



Exhibit A1
Staff Report
Frog Pond Estates 17-Lot Subdivision

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

Amended and Adopted March 28, 2022
Added language ***struck through***
Removed language ~~struck through~~

Hearing Date: March 28, 2022

Date of Report: March 21, 2022

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

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

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

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

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

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

Comprehensive Plan Designations: Residential Neighborhood and Public

Zone Map Classification: TLID 400 – Current: Public Facility (PF)
Proposed: No change
TLID 1500 – Current: Residential Neighborhood (RN)
Proposed: No change
TLID 1501 – Current: Clackamas County Rural Residential Farm
Forest 5-Acre (RRFF-5)
Proposed: RN
TLID 4500 – Current: RRFF-5
Proposed: PF

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

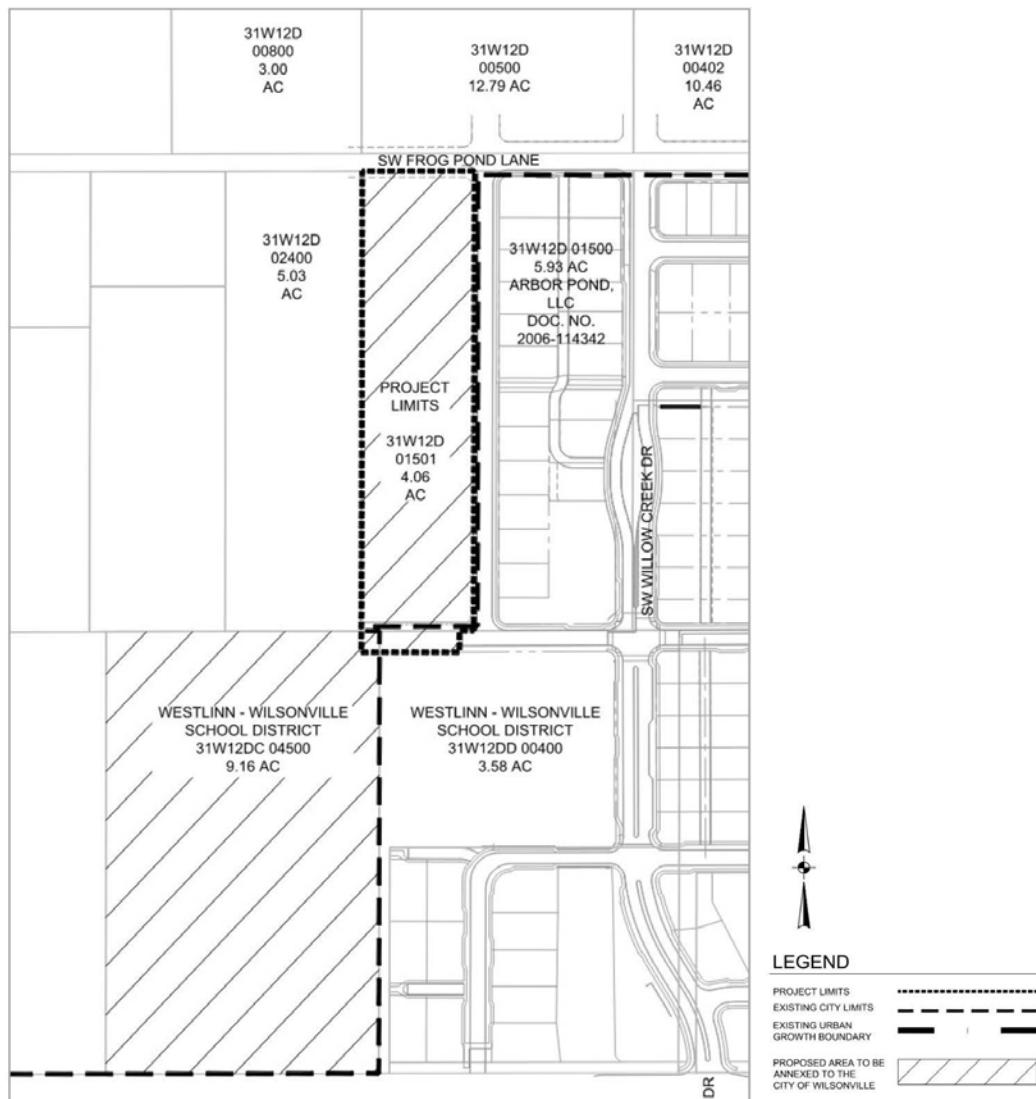
Staff Recommendation: Recommend approval to the City Council of the Annexation and Zone Map Amendment, approve with conditions the Stage I Preliminary Plan, Stage II Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, and Type C Tree Plan, contingent on City Council approval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

Applicable Review Criteria:

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

Sections 4.156.01 through 4.156.11	Signs
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes
Sections 4.200 through 4.290	Land Divisions
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600-4.640.20	Tree Preservation and Protection
Section 4.700	Annexation
<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 17-lot subdivision is the seventh development proposal in Frog Pond West. The subdivision will connect to the previously approved Frog Pond Ridge subdivision, blending together as one cohesive neighborhood consistent with the Frog Pond West Master Plan.

