.1.6.c states “the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.” Since the Village zone must be applied to areas designated “Residential Village” on the Comprehensive Plan map, and is the only zone that may be applied to these areas, its application to these areas is consistent with the Comprehensive Plan, which describes the “Village” zone as implementing the Residential – Village Comprehensive Plan Map designation.

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

C15. Section IIC of the submittal notebook includes supporting utility and drainage reports demonstrating that the existing primary public facilities are available and can be provided in conjunction with the project. In addition, a Traffic Impact Analysis prepared by DKS Associates has been received (Section IID of Exhibit B1 (Council Exhibit E on CD)).

C16. Sanitary Sewer: PDP-2E must be in compliance with the Public Facilities (PF) Conditions of Approval. The City Engineer is required to approve all construction plans for the sanitary sewer system prior to construction, to assure that they comply with City standards. This must be met at the time of development, as monitored by the City Engineer. See Council Exhibit D on compact disk for PF conditions.

C17. Water: PDP-2E must be in compliance with the Public Facilities (PF) and Building Division (BD) Conditions of Approval. The City Engineer is required to approve all construction plans for the water system prior to construction, to assure that they comply with City standards. This must be met at the time of development, as monitored by the City Engineer. See Council Exhibit D on compact disk for BD and PF conditions.

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

C18. Only a small portion of PDP-2E is mapped as Significant Resource Overlay Zone (SROZ). This area is located within Regional Park 8 and Open Space 6. No development is currently proposed within this area.

F. That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.

C19. The applicant has provided summary findings demonstrating that development of the subject property has been affected by the down economy, and cannot be expected to commence within the required two (2) years of the initial approval of the zone change. The applicant proposes to commence the project as soon as is reasonably possible.

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

C20. The proposed development can be developed in compliance with the applicable development standards, as demonstrated by this report.

November 17, 2011

DEVELOPMENT REVIEW BOARD PANEL A

**DEVELOPMENT REVIEW BOARD NOTICE OF DECISION AND
RECOMMENDATION TO CITY COUNCIL**

Project Name: Villebois PDP-2 East "Retherford Meadows"

Case Files:

1. DB11-0047: Preliminary Development Plan -2E (Retherford Meadows)
2. DB11-0048: Five (5) Refinements – Specific Area Plan (SAP) East
3. DB11-0049: Zone Map Amendment -2E (Retherford Meadows)
4. DB11-0050: Tentative Subdivision Plat -2E (Retherford Meadows)
5. DB11-0051: Type 'C' Tree Removal Plan -2E (Retherford Meadows)
6. DB11-0052: Final Development Plan -2E (Retherford Meadows)
7. AR11-0064: Class II Specific Area Plan (SAP) East Modification

Applicant: Stacy Connery – Pacific Community Design, Inc.

Owner: David Ash - REDUS OR Land, LLC

Property Description: Tax Lots 300, 380 and 3000, Section 15, T3S-R1W, Clackamas, County, Wilsonville, Oregon

Location: Villebois SAP-East

On November 14, 2011, at the meeting of the Development Review Board Panel A, the following action was taken on the above-referenced proposed development applications:

Item 3: The DRB has forwarded a recommendation of approval to the City Council. *A Council hearing date is scheduled for Monday, December 5, 2011 to hear this item.*

Items 1, 2, 4, 5, 6 and 7: Approved with conditions of approval. *These approvals are contingent upon City Council's approval of Item 3.*

An appeal of Items 1, 2, 4, 5, 6 and 7 to the City Council by anyone who is adversely affected or aggrieved, and who has participated in this hearing, orally or in writing, must be filed with the City Recorder within fourteen (14) calendar days of the mailing of this Notice of Decision. *WC Sec. 4.022(.02).* A person who has been mailed this written notice of decision cannot appeal the decision directly to the Land Use Board of Appeals under *ORS 197.830.*

This decision has been finalized in written form and placed on file in the City records at the Wilsonville City Hall this 17th day of November 2011 and is available for public inspection. The decision regarding Items 1, 2, 4, 5, 6 and 7 shall become final and effective on the fifteenth (15th) calendar day after the postmarked date of this written Notice of Decision, unless appealed or called up for review by the Council in accordance with *WC Sec. 4.022(.09)*

Written decision is attached

For further information, please contact the Wilsonville Planning Division at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon 97070 or phone 503-682-4960

Attachments: DRB Resolution No. 220, including adopted staff report with conditions of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 220**

A RESOLUTION ADOPTING FINDINGS AND CONDITIONS APPROVING A PRELIMINARY DEVELOPMENT PLAN (2E), FIVE (5) REFINEMENTS (SAP-EAST), ZONE MAP AMENDMENT (2E), TENTATIVE SUBDIVISION PLAT (2E), TYPE 'C' TREE REMOVAL PLAN (2E), FINAL DEVELOPMENT PLAN (2E) AND CLASS II SPECIFIC AREA PLAN (SAP) EAST MODIFICATION FOR AN 88 LOT RESIDENTIAL DEVELOPMENT KNOWN AS "RETFERFORD MEADOWS." THE PROPERTY IS LOCATED ON TAX LOTS 300, 380 AND 3000, SECTION 15, T3S-R1W, CLACKAMAS COUNTY, OREGON. PACIFIC COMMUNITY DESIGN, INC. FOR REDUS OR LAND, LLC, APPLICANT AND OWNER.

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

WHEREAS, the Planning Staff has prepared a staff report on the above-captioned subject dated November 7, 2011, and

WHEREAS, said planning exhibits and staff reports were duly considered by the Development Review Board at a regularly scheduled meeting conducted on November 14, 2011, 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 Panel A of the City of Wilsonville **recommends that the City Council approve a request for a Zone Map Amendment (Case File DB11-0049)** and does hereby adopt the staff report attached hereto as Exhibit A1 with modified findings, recommendations and conditions placed on the record herein and authorizes the Planning Director to issue approvals consistent with said recommendations for Case File(s):

- DB11-0047: Preliminary Development Plan – 2E (Retherford Meadows)
- DB11-0048: Five (5) Refinements – Specific Area Plan (SAP) East
- DB11-0049: Zone Map Amendment – 2E (Retherford Meadows)
- DB11-0050: Tentative Subdivision Plat – 2E (Retherford Meadows)
- DB11-0051: Type 'C' Tree Removal Plan – 2E (Retherford Meadows)

DB11-0052: Final Development Plan – 2E (Retherford Meadows)

AR11-0064: Class II Specific Area Plan (SAP) East Phase Modification


Approvals DB11-0047, 0048, 0050, 0051, 0052 and AR11-0064 under this resolution are subject to City Council approval of a Zone Map Amendment (Case File # DB11-0049) to change the current zone from Exclusive Farm Use Facility (EFU) to Village (V).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 14th day of November 2011 and filed with the Planning Administrative Assistant on Nov. 17, 2011. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Section 4.022(.09)* unless appealed per *WC Section 4.022(.02)* or called up for review by the council in accordance with *WC Section 4.022(.03)*.



John Schenk, Chair
Development Review Board, Panel A

Attest:



Shelley White, Planning Administrative Assistant

Exhibit A1

AMENDED AND ADOPTED STAFF REPORT
WILSONVILLE PLANNING DIVISION

Villebois PDP-2E (Retherford Meadows)
Quasi-judicial Public Hearing

Legend Note: ~~Struck text~~ has been deleted; **bold and italicized text** has been added. These amendments were adopted by the Development Review Board on November 14, 2011.

HEARING DATE: November 14, 2011
DATE OF REPORT: November 7, 2011

APPLICATION NO.:

- A. **DB11-0047: SAP-East PDP-2E, Preliminary Development Plan (Retherford Meadows)**
- B. **DB11-0048: SAP-East Refinements**
- C. **DB11-0049: Zone Map Amendment**
- D. **DB11-0050: Tentative Subdivision Plat**
- E. **DB11-0051: Type C Tree Plan**
- F. **DB11-0052: Final Development Plan**
- G. **AR11-0064: SAP-East Phase Modification**

APPLICANT/OWNER: REDUS OR Land, LLC

APPLICANT'S REP.: Pacific Community Design, Inc.

REQUEST: Review of a proposed Preliminary Development Plan for Retherford Meadows of SAP-East (PDP-2E) on approximately 27.46 acres within Villebois Village to the *Village* zone. Proposed uses are those permitted under Wilsonville Code Section 4.125.

LOCATION: The subject property is generally located east of SW Serenity Way, north of SW Lisbon Street, and east of SW Montebello Drive north of SW Evergreen Court.

LEGAL DESCRIPTION: Tax Lots 300, 380 and 3000 in Section 15; Township 3S, Range 1W; Clackamas County.

LAND USE DESIGNATIONS: Wilsonville Comprehensive Plan Map Designation: *Residential-Village*

ZONING DESIGNATIONS: Wilsonville Zone Map Classification: Clackamas County *Exclusive Farm Use (EFU)*. Proposed application DB11-0049 seeks to rezone the subject property to the Village (V) zone. Upon approval of request for Zone Map Amendment to *Village* (File No. DB11-0049), the zone map classification will be amended. The proposed development

is reviewed under the applicable criteria for the *Village* Zone.

STAFF REVIEWERS: Michael R. Wheeler, Steve Adams, Don Walters, Kerry Rappold and Drew DuBois

APPLICABLE CRITERIA:

Planning and Land Development Ordinance: 4.008 – 4.035; 4.113; 4.125; 4.139.00 – 4.139.11; 4.155; 4.156; 4.167; 4.171; 4.172; 4.175; 4.176; 4.177; 4.178; 4.197; 4.199; 4.200 – 4.270; 4.300; 4.400; 4.600 – 4.620.00. **Other Planning Documents:** Comprehensive Plan; Transportation Systems Plan; Storm Water Master Plan; Villebois Village Master Plan; SAP-East (Case file 04 DB 22 et seq. Includes: SAP-East Architectural Pattern Book, SAP-East Signage and Wayfinding Plan, SAP-East Community Elements Book, SAP-East Master Fencing Plan, SAP-East Rainwater Management Program); SAP-East PDP-1E (DB05-0011 et seq); SAP-East PDP-2EaE (DB10-0023 et seq).

REQUESTED ACTIONS:

The Development Review Board is being asked to review concurrent applications proposing development of Retherford Meadows of SAP-East. The Applicant is submitting requests for:

- A. DB11-0047: SAP-East PDP-2E, Preliminary Development Plan (Retherford Meadows)**
- B. DB11-0048: SAP-East Refinements**
- C. DB11-0049: Zone Map Amendment**
- D. DB11-0050: Tentative Subdivision Plat (Retherford Meadows)**
- E. DB11-0051: Type ‘C’ Tree Removal Plan**
- F. DB11-0052: Final Development Plan**
- G. AR11-0064: SAP-East Phase Modification**

OVERVIEW:

This staff report will be reviewed by request as identified in “Requested Actions”. The report will first provide a review of the request and then propose findings for approval. Findings will be identified by the request letter, e.g. ‘A1’, in numerical order.

The applicant is requesting approval of Preliminary Development Plan (SAP-East) Phase 2 within Villebois Village as prescribed by the Villebois Village Master Plan (approved by the City as part of their Comprehensive Plan). SAP-East has an approved Master Signage and Wayfinding Plan and Fence Plan, Architectural Pattern Book, Communities Elements Book, Rainwater Program and Plan.

SUMMARY:

Proposed Preliminary Development Plan. The proposed PDP-2E seeks to alter the land use categories previously identified for the SAP-East. The proposal seeks to develop 27.46 acres. Included components are 8.85 acres as single family residential lots and alleys, 5.72 acres as rights-of-way, 12.36 acres as parks and open space, and the remaining 0.53 acres reserved for future development. The proposal includes plan for a total of 88 detached single family dwelling units.

Refinements to Specific Area Plan. The applicant is proposing eight (8) refinements, including street alignments, park and open space expansions, changes to utility alignments corresponding to street alignments, density and land use revisions.

Tentative Subdivision Plat. The applicant is proposing the subdivision of PDP-2E into 88 residential lots, alley, park and open space Tracts A through N, and associated site improvements.

Zone Map Amendment. The proposal is to change the County EFU zone on 27.46 acres within Villebois Village to the Village (V) zone. The proposed residential uses are permitted under Wilsonville Code Section 4.125. The proposed Zone Map Amendment would enable the development permitting process for this area of Villebois.

Proposed Tree Removal Plan. A Tree Maintenance and Protection Plan, prepared by Morgan E. Holen of Walter H. Knapp & Associates, LLC, for Retherford Meadows, has been submitted, which proposes the removal of 171 of 194 trees, in order to construct the project. A request for a Type 'C' Tree Removal Plan is included in Request E (case file DB11-0051).

Final Development Plan (FDP). The FDP area includes 12.36 acres of parks, open space and linear greens. More specifically, the FDP includes Pocket Park No. 8 (Tract M), Open Space Nos. 4 and 6 (Tracts N and G), Regional Park No. 8 (Tract G), and Linear Green Nos. 10 and 17 (Tracts J and L).

Phasing Plan Revision. The applicant is proposing revised boundaries of phases within SAP-East, as well as four sub-phases of PDP-2E.

ISSUES:

Project Boundary. The extent of the proposed project is inconsistently represented in the submitted drawings. For example, the rights-of-way of *SW Courtenay Loop South* and *SW Serenity Way* have already been dedicated on a partition plat (Partition Plat 2011-005, Exhibit D1), yet the project is illustrated as extending to the centerline of these existing rights-of-way. Correspondence regarding the previous Zone Map Amendment (Exhibit A4) indicates that the applicant is aware of the issue.

Phasing Plan Update. The Phasing Plan Update (Unnumbered drawing in Section I-E) removes portions of SAP East from Phases 2E, 4E and 5E. These omitted areas remain a part of the Villebois Village Master Plan, and must be restored to this drawing. See the discussion found beginning on page 92.

In addition, the proposed Phasing Plan (Sheet 16 of Section II-B) includes four proposed sub-phases within Phase 2E. However, this phasing plan lacks compliance with Section 4.197, which requires completion within two years of commencement. The applicant has explained that this uncertainty is due to the downturn of the local economy. See the discussion found beginning on page 45.

Previously-dedicated Rights-of-Way. Portions of the existing platted rights-of-way of *SW Courtenay Loop South* and *SW Serenity Way* are not shown, especially where they terminate within the existing wetland. The applicant has indicated in recent correspondence (Exhibit A5) that they propose to reconfigure these rights-of-way and rename this dedicated segment of SW Courtenay Loop South as SW Serenity Way. Staff has confirmed with the County Surveyor that this reconfiguration cannot be achieved through a replat, but must instead either remain, or be vacated. See the discussion found beginning on page 31.

To complicate this proposed reconfiguration, the West Linn – Wilsonville School District owns the property proposed to become the westerly portion of realigned right-of-way of SW Courtenay Loop South/SW Serenity Way, mentioned above. In order to achieve the configuration illustrated in the submitted drawings, the Applicant will be required to secure dedication of this proposed right-of-way from the current owner as a condition of this action. See the discussion found beginning on page 31.

Previous dedication of alleys in the previous phase, PDP-1E, does not extend access privileges to this project site. The Applicant must secure necessary consent from Matrix Development or the homeowners' association of Legend at Villebois, whichever is applicable, in order to assure continuous vehicular circulation over the proposed alleys. See the discussion found beginning on page 64.

Wetland Impacts of Previously-dedicated Rights-of-way. The wetland area illustrated throughout the submitted drawings is impacted (i.e., reduced in area) by the current alignment of the existing rights-of-way of SW Courtenay Loop South and SW Serenity Way, which are not shown as platted. As a part of recent correspondence, the applicant has provided a drawing to

illustrate those existing alignments, but has not extended that illustration to all other submitted drawings.

Wetland Impacts of Proposed Residential Lots. A Wetland Permit has not been submitted to, nor secured from, the Oregon Division of State Lands/U.S. Army Corps of Engineers, for the proposed impacts of proposed lots within PDP-2E. The applicant is aware of this, and has indicated that the required permit will be pursued following City action. As a result, City approval of proposed impact of Lots 13 – 17, Lot 26, and Lots 27 – 28 on the existing wetland will be contingent upon DSL/Corps approval of the proposed configuration. Disapproval or required modification of the proposed lot configuration by DSL/Corps would require that the application be returned to the DRB for revision.

The applicant proposes a series of retaining walls bordering the wetland, in order to retain lots above the existing wetland. The walls are proposed to be as tall as six (6) feet above the wetland grade below. Fences will be required atop these proposed retaining walls abutting Lots 12 – 17, Tract “C”, Lots 25 – 26, and Lots 27 – 29. The fences will be required in order to protect pedestrians from the hazard of falling. See the discussion found beginning on page 51.

Proposed Tree Removal Plan. The submitted Tree Preservation Plan (Sheets 13 and 14 of Sections IIB and VC of Exhibit B1) have not been updated to reflect trees removed for construction of the sanitary sewer in SW Madrid Loop and Coffee Lake Drive. As a result, the proposed tree removal total is inaccurate. See the discussion found beginning on page 73.

Proposed Pathways. The applicant proposes minor pathways measuring five (5) feet in width (page 16 of Section VIA of Exhibit B1). Section 4.237(.03)(B) requires such pathways to be a minimum of six (6) feet in width. See the discussion found beginning on page 51.

Proposed Signs. Monument signs (Section IIF of Exhibit B1) are proposed in rights-of-way. The Master Signage and Wayfinding Plan enables this proposed encroachment. See the discussion found beginning on page 86.

Construction of Required Open Space Improvements by City. The applicant notes that the City has agreed to design and install improvements to RP-8 and OS-4 as a result of a recent settlement agreement (Exhibit D6). This agreement affects compliance with Code provisions requiring timely completion of parks and open space improvements within PDP-2E. See the discussion found beginning on page 83.

Errata. Consistent drawing label correction required: All appearances of SW Coffee Creek Avenue on the submitted drawings should be corrected to read SW Coffee Creek *Drive*.

CONCLUSIONS AND RECOMMENDATIONS:

Staff has reviewed the Applicant’s analysis of compliance with the applicable criteria (Sections II through VI of the submittal notebook). In most cases, the analysis adequately demonstrates compliance with the City’s Comprehensive Plan (*Villebois Village Master Plan* and *Specific Area Plan-East*) and the Planning & Land Development Ordinance. The Staff report adopts the Applicant’s responses as Findings of Fact except as noted in the Findings and modified by proposed Conditions of Approval. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, Staff recommends that the Development Review Board approve the proposed applications (DB11-0047 through -0052 and AR11-0064) and with the following conditions:

CONDITIONS OF APPROVAL FOR REQUESTS ‘A’ – ‘G’:

Based on the applicant’s findings, findings of fact, analysis and conclusionary findings, staff recommends that the Development Review Board approve the project identified as PDP-2E (Retherford Meadows), known as case files DB11-0047 through -0052 and AR11-0064.

The application and supporting documents are hereby adopted for approval with the following conditions:

<p>PD = Planning Division Conditions BD = Building Division Conditions PF = Engineering Conditions NR = Natural Resources Conditions TR = SMART/Transit Conditions FD = Tualatin Valley Fire and Rescue Conditions</p>	
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<u>Planning Division Conditions:</u>
<i>Request A – DB11-0047: Preliminary Development Plan - 2E</i>
PDA 1. Approval of DB11-0047 (Request A) Preliminary Development Plan (PDP-2E) is contingent upon City Council approval of the Zone Map Amendment from Exclusive Farm Use (EFU) to Village (V) (Case file DB11-0049).
PDA 2. The Applicant/Owner shall submit a final copy of the CC&Rs to the City Attorney for review.
PDA 3. All signage must be consistent with the approved SAP-East Master Signage and Wayfinding Plan. Prior to installation of a sign, the applicant/owner must apply for a sign permit.

PDA 4. Except for Tract G, parks within PDP-2E shall be constructed prior to occupancy of 50% of the dwelling units in the PDP, unless weather or other special circumstances prohibit completion, in which case bonding for the improvements shall be permitted.

PDA 5. The Applicant/Owner shall install minimum 42-inch-tall chain link fencing at the top of each of the proposed retaining walls above the existing wetland (Tract K).

PDA 6. The Applicant/Owner shall submit a revised Phasing Plan Update (Section IE of Exhibit B1), to include areas to the east which are part of approved SAP-East.

Request B – DB11-0048: Refinements

PDB 1. Approval of the requested refinements for DB11-0048 (Request B) is contingent upon City Council approval of the request for a Zone Change in case file DB11-0049 (Request A).

Request C – DB11-0049: Zone Map Amendment

Approval of a Zone Map Amendment for PDP-2E is contingent upon City Council approval of the request. The DRB recommends City Council approval of the requested Zone Map Amendment, DB11-0049 (Request C).

Request D – DB11-0050: Tentative Subdivision Plat

PDD 1. Approval of a Tentative Subdivision Plat for DB11-0050 (Request D) is contingent upon City Council approval of the request for a Zone Change in case file DB11-0049 (Request A).

PDD 2. A non-access reservation strip shall be applied on the final plat to those lots with access to a public street and an alley. All lots with access to a public street and an alley must take vehicular access from the alley to a garage or parking area. A plat note effectuating that same result can be used in the alternative. The applicant shall work with the County Surveyor and City Staff regarding appropriate language.

PDD 3. All reserve strips and street plugs shall be detailed on the Final Subdivision Plat. See Finding C43.

PDD 4. When streets are extended and not terminated at an intersection the same naming convention must be utilized. The applicant shall work with the City’s Engineering Division regarding the appropriate name change of SW Courtenay Loop South to SW Serenity Way as there is no official termination of SW Courtenay Loop South.

PDD 5. The Applicant/Owner shall work with the fire marshal and the city to determine whether Tualatin Valley Fire & Rescue requirements are met. Additionally, staff is recommending that Allied Waste Services must be included in the discussion. The result of this cooperative effort may result in changes to access drives or lane configurations on the Tentative Plat. The plat will be evaluated for compliance and conformance at the time of Final Subdivision Plat review for the small lots.

PDD 6. Any necessary easements or dedications shall be identified on the Final Subdivision Plat.

PDD 7. The applicant/owner must submit a revised lighting plan for PDP-2E.

