



Exhibit A1
Staff Report
Frog Pond Crossing 29-Lot Subdivision

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

Amended and Adopted February 14, 2022
Added language **bold italics underline**
Removed language ~~struck through~~

Hearing Date:	February 14, 2022
Date of Report:	February 7, 2022

Application Nos.:	DB21-0036 Annexation DB21-0037 Zone Map Amendment DB21-0038 Stage I Preliminary Plan DB21-0039 Stage II Final Plan DB21-0040 Site Design Review of Parks and Open Space DB21-0041 Tentative Subdivision Plat DB21-0042 Type C Tree Removal Plan DB21-0043 Waiver - Open Space Location DB21-0044 Waiver - Minimum Street Frontage
Request/Summary:	The requests before the Development Review Board include Annexation, Zone Map Amendment, Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, Waiver – Open Space Location, and Waiver – Minimum Street Frontage
Location:	27227 SW Stafford Road. The property is specifically known as TLID 100, 300, and 302, and a portion of Stafford Road right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
Owners:	Chaney Paul C Co-Trustee
Applicant:	Venture Properties, LLC (Contact: Kelly Ritz)
Applicant's Rep.:	AKS Engineering & Forestry, LLC (Contact: Mimi Doukas, AICP)
Comprehensive Plan Designation:	Residential Neighborhood
Zone Map Classification (Current):	Tax Lots 100, 300, and 302 – RRF5-5 (Clackamas County designation – Rural Residential Farm Forest 5-Acre)

Zone Map Classification (Proposed): Residential Neighborhood (RN)

Staff Reviewers: Philip Bradford, Associate Planner
Amy Pepper, PE, Development Engineering Manager
Gordon Monro, PE, Tetra Tech
Matt Palmer, PE, Civil Engineer

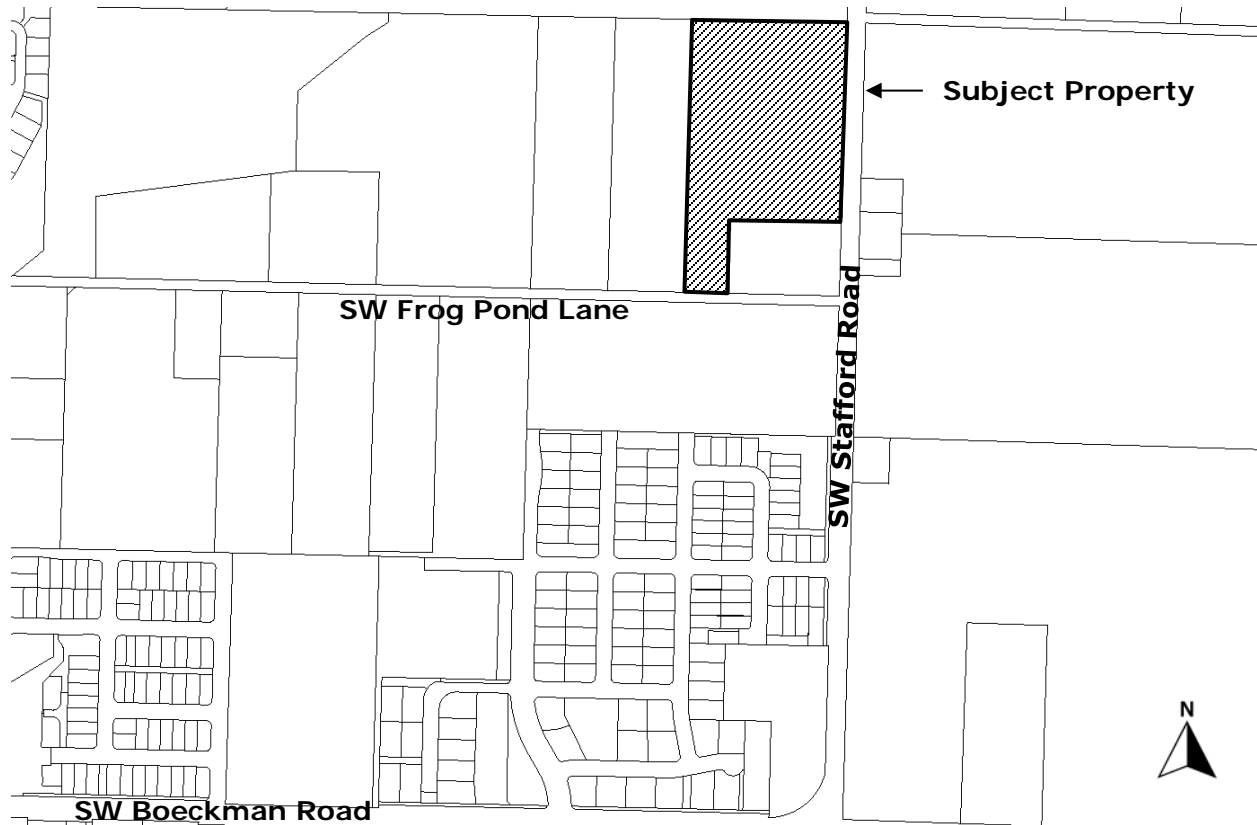
Staff Recommendation: Recommend approval to the City Council of the Annexation and Zone Map Amendment, approve with conditions the Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Plan, Waiver – Open Space Location, and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

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.139 through 4.139.11	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Sections 4.156.01 through 4.156.11	Signs
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards

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

Vicinity Map



Background:

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

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

The proposed 29-lot subdivision is the fifth development proposal in Frog Pond West, following the 71-lot Frog Pond Ridge, 44-lot Stafford Meadows and 74-lot Frog Pond Meadows subdivisions to the south and the 78-lot Morgan Farm subdivision to the west. The subdivision will connect to the previously approved Frog Pond Ridge subdivision, blending together as one cohesive neighborhood consistent with the Frog Pond West Master Plan.

The City recently adopted local development regulations related to the allowance of middle housing types in response to state law and local equitable housing policies. As part of this work, changes were adopted to the Comprehensive Plan, Zone Map, Development Code, Villebois Village and Frog Pond West Master Plans, and Old Town Neighborhood Plan. The plan and associated Zone Map and Development Code amendments went into effect on November 18, 2021. As the subject applications were submitted to the City on July 17, 2021, the standards applicable at the time the City received the application (Section 4.127, Residential Neighborhood, see Exhibit A2) are used in determining compliance of the proposed subdivision with City standards. Construction of homes on the proposed lots will be subject to the revised Development Code standards for permitted uses and lot development standards.

Several nearby land use applications have been submitted for sites near the subject property. Frog Pond Vista (DB21-0057-0063) and Frog Pond Oaks (DB21-0072-0079) are both located to the west of Frog Pond Crossing and contain features such as street extensions, pedestrian connections, and street trees that will interface with this application. At the time of staff report publication Frog Pond Oaks has not yet been deemed complete, however, staff has reviewed this application in the context of the properties to the west to ensure all shared components are consistently applied across each subdivision.

Application Summary:

Annexation (DB21-0036)

The area proposed for annexation is contiguous to land currently in the City, within the UGB, and master planned for residential development. All property owners in TLID 100, 300, and 302 have consented in writing to the annexation. Two electors reside within the area proposed for annexation.

Zone Map Amendment (DB21-0037)

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

Stage I Preliminary Plan (DB21-0038)

The proposed residential use, number of lots, preservation of open space, and general block and street layout are consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use unit count, the proposed Stage I Preliminary Plan area includes portions of

small lot Sub-district 10, and medium lot Sub-district 11. See Finding C17 for a more detailed discussion on how the proposal meets the required density in each sub-district consistent with the Master Plan recommendations.

The Frog Pond West Master Plan establishes range for Sub-district 10 is 30-38 lots. Approximately 14% of Sub-district 10 is within the project area and the applicant proposes five (5) lots. The established range for Sub-district 11 is 46-58 lots. Approximately 41% of Sub-district 11 is within the project area. The applicant proposes 24 lots, meeting the proportional density requirement for the site.

Development within small lot sub-districts greater than 10 acres must provide a minimum of 10% of the net developable area as open space. The open space must include at least 50% usable open space as defined by the Code. A request to waive open space location requirements is included (see DB21-0043).

Stage II Final Plan (DB21-0039)

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

Proposed lot layout and size, as well as block size and access, generally demonstrate consistency with development standards established for the Residential Neighborhood (RN) zone and in the Frog Pond West Master Plan. A request to waive minimum street frontage requirements for Lots 17-24 is included (see DB21-0044).

Regarding the protection of natural features and other resources, the project design avoids disturbance of these features and resources. The site is generally flat, varying by approximately 11 feet from northwest (253 ft. elevation) to southwest (242 ft. elevation), with a low point adjacent to SW Stafford Road and SW Frog Pond Lane.

Site Design Review (DB21-0040)

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

Tentative Subdivision Plat (DB21-0041)

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

Type C Tree Removal Plan (DB21-0042)

There are 61 trees inventoried on and off-site as part of the proposed development. The majority of the tree removal on site will be along SW Stafford Road where future right-of-way improvements will take place, and toward the center of the site where trees will be removed due to construction of proposed public streets and residential lots.

Thirty-four (34) of the trees inventoried are located on the subject property. One (1) of these trees is proposed to remain in Tract A. The other trees are necessary for removal due to due to construction. Thirty-eight (38) trees are proposed for removal, including five trees in the Stafford Road right-of-way. The applicant proposes planting 51 new trees in the form of 41 street trees, 7 trees within the pedestrian connection (Tract C), and 3 trees within the open space (Tract A). The proposed mitigation (Sheets P-15- P-16) is in excess of the 1:1 mitigation requirement for tree removal.

Waiver – Open Space Location (DB21-0043)

Properties within the R-5 Small Lot Sub-districts must provide 10% of the net developable area in open space. At least 50% of the total open space area must be usable open space. The applicant requests a waiver to provide the required usable open space area outside of the R-5 Small Lot Sub-district. Development within small lot sub-districts greater than 10 acres must provide a minimum of 10% of the net developable area as open space. The open space must include at least 50% usable open space as defined by the Code. ~~In order to meet the minimum density in the R-5 Sub-district, the entirety of the R-5 land on the subject property will be utilized for residential units.~~ The required open space will be provided a short distance away in the R-7 Sub-district to the north.

Waiver – Minimum Street Frontage (DB21-0044)

In order to preserve a tree grove containing mature Oak trees on the adjacent property to the west, the applicant has oriented lots 17-24 to take access utilizing a private alley and fronting along either a pedestrian pathway (Lots 17-21) or the open space (Lots 22-24). This waiver is required as these lots do not have frontage on a public street.

Discussion Points – Verifying Compliance with Standards:

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

these standards may be impacted by the Development Review Board's consideration of discretionary review items as noted in the next section of this report.