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

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

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

Application Summary:

Annexation (DB21-0065)

The area proposed for annexation is contiguous to land currently in the City, within the UGB, and master planned for residential development (Frog Pond Estates) and public facility (future

school site). All property owners and a majority of registered voters in the annexation area have consented in writing to the annexation.

Zone Map Amendment (DB21-0066)

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

Stage I Preliminary Plan (DB21-0067)

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

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

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

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

Stage II Final Plan (DB21-0068)

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

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

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

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

Site Design Review (DB21-0069)

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

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

Tentative Subdivision Plat (DB21-0070)

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

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

Type C Tree Removal Plan (DB21-0071)

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

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

Forty-six (46) of the trees inventoried are located on the subject property. Two (2) of these trees are proposed to remain in Tract A (open space) and 3 will be preserved and protected on residential lots in the northern part of the development. The other trees are necessary for removal due to construction. Forty-one (41) trees are proposed for removal. The applicant proposes

planting 43 new trees in the form of 30 street trees, 5 trees along private Street B (Tract B), 2 trees within the open space (Tract A), and 6 trees within the landscape tract (Tract D). In addition, 16 trees are proposed to be planted adjacent to the stormwater facilities in Tract C, for a total of 59 trees. The proposed mitigation (Sheets L2.00 and L2.10) is in excess of the 1:1 mitigation requirement for tree removal.

Discussion Points – Verifying Compliance with Standards:

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

Consistency with Statewide Planning Goals

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

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

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

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

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

Traffic Impacts

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

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

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

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

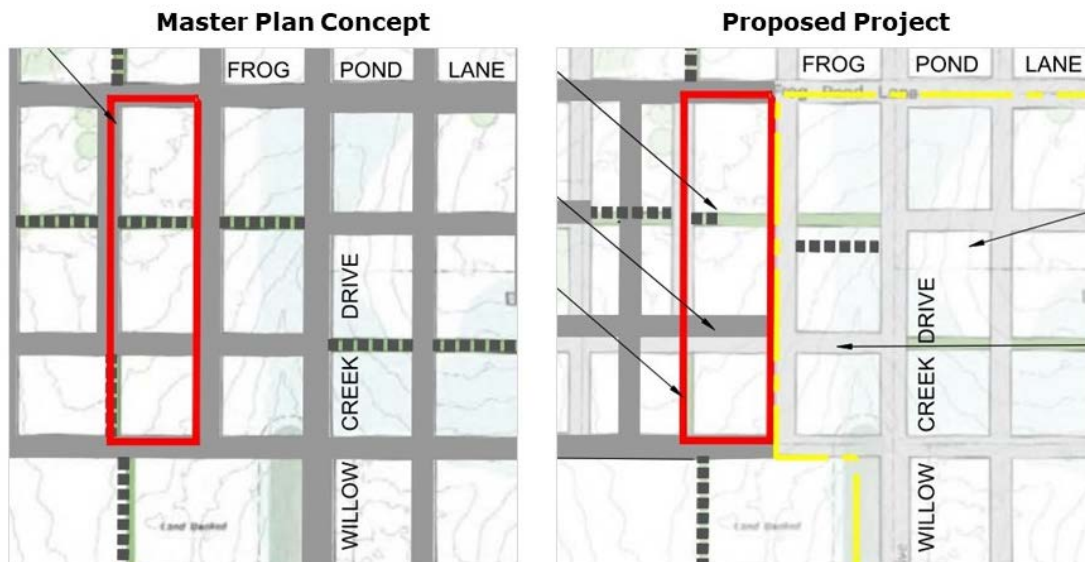
Street Demonstration Plan Compliance

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

In order to provide access throughout the subdivision, the applicant proposes some limited variations from the Street Demonstration Plan that results in a modified grid configuration of

streets. As shown in the illustration below, SW Brisband Street will extend to the west along the southern site boundary. Proposed Street A will provide an east-west connection to future development to the west. Proposed Street B will provide a continuation of the pedestrian connection within Frog Pond Ridge from the east via a sidewalk connection and can be extended to the west with future development.

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



Street Length and Connectivity

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

Residential Density Targets

As discussed earlier in the Application Summary of this staff report, the subject property is located in Sub-districts 4 (medium lot R-7) and 7 (large lot R-10). While the applicant proposes 12 lots in Sub-district 4, which is the maximum number allowed, 5 lots are proposed in Sub-district 7, exceeding the proportional density requirement for this part of the site by one (1) lot.

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

Balancing Uses in Planter Strips

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

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

Public Comments and Responses:

The City received ~~one~~ two public comments ~~in support of~~ on the proposal, ~~a copy~~ ies of which ~~is~~ are included as a D Exhibits.

Conclusion and Conditions of Approval:

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

Planning Division Conditions:

Request A: DB21-0065 Annexation

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

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

Request B: DB21-0066 Zone Map Amendment

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

No conditions for this request.