PDD 8. The Applicant/Owner shall establish a program for the perpetual maintenance of parks/open space, specifically those required by the Operations and Maintenance agreement. If one or more of the park/open space tracts are to be dedicated to the City or other public entity, this dedication(s) shall also be executed and recorded with the Final Plat.
PDD 9. Alleyways, parking lots and drives shall remain in private ownership and be maintained by the Homeowner's Association established by the subdivision's CC&Rs. See Finding C19.
PDD 10. Any necessary easements or dedications shall be identified on the Final Subdivision Plat. See Finding C37.
PDD 11. Street names shall not be used that duplicate or could be confused with the names of existing streets. Street names and numbers shall conform to the approved Villebois Street Name Plan and submitted to the City for approval with the Final Plat.
PDD 12. The Applicant/Owner shall provide a copy to the City of correspondence showing that the plans have been distributed to the franchise utilities. The Applicant/Owner shall coordinate the proposed locations and associated infrastructure design with the franchise utilities. Should permanent/construction easements or rights-of-way be required to construct the public improvements or to relocate a franchised utility, the Applicant/Owner shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the Applicant shall obtain written approval from the appropriate utility prior to commencing any construction. Any easements shall be shown on the final plat.
PDD 13. Pedestrian linkages shall be provided at all locations where alleys do not intersect with the local road network.
PDD 14. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property. The Applicant shall execute the required documents with the City as described above prior to Final Subdivision Plat approval, as an easement or dedication.
PDD 15. Streetlights shall be installed in accordance with city standards and include the fixtures and luminaries in the approved Community Elements Plan for SAP-East. The city is mindful of changing technologies and recognizes that adjustments for specific fixtures may be addressed and approved through the hearing process.
PDD 16. The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for PDP-2E or the Tentative Plat.
PDD 17. The Applicant shall secure necessary consent from Matrix Development or the homeowners' association of Legend at Villebois, whichever is applicable, in order to assure continuous vehicular circulation over the proposed alley (Tract E).
<i>Request E – DB11-0051: Type 'C' Tree Removal Plan</i>
PDE 1. Approval of a Type C Tree Removal Plan for DB11-0051 (Request E) is contingent

	upon City Council approval of the request for a Zone Change in case file DB11-0049 (Request C).
PDE 2.	The applicant shall submit a final Tree Survey and Maintenance and Protection Plan prior to final plat approval.
PDE 3.	This action approves the proposed Type ‘C’ Tree Plan, for the removal and mitigation of 171 trees as identified in the submitted plan set (Exhibit B3).
PDE 4.	The applicant shall obtain a Type ‘C’ Tree Removal Permit from the Planning Division prior to removal of any trees on site. The applicant shall provide a Tree Preservation Plan depicting the location of tree protection fencing prior to initiation of grading or construction, as well as a clear depiction of trees proposed to be preserved, situational and removed trees.
PDE 5.	All trees required to be preserved shall be protected with a 6’ tall chain link fence with metal posts pounded into the ground. Such fences shall be placed at or beyond the drip line of the trees to be protected and shall remain in place until such time as substantial construction is complete.
PDE 6.	The project arborist is required to submit a plan for tree protection before, during, and after construction as part of the Type ‘C’ Tree Removal Permit (i.e. tree protection plan). Such a plan shall contain recommendations that will be reviewed by Staff and incorporated as conditions of approval for the project. Such an approved plan shall be closely followed for all trees being preserved.
PDE 7.	A detailed tree preservation plan is required for trees impacted by grade changes. Such a plan will address and include detailed designs and specifications for drainage and aeration, identification of the critical root zone to be protected and trunk space necessary for long-term preservation of trees.
PDE 8.	Mitigation of the removed trees is required at a 1 to 1 ratio.
<i>Request F – DB11-0052: Final Development Plan - 2E</i>	
PDF 1.	Approval of a Final Development Plan for DB11-0052 (Request F) is contingent upon City Council approval of the request for a Zone Change in case file DB11-0049 (Request C).
PDF 2.	This action approves the Final Development Plan for Phase 2 of SAP – East. The applicant shall construct the project in substantial compliance with the approved FDP plans and materials (plans dated November 14, 2011). Minor amendments to the project can be processed by the Planning Director through a Class I Administrative Review.
PDF 3.	The applicant shall submit final parks, landscaping and irrigation plan to the City prior to Public Works Permit approval and construction of parks. Irrigation must not be excessive to harm existing trees. The irrigation plan must be consistent with the requirements of Section 4.176(.07)C.
PDF 4.	Except for Tract G, all landscaping, and park improvements approved in this case file (Sheets L1.0 – L4.0 of Section VIB) and Engineering Division Public Works Permit punch list items for the specific phase of the PDP shall be completed before

50% of the homes are occupied for the applicable phase, unless weather or other special circumstances prohibit completion, in which case bonding for the improvements shall be permitted. Street trees shall be planted as each house is built.
PDF 5. Prior to occupancy of each house the Applicant/Owner shall install landscaping along the public view-sheds of each house, unless otherwise approved by the Community Development Director. Homeowners association shall contract with a professional landscape service to maintain the landscaping.
PDF 6. The Applicant/Owner/Developer will be required to post a bond or other security acceptable to the Community Development Director equal to 110% of the cost of the improvements and installation of unfinished landscaping and amenities prior to occupancy of homes.
PDF 7. The Applicant/Owner/Developer shall work with City Staff to enhance the play area in Tract M, <i>consistent with the Parks Master Plan</i> . The Applicant/Owner/Developer will be required to provide a revised landscape plan prior to construction document approval demonstrating said changes. [Amended and adopted by the Development Review Board on 11/14/2011.]
PDF 8. The Applicant/Owner acknowledges that the play structures illustrated as part of this application are conceptual in nature, and not approved as part of this action by the DRB. The Applicant/Owner shall work with City staff regarding the selection of their preferred designs.
PDF 9. The Applicant/Owner shall increase the width of all minor pathways within PDP-2E to six (6) feet, as required by Section 4.237(.03)(B).

<u>Building Division Conditions:</u>
<i>Request A – DB11-0047: Final Development Plan – 2E</i>
BDA 1. CONDITION. A GEOTECH REPORT will be required as part of the grading permit submittal. (J104.3)
BDA 2. CONDITION. SITE CONDITIONS. It is the responsibility of the applicant to insure that all existing underground utilities, piping, drain systems and easements of any kind are shown correctly on the site plans.
BDA 3. ADVISORY. RETAINING WALLS. Retaining wall over 4’ in height measured from the bottom of the footing to the top of the wall, or walls of <i>any height</i> supporting a surcharge, such as an adjacent building or driving surface require a building permit. (105.2)

<u>Engineering Division Conditions:</u>
<i>Request A – DB11-0047: Preliminary Development Plan 2E</i>
Standard Comments:
PFA 1. All construction or improvements to public works facilities shall be in conformance

to the City of Wilsonville Public Works Standards.

PFA 2. 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.

PFA 3. 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.

PFA 4. 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/private utility improvement shall be approved at the time of the issuance of a Public Works Permit.
- c. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
- d. 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.
- e. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mail kiosks and any other public or private utility within the general construction area.
- f. All new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground.
- g. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- h. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- i. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- j. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.
- k. 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.

PFA 5. Submit plans in the following format and order:

- a. Cover sheet
- b. General note sheet
- c. Existing conditions plan.
- d. Erosion control and tree protection plan.
- e. 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.
- f. Grading plan, with 1-foot contours.
- g. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
- h. 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'.
- i. Street
- j. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference
- k. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.
- l. 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.
- m. Composite franchise utility plan.
- n. City of Wilsonville detail drawings.
- o. Illumination plan.
- p. Striping and signage plan.
- q. Landscape plan.

PFA 6. Prior to manhole and sewer line testing, design engineer shall coordinate with the City and update the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to the updated numbering system. Design engineer shall also show the updated numbering system on As-Built drawings submitted to the City.

PFA 7. 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.

PFA 8. Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.

~~**PFA 9.** Storm water detention ponds 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. [Amended and adopted by the Development Review Board on 11/14/2011. Note: Original instruction was to delete this extraneous condition and renumber all following conditions. However, due to the inclusion of occasional cross-references, and frequent oral references to the following numbering at hearing, the text of this condition is deleted, subsequent numbering has been retained, and affected cross-references have been corrected.]~~

PFA 10. A storm water analysis prepared by a Registered Professional Engineer shall be submitted for review and approval by the City to address appropriate pipe and detention facility sizing as well as pond locations and temporary routing strategy. The analysis shall be prepared utilizing the appropriate values in the Storm Water Master Plan. For example, in the application materials, the predeveloped time of concentration calculation for all basins uses a Mannings "n" value of 0.13 (used for Range in natural condition). This is not applicable for the existing condition for calculating the time of concentration. Therefore, the analysis shall be prepared using an "n" value of 0.15, in accordance with the Stormwater Master Plan. Also, all curve numbers shall comply with Table 2-2a, SCS Technical Release #55:

- A) SCS Curve #80 for open space and landscape areas
- B) SCS Curve #94 for commercial areas
- C) SCS Curve #98 for impervious surface areas (roadways)
- D) SCS Curve #90 for residential development, 1/8 acre or less (townhouses)
- E) SCS Curve #83 for residential development, 1/4 acre

PFA 11. 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.

PFA 12. Storm water quality swales 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.

PFA 13. The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Stormwater or rainwater facilities may be located within the public right-of-way upon approval of the City Engineer. The Stormwater Maintenance & Access Easement shall specify that the rainwater and stormwater facilities shall be privately maintained by the developer; maintenance shall transfer to the respective homeowners association when it is formed.

PFA 14. Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.

PFA 15. Install water line improvements in conformance with the City's Water Master Plan and the Villebois Master Plan and as necessary to supply adequate fire flows during phased construction.

PFA 16. The proposed water system shall be designed by a Registered Professional Engineer to provide to areas of single-family residential a minimum fire flow of 1,500 gpm with 20 psi residual pressure with the City's Water Treatment Plant off-line, and for the project site itself the minimum fire flow shall be of 3,000 gpm while maintaining a minimum residual pressure of 20 psi.

PFA 17. 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.

PFA 18. 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.

PFA 19. Sidewalks and pedestrian linkages shall be in compliance with the Department of Justice's ADA Standards for Accessible Design (2010).

PFA 20. Applicant shall install all right-of-way signage in conformance with the City of Wilsonville Public Works Standards and the MUTCD. Street name signs shall be in conformance to the Villebois Master Signage & Wayfinding plan; however shall meet current MUTCD standards for retro-reflectivity and letter sizing.

PFA 21. No surcharging of sanitary or storm water manholes is allowed.

PFA 22. The project shall connect to an existing manhole or existing stub-out at each connection point to the public storm system and sanitary sewer system. Connection to an existing manhole shall be core drilled if a stub-out is not provided. All flow through curb inlets shall be sized as CG-48.

PFA 23. 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. See also PFA 52 53. **[Amended and adopted by the Development Review Board on 11/14/2011.]**

PFA 24. Applicant shall coordinate and align proposed streets and alleyways with streets and

alleyways on the opposite side of the intersection.
PFA 25. 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.
PFA 26. The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Landscaping plantings shall be low enough to provide adequate sight distance at all street intersections and alley/street intersections. Specific designs to be submitted and approved by the City Engineer.
PFA 27. 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.
PFA 28. Staff reserves the right to require revisions/modifications to the public improvement construction plans and completed street improvements, if additional modifications or expansion of the sight distance onto adjacent streets is required.
PFA 29. 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.
PFA 30. Landscape trees located in the right-of-way, parks, and open spaces shall be situated so that they are in compliance with City of Wilsonville Standard Detail No. R-1157. All proposed storm and sanitary laterals, water services, fire hydrants, street lights, signage, and driveways shall be clearly shown on the landscape plans so that potential conflicts can be noted and adjustments made.
PFA 31. Where trees are located within 8 feet of public sidewalks and/or curbs, the sidewalks and/or curbs shall be protected from root intrusion with a root control barrier system designed by a Professional Landscape Architect registered in the state of Oregon; root control barrier shall be approved by the City's authorized representative before installation. Generally, the root control system should be installed a minimum of 24 inches deep, with a minimum 20-foot length centered on the root source. Installation of such systems shall be done so as to not disturb the sidewalk, curb or base rock previously installed. Provide landscaping plan showing location of root control barrier system.
PFA 32. Applicant shall prepare an Ownership and Maintenance agreement between the City and the Owner.
PFA 33. The applicant shall work with the other developers of Villebois and the City to develop an equitable storm water and parks maintenance fee or a maintenance memorandum of understanding prior to any final plat approval.
Specific comments:
PFA 34. At the request of Staff, DKS Associates completed a Transportation Review of the project dated May 20, 2011. Applicant has proposed 88 single family detached residential units for the SAP East PDP 2 development. This project is hereby limited

to no more than the following impacts.

Estimated New PM Peak Hour Trips

89

In a previous memorandum by DKS Associates addressing Villebois impacts to the I-5/Wilsonville Road interchange, it was documented that once the Boeckman Road extension was completed but prior to the construction of the Kinsman Road and Barber Street extensions, 32 percent of trips generated in Villebois would use the I-5/Wilsonville Road interchange.

Therefore, the SAP East PDP 2 development is estimated to generate 29 p.m. peak hour trips through the I-5/Wilsonville Road Interchange Area.

PFA 35. Applicant has previously entered into a development agreement as of December 9, 2010 entitled Addendum No. 3 to the Development Agreement Among City of Wilsonville, the Urban Renewal Agency of the City of Wilsonville, and Matrix Development Corporation. Addendum No. 3 addresses the financing and reimbursement by Applicant of certain infrastructure to be provided by the West Linn – Wilsonville School District and by the City of Wilsonville that benefits the Applicant and would otherwise be an exaction provided by the Applicant.

However, certain additional infrastructure that the Applicant is responsible for construction with the project and is entitled to SDC credits or reimbursements from the City of Wilsonville have not been provided for in Addendum No. 3, namely construction of bike lanes and additional roadway structural section on Barber Street from Coffee Lake Drive / Madrid Loop to the edge of Villebois SAP East PDP 1, construction of Barber Street east from Coffee Lake Drive / Madrid Loop, and upsizing of the water main from 8” to 18” from its connection to existing line in Madrid Loop, north to Barber Street, then east to end of construction. The Applicant shall enter into an additional development agreement with the City of Wilsonville for this additional infrastructure and SDC credits or reimbursements to be provided for this infrastructure

Reimbursement Districts under Addendum No. 3 are anticipated to be formed by the West Linn – Wilsonville School District and the City of Wilsonville prior to completion of this project. However, in the event the project will be completed prior to the Districts being formed and assessments determined, the additional development agreement to be entered into shall also specify how reimbursements to the West Linn – Wilsonville School District and City of Wilsonville shall be made.

PFA 36. Access to SAP East PDP 2 shall be via the planned streets, alleys and intersections as shown on submitted plans dated 5/13/2011.

PFA 37. Barber Street east of Coffee Lake Drive shall match and align both vertically and horizontally with the approved Barber Street Extension street section as designed by Harper Houf Peterson Righellis. This section of Barber Street shall have an 18” water line and fire hydrant constructed with it. Eliminate the proposed sanitary and storm line extensions east of Coffee Lake Drive.

PFA 38. Per PF 29 of the approved conditions for Villebois SAP East, provide a left turn lane on eastbound Barber Street at Coffee Lake Drive.

PFA 39. Coffee Lake Drive adjacent to Tract “K” shall be modified from the proposed L2 design, *described as follows, or as approved by the City Engineer*; construction profile shall be east side vertical curb with an L footing (sized sufficiently to hold the vertical curb in place), two 12-foot travel lanes, west side standard curb and gutter (detail R-1060), 5-ft water quality swale / landscape strip, 8-foot multi-use path with a minimum 42” high fence.

Water quality swale shall be sized to treat all runoff from adjacent impervious surfaces prior to release to the wetlands area.

The street design shall hold the east curb line in alignment with the street sections north and south of Tract “K”. Street shall shed stormwater to the west using a 2% cross slope. Fence shall be a dark colored, vinyl coated chain link. **[Amended and adopted by the Development Review Board on 11/14/2011.]**

PFA 40. On Serenity Way, applicant shall install a minimum 42” high fence along the east side sidewalk adjacent to Tract “K”. Fence shall be a dark colored, vinyl coated chain link.

PFA 41. Street lighting shall be installed only along the west side of Coffee Lake Drive.

PFA 42. Along Serenity Way, adjacent to the Tract “K”, street lighting is planned to be installed on the west side of the street with the Lowrie’s’ Primary School project. No street lighting will be installed on the east side of the street, although sidewalk path lighting may be considered.

PFA 43. The applicant shall provide a ‘stamped’ engineering plan and supporting information that shows the proposed street light locations meet the higher lumination of either the appropriate AASHTO lighting standard for residential streets or the Villebois lighting master plan.

The current PGE approved full cut-off fixture for this area of Villebois is the Hadco model C2195A and C2195D Luminaires (100W and 200W HPS, respectively), CA2871 Arm Bracket, CA2871A Pole Extension, CA2871B Pole Cap, and CP2871 16-ft Pole.

PFA 44. The Villebois Village Master Plan identifies a major path, the Tonquin Trail, along the south side of Denmark Street, and south of Barber Street east of Madrid Loop. Applicant shall construct a 12-foot wide concrete sidewalk along this alignment (eliminate the 3-foot soft shoulder). Corresponding ADA ramps shall be 10 feet wide for the major pathway.

PFA 45. Those portions of the public sidewalk or major pathways proposed to be used for maintenance vehicular access on the site shall be constructed with a similar structural section as a residential driveway. Removable bollards shall be installed to prevent non-authorized vehicle use of these pathways.

PFA 46. Per PF 27 of the approved conditions for Villebois SAP East, provide an enhanced trail crossing treatment where the Tonquin Trail crosses Barber Street east of Madrid

Loop and where the trail crosses Coffee Lake Drive south of Denmark Street.
PFA 47. To provide safety at school crossings, applicant shall install Continental style crosswalk markings across the south and east arms of the Denmark Street / Serenity Way intersection and the north and east arms of the Serenity Way / Lisbon Street intersection.
PFA 48. Those portions of the public sidewalk or major pathway located outside of the public right-of-way shall be provided with a public sidewalk easement.
PFA 49. The applicant shall provide stamped engineering details for all curb extensions for turning movement verification for review and approval. At a minimum, Submittal shall include 'stamped' engineering AutoTURN layouts for fire trucks and buses (WB-60) that show the overhang and/or mirrors of the vehicle as opposed to the wheelpaths. Adequate clearance shall be provided at all street intersections and alley intersections. Turning vehicles may use the width of the minor street to start the appropriate turn. The vehicle must however, stay within the appropriate receiving (inside) lane of the major street. Additionally, the turning vehicle must not intrude onto the wheel chair ramp on the inside of the turning movement.
PFA 50. Per PF 26 of the approved conditions for Villebois SAP East, eliminate the curb extensions on Coffee Lake Drive and Madrid Loop at the intersection with Barber Street.
PFA 51. The applicant shall provide perpendicular directional pedestrian ramps at intersection curb returns. At tee type intersections, one set of ramps are required to cross the terminating street and one set of ramps are required to allow pedestrians across the through street. At cross type intersections two directional ramps are required at each corner. On submitted plans dated 5/13/2011 alleys do not align on Lisbon Street and Montebello Drive.
PFA 52. Per City Ordinance 608 storm water detention is not required for this project due to its proximity to the Coffee Creek wetlands. Storm water release points will be required to have a flow spreading device or other approved structure(s) to allow stormwater to be dispersed via sheet flow to the wetlands area.
PFA 53. Applicant shall be required to install rainwater management components at the approximate locations as shown in the Villebois Village Master Plan, Figure 6B. Rainwater management components shall be chosen from the Villebois Specific Area Plan – East, Rainwater Management Program.
PFA 54. All storm, sanitary, and water main lines shall be extended to future phases located north and west of project as per the most recently adopted Villebois Village Master Plan.
PFA 55. Note that there is no existing storm line in Denmark Street east of Serenity Way.
PFA 56. Applicant shall remove the existing temporary storm system located south of Barber Street that was installed with the Villebois SAP East PDP 1 development, including the water quality swale, and replace with competent structural fill. Within proposed right-of-way, the applicant shall use an approved, compacted ¾”-0 crushed rock fill.

<p>In Barber Street plug the south arm out of existing manhole, and fill abandoned storm line with grout to edge of right-of-way.</p>
<p>PFA 57. Note that Composite Utility Plan sheets shall show storm and sanitary laterals and water services. Show numbering system for all storm and sanitary manholes, cleanouts and/or catch basins. Identify storm, sanitary, and water lines by number and provide referencing to appropriate plan sheet where system information can be located.</p>
<p>PFA 58. Applicant shall provide a looped water system through the proposed development and at a minimum tie (sic) into the existing 8” water lines at Denmark Street, Lisbon Street and Barber Streets. Applicant shall connect to the existing 18” water line on Madrid Loop and extend the 18” water line north to Barber Street, then east on Barber Street to end of construction.</p>
<p>PFA 59. On Coffee Lake Drive/Madrid Loop at Barber Street, relocate the water line and cross to the east side of the street and intersection.</p>
<p>PFA 60. Water flow modeling shall be done by a Professional Engineer registered in the State of Oregon. Modeling information shall be provided to the City in a format acceptable to City staff. Modeling shall show that required fire flows are being met when taking into account the water demands from full buildout of the previously approved lots located in Villebois SAP South PDP 1, PDP 2, PDP 3, PDP 4, PDP 5 and PDP 6, Villebois SAP East PDP 1, the Lowrie Primary School, Villebois SAP North PDP 1, and Villebois SAP Central PDP 1 and PDP 2. [Amended and adopted by the Development Review Board on 11/14/2011.]</p>
<p>PFA 61. All water lines that are to be temporary dead-end lines due to the phasing of construction shall have a valved tee with fire-hydrant assembly installed at the end of the line.</p>
<p>PFA 62. All new franchise utility lines shall be installed underground. The applicant shall be responsible for and make all necessary arrangements with the serving utility to provide underground service(s).</p>
<p>PFA 63. At the time of plan submittal for a Public Works Permit, the applicant shall provide to the City a copy of correspondence showing that the plans have also been distributed to the franchise utilities. Prior to issuance of a Public Works Permit, the applicant shall have coordinated the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easements or right-of-way be required to construct the public improvements or to relocate a franchised utility, the applicant shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the applicant shall obtain written approval from the appropriate utility prior to commencing any construction.</p>
<p>PFA 64. If public or franchise services are to be located in alleyways, a minimum 26-foot wide easement shall be provided. All utility meters, boxes, or pedestals shall be located in an easement; where utility clusters are located, additional easement area may be required.</p>

PFA 65. Applicant shall provide a minimum 6-ft wide Public Utility Easements on property fronting all residential streets.
PFA 66. Applicant shall provide a minimum 8-ft wide Public Utility Easements on property fronting Barber Street.
PFA 67. Applicant shall eliminate the Public Utility Easement on the east side of Coffee Lake Drive adjacent to Tract G. Applicant shall provide an 8-ft wide Public Utility Easement north of Barber Street adjacent to Tract G.
PFA 68. SAP East PDP 2E consists of 88 lots. All construction work <i>within a sub-phase</i> in association with the Public Works Permit and Project Corrections List shall be completed prior to the City Building Division issuing a certificate of occupancy, or a building permit for the housing unit(s) in excess of 50% of total (45th lot) <i>housing unit(s) within that sub-phase. Phase 2 (Sheet 16 of Section IIB of Exhibit B2) shall include Serenity Way and Tract “K”. Lots 42 – 47 (in Phase 2) shall not have sewer, water, or storm services from Barber Street. [Amended and adopted by the Development Review Board on 11/14/2011.]</i>
PFA 69. Applicant shall provide sufficient mail box units for the proposed phasing plan; applicant shall construct mail kiosk at locations coordinated with City staff and the Wilsonville U.S. Postmaster.