Consistency with Statewide Planning Goals

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

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

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

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

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

Traffic Impacts

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

- Boeckman Road/Parkway Avenue

- Boeckman Road/Canyon Creek Road
- Boeckman Road/Advance Road/Stafford Road/Wilsonville Road
- Stafford Road/Frog Pond Lane
- Stafford Road / SW 65th Avenue

The study intersections will continue to perform at Level of Service D or better and thus meet City standards with the exception of the intersection of SW Boeckman Road and SW Canyon Creek Road and Stafford Road and SW 65th Ave. Subsection 4.140 (.09) J. 2. allows measuring Level of Service based on existing and immediately planned streets. This subsection defines “immediately planned” as being part of the Capital Improvement Program, and being funded for completion within two years of occupancy of the development. In order to address deficiencies with the SW Boeckman Road and SW Canyon Creek Road intersection, the City has identified fully signaling this intersection as part of project Urban Upgrade-01 (UU-01) in the Transportation System Plan (TSP), which would allow the intersection to function at the required Level of Service. The City has identified funding for design and construction as CIP 4206 in the adopted Fiscal Year 2021-22 budget with construction planned to commence in 2023. Thus, the future signaled intersection can be used for the purpose of determining Level of Service (LOS) for this project and meeting City LOS standards.

The Stafford Road / SW 65th Avenue intersection is under Clackamas County jurisdiction and currently fails to meet County operating standards under 2021 conditions. In the Clackamas County 20-Year Capital Project List, a proposed future roundabout at the Stafford Road / SW 65th Ave / Elligsen Road intersection (Project ID 1079) is the recommended improvement. In the City of Wilsonville TSP, a traffic signal or roundabout has been identified as a High Priority Project Spot Improvement-03 (SI-03) at the same intersection. The City of Wilsonville’s share cost of the project is 25% of the total project cost with the County funding the remaining portion. The developer’s Transportation System Development Charge (SDC) will contribute to the City’s share of the proposed intersection improvement costs. The improvements will be constructed on the timeline set forth by the County’s 20-Year Capital Project List. In the meantime, the City’s Boeckman Creek Corridor Project, which includes improving the intersection of Canyon Creek Road and Boeckman Road, will also include temporary signalization at the Stafford Road / SW 65th Avenue intersection, which will improve the flow of traffic at this intersection.

Balancing Uses in Planter Strips

Many design elements compete for space within the planter strips between sidewalks and streets. These elements include street trees, stormwater facilities, and streetlights while accommodating appropriate spacing from underground utilities and cross access by pedestrians. For various reasons, it is not practical to place street trees and streetlights in stormwater swales. To balance these uses, the City recommends that the applicant’s plans prioritize street tree and street lighting placement with appropriate spacing from utility laterals and water meters, then placing stormwater facilities where space remains available and placement is desirable. *Specifically page 53 of the Frog Pond West Master Plan states, “Stormwater will be managed within planter strips*

along the streets of Frog Pond West as much as possible. The design of the landscape/stormwater strips will accommodate the various needs of stormwater, pedestrian movement, and street trees. The City, at its discretion, may consider stormwater management through facilities other than planter strips on a case-by-case basis. Due to smaller lot sizes in the R-5 sub-district, curb cuts for the pedestrian connection, and driveways, several street trees have been placed on private lots along SW Marigold Terrace, SW Windflower Street, and SW Trillium Street to allow for stormwater facilities within the planter strips. The Frog Pond West Master Plan requires street trees to be spaced consistently along both sides of a street. Due to the presence of stormwater facilities in the planter strips, some trees in the R-7 sub-district have been placed on private lots approximately 15 feet from the sidewalk or 28 feet from the curb, which is not appropriate for a street tree and is inconsistent with the Master Plan's intent for planter strips. *The current design as found in the applicant's plan set does not demonstrate meeting the other needs of street trees within the planter strips. Condition of Approval PDE 11 requires specific design changes to ensure balanced use of the planter strips consistent with the language in the Frog Pond West Master Plan.* A condition of approval will require the applicant to apply for a Class II Administrative Review to revise street tree locations as numerous trees within the R-7 sub-district are placed too far onto private lots which leads to inconsistent spacing. The intent of the Master Plan is that street trees be placed within the planter strip or as close to the public right of way as possible.

SW Stafford Road Improvements

The City is responsible for reconstruction/improvements to SW Stafford Road per the Frog Pond West Master Plan. The City will undertake this construction following issuance of an appropriate number of home building permits and deposit of sufficient funding into the Infrastructure Supplemental Fee account. As part of this project, the applicant will dedicate ROW and construct a decorative wall and 12-foot planting area consistent with the Master Plan along the frontage outside the ROW.

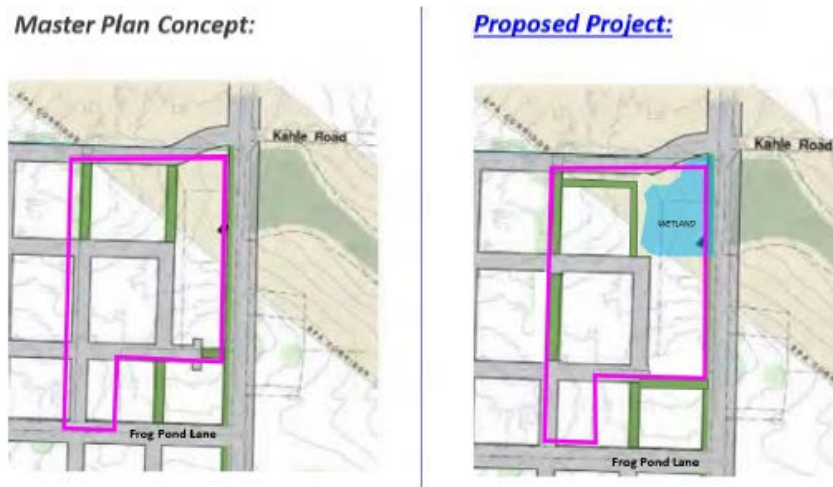
Street Demonstration Plan Compliance

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

In order to preserve mature trees and wetlands onsite while providing access throughout the subdivision, the applicant proposes some limited variations from the Street Demonstration Plan that results in a modified grid configuration of streets. As shown in the illustration below, applicant proposes to eliminate a north-south street and provide a north-south pedestrian connection in the same location. The east-west streets shown in the Street Demonstration Plan are left unchanged and are shown as SW Windflower Street and SW Trillium Street. The Street Demonstration Plan includes two north-south pedestrian connections to Kahle Road. The

applicant proposes two (2) pedestrian connections within Tract A that offer a comparable level of connectivity as proposed in the master plan. A condition of approval will require the easternmost pedestrian connection within Tract A to allow for future extension to the north to SW Kahle Road in order to more closely match the master plan intent. The proposed development does not contain a hammerhead near SW Stafford Road, therefore the pedestrian connection to SW Stafford Road will be shifted off-site to Tax Lot 200.

The planned right-of-way for Kahle Road will be shifted north due to several natural resources along the northern edge of Frog Pond West. As a result, the pedestrian, bike, and trail connectivity must occur within the subdivisions rather than within the right-of-way as planned. A condition of approval will ensure connectivity through Tract A to the proposed Frog Pond Oaks subdivision to the west in order to facilitate pedestrian connectivity to open spaces and the Boeckman Creek Trail further west consistent with the Frog Pond West Master Plan.



Street Length and Connectivity

The proposed modified grid pattern, as described above, provides an efficient street connection to SW Stafford Road with interior streets providing pedestrian connections through the attached sidewalks. The grid pattern with attached sidewalks provides for a substantially equivalent level of pedestrian connectivity and does not require out-of-direction pedestrian travel nor does it result in greater distances for pedestrian access to the proposed subdivision from SW Stafford Road than would otherwise be the case if the Street Demonstration Plan were adhered to.

Tree Removal and Preservation

There are 61 trees inventoried both on and off-site for the proposed development. Of the 34 on-site trees, 33 trees are proposed for removal with one (1) tree preserved. A grove of mature trees is located directly adjacent to the subject property on Tax Lot 401. Several 20-55 inch DBH Oregon white oaks are located within this grove and much of the site layout is based on preserving these trees. Of the 20 off-site trees surveyed, only five (5) are proposed for removal, for a total of 37

trees removed for development. The applicant proposes to plant 51 trees exceeding the 1:1 mitigation ratio.

Discussion Points – Discretionary Review:

This section provides a discussion of discretionary review requests that are included as part of the proposed applications. The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant.

Waiver - Open Space Location

In order to meet the required minimum and maximum density for Sub-district 10 R-5 Small Lot, the applicant is requesting a waiver to locate the required open space area for the Sub-district within the boundaries of Sub-district 11 R-7 Medium Lot. The open space area is a short walking distance away from the R-5 Sub-district. The open space requirement is 2,089 square feet based on a developable site area of 20,892 square feet. The applicant provides 109,344 square feet of open space, 57,846 of which is usable open space, well in excess of the 1,045 square foot requirement.

Waiver – Lot Frontage

To accommodate preservation of several large Oregon White Oak trees in good condition located directly off-site to the west, the applicant has replaced the northern extension of SW Marigold Terrace with a pedestrian connection. This pedestrian connection continues north to allow for the preservation of these trees. The proposed lots now front the pedestrian tract rather than a public street, which requires a waiver. Vehicular access for lots 17–24 will be provided via a private alley. The homes will front Tract A, which is an open space and pedestrian connection allowing access to the front of each home.

Public Comments and Responses:

No public comments were received during the comment period.

Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board recommend approval to City Council or approve, as relevant, the proposed application (DB21-0036 through DB21-0044) with the following conditions:

Planning Division Conditions:

Request A: DB21-0036 Annexation

This action recommends to the City Council approval of Annexation for the subject properties. The Zone Map Amendment (DB21-0036) and all approvals contingent on it are contingent on annexation.

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

Request B: DB21-0037 Zone Map Amendment

This action recommends to the City Council adoption of the Zone Map Amendment for the subject properties. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB21-0036). Case files DB21-0038, DB21-0039, DB21-0040, DB21-0041, DB21-0042, DB21-0043, and DB21--0044 are contingent on City Council action on the Zone Map Amendment request.

No conditions for this request.

Request C: DB21-0038 Stage I Preliminary Plan

Approval of DB21-0038 (Stage I Preliminary Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).

No conditions for this request

Request D: DB21-0039 Stage II Final Plan

Approval of DB21-0039 (Stage II Final Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).

