



Exhibit A1
Staff Report
Wilsonville Planning Division
Frog Pond Cottage Park Place 17-Lot Subdivision
Development Review Board Panel 'A'
Quasi-Judicial Public Hearing
Amended and Adopted December 11, 2023
Added language ***bold italics underline***
Removed language ~~struck through~~

Hearing Date:	January 8, 2024
Date of Report:	December 28, 2023
Application No.:	DB23-0004 Cottage Park Place 17-Lot Subdivision
Request/Summary:	The requests before the Development Review Board include Annexation, Zone Map Amendment, Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Removal Plan, Middle Housing Land Division, and Waiver
Location:	7252 SW Frog Pond Lane. The property is specifically known as Tax Lots 1200 and 1300, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
Owner/Applicant:	Sullivan Homes LLC (Contact: Brian Matteoni)
Authorized Representative:	AKS Engineering & Forestry, LLC (Contact: Glen Southerland, AICP)
Comprehensive Plan Designation:	Residential Neighborhood
Zone Map Classification (Current):	Rural Residential Farm Forest 5-Acre (RRFF-5; Clackamas County)
(Proposed):	Residential Neighborhood (RN)
Staff Reviewers:	Cindy Luxhoj AICP, Associate Planner Amy Pepper, PE, Development Engineering Manager Kerry Rappold, Natural Resources Manager

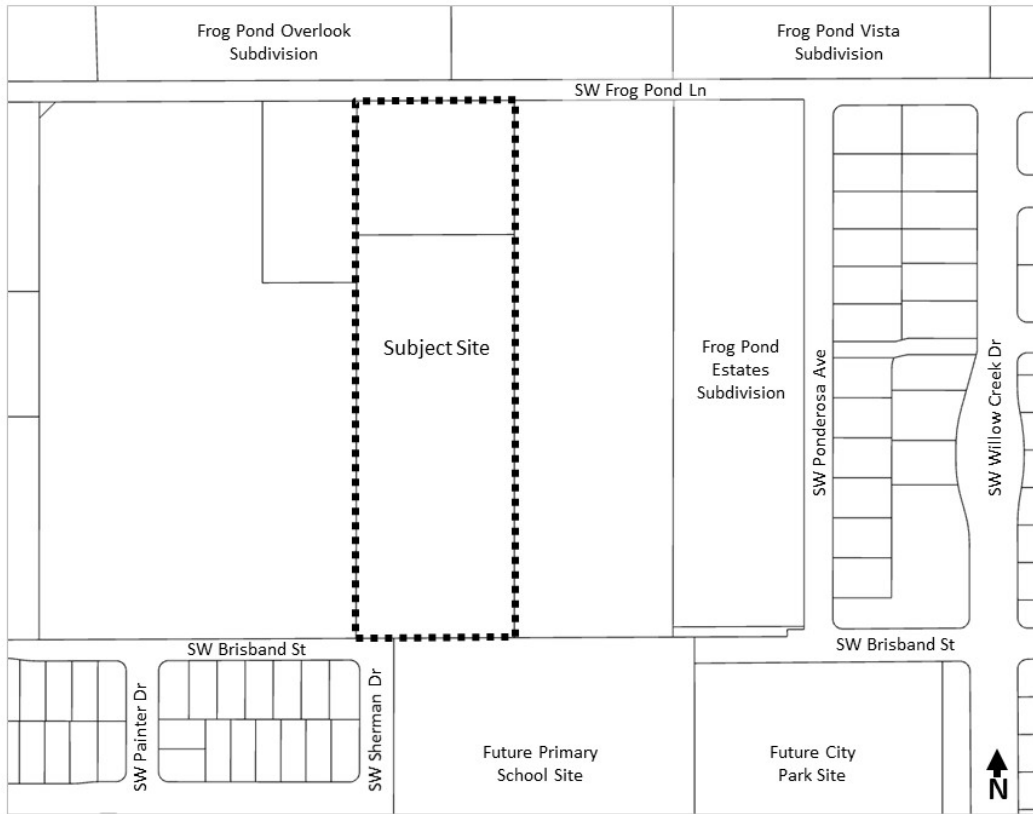
Staff Recommendation: **Recommend approval to the City Council** of the Annexation and Zone Map Amendment, and **approve with conditions** the Stage 1 Preliminary Plan, Stage 2 Final Plan, Site Design Review of Parks and Open Space, Tentative Subdivision Plat, Type C Tree Plan, Middle Housing Land Division, and Waiver, contingent on City Council approval of the Annexation and Zone Map Amendment.