<u>Natural Resources Conditions:</u>
<i>Request A – DB11-0047: Preliminary Development Plan 2E</i>
NRA 1. The proposed mitigation of impervious surfaces (i.e., 37%) is not consistent with the approved Rainwater Management Plan for SAP East. To offset the rainwater management component eliminated with detention pond “A”, the applicant shall incorporate other rainwater management components into the proposed PDP 2. <i>The applicant will be required to comply with the rainwater management plan and work with staff and its interpretation. [Amended and adopted by the Development Review Board on 11/14/2011.]</i>
NRA 2. The applicant shall submit a detailed operations and maintenance manual for the rainwater management components that has been reviewed and approved by city staff before 50% of the units are occupied in PDP 2, SAP East.
NRA 3. Pursuant to the City of Wilsonville Public Works Standards, access should be provided for the entire perimeter of the rainwater management components. At a minimum, at least one access shall be provided for maintenance and inspection.
NRA 4. All Rainwater Management Components and associated infrastructure located in public areas shall be designed to the Public Works Standards. Rainwater Management Components in private areas shall comply with the plumbing code.
NRA 5. Plantings in Rainwater Management Components located in public areas shall comply with the Public Works Standards. Plantings in Rainwater Management Components

located in private areas shall comply with the Plant List in the Rainwater Management Program or Community Elements Plan.
NRA 6. The rainwater management components shall comply with the requirements of the Oregon DEQ UIC (Underground Injection Control) Program.
Stormwater Management:
NRA 7. Provide profiles, plan views and specifications for the proposed water quality treatment facilities consistent with the requirements of the City of Wilsonville’s Public Works Standards.
NRA 8. Pursuant to the City of Wilsonville’s Public Works Standards, access shall be provided to all areas of the proposed water quality treatment facilities. At a minimum, at least one access shall be provided for maintenance and inspection.
Significant Resource Overlay Zone:
NRA 9. Pursuant to Section 4.139.04, the applicant shall demonstrate proposed development (i.e., outfall spreader in Tract “G” and pathway in Tract “N”) within the 25-foot Impact Area and the Significant Resource Overlay Zone has been designed to avoid, minimize and mitigate impact to the significant natural resources.
NRA 10. Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6’) tall cyclone fences with metal posts pounded into the ground at 6’-8’ centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area and Significant Resource Overlay Zone.
Other:
NRA 11. The applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g., DEQ NPDES #1200–C permit, and wetland permits).

<u>Tualatin Valley Fire and Rescue Conditions.</u>
<i>Request A – DB11-0047: Preliminary Development Plan 2E</i>
FSA 1. <u>FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:</u> When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the fire code official. (OFC 503.1.1) <i>Note: For the purpose of this review it is assumed that all new residences will be afforded with NFPA 13 D fire sprinklers.</i>
FSA 2. <u>NO PARKING SIGNS:</u> Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, “No Parking” signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane. Signs shall read “NO PARKING - FIRE LANE” and shall be installed with a clear space above grade level of 7

	feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6) <i>Post and restrict parking as per city public roadway standards.</i>
FSA 3.	<u>SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:</u> The minimum available fire flow for single family dwellings and duplexes served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to IFC Appendix B. (OFC B105.2) <i>Prior to issuance of a building permit, provide evidence of a current fire flow test of the nearest fire hydrant demonstrating available flow at 20 PSI residual pressure.</i>
FSA 4.	<u>FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:</u> Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway. (OFC C102.1)
FSA 5.	<u>REFLECTIVE HYDRANT MARKERS:</u> Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 510.1)
FSA 6.	<u>PHYSICAL PROTECTION:</u> Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6)
FSA 7.	<u>CLEAR SPACE AROUND FIRE HYDRANTS:</u> A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)
FSA 8.	<u>PREMISES IDENTIFICATION:</u> Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet numbers. Numbers shall be a minimum of 4 inches high with a ½ inch stroke. (OFC 505.1) <i>Addresses on lots 12 thru 17 (facing Tract K), lots 23 thru 26 (facing Tract D/K), lots 37 thru 41 (facing Tract L) and 59 thru 68 (facing Tract M) may not be visible from the approaching roadways due to heavy vegetation and distance. Suggest providing monuments and or marquees near the access points to clarify address range as well as increase address size to 6 inch high with 1 inch strokes on a contrasting background. Typical throughout: Request/Recommend providing a physical address above each alley loaded garage door in addition to street side addressing.</i>

MASTER EXHIBIT LIST FOR REQUESTS A THROUGH G:

A. Staff's Written and Graphic Materials:

A1. Staff Report:

Findings of Fact for requests A through G
Proposed Conditions of Approval for requests A through G
Conclusionary Findings for requests A through G

A2. E-mail from S. Connery, with attachment; dated 9/16/2011

A3. E-mail from S. Connery, with attachments; dated 9/22/2011

A4. E-mail from S. Connery, with attachments; dated 10/4/2011

A5. E-mail from S. Connery, with attachments; dated 10/7/2011

A6. *E-mail from S. Connery, with attachments; dated 11/7/2011* [Amended and adopted by the Development Review Board on 11/14/2011.]

A7. *E-mail from S. Connery, with attachment; dated 11/14/2011* [Amended and adopted by the Development Review Board on 11/14/2011.]

B. Applicant's Written and Graphic Materials:

B1. VILLEBOIS PDP – 2 EAST

(NOTEBOOK SUBMITTED UNDER SEPARATE COVER)

SECTION I GENERAL INFORMATION

IA Introductory Narrative
IB Form/Ownership Documentation
IC Fee Calculation/Copy of Check
ID Mailing List
IE Updated SAP East Phasing Plan & Unit Counts

SECTION II PRELIMINARY DEVELOPMENT PLAN

IIA Supporting Compliance Report
IIB Reduced Drawings [See detailed list, Exhibit B2, below]
IIC Utility & Drainage Reports
IID Traffic Analysis
IIE Tree Report
IIF Signage & Fencing Exhibits
IIG Flood Plain Location Documentation

SECTION III TENTATIVE PLAT

IIIA Supporting Compliance Report
IIIB Tentative Plat [See detailed list, Exhibit B3, below]
IIIC Draft CC&Rs
IIID Copy of Certification of Assessment & Liens
IIIE Subdivision Name Approval

SECTION IV ZONE CHANGE

IVA Supporting Compliance Report
IVB Zone Change Map [See detailed list, Exhibit B4, below]
IVC Legal Description & Sketch

SECTION V TREE REMOVAL PLAN

- VA Supporting Compliance Report
- VB Tree Report
- VC Tree Preservation Plan [See detailed list, Exhibit B5, below]

SECTION VI FINAL DEVELOPMENT PLAN

- VIA Supporting Compliance Report
- VIB Reduced Drawings [See detailed list, Exhibit B6, below]
- VIC Mailbox Kiosk Elevation & Info [See detailed list, Exhibit B7, below]

**B2. SECTION IIB PRELIMINARY DEVELOPMENT PLAN DRAWINGS
(REDUCED SIZE. FULL SIZE SUBMITTED UNDER SEPARATE COVER):**

Plan Sheets

- 1 Cover Sheet
- 2 Existing Conditions Plan (North)
- 3 Existing Conditions Plan (South)
- 4 Aerial Plan
- 5 Tentative Plat (North)
- 6 Tentative Plat (South)
- 7 Grading And Erosion Control Plan (North)
- 8 Grading And Erosion Control Plan (South)
- 9 Composite Utility Plan (North)
- 10 Composite Utility Plan (South)
- 11 Circulation Plan
- 12 Site & Land Use Plan
- 13 Tree Preservation Plan (North)
- 14 Tree Preservation Plan (South)
- 15 Street Tree & Lighting Plan
- 16 Phasing Plan (i.e., subphases)

**B3. SECTION IIIB TENTATIVE PLAT DRAWINGS
(REDUCED SIZE. FULL SIZE SUBMITTED UNDER SEPARATE COVER):**

- 5 Tentative Plat (North)
- 6 Tentative Plat (South)

B4. SECTION IVB ZONE CHANGE MAP

Proposed Zone Map Amendment

**B5. SECTION VC TREE PRESERVATION PLAN
(REDUCED SIZE. FULL SIZE SUBMITTED UNDER SEPARATE COVER):**

- 13 Tree Preservation Plan (North)
- 14 Tree Preservation Plan (South)

**B6. SECTION VIB FINAL DEVELOPMENT PLAN
(REDUCED SIZE. FULL SIZE SUBMITTED UNDER SEPARATE COVER):**

- 1 Cover Sheet
- L1.0 Landscape Plan Sheet 1
- L2.0 Landscape Plan Sheet 2

- L3.0 Landscape Plan Sheet 3
- L4.0 Landscape Plan Sheet 4
- 6 Rainwater Detail Sheet

B7. SECTION VIC MAILBOX KIOSK ELEVATION & INFO

- Plan View & Elevation
- Front & Side Elevation
- Mailbox Location Map

C. Development Review Team Correspondence:

- C1.** Memo from D. Walters; Building Plans Examiner; dated 10/27/2011
- C2.** E-mail from Steve Adams, Deputy City Engineer; dated 11/3/2011
- C3.** Memo from Kerry Rappold, Natural Resources Program Manager; dated 10/27/2011
- C4.** Letter from D. DeBois, Tualatin Valley Fire & Rescue; dated 10/25/2011
- C5.** *E-mail from S. Adams, Deputy City Engineer; dated 11/10/2011 [Amended and adopted by the Development Review Board on 11/14/2011.]*
- C6.** *Memo from S. Adams, with attachments, Deputy City Engineer, dated 11/14/2011 [Amended and adopted by the Development Review Board on 11/14/2011.]*

D. Staff Materials:

- D1.** Partition Plat 2011-005; dated 2/1/2011
- D2.** Tax Map 3S1W14CC (portion); not dated
- D3.** Development Agreement (portion); dated 6/14/2004
- D4.** Contract Addendum No. 1 to the Development Agreement (portion); dated 8/30/2005
- D5.** Contract Addendum No. 2 to the Development Agreement (portion); dated 12/27/2007
- D6.** Contract Addendum No. 3 to the Development Agreement (portion); dated 12/9/2010
- D7.** Drawing: Park and Open Space Categories, Villebois Village Master Plan; dated 5/12/2010
- D8.** Table 1: Park Programming Matrix, Villebois Village Master Plan; dated 5/12/2010
- D9.** Drawing: Villebois Village Master Plan, Pocket Park 8; dated 3/20/2006
- D10.** Drawing: Villebois Village Master Plan, Regional Park 8 (Coffee Lake South); dated 3/20/2006
- D11.** Cover Page, Case File 04 DB 22: Approved Specific Area Plan East; dated 11/29/2004
- D12.** Sheet 23 – Specific Area Plan East Phasing Plan, Case File 04 DB 22; dated 8/27/2004
- D13.** Sheets 10 through 18 – Various Drawings, Case File 04 DB 22; dated 8/27/2004
- D14.** Annotated Phasing Plan Update showing sub-phases
- D15.** Annotated Phasing Plan Update showing original SAP-East boundary
- D16.** Enlarged Sheet 23 – Specific Area Plan East Phasing Plan; dated 8/27/2004
- D17.** Subdivision Plat: Legend at Villebois (portion)

E. General Correspondence:

- E1.** Letters (Neither For Nor Against): None submitted
- E2.** Letters (In Favor): None submitted
- E3.** Letters (Opposed): None submitted

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on August 3, 2011. On August 26, 2011, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on September 14, 16, 22, and October 7, 2011, the applicant submitted additional materials. On October 13, 2011, the application was deemed complete. The City must render a final decision for the request, including any appeals, by February 2, 2012.
2. Projects surrounding PDP-2E are within SAP-East, which will be developed as a mixed use project with residential uses.
3. Prior SAP-East land use actions include:

Villebois Village Ordinances, and Resolutions

Legislative:

02PC06 - Villebois Village Concept Plan
02PC07A - Villebois Comprehensive Plan Text
02PC07C - Villebois Comprehensive Plan Map
02PC07B - Villebois Village Master Plan
02PC08 - Village Zone Text
04PC02 – Adopted Villebois Village Master Plan
LP-2005-02-00006 – Revised Villebois Village Master Plan
LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)

Quasi Judicial:

04 DB 22 et seq – SAP-East
DB05-0011 et seq – PDP-1E, Legend at Villebois
DB10-0023 et seq – PDP-2aE, Lowrie Primary School
AR10-0073 Partition Plat – Lowrie Primary School

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.

REQUEST A
DB11-0047: PRELIMINARY DEVELOPMENT PLAN, SAP-EAST (PHASE 2)
CONCLUSIONARY FINDINGS
(Applicant's Section II)

The applicant's findings in Section IIA of the Compliance Report addressing the Wilsonville Planning & Development Ordinance respond to the majority of the applicable criteria. In the case where the applicant has adequately addressed the criteria, the staff findings simply refer to the relevant text in the applicant's narrative.

WILSONVILLE PLANNING & LAND DEVELOPMENT ORDINANCE

SECTION 4.125 VILLAGE (V) ZONE

(.02) Permitted Uses

Examples of principal uses that typically permitted:

A. Single Family Detached Dwellings

C. Duplexes

D. Row Houses

H. Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.

A1. The proposed Preliminary Development Plan (PDP-2E) is intended for development of detached single-family dwellings, as well as parks and open space areas. Proposed uses within the subject PDP-2E are permitted pursuant to subsection 4.125.02.

(.05) Development Standards Applying to All Developments in the Village Zone

All development in this zone shall be subject to the V Zone and the applicable provisions of the Wilsonville Planning and Land Development Ordinance. If there is a conflict, then the standards of this section shall apply. The following standards shall apply to all development in the V zone:

A. Block, Alley, Pedestrian and Bicycle Standards:

1. Maximums Block Perimeter: 1,800 feet, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent a block perimeter from meeting this standard.

2. Maximum spacing between streets for local access: 530 feet, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions from meeting this standard.

3. *If the maximum spacing for streets for local access exceeds 530 feet, intervening pedestrian and bicycle access shall be provided, with a maximum spacing of 330 feet from those local streets, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions from meeting this standard.*

A2. The applicant has provided findings regarding block perimeters and spacing for local access in Section IIA (Supporting Compliance Report) of the application notebook for PDP-2E. Staff concurs that that SAP-East application established compliance with these standards. The proposed PDP application is consistent with the block design and circulation patterns approved by that application. As a part of that application, the applicant identified three (3) blocks within PDP-2E that do not meet the access spacing requirements. These blocks are identified as follows, as found on pages 2 and 3 of the submitted compliance report, Section IIA of Exhibit B1:

1. The PDP includes one block bounded by Denmark Street, Coffee Lake Drive, Lisbon Street, and Serenity Way. This block exceeds the 1,800-foot maximum block perimeter due to the retention of the existing wetland within the center of this block. If the wetland is to be retained, it is a barrier to building a street and a bike/pedestrian connection through this area and prevents the block perimeter from meeting this standard.
2. The PDP completes a block that was partially built with PDP 1E and is bounded by Lisbon Street, Coffee Lake Drive, Barber Street, and Serenity Way. This block exceeds the 1,800-foot maximum block perimeter due to access spacing standards on Barber Street and existing tree preservation within the subject block. A bike/pedestrian access is provided within tracts in PDP 1E that align with the existing trees being preserved directly adjacent to the boundary with PDP 2E.
3. The rows of lots directly south and east of Madrid Loop constitute a block that exceeds the 1,800-foot maximum block perimeter. These lots are adjacent to an existing neighborhood to the south that is developed with homes along its border with Villebois. No street connections exist along the south side of these lots, east of Montebello Drive. These lots are also adjacent to the Coffee Lake wetland/flood plain/SROZ area to the east, which is identified as Open Space 4 (OS-4) on the Villebois Village Master Plan. Thus, barriers exist to the south and east that prevent the block perimeter from meeting this standard. A bike/pedestrian connection is provided between lots 76 & 77 where public easement for existing sanitary and water lines is located. This bike/pedestrian connection will connect with the multi-use pathway in OS-4 that connects with the pathway along the south side of Barber Street, east of Madrid Loop.

- B.** *Access: All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer.*

A3. All lots with access to a public street or an alley meet code.

Table V-1, Development Standards

A4. Plan Sheets in Section IIB in the application notebook depict proposed lot sizes and dimensions. Plan Sheets in Section IIB also show the location of the various proposed housing types. Section 4.125 - Table V-1: Development Standards shows lot sizes and dimensions for each building type. Proposed lots meet the size and dimension standards of Table V-1.

Section 4.125. V – Village Zone

Table V-1: Development Standards												
Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width ^{10,12} (%)	Max. Bldg. Height ⁷ (ft.)	Front Min. (ft.)	Setbacks ^{10,13,20} Front Max. (ft.)	Rear Min. (ft.)	Side Min. (ft.)	Alley-Loaded Garage (note)	Street-Loaded Garage (note)
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	1	80	60	NR ³	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	1	60	45	8 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	1	80	45	8 ⁴	15	NR	NR	NR	NA
Duplexes	1,600	15	70	2	80 ¹⁰	35	12 ^{5,6}	20 ⁸	5	5 ¹⁵	7	8.17
Single-Family Dwellings	2,250	35	50	2	60 ¹⁰	35	12 ^{5,6}	20 ⁸	5	5 ¹⁵	7	8.17

NA Not Allowed
 1 Lot < 8000sf: NR; Lot >8000sf: 80% (Max. Lot Coverage)
 2 Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%, Estate Lots: 45% Maximum Lot Coverage
 On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.
 3 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.
 4 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.
 5 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.
 6 For Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback.
 7 The garage setback from alley shall be between 3 and 5 foot or, when as optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.
 8 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main façade of the associated dwelling unit.
 9 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
 10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.
 11 Row Houses shall be attached; however, no more than ten units shall be contiguous along a street edge.
 12 See Definitions, 4.125.01, for measurement of Minimum Frontage Width.
 13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the alley right of way.
 14 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.
 15 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.
 16 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.
 17 Dwellings on lots without alley access shall be at least 36 feet wide.
 18 Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.
 19 Maximum setbacks may be increased as necessary to accommodate building cod, public utility easements or public open space requirements.
 20 Lots are categorized as small, medium, standard, large or estate as shown in the Pattern Book.

(.07) Table V-2: General Regulations – Off-Street Parking, Loading & Bicycle Parking:

Table V-2: Off Street Parking Requirements				
	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short-term (Spaces)	Bicycle Long-term (Spaces)
Permitted or Conditional Use				
Permitted Uses				
Single-Family Detached Dwellings	1.0/DU	NR	NR	NR
Single-Family Accessory Dwelling Units	1.0/DU	NR	NR	NR
Duplex	1.0/DU	NR	NR	NR
Row Houses	1.0/DU	NR	NR	NR
Multi-Family Dwellings	1.0/1 Bdr 1.5/2 Bdr 1.75/3 Bdr	NR	1 per 20 units Min. of 2	1 per 4 units Min. of 2
Community Housing	1 per 4 residents	1 per unit	None	1 per 8 residents Min. of 2
Commercial Uses				
Convenience Store	2/1000 sf	5/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Restaurant/Pub	2/1000 sf	10/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Child Day Care	0.2 per student/staff	0.3 per student/staff	None	1 per 10,000 sf Min. of 2
Medical/Dental	3/1000 sf	4/1000 sf	1 per 40,000 sf Min. of 2	1 per 70,000 sf Min. of 2
All other commercial uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
Conditional Uses				
Schools	0.2 per student/staff	0.3 per student/staff	0.3 per student/staff	0.2 per classroom
Recreational Facilities	3/1000 sf ¹	5/1000 sf ¹	1 per 3,000 sf Min. of 4	1 per 3000 sf Min. of 4

A5. Section 4.125(.07) (i.e., Table V-2, shown above) establishes parking minimums and maximums. The proposal is for 88 lots; the minimum requirement for off-street parking is 88 spaces. No buildings are proposed with this application, however, the potential off-street parking, loading and bicycle parking requirements for proposed uses were considered in the overall land use plan for Villebois and Specific Area Plan – East (SAP-East). The applicant asserts that a minimum of one (1) garage parking space per lot is assumed. Based upon 88 lots this assumes a total of 88 parking garage spaces, meeting code, with allowance for on-street parking.

(.08) Open Space:

A6. Parks & Open Space: WC 4.125(.08) requires that in all residential developments, and in mixed use developments where the majority of the developed square footage is to be in residential use, at least 25% of the area shall be in open space, excluding street pavement and surface parking. In multi-phased development, individual phases are not required to meet the 25% standard as long as an approved SAP demonstrates that the overall development shall provide a minimum of 25% open space. Figure 5 – Parks & Open Space Plan of the Villebois Village Master Plan (August 2005 version) states that there are 49.46 acres of parks and 108.32 acres of open space for a total of 157.66 acres,

or approximately 32.7 %. Specific Area Plan – East included parks and open space areas consistent with the acreage proposed for the subject area in the *Villebois Village Master Plan*. The Preliminary Development Plan application, in the PDP Supporting Compliance Report (located in Section IIA of Exhibit B1), proposes park and open space areas greater than that proposed in the Specific Area Plan – East; the proposal is for 12.36 acres of open space, which is 45 percent of PDP-2E’s gross area of 27.46 acres. This meets the approved open space in the Specific Area Plan – East.

(.09) Street & Access Improvement Standards

A. Except as noted below, the provisions of Section 4.177 apply within the Village Zone:

1. Generally:

a) All street alignment and access improvements shall conform to the *Villebois Village Master Plan*, or as refined in the *Specific Area Plan*, *Preliminary Development Plan*, or *Final Development Plan* and the following standards:

A7. With the proposed refinements, the proposed street alignments and access improvements are consistent with the plan as approved by SAP-East (case file 04 DB 22 et seq). However, the full extent of SW Courtenay Loop South and SW Serenity Way are not shown as platted. The applicant will be required to correct this on the final drawings. Additionally, the alignment of the west side of SW Serenity Way is in the ownership of the West Linn – Wilsonville School District, whose permission must be secured in order to be shown on the final subdivision plat.

i. All street improvements shall conform to the *Public Works Standards* and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the *Master Plan*.

A8. All street improvements associated with PDP-2E are required to comply with the applicable City Public Works Standards. The street system within this PDP-2E is designed to provide for the continuation of streets within Villebois and to adjoining properties or subdivisions which meets code.

ii. All streets shall be developed according to the *Master Plan*.

A9. Street classifications and cross-sections within proposed PDP-2E are shown on Plan Sheet 11 – Circulation Plan of Section IIB. The cross-sections show the location of curbs, bikeways, landscape strips, sidewalks, etc. and comply with the cross-sections in the Master Plan, which meets code.

2. Intersections of streets

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

A10. The applicant has submitted drawings that demonstrate that all proposed streets will intersect at angles consistent with the above standards. See Sheets 5 through 11 of Section IIB of Exhibit B2. This provision will be guaranteed through the required review and approval of a Public Works Permit.

- c) Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:**
 - i. 1000 ft. for major arterials**
 - ii. 600 ft. for minor arterials**
 - iii. 100 ft. for major collector**
 - iv. 50 ft. for minor collector**

A11. The applicant has provided summary findings to indicate that offset street intersections are appropriate. Staff notes that PDP-2E includes Barber Street, which is identified in the Villebois Village Master Plan as a minor collector. Based upon Staff's review of the submitted plans, all intersecting streets are at least 50 feet apart. This provision is therefore satisfied.

- d) Curb Extensions:**
 - i. Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F) below, and shall:**
 - Not obstruct bicycle lanes on collector streets.**
 - Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections shall have, shall meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.**

A12. The applicant has provided summary findings to state that curb extensions are shown on Sheet 11 – Circulation Plan (see Section IIB of Exhibit B2). The applicant further states that curb extensions will not obstruct bicycle lanes on collector streets (i.e., Barber Street). Staff finds that PDP-2E is bisected by Barber Street which is identified in the Villebois Village Master Plan as a major collector. Curb extensions were dealt with specifically at the SAP level and as a part of the traffic impact study. The proposed curb extensions are consistent with the approved SAP-East.

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

A13. Sheets 7 and 8 of Section IIB, Grading and Erosion Control Plans of Exhibit B2, demonstrate that proposed streets can comply with this standard.

4. Centerline Radius Street Curves:

- The minimum centerline radius street curves shall be as follows:*
- a) *Arterial streets: 600 feet, but may be reduced to 400 feet in commercial areas, as approved by City Engineer.***
 - b) *Collector streets: 600 feet, but may be reduced to conform with the Public Works Standards, as approved by the City Engineer.***
 - c) *Local streets: 75 feet***

A14. The proposed Tentative Subdivision Plat, Plan Sheets 5 and 6 of Section IIB of Exhibit B2, demonstrate that all streets will comply with the above standards.