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

PDD 2.	<u>Prior to Final Plat Approval:</u> On the Final Subdivision Plat, public pedestrian and bicycle access easements, including egress and ingress, shall be established across the entirety of all pathways located in private tracts. See Finding D13.
PDD 3.	<u>General:</u> All crosswalks shall be clearly marked with contrasting paint or paving materials (e.g., pavers, light-colored concrete inlay between asphalt, or similar contrast). See Finding D16.
PDD 4.	<u>General:</u> Any area, whether in a garage or in a driveway, counted as a required parking space shall have the minimum dimensions of 9 feet by 18 feet. See Finding D19.
PDD 5.	<u>Prior to Final Plat Approval:</u> A tree protection easement will be provided at the front on Lots 17, 18, 19, and 20 to protect the root zone of trees in Tract E. In addition, branch and root pruning that may be needed of Trees 20128 and 20125, which have branches and limbs that extend into lots and building footprints of Lots 17, 18, and 19 that abut the RPZs of these trees, shall be supervised and conducted by an ISA Certified Arborist. See Finding D22.
PDD 6.	<u>Prior to Final Plat Approval:</u> A waiver of remonstrance against formation of a local improvement district (LID) shall be recorded in the County Recorder’s Office as well as the City’s Lien Docket as part of the recordation of the final plat. In light of the developer’s obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee in accordance with the Development and Annexation Agreement required by PDA 1, the LID Waiver for a specific parcel within the Frog Pond Crossing development shall be released upon official recording of the release of the waiver only after payment of the Infrastructure Supplemental Fee and Boeckman Bridge Fee. Further, the developer shall pay all costs and fees associated with the City’s release of the LID Waiver. See Finding D32.
PDD 7.	<u>General:</u> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D28.
PDD 8.	<u>Prior to Issuance of the Public Works Permit:</u> Provide a pedestrian connection to Tax Lot 401, the property to the west of this site. Coordinate with the design engineer for that project to identify the best connection point from either Path A or Path B. The applicant shall also provide a pedestrian connection from the northeastern corner of Path B to the north to facilitate a future extension similar to the design of Path A. See Finding D13.

Request E: DB21-0040 Site Design Review of Parks and Open Space

Approval of DB21-0040 (Site Design Review of Parks and Open Space) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).	
PDE 1.	<u>General:</u> Construction, site development, and landscaping shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor revisions may be approved by the Planning Director through administrative review pursuant to Section 4.030. See Finding E3.

PDE 2.	<p><u>Prior to Final Plat Approval:</u> All landscaping and site furnishings required and approved by the Development Review Board for common tracts shall be installed prior to Final Plat Approval unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of Final Plat Approval. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, an irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City will be returned to the applicant/owner. See Finding E13.</p>
PDE 3.	<p><u>Prior to Final Plat Approval:</u> The applicant shall either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping. See Finding E13.</p>
PDE 4.	<p><u>Ongoing:</u> The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville's Development Code. See Finding E14.</p>
PDE 5.	<p><u>Ongoing:</u> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered as allowed by Wilsonville's Development Code. See Findings E15 and E16.</p>
PDE 6.	<p><u>General:</u> The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings. • All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10-inch to 12-inch spread. • Shrubs shall reach their designed size for screening within three (3) years of planting. • Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center

	<p>minimum, 4-inch pot spaced 2 feet on center minimum, 2-1/4-inch pots spaced at 18-inch on center minimum.</p> <ul style="list-style-type: none"> • No bare root planting shall be permitted. • Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. • Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding E20.
PDE 7.	General: All trees shall be balled and burlapped and conform in size and grade to “American Standards for Nursery Stock” current edition. See Finding E20.
PDE 8.	Ongoing: Plant materials shall be installed to current industry standards and be properly staked to ensure survival. Plants that die shall be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City. See Finding E21.
PDE 9.	<p>Prior to issuance of any Public Works permits: The applicant / owner shall install LED street lighting in <u>submit information demonstrating</u> compliance with the Public Works Standards and Frog Pond West Master Plan. The street lighting shall be Westbrook style streetlights.</p> <p>The applicant/owner shall provide a ‘stamped’ engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets. See Finding E24.</p>
PDE 10.	Prior to issuance of any Public Works permits: Consistent with the Frog Pond West Master Plan, which includes a Public Lighting Plan and recommended lighting plan hierarchy, and recommends that pedestrian connections, trailheads and paths be uniformly illuminated to define a hierarchy of travel routes, and that such illumination follow the Public Works Standards for Shared-Use Path Lighting, the applicant shall, in consultation with the City Engineer, determine if additional pedestrian-scale lighting is warranted along the pathways in Tracts A and C and install any warranted lighting in compliance with these standards. See Finding E26.
PDE 11.	Prior to issuance of any Public Works permits: The applicant shall submit a revised street tree plan through a Class II Administrative Review application to relocate street trees closer to the public right of way consistent with the Frog Pond Master Plan. Additionally, the applicant shall revise the street trees selected for SW Frog Pond Lane to match the Tulip trees established with the Frog Pond Ridge Subdivision. The applicant shall also revise the street tree selected for SW Marigold Terrace to match the American Yellowwood established by the Frog Pond Ridge Subdivision. See Finding E26. <u>Consistent with language on page 53 of the Frog Pond West Master Plan, the applicant shall provide an updated plan revising stormwater facility and street tree placement design to enable the following. Unless evidence is presented to the City Engineer that no feasible alternative exists for placement of</u>

the storm facilities in SW Marigold Terrace and SW Windflower Street planter strips, at least 1 street tree per lot for Lots 2, 3, 4, 7, and 8 shall be placed in the planter strip. If evidence is presented to the City Engineer that there is no feasible alternative, street trees for Lots 2, 3, 4, 7, and 8 shall be placed immediately behind the sidewalk in a street tree easement similar to the design of Lots 25-26. The street tree on Lot 6 shall be placed immediately behind the sidewalk in a street tree easement. In addition, the storm facility in front of Lots 14 and 15 shall be eliminated or reduced to allow one street tree per lot for Lots 14 and 15 to be placed within the planter strip. With any subsequent design changes, placement of storm facilities shall ensure the needs of street trees are also met. Additionally, the applicant shall revise the street trees selected for SW Frog Pond Lane to match the Tulip trees established with the Frog Pond Ridge Subdivision. The applicant shall also revise the street tree selected for SW Marigold Terrace to match the American Yellowwood established by the Frog Pond Ridge Subdivision. Any additional modifications that substantially conform to these requirements will be reviewed through a Class I Administrative Review process, with more substantial modifications reviewed through a Class II Administrative Review process. See Finding E26.

PDE 12. Prior to Final Plat Approval: All street signs shall be installed and utilize the City-approved sign cap on street name signs throughout the entirety of the subdivision, matching the design used in the Frog Pond Ridge, Frog Pond Meadows, Stafford Meadows and Morgan Farm subdivisions. The developers will buy the signs from the City. See Finding E28.

Request F: DB21-0041 Tentative Subdivision Plat

Approval of DB21-0041 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).

PDF 1. Prior to Final Plat Approval: Any necessary easements or dedications shall be identified on the Final Subdivision Plat.

PDF 2. Prior to Final Plat Approval: The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for the Stage II Final Plan or the Tentative Plat.

PDF 3. Prior to Final Plat Approval: Where any street will be extended signs stating "street to be extended in the future" or similar language approved by the City Engineer shall be installed. See Finding D33 and F13.

PDF 4. Prior to/concurrent with Recording of Final Plat: The applicant/owner shall dedicate any necessary additional right-of-way for planned improvements on SW Stafford Road and SW Frog Pond Lane. See Finding F14.

PDF 5. Prior to Final Plat Approval: The applicant/owner shall submit for review and approval by the City Attorney CC&R's, bylaws, etc. related to the maintenance of

	the open space tracts. Such documents shall assure the long-term protection and maintenance of the open space tracts.
PDF 6.	<u>Prior to Final Plat Approval:</u> For all public pipeline easements, public access easements, and other easements, as required by the city, shown on the Final Subdivision Plat, the applicant/owner and the City shall enter into easement agreements on templates established by the City specifying details of the rights and responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County. See Finding F17.
PDF 7.	<u>Prior to Final Plat Approval:</u> A street tree easement shall be granted for any lots with street trees as shown on the street tree plan, along the public streets as modified by Condition of Approval PDD 11, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees located on private property. See Finding F20.

Request G: DB21-0042 Type C Tree Plan

	Approval of DB21-0042 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).
PDG 1.	<u>General:</u> This approval for removal applies only to the 38 trees identified in the applicant’s submitted Tree Maintenance and Protection Plan, see Exhibit B2 All other trees on the property shall be maintained unless removal is approved through separate application.
PDG 2.	<u>Prior to Grading Permit Issuance:</u> The applicant/owner shall submit an application for a Type ‘C’ Tree Removal Permit on the Planning Division’s Development Permit Application form, together with the applicable fee. In addition to the application form and fee, the applicant/owner shall provide the City’s Planning Division an accounting of trees to be removed within the project site, corresponding to the approval of the Development Review Board. The applicant/owner shall not remove any trees from the project site until the tree removal permit, including the final tree removal plan, have been approved by the Planning Division staff. See Finding G19.
PDG 3.	The applicant/owner shall install the required 38 mitigation trees, as shown in the applicant’s sheets P-12, P-15, and P-16 per Section 4.620 WC.
PDG 4.	<u>General:</u> The permit grantee or the grantee’s successors-in-interest shall cause the replacement trees to be staked, fertilized and mulched, and shall guarantee the trees for two (2) years after the planting date. A “guaranteed” tree that dies or becomes diseased during the two (2) years after planting shall be replaced.
PDG 5.	<u>Prior to Commencing Site Grading:</u> The applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. See Finding G25.

Request H: DB21-0043 Waiver

	Approval of DB21-0043 – (Waiver: Minimum Open Space Location, is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).
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No conditions for this request.

Request I: DB21-0044 Waiver

Approval of DB21-0043 – DB21-0044 (Waivers; Minimum Lot Frontage) is contingent on City Council approval of the Zone Map Amendment request (DB21-0037).

No conditions for this request.

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

Engineering Division Conditions:

Request D: DB21-0039 Stage II Final Plan

PFD 1.	Public Works Plans and Public Improvements shall conform to the “Public Works Plan Submittal Requirements and Other Engineering Requirements” in Exhibit C1 and to specifics as found in the Frog Pond West Mater Plan (July 17, 2017).
PFD 2.	General: Streets shall be primarily constructed per the street type and cross-section as show in the Frog Pond West Master Plan. The cross-section for Stafford Road is incorrectly shown in the Frog Pond West Master Plan. The City’s intent and preference is to have a 10-foot Public Utility Easement located adjacent to the street right-of-way and within the 12-foot landscape buffer.
PFD 3.	Prior to issuance of a Public Works permit: Applicant shall be required to enter into a Development and Annexation Agreement with the City.
PFD 4.	Prior to Issuance of Public Works Permit: Submit site plans to Engineering showing street improvements including pavement, curb, planter strip, street trees, sidewalk, and driveway approaches along site frontage on Frog Pond Lane and the proposed new public street. Street improvements shall be constructed in accordance with the Public Works Standards. The eyebrow corners shall be designed with minimum centerline radii to allow fire, utility, moving trucks turnaround.
PFD 5.	Prior to Issuance of Public Works Permit: A final stormwater report shall be submitted for review and approval. The stormwater report shall include information and calculations to demonstrate how the proposed development meets the treatment