Request C: DB21-0067 Stage I Preliminary Plan

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

No conditions for this request

Request D: DB21-0068 Stage II Final Plan

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

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

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.	<p><u>Prior to Final Plat Approval:</u> A tree protection easement shall be provided on Lots 1, 5, and 6 to protect Trees #50553, #50554, #50555, #50725, and #50726. Such easements shall be shown on the final plat and include the following provisions:</p> <ul style="list-style-type: none"> • City and HOA access to inspect health of the portion of the tree root system and tree structure on the properties to ensure activity or conditions in the easement area do not impact the overall health of the trees and to perform any necessary activity to preserve tree health and maintain appropriate landscaping within the easement area. • Establish HOA responsibility for landscaping and tree maintenance within the easement area. • Limit landscaping within the tree protection easement to native plantings compatible with Oregon white oaks and other preserved species, as appropriate. • Require temporary and permanent drainage and irrigation be designed around easement areas to optimize the amount of water in the root zone of the trees to support their health. <p>No foundations or hardscape improvements shall be placed within the portion of the root zone, which is delineated by the tree protection fencing shown on Sheet L1.00 within Exhibit B2. Fence posts for tree protection fencing within the root zones of the preserved trees shall be hand dug and supervised by the project arborist. If roots are encountered alternative fence post placement is required as determined by the project arborist. Tree protection fencing shall not be removed without the arborist present onsite and prior notice given to the Planning Division. See Finding D22.</p>
PDD 6.	<u>Prior to Final Plat Approval:</u> The five preserved Trees #50553, #50554, #50555, #50725, and #50726 shall be pruned for dead branches before lots are developed. Tree #50726, a 53-inch DBH Oregon white oak, will require additional pruning to reduce weight in the crown, installation of an additional support system in the crown, which may take the form of steel cables, and installation of steel rods extending through the trunk at the main crotch to reduce the likelihood of catastrophic failure at this structural defect. All tree pruning and other protective

	measures shall be supervised and conducted by an ISA Certified Arborist. See Finding D22.
PDD 7.	<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 Estates development shall be released upon official recording of the release of the waiver only after payment of the Infrastructure Supplemental Fee and Boeckman Bridge Fee. Further, the developer shall pay all costs and fees associated with the City's release of the LID Waiver. See Finding D32.
PDD 8.	<u>General:</u> All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D28.

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

	Approval of DB21-0069 (Site Design Review of Parks and Open Space) is contingent on City Council approval of the Zone Map Amendment request (DB21-0066).
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.	<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.
PDE 3.	<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.

PDE 4.	Ongoing: 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.
PDE 5.	Ongoing: All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered as allowed by Wilsonville’s Development Code. See Findings E15 and E16.
PDE 6.	General: The following requirements for planting of shrubs and ground cover shall be met: <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 minimum, 4-inch pot spaced 2 feet on center minimum, 2-1/4-inch pots spaced at 18-inch on center minimum. • No bare root planting shall be permitted. • Ground cover shall be sufficient to cover at least 80% of the bare soil in required landscape areas within three (3) years of planting. • Appropriate plant materials shall be installed beneath the canopies of trees and large shrubs to avoid the appearance of bare ground in those locations. • Compost-amended topsoil shall be integrated in all areas to be landscaped, including lawns. See Finding 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.	Prior to issuance of any Public Works permits: The applicant/owner shall install LED street lighting in submit information demonstrating compliance with the

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

Request F: DB21-0070 Tentative Subdivision Plat

	<p>Approval of DB21-0070 (Tentative Subdivision Plat) is contingent on City Council approval of the Zone Map Amendment request (DB21-0066).</p>
PDF 1.	<p><u>Prior to Final Plat Approval:</u> Any necessary easements or dedications shall be identified on the Final Subdivision Plat.</p>
PDF 2.	<p><u>Prior to Final Plat Approval:</u> The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for the Stage II Final Plan or the Tentative Plat.</p>
PDF 3.	<p><u>Prior to Final Plat Approval:</u> Where any street will be extended signs stating "street to be extended in the future" or similar language approved by the City Engineer shall be installed. See Finding D33 and F13.</p>
PDF 4.	<p><u>Prior to Final Plat Approval:</u> 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.</p>
PDF 5.	<p><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</p>

	responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County. See Finding F17.
PDF 6.	<u>Prior to Final Plat Approval:</u> A street tree easement shall be granted for Lots 4-8 with street trees as shown on the street tree plan, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees located on private property. See Finding F20.

Request G: DB21-0071 Type C Tree Plan

	Approval of DB21-0071 (Type C Tree Plan) is contingent on City Council approval of the Zone Map Amendment request (DB21-0066).
PDG 1.	<u>General:</u> This approval for removal applies only to the 41 trees identified in the applicant’s submitted Tree Maintenance and Protection Plan, see Exhibit B2. All other trees on the property shall be maintained unless removal is approved through separate application.
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.	<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 4.	<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.

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

of Approval should be directed to the City Department, Division, or non-City agency with authority over the relevant portion of the development approval.