- 5. *Rights-of-way:***
 - a) *See (.09) (A), above.***

A15. Proposed rights-of-way are shown on the Plan Sheets 5 and 6 of Section IIB of Exhibit B2. Rights-of-way will be dedicated with recordation of final plat, in accordance with Section 4.177.

- 6. *Access drives.***
 - a) *See (.09) (A), above.***
 - b) *16 feet for two-way traffic.***

A16. The plans in Section IIB demonstrate that all proposed access drives/alleys in PDP-2E will have a minimum improvement width of 16 feet and will provide two-way travel. In accordance with Section 4.177, all access drives will be constructed with a hard

surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by the fire department. All access drives will be designed to provide a clear travel lane free from any obstructions.

7. Clear Vision Areas

a) See (.09) (A), above.

A17. Clear vision areas will be reviewed by the City Engineering Division to assure compliance with the Section 4.177.

8. Vertical clearance:

a) See (.09) (A), above.

A18. Vertical clearance will be provided and maintained in compliance with the Section 4.177.

9. Interim Improvement Standard:

a) See (.09) (A), above.

A19. No interim improvements are necessary for the development of PDP-2E.

(.10) Sidewalk and Pathway Improvement Standards

A. The provisions of Section 4.178 shall apply within the Village zone.

A20. All sidewalks and pathways within PDP-2E will be constructed in accordance with the standards of Section 4.178 and the Villebois Village Master Plan.

(.11) Landscaping, Screening and Buffering

A. Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:

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

A21. Plan Sheet 15 – Street Tree & Lighting Plan, located in Section IIB of the submitted notebook, demonstrates that proposed PDP-2E complies with the Street Tree Master Plan in the SAP-East Community Elements Book, and the appropriate standards of Section 4.176. The companion Final Development Plan is included as Request F, beginning on page 83.

(.12) Signage and Wayfinding

A. Except as this subsection may otherwise be amended, or until such time as a Signage and Wayfinding Plan is approved as required by

Section 4.125(.18)(D)(2)(f), signs within the Village zone shall be subject to provisions of Section 4.156.

A22. Signage and Wayfinding Plans for PDP-2E were approved with SAP-East. The proposed signage (Section IIF of Exhibit B1) is consistent with the approved plans. See the discussion regarding Request F, beginning on page 83.

(.13) Design Principles Applying to the Village Zone

- A. *The following design principles reflect the fundamental concepts, and support the objectives of the Villebois Village Master Plan, and guide the fundamental qualities of the built environment within the Village zone.***
- 1. The design of landscape, streets, public places and buildings shall create a place of distinct character.***
 - 2. The landscape, streets, public places and buildings within individual development projects shall be considered related and connected components of the Villebois Village Master Plan.***
 - 8. The design of streets and public spaces shall provide for and promote pedestrian safety, connectivity and activity.***
 - 10. The design of exterior lighting shall minimize off-site impacts, yet enable functionality.***

A23. The proposed PDP-2E generally complies with the form and function supported by the standards of this subsection.

(.14) Design Standards Applying to the Village Zone

- A. *The following Design Standards implement the Design Principles found in Section 4.125(.13), above, and enumerate the architectural details and design requirements applicable to buildings and other features within the Village (V) zone. The Design Standards are based primarily on the features, types, and details of the residential traditions in the Northwest, but are not intended to mandate a particular style or fashion. All development within the Village zone shall incorporate the following:***
- 1. General Provisions:***
 - a) Flag lots are not permitted.***

A24. No flag lots are proposed in PDP-2E; therefore, this provision is met.

- b) The minimum lot depth for a single-family dwelling with an accessory dwelling unit shall be 70 feet.***

A25. The applicant has provided summary findings that all lots are at least 70 feet in depth. No single-family dwellings with an accessory dwelling unit are proposed with this

application. Compliance with this standard will be reviewed at the time that building permits are submitted.

2. Building and site design shall include:

- a) Proportions and massing of architectural elements consistent with those established in an approved Architectural Pattern Book or Village Center Architectural Standards.**
- b) Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.**
- c) Protective overhangs or recesses at windows and doors.**
- d) Raised stoops, terraces or porches at single-family dwellings.**
- e) Exposed gutters, scuppers, and downspouts, or approved equivalent.**
- f) The protection of existing significant trees as identified in an approved Community Elements Book.**
- g) A landscape plan in compliance with Sections 4.125(.07) and (.11), above.**
- h) Building elevations of block complexes shall not repeat an elevation found on an adjacent block.**
- i) Building elevations of detached buildings shall not repeat an elevation found on buildings on adjacent lots.**
- j) A porch shall have no more than three walls.**
- k) A garage shall provide enclosure for the storage of no more than three motor vehicles, as described in the definition of Parking Space.**

A26. The applicant is proposing Preliminary Development Plan approval only. While residential housing is proposed as part of the preliminary development plan, future construction will be required to comply with these provisions. The SAP-East Architectural Pattern Book and Community Elements Book will assure consistency with these provisions.

A27. A landscape plan consistent with Section 4.125(.11) has been submitted for the a portion of the parks/trail/open space areas within PDP-2E (See Sheets L1.0 through L4.0 of Section VIB of Exhibit B1). These planting plans demonstrate compliance with all Final Development Plan criteria. A detailed discussion of which can be found in Request F, beginning on page 83.

A28. In addition, the applicant has submitted Sheets 13 and 14 – Tree Preservation Plans, of Section IIB of Exhibit B2, showing all existing trees in the PDP area with a diameter at breast height of 6 inches or greater. A detailed discussion regarding tree preservation can be found in Request E, beginning on page 73.

3. ***Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.***

A29. Plan Sheet 15 – Street Tree & Lighting Plan of Section IIB, and Plan Sheets L1.0 through L4.0 – Landscape Plans of Section VIB of Exhibit B6, show lighting throughout PDP-2E, and site furnishings for the proposed park/open space areas. Staff finds these elements to be consistent with the Community Elements Book for SAP-East. Staff notes that the play structures illustrated in the plans are conceptual in nature, and not being approved as part of this action. The SAP-East Community Elements Book requires earthtone colors on the play equipment. Condition of approval PDF 8 will guarantee that the applicant/owner work with City Staff regarding selection of preferred play structures.

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

A30. The applicant is requesting Preliminary Development Plan approval only. While residential housing is proposed as part of the preliminary development plan, future construction will be required to comply with these provisions. The proposed Final Development Plan will review only proposed common area landscaping and parks. See Request F, beginning on page 83.

(.18) Village Zone Development Permit Process

G. Preliminary Development Plan Approval Process:

1. ***An application for approval of a Preliminary Development Plan for a development in an approved SAP shall:***
 - a) ***Be filed with the City Planning Division for the entire SAP, or when submission of the SAP in phases has been authorized by the Development Review Board, for a phase in the approved sequence.***

A31. This application includes a request for Preliminary Development Plan approval for a portion of the second phase of Specific Area Plan – East, as shown on the Specific Area Plan – East Phasing Plan Update (Section IB of Exhibit B1), and four (4) proposed sub-phases (Sheet 16 of Section IIB). As noted on Sheet 16, the applicant has not provided a schedule for the sub-phases. The applicant has addressed the reasons, which relate largely to special circumstances of the economic recession, on page 9 of Section IA, and page 32 of Section IIA of Exhibit B1. Staff finds that this proposal meets code.

b) Be made by the owner of all affected property or the owner's authorized agent; and.

A32. This application has been filed by the property owner, REDUS OR Land, LLC. This code provision is met.

c) Be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution; and.

A33. The appropriate application form and fee have been filed with this submittal, meeting code.

d) Set forth the professional coordinator and professional design team for the project; and.

A34. The professional coordinator and professional design team are set forth on the first page of the Introductory Narrative of the application notebook (Section IA).

e) State whether the development will include mixed land uses, and if so, what uses and in what proportions and locations.

A35. This Preliminary Development Plan does not include mixed land uses. Only residential lots and park/open space uses are proposed with this Preliminary Development Plan. The proposal includes lots for detached single-family housing. Proposed PDP-2E includes mixed single-family housing types, but not mixed uses, which are instead master planned for SAP-Central.

f) Include a preliminary land division (concurrently) per Section 4.400, as applicable.

A36. The proposal includes a request for a Tentative Subdivision Plat. A detailed review of this application can be found in Request D, beginning on page 60. The applicant has included draft CC&Rs for review (Section IIIC of Exhibit B1). Condition of approval PDA 2 will require that the applicant submit a final copy of the CC&Rs to the City Attorney for review.

g) Include a concurrent application for a Zone Map Amendment (i.e., Zone Change) for the subject phase.

A37. The proposal includes a concurrent request for a zone map amendment (i.e. zone change) for review by the DRB and City Council. The request will amend the subject PDP-2E area from the EFU zone to the Village (V) zone. A detailed review of the proposal can be found in Request C, beginning on page 54.

2. *The application for Preliminary Development Plan approval shall include conceptual and quantitatively accurate representations of the entire development sufficient to demonstrate conformance with the approved SAP and to judge the scope, size and impact of the development on the community and shall be accompanied by the following information:*
- a) *A boundary survey or a certified boundary description by a surveyor licensed in the State of Oregon.*
 - b) *Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, (e.g., flood plain, wetlands, forested areas, steep slopes or adjacent to stream banks). Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:*
 - i. *One (1) foot contours for slopes of up to five percent (5%);*
 - ii. *Two (2) foot contours for slopes from six percent (6%) to twelve (12%);*
 - iii. *Five (5) foot contours for slopes from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and*
 - iv. *Ten (10) foot contours for slopes exceeding twenty percent (20%).*
 - c) *The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the PDP and within 50 feet of the PDP boundary, as required by Section 4.139.*

A38. The applicant has submitted plans demonstrating compliance with the above requirements (See Sheets 2 and 3 – Existing Conditions and Sheet 4 – Aerial Photograph of Section IIB of Exhibit B2. A small portion of the PDP is within the SROZ. These provisions are therefore satisfied.

- d) *A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.*

A39. A tabulation of land area and a calculation of average residential density per net acre can be found on Sheet 12 – Site and Land Use Plan of Section IIB of Exhibit B2. This provision is therefore satisfied.

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

A40. The above information is shown on Sheets 2 and 3 – Existing Conditions; Sheets 5 and 6 – Tentative Plat; and Sheet 11 – Circulation Plan. Sheets 13 and 14 – Tree Preservation Plan, identifies all trees 6 inches and greater d.b.h. on the project site.

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

A41. Conceptual elevations were included in the Architectural Pattern Book for SAP-East (case file 04 DB 22 et seq). Review of future building permits will guarantee compliance with the approved Architectural Pattern Book.

g) A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.

A42. Proposed storm drainage facilities, water lines and sanitary lines are shown on Sheets 9 and 10 – Composite Utility Plan of Section IIB of Exhibit B2. Utility and Drainage Reports demonstrating feasibility can be found in Section IIC.

h) If it is proposed that the Preliminary Development Plan will be executed in Phases, the sequence thereof shall be provided.

A43. The applicant has provided findings that the request is for the approval of PDP-2E, a portion of the second phase of SAP-East. The applicant further provides that a construction schedule has not specified for the four (4) proposed sub-phases of PDP-2E, due largely to the economic recession.

i) A commitment by the applicant to provide a performance bond or other acceptable security for the capital improvements required by the project.

A44. The applicant must provide a performance bond or other acceptable security for the capital improvements required by the project. See condition PFA 68.

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

A45. DKS has prepared an addendum Traffic Impact Analysis for PDP-2E (Section IID of Exhibit B1), meeting this criterion.

H. PDP Application Submittal Requirements:

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

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

A46. Plan Sheets 2 and 3 – Existing Conditions show site features, including topographic features. Sheet 12 – Site & Land Use Plan illustrates the types and locations of proposed uses. Sheets 7 and 8 – Grading and Erosion Control Plans show the location of drainage facilities, topographic information, and a grading and erosion control plan. Sheets 9 and 10 – Composite Utility Plans indicate the location of water and sanitary sewer lines. Sheet 15 – Street Tree & Lighting Plan illustrates the location and species of proposed street trees. All plan sheets referenced above can be found in Section IIB of Exhibit B2 of the application notebook. Signs are proposed as approved in the SAP-East Master Signage and Wayfinding Plan. Drawings in Section IIF (Signs), and Plan Sheets L1.0 through L4.0 – Landscape Plans of Section VIB, and are found in Requests A and F, respectively, regarding components of the proposed Final Development Plan (FDP).

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

A47. A Traffic Impact Analysis report has been prepared for this Preliminary Development Plan (See Section IID of Exhibit B1).

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

A48. The drawings for proposed PDP-2E, submitted by the applicant in Section IIB of Exhibit B2, provide sufficient detail to indicate fully the ultimate operation of the subject phase of development. The proposed Final Development Plan provides more specific details regarding proposed design features, particularly parks and open space areas.

4. *Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.*

A49. Copies of "draft" legal documents relating to the creation of a non-profit home owners' association must be provided to the City Attorney. Compliance with this criterion can be guaranteed through condition of approval PDA 2.

I. PDP Approval Procedures

1. *An application for PDP approval shall be reviewed using the following procedures:*
 - a) *Notice of a public hearing before the Development Review Board regarding a proposed PDP shall be made in accordance with the procedures contained in Section 4.012.*
 - b) *A public hearing shall be held on each such application as provided in Section 4.013.*

- c) *After such hearing, the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.*

A50. In accordance with the procedures contained in Section 4.012, the city has provided notice of a public hearings before the Development Review Board and City Council on the proposed PDP. A public hearing will be held to consider each request submitted in conjunction with this application, as provided in Section 4.013, at which time the Board will determine whether the proposal conforms to the applicable permit criteria set forth in the City’s Code.

J. PDP Refinements to Approved Specific Area Plan

- 1. *In the process of reviewing a PDP for consistency with the approved Specific Area Plan, the Development Review Board may approve refinements, but not amendments, to the SAP. Refinements to the SAP may be approved by the Development Review Board as set forth in Section (.18)(J)(2), below.*

- a) *Refinements to the SAP are defined as:*

- i. *Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.*

A51. Three (3) refinements to the SAP-East street system are proposed. These are described in detail in pages 21 - 22 of Section IIA of Exhibit B1.

- ii. *Changes to the nature or location of park types, trails or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Specific Area Plan.*

A52. Corresponding refinements to the park and open space areas provided in PDP-2E are similar to those illustrated in the plans approved as part of Specific Area Plan – East, as described on pages 22 - 24 of Section IIA of Exhibit B1.

- iii. *Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.*

A53. As a result of the three (3) requested refinements mentioned above in Finding A51, corresponding changes to the nature or location of utilities or storm water facilities are proposed.

- iv. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Preliminary Development Plan.*
- v. A change in density that does not exceed ten percent, provided such density change has not already been approved as a refinement to the underlying SAP or PDP, and does not result in fewer than 2,300 dwelling units in the Village.*

A54. This Preliminary Development Plan advances the plan for the area beyond what was described in the approved SAP-East plan. Staff concurs with the applicant's statement that this plan contains most of the same land use categories and types of residential land use.

K. PDP Approval Criteria

The Development Review Board may approve an application for a PDP only upon finding that the following approval criteria area met:

1. That the proposed PDP:

a) Is consistent with the standards identified in this section.

A55. Pages 2 through 42 of the Supporting Compliance Report (Section IIA of Exhibit B1) provides an explanation of how proposed PDP-2E is consistent with the standards of the Village zone.

b) Complies with the applicable standards of the Planning and Land Development Ordinance, including Section 4.140(.09)(J)(1)-(3).

A56. Section 4.140(.09)(J)(1) - (3) provides Final Approval (Stage Two) regulations. Pages 35 – 37 of the Supporting Compliance Report (Section IIA of Exhibit B1) provides an explanation of how proposed PDP-2E is consistent with the applicable standards of the Planning and Land Development Ordinance. The applicant's proposal includes a request for a Final Development Plan consistent with these requirements. A detailed discussion of the Final Development Plan can be found in Request F, beginning on page 83.

c) Is consistent with the approved Specific Area Plan in which it is located.

A57. Except as described regarding proposed refinements, PDP-2E is consistent with SAP-East, as demonstrated by the drawings submitted by the applicant in Section IIB of Exhibit B2, submitted under separate cover.

d) Is consistent with the approved Pattern Book and, where required, the approved Village Center Architectural Standards.

A58. Commercial buildings are not proposed. Subsequent FDP approvals and Building Permit applications for residential buildings in PDP-2E will document compliance with the SAP-East Architectural Pattern Book. Proposed lots are sized to accommodate proposed uses in a manner consistent with Table V-1 and the Village Center Architectural Standards.

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

A59. The applicant has provided summary findings indicating that the PDP-2E will be executed in four (4) sub-phases. The schedule for those sub-phases is not specified, as found on Sheet 16 of Section IIB of Exhibit B2. The applicant has noted on the Phasing Plan Update (Section (IE)), that commencement of construction of Phase 2E will occur in 2012, which is within two (2) years of approval of the proposed Zone Map Amendment (page 5 of Section IVA of Exhibit B1).

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

A60. The applicant has provided a statement of understanding on page 32 of Section IIA of the submittal notebook. This criterion can be guaranteed through conditions of approval PDA 4 and PDF 6.

4. In the Central SAP, parks shall be constructed within each PDP as provided above, and that pro rata portion of the estimated cost of Central SAP parks not within the PDP, calculated on a dwelling unit basis, shall be bonded or otherwise secured to the satisfaction of the city.

A61. The subject site is located in SAP-East, not SAP-Central. This standard therefore, does not apply.

5. The Development Review Board may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the

Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.

A62. With the exceptions noted within this report, proposed PDP-2E is in conformance with SAP-East, and, thus, the *Villebois Village Master Plan*, and the applicable requirements and standards of the Planning and Land Development Ordinance (see the Supporting Compliance Report, Section IIA of Exhibit B1). Staff finds that, together with conditions of approval, this application conforms to the Villebois Village Master Plan and the applicable requirements and standards of the Planning and Land Development Ordinance.

SECTION 4.139-SIGNIFICANT RESOURCE OVERLAY ZONE (SROZ) ORDINANCE

Section 4.139.04 Uses and Activities Exempt from These Regulations

(.08) *The construction of new roads, pedestrian or bike paths into the SROZ in order to provide access to the sensitive area or across the sensitive area, provided the location of the crossing is consistent with the intent of the Wilsonville Comprehensive Plan. Roads and paths shall be constructed so as to minimize and repair disturbance to existing vegetation and slope stability.*

A63. A portion of SAP-East is mapped as Significant Resource Overlay Zone (SROZ). This area includes upland area within a wetland and floodplain.

SECTION 4.156-SIGN REGULATIONS

A64. Consistent with the requirements of the Village Zone, a Master Signage and Wayfinding Plan was approved as part of SAP-East. The applicant has provided summary findings regarding the entry monument signs on the east end of SW Barber Street and the south end of SW Montebello Drive. The proposed signage is identified in the Master Signage and Wayfinding Plan as Primary and Minor Site Identifiers. Staff finds the location to be consistent with the approved the approved SAP-East Master Signage and Wayfinding Plan. Conditions of approval PDB4 will require that prior to installation of the sign the applicant submit an application for a Class I Sign Permit. Additional future signage within PDP-2E will be subject to the approved SAP-East Master Signage and Wayfinding Plan as well.

SECTION 4.171 GENERAL REGULATIONS – PROTECTION OF NATURAL FEATURES & OTHER RESOURCES

(.02) *General Terrain Preparation*

A. All developments shall be planned designed, constructed and maintained with maximum regard to natural terrain features and

topography, especially hillside areas, floodplains, and other significant land forms.

B. All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code, all development shall be planned, designed, constructed and maintained so as to:

- 1. Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.**
- 2. Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.**
- 3. Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.**

A65. The drawings located in Section IIB of Exhibit B2 demonstrate that the subject PDP-2E is designed with attention to natural terrain features and topography. No steep hillside areas are located within the subject PDP-2E. Floodplains are located within the open space tract reserved for RP-8. Request E provides a detailed discussion regarding proposed tree preservation and protection. Also required is a grading and erosion control plan pursuant to City of Wilsonville Ordinance 482. Sheets 7 and 8 – Grading and Erosion Control Plans show proposed grading within the subject area. All subsequent grading, filling and excavating will be done in accordance with the Uniform Building Code. Disturbance of soils and removal of trees and other native vegetation will be limited to the extent necessary to construct the proposed development. Construction will occur in a manner that avoids substantial probabilities of accelerated erosion; pollution, contamination or siltation of lakes, rivers, streams and wetlands; damage to vegetation; and injury to wildlife and fish habitats. The applicant will comply with all state and federal requirements for construction (e.g., DEQ NPDES #1200-C permit).

(.03) *Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:*

A66. Proposed PDP-2E does not include any areas of slopes in excess of 25%. Therefore, this standard does not apply to this application.

(.04) *Trees and Wooded Areas.*

A. All developments shall be planned, designed, constructed and maintained so that:

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

A67. Sheets 13 and 14 – Tree Preservation Plans, which are considered in Request E regarding the proposed Type ‘C’ Tree Removal Plan, depict existing trees within the subject area and identifies trees to be retained or to be removed. The Tree Report prepared by Walter H. Knapp & Associates, LLC, as well as a Supporting Compliance Report (Section IIE of Exhibit B1), address the condition of existing trees within the subject area. This information demonstrates that the subject PDP-2E is designed to incorporate most of the existing wetland, and as many trees with a diameter at breast height of six inches or greater into the plan where feasible. Existing trees within a right-of-way are preserved when suitably located, healthy, and proposed grading would allow. Trees and woodland areas that are retained, as identified in the Tree Preservation Plan, will be protected during site preparation and construction, in accordance with City Public Works design specifications and Section 4.171(.04).

(.05) *High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:*

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

A68. Proposed PDP-2E does not contain any high voltage power line easements or rights-of-way.

(.06) Hazards to Safety: Purpose:

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

A69. There are no obvious hazards to safety related to development within the Phase 2E area. Development of PDP-2E will occur in a manner that minimizes potential hazards to safety.

(.07) Standards for Earth Movement Hazard Areas:

- A. *No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions.*

A70. Development of PDP-2E will occur in a manner that minimizes potential hazards to safety. No earth movement hazard areas have been identified within the subject area.

(.08) Standards for Soil Hazard Areas:

- A. *Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.*

B. The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulleting and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

A71. Development of PDP-2E will occur in a manner that minimizes potential hazards to safety. No soil hazard areas have been identified within the subject area.

(.09) Historic Protection; Purpose:

A72. A Historic/Cultural Resource Inventory was conducted by a Registered Professional Archeologist for SAP-East. Based upon that inventory, no artifacts were found. Staff finds that this provision is not applicable.

SECTION 4.172-FLOOD PLAIN REGULATIONS

A73. Proposed PDP-2E does include areas impacted by a 100-year flood plain. However, these areas are located within the boundaries of an open space tract, Regional Park No. 8 (RP-8), where improvements will be limited to recreation features. No improvements to RP-8 are proposed at this time. Therefore, the standards of Section 4.172 are not currently applicable.

SECTION 4.176-LANDSCAPING, SCREENING & BUFFERING

A74. The proposed Final Development Plan for PDP-2E includes Landscape Plans (Sheets L1.0 through L4.0 of Section VIB of Exhibit B1). The proposed landscape plans provide sufficient detail of the landscaping, park and open space areas. Sheet 15 – Street Tree & Lighting Plan (Section IIB of Exhibit B2) demonstrates proposed street trees within the subject PDP. The SAP-East Community Elements Book depicts street trees along rights-of-ways. The Street Tree & Lighting Plan has been developed in conformance with the Community Elements Book and the applicable standards of Section 4.176. A detailed discussion regarding Section 4.176, Landscaping, Screening & Buffering, can be found in Request F, beginning on page 83.