	and flow control requirements. The stormwater report shall also include conveyance calculations to demonstrate that any downstream impacts can be mitigated.
PFD 6.	<u>Prior to Issuance of Public Works Permit:</u> Provide appropriate documentation allowing facilities (storm water pond, storm pipe and access trails) to be located within the existing BPA easement.
PFD 7.	<u>Prior to Issuance of Public Works Permit:</u> Submit a wetlands delineation report, obtain concurrence from the regulatory agency and obtain a permit as required by the regulatory agency.
PFD 8.	<u>Prior to Issuance of Public Works Permit:</u> The construction drawings shall depict the water line in SW Trillium Street on the south side of the street per the construction standards. The construction drawings shall depict the sanitary sewer line in SW Trillium on the north side of the street per the construction standards.
PFD 9.	<u>Prior to the Issuance of the Public Works Permit:</u> <i>In such case that the construction of the Frog Pond Crossing takes place before the development to the west,</i> the construction drawings shall depict a 4" temporary water line loop through Trace C, connecting the dead end water mains located in SW Trillium Street to SW Marigold Terrace. <i>This temporary water line will remain in place until such time that the development to the west completes its waterline.</i>
PFD 10.	<u>Prior to the Issuance of the Public Works Permit:</u> The applicant shall obtain an NPDES 1200C permit from the Oregon Department of Environmental Quality and a Local Erosion Control Permit from the City of Wilsonville. All erosion control measures shall be in place prior to starting any construction work, including any demolition work. Permits shall remain active until all construction work is complete and the site has been stabilized. Permits will be closed out when home construction is completed and final certificates of occupancy have been issued for all homes in the subdivision.
PFD 11.	<u>Prior to Issuance of the Public Works Permit:</u> Provide "no parking" signs along SW Marigold Terrace and SW Windflower Street where the pavement width is less than 28-feet.
PFD 12.	<u>Prior to Issuance of the Public Works Permit:</u> The applicant shall provide to the City a copy of correspondence that plans have been distributed to the franchise utilities. The applicant shall have coordinated the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easement or right-of-way be required to construct or relocate a franchise utility, the applicant shall provide a copy of the recorded documents.
PFD 13.	<u>Prior to final completeness of the Public Works Permit:</u> Submit documentation that the existing on-site septic system was properly decommissioned per the requirements of OAR 340-071-0185.
PFD 14.	<u>Prior to final completeness of the Public Works Permit:</u> Submit documentation that the existing well serving this property was either properly abandoned in accordance with OAR 690-240 and the Water Resources Department requirements or the water

line properly abandoned at the property line of Tax Lot 200 in accordance with the requirements of the Oregon Plumbing Code and OAR 690-240.

Request F: DB21-0041 Tentative Subdivision Plat

The following conditions are in addition to the dedications and easements shown on the Tentative Subdivision Plat	
PFF 1.	<u>Prior to Final Plat Approval:</u> Record a shared 10-foot private water easement on Tract A for water services serving lots 22 through 24.
PFF 2.	<u>Prior to Final Plat Approval:</u> Record a 15-foot public utility easement for storm pipe on Tract A from the stormwater pond to SW Stafford Road.
PFF 3.	<u>Prior to Final Plat Approval:</u> Record a 15-foot public utility easement for the <i>temporary</i> water line on Tract C, <i>if one is constructed</i> .
PFF 4.	<u>Prior to Final Plat Approval:</u> All public infrastructure improvements including but not limited to street, stormwater drainage, water quality and flow control, sanitary sewer, and water facilities shall be substantially complete with approval from the Community Development Director pursuant to Section 4.220 of the Development Code.

Building Division Conditions:

All Requests

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

shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1) Provide a physical address on the new home, as well as at the intersection of the alley (Tract B) and SW Trillium Street.

Master Exhibit List:

The entry of the following exhibits into the public record by the Development Review Board confirms its consideration of the application as submitted. The exhibit list below includes exhibits for Planning Case Files DB21-0036 through DB21-0044. The exhibit list below reflects the electronic record posted on the City's website and retained as part of the City's permanent electronic record. Any inconsistencies between printed or other electronic versions of the same Exhibits are inadvertent and the version on the City's website and retained as part of the City's permanent electronic record shall be controlling for all purposes.

Planning Staff Materials

- A1. Staff report and findings (this document)
- A2. Development Code Section 4.127 as adopted at time of submittal prior to changes per Ordinance No. 851, effective 11/15/2021.
- A3. Staff's Presentation Slides for Public Hearing (to be presented at Public Hearing)
- A4. *Staff Memorandum to DRB Panel A February 14, 2022*

Materials from Applicant

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

- Exhibit A: Preliminary Plans (Reduced Plan Sets)
- Exhibit B: Land Use Application Forms
- Exhibit C: Title Report
- Exhibit D: Clackamas County Assessor's Map
- Exhibit E: Traffic Impact Study
- Exhibit F: SROZ Verification Report
- Exhibit G: Preliminary Stormwater Report
- Exhibit H: Geotechnical Report
- Exhibit I: Draft CC&R's
- Exhibit J: Annexation Petition and Certification
- Exhibit K: Annexation Legal Description Exhibit and Certification
- Exhibit L: Zoning Change Legal Description and Exhibit
- Exhibit M: Preliminary Conceptual Elevations
- Exhibit N: 250 Foot Radius Notification Labels
- Exhibit O: BPA Easement
- Exhibit P: TVF&R Service Provider Letter
- Exhibit Q: Fire Truck Turning Exhibit
- Exhibit U: Republic Services Site Plan Approval

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

- P-01 Cover Sheet Legend, Vicinity and Site Maps
- P-02 Zoning Map

- P-03 Annexation Map
- P-04 Preliminary Existing Conditions Plan
- P-05 Preliminary Aerial Photograph Plan
- P-06 Preliminary Dimensioned PUD Plan
- P-07 Preliminary Grading and Erosion Control Plan
- P-08 Preliminary Composite Utility Plan
- P-09 Preliminary Street Plan
- P-10 Preliminary Street Cross Sections
- P-11 Preliminary Street Profiles
- P-12 Preliminary Tree Preservation and Removal Plan
- P-13 Preliminary Tree Preservation and Removal Table
- P-14 Preliminary Demolition Plan
- P-15 Preliminary Street Tree Planting Plan
- P-16 Preliminary Tract C and D Planting Plans
- P-17 Preliminary Frontage Wall Details
- P-18 Preliminary Stormwater Details
- B3. Incompleteness Response Letter Dated September 10, 2021
- B4. Incompleteness Response Letter Dated November 15, 2021

Development Review Team Correspondence

- C1.** Clackamas County Comments and Conditions and City Response
- C2.** Engineering Division Conditions
- C3.** ODOT Comments and City Response
- C4.** *ODOT Response to City February 14, 2022*

Other Correspondence

- D1.** Metro Annexation Public Hearing Notice Proposal No. AN0821

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on July 14, 2021. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on August 12, 2021. The applicant submitted additional material on September 10, 2021. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on October 8, 2021. The applicant submitted a revised submittal package on November 15, 2021 including a request from the application to deem the application complete per ORS 227.178(2)(b). Based on this request the application was deemed complete on November 15, 2021. The City must render a final decision for the request, including any appeals, by March 15, 2022.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North	EFU	Rural Residential/Agriculture
East	EFU and RRF-5	SW Stafford Road, Rural Residential/Agriculture
South	RN and RRF-5	Single-family Residential (Frog Pond Ridge, under construction) Rural Residential/Agriculture
West	RRFF-5	Rural Residential/Agriculture

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

Findings:

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

General Information

Application Procedures-In General Section 4.008

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

Initiating Application Section 4.009

The owners of all property included in the application signed the application forms. Venture Properties, Inc. initiated the application with their approval.

Pre-Application Conference Subsection 4.010 (.02)

Following a request from the applicant, the City held a pre-application conference for the proposal on December 12, 2019 (PA19-0022), in accordance with this subsection.

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

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

General Submission Requirements Subsection 4.035 (.04) A.

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

Zoning-Generally Section 4.110

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

Request A: DB21-0036 Annexation

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

Comprehensive Plan-Annexation and Boundary Changes

Consistent with Future Planned Public Services

Implementation Measure 2.2.1.a.

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

Demonstrated Need for Immediate Urban Growth

Implementation Measure 2.2.1.a.

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

Adherence to State and Metro Annexation Laws and Standards

Implementation Measure 2.2.1.e.

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

Orderly, Economic Provision of Public Facilities and Services

Implementation Measure 2.2.1.e. 1.

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

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

Implementation Measure 2.2.1.e. 2.

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

Wilsonville Development Code-Annexation

Authority to Review Quasi-Judicial Annexation Requests

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

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

Procedure for Review, Etc.

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

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

Adoption of Development Agreement with Annexation

Subsection 4.700 (.05)

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

Metro Code

Local Government Boundary Changes

Chapter 3.09

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

Oregon Revised Statutes (ORS)

Authority and Procedure for Annexation

ORS 222.111

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

Procedure Without Election by City Electors

ORS 222.120

- A11.** The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and the request meets the applicable requirements in State statute including the facts that all property owners and a majority of

electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

Annexation by Consent of All Owners and Majority of Electors
ORS 222.125

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

Oregon Statewide Planning Goals

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

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

Housing
Goal 10

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

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

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

- Wilsonville is meeting Statewide Planning Goal 10 requirements to “provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing” and to “provide for an overall density of 8 or more dwelling units per net buildable acre.”
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Rezoning the subject property to a higher density zone consistent with the Comprehensive Plan will ensure related zone map amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing urban growth boundary and improving the capacity identified in the 2014 study. The type of housing is anticipated to be single-family; however, the approval will allow middle housing consistent with House Bill 2001 and newly implemented City code to allow middle housing types.
- The proposal directly impacts approximately 1.7% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 8.46 of 477 acres).

Request B: DB21-0037 Zone Map Amendment

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

Comprehensive Plan

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

Policy 4.1.7.a.

- B1.** The subject area has a Comprehensive Plan Map Designation of “Residential Neighborhood”. The designation enables development of the site consistent with the purpose of this designation as set forth in the legislatively adopted Frog Pond West Master Plan, resulting in an attractive, cohesive and connected residential neighborhood with high quality architecture and community design, transportation choices, and preserved and enhanced natural resources.

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

- B2.** The applicant requests the subject area receive the zoning designation of Residential Neighborhood (RN) as required for areas with the Comprehensive Plan Map Designation of “Residential Neighborhood”.

Safe, Convenient, Healthful, and Attractive Places to Live
Implementation Measure 4.1.4.c.

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

Residential Density
Implementation Measure 4.1.4.u.

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

Development Code

Zoning Consistent with Comprehensive Plan
Section 4.029

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

Base Zones
Subsection 4.110 (.01)

- B6.** The requested zoning designation of RN is among the base zones identified in this subsection.

Residential Neighborhood (RN) Zone

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

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

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

- B8.** Concurrent with the zone map amendment request the applicant requests approval of a twenty nine (29)-lot residential subdivision. Single-family dwelling units, Duplex, Triplex, Quadplex, Cluster Housing, Cohousing, Cluster Housing (Frog Pond West Master Plan), open space, and public and private parks are among the permitted uses in the RN Zone.

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

- B9.** The proposed uses, number of lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential land use lot count, the proposed Stage I area includes portions of medium lot Sub-districts 11 and small lot Sub district 10. A full discussion of compliance with the sub-districts and residential density is included under Request C, Stage I Preliminary Plan.

Request C: DB21-0038 Stage I Preliminary Plan

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

Comprehensive Plan

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

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

Urbanization for Adequate Housing for Workers Employed in Wilsonville, Jobs and Housing Balance
Implementation Measures 2.1.1.b., 4.1.4.l., 4.1.4.p.