Engineering Division Conditions:

Request D: DB21-0068 Stage II Final Plan

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.
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 SW Frog Pond Lane, SW Columbine Avenue, SW Brisband Street, Street A, and Street B. Street improvements shall be constructed in accordance with the Public Works Standards.
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. In one portion of the stormwater report, the report errantly calls out the need for a 401 Certification permit and NPDES 1200-C permit. The site does not have a wetland and for erosion control purposes, the site will require a NPDES 1200-CN permit.
PFD 6.	Prior to Issuance of Public Works Permit: The applicant shall obtain a Local Erosion Control Permit from the City of Wilsonville. Erosion control plans shall be in conformance with the requirements of an NPDES 1200-CN permit. All erosion control measures shall be in place prior to starting any construction work, including any demolition work. Permits shall remain active until all construction work is complete and the site has been stabilized. Permits will be closed out when home construction is completed and final certificates of occupancy have been issued for all homes in the subdivision.
PFD 7.	With the Public Works Permit: The applicant shall provide to the City a copy of correspondence that plans have been distributed to the franchise utilities. Prior to the issuance of the Public Works Permit: The applicant shall coordinate the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easement or right-of-way be required to construct

	or relocate a franchise utility, the applicant shall provide a copy of the recorded documents.
PFD 8.	<u>With the Public Works Permit:</u> The construction drawings shall show the location of the existing septic system. <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 9.	<u>With the Public Works Permit:</u> The construction drawings shall show the location of the existing well. <u>Prior to final completeness of the Public Works Permit:</u> Submit documentation that the existing well serving this property was properly abandoned in accordance with OAR 690-240 and the Water Resources Department requirements

Request F: DB21-0070 Tentative Subdivision Plat

The following conditions are in addition to the dedications and easements shown on the Tentative Subdivision Plat	
PFF 1.	<u>Prior to Final Plat Approval:</u> Show dedication of a 6-foot public utility easement along the Street B frontage of Tract A.
PFF 2.	<u>Prior to Final Plat Approval:</u> Show dedication of a 6-foot public utility easement along the SW Frog Pond Lane, SW Columbine Avenue, Street A and Street B right-of-way frontages.
PFF 3.	<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).
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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 near the intersection of the private drive/alley and public road visible from the approach of the private drive/alley.

Master Exhibit List:

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

Planning Staff Materials

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

Materials from Applicant

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

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

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

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

P7.00 Zoning Map
P8.00 Proposed Circulation and Connectivity
P9.00 Possible Future Development
P10.00 Site Impacts of Street Extensions
P11.00 Sub-districts and Density
P12.00 Sight Lines to Boeckman Creek Corridor
L1.00 Tree Protection Plan
L2.00 Landscape Plans
L2.10 Landscape Tract Plan
L2.20 Landscape Details
L3.00 Landscape Notes and Details
IL-1 Illumination Notes
IL-2 Illumination Details
IL-3 Illumination Details
IL-4 Illumination Plan

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

Development Review Team Correspondence

C1. Engineering Division Conditions

Other Correspondence

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

D2. *Comment from Sue and Paul Woebkenberg, Dated March 25, 2022*

Procedural Statements and Background Information:

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

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

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

Findings:

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

General Information

Application Procedures-In General Section 4.008

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

Initiating Application Section 4.009

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

Pre-Application Conference Subsection 4.010 (.02)

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

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

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

General Submission Requirements Subsection 4.035 (.04) A.

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

Zoning-Generally Section 4.110

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

Request A: DB21-0065 Annexation

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

Comprehensive Plan-Annexation and Boundary Changes

Consistent with Future Planned Public Services
Implementation Measure 2.2.1.a.

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

Demonstrated Need for Immediate Urban Growth
Implementation Measure 2.2.1.a.

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

Adherence to State and Metro Annexation Laws and Standards
Implementation Measure 2.2.1.e.

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

Orderly, Economic Provision of Public Facilities and Services
Implementation Measure 2.2.1.e. 1.

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

Availability of Sufficient Land for Uses to Insure Choices over 3-5 Years
Implementation Measure 2.2.1.e. 2.

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

Wilsonville Development Code-Annexation

Authority to Review Quasi-Judicial Annexation Requests

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

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

Procedure for Review, Etc.

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

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

Adoption of Development Agreement with Annexation

Subsection 4.700 (.05)

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

Metro Code

Local Government Boundary Changes

Chapter 3.09

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

Oregon Revised Statutes (ORS)

Authority and Procedure for Annexation

ORS 222.111

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

Procedure Without Election by City Electors
ORS 222.120

A11. The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and the request meets the applicable requirements in State statute including the facts that all property owners and a majority of electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

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

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

Oregon Statewide Planning Goals

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

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

Housing
Goal 10

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

- The City has an existing Housing Needs Analysis and Buildable Lands Inventory adopted in 2014 collectively known as the Wilsonville Residential Land Study. The key conclusions of this study are that Wilsonville: (1) may not have a 20-year supply of residential land and (2) the City's residential policies meet Statewide Planning Goal 10 requirements.
- Under the Metro forecast, Wilsonville is very close to having enough residential land to accommodate expected growth. Wilsonville could run out of residential land by 2032.
- If Wilsonville grows faster than the Metro forecast, based on historic City growth rates, the City will run out of residential land before 2030.

- Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community, and others. The City has started the master planning process for Frog Pond East and South neighborhoods to ensure that additional residential land is available within the City. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.
- Wilsonville is meeting Statewide Planning Goal 10 requirements to “provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing” and to “provide for an overall density of 8 or more dwelling units per net buildable acre.”
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Rezoning the subject property to a higher density zone consistent with the Comprehensive Plan will ensure related zone map amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing UGB and improving the capacity identified in the 2014 study. The type of housing is anticipated to be single-family; however, the approval will allow middle housing consistent with House Bill 2001 and newly implemented City code to allow middle housing types.
- The proposal directly impacts approximately 0.9% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 4.30 of 477 acres).

Request B: DB21-0066 Zone Map Amendment

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

Comprehensive Plan

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

Policy 4.1.7.a.

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

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

- B2.** The applicant requests the portion of the subject area within the Frog Pond Estates subdivision receive the zoning designation of Residential Neighborhood (RN) as required for areas with the Comprehensive Plan Map Designation of “Residential Neighborhood”. The designation enables development of the residential portion of the site consistent with the purpose of this designation as set forth in the legislatively adopted Frog Pond West Master Plan, resulting in an attractive, cohesive and connected residential neighborhood with high quality architecture and community design, transportation choices, and preserved and enhanced natural resources.

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

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

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

Residential Density
Implementation Measure 4.1.4.u.

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

Development Code

Zoning Consistent with Comprehensive Plan Section 4.029

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

Base Zones Subsection 4.110 (.01)

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

Residential Neighborhood (RN) Zone

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

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

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

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

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

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

Public Facility (PF) Zone

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

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

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

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

Dimensional Standards
Subsection 4.136 (.04)

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

Request C: DB21-0067 Stage I Preliminary Plan

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

Comprehensive Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planned Development Regulations

Planned Development Lot Qualifications
Subsection 4.140 (.02)

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

Ownership Requirements
Subsection 4.140 (.03)

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

Professional Design Team
Subsection 4.140 (.04)

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

Planned Development Application Requirements
Subsection 4.140 (.07)

- C13.** Review of the proposed Stage I Preliminary Plan has been scheduled for a public hearing before the DRB in accordance with this subsection and the applicant has met all the applicable submission requirements as follows:
- The property affected by the Stage I Preliminary Plan is under an application by the property owners.
 - The applicant submitted a Stage I Preliminary Plan request on a form prescribed by

the City.

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

Standards for Residential Development in Any Zone

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

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

Residential Neighborhood Zone

Permitted Uses Subsection 4.127 (.02)

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

Residential Neighborhood Sub-districts Subsection 4.127 (.05)

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

Minimum and Maximum Residential Lots Subsection 4.127 (.06)

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

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

The proportional density allocation does not account for site-specific characteristics that influence the ability of a specific property to accommodate residential lots meeting minimum dimensional standards. The portion of the subject property within Sub-district 7 able to accommodate lot area (90.9%) is much greater than in other subareas. Minimal right-of-way dedication is required because the section of SW Frog Pond Lane adjacent to the site is a local street, which allows driveway access, private street B is primarily located in Sub-district 4, and the majority of SW Columbine Avenue bordering the site on the east is being constructed as part of the Frog Pond Ridge subdivision. As a result, no alleys are required or proposed to provide access to the proposed lots in Sub-district 7. Therefore, the proposed site area within Sub-district 7 easily accommodates five lots that meet or exceed all dimensional standards, including minimum lot size requirements. The proposed development of 5 lots in this portion of Sub-district 7 exceeds minimum lot development standards while preserving significant trees and allowing for compliant future development within the master plan area. The configuration of lots as proposed will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

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

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

Request D: DB21-0068 Stage II Final Plan

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

Stage II Final Plan Submission Requirements and Process

Consistency with Comprehensive Plan and Other Plans

Subsection 4.140 (.09) J. 1.

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

Traffic Concurrency

Subsection 4.140 (.09) J. 2.

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

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

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

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

temporary signalization at the SW Stafford Road/SW 65th Avenue intersection, which will improve the flow of traffic at this intersection.

Facilities and Services Concurrency

Subsection 4.140 (.09) J. 3.

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

Adherence to Approved Plans

Subsection 4.140 (.09) L.

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

General Residential Development Standards

Effects of Compliance Requirements and Conditions on Cost of Needed Housing

Subsection 4.113 (.13)

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

Underground Utilities Required

Subsection 4.118 (.02) and Sections 4.300 to 4.320

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

Habitat Friendly Development Practices to be Used to the Extent Practicable

Subsection 4.118 (.09)

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

Residential Neighborhood (RN) Zone

General Lot Development Standards

Subsection 4.127 (.08) Table 2.