SECTION 4.177-STREET IMPROVEMENT STANDARDS

A75. As indicated previously, proposed rights-of-way are shown on the attached drawings. Rights-of-way will be dedicated to the public, with the exception of alleys, which will be owned and maintained by the respective homeowners' association. The drawings located in Section IIB of Exhibit B2 demonstrate that all proposed access drives/alleys within PDP-2E will have a minimum improvement width of 16 feet and will provide two-way travel. All access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by the fire department. All access drives will be designed to provide a clear travel lane free from any obstructions.

SECTION 4.178-SIDEWALK & PATHWAY STANDARDS

(.01) Sidewalks. *All sidewalks shall be concrete and a minimum of five (5) feet in width, except where the walk is adjacent to commercial storefronts. In such cases, they shall be increased to a minimum of ten (10) feet in width.*

(.02) Pathways

A. Bicycle facilities shall be provided using a bicycle lane as the preferred facility design. The other facility designs listed will only be used if the bike lane standard cannot be constructed due to physical or financial constraints. The alternative standards are listed in order of preference.

1. Bike lane. *This design includes 12-foot minimum travel lanes for autos and paved shoulders, 5-6 feet wide for bikes that are striped and marked as bicycle lanes. This shall be the basic standard applied to bike lanes on all arterial and collector streets in the City, with the exception of minor residential collectors with less than 1,500 (existing or anticipated) vehicle trips per day.*

A76. Sheet 11 – Circulation Plan, located in Section IIB of the applicant’s submittal, Exhibit B2, depicts both the plan and section view of proposed sidewalks and pathways. Staff finds these to be in compliance with the above standards and the approved SAP-East documents, but the minor pathways are required to be six (6) feet in width. See condition PDF 9.

A77. Due to pedestrian use, private and public, which will occur on alleys and lots abutting the proposed six-foot-tall retaining walls (Lots 12 – 17, Tract C, Lots 25 – 26, and Lots 27 – 29), the applicant will be required to install protective fencing at the top of each of these proposed walls, necessary to prevent hazard from falling. See condition PDA 5.

REQUEST B
DB11-0048: PRELIMINARY DEVELOPMENT PLAN REFINEMENTS, SAP-
EAST (PHASE 2)
CONCLUSIONARY FINDINGS
(Applicant's Section IIA)

The applicant's findings in Section IIA of the Compliance Report addressing the Wilsonville Planning & Development Ordinance respond to the majority of the applicable criteria. In the case where the applicant has adequately addressed the criteria, the staff findings simply refer to the relevant text in the applicant's narrative.

(.18) Village Zone Development Permit Process

J. PDP Refinements to Approved Specific Area Plan

1. In the process of reviewing a PDP for consistency with the approved Specific Area Plan, the Development Review Board may approve refinements, but not amendments, to the SAP. Refinements to the SAP may be approved by the Development Review Board as set forth in Section (.18)(J)(2), below.

a) Refinements to the SAP are defined as:

i. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.

B1. The applicant proposes three (3) refinements to the SAP-East street system, and five (5) refinements to parks and open space features. These refinements are described in detail on pages 21 - 30 of Section IIA of Exhibit B1.

2. Refinements meeting the above definition may be approved by the DRB upon the demonstration and finding that:

a) The refinements will equally or better meet the conditions of the approved SAP, and the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.

b) The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the PDP and Village area, and

- c) *The refinement will not preclude an adjoining or subsequent PDP or SAP areas from development consistent with the approved SAP or the Master Plan.*

B2. The applicant notes that the three (3) proposed refinements to the SAP-East street system, and five (5) refinements to park and open space componemnts, are required to accommodate changes to SAP-East that have resulted from the design and approval of Lowrie Primary School (case file DB10-0023 et seq), the negotiated agreement recorded in 2010 (Exhibit D6), and the applicant's desire to preserve a large portion of the existing wetland on the site.

REQUEST C
DB11-0049: ZONE MAP AMENDMENT
CONCLUSIONARY FINDINGS
(Applicant’s Section IV)

CITY OF WILSONVILLE COMPREHENSIVE PLAN

COMPACT URBAN DEVELOPMENT – IMPLEMENTATION MEASURES

Implementation Measure 4.1.6.a:

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

C1. The subject area is within SAP-East, which was previously approved as part of case file 04 DB 22 et seq and found to be in accordance with the Villebois Village Master Plan and the Wilsonville Planning and Land Development Ordinance. Implementation Measure 4.1.6.a is met.

Implementation Measure 4.1.6.b:

The Villebois Village Master Plan shall contain the following elements:

C2. The current proposal is for a preliminary development plan implementing the procedures as outlined by the Villebois Village Master Plan, as previously approved. This provision is therefore not applicable.

Implementation Measure 4.1.6.c:

The “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.

C3. This application proposes a zone change to “Village” for the subject 27.46 acre premises, which carries the Residential-Village Plan Map Designation. Implementation Measure 4.1.6.c is met.

Implementation Measure 4.1.6.d:

The “Village” Zone District shall allow a wide range of uses that befit and support an “urban village,” including conversion of existing structures in the core area to provide

flexibility for changing needs of service, institutional, governmental and employment uses.

C4. The subject property is not in the central core area. The property is comprised of 27.46 acres within Specific Area Plan – East of the Villebois Master Plan. It will provide residential uses (88 units residential development) and 12.36 acres of parks and open space within Villebois. The project narrative (Section IIA of Exhibit B1, the PDP-2E submittal) lists the proposed range of residential units, the lot sizes of which are interspersed to provide a diverse mix of housing. The proposed residential land use and housing types in this area are generally consistent with those portrayed in the Villebois Village Master Plan, which this regulation is intended to implement. Implementation Measure 4.1.6.d is met.

CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

SECTION 4.029. ZONING TO BE CONSISTENT WITH COMPREHENSIVE PLAN.

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

C5. This zone change application is being requested concurrently with a Preliminary Development Plan (PDP) and Tentative Plat for the subject premises in conformance with the code. The PDP application material is located in Section II of the application notebook, and the Tentative Plat application material in Section III. Section 4.029 - Zoning Consistent with the Comprehensive Plan is met.

SECTION 4.110 - ZONING – ZONES

(.01) The following Base Zones are established by this Code:

(F) Public Facility, which shall be designated “PF”

(H) Village, which shall be designated “V” [per Section 4.125 enabling amendments (File No. 02PC08)]

C6. The subject property is within the city limits of Wilsonville and is currently zoned Exclusive Farm Use (EFU). This request is for a zone change to “Village”. The zone change request is being reviewed concurrently with a Preliminary Development Plan (PDP-2E), which emphasizes residential uses. Residential use is not allowed in the EFU Zone, therefore, the “Village” zoning designation is most appropriate for the subject property to implement the *Villebois Village Concept Plan*. Upon approval of the proposed rezoning, the development will therefore meet Section 4.110.

SECTION 4.125 - VILLAGE (V) ZONE

(.01) Purpose.

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

C7. The subject premises lies within the area designated “Residential – Village” on the Comprehensive Plan Map. This request is for a zone change to “Village”.

(.02) Permitted Uses

C8. The proposed residential use listed in the associated application for a Preliminary Development Plan (see Section II of the application notebook) are consistent with the land uses permitted under the *Village* zone. The proposed PDP-2E will create lots intended for single-family detached dwellings, as well as park and open space. The proposed residential uses are permitted under the *Village* zone.

(.18) Village Zone Development Permit Process

B. Unique Features and Processes of the Village (V) Zone

2. ... Application for a zone change shall be made concurrently with an application for PDP approval...

C9. The application for a zone change is being made concurrently with an application for PDP-2E.

SECTION 4.136 - PF – PUBLIC FACILITY ZONE

(.01) Purpose:

The PF zone is intended to be applied to existing public lands and facilities; including quasi-public lands and facilities, which serve and benefit the community and its citizens. Typical uses permitted in the PF zone are schools, churches, public buildings, hospitals, parks and public utilities. Not all of the uses permitted in this zone are expected to be publicly owned.

C10. The subject property is currently zoned Exclusive Farm Use (EFU). The property’s most recent use was agriculture.

**SECTION 4.197 ZONE CHANGES AND AMENDMENTS TO THIS CODE –
PROCEDURES.**

(.02) In recommending approval or denial of a proposed zone map amendment, the Planning Commission or Development Review Board shall at a minimum, adopt findings addressing the following criteria:

- A. That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140; and*

C11. This application has been submitted in accordance with the procedures set forth in Section 4.140, which requires that:

- (A) All parcels of land exceeding two (2) acres in size that are to be used for residential, commercial or industrial development, shall, prior to the issuance of building permit: 1. Be zoned for planned development; and*
- (B) Zone change and amendment to the zoning map are governed by the applicable provisions of the Zoning Sections, inclusive of Section 4.197.*

C12. This zone change application will establish the appropriate zone for this development and will be governed by the appropriate Zoning Sections.

- B. That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan Text.*

C13. Comprehensive Plan Implementation Measure 4.1.6.c states “the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.” Since the “Village” zone must be applied to areas designated Residential Village on the Comprehensive Plan map, and is the only zone that may be applied to these areas, its application to these areas is consistent with the Comprehensive Plan, which describes the “Village” zone as implementing the Residential – Village Comprehensive Plan Map designation.

- C. In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text; and*

C14. As noted above, Comprehensive Plan Implementation Measure 4.1.6.c states “the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation.” Since the Village zone must be applied to areas designated “Residential Village” on the Comprehensive Plan map, and is the only zone that may be

applied to these areas, its application to these areas is consistent with the Comprehensive Plan, which describes the “Village” zone as implementing the Residential – Village Comprehensive Plan Map designation.

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

C15. Section IIC of the submittal notebook includes supporting utility and drainage reports demonstrating that the existing primary public facilities are available and can be provided in conjunction with the project. In addition, a Traffic Impact Analysis prepared by DKS Associates has been received (Section IID of Exhibit B1).

C16. Sanitary Sewer: PDP-2E must be in compliance with the Public Facilities (PF) Conditions of Approval. The City Engineer is required to approve all construction plans for the sanitary sewer system prior to construction, to assure that they comply with City standards. This must be met at the time of development, as monitored by the City Engineer.

C17. Water: PDP-2E must be in compliance with the Public Facilities (PF) and Building Division (BD) Conditions of Approval. The City Engineer is required to approve all construction plans for the water system prior to construction, to assure that they comply with City standards. This must be met at the time of development, as monitored by the City Engineer.

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

C18. Only a small portion of PDP-2E is mapped as Significant Resource Overlay Zone (SROZ). This area is located within Regional Park 8 and Open Space 6. No development is currently proposed within this area.

F. That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably

expected to commence within two (2) years of the initial approval of the zone change.

C19. The applicant has provided summary findings demonstrating that development of the subject property has been affected by the down economy, and cannot be expected to commence within the required two (2) years of the initial approval of the zone change. The applicant proposes to commence the project as soon as is reasonably possible.

G. *That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards.*

C20. The proposed development can be developed in compliance with the applicable development standards, as demonstrated by this report.

REQUEST D
DB11-0050: TENTATIVE SUBDIVISION PLAT SAP-EAST (PHASE 2)
CONCLUSIONARY FINDINGS
(Applicant's Section III)

Subdivision of PDP-2E into 88 single-family detached residential lots, alley, park and open space Tracts A through N, and associated site improvements.

SECTION 4.125. VILLAGE (V) ZONE

(.02) Permitted Uses. Examples of principle uses that are typically permitted:

- A. Single Family Dwellings*
- D. Row Houses*
- H. Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.*

D1. The applicant's response finding is on page 2 of the Supporting Compliance Report, Section IIIA of Exhibit B1. The proposed Tentative Subdivision Plat (Sheets 5 and 6 of Section IIIB of Exhibit B2) for Retherford Meadows will create lots intended for detached single-family dwellings, as well as parks, and open space areas. Staff finds that the proposed uses are permitted under the "Village" zone.

(.05) Development Standards Applying to All Developments in the Village Zone. In addition to other applicable provisions of the Wilsonville Planning and Land Development Ordinance, all development in the Village zone shall be subject to Tables V-1 through V-4, and to the following. If there is a conflict between the provisions of the Village zone and other portions of the Code, then the provisions of this section shall apply.

- A. Block, Alley, Pedestrian and Bicycle Standards:*

D2. Three (3) blocks with a perimeter of 1,800 feet or street intersections greater than 530 feet apart. The applicant details this lack of compliance on pages 2 through 3 of Section IIIA of Exhibit B1. The previously approved SAP – East application (case file 04 DB 22 et seq) established compliance with these standards. The Preliminary Development Plan is largely consistent with this plan. The following is a list of the previously approved non-conforming blocks.

- I.* The PDP includes one block bounded by Denmark Street, Coffee Lake Drive, Lisbon Street, and Serenity Way. This block exceeds the 1,800-foot maximum block perimeter due to the retention of the existing wetland within the center of this block. If the wetland is to be retained, it is a barrier to building a street and a bike/pedestrian connection through this area and prevents the block perimeter from meeting this standard.

2. The PDP completes a block that was partially built with PDP 1E and is bounded by Lisbon Street, Coffee Lake Drive, Barber Street, and Serenity Way. This block exceeds the 1,800-foot maximum block perimeter due to access spacing standards on Barber Street and existing tree preservation within the subject block. A bike/pedestrian access is provided within tracts in PDP 1E that align with the existing trees being preserved directly adjacent to the boundary with PDP 2E.
3. The rows of lots directly south and east of Madrid Loop constitute a block that exceeds the 1,800-foot maximum block perimeter. These lots are adjacent to an existing neighborhood to the south that is developed with homes along its border with Villebois. No street connections exist along the south side of these lots, east of Montebello Drive. These lots are also adjacent to the Coffee Lake wetland/flood plain/SROZ area to the east, which is identified as Open Space 4 (OS-4) on the Villebois Village Master Plan. Thus, barriers exist to the south and east that prevent the block perimeter from meeting this standard. A bike/pedestrian connection is provided between lots 76 & 77 where public easement for existing sanitary and water lines is located. This bike/pedestrian connection will connect with the multi-use pathway in OS-4 that connects with the pathway along the south side of Barber Street, east of Madrid Loop.

B. Access:

D3. The submitted Plan Sheets 5 and 6 of Section IIIB of Exhibit B2 demonstrate that all proposed lots have access to a public street or an alley. The applicant has provided summary findings that all lots with access to a public street and an alley will take vehicular access from the alley to a garage or parking area. The applicant goes on to state that only Lots 69 – 88 will lack alley access, and must therefore take access from a public street, SW Madrid Loop. Condition of approval PDD 2 will guarantee compliance with this provision.

Table V-1: Development Standards

D4. Plan Sheets 5 and 6 – Tentative Plat depict proposed lot sizes and dimensions. Lots proposed for single-family dwellings meet the minimum lot size and dimensional standards presented in Table V-1 for these types of dwellings. No buildings are proposed with this application. The Conceptual Elevations located in the SAP-East Architectural Pattern Book provide examples of the front facade of the various product types. Subsequent Building Permit applications will guarantee compliance with all development standards applying to building setbacks and lot coverage.

***(.07) General Regulations - Off-Street Parking, Loading and Bicycle Parking
Except as required by Subsections (A) through (D), below, the requirements
of Section 4.155 shall apply within the Village zone.***

D5. The tentative plat is being reviewed concurrently with the preliminary development plan. The proposed tentative plat is intended for a mix of single-family detached dwellings. According to Table V-2 of the Planning and Land Development Ordinance, single-family detached dwellings are subject to a required minimum vehicle space of 1.0/DU. The potential off-street parking and loading requirements for proposed uses was considered in the overall land use plan for Villebois and SAP-East. The proposed Preliminary Development Plan is generally consistent with SAP-East. The applicant asserts that each of the 88 proposed lots will provide a minimum of one-car garage. No specific bicycle parking spaces are required for detached single-family dwellings. This meets code requirements.

(.08) Open Space.

D6. The applicant has indicated that with the development of Phase 2E, the SAP-East area will contain 12.36 acres of parkland and open space.

D7. All of the open space and park tracts in PDP-2E will be owned and maintained by the proposed homeowners association (see Draft CC&Rs in Section IIIC of the submittal notebook).

(.09) Street and Access Improvement Standards

A. Except as noted below, the provisions of Section 4.177 shall apply within the Village zone:

1. General Provisions:

a) All street alignment and access improvements shall conform to Figures 7, 8, 9A, and 9B of the Villebois Village Master Plan, or as refined in an approved Specific Area Plan, Preliminary Development Plan, or Final Development Plan, and the following standards:

i. All street improvements shall conform to the Public Works Standards and the Transportation Systems Plan, and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.

ii. All streets shall be developed according to the Master Plan.

D8. The applicant has indicated that most of the standards listed below are addressed through information presented in the PDP application. Full compliance with those standards will be dependent on the result of the PDP review and approval of the requested refinements. The applicant has demonstrated that the proposed Tentative Subdivision Plat provides for the continuation of streets to adjoining properties or proposed future development in accordance with SAP-East.

2. Intersections of streets:

a) Angles: Streets shall intersect one another at angles not less than 90 degrees, unless existing development or topography makes it impractical.

- b) *Intersections: If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of a thirty (30) foot centerline radius and said angle shall not be less than sixty (60) degrees. Any angle less than ninety 90 degrees shall require approval by the City Engineer after consultation with the Fire District.*
- c) *Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:
 - i. 1000 ft. for major arterials
 - ii. 600 ft. for minor arterials
 - iii. 100 ft. for major collector
 - iv. 50 ft. for minor collector*
- d) *Curb Extensions:
 - i. Curb extensions at intersections shall be shown on the Specific Area Plans required in Subsection 4.125(.18)(C) through (F), below, and shall:
 - Not obstruct bicycle lanes on collector streets.
 - Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections, meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.*

D9. The applicant has provided findings and drawings demonstrating that proposed streets and alleys will intersect at angles consistent with the above standards. Compliance with these provisions will be further guaranteed through review of the public works permit.

D10. The applicant has provided summary findings that PDP-2E will not create any offset street intersections.

D11. The applicant must provide stamped engineering details for all curb extensions for turning movement verification (see the PF Conditions from the Engineering Division).

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

D12. Plan Sheets 7 and 8 – Grading and Erosion Control Plan, located in Section IIB of Exhibit B2, demonstrates that proposed streets can comply with this standard. A final grading plan will need to be submitted at the time of construction documents.

4. Centerline Radius Street Curves: The minimum centerline radius street curves shall be as follows:

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

D13. Plan Sheets 5 and 6 – Tentative Plat, located in Section IIIB of Exhibit B2, demonstrates that proposed streets can comply with this standard. This requirement has been met.

5. Rights-of-way:

- a) See Section 4.125(.09)(A), above.**

D14. Proposed right-of-way cross sections are depicted on Sheet 11 – Circulation Plan. Proposed rights-of-way are consistent with the SAP-East approval.

D15. Rights-of-way will be dedicated to the public, with the exception of alleys, which will be owned and maintained by the respective Homeowners Association.

D16. It should be noted that the alleys in the adjacent development, PDP-1E, provide access limited to the lots in that phase (Exhibit D17). The applicant will need to secure written permission for through access from the current owners of those abutting alley (Tract E) and convey such permission to prospective owners of PDP-2E. See condition PDD 17.

6. Access drives:

- a) See Section 4.125(.09)(A), above.**
- b) 16 feet for two-way traffic**

D17. Proposed rights-of-way cross sections are depicted on Sheet 11 – Circulation Plan. Proposed rights-of-way demonstrate a minimum improvement width of 16 feet capable of two way travel. The width, design and construction of all access drives shall conform to the Public Works Standards, Sections 4.125(.09) and 4.177 of the Planning and Land Development Ordinance, the Transportation System Plan, and must be approved by Tualatin Valley Fire & Rescue. These aspects will be reviewed at the time construction documents are submitted.

7. Clear Vision Areas

- a) See Section 4.125(.09)(A), above.**

D18. Clear vision areas must be provided and maintained in compliance with the Section 4.177. This standard will be met at the time of development as monitored by the City Engineer.

8. Vertical Clearance:

a) *See Section 4.125(.09)(A), above.*

D19. Vertical clearance must be provided and maintained in compliance with Section 4.177. This standard will be met at the time of development as monitored by the City Engineer.

9. Interim Improvement Standard:

a) *See Section 4.125(.09)(A), above.*

D20. The proposed PDP-2E does not include any interim improvements.

(.18) Village Zone Development Permit Process.

D21. The application for this Tentative Subdivision Plat is being submitted concurrently with the proposed Preliminary Development Plan for Phase 2. This requirement has been met.

SECTION 4.177. STREET IMPROVEMENT STANDARDS.

(.01) Except as specifically approved by the Development Review Board, all street and access improvements shall conform to the Transportation Systems Plan and the Public Works Standards, together with the following standards:

A. All street improvements and intersections shall conform to the Public Works Standards and shall provide for the continuation of streets through specific developments to adjoining properties or subdivisions.

D22. As indicated above, the applicant has demonstrated that the proposed Tentative Subdivision Plat provides for the continuation of streets to adjoining properties or proposed future development in accordance with SAP-East.

B. All streets shall be developed with curbs, utility strips and sidewalks on both sides; or a sidewalk on one side and a bike path on the other side.

D23. Plan Sheets 5 and 6 – Tentative Plat, located in Section IIIB of Exhibit B2, demonstrate that proposed streets comply with this standard. This requirement has been met.

C. Rights-of-way.

D24. Refer to findings D13 and D14, above.

D. Dead-end Streets.

D25. PDP-2E does not propose dead-end streets.

E. Access drives and travel lanes.

D26. The drawings located in Section IIB of PDP-2E demonstrate that all proposed access drives and private lanes within proposed Preliminary Development Plan – 2E will have a minimum improvement width of 16 feet [permitted in the “V” zone] and will provide two-way travel. In accordance with Section 4.177, all access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by the fire department. All access drives will be designed to provide a clear travel lane free from any obstructions. The result of this cooperative effort may result in changes to access drives or lane configurations on the Tentative Plat. The plat will be evaluated for compliance and conformance at the time of Final Plat review. The improvement widths shall not be less than the standard.

F. Corner or clear vision area.

D27. Clear vision areas must be provided and maintained in compliance with the Section 4.177. This standard will be met at the time of development as monitored by the City Engineer.

G. Vertical clearance

D28. Vertical clearance must be provided and maintained in compliance with Section 4.177. This standard will be met at the time of development as monitored by the City Engineer.

H. Interim improvement standard.

D29. The proposed PDP-2E does not include any interim improvements.

Subsections 4.125.10: *Sidewalk and Pathway Improvement Standards; (.11): Landscaping, Screening and Buffering; (.12): Master Signage and Wayfinding; (.14): Design Standards Applying to the Village Zone*

D30. The standards of these sections of the Code apply unless modified by an approved Pattern Book or Community Elements Book, or as may be modified through the hearing process. A detailed discussion of these provisions can be found in Request A, beginning on page 27. Full compliance will be determined in the findings of that report. This criterion is met.

SECTION 4.210. APPLICATION PROCEDURE.

(.01) Pre-application conference.

A. Preparation of Tentative Plat.

D31. A Tentative Subdivision Plat has been prepared by an Oregon licensed professional engineer as required. The Tentative Subdivision Plat can be seen on Sheets 5 and 6 of Section IIIB of Exhibit B2, and improvement plans can be seen in Section IIB.