Applicable Review Criteria:

<u>Development Code:</u>	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.031	Authority of the Development Review Board
Section 4.033	Authority of City Council
Subsection 4.035 (.04)	Site Development Permit Application
Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.113	Standards Applying to Residential Development in All Zones
Section 4.118	Standards Applying to Planned Development Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.139 through 4.139.11	Significant Resource Overlay Zone (SROZ)
Section 4.140	Planned Development Regulations
Section 4.154	On-site Pedestrian Access and Circulation
Section 4.155	Parking, Loading, and Bicycle Parking
Sections 4.156.01 through 4.156.11	Signs
Section 4.167	Access, Ingress, and Egress
Section 4.171	Protection of Natural Features and Other Resources
Section 4.175	Public Safety and Crime Prevention
Section 4.176	Landscaping, Screening, and Buffering
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes
Sections 4.200 through 4.290	Land Divisions
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600-4.640.20	Tree Preservation and Protection
Section 4.700	Annexation
<u>Comprehensive Plan and Sub-elements:</u>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	

Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<u>Regional and State Law and Planning Documents</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by Consent Before Public Hearing or Order for Election
Statewide Planning Goals	

Vicinity Map



Background:

The subject property has long been rural/semi-rural, adjacent to the growing City of Wilsonville. Metro added the 181-acre area now known as Frog Pond West to the Urban Growth Boundary in 2002 to accommodate future residential growth. To guide development of the area and the urban reserve areas to the east and southeast, the City of Wilsonville adopted the Frog Pond Area Plan

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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 twelfth development proposal in Frog Pond West. It will connect to the previously approved Frog Pond Overlook subdivision to the north, and the Morgan Farm subdivision and primary school site to the south, resulting in one cohesive neighborhood consistent with the Frog Pond West Master Plan.

Application Summary:

Annexation

The area proposed for annexation is contiguous to land currently in the City, within the UGB, and master planned for residential development. All property owners and electors in Tax Lots 1200 and 1300 have consented in writing to the annexation.

Zone Map Amendment

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

Stage 1 Preliminary Plan

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 with allowed variation from the Street Demonstration Plan (see Discussion Points, below). Specifically in regards to residential land use unit count, the proposed Stage 1 Preliminary Plan area includes portions of medium lot Sub-district 4 and large lot Sub-district 7. While the applicant proposes 11 lots in Sub-district 4, which is the minimum proportional density calculation, six (6) lots are proposed in Sub-district 7, exceeding the proportional density calculation for this part of the site by one (1) lot while continuing to meet minimum lot size requirements for the sub-district. The configuration of lots as proposed, which meet all dimensional requirements for the individual lots, will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

Stage 2 Final Plan

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 site slopes from a high point elevation of roughly 238 ft in the north-central area where existing structures are located toward the northwest corner at an elevation of 230 ft and the southwest corner at an elevation of 224 ft. A wetland located in the south part of the site that is not locally significant is proposed to be filled to construct roads and homes. The project design avoids disturbance to the extent practicable, limiting grading to where necessary and preserving numerous mature trees, including Oregon white oak, in open space tracts in the north-central area of the site and along its western boundary.

Site Design Review of Parks and Open Space

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 several large open space tracts to preserve numerous mature trees, including Oregon white oak, consistent with the Master Plan. Among the additional specific elements reviewed include the landscaping and site furnishings in the open space tract.

Tentative Subdivision Plat

The proposed tentative plat meets technical platting requirements, demonstrates consistency with the Stage 2 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

The subject property includes numerous mature trees, particularly Oregon white oak groves and Douglas firs. The Frog Pond West Master Plan specifically identifies these groves on the Street Demonstration Plan (Figure 18) and shows a Pedestrian Connection, rather than a local street, on the west side of the subject property to minimize impacts on the trees. Further, the Master Plan notes that to the extent that existing mature trees can be retained and protected as annexation and development occurs, it will contribute to the character and desirability of new neighborhoods in Frog Pond West. Proposed tree preservation, removal and replacement/mitigation is discussed in more detail in the Discussion Points – Verifying Compliance with the Standards section of this staff report, below, and in the Request G Findings.

Middle Housing Land Division

The proposed middle housing land division allows for the creation of separate units of land for residential structures that could otherwise be built on a lot without a land division. The units of land resulting from a middle housing land division are collectively considered a single lot, except for platting and property transfer purposes. Through this middle housing land division the applicant proposes creating 34 middle housing units from 17 parent lots. The resulting middle housing units range in area from 3,250 to 5,586 square feet.

Waiver – Minimum Lot Frontage

The applicant is requesting a minimum lot frontage waiver for Lots 4 through 9 of the subdivision. This is to enable development consistent with the combined proportional density range of 15-19 lots established for this portion of R-7 medium lot Sub-district 4 and R-10 large lot Sub-district 7, while preserving numerous mature trees in open space with Pedestrian Connections in Tracts A through D and other site improvements. This waiver is required as these lots do not have frontage on a public street.

Public Comments and Responses:

No public comments were received during the comment period.