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

Encouraging Master Planning of Large Areas
Implementation Measure 2.1.1.f.2.

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

City Obligated to do its Fair Share to Increase Development Capacity within UGB
Implementation Measure 2.2.1.b.

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

Urban Development Only Where Necessary Facilities can be Provided
Implementation Measure 3.1.2.a.

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

Provision of Usable Open Space
Implementation Measures 3.1.11.p., 4.1.5.kk.

- C6. The proposal provides usable open space throughout the subdivision as required by the Frog Pond Master Plan for small lot sub-districts. Findings related to Section 4.127 of the Development Code and Findings H1 and H2 for the waiver request offer additional details related to provision of usable open space.

Consistency with Street Demonstration Plans May Be Required
Implementation Measure 3.2.2.

- C7. Section 4.127 requires the area subject to the Stage I Preliminary Plan be consistent with the street demonstration plan in Figure 18 of the Frog Pond West Master Plan. The proposed street layout is generally consistent with the street demonstration plan with variations as noted in Finding D15.

Wide Range of Housing Choices, Planning for a Variety of Housing
Policy 4.1.4., Implementation Measures 4.1.4.b., 4.1.4.c., 4.1.4.d., 4.1.4.j., 4.1.4.o.

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

Accommodating Housing Needs of Existing Residents
Implementation Measure 4.1.4.f.

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

Planned Development Regulations

Planned Development Lot Qualifications

Subsection 4.140 (.02)

C10. The planned 29-lot subdivision will accommodate residential building lots, provide functional public streets, and be surrounded by open space and recreational opportunities consistent with the purpose of Section 4.140. The proposed subdivision is 8.46 acres and is suitable for planning and development. The property is not currently nor is it proposed to be zoned "PD" (Planned Development). Concurrently with the request for a Stage I Preliminary Plan, the applicant proposes to rezone the property to RN (Residential Neighborhood). Pursuant to the Frog Pond West Master Plan development in the RN zone follows the same planned development procedure as PDR zones.

Ownership Requirements

Subsection 4.140 (.03)

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

Professional Design Team

Subsection 4.140 (.04)

C12. Mimi Dougkas, AICP, of AKS Engineering & Forestry is the coordinator of a professional design team with all the necessary disciplines including engineers, a landscape architect, and a planner, among other professionals.

Planned Development Application Requirements

Subsection 4.140 (.07)

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

- The property affected by the Stage I Preliminary Plan is under an application by the property owners.
- The applicant submitted a Stage I Preliminary Plan request on a form prescribed by the City.
- The applicant identified a professional design team and coordinator. See Finding C12.
- The applicant has stated the uses involved in the Stage I Preliminary Plan and their locations.
- The applicant provided boundary information.
- The applicant has submitted sufficient topographic information.
- The applicant provided a tabulation of the land area to be devoted to various uses.
- The applicant proposes up to three phases of development dependent on roadway and utility access as shown in Exhibit B2.
- Any necessary performance bonds will be required.

Standards for Residential Development in Any Zone

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

C14. The Frog Pond West Master Plan controls outdoor recreational area and open spaces for the subject and surrounding areas. The amount of open space in the proposed development is consistent with the Frog Pond West Master Plan. The applicant requests a waiver on the location of the required open space in the R-5 sub-district. For additional information see Findings H1 and H2.

Residential Neighborhood Zone

Permitted Uses Subsection 4.127 (.02)

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

Residential Neighborhood Sub-districts Subsection 4.127 (.05)

C16. The proposed Stage I Preliminary Plan area includes portions of small lot Sub-district 10 and medium lot Sub-district 11.

Minimum and Maximum Residential Lots Subsection 4.127 (.06)

C17. The proposed number of residential lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential lot count, the proposed Stage I area includes portions of small lot Sub-district 10 and medium lot Sub-district 11. The following table summarizes how the proposed residential lots in each Sub-district are consistent with the Master Plan recommendations. The configuration of lots as proposed will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

Subdistrict and Land Use Designation	Gross Site Area (ac)	Percent of Sub-district	Established lot range for Sub-district	Lot Range for Site	Proposed Lots	Total lots within Sub-district - Approved and Proposed
10 – R-5	.8	14%	30-38	4-5	5	0 Approved 5 Proposed 5 Total
11 – R-7	5.2	41%	46-58	19-24	24	0 Approved 24 Proposed 24 Total
Total	6			23-29	29	

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

C18. The proposed Stage I Preliminary Plan area includes residential land designated R-5 in Sub-district 10 in the Frog Pond West Master Plan, thus the code requires 10% of the net developable area within this sub-district to be in open space. Net developable area does not include land for nonresidential uses, SROZ-regulated lands, streets and private drives, alleys and pedestrian connections. Of this open space, 50% is to be usable open space. Open space is provided in accordance with this criterion, as noted in Finding D14. Due to the small portion of R-5 small lot Sub district 10 owned by the applicant, the required open space is provided within the R-7 medium lot Sub-district 11. See Request H for additional discussion regarding the waiver request.

Request D: DB21-0039 Stage II Final Plan

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

Stage II Final Plan Submission Requirements and Process

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

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

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

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

- Boeckman Road/Parkway Avenue
- Boeckman Road/Canyon Creek Road
- Boeckman Road/Advance Road/Stafford Road/Wilsonville Road
- Stafford Road/Frog Pond Lane
- Stafford Road / SW 65th Avenue

The Boeckman Road/Parkway Avenue, Boeckman Road/Advance Road/Stafford Road/Wilsonville Road intersections continue to perform at Level of Service D or better and thus meet City standards. Two intersections as described below do not meet the Level of Service standards required by the City.

The intersection of SW Boeckman and SW Canyon Creek Road will fall to a Level of Service E without any improvements made. Subsection 4.140 (.09) J. 2. allows measuring Level of

Service based on existing and immediately planned streets. This subsection defines immediately planned as being part of the Capital Improvement Program, and being funded for completion within two years of occupancy of the development. The City has identified fully signalizing this intersection as part of project Urban Upgrade-01 (UU-01) in the Transportation System Plan (TSP), which would allow the intersection to function at the required Level of Service. The City has identified funding for design and construction as CIP 4206 in the adopted Fiscal Year 2021-22 budget, with construction planned to commence in 2023. Thus, the future signalized intersection can be used for the purpose of determining Level of Service (LOS) for this project and meeting City LOS standards.

The SW Stafford Road and SW 65th Avenue intersection is under Clackamas County jurisdiction and currently fails to meet County operating standards under existing 2021 conditions. The Clackamas County 20-year Capital Project List a proposed future roundabout at the Stafford Road / SW 65th Ave / Elligsen Road intersection (Project ID 1079) is the recommended improvement. In the City of Wilsonville TSP, a traffic signal or roundabout has been identified as a High Priority Project Spot Improvement-03 (SI-03) at the same intersection. The City's cost share of the project is 25% of the total project cost with the County funding the remaining portion. The transportation SDC's collected as part of this development will contribute toward the City's share of the proposed intersection improvement costs. As the Stafford Road / SW 65th Avenue intersection is outside the City's jurisdiction, it is not possible to require the completion of these improvements within the specified timeframe. The improvements will be constructed on the timeline set forth by the County's 20-Year Capital Project List. In the meantime, the City's Boeckman Creek Corridor Project, which includes improving the intersection of Canyon Creek Road and Boeckman Road, will also include temporary signalization at the Stafford Road / SW 65th Avenue intersection, which will improve the flow of traffic at this intersection.

Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

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

Adherence to Approved Plans

Subsection 4.140 (.09) L.

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

General Residential Development Standards

Effects of Compliance Requirements and Conditions on Cost of Needed Housing Subsection 4.113 (.13)

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

Underground Utilities Required Subsection 4.118 (.02) and Sections 4.300 to 4.320

D6. The applicant proposes installation of all new utilities underground. Besides high voltage power lines unable to be undergrounded within the Bonneville Power Administration (BPA) Easement, the applicant or City will underground all existing utility lines fronting the subject properties.

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

D7. The applicant has designed the project to minimize grading to only what is required to install site improvements and build homes. The applicant has designed, and will construct, water, sewer, and stormwater infrastructure in accordance with the applicable City requirements in order to minimize adverse impacts on the site, adjacent properties, and surrounding resources. The project avoids impacts to the existing on-site wetland, which is not deemed locally significant or found within the Significant Resource Overlay Zone (SROZ). The applicant has included the SROZ Verification Report in Exhibit B1.

Residential Neighborhood (RN) Zone

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

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

Standard	R-7 Medium Lot Sub-district 11		R-5 Small Lot Sub-district 10		Compliance Notes
	Required	Proposed	Required	Proposed	
Min. Lot Size	6,000 sf	4,842-6,600 sf	4,000 sf	4,039-4,096	Lots 6,7,15, and 16 do not meet this standard. Lots may be reduced up to 80% of the minimum lot size (4,800 sq ft) to preserve

					natural resources. The applicant is protecting an off-site grove of Oregon white oaks. ¹
Min. Lot Depth	60 ft	91.32-120 ft	60 ft	92-101.5 ft	Standard is met.
Min. Lot Width	35 ft	48.43 – 67.36 ft	35 ft	40-56.1 ft	Standard is met.
Max. Lot Coverage	45%	45% max	60%	60% max	Standard can be met. Example floor plan footprints range from 1,405 to 1,732 sq ft. One or more could be placed on each proposed lot without exceeding max. lot coverage.
Max. Bldg Height	35 ft	35 ft max	35 ft	35 ft max	Standard can be met. Per applicant's materials, houses will be max 35 ft height.
Min. Front Setback	15 feet	15 ft min	12 ft	12 ft min	Standard can be met.
Min. Rear Setback	15 feet	15 ft min	15 ft	15 ft min	Standard can be met.
Min. Side Setback	5 feet (10 feet for corner lots)	5 ft min (10 ft min on corner lots)	5 feet (10 feet for corner lots)	5 ft min (10 ft min on corner lots)	Standard can be met.
Min. Garage Setback from Alley	18 ft	18 ft. min	18 ft	18 ft. min	Standard can be met.
Min. Garage Setback from Street	20 ft	20 ft min	20 ft	20 ft min	Standard can be met.
¹ In order to preserve the trees directly on the property line between the subject property and the property to the west, the applicant revised the location of SW Trillium Street further south to avoid impacts to Tree No. 20128, a 55 DBH Oregon White Oak in good condition. The location of SW Trillium reduces lot depth and necessitates the lot size reduction.					