- D8.** The applicant proposes lots reviewed for consistency with applicable development code standards and the Frog Pond West Master Plan. The proposed lots meet or exceed the

standards of Table 2, or the applicant can meet or exceed the standards with final design, as follows:

Standard	R-7 Medium Lot Sub-district 4		R-10 Large Lot Sub-district 7		Compliance Notes
	Required	Proposed	Required	Proposed	
Min. Lot Size	6,000 sf	6,101-9,106 sf	8,000 sf	9,208-12,568	Standard is met.
Min. Lot Depth	60 ft	94.48-123.65 ft	60 ft	106.33-141.88 ft	Standard is met.
Min. Lot Width	35 ft	50-83.91 ft	40 ft	84.67-97.29 ft	Standard is met.
Max. Lot Coverage	45%	45% max	40%	60% max	Standard can be met. Example floor plan footprints range from 1,268 to 2,480 sq ft. One or more could be placed on each proposed lot without exceeding max. lot coverage.
Max. Bldg Height	35 ft	35 ft max	35 ft	35 ft max	Standard can be met. Per applicant's materials, houses will be max 35 ft height.
Min. Front Setback	15 ft	15 ft min	20 ft	12 ft min	Standard can be met.
Min. Rear Setback	15 ft	15 ft min	20 ft	15 ft min	Standard can be met.
Min. Side Setback	5 ft (10 ft for corner lots)	5 ft min (10 ft min on corner lots)	5 ft (10 ft for corner lots); 20 ft combined, 10 ft min for lots >10,000 sf with \geq 70 ft frontage	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.

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

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

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

Open Space Requirements
 Subsection 4.127 (.09)

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

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

D11. The Street Demonstration Plan is an illustrative layout of the desired level of connectivity in the Frog Pond West neighborhood and is intended to be guiding, not binding, allowing for flexibility provided that overall connectivity goals are met. The block size and shape,

access, and connectivity of the proposed subdivision complies with Figure 18 of the Frog Pond West Master Plan or is an allowed variation as follows:

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

The applicant’s narrative and plan sheets (see Sheets P8.00 through P10.00 and P12.00) provide additional explanation for the proposed deviations from the Street Demonstration Plan as follows. The Street Demonstration Plan shows a north-south street running south from SW Frog Pond Lane to proposed Street A. A pedestrian access is also shown from proposed Street A south to SW Brisband Street. Per the applicant’s code response and Sheet P10.00, placing these facilities along the west side of the subject site would result in the loss of four lots in Sub-district 4 (Lots 6, 11, 12, and 17), which would be below the required minimum density for this sub-district as shown on Sheet P11.00. The subject site is approximately 220 ft. wide. The parcel immediately to the west is approximately 45 feet wider than the subject parcel and is more able to accommodate this future street right of way and pedestrian access. See applicant’s Sheet P9.00 for a potential layout for this adjacent parcel.

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

The proposed modified grid pattern provides an efficient street connection to SW Frog Pond Lane and SW Stafford Road with interior streets providing efficient pedestrian connections through the attached sidewalks and Pedestrian Connections. The grid pattern

with attached sidewalks provides for a substantially equivalent level of pedestrian connectivity, with the exception of the north-south street and Pedestrian Connection on the west side of the site that is anticipated to be constructed in future development further to the west. The proposed modifications do not require out-of-direction pedestrian travel nor do they result in greater distances for pedestrian access to the proposed subdivision from the above streets than would otherwise be the case if the Street Demonstration Plan were adhered to.

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

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

Standard			Compliance Notes
Main Entrance Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Width Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met. Subdivision includes a majority of lots greater than 50 feet in width at the front lot line.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Orientation Towards Alley or Shared Driveway	Alleys or Shared Driveways in Subdivision	No Alleys or Shared Driveways in Subdivision	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Residential Design Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Small-Lot Subdistricts – House Plan Variety	Required Duplex/Attached Units	Provided Duplex/Attached Units	No small lot area proposed in subdivision.
	0	0	

Fences	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Homes Adjacent to School and Parks and Public Open Spaces	Schools or Parks adjacent to Lots	N/A	Lots 15-17 face a future park and school site on the south of SW Brisband Street. Lots 5 and 6 abut private open space in Tract A and are not subject to these standards.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

On-site Pedestrian Access and Circulation

Continuous Pathway System

Section 4.154 (.01) B. 1.

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

Safe, Direct, and Convenient

Section 4.154 (.01) B. 2.

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

Vehicle/Pathway Separation

Section 4.154 (.01) B. 3.

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

Crosswalks Delineation

Section 4.154 (.01) B. 4.

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

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

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

Parking Area Design Standards

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

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

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

D19. The applicable standards are met as follows:

Standard	Met	Explanation
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 vertically separated from vehicle circulation except at driveways and crosswalks.

Other General Regulations

Access, Ingress and Egress Subsection 4.167 (.01)

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

Protection of Natural Features and Other Resources

General Terrain Preparation Section 4.171 (.02)

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

Trees and Wooded Areas Section 4.171 (.04)

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

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

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

Earth Movement Hazard Area
Subsection 4.171 (.07)

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

Historic Resources
Subsection 4.171 (.09)

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

Public Safety and Crime Prevention

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

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

Landscaping Standards

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

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

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

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

Street Improvement Standards

Conformance with Standards and Plan

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

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

Street Design Standards-Future Connections and Adjoining Properties

Subsection 4.177 (.02) A.