The Introductory Narrative (Section IA) includes a listing of the services provided by each design team member. This criterion is met.

B. Tentative Plat Submission.

D32. Staff finds that the informational elements required for submission with a proposed Tentative Subdivision Plat have been submitted by the applicant. A traffic impact study has been completed. The applicable portions of these criteria have been met.

C. Action on proposed tentative plat:

D33. The proposed Tentative Subdivision Plat, as seen on Sheets 5 and 6, located in Section IIIB, is included with this application, for review by the Development Review Board.

D34. Any conditions of approval adopted by the Board shall be reflected on the final plat. The final plat will not be approved by the City until all the conditions of approval adopted by the DRB for the tentative plat are satisfied.

D35. The applicant has acknowledged the authority of the Board to limit the content of the deed restriction or covenants.

D36. After approval of the tentative subdivision plat, a final plat must be prepared and submitted to the Planning Division within two years, if an extension is not subsequently approved.

D. Land division phases to be shown.

D37. Development of this subdivision is proposed in four (4) phases. The applicant has indicated that the start of construction is undetermined at this time, due to the state of the economy.

E. Remainder tracts to be shown as lots or parcels.

D38. The proposed preliminary development plan is composed of Tax Lots 300, 380 and 3000 of Section 15. The PDP boundary does not follow lot lines of adjacent phases north and west; therefore, the proposed plan creates two (2) remnants or remainder tracts. Tracts H and I will be reserved for development as part of Phase 4 of SAP-East.

SECTION 4.236. GENERAL REQUIREMENTS - STREETS.

(.01) Conformity to the Master Plan or Map:

D39. With the exceptions noted herein, the boundaries of the proposed tentative subdivision plat are equal to the boundaries of Phase 2 of SAP-East, which was found to conform and be in harmony with the Transportation Systems Plan, Bicycle and Pedestrian Master Plan, the Parks and Recreation Master Plan, and the Villebois Village Master Plan.

(.02) Relation to Adjoining Street System.

D40. These regulations address street connectivity with areas of future development. Because PDP-2E is a portion of SAP-East, which in turn is a portion of Villebois Village (a master planned area), conformity to the street plans and other requirements specified in these regulations is to be established with each PDP. The street system connectivity proposed in this subdivision generally conforms to the street system in SAP-East and the Villebois Village Master Plan.

(.03) All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone.

D41. Please refer to Finding A75 in response to Subsection 4.177, and Finding D2.

(.04) Creation of Easements:

D42. Any necessary easements identified in the conditions of approval for any application relating to SAP-East shall be identified on the final plat.

(.05) Topography:

D43. The general street layout for Villebois, more specifically PDP-2E, has given recognition to surrounding topographic conditions, as well as the preservation of trees. See Request E for further discussion of the impact on existing trees.

(.06) Reserve Strips:

D44. Reserve strips must be provided as appropriate. Reserve strips shall be detailed on the final plat. Generally, all double frontage lots with potential access to a collector or an arterial street will take access from the frontage on the residential street, in accordance with Figure 7 of the Villebois Village Master Plan.

(.07) Future Expansion of Street:

D45. Provision has been made to extend PDP-2E into adjacent areas as development occurs.

(.08) Existing Streets:

D46. Rights-of-way must be dedicated in accordance with the *Villebois Village Master Plan* and the Transportation System Plan. This standard will be met with approval of the final plat.

(.09) Street Names:

D47. No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets.

SECTION 4.237. GENERAL REQUIREMENTS – OTHER.

(.01) Blocks:

D48. Staff has noted in previous findings that block lengths do not meet code requirements. Please refer to findings A75 and D2.

(.02) Easements:

D49. The applicant has provided summary findings indicating that the final plat will include all appropriate easements. Condition of approval PDD 12 will require that the applicant provide the City a copy of correspondence showing that the plans have been distributed to the franchise utilities. The applicant must also coordinate the proposed locations and associated infrastructure design with the franchise utilities. Should permanent construction easements or rights-of-way be required to construct the public improvements or to relocate a franchised utility, the applicant must provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the applicant must obtain written approval from the appropriate utility prior to commencing any construction. Any easements must be shown on the final plat.

(.03) Pedestrian and bicycle pathways.

D50. The Circulation Plan (Sheet 11 of Section IIB) shows dedicated bike lanes and pedestrian access ways. Pathways will comply with this standard. PDP-2E evaluates the location, usability, and adequacy of the proposed pedestrian and bicycle pathways. Pedestrian linkages must be provided at all locations where alleys do not intersect with the local road network.

(.04) Tree planting.

D51. Plan Sheet 15 – Street Tree & Lighting Plan show proposed street tree planting. A final street tree plan must be submitted as a part of construction documents.

(.05) Lot Size and shape.

D52. The proposed lot sizes, widths, shapes and orientations are consistent with the Village Zone requirements.

(.06) Access.

D53. The proposed lots comply with the applicable access requirements of the Village zone. This requirement has been met.

(.07) Through lots.

D54. The majority of lots within PDP-2E are not, by definition, through lots. Pursuant to Section 4.125(.05), all lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area. Lots 69 – 88 will not abut an alley, and therefore must have front-loaded garages. Staff finds that the proposed application meets the intent of this provision.

(.08) Lot side lines.

D55. The applicant has provided summary findings, and staff concurs, that as far as practicable all side lines of lots will run at right angles to the street upon which the lots face. In the case of lots which are separated from streets by landscaping tracts and which front on tracts, those lots will have side lot lines oriented at right angles to the tract boundary.

(.09) Large lot land divisions.

D56. The proposed tentative plat does not include a large tract. Proposed Tracts H and I will be reserved for future development, as their areas are necessary in order to configure lots on the blocks abutting to the north and west. These proposed tracts will not impede future development, but will rather aid in the orderly division of land, consistent with the previously approved SAP-East.

(.10) Building line.

D57. No special building lines are proposed.

(.11) Build-to line.

D58. No special build-to lines are proposed.

(.12) Land for public purposes.

D59. Consistent with the Villebois Village Master Plan, this land division includes rights-of-way and easements to be dedicated for public purposes. Compliance with this provision will be guaranteed through the recordation of the final plat.

(.13) Corner lots.

D60. As demonstrated on Sheets 5 and 6 – Tentative Plan, of Section IIIB of Exhibit B2, all lots on street intersections will have a corner radius of not less than ten (10) feet.

SECTION 4.262. IMPROVEMENTS - REQUIREMENTS.

(.01) Streets

D61. The Plan Sheets 8 and 9 – Grading and Erosion Control Plans, are located in Section IIB of Exhibit B2, of the applicant’s submittal. The City Engineer is required to review and approve all construction plans for public improvements prior to construction and inspect the completed improvements to insure that requirements such as these are met. This standard will be met at the time of development, as monitored by the City Engineer.

(.02) Curbs.

D62. The City Engineer is required to review and approve all construction plans for public improvements prior to construction and inspect the completed improvements to insure that requirements such as these are met. This standard will be met at the time of development, as monitored by the City Engineer.

(.03) Sidewalks.

D63. The City Engineer is required to review and approve all construction plans for public improvements prior to construction and inspect the completed improvements to insure that requirements such as these are met. This standard will be met at the time of development, as monitored by the City Engineer.

(.04) Sanitary sewers.

D64. Plan Sheets 9 and 10 – Composite Utility Plan, located in Section IIB of the applicant’s submittal, and included as Exhibit B2 of the staff report, illustrates proposed sanitary sewer lines and shows that the development is within two hundred feet of an existing public sewer main. The City Engineer is required to approve all construction plans for the sanitary sewer system prior to construction to insure that they comply with City standards. This must be met at the time of development, as monitored by the City Engineer. Approval of a final plat must be secured upon compliance with the Public Facilities (PF) Conditions of Approval.

(.05) Drainage.

D65. Plan Sheets 7 and 8 – Grading and Erosion Control Plan, located in Section IIB of the applicant’s submittal, and attached to the staff report as Exhibit B2, illustrate proposed storm drainage facilities. A supporting utility report was provided (see Section IIC of the submittal notebook, Exhibit B1) that demonstrates that the proposed storm drainage facility will meet city standards. This standard will be met with compliance of the PF Conditions of Approval.

(.06) Underground utility and service facilities.

D66. Proposed utilities will be placed underground pursuant to Section 4.300 and City Public Works Standards. This standard will be met at the time of development, as monitored by the City Engineer.

(.07) Streetlight standards.

D67. Proposed street lights are shown on Plan Sheet 15 – Street Tree & Lighting Plan, located in Section IIB of the applicant’s submittal, Exhibit B2 of the Staff Report.

(.08) Street signs.

D68. Condition of approval PDA 3 will guarantee that all site signage is consistent with the approved SAP-East Master Signage and Wayfinding Plan.

(.09) Monuments.

D69. Monuments shall be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and will be of such material, size, and length as required by State Law (General Requirements). Any monuments that are disturbed before all improvements are complete must also comply with the requirements of State Law and must be installed by the developer and accepted by the City.

(.10) Water.

D70. Water mains and fire hydrants must be installed to serve each lot in accordance with City standards. The applicant has provided drawings demonstrating placement of water mains and fire hydrants (see Plan Sheets 9 and 10 – Composite Utility Plan of Section IIB of Exhibit B2). The City Engineer is required to approve all construction plans for the water system prior to construction, to insure that they comply with City standards. This must be met at the time of development, as monitored by the City Engineer. Compliance with the Public Facilities (PF) and Building Division (BD) conditions of approval must be met prior to approval of the final plat.

REQUEST E
DB11-0051: TYPE 'C' TREE REMOVAL PLAN SAP-EAST (PHASE 2)
CONCLUSIONARY FINDINGS
(Applicant's Section V)

Project arborist Morgan E. Holen of Walter H. Knapp & Associates, LLC.

It should be noted that Sheets 13 and 14 of Sections IIB and VC of Exhibit B2 and B5, respectively, have not been updated to reflect tree removal that has occurred for the recent construction of a public sanitary sewer in the future SW Serenity Way and SW Madrid Loop rights-of-way. Despite this difference, staff will use the applicant's submitted tree inventory, until corrected.

SECTION 4.610.00. APPLICATION REVIEW PROCEDURE

(.03) Reviewing Authority.

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

E1. This application includes Sheets 13 and 14 – Tree Preservation Plan, located in Section VC of Exhibit B1, for review by the Development Review Board. The Applicant is requesting that this plan be approved by the Development Review Board, so that a Tree Removal Permit may subsequently be issued.

SECTION 4.610.10. STANDARDS FOR TREE REMOVAL, RELOCATION OR REPLACEMENT

(.01) Except where an application is exempt, or where otherwise noted, the following standards shall govern the review of an application for a Type A, B, C or D Tree Removal Permit:

A. Standard for the Significant Resource Overlay Zone. The standard for tree removal in the Significant Resource Overlay Zone shall be that removal or transplanting of any tree is not inconsistent with the purposes of this Chapter.

E2. PDP-2E contains a small area identified within the Significant Natural Resource Zone, however, no trees within that area are proposed for removal.

B. Preservation and Conservation. No development application shall be denied solely because trees grow on the site. Nevertheless, tree

preservation and conservation as a design principle shall be equal in concern and importance to other design principles.

E3. The design of this Preliminary Development Plan has taken into account the preservation of trees on site. The applicant is proposing the removal of 171 trees because of poor condition or proximity to development. A detailed tree report regarding the 171 trees can be found in Section VB of Exhibit B1.

C. Developmental Alternatives. Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements.

E4. The preservation and conservation of trees on site was carefully considered during the planning for on-site improvements. Sheets 13 and 14 – Tree Preservation Plan, shown in Section VC of Exhibit B2, depicts the 171 trees that are proposed to be removed or are likely to be removed during construction, due to the placement of buildings, structures or other site improvements.

D. Land Clearing. Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements.

E5. The clearing of land will be limited to areas necessary for the construction of on-site improvements.

E. Residential Development. Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.

E6. The approved Architectural Pattern Book was developed for the general design of residential structures within SAP – East. These homes are designed to blend into the landscape as much as feasible. The design of homes within PDP-2E will comply with the Pattern Book approved as a part of SAP – East. This will be assured through review of each structure for compliance with the Architectural Pattern Book at the time of Building Permit application.

F. Compliance With Statutes and Ordinances. The proposed activity shall comply with all applicable statutes and ordinances.

E7. The development in PDP-2E will comply with all applicable statutes and ordinances.

G. Relocation or Replacement. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not to be removed, in accordance with WC 4.620.10.

E8. No tree relocation is proposed. Tree replacement will be made in accordance with the necessary provisions from Sections 4.620.00 and 4.620.10 WC. A preliminary landscape plan can be found on Sheets L1.0 through L4.0 in Section VIB of the application notebook, included as Exhibit B1.

H. Limitation. Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this Chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.

- 1. Necessary For Construction. Where the applicant has shown to the satisfaction of the reviewing authority that removal or transplanting is necessary for the construction of a building, structure or other site improvement, and that there is no feasible and reasonable location alternative or design option on-site for a proposed building, structure or other site improvement; or a tree is located too close to existing or proposed buildings or structures, or creates unsafe vision clearance.***
- 2. Disease, Damage, or Nuisance, or Hazard. Where the tree is diseased, damaged, or in danger of falling, or presents a hazard as defined in WC 6.208, or is a nuisance as defined in WC 6.200 et seq., or creates unsafe vision clearance as defined in this Code.***
 - a) As a condition of approval of Stage II development, filbert trees must be removed if they are no longer commercially grown or maintained.***
- 3. Interference. Where the tree interferes with the healthy growth of other trees, existing utility service or drainage, or utility work in a previously dedicated right-of-way, and it is not feasible to preserve the tree on site.***
- 4. Other. Where the applicant shows that tree removal or transplanting is reasonable under the circumstances.***

E9. The applicant has provided a Tree Report which calls out trees to be removed or retained. The determination to remove trees was based upon an assessment by Morgan Holen of Walter H. Knapp & Associates, LLC. Trees were identified for removal due to construction, the health of the tree, or whether or not they interfered with the health of other trees or utility work. A listing of all the trees to be removed is included in the Tree Report in Section VB of the application notebook (Exhibit B1).

I. Additional Standards for Type C Permits.

1. Tree survey.

E10. A Tree Survey and a Tree Preservation and Protection Plan were completed for the entire SAP – East area. Morgan Holen has provided an update to this report to identify and categorize trees specifically for PDP-2E. This report and plans are included with this application in Sections VB and VC of the application notebook, Exhibit B1.

2. *Platted Subdivisions.*

E11. Condition of approval PDE 2 will require that a final Tree Survey and Protection Plan be submitted prior to final plat approval.

3. *Utilities.*

E12. The utility plan for the site has been designed to minimize the impact upon the environment to the extent feasible, given existing conditions. Sheets 9 and 10 – Composite Utility Plans, demonstrates compliance with this provision. These plans can be found in Section IIB of the application notebook, attached to this staff report as Exhibit B2. However, should it become necessary to remove trees due to utility construction, trees to be removed must be mitigated in accordance with this provision.

J. Exemption. Type D permit applications shall be exempt from review under standards D, E, H and I of this subsection.

E13. This application requests approval of a Type ‘C’ Tree Removal Plan. Therefore, this standard is not applicable.

SECTION 4.610.40. TYPE C PERMIT

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

E14. This application includes a request for approval of a Type ‘C’ Tree Removal Plan by the Development Review Board, so that a subsequent Tree Removal Permit may be

issued. Proposed tree removal is identified on Sheets 13 and 14, Tree Preservation Plan, included in Section VC of the application notebook (Exhibit B1).

(.02) The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:

A. A plan, including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:

1. Property Dimensions. The shape and dimensions of the property, and the location of any existing and proposed structure or improvement.

2. Tree Survey. The survey must include:

a) An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch (1") equals one hundred feet (100') and which provides a) the location of all trees having six inches (6") or greater d.b.h. likely to be impacted, b) the spread of canopy of those trees, c) the common and botanical name of those trees, and d) the approximate location and name of any other trees on the property.

b) A description of the health and condition of all trees likely to be impacted on the site property. In addition, for trees in a present or proposed public street or road right-of-way that are described as unhealthy, the description shall include recommended actions to restore such trees to full health. Trees proposed to remain, to be transplanted or to be removed shall be so designated. All trees to remain on the site are to be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.

c) Where a stand of twenty (20) or more contiguous trees exist on a site and the applicant does not propose to remove any of those trees, the required tree survey may be simplified to accurately show only the perimeter area of that stand of trees, including its drip line. Only those trees on the perimeter of the stand shall be tagged, as provided in "b", above.

d) All Oregon white oaks, native yews, and any species listed by either the state or federal government as rare or endangered shall be shown in the tree survey.

3. Tree Protection. A statement describing how trees intended to remain will be protected during development, and where protective barriers are necessary, that they will be erected before work starts. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers".

4. *Easements and Setbacks.* Location and dimension of existing and proposed easements, as well as all setback required by existing zoning requirements.
5. *Grade Changes.* Designation of grade proposed for the property that may impact trees.
6. *Cost of Replacement.* A cost estimate for the proposed tree replacement program with a detailed explanation including the number, size, and species.
7. *Tree Identification.* A statement that all trees being retained will be identified by numbered metal tags, as specified in subsection “A,” above in addition to clear identification on construction documents.

E15. Proposed tree removal is identified on the attached drawings (Sheets 13 and 14 – Tree Preservation Plan, located in Section VC of the application notebook, Exhibit B1). The Tree Preservation Plan provides information required by Section 4.610.40(.02). A Tree Report has also been prepared by Morgan Holden of Walt Knapp (see Section VB of the application notebook) that provides information required by Section 4.610.40(.02).

SECTION 4.620.00-TREE RELOCATION, MITIGATION, OR REPLACEMENT

(.01) Requirement Established.

A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.

E16. The applicant is proposing the removal of 171 trees. All trees to be removed will be replaced or relocated as required by this section. Furthermore, the applicant has provided summary findings that the proposal calls for 172 to be planted as mitigation. The applicant has submitted a Tree Preservation Plan (see Section VC of the application notebook) identifying trees to be removed. The applicant has also provided a Street Tree & Lighting Plan (Sheet 15) and landscape plans which can be found on Sheets L1.0 through L4.0 of Section VIB of Exhibit B1.

(.02) Basis For Determining Replacement.

The permit grantee shall replace removed trees on a basis of one (1) tree replaced for each tree removed. All replacement trees must measure two inches (2”) or more in diameter. Alternatively, the Planning Director or Development Review board may require the permit grantee to replace removed trees on a per caliper inch basis, based on a finding that the large size of the trees being removed justifies an increase in the replacement trees required. Except, however, that the Planning Director or Development Review Board may allow the use of replacement Oregon white oaks and other uniquely valuable trees with a smaller diameter.

E17. Trees to be removed will be replaced in accordance with these criteria. The applicant has provided a Tree Report including an analysis for planting replacement trees. The Tree Report and landscape plans (Section VB, and Sheets L1.0 through L4.0 of Section IIB of the application notebook, Exhibit B1) detail the proposed tree replacement plan, which includes mostly street trees. As stated above, the plan calls for mitigation trees totaling 172 trees; this exceeds the number of trees subject to mitigation by one (1) tree.

(.03) Replacement Tree Requirements.

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

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

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

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

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

E18. The applicant has provided a Tree Report including an analysis for planting replacement trees. The Tree Report, Street Tree & Lighting Plan, and landscape plans (Section VB, Sheet 15 of Sections IIB, and Sheets L1.0 through L4.0 of Section VC of the application notebook, Exhibit B1) detail the proposed tree protection and replacement plan.

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

E19. Trees to be planted will meet the requirements of the American Association of Nurseryman (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade. A final tree protection and mitigation plan will be required.

(.05) Replacement Tree Location.

- A. City Review Required.** *The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation, and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed*
- B. Relocation or Replacement Off-Site.** *When it is not feasible or desirable to relocate or replace trees on-site, relocation or replacement may be made at another location – approved by the city.*

E20. The 171 trees proposed for removal are located throughout the site. Tree replacement will occur as street trees and in open space tracts. This provision is therefore satisfied.

(.06) City Tree Fund.

Where it is not feasible to relocate or replace trees on site or at another approved location in the City, the Tree Removal Permit grantee shall pay into the City Tree Fund, which fund is hereby created, an amount of money approximately the value as defined by this subchapter, of the replacement trees that would otherwise be required by this subchapter. The City shall use the City Tree Fund for the purpose of producing, maintaining and preserving wooded areas and heritage trees, and for planting trees within the City.

E21. The applicant has provided summary findings and a tree mitigation plan demonstrating that the plan proposes to exceed the required mitigation by one (1) tree.

(.07) Exception.

Tree replacement may not be required for applicants in circumstances where the Director determines that there is good cause to not so require. Good cause shall be based on a consideration of preservation of natural resources, including preservation of mature trees and diversity of ages of trees. Other criteria shall include consideration of terrain, difficulty of replacement and impact on adjacent property.

E22. The applicant has not requested an exception to the tree replacement requirements.

SECTION 4.620.10-TREE PROTECTION DURING CONSTRUCTION

(.01) Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:

- A. All trees required to be protected must be clearly labeled as such.**

- B. Placing Construction Materials Near Tree. No person may conduct any construction activity likely to be injurious to a tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or depositing soil, or placing irrigated landscaping, within the drip line, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist.***
- C. Attachments to Trees During Construction. Notwithstanding the requirement of WC 4.620.10(1)(A), no person shall attach any device or wire to any protected tree unless needed for tree protection.***
- D. Protective Barrier. Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the developer shall erect and maintain suitable barriers as identified by an arborist to protect remaining trees. Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic Tape or similar forms of markers do not constitute “barriers”. The most appropriate and protective barrier shall be utilized. Barriers are required for all trees designated to remain, except in the following cases.***
 - 1. Rights-of-ways and Easements.***
 - 2. Any property area separate from the construction or land clearing area onto which no equipment may venture.***

E23. Sheets 13 and 14 of Section VC shows the Tree Preservation Plan. The applicant has provided summary findings on page 7 of Section VA. Trees that are retained must be protected during site preparation and construction in accordance with City Public Works design specifications and Section 4.171(.04). Condition of approval PDE 4 will guarantee that a detailed tree preservation plan will be submitted with the public works permit plan set.

SECTION 4.620.20-MAINTENANCE AND PROTECTION STANDARDS

- (.01) The following standards apply to all activities affecting trees, including, but not limited to, tree protection as required by a condition of approval on a site development application brought under this chapter or as required by an approved Tree Maintenance and Protection Plan.***
 - A. Pruning activities shall be guided by the most recent version of the ANSI 300 Standards for Tree, Shrub and Other Woody Plant Maintenance.***
 - B. Topping is prohibited***

1. Exception from this section may be granted under a Tree Removal Permit if necessary for utility work or public safety.

E24. All pruning activities will comply with ANSI 300 standards. Additional details about the pruning activities proposed for trees will be required during construction and will be further addressed in the construction drawings. Any topping may only occur following approval of a Tree Removal Permit.

REQUEST F
DB11-0052: FINAL DEVELOPMENT PLAN SAP-EAST (PHASE 2)
CONCLUSIONARY FINDINGS
(Applicant's Section VI)

Final Development Plan approval is being requested for the parks, open spaces, and public right-of-way landscaping and mailboxes in PDP-2E.