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

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

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

Open Space Requirements
Subsection 4.127 (.09)

D10. As stated in Subsection 4.127 (.09) B. 2., R-5 sub-districts require 10% of the net developable area to be in open space. Net developable area does not include land for nonresidential uses, SROZ-regulated lands, streets and private drives, alleys and pedestrian connections. Of this open space, 50% is to be usable open space. The project contains a relatively small portion of the R-5 sub-district, resulting in a smaller square footage open space requirement. Due to the large area that includes the wetland where the open space has been incorporated all of the square footage minus the fenced area of the storm water facility counts toward the proposed open space, which is why the proposed percentage is appears so high in the table below. While the applicant greatly exceeds the required minimum open space and minimum usable open space requirements, the open space (Tract A) is located outside the R-5 sub-district. The applicant has requested a waiver (Request H) to locate the open space outside of the R-5 sub-district boundaries in the R-7 sub-district portion of the site consistent with the provisions of this subsection. Compliance with the size requirements is as follows:

Net Developable Area in Small Lot Subdistricts	Minimum Open Space		Minimum Usable Open Space		Compliance Notes
	Required (10%)	Proposed (523%)	Required (50% of min. open space)	Proposed (52% of min. open space)	
20,892 sf	2,089 sf	109,344 sf	1,045 sf	57,846 sf	Standard is met through waiver request.

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

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

Street Segment	Generally Consistent with Figure 18	Allowed Variation	Explanation of Variation
SW Frog Pond Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SW Marigold Terrace	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SW Windflower Street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The applicant provides this alignment generally consistent with Figure 18, however this alignment terminates in a hammerhead and pedestrian connection to SW Stafford Road. The applicant states this will be provided by the developer of Tax Lot 200 to align with the proposed sidewalk on the south side of Windflower Street.
SW Yarrow Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SW Trillium Street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Tract A and Tract C Pedestrian Connections, Tract B Private Alley:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A condition of approval has been added to require a secondary northern connection via the easternmost pedestrian connection within Tract A toward SW Kahle Rd.

The proposed modified grid pattern provides an efficient street connection to SW Stafford Road with interior streets providing efficient pedestrian connections through the attached sidewalks. The grid pattern with attached sidewalks provides for a substantially equivalent level of pedestrian connectivity and does not require out-of-direction pedestrian travel nor does it result in greater distances for pedestrian access to the proposed subdivision from SW Stafford Road than would otherwise be the case if the Street Demonstration Plan were adhered to.

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

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

Standard			Compliance Notes
Main Entrance Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Width Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met. Subdivision includes a mix of lots greater and less than 50 feet at the front lot line.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Orientation Towards Alley or Shared Driveway	Alleys or Shared Driveways in Subdivision	No Alleys or Shared Driveways in Subdivision	Standard can be met. Lots 17-24 abut Private Alley Tract B; orientation of garages to alleys to be verified at building permit review.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Residential Design Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Small-Lot Subdistricts – House Plan Variety	Required Duplex/Attached Units	Provided Duplex/Attached Units	Small lot area less than 10 acres
	0	0	

Fences	Sufficient Information Provided to Determine Compliance <input type="checkbox"/>	Compliance to be Determined at Building Permit Review <input checked="" type="checkbox"/>	Standard can be met. Columns for the Stafford Road wall are located at property corners.
Homes Adjacent to School and Parks and Public Open Spaces	Schools or Parks adjacent to Lots <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Lots 17-24 abut private open space in Tract A and are not subject to these standards.

On-site Pedestrian Access and Circulation

Continuous Pathway System

Section 4.154 (.01) B. 1.

D13. The submitted plans show sidewalks along the frontages of all lots providing a continuous pathway system throughout the proposed subdivision. In addition to the sidewalk system, pedestrian/bicycle connections are proposed through Tract C and through Tract A. These additional connections are consistent with Figure 18 of the Frog Pond West Master Plan. The proposal also enables connections to future adjacent development. To ensure full access and function of the planned pathway system for the public, a Condition of Approval PDD 2 requires public access easements across all pathways within private tracts. Condition of Approval PDD 8 requires the provision of a pedestrian connection to Tax Lot 401 and to the north via Path B to the future SW Kahle right-of-way to ensure a continuous pathway system to adjacent properties.

Safe, Direct, and Convenient

Section 4.154 (.01) B. 2.

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

Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

D15. The proposed design vertically and or horizontally separates all sidewalks and pathways from vehicle travel lanes except for driveways and crosswalks. The connection between Tract C / Path C is indicated with continental crosswalk striping where it crosses SW Windflower Street. The connection to Path A/B in Tract A is also indicated utilizing continental crosswalk striping as it crosses SW Trillium Street.

Crosswalks Delineation
Section 4.154 (.01) B. 4.

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

Pathway Width and Surface
Section 4.154 (.01) B. 5.

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

Parking Area Design Standards

Minimum and Maximum Parking
Subsection 4.155 (.03) G.

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

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

D19. The applicable standards are met as follows:

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

Other General Regulations

Access, Ingress and Egress

Subsection 4.167 (.01)

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

Protection of Natural Features and Other Resources

General Terrain Preparation

Section 4.171 (.02)

D21. The site has been planned and designed to avoid the natural features on the site, including a tree grove and a wetland. Grading, filling, and excavating will be conducted in accordance with the Uniform Building code. The site will be protected with erosion control measures and the delineated wetland on site will be staked prior to commencement of site work to avoid damage to vegetation or injury to habitat. The removal of trees is necessary for site development, but replacement trees will be planted per the provisions of this code.

Trees and Wooded Areas

Section 4.171 (.04)

D22. Existing vegetation will not be disturbed, injured or removed prior to land use and permit approvals. Existing trees have been retained wherever possible; however, trees will need to be removed to provide area for home construction. The existing grove of trees along the property line in the northwestern portion of the site has been prioritized for protection and incorporated into a pedestrian connection that has been configured to allow for the preservation of these trees. The finished pathway will be built on grade according to the construction plan specified in the Arborist Report, and its location within the grove will be somewhat flexible to allow the project arborist and construction crew to preserve large roots that may be encountered.

Lots 17 and 18 encroach into the root protection zone (RPZ) of protected trees in the grove. A condition of approval will require the lots to be subject to a tree protection easement so that building footprints are outside RPZs. Alternative construction techniques will be used where intrusion into the RPZs cannot be avoided. Branch and root pruning that may be needed for these trees will be supervised and conducted by an ISA Certified Arborist.

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

Earth Movement Hazard Area
Subsection 4.171 (.07)

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

Historic Resources
Subsection 4.171 (.09)

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

Public Safety and Crime Prevention

Design for Public Safety, Addressing, Lighting to Discourage Crime
Section 4.175

D25. The design of the Frog Pond Crossing development deters crime and ensures public safety. The lighting of the streets and pedestrian connections allow for visibility and safety. The orientation of homes toward streets provides “eyes on the street.” All dwellings will be addressed per Building and Fire Department requirements to allow identification for emergency response personnel. Dwellings will have exterior porch lighting, which will support the streetlights to provide safety and visibility.

Landscaping Standards

Intent and Required Materials
Subsections 4.176 (.02) C. through I.

D26. Planting areas along the street and open spaces within the subdivision are generally open and are not required to provide any specific screening, thus the design of the landscaping follows the general landscaping standards. The plantings include a mixture of ground cover, shrubs, trees, and stormwater swale plantings. Conditions of ~~approval~~ Approval PDE 11 will ensure the planting of street trees consistent with the Frog Pond West Master Plan. Ground cover and shrubs cover the non-tree landscape areas.

Types of Plant Material, Variety and Balance, Use of Natives When Practicable
Subsection 4.176 (.03)

D27. The applicant proposes a professionally designed landscape using a variety of plant material. There are no parking areas proposed and no parking area landscaping is required. The landscape plans included in the applicant’s materials (Sheets P15 - P18) illustrate the location and type of landscaping within public rights-of-way and tracts. The design includes a variety of native plants, particularly in the open space area.

Street Improvement Standards

Conformance with Standards and Plan

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

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

Street Design Standards-Future Connections and Adjoining Properties

Subsection 4.177 (.02) A.

D29. The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. Future connections to adjacent sites are anticipated to the west. The proposed design provides for continuation of streets with Frog Pond Ridge to the south. SW Marigold Terrace is extended north, consistent with the Frog Pond West Master Plan. SW Yarrow Street provides a north south street consistent with the Street Demonstration Plan. SW Trillium is the east west continuation of SW Yarrow and provides future connections to Frog Pond Oaks proposed for the property to the west. SW Trillium contains connections to two pedestrian connections generally consistent with the pedestrian connections shown in these locations on the Street Demonstration Plan.

City Engineer Determination of Street Design and Width

Subsection 4.177 (.02) B.

D30. The City Engineering Division has preliminarily found the street designs and widths as consistent with the cross sections shown in the Frog Pond West Master Plan with the modifications as noted in Finding D29, above, and in Exhibits C2. The Engineering Division will check final conformance with the cross sections shown in the Frog Pond West Master Plan during review of the Public Works permit.

Right-of-Way Dedication

Subsection 4.177 (.02) C. 1.

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

Waiver of Remonstrance Required

Subsection 4.177 (.02) C. 2.

D32. This Subsection requires that a waiver of remonstrance against formation of a local improvement district (LID) be recorded in the County Recorder's Office as well as the City's Lien Docket as a part of recordation of a final plat. This requirement is contained in the Development and Annexation Agreement and notes that in light of the developer's obligation to pay an Infrastructure Supplemental Fee and Boeckman Bridge Fee, release of the LID Waiver for a specific parcel within the Frog Pond Crossing development may occur

upon official recording of the release of the waiver only after payment of these fees, and will require the developer to pay all costs and fees associated with the City's release of the waiver. A Condition of Approval PDD 6 outlines the process to be followed with respect to the required LID Waiver and its release for a specific parcel.

Dead-end Streets Limitations

Subsection 4.177 (.02) D.

D33. The street network has been designed per the Frog Pond West Master Plan Street Demonstration Plan. No permanent dead end streets are proposed by the applicant. The applicant proposes SW Marigold Terrace, SW Windflower Street, and SW Yarrow Lane that will connect to SW Frog Pond Lane. The applicant proposes one temporary dead end street, SW Trillium Street, pending extension to the west with future development. The street is approximately 350 feet long past its intersection with SW Yarrow Lane and serves 4 lots directly and provides access to Tract B a private alley that serves an additional 8 lots. The number of homes accessed by this street is less than the maximum allowed for a dead end street. Notification of extension will be posted on the end of this street as required by Condition of Approval PDF 3.

Corner Vision Clearance

Subsection 4.177 (.02) E.

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

Vertical Clearance

Subsection 4.177 (.02) F.

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

Interim Improvement Standards

Subsection 4.177 (.02) G.

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

Sidewalks Requirements

Subsection 4.177 (.03)

D37. The applicant proposes sidewalks along all public street frontages abutting proposed lots, except along SW Stafford Road, where the City will develop the sidewalks with planned street improvements.

Bicycle Facility Requirements

Subsection 4.177 (.04)

D38. The proposed cross-section for Frog Pond Lane shown on Sheet P-10 does not comply with the master plan cross-section for this section of right-of-way as it does not include the buffered bike lanes. Condition of Approval PFD 2 requires all cross-sections to comply with the Frog Pond West Master Plan requirements prior to Final Plat approval. See Exhibit C2.