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

City Engineer Determination of Street Design and Width

Subsection 4.177 (.02) B.

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

Right-of-Way Dedication

Subsection 4.177 (.02) C. 1.

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

Waiver of Remonstrance Required

Subsection 4.177 (.02) C. 2.

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

the LID Waiver for a specific parcel within the Frog Pond Estates development may occur upon official recording of the release of the waiver only after payment of these fees, and will require the developer to pay all costs and fees associated with the City's release of the waiver. Condition of Approval PDD 7 outlines the process to be followed with respect to the required LID Waiver and its release for a specific parcel.

Dead-end Streets Limitations

Subsection 4.177 (.02) D.

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

Corner Vision Clearance

Subsection 4.177 (.02) E.

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

Vertical Clearance

Subsection 4.177 (.02) F.

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

Interim Improvement Standards

Subsection 4.177 (.02) G.

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

Sidewalks Requirements

Subsection 4.177 (.03)

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

Bicycle Facility Requirements

Subsection 4.177 (.04)

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

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

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

Transit Improvements Requirements
Subsection 4.177 (.06)

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

Intersection Spacing

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

D41. The applicant does not propose any offset intersections.

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

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

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

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

Objectives of Site Design Review

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

E1. Project elements subject to Site Design Review include: tracts and their landscaping; landscaping in the public right-of-way; retaining walls; and park or open space furnishings. The proposed development is intended to advance the vision for Frog Pond West by incorporating the natural areas on site, providing attractive streetscapes, and enhancing the existing neighborhood to the east and south and the future neighborhoods to the west and

north. The proposed professionally designed landscaping provides stormwater, air quality, and other site functions while demonstrating consistency with the Frog Pond West Master Plan. The landscaping also adds to the high quality visual environment. By functioning properly and contributing to a high quality visual environment, the proposed design fulfills the objectives of Site Design Review.

Encourage Originality, Flexibility, and Innovation

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

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

Jurisdiction and Power of the DRB for Site Design Review

Development Review Board Jurisdiction

Section 4.420

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

Design Standards

Preservation of Landscaping

Subsection 4.421 (.01) A. and Section 4.171

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

Relation of Proposed Buildings to Environment

Subsection 4.421 (.01) B.

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

Surface Water Drainage
Subsection 4.421 (.01) D.

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

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

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

Screening and Buffering of Special Features
Subsection 4.421 (.01) G.

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

Applicability of Design Standards
Subsection 4.421 (.02)

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

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

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

Site Design Review Submission Requirements

Submission Requirements
Section 4.440

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

Time Limit on Site Design Review Approvals

Void after 2 Years
Section 4.442

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

Installation of Landscaping

Landscape Installation or Bonding
Subsection 4.450 (.01)

E13. A Condition of Approval ensures all landscaping in common tracts shall be installed prior to Final Plat Approval, unless security equal to one hundred and ten percent (110%) of the cost of the landscaping as determined by the Planning Director is filed with the City assuring such installation within six (6) months of occupancy. "Security" is cash, certified check, time certificates of deposit, assignment of a savings account, irrevocable letter of credit, or such other assurance of completion as shall meet with the approval of the City Attorney. In such cases the developer shall also provide written authorization, to the satisfaction of the City Attorney, for the City or its designees to enter the property and complete the landscaping as approved. If installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant. A Condition of Approval further requires that the applicant, prior to Final Plat Approval, either (1) enter into a Residential Subdivision Development Compliance Agreement with the City that covers installation of street trees and right-of-way landscaping or (2) install all street trees and other right-of-way landscaping.

Approved Landscape Plan
Subsection 4.450 (.02)

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

Landscape Maintenance and Watering
Subsection 4.450 (.03)

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

Modifications of Landscaping
Subsection 4.450 (.04)

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

Natural Features and Other Resources

Protection
Section 4.171

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

Landscaping

Landscape Standards Code Compliance
Subsection 4.176 (.02) B.

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

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

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

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

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

Landscape Installation and Maintenance
Subsection 4.176 (.07)

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

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

Landscape Plans
Subsection 4.176 (.09)

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

Completion of Landscaping
Subsection 4.176 (.10)

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

Public Lighting Plan

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

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

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

E25. The Frog Pond West Master Plan requires a Public Lighting Plan and recommended light plan hierarchy to define various travel routes within Frog Pond. Pedestrian connections, trailheads, and paths are required to be uniformly illuminated and shall follow the Public Works Standards for Shared Use Path Lighting. The applicant's plans do not show lighting along the Pedestrian Connection in Tract A. Because a street light is proposed at the westernmost end of private Street B adjacent to Tract A, no additional lights are proposed

within Tract A. The applicant has indicated that a photometric analysis can be provided prior to site permitting to verify compliance with the City’s Public Works Standards. Condition of Approval PDE 10 requires the applicant to coordinate with the City to determine if any additional pedestrian scale lighting is warranted along the proposed Pedestrian Connection.