It should be noted that Applicant has previously entered into a development agreement as of December 9, 2010 entitled Addendum No. 3 to the Development Agreement Among City of Wilsonville, the Urban Renewal Agency of the City of Wilsonville, and Matrix Development Corporation. Addendum No. 3 addresses the financing and reimbursement by Applicant of certain infrastructure to be provided by the West Linn – Wilsonville School District and by the City of Wilsonville that benefits the Applicant and would otherwise be an exaction provided by the Applicant. The agreement also requires the City to design and install improvements for Regional Park No. 8 and Open Space No. 6. Performance of requirements for the requested FDP will take these agreements into account, below.

SECTION 4.125. V – VILLAGE ZONE

(.18) Village Zone Development Permit Process.

P. FDP Approval Criteria

- 1. An application for approval of a FDP shall be subject to the provisions of Section 4.421.*

F1. The applicant has provided response findings to the applicable criteria in the FDP Compliance Report, Section VIA of the submitted notebook (Exhibit B1). Staff concurs with these findings except where otherwise noted. More specific criteria from Section 4.421 can be found below.

SECTION 4.421: SITE AND DESIGN REVIEW - CRITERIA AND APPLICATION OF DESIGN STANDARDS

- (.01) The following standards shall be utilized by Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention or innovation. The specification of one or more particular architectural styles is not included in these standards.*

- A. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soils removal, and any*

grade changes shall be in keeping with the general appearance of neighboring developed areas.

F2. The design of the parks and open space will protect some of the existing significant trees consistent with the Tree Protection component of the SAP-East Community Elements Book and Plan - Tree Preservation Plan. A companion application has been submitted for approval of a Type 'C' Tree Removal Plan (see Section V of the application notebook and Request E). The applicant proposes to remove 171 trees. The request to remove 171 existing trees is based upon the recommendation of Morgan Holen, a certified arborist (see Section VB of the application notebook) and necessitated in part by proposed site improvements and tree vitality.

F3. The proposed Type 'C' Tree Plan in Request E requires the review and approval of the Development Review Board (DRB), and is being processed concurrently with this FDP request.

F4. The design of the parks and open space will protect some of the existing significant trees consistent with the Tree Protection component of the Community Elements Book and Plan Sheets 13 and 14 – Tree Preservation/Protection Plan shown in the companion Preliminary Development Plan application (Request A). However, another companion application has been submitted for approval of a Type 'C' Tree Removal Plan (see Section VC of the application notebook), to remove 171 trees throughout the site (see Plan Sheets 13 and 14 – Tree Removal Plan, in Section VIB of the application notebook). These trees need to be removed because an arborist has identified them to be in poor health, a potential hazard to future users of the parks, or to make way for construction of the project. The request to remove these trees is based upon the recommendation of Morgan Holen, a certified arborist (see Section VB of the application notebook). See the findings in Request E of this report, regarding the proposed Type 'C' Tree Removal Plan review.

B. *Relation of Proposed Buildings to Environment. Proposed structures shall be located and designed to assure harmony with the natural environment, including protection of steep slopes, vegetation and other naturally sensitive areas for wildlife habitat and shall provide proper buffering from less intensive uses in accordance with Sections 4.171 and 4.139 and 4.139.5. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, street access or relationships to natural features such as vegetation or topography.*

F5. This FDP does not include a review of the residential use buildings proposed for PDP-2E. The FDP process is limited to the review of parks and open spaces. The purpose of this FDP is to provide more detailed architectural and landscaping information. The subject area does not contain areas of steep slopes; however, a small portion of PDP-2E is mapped as Significant Resource Overlay Zone (SROZ).

C. *Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general*

interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

F6. Site circulation was approved as part of SAP-East. Except for refinements proposed as a part of the PDP-2E application (see Request B), the proposal is consistent with that plan and provides a safe and efficient circulation system for a variety of transportation options, including automobiles, bicyclists and pedestrians. The parks do not contain any streets or parking lots for automobiles. However, they are proposed to accommodate bicyclists and pedestrians.

F7. Sidewalks and pathways will be developed using the design standards provided in the Villebois Village Master Plan. Plan Sheets 9 - 11, in Section IIB of the application notebook illustrate the pathways and sidewalks within the parks and open space. A portion of Tract N contains a major pathway with a 10' width. The linear green (Tract L) also contains a minor pathway, which is proposed to have a 5' width. Sidewalks in the subject area will have a 5' width. The sidewalks and bicycle lanes will comply with the City's standards for construction, pavement, and pathway clearance. The proposed minor pathway must be increased to six (6) feet in width, in order to comply with Section 4.237(.03)(B). See condition PDF 9.

F8. Parking: Section 4.125(.07)(B) requires compliance with Table V-2, Off-Street Parking Requirements. One space per unit is required. The applicant is proposing one (1) garage parking space per single-family dwelling unit, meeting code.

D. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties of the public storm drainage.

F9. The applicant has provided a Storm Drainage Report, which can be found in Section IIC, which has been reviewed by the Engineering Division staff.

E. Utility Service. Any utility installations above ground shall be located so as to have a harmonious relation to neighboring properties and site. The proposed method of sanitary and storm sewage disposal from all buildings shall be indicated.

F10. With the exception of the street lights, which are part of the approved Community Elements Book for SAP-East, the proposed development will not include any above-ground utilities.

F11. Proposed methods for sanitary and storm sewage disposal are illustrated on Sheets 9 and 10 – Composite Utility Plans of Section IIB the submitted plans (Exhibit B2). In addition, the applicant has provided reports related to sanitary sewer, stormwater management and rainwater management (See Section IIC of Exhibit B1).

F. Advertising Features. In addition to the requirements of the City's sign regulations, the following criteria should be included: the size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

F12. The applicant has provided summary findings that the park facilities for PDP-2E will not contain any advertising structures or features. While this is true, the PDP itself does provide for site identifiers. Sheets L1.0 through L4.0 – Landscape Plans and Section IIF of Exhibit B2 demonstrate the location of proposed site signage. The proposed signage is identified in the Master Signage and Wayfinding Plan as Primary and Minor Site Identifiers. Staff finds the location to be consistent with the approved SAP-East Master Signage and Wayfinding Plan. Condition of approval PDA 3 will require that, prior to installation of these signs, the applicant submit an application for a Class I Sign Permit. Additional future signage within PDP-2E will be subject to the approved SAP-East Master Signage and Wayfinding Plan as well.

F13. Section IIF of Exhibit B1 demonstrates proposed signage. Condition of approval PDA 3 will guarantee that all site signage is consistent with the approved SAP-East Master Signage and Wayfinding Plan. Compliance will be guaranteed through the issuance of a sign permit.

G. Special Features. Exposed storage areas, exposed machinery installations, surface areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be required to prevent their being incongruous with the existing or contemplated environment and its surrounding properties. Standards for screening and buffering are contained in Section 4.176.

F14. There are no special features contained in this phase of development, therefore this criterion does not apply.

(.18) Village Zone Development Permit Process.

P. FDP Approval Criteria

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

F15. Staff concurs that the FDP generally conforms to the Community Elements Book for SAP – East. An outline of the individual elements is as follows:

Lighting Master Plan:

F16. Proposed street lights are shown on Plan Sheet 15 – Street Tree & Lighting Plan, located in Section IIB of Exhibit B2. The proposed lighting plan conforms to the approved Lighting Master Plan for SAP-East, as modified by the City Engineering Division. Streetlights shall be installed in accordance with City standards and include the fixtures and luminaries in the proposed Community Elements Plan for SAP-East.

Curb Extensions:

F17. Curb extensions will need to meet the requirements of the PF conditions of approval in the staff report for the PDP (see Request A).

Street Tree Master Plan:

F18. Sheet 15 depicts the proposed street trees for PDP-2E. Staff finds the proposed street tree plan to be consistent with the approved SAP-East Street Tree Master Plan Diagram shown in the Community Elements Book.

Site Furnishings:

F19. Tract G is identified in the Master Plan as a part of Regional Park 8. By agreement, the design and installation of improvements in RP-8 will be performed by the City. Condition of approval PDF 4 will guarantee compliance with this requirement.

Play Structures:

F20. Tract G of PDP-2E is identified in the Villebois Village Master Plan (VVMP) as the public portion of Regional Park 8. The VVMP and the VVMP Technical Appendix identify proposed Tract M as the location for a child play structure. The VVMP Technical Appendix provides a graphic description of play structures, but no requirements in terms of the particular product. Condition of approval PDF 7 will require that the Applicant/Owner work with City staff regarding the selection of preferred play structure design.

Tree Protection:

F21. The Community Elements Book for SAP-East describes the goal, policies, and implementation measures that are to be used to promote the protection of existing trees in the design of the Preliminary Development Plan. As demonstrated in Request E, Staff finds that the proposed Tree Preservation Plan (Sheets 13 and 14 of Section IIB of Exhibit B2) is consistent with the goals, policies and implementation measures approved with the SAP-East Community Elements Book. There are 194 existing trees within this phase. Streets have been laid out to avoid impact on existing trees, to the extent possible. The design of the parks must protect the existing significant trees consistent with the Tree Protection component of the Community Elements Book.

Plant List:

F22. The Community Elements Book for SAP-East outline the approved plant list for SAP-East. Plan sheets L1.0 through L4.0 (See section VIB of Exhibit B1, the submittal notebook) show the plants that will be planted in the parks, open space and linear greens. Staff finds that the proposed plantings in the parks and open space areas in PDP-2E are consistent with this list.

Master Fence Plan:

F23. A Master Fence Plan for SAP-East was previously reviewed and approved by the Development Review Board. Fencing will be reviewed as each building permit is processed.

Mailboxes:

F24. The Community Elements Book for SAP-East provide a map and elevation of the proposed mailbox receptacle locations and style, respectively. Staff finds that the proposed mailbox locations, depicted on Sheets L1.0 through L4.0 of Section VIC of Exhibit B1 are consistent with the Community Elements Book for SAP-East. Staff also finds that the proposed mailbox design as depicted in Section VIC of Exhibit B1 is consistent with the Community Elements Book for SAP-East.

SECTION 4.156 SIGN REGULATIONS

F25. The applicant has included a request for FDP approval of the Preliminary Development Plan, which proposes gateway signage or entry monumentation at the east end of SW Barber Street, and the south end of SW Montebello Drive (See Plan Sheets L1.0 through L4.0 in Section VIB of the submittal notebook, Exhibit B1), more specifically primary and minor site identifiers. The location of the proposed signs is consistent with the approved SAP-East Master Signage and Wayfinding Plan. Condition of approval PDA 4 will require that prior to installation of any sign, the applicant shall submit an application for a Class I Sign Permit. The applicant has provided information relative to street name signs. Condition of approval PDA 3 will guarantee that all site signage is consistent with the approved SAP-East Master Signage and Wayfinding Plan.

SECTION 4.176. LANDSCAPING, SCREENING, AND BUFFERING.

(.02) Landscaping and Screening Standards.

F26. Pursuant to Section 4.125(.18)(B)(2), the FDP approval process is equivalent to the City's Site Design Review. The purpose of the FDP is to provide more detailed information on the design of the preliminary development plan. The FDP is to be submitted concurrent to the PDP. The proposed FDP includes a detailed review of the parks and open space, and landscaping. A detailed landscape plan is provided with this FDP application, in accordance with the requirements of Sections 4.125(.07) and (.11), 4.176(.09), and 4.440(.01)(B) (see Plan Sheets L1.0 through L4.0 – Landscape Plans, of Section VIB, Exhibit B1). Staff finds that the proposed landscaping is consistent with the submitted PDP and with the approved SAP. Furthermore, Staff concurs with the applicant's statement that the landscape plans are generally

consistent with the General Landscape Standards of Section 4.176(.02)(C). However, as a part of the FDP, landscape elements are reviewed at a greater level of detail.

F27. The proposed Final Development Plan includes all the parks except Regional Park No. 8 and Open Space No. 4, identified within this area of SAP-East. By agreement, improvements to RP-8 and OS-4 will be deferred, to be designed and installed by the City on a schedule that has yet to be determined.

F28. Street trees are a major component of the proposed landscaping (see Plan Sheet 15 – Street Tree & Lighting Plan). The location and species of street trees are consistent with the Street Tree Master Plan contained in the Community Elements Book.

F29. The Community Elements Book for SAP-East contains a plant list of species of non-native and native trees, shrubs, and herbs/grasses to be planted throughout Villebois. Staff finds that the proposed plantings generally comply with the approved Plant List.

F30. Plan Sheets L1.0 through L4.0 of Section VIC identify the proposed placement of landscaping and the planting schemes.

F31. The applicant has provided summary findings that the planted vegetation will be installed to current industry standards and will be properly staked to assure survival. The applicant has also provided findings that maintenance of the landscaped areas will become the on-going responsibility of the homeowners association. While this is true for the majority of the parks and open space, Tract G must be transferred to the City for operation and maintenance after a period of 5 years, consistent with development agreements. In the interim, the homeowners association will be responsible for the installation, operation and maintenance of the Tract G. Condition of approval PDF 3 will require that the applicant submit a final irrigation plan demonstrating the ongoing maintenance of the parks.

(.03) Landscape Area.

F32. Approximately 45% of the proposed project area is dedicated to parks and open space, a portion of which is defined as landscape area. This landscape area is found in the proposed linear greens, open space and pocket parks, which total 4.58 acres (16.7%). The proposed wetland protection (Tract K) and future Regional Park 8 and Open Space 6 (Tract G) will add 5.05 acres to this total, increasing the percentage to 34.7%. Staff finds that this amount exceeds the required minimum of 15%. This provision is therefore satisfied.

(.04) Buffering and Screening.

F33. The applicant is not proposing any outdoor storage, therefore additional buffering and screening is not warranted.

(.06) Plant Materials.

F34. This FDP includes landscaping treatment in parks and linear greens, only. Landscaping treatment on private property is the property owner's or the developer's responsibility to install, and is not subject to the DRB review. Homeowners associations must be made responsible for professional maintenance of the landscaping. This will requirement will be guaranteed through condition of approval PDD 8. The proposed landscape plans meets this criterion.

F35. The proposed Landscape Plans (Sheets L1.0 through L4.0) meet the spread requirement of 10" to 12". The specified tree and ground cover types are of a size and spacing that meet the criteria of 4.176(.06)(A)(1) – (2) and (B).

F36. The proposed landscape specifications for secondary and accent trees meet code criterion for caliper size and/or height. This code criterion is met.

F37. The applicant's street tree species proposal is consistent with the Street Tree Master Plan Diagram shown in the approved SAP-East Community Elements Book.

(.07) Installation and Maintenance.

A. Installation.

B. Maintenance.

C. Irrigation.

D. Protection.

F38. Plant materials, once approved by the DRB, shall be installed to current industry standards and shall be properly staked to assure survival. Support devices (guy wires, etc.) shall not be allowed to interfere with normal pedestrian or vehicular movement. Maintenance of landscaped areas is the on-going responsibility of the property owner. Any landscaping installed to meet the requirements of this code, or any condition of approval established by city decision-making body acting on an application, shall be continuously maintained in a healthy, vital and acceptable manner. Plants that die are to be replaced in kind, within one growing season, unless the city approves appropriate substitute species. Failure to maintain landscaping as required in this subsection shall constitute a violation of the city code for which appropriate legal remedies, including the revocation of any applicable land development permits, may result. In order to assure that plants will survive the critical establishment period an approved irrigation plan is required. The applicant has not submitted an irrigation plan; therefore, condition of approval PDF 3 will require that the applicant provide an irrigation plan consistent with the requirements of Section 4.176(.07)(C).

(.09) Landscape Plans.

F39. The applicant has provided a landscape plan consistent with the requirements of Section 4.176(.09). The landscape plans can be found in Exhibit B1 on Sheets L1.0 through L4.0. This provision is therefore satisfied.

(.10) Completion of Landscaping.

F40. The applicant's submittal documents do not specify whether a deferment of the

installation of the proposed planting plan will be needed. The applicant/owner will be required to install all approved landscaping by the time 50% of the dwellings on proposed lots have received final occupancy.

(.11) Street Trees Not Typically Part of Site Landscaping.

F41. The applicant's street tree species proposal is consistent with the Street Tree Master Plan Diagram shown in the approved SAP-East Community Elements Book.

(.12) Mitigation and Restoration Plantings.

F42. With the exception of an irrigation plan, the applicant has provided a landscape plan consistent with the requirements of Section 4.176(.12). The landscape plans can be found in Exhibit B1 on Sheets L1.0 through L4.0. Proposed plant materials are consistent with the plant types approved as part of the SAP-East Community Elements Book and include information relative to the size and spacing. The applicant has not stated whether a permanent underground irrigation system will be provided for all lawn, shrub and tree plantings at the time building permits are issued for projects. Irrigation must not be excessive to harm existing trees. This requirement will be guarantee through condition of approval PDF 3. The City may approve temporary irrigation to beautify selected landscaped areas for marketing reasons, but irrigation must be above ground installation, and it must be removed to comply with the final landscape and in-ground irrigation plans as determined by the City. The irrigation plan will need to provide the information required in Subsections 4.179(.09)(A) – (D).

SECTION 4.179. MIXED SOLID WASTE AND RECYCLABLES STORAGE IN NEW MULTI-UNIT RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS.

F43. The proposal does not include a request for multi-unit residential and/or non-residential buildings. This provision is therefore not applicable.

SECTION 4.450. INSTALLATION OF LANDSCAPING.

F44. All landscaping approved by the Development Review Board must be installed the time 50% of the dwellings on proposed lots have received final occupancy.

SECTION 4.800: WIRELESS COMMUNICATIONS FACILITIES:

F45. A conditional use permit is required for any wireless communications pursuant to Section 4.800 of the Wilsonville Code. No such facilities are currently proposed.

REQUEST G
AR11-0064: SAP-EAST PHASE MODIFICATION
CONCLUSIONARY FINDINGS
(Applicant's Section IE and IIB)

The applicant is proposing to update the phasing plan for SAP-East (Section IE), and to install sub-phases within PDP-2E (Sheet 16 of Section IIB). The applicant has addressed these two proposals in Sections IE and IIA of the submitted notebook, Exhibit B1.

The Phasing Plan Update illustrated in Section IE is intended to account for changes to the phasing plan that resulted from development approvals for Lowrie Primary School that did not include a concurrent application for modification of SAP-East's phasing. This component of the current application is a housekeeping exercise which the applicant has undertaken in order to bring the record up to date.

However, the submitted drawing (Section IE) omits large regions to the east which are part of SAP-East (Exhibit D15). The determination is based upon an enlargement of Sheet 23 – Specific Area Plan East Phasing Plan (Exhibit D16). The applicant must revise the submitted Updated Phasing Plan (Section IE of Exhibit B1) to conform to the approved SAP phasing. See condition PDA 6.

Approval of DB10-0023 et seq enabled the West Linn-Wilsonville School District to relocate the proposed primary school from SAP-North to SAP-East. Negotiations were held in 2010 between the City and Wachovia Bank. Such negotiations were necessary in order to acquire easements and rights-of-way to enable the construction of a sanitary sewer system to serve the then-planned Lowrie Primary School.

Unique circumstances apply to PDP-2E which resulted from those negotiations. The negotiations resulted in an agreement between the parties that the City of Wilsonville would construct the park improvements required within RP-8, and that such deferred construction would not prohibit construction of more than 50% of the dwelling units in the subsequently approved phases, as is currently required for development within Villebois.

Section 4.125(.18) Village Zone Development Permit Process.

E. SAP Approval Process and Review Criteria

1. An application for SAP approval shall be reviewed using the following procedures:

b. The Development Review Board may approve an application for SAP approval only upon finding the following approval criteria are met:

ii. If the SAP is to be phased, as enabled by Sections 4.125(.18)(D)(2)(g) and (h), that the phasing sequence is reasonable.

G1. The Engineering Division staff has reviewed the proposed sub-phases, and has determined that they can be constructed in the proposed order.

4. Amendments to the SAP for phasing will be processed as a Class II administrative review proposal.

G2. The applicant was required to submit a Class II application for the proposed amendments to the phasing of the proposed development. The application has been forwarded to the DRB for review, as enabled by Section 4.030(.01)(B).

K. PDP Approval Criteria. The Development Review Board may approve an application for a PDP only upon finding that the following approval criteria are met:

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

G3. The applicant has noted that the condition of the local and national economy has led to uncertainty regarding the schedule of proposed construction of PDP-2E. Staff concurs with the applicant's assessment, and agrees that it is reasonable to not assign an ambitious schedule for construction to any of the phases of PDP-2E.

3. Parks within each PDP or PDP phase shall be constructed prior to occupancy of 50% of the dwelling units in the PDP or PDP phase, unless weather or other special circumstances prohibit completion, in which case bonding for the improvements shall be permitted.

G4. See Finding A60.

Sign off accepting Conditions of Approval

Project Name: Villebois PDP-2 East "Retherford Meadows"

- Case Files:
1. DB11-0047: Preliminary Development Plan -2E (Retherford Meadows)
 2. DB11-0048: Five (5) Refinements – Specific Area Plan (SAP) East
 3. DB11-0049: Zone Map Amendment -2E (Retherford Meadows)
 4. DB11-0050: Tentative Subdivision Plat -2E (Retherford Meadows)
 5. DB11-0051: Type 'C' Tree Removal Plan -2E (Retherford Meadows)
 6. DB11-0052: Final Development Plan -2E (Retherford Meadows)
 7. AR11-0064: Class II Specific Area Plan (SAP) East Modification

The Conditions of Approval rendered in the above case files have been received and accepted by:

Signature

Title

Date

Signature

Title

Date

This decision is not effective unless this form is signed and returned to the planning office as required by WC Section 4.140(.09)(L).

Adherence to Approved Plan and Modification Thereof: The applicant shall agree in writing to be bound, for her/himself and her/his successors in interest, by the conditions prescribed for approval of a development.

Please sign and return to:
Shelley White
Planning Administrative Assistant
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville OR 97070

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

**Development Review Board – Panel A
Villebois PDP-2 East – EXCERPT – November 14, 2011 6:30 PM**

I. Call to Order

II. Chair’s Remarks

III. Roll Call

Present for roll call were: John Schenk, Bob Alexander, Douglas King, Mary Fierros Bower, and Councilor Liaison Richard Goddard. Richard Schultze was absent.

Staff present: Chris Neamtzu, Mike Kohloff, Blaise Edmonds, Barbara Jacobson, Kerry Rappold, Steve Adams, Michael Wheeler and Daniel Pauly.

VI. Citizens’ Input

V. City Council Liaison Report

VI. Consent Agenda

A. Approval of minutes of September 12, 2011 meeting

VII. Public Hearing

A. Resolution No. 219. Mentor Graphics Data Center: SFA Design Group representing Mentor Graphics Corporation – Applicant and Owner. The applicant is requesting approval of a Class 3 Stage I Master Plan Revision for the Mentor Graphics Campus and a Stage II Final Plan, Site Design Review, and Type C Tree Plan for a new data center. The site is located on Tax Lot 501 of Section 12, T3S-R1W, Clackamas County, Oregon. Staff: Daniel Pauly.