Pathways in Addition to, or in Lieu of, a Public Street

Subsection 4.177 (.05)

D39. Pedestrian and bicycle accessways are proposed through Tract A, connecting to proposed SW Trillium Street and to the that will continue off-site to Frog Pond Oaks. An interior pedestrian pathway is proposed at a mid-block crossing between SW Trillium Street and SW Windflower Street, where the Frog Pond West Master Plan envisions a public street. Since the proposed street network within the subdivision does not exactly match the conceptual Street Demonstration Plan, the proposed pathway achieves a similar level of connectivity desired for this particular block. Conditions of approval have been added to ensure connectivity to the north at the easternmost pedestrian connection located in Tract A and to ensure connectivity to the west via the east west pedestrian connection in Tract A. See Finding D13 and Condition of Approval PDD 8 for further discussion.

Transit Improvements Requirements

Subsection 4.177 (.06)

D40. The applicant does not propose any transit improvements within the proposed subdivision or the SW Stafford Road frontage. There is not currently transit service along SW Stafford Road; however, as the Frog Pond area develops, additional transit service may be added. Any transit improvements would be addressed at the time the need for additional transit service is identified.

Intersection Spacing

Offset Intersections Not Allowed

Subsection 4.177 (.09) A.

D41. The applicant does not propose any offset intersections.

Minimum Street Intersection Spacing in Transportation System Plan Table 3-2

Subsection 4.177 (.09) B.

D42. Streets within the development are local streets, with the exception of SW Frog Pond Lane, which is a Collector. Per Table 3-2 of the Transportation System Plan, the minimum access spacing standard along a Collector is 100 ft., and the desired access spacing is 300 ft. The proposed extension of SW Marigold Terrace connects to SW Frog Pond Lane at the location of the existing intersection, which exceeds the minimum access spacing standard of 100 ft.

No individual lot accesses are proposed to SW Frog Pond Lane, and access to each lot is proposed from local streets. Other streets within the subdivision are local streets, which are not subject to minimum spacing standards.

Request E: DB21-0040 Site Design Review of Parks and Open Space

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

Objectives of Site Design Review

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

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

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

E2. The City code affords the applicant's design team flexibility to create an original design appropriate for the site while ensuring consistency with the Frog Pond West Master Plan, particularly for street trees and the plantings along SW Stafford Road.

Jurisdiction and Power of the DRB for Site Design Review

Development Review Board Jurisdiction
Section 4.420

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

Design Standards

Preservation of Landscaping

Subsection 4.421 (.01) A. and Section 4.171

- E4.** The site layout takes into consideration existing landscaping and preserving it where possible. A grove of large Oregon white oak trees exists directly off-site, with the drip lines and root zones of the trees located on the subject property. The applicant has included a pedestrian connection and open space (Tract A) that allows for the preservation of these healthy significant trees.

Relation of Proposed Buildings to Environment

Subsection 4.421 (.01) B.

- E5.** Structures proposed for the site include a brick wall along the SW Stafford Road frontage. The brick wall along SW Stafford Road was designed in accordance with the Frog Pond West Master Plan and consists of a 4-ft wall with a 2-ft wrought iron fence on top (see Sheet L3.00). Brick columns with concrete caps are placed at regular intervals along the site frontage. The wall is placed at the rear of lots 25-29 and ends north of Lot 25 in order to provide views and avoid impacts to the existing wetland located in Tract A.

Surface Water Drainage

Subsection 4.421 (.01) D.

- E6.** As demonstrated in the applicant's plans, attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. The location of LIDA facilities within the planter strips of the public streets, stormwater facilities within tracts, and details of LIDA facility planting are shown in Sheets P-09 and P-15 and P-18. Appendix G in Exhibit B1 includes the Preliminary Stormwater Report Plan.

Above Ground Utility Installations

Subsection 4.421 (.01) E.

- E7.** The applicant proposes no above ground utility installations. Existing overhead lines will be undergrounded except for high voltage power lines not technically feasible to underground along SW Stafford Road and the BPA easement. Each lot will be served by a sanitary sewer line (see Sheet P-08). Storm sewage disposal is provided by a storm drain system connecting to each on-site stormwater facility.

Screening and Buffering of Special Features

Subsection 4.421 (.01) G.

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

Applicability of Design Standards
Subsection 4.421 (.02)

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

Conditions of Approval Ensuring Proper and Efficient Functioning of Development
Subsection 4.421 (.05)

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

Site Design Review Submission Requirements

Submission Requirements
Section 4.440

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

Time Limit on Site Design Review Approvals

Void after 2 Years
Section 4.442

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

Installation of Landscaping

Landscape Installation or Bonding
Subsection 4.450 (.01)

- E13. A Condition of Approval ensures all landscaping in common tracts shall be installed shall be installed prior to Final Plat Approval, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant. A Condition of Approval further requires that the applicant, prior

to Final Plat Approval, either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping.

Approved Landscape Plan

Subsection 4.450 (.02)

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

Landscape Maintenance and Watering

Subsection 4.450 (.03)

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

Modifications of Landscaping

Subsection 4.450 (.04)

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

Natural Features and Other Resources

Protection

Section 4.171

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

Landscaping

Landscape Standards Code Compliance

Subsection 4.176 (.02) B.

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

Intent and Required Materials

Subsections 4.176 (.02) C. through I.

E19. The general landscape standard applies throughout different landscape areas of the site and the applicant proposes landscape materials to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage II Final Plan which

includes an analysis of the functional application of the landscaping standards. See Finding D28 under Request D.

Quality and Size of Plant Material Subsection 4.176 (.06)

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

Landscape Installation and Maintenance Subsection 4.176 (.07)

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

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival.
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- Preliminary Landscape Notes No. 6 on the applicant's sheet P-15 provides for irrigation during the establishment period.

Landscape Plans Subsection 4.176 (.09)

E22. The applicant's submitted landscape plans, Sheets P-15 and P-16, provide the required information.

Completion of Landscaping Subsection 4.176 (.10)

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

Public Lighting Plan

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

E24. As Shown on Sheet P-08 in Exhibit B2 show proposed street lights on local streets. The Frog Pond Master Plan requires PGE Option 'B' LED with Westbrook 35W LED and 18' decorative aluminum pole (20-foot mounting height with 4 foot mast arm). These are dark sky friendly and located with a professionally designed layout to minimize negative effects on future homes, provide for safety, and use a consistent design established by the Frog

Pond West Master Plan. The applicant’s materials do not specify a fixture; therefore Condition of Approval PDE 9 shall require the applicant to include the specified fixture for the Frog Pond West Neighborhood.

Lighting of Pathways

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

E25. The applicant’s plans show lighting along the pedestrian paths in Tract A and Tract C. The Frog Pond West Master Plan requires a Public Lighting Plan and recommended light plan hierarchy to define various travel routes within Frog Pond. Pedestrian connections, trailheads, and paths are required to be uniformly illuminated and shall follow the Public Works Standards for Shared Use Path Lighting. A Condition of Approval PDE9 requires the applicant to coordinate with the City to determine if any additional pedestrian scale lighting is warranted along the proposed pathways in Tract A and Tract C.

Street Tree Plan

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

E26. The Street Tree Plan provides guidance tied to the street typology for Frog Pond West, with an overall intent to beautify and unify the neighborhood while providing a variety of tree species. The Frog Pond West Master Plan intends to achieve continuity through consistent tree types and consistent spacing along both sides of a street. *The Frog Pond West Master Plan directs “stormwater be managed within planter strips as much as possible. The design of the landscape/stormwater strips will accommodate the various needs of stormwater, pedestrian movement, and street trees. The City, at its discretion, may consider stormwater management through facilities other than planter strips on a case-by-case basis.” (emphasis added with italics). The current design does not accommodate the needs of street trees as street trees are pushed well onto lots behind sidewalk, public utility easements, and on-lot stormwater facilities.* The following lots contain trees located within easements or on private lots: Lots 1, 5, 6, 8, 10, 12, 14, 15, 17, 24, 25, 26, 28, and 29. This does not meet the intent of the Master Plan as the spacing is inconsistent with trees properly placed within the planter strip within the public right of way. Condition of Approval PDE 11 *directs specific changes to ensure the needs of street trees are accommodated and appropriate balanced with stormwater and other design features in the planter strips.* requires the applicant to submit a revised street tree plan that provides more consistent street tree placing, and revise the tree selections that conflict with previously established tree species in adjacent subdivisions.

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

Street Name	Street Type	Proposed Species	Compliance Notes
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SW Frog Pond Lane	Primary	Scarlet Oak	On approved list; Tulip Tree established with Frog Pond Ridge Subdivision Condition of Approval requires revision to be consistent with this tree species.
SW Marigold Terrace	Neighborhood	Skyline Thornless Honey Locust	On approved list; American Yellowwood established with Frog Pond Ridge Subdivision Condition of Approval requires revision to be consistent with this tree species.
SW Windflower Street	Neighborhood	Chinese Pistache	
SW Yarrow Lane	Neighborhood	Skyline Honey Locust	
SW Trillium Street	Neighborhood	Accolade Elm	
Tract C Pedestrian Connection	Pedestrian Connection	Common Hornbeam	

Gateways, Monuments and Signage

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

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

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

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

Request F: DB21-0041 Tentative Subdivision Plat

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

Land Division Authorization

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

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

Undersized Lots Prohibited
Subsection 4.202 (.04) B.

- F2. The proposed lots meet the dimensional standards of the RN zone and the R-7 and R-5 sub-districts. See Finding D8 under Request D.

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

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

Tentative Plat Preparation
Subsection 4.210 (.01) A.

- F4. Following gathering information from Planning staff, the appropriate professionals from the applicant's design firm, AKS Engineering & Forestry, Inc. prepared the tentative plat.

Tentative Plat Submission
Subsection 4.210 (.01) B.

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

Phases to Be Shown
Subsection 4.210 (.01) D.

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

Remainder Tracts
Subsection 4.210 (.01) E.

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

Street Requirements for Land Divisions

Master Plan or Map Conformance
Subsection 4.236 (.01)

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

The 2006 Bicycle and Pedestrian Master Plan identifies an improvement, Community Walkway/Bikeway C10, within the site area. The 2017 Frog Pond West Master Plan incorporates a Bicycle and Pedestrian Framework (Figure 17), which identifies bicycle lanes and sidewalks along SW Frog Pond Lane and SW Stafford Road adjacent to the project frontage. The development will construct interim improvements on SW Frog Pond Lane due to the short frontage of the subject property and will dedicate adequate right-of-way for full buildout of these improvements, which will be constructed when Tax Lot 200 develops (see finding D11). The SW Stafford Road facilities will be constructed as part of the City's SW Stafford Road project.

Adjoining Streets Relationship

Subsection 4.236 (.02)

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

Streets Standards Conformance

Subsection 4.236 (.03)

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

Topography

Subsection 4.236 (.05)

F11. The street layout recognizes topographical conditions, including the location of the SROZ on site and no street alignment adjustments from the Frog Pond West Master Plan are necessary.

Reserve Strips

Subsection 4.236 (.06)

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

Future Street Expansion

Subsection 4.236 (.07)

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

Additional Right-of-Way

Subsection 4.236 (.08)

F14. Condition of Approval PFF 1 ensures dedication of sufficient right-of-way for planned improvements along Stafford Road.