Street Tree Plan

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

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

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

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

Gateways, Monuments and Signage

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

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

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

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

Request F: DB21-0070 Tentative Subdivision Plat

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

Land Division Authorization

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

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

Undersized Lots Prohibited
Subsection 4.202 (.04) B.

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

Plat Application Procedure

Pre-Application Conference
Subsection 4.210 (.01)

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

Tentative Plat Preparation
Subsection 4.210 (.01) A.

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

Tentative Plat Submission
Subsection 4.210 (.01) B.

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

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

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

Remainder Tracts
Subsection 4.210 (.01) E.

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

Street Requirements for Land Divisions

Master Plan or Map Conformance
Subsection 4.236 (.01)

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

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

Adjoining Streets Relationship
Subsection 4.236 (.02)

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

Streets Standards Conformance
Subsection 4.236 (.03)

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

Topography
Subsection 4.236 (.05)

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

Reserve Strips
Subsection 4.236 (.06)

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

Future Street Expansion
Subsection 4.236 (.07)

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

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

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

Street Names
Subsection 4.236 (.09)

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

General Land Division Requirements-Blocks

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

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

General Land Division Requirements-Easements

Utility Line Easements
Subsection 4.237 (.02) A.

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

Water Courses
Subsection 4.237 (.02) B.

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

General Land Division Requirements-Pedestrian and Bicycle Pathways

Mid-block Pathways Requirement
Subsection 4.237 (.03)

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

General Land Division Requirements-Tree Planting

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

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

General Land Division Requirements-Lot Size and Shape

Lot Size and Shape Appropriate
Subsection 4.237 (.05)

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

General Land Division Requirements-Access

Minimum Street Frontage
Subsection 4.237 (.06)

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

General Land Division Requirements-Other

Lot Side Lines
Subsection 4.237 (.08)

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

Corner Lots
Subsection 4.237 (.13)

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

Lots of Record

Lots of Record
Section 4.250

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

Request G: DB21-0071 Type C Tree Removal Plan

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

Type C Tree Removal

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

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

Reasonable Timeframe for Removal

Subsection 4.610.00 (.06) B.

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

Security for Permit Compliance

Subsection 4.610.00 (.06) C.

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

General Standards for Tree Removal, Relocation or Replacement

Preservation and Conservation

Subsection 4.610.10 (.01)

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

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

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

Development Alternatives

Subsection 4.610.10 (.01) C.

- G5.** The Frog Pond West Master Plan provides clear direction for street connections, residential densities, and preservation of the SROZ. Preservation and conservation of five (5) out of 46

trees on site is proposed. The applicant proposes tree protection fencing in order to ensure their preservation during construction and tree protection and preservation easements to ensure their long-term health. Conditions of Approval ensure this criterion is met.

Land Clearing Limited to Right-of-Way and Areas Necessary for Construction
Subsection 4.610.10 (.01) D.

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

Residential Development to Blend into Natural Setting
Subsection 4.610.10 (.01) E.

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

Compliance with All Applicable Statutes and Ordinances
Subsection 4.610.10 (.01) F.

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

Tree Relocation and Replacement, Protection of Preserved Trees
Subsection 4.610.10 (.01) G.

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

Tree Removal Limitations
Subsection 4.610.10 (.01) H.

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

Additional Standards for Type C Permits

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

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

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

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

Type C Tree Plan Review

Tree Removal Related to Site Development at Type C Permit

Subsection 4.610.40 (.01)

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

Standards and Criteria of Chapter 4 Applicable

Subsection 4.610.40 (.01)

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

Application of Tree Removal Standards Can't Result in Loss of Development Density

Subsection 4.610.40 (.01)

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

Development Landscape Plan and Type C Tree Plan to be Submitted Together

Subsection 4.610.40 (.01)

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

Type C Tree Plan Review with Stage II Final Plan

Subsection 4.610.40 (.01)

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

Required Mitigation May Be Used to Meet Landscaping Requirements

Subsection 4.610.40 (.01)

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

No Tree Removal Before Decision Final

Subsection 4.610.40 (.01)

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

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

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

Tree Relocation, Mitigation, or Replacement

Tree Replacement Required
Subsection 4.620.00 (.01)

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

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

G22. The applicant proposes mitigating removed trees on a basis well in excess of one tree for each tree removed, proposing 43 replacement trees (see Sheet L2.00). Thirty (30) street trees are proposed, 5 trees along private Street B (Tract B), 2 trees within the open space (Tract A), and 6 trees within the landscape tract (Tract D). In addition, 16 trees are proposed to be planted adjacent to the stormwater facilities in Tract C, for a total of 59 trees. Stormwater Tract C also contains tree plantings, however, due to their size and growing habit these tree do not qualify as mitigation trees as they are more similar to a shrub. For mitigation purposes, only the Douglas-fir and western red cedar within Tract C have been counted toward the total. Staff does not recommend any inch per inch mitigation. Sheets L2.00 through L2.10 show all trees proposed for planting as mitigation as 2-inch caliper, or the equivalent 6- to 8-foot for conifer trees.

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

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

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

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

Protection of Preserved Trees

Tree Protection During Construction
Section 4.620.10

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