Case Files: DB11-0055 – Stage I Master Plan Revision
DB11-0056 – Stage II Master Plan
DB11-0057 – Site Design Review
DB11-0058 – Type C Tree Plan

B. Resolution No. 220. Villebois PDP-2 East “Retherford Meadows”: Pacific Community Design, Inc. for REDUS OR Land, LLC – Applicant and Owner. The applicant is requesting approval of a Preliminary Development Plan (2E), Five (5) Refinements (SAP-East), Zone Map Amendment (2E), Tentative Subdivision Plat (2E), Type ‘C’ Tree Removal Plan (2E), Final Development Plan (2E) And Class II Specific Area Plan (SAP) East Modification for an 88 lot residential development known as “Retherford Meadows.” The property is located on Tax Lots 300, 380 and 3000, Section 15, T3S-R1W, Clackamas County, Oregon. Staff: Michael Wheeler. *The DRB action on the Zone Map Amendment is a recommendation to the City Council.*

Case Files: DB11-0047 – Preliminary Development Plan – 2E (Retherford Meadows)
DB11-0048 – Five (5) Refinements – Specific Area Plan (SAP) East
DB11-0049 – Zone Map Amendment – 2E (Retherford Meadows)

DB11-0050 – Tentative Subdivision Plat – 2E (Retherford Meadows)
DB11-0051 – Type ‘C’ Tree Removal Plan – 2E (Retherford Meadows)
DB11-0052 – Final Development Plan – 2E (Retherford Meadows)
AR11-0064 – Class II Specific Area Plan (SAP) East Modification

Chair Schenk called the public hearing to order at 7:16 p.m. and read the conduct of hearing format into the record. All Board members declared for the record that they had visited the site. No board member, however, declared a conflict of interest, bias, or conclusion from a site visit. No board member participation was challenged by any member of the audience.

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

Mr. Wheeler presented the Staff report via PowerPoint, providing a review of the resolution’s background, an overview of the project, each case file and the key issues regarding the application. He noted the Applicant would address issues identified after the staff report was published. He briefly reviewed the following exhibits, which were distributed to the Board and entered into the record, with additional comments as noted.

- Exhibit A6: Email from Stacy Connery, dated November 7, 2011 providing the website link to plan sheets entered into the record to replace Sheets 1 through 16 in the meeting packet. These new plans were those reviewed during the Staff report and considered by the Board. Several issues identified in the Staff report were addressed by these revised drawings.
- Exhibit A7: Email from Stacy Connery, dated November 14, 2011, with an attached memorandum noting proposed modifications to conditions of approval for Case Files DB11-0047 through DB11-0051.
- Exhibit C5: Email from Deputy City Engineer Steve Adams, dated November 10, 2011 regarding a street right-of-way condition from a previously approved case file to address impacts to the wetland.
- Exhibit C6: Memorandum from Deputy City Engineer Steve Adams, dated November 14, 2011 with an attached revised Phasing Plan (Sheet 16) indicating the recommended new phasing for the proposal shown in red.
- He corrected the Staff report, stating that Condition PFA 9 should be deleted. He would renumber the subsequent PFA conditions accordingly.

Chair Schenk inquired about the stub connecting Barber St to Barber St, which was promised when the adjacent houses were built. He asked where the City was on the stub extension.

Steve Adams, Deputy City Engineer, replied the extension project was being managed by Deputy City Engineer Eric Mende, adding there was not sufficient funding for the stub to be built at this time. The City anticipated having funding available within the next three years.

Chair Schenk understood all the traffic studies for this project assumed having that access, connecting Barber St to Barber St.

Mr. Adams responded the traffic studies looked at the various connections to Villebois and gave a percentage of traffic leaving Villebois based on the streets that were going to be available. When Barber St is connected, the traffic study said 23 percent of the traffic would use the I-5/Wilsonville Rd interchange; without the Barber St connection, 32 percent would use the I-5/Wilsonville Rd interchange, so the project would provide more impact to the interchange. The interchange was currently being

widened and would have sufficient capacity once fully built out in 2012. He confirmed that the current improvements to the I-5 Interchange would sufficiently handle the additional traffic of the houses being reviewed tonight.

Douglas King noted Exhibit C6 showed Lots 43 through 47 as part of Phase 2, however, the lots would front Barber St and be serviced from utility mains located in Barber St. The attachment showed that those lots were moved into Phase 1. It also discussed the changes in tax lots that did not align to the service lines.

Mr. Wheeler preferred that the Applicant make their presentation first because Mr. Adams was raising this sequence issue to the Applicant in the exhibit. Mr. Adams could address the memo further, if needed, following the Applicant's presentation. He displayed Sheet 16 on, which showed the phasing drawing.

Mr. King referenced Exhibit C5 regarding the street right-of-way condition from the Lowrie Primary School approval which spelled out the impacts to the wetlands east of the site. He inquired if that was still an issue because it seemed that had not been completed yet. There were many "will need to be" phrases, so he was getting the sense that some things were incomplete in the application.

Mr. Wheeler explained it was not a matter of the application being complete; the application was proposed and there were issues that needed to be discussed.

Mr. Adams responded the sequencing required adding that language because the school district was currently building Serenity Way, which was 90 percent complete now. A condition for the school district was to dedicate that right-of-way prior to getting occupancy for the school, which was to be opened in August 2012, so the City anticipated that issue to be resolved in the next eight months or so. The remaining right-of-way "knuckle" could be abandoned, but doing so would cost a few thousand dollars in surveys and staff time. That right-of-way was not needed and would not be built, but would stay in the wetlands. If he received direction otherwise, he would take measures to draw up the documents.

Mr. Wheeler stated that he had highlighted the suggested phase changes on the Phasing Plan, which was displayed via PowerPoint. He indicated the Phase locations, adding the highlighted Phasing Plan would be helpful when addressing some obvious issues following the Applicant's presentation. The Phasing Plan was a work in progress.

Chair Schenk called for the Applicant's presentation.

The Applicant distributed hard copies of new Sheets 1 through 16, which were provided via email in Exhibit A6. The Applicant's PowerPoint presentation was entered into the record as Exhibit A7.

Jim Lange, Pacific Community Design, 13445 Southwest 110th, Tigard, OR, provided the following comments:

- He displayed Figure 2, which compared the Land Use Plan for PDP 2E Layout and the Land Use Plan SAP East Layout side by side, to show the land use differences before and after the school site moved. He explained that when the school site moved, Wachovia Bank, the owner of this property, worked with the City, and part of the school site was actually on a property that the bank owned. It seemed that the school site permits would be expedited if the Applicant did not get into the wetland. The original SAP anticipated that the wetlands would be filled because it was an isolated area. In the years since, regulatory processes had changed and the decision was made to stay out of the wetlands.
 - The City and Wachovia were concerned that density was being lost from the project. The overall goal of the Villebois Plan was to build 2,300 units when complete. The Applicant found that with a slight shift in the product mix and a slight change in the classification of lots and going to the

smaller end of the allowable lot size for each range, the same number of units was achieved in a smaller footprint.

- He noted that the Applicant did not like the pocket park. His concern was that cars would not be slowed down by having a more sweeping curve, so they intentionally created a square intersection to slow people down. Because of where the market is today and using some smaller lot depths that developers actually need, as opposed to what was considered eight years ago, the pocket park increased from .3 acres to 1.2 acres. It had become a nice amenity, and something more than initially planned. Otherwise, the Applicant had tried to follow the groundwork laid in the SAP.
- He reviewed the Applicant's proposed modifications to the conditions, as stated in Exhibit A7, with these additional comments:
 - The Applicant requested that PDA 6 be amended by adding, "*and include Serenity Way and Tract K in Phase 2. Lots 42-47 shall not have sewer, water, or storm services from Barber St.*"
 - He explained Staff wanted Serenity Way finished with Phase 2 and get the open space platted, and then build Coffee Lake with Phase 3. Recognizing the lots were subject to refinement as product was placed, Staff did not want Barber Rd cut after it was built. The easy way to do that was to get the utilities out of Barber Rd, so if lot lines shifted a bit, the road would not need to be torn up.
 - PDF 7 regarded the design of the pocket park. The Applicant believed their submitted plan was consistent with the Parks Master Plan and SAP. The Applicant recognized there was another level of a review as part of the construction drawings, but it was unclear what was driving the change, so the words "*consistent with the Parks Master Plan*" were added for clarity for their client.
- PFA 39 regarded the Coffee Lake Drive geometric of the section. Changes had occurred as the base of the road currently being built to hold the sewer line and more flexibility was needed in the pavement section. The Applicant believed Staff's condition with the geometrics worked, but they wanted to retain the flexibility the City Engineer normally has to make minor adjustments. He believed the Applicant had Staff support on the noted change.
- PFA 51 addressed the alignment of a proposed alley to an existing alley across Montebello Dr. He stated that the alley could be made to line up with the existing alley, but he believed the Code allowed the flexibility for alleys to be offset and that Public Works has a policy that alleys line up.
 - By introducing the corner into the pocket park, the park would appear bigger and be exposed to more people and brought further into the neighborhood. People would see the park further down this road than if the lots were pulled right up to the street. From a design standpoint, the park design would look nicer. He did not believe the conflict between the alleys would rise to be enough of a problem to offset the benefit of having the park be a little bigger and opened up on that corner. He believed this issue was the one area where Staff and the Applicant did not agree. The Applicant asked that the Board make the decision on this issue.

Chair Schenk inquired what would keep the Applicant from cutting the backside of the very large lot [Lot 59].

Mr. Lange responded the Architectural Pattern Book required a minimum lot depth and the lots were at that depth.

Chair Schenk said the place to make that exception seemed to be clipping the corner of that large lot.

Mr. Lange responded the lot would not meet the lot standard if the corner were reduced. There were so many layers of Code on this project. If the lot size were reduced, the Applicant would not be able to build on the lot; they could not get a building permit.

- He clarified they were medium lots, and he believed 85 feet was the minimum depth for those lots.

Mary Fierros Bower suggested mirroring the two lots, putting the larger 85-foot lot on the opposite side would put the alleys almost directly across from each other.

Mr. Lange explained the Applicant was trying to transition zoning, going from front-loaded, large, standard lots to alley-loaded mediums to alley-loaded small lots.

Ms. Fierros Bower asked if the alley was a pathway for pedestrians. What was the alley's purpose?

Mr. Lange responded the garages were at the back of the lot and did not access the street. He continued reviewing Exhibit A7 and the proposed changes to the conditions as follows:

- He believed Staff supported the deletion of Condition PFA 60, which had to do with modeling the water system and was not necessary for this phase.
- Changes to PFA 68 clarified that the infrastructure for that phase would be built by the 50th unit, rather than all the infrastructure being built by the 45th lot, which was not the intent.
- Regarding NRA1, he explained that Pond A was an existing interim basin with a water quality swale that was built with Phase 1 by Matrix. It would be located with this project. The basin did not have rainwater management components, which was separate in the project. The Applicant proposed either removing the condition, or simply require compliance with the Rainwater Management Plan. The rest of the application complied with that plan.

The Board had no questions for the Applicant at this time.

Mr. Adams stated the Engineering Staff agreed with the Applicant's proposed language for PDA 6, however that language should be added to Condition PFA 68, an engineering condition; PDA 6 was a Planning condition. Staff also agreed the proposed changes to Conditions PFA 39 and PFA 68, as well as the deletion of Condition PFA 60.

- Engineering Staff disagreed with the proposed changes to Condition PFA 51. Before requiring the condition, he had consulted with City Engineer Mike Stone and Planning Director Chris Neamtzu, and all agreed that the impacts to the park were relatively minor. Three or four lots would shift 20 feet south, and the shift would narrow going east, so the east two-thirds of the park would remain unchanged. Having the opposing alleys and streets line up, even with a minor amount of traffic, was a wise decision from a safety traffic standpoint.
- He clarified that the Code is silent regarding the offset of alleys. The Code requires streets to be aligned and City Engineering Staff interpreted this to mean streets and alleys.
- Additionally, setting the alley south 20 feet to align the two alleys, allowed the three or four smaller lots facing Barber Rd to be pulled back from that street up to 20 feet. This would now provide a green space, which Engineering Staff believed would make the lots more attractive to buyers being set back off a collector street; more of a buffer would be provided. Those lots would also be a benefit to the developer. Engineering Staff requested that Condition PFA 51 remain as stated in the Staff report.

Kerry Rappold, Natural Resources Program Manager, stated he objected to the Applicant's interpretation of Condition NR1. He explained that at one time, detention was required for this portion of Villebois, which drains to the Coffee Lake wetlands, but an amendment was made to the Stormwater Master Plan that affected this area.

- A study done as part of the Boeckman Road Project determined that detention would not be required for these properties that drain directly to the Coffee Lake wetlands. The capacity within the wetlands or flood plain was sufficient to deal with the detention requirements. In addition, providing more water or hydrology to these wetlands would help to restore them.
 - The four ponds that were originally along the eastern edge of the SAP-East development were allowed to be removed, but the ponds had rainwater management components that were indicated

for those areas. The SAP-East approval identified the rainwater management component within those ponds, before any change Mr. Lange had mentioned in terms of the Parks Master Plan.

- He needed to work with the Applicant to determine what was feasible in terms of providing additional rainwater management. He did not see a reason that the Applicant could assume a 37 percent mitigation level was acceptable.
- He and Mr. Stone discussed a possible revision to Condition NRA1 that added language at the end stating, “*or demonstrate through prior approvals that the mitigation percentage has been reduced to 37 percent.*”
- He had worked on the Stormwater Master Plan amendment that changed the requirement for detention, and there was not a specific reference in that amendment to remove rainwater management. At this point, he could not find the rationale for not having a higher percentage of rainwater management.

Mr. King understood a swale would not do what a pond did.

Mr. Rappold responded Villebois was a unique development. Sustainability has been one of Villebois’ tenets, so throughout the process of developing Villebois, more has been done with low-impact development and the rainwater management system. Villebois goes above and beyond in some respects compared to what was seen in the rest of the city, but that had happened at every phase of development in Villebois. Most phases had been built at about a 60 or 70 percent mitigation percentage, almost twice as much as what was being proposed.

- He clarified that no, a swale would not be the same as a pond. A swale could be considered as a rainwater management element, but a basic water quality requirement had to be met, and the rainwater management system works in conjunction with that water quality requirement. The issue was about consistency and being equitable in terms of how the system was built in Villebois.

Mr. King said he was unsure if the utilities for Lots 42 through 47 discussed in Exhibit C6 included electricity.

Chair Schenk understood the City did not want the road disrupted again, so that meant moving all utilities to Phase 2.

Mr. Adams explained that water, sanitary, and stormwater were currently planned to service those lots from Barber Rd. The City preferred not to have those lots serviced from Barber Rd in case the developer decided to change the lot pattern. Electricity was typically served from the alley or from a PUE on the north side of Barber Rd. Electricity and gas did not raise a concern because it would already be served on that far side of the street.

Ms. Fierros Bower noted a couple other alleyways on Sheet 1 did not align and inquired if those alleyways were proposed or currently in place.

Mr. Adams replied that those alleyways were approved in 2004 and did not align; although he did not know the particulars about why a waiver was granted. Engineering has worked with the developer in other areas, like on Villebois South-5 where a slightly misaligned alley was accepted to save some trees. In this case, a few hundred square feet of additional parkland was not considered to be worth having a misaligned alley.

Mr. Edmonds asked if the rainwater component could be incorporated within the buffer between SW Barber Rd and the small lots.

Mr. Rappold responded after a cursory look at the development, there were opportunities for incorporating rainwater management, whether in right-of-ways or in a park space where a rainwater component would fit in rather seamlessly.

Chair Schenk called for the Applicant's rebuttal.

Mr. Lange stated the alley alignment was the Board's choice. The Applicant believed the park would be more open and more visible. Extending the park out to the corner would simply make the park look nicer. Although the alley could be aligned, it would intrude into the park.

- He felt stronger about the rainwater management issue. He had created that plan years ago and has held onto it trying to get it done throughout the years.
 - He noted a big change occurred to the Parks Plan for the entire village in 2006 or so. An exhaustive process detailed out every park, created scale drawings, labeled all kinds of specific uses; and updated the Rainwater Management Plan. The push at the time was the conflict in use between parks, lawn space, and areas being used for detention and rainwater components.
 - The directive received was that the balance between those conflicting uses needed to shift more in the favor of usable space. The Rainwater Management Plan was then modified from requiring 100 percent compliance to what was approved in that plan update.
 - As submitted, the proposed project was consistent with that plan. Arguing about percentages could get complicated, so he believed requiring compliance with that approved plan was the best approach.

It was complicated because different areas of the project had different percentages of meeting that original target of 100 percent, and it changed for all kinds of reasons. Generically, when that change was made to the entire Village Plan, compliance dropped from 100 to 50 percent. That was mandated years ago. Therefore, the Applicant's ability to achieve 100 percent compliance was traded for more active, open space.

- The Rainwater Management Plan had a given set of requirements for this area, and the Applicant asked that they be allowed to proceed with that plan. The Applicant preferred not to have an open-ended condition, which was very difficult to satisfy objectively; it become much more subjective.

Chair Schenk called for public testimony in favor of, opposed and neutral to the applications. Seeing none, the Applicant had no rebuttal. He closed the public hearing portion at 8:31 p.m.

Chair Schenk said he heard two points of disagreement. The first was whether to move the lots and narrow the edge of the park to make the alleys align. He was tempted to go with the Staff's suggestion on that, which would not require any changes. The other point of disagreement was two different people interpreting the previous Rainwater Management Plan in different ways.

Mr. Wheeler stated that he and Mr. Rappold had searched through the materials related to SAP East and could not find anything in the form of a modification that has occurred with the Rainwater Management Plan; although Staff was not certain the modification did not occur. Mr. Rappold had suggested adding language at the end of Condition NRA 1 stating, "*or demonstrate through prior approvals that the mitigation percentage has been reduced to 37 percent.*" This enabled Mr. Lange to bring forward what he said happened that reduced the mitigation percentage to 50 percent. If he could demonstrate that was the case, Staff could respond accordingly. Staff just could not find the material and the burden was on the Applicant to demonstrate compliance with the requirements in the Rainwater Management Plan in hand or provide documentation to the contrary.

Mr. Rappold agreed with Mr. Wheeler's statement, adding he had the opportunity and privilege to work on Villebois for 10 years as well, working on the Rainwater Management System and spending a lot of

time discussing it with Mr. Lange. He knew that a 50 percent level was not set. Most of the development was still somewhere within the 60 to 70 percent range based on the feasibility of those areas and the overall management that would be achieved within that SAP. He was willing to speak to Mr. Lange and the Applicant about where the change occurred, so he could become aware of it if the change does indeed exist.

Mr. King commented as Ms. Fierros Bower pointed out, an alleyway to the west did not align and was given a waiver, so perhaps there might be some benefit to the consistency and inconsistency of the aligning alleyways. It might be okay to consider that because of the park and how it presents to potential future homeowners since Villebois is a walking, high-density population community. Preventing traffic from being able to speed from alleyway across the street to alleyway had some benefit.

- After hearing Staff's discussion, he believed there might be some benefit to a continuance to give Mr. Lange the opportunity to provide the necessary documentation. Enough extensions had been approved for the Villebois development over the years, so maybe a continuance was needed for that issue.

Mr. Alexander believed the alleyways would benefit by being consistent.

Ms. Fierros Bower requested further clarification about the safety aspect of the alleyway issue.

Mr. Adams stated the alleyway issue was primarily a safety issue. When alleyways or streets are offset, an impact zone exists when an existing driver is turning left from the alley while a car from the existing subdivision also turns left because both vehicles were turning left into each other. If the alleyways were aligned, vehicles turning left would miss each other because they do not compete for the same space; that is why the City wants centerlines aligned on streets.

Mr. Alexander reminded that the original park was much smaller.

Chair Schenk did not believe there was a substitutive diminution of the park to make the alley line up. He was tempted to agree with Staff on that, but did not know how to handle the disagreement on rainwater and if that issue would kill the whole project or not.

Mr. King noted rainwater was part of the proposal, so the Board would probably need to vote for a continuance to allow the two parties to resolve the issue.

Chair Schenk noted that often the Board added verbiage stating that the Applicant would work with Staff and the project would be approved contingent upon the resolution of any disagreements.

Mike Kohloff, City Attorney, explained he was sitting in for Barbara Jacobsen because Ms. Jacobsen originally represented Wachovia Bank in the negotiation process on the three major agreements between Wachovia and the City.

- He stated that from a safety standpoint, the City preferred going with the City Engineer's recommendation regarding the alleyway alignment, which was always helpful if the issue reached litigation. However, if the Board made a policy decision otherwise, discretionary immunity would cover the City in a litigation situation, though he hated to fall back on that as an approach.
- If the lots were shifted, and there was a potential for using some rainwater greenway approaches above Lots 56, 57, and 58, the City would be willing to work with REDUS and their consultants. The City has had a very good working relationship with REDUS. If the Applicant was willing to work with the City on that, he believed a resolution could be reached.

Mr. Lange responded that rather than getting confused on percentages, he asked that the Applicant be conditioned to follow the approved Rainwater Plan. He believed the Applicant and Staff were trying to

say the same thing, but the percentages were tripping up the process. It sounded like the record might need to be cleaned up on the approved plan with regard to a missing document.

Mr. Kohloff responded that the City could work with that, if the Board went with the approved plan. The City would ultimately interpret the plan anyway.

Chair Schenk clarified no changes were needed to Condition PFA 51 about shifting the park and alleyway as Staff was recommending that already. He added that Condition NRA1 needed to be amended to coincide with the existing Rainwater Management Plan, and then the Board could vote to approve the measure.

Mr. Kohloff believed the phrase would be, “require compliance with the Rainwater Management Plan” as suggested by the Applicant for NRA 1.

Mr. Rappold suggested, “shall be consistent with the approved Rainwater Management Plan for SAP-East.”

Mr. Kohloff accepted the proposed language from Mr. Lange, which stated, “The Applicant will be required to comply with the Rainwater Management Plan and work with Staff and its interpretation.”

Mr. Wheeler said he was concerned that the issues raised in Exhibit C6 regarding the phasing of the project had not been resolved.

Mr. Adams responded that in the added PFA condition, it was agreed that Serenity Way and Tract K, the wetland, would be moved into Phase 2. The east boundary of the wetland, which is Coffee Lake Dr, would remain with Phase 3 so that line would remain the same. On the boundary between Phases 1 and 2, he recommended Lots 42 to 47 would be in Phase 1 and it was agreed that those lots could remain in Phase 2 as long as they were serviced by a utility main in Phase 2 and not by a utility main in Barber St.

Mr. Lange confirmed the Applicant agreed.

Mr. Adams clarified this issue was addressed by language read into the record by Mr. Lange for Condition PDA 6, but he had corrected that the language should actually be added to Condition PFA 68.

Chair Schenk moved to approve the Staff report with the addition of Exhibits A6, A7, C5 and C6, and the changes discussed in the record as follows:

- Delete Condition PFA 9.
- Amend Conditions PDF 7, PFA 39, and deleting Condition PFA 60 as presented in Exhibit A7.
- Amend Condition PFA 68 to state, “SAP East PDP 2E consists of 88 lots. All construction work *within a sub-phase* . . . shall be completed prior to the City Building Division issuing a certificate of occupancy, or a building permit for the housing unit(s) in excess of 50% of the total ~~(45th lot)~~ *housing unit(s) within that sub-phase. Phase 2 (Sheet 16 of Section IIB of Exhibit B2) shall include Serenity Way and Tract K. Lots 42-47 (in Phase 2) shall not have sewer, water, or storm services from Barber Street.*”
- Amend Condition NRA 1, replacing the existing language, to state, “*The Applicant is required to comply with the rainwater management plan and work with staff and its interpretation.*”

Douglas King seconded the motion, which passed unanimously.

Chair Schenk moved to adopt Resolution No. 220. The motion was seconded by Douglas King and passed unanimously.

Mr. Kohloff added the City would work with REDUS regarding the right-of-way “knuckle” that extends into the wetlands should it become an issue when the Applicant applied for the wetland permit.

Chair Schenk read the rules of appeal into the record.

VIII. Board Member Communications

A. Meeting notes from September 26, 2011 DRB Panel B Meeting

IX. Staff Communications

X. Adjournment

Respectfully submitted,

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