Street Names

Subsection 4.236 (.09)

F15. SW Frog Pond Lane has been identified by the Frog Pond West Master Plan as a Gateway Collector from SW Willow Creek Drive east to SW Stafford Road. The proposed development continues SW Marigold Terrace, which was established by previous development applications in the Frog Pond neighborhood to the south. The applicant proposes SW Windflower Street, SW Yarrow Lane, and SW Trillium Street. These proposed street names will be subject to approval by the City Engineer who will check all street names to not be duplicative of existing street names and other wise conform to the City's street name system at the time of Final Plat review.

General Land Division Requirements-Blocks

Blocks for Adequate Building Sites in Conformance with Zoning

Subsection 4.237 (.01)

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

General Land Division Requirements-Easements

Utility Line Easements

Subsection 4.237 (.02) A.

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

Water Courses

Subsection 4.237 (.02) B.

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

General Land Division Requirements-Pedestrian and Bicycle Pathways

Mid-block Pathways Requirement

Subsection 4.237 (.03)

F19. The proposed development includes two proposed pedestrian and bicycle pathways as required by the Frog Pond West Master Plan. These pathways are located in Tracts A and

C and meet the cross-section requirements of the Master Plan. Conditions of Approval ensure public access to these paths. See Finding D22.

General Land Division Requirements-Tree Planting

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

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

General Land Division Requirements-Lot Size and Shape

Lot Size and Shape Appropriate
Subsection 4.237 (.05)

F21. The size, width, shape, and orientation of lots comply with the identified sub-districts in the Frog Pond West Master Plan, with a lot frontage waiver requested for Lots 17-24. See Finding D11 in Request D, and Request I.

General Land Division Requirements-Access

Minimum Street Frontage
Subsection 4.237 (.06)

F22. The full width of the front lot line of each lot fronts a public street or private drive, except for Lots 17-24 which front Tract A and are accessed via Private Alley (Tract B). The applicant has requested a waiver to minimum street frontage standards for Lots 17-24. See Finding D11 and Request H. All other lots meet or exceed the minimum lot width at the front lot line.

General Land Division Requirements-Other

Lot Side Lines
Subsection 4.237 (.08)

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

Corner Lots
Subsection 4.237 (.13)

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

Lots of Record

Lots of Record
Section 4.250

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

Request G: DB21-0042 Type C Tree Removal Plan

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

Type C Tree Removal

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

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

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

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

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

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

General Standards for Tree Removal, Relocation or Replacement

Preservation and Conservation
Subsection 4.610.10 (.01)

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

Per the arborist's report included on Sheet P-13 in Exhibit B2, there are 34 trees on site. One (1) tree will be preserved on site with 33 trees proposed for removal. Five (5) additional trees located off-site within Stafford Road ROW will be removed for an overall total of thirty-eight (38) trees proposed for removal. In addition, 20 trees not located on site will require tree protection to ensure off-site tree health. ~~Of the trees to be preserved on site, 20 are part of the oak grove located within Tract E and one is located within the SW Willow Creek Drive median.~~

As shown on Sheet P-07, most of the trees to be removed are located within the grading limits of SW Marigold Terrace, SW Windflower Street, SW Yarrow Lane, and SW Trillium Street or within the building envelope of the proposed lots. The location of those streets

was determined by the Frog Pond West Master Plan and the City's block length and perimeter standards. Removal of the trees is necessary for construction of site improvements, including utilities, streets, and detached residential dwellings. In addition, grading of each lot is needed to accommodate residential development and associated site improvements (driveways and walkways, stormwater management, outdoor yard areas, etc.). Reducing building footprints by increasing height is not a viable alternative as the height limit in the RN zone is 35 ft., or 2.5 stories.

Development Alternatives

Subsection 4.610.10 (.01) C.

- G5.** The Frog Pond West Master Plan provides clear direction for street connections, residential densities, and preservation of the SROZ. Preservation and conservation of one (1) out of 34 trees on site is proposed. There are additional off-site trees being preserved on Tax Lot 401, and the applicant proposes tree protection fencing near the property line in order to ensure their preservation during construction. Conditions of Approval ensure this criterion is met.

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

Subsection 4.610.10 (.01) D.

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

Residential Development to Blend into Natural Setting

Subsection 4.610.10 (.01) E.

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

Compliance with All Applicable Statutes and Ordinances

Subsection 4.610.10 (.01) F.

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

Tree Relocation and Replacement, Protection of Preserved Trees

Subsection 4.610.10 (.01) G.

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

Tree Removal Limitations

Subsection 4.610.10 (.01) H.

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

Additional Standards for Type C Permits

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

G11. The applicant submitted the required Tree Survey, and Tree Maintenance and Protection Plan (see Exhibit B2 and Sheets P-12 and P-13).

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

G12. The Utility Plan (Sheet P-08) shows a design to minimize impact on the environment to the extent feasible given existing conditions, particularly the natural drainage area. The City will further review utility placement in relation to the drainage area and preserved trees during review of construction drawings and utility easement placement on the final plat.

Type C Tree Plan Review

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tree Relocation, Mitigation, or Replacement

Tree Replacement Required
Subsection 4.620.00 (.01)

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

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

G22. The applicant proposes mitigating removed trees on a basis well in excess of one tree for each tree removed, proposing 51 replacement trees (see Sheet P-15 Preliminary Street Tree Planting Plan). Three (3) trees are proposed within Tract A, seven (7) trees within Tract C, and another 41 trees are provided as street trees. Tract A also contains Vine Maples, Oregon Crab Apples, Osoberry, and Serviceberry plantings, however, due to their size and growing habit these tree do not qualify as mitigation trees as they are more similar to a shrub. For mitigation purposes, only the three (3) Oregon White Oaks within Tract A have been counted toward the total. Staff does not recommend any inch per inch mitigation. Sheets P-15 through P-16 show all trees proposed for planting as mitigation as 2-inch caliper, or the equivalent 6- to 8-foot for conifer trees.

Replacement Plan and Tree Stock Requirements
Subsections 4.620.00 (.03) and (.04)

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

Replacement Trees, City Tree Fund
Subsection 4.620.00 (.05)

G24. As shown on the Street Tree Planting Plan (Sheet P-15), some of these replacement trees consist of street trees. Trees will likely be planted on the individual dwelling lots at the time of site development but are not proposed to be included in the replacement tree plans. The applicant does not propose to pay into the City Tree Fund.

Protection of Preserved Trees

Tree Protection During Construction
Section 4.620.10

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

Request H: DB21-0043 Waiver

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

Waiver: Small Lot Sub-district Open Space Location

Waiver of Typical Development Standards
Subsection 4.118 (.03) A. and Subsection 4.127(.09)B.2.

H1. The applicant requests a waiver to locate the required open space in the R-5 small lot sub-district within the R-7 medium lot-sub-district. This standard is not typically permitted to be waived by the Development Review Board, however as the proposed development is within the Residential Neighborhood zone, the DRB may waive or reduce open space requirements when considering substantial evidence regarding the following factors: the walking distance to usable open space adjacent to the subject property or within 500 feet of it; the amount and type of open space available and adjacent or within 500 feet of the subject property, including facilities which support creative play.

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

H2. The proposed development includes properties within the R-7 medium lot sub-district, which is except from open space requirements, and .5 AC in the R-5 small lot sub-district.

The applicant proposes 109,344 square feet of open space well in excess of the requirement of 2,089 square feet. Due to site constraints such as the small overall portion of R-5 designated land and the right-of-way dedication for SW Marigold Terrace, the applicant is requesting a waiver to satisfy the open space requirement in the R-7 medium lot sub-district, which is between approximately 430 and 490 feet away from the 5 lots located in the R-5 small lot sub-district depending on which route is utilized to access the open space. The proposal by the applicant provides a higher quality uninterrupted open space area that will serve future residents well. The waiver would meet the purpose of this subsection by providing flexibility and allowing a site design that is able to respond to site characteristics.

Request I: DB21-044 Waiver

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

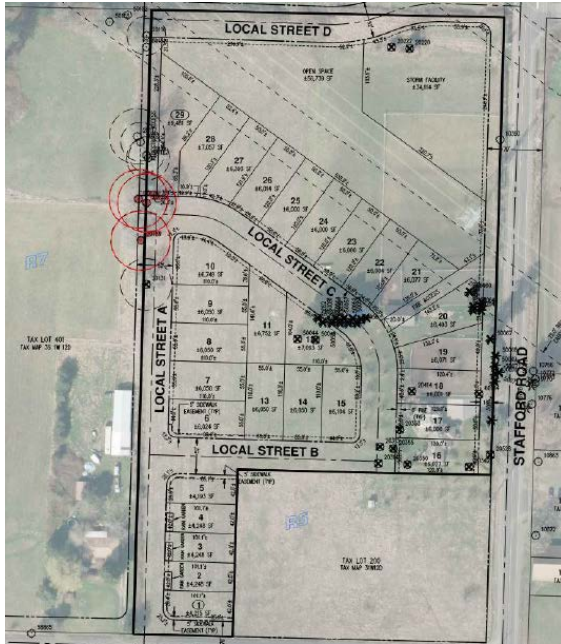
Waiver: Minimum Street Frontage

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

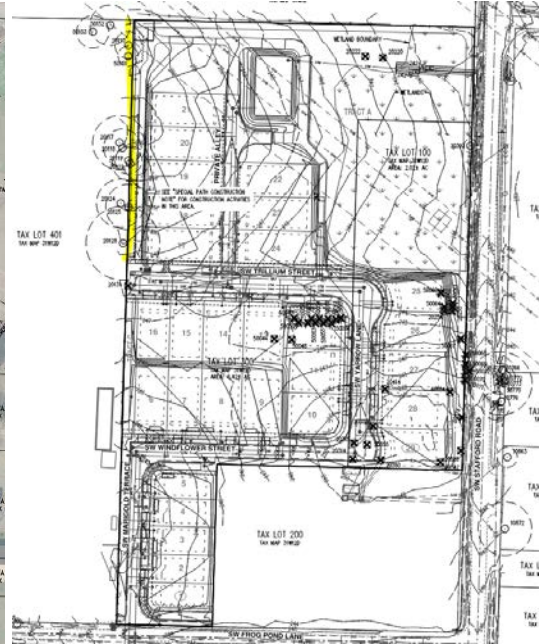
- I1.** While the proposed development meets the applicable requirements for lot dimensional standards, including lot area, width, depth, and lot coverage, the application includes a request for a lot frontage waiver. Eight (8) lots (Lots 17-24) within R-7 medium lot Sub-district 11 front a shared open space with pedestrian access, and take vehicular access from a private alley (Tract B).

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

- I2.** The applicant initially studied an alternative site layout with public street connections as envisioned by the plan below:



Original Layout



Current Layout

This previously studied layout resulted in greater impact on the natural resources on and immediately off-site to the west including large Oregon white oaks in good condition. The image on the left shows that future street extension to the west would have resulted in the removal of the high value tree species. The proposed reconfiguration shown on the right shows the trees preserved as the inclusion of a pedestrian connection and residential lots accessed via a private alley at the rear enables the applicant to meet the required number of lots while preserving the adjacent trees. The location of the trees on the current site plan is shown on the right in yellow, and now results in the preservation of all the healthy high value tree species that are located on the property line.