Discussion Points – Verifying Compliance with Standards:

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

Consistency with Statewide Planning Goals

The Statewide Planning Goals provide direction to local jurisdictions regarding the State’s policies on land use. It is assumed the City’s adopted Comprehensive Plan, which includes the adopted Frog Pond Area Plan and Frog Pond West Master Plan, is in compliance with the Statewide Planning Goals (specifically Goal 2, Land Use Planning), and that compliance with the Comprehensive Plan also demonstrates compliance with the Statewide Planning Goals. At the time of its adoption, the Frog Pond West Master Plan was found to be in compliance with all applicable Statewide Planning Goals, including Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14. Statewide Planning Goals particularly relevant to the current 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 Transportation System Plan (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 project is 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 (updated December 21, 2023; see Exhibit B6) performed by the City’s consultant, DKS Associates, identifies the most probable used intersection for evaluation as:

- SW Stafford Road/SW Frog Pond Lane

This intersection was selected for analysis as it is the intersection most impacted by the increase in vehicle trips from the development and is the only gateway intersection to Frog Pond West that has been documented to operate close to the City operating standard in the near future. Other gateway intersections, such as SW Boeckman Road/SW Sherman Drive, were not included in the analysis as the trips through those intersections would be insignificant and located at non-critical gateways.

It is estimated that the proposed development will generate a net total of 22 PM peak hour trips (13 in, 9 out), and that 50% of trips will utilize SW Stafford Road to/from the north, 35% of trips will utilize SW Boeckman Road to/from the west, 10% of trips will utilize SW Wilsonville Road to/from the south, and 5% of trips will utilize SW Advance Road to/from the east. Approximately 5% (1 PM trip) of the project trips are expected to travel through the I-5/SW Elligsen Road interchange area and 5% (1 PM trip) through the I-5/SW Wilsonville Road interchange area.

As stated in the Traffic Impact Analysis, the study intersection meets the City of Wilsonville’s operating standard for existing development with addition of project trips. However, it has been known and previously documented that the SW Stafford Road/SW Frog Pond Lane intersection

is expected to fail to meet the City's Level of Service (LOS) D operating standard as the Frog Pond West neighborhood develops. A traffic signal was the originally recommended intersection improvement; however, the Frog Pond East & South Master Plan, recently approved by City Council, identifies alternate traffic control mitigations (minor-street turn restrictions) as the preferred improvement for the intersection. The City has included the intersection improvements on the Capital Improvement Projects (CIP) list for which the project is slated for funding in 2024/25-2025/26.

Residential Density Targets

As discussed earlier in this staff report, the subject property is located in R-7 medium lot Sub-district 4 and R-10 large lot Sub-district 7. While the applicant proposes 11 lots in Sub-district 4, which is the minimum number of lots in the proportional density range, six (6) lots are proposed in Sub-district 7, exceeding the proportional density requirement of 4-5 lots for this part of the site by one (1) lot.

The portion of the subject property within Sub-district 7 requires minimal right-of-way dedication because the adjacent section of SW Frog Pond Lane is a local street that allows driveway access, SW Sherman Drive is not being extended through this part of the site to preserve numerous mature trees, including Oregon white oaks, along the west property boundary, and access to Lots 1 through 6 is provided via a private alley. As a result, the proposed site area within Sub-district 7 easily accommodates six (6) lots that meet or exceed all dimensional standards, including minimum lot size requirements. The proposed development of 6 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. For various reasons, it is not practical to place street trees and streetlights in stormwater swales. To balance these uses, the City recommends that the applicant's plans prioritize street tree and street lighting placement with appropriate spacing from utility laterals and water meters, then place stormwater facilities where space remains available and placement is desirable. The applicant's plans achieve the desired balance with all street trees placed within the planter strip or, where this is not feasible along the SW Frog Pond Lane and SW Brisband Street frontages, in a street tree easement in the front yard of individual lots, with stormwater facilities and other elements located in the remaining space.

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. 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 illustrated below and described in more detail elsewhere in this staff report (see Finding D11). The east/west street in the north part of the site is proposed to be a Pedestrian Connection split into two 5-foot-wide pathways on the north and south sides of Tracts B and D open space area, an allowed variation to preserve mature trees, including Oregon white oaks. A Condition of Approval requires that the applicant show, on the construction drawings, extension of this pathway as a 10-foot wide Pedestrian Connection to the east property boundary that can extend in the future across development of Tax Lot 1400 to the east. The proposed modifications do not require out-of-direction pedestrian or vehicular travel nor do they result in greater distances for pedestrian access to the proposed subdivision from the surrounding streets than would otherwise be the case if the Street Demonstration Plan were adhered to.

**Master Plan Street Demonstration Plan
(Figure 18)**



Proposed Project



Vehicular and Bicycle Parking

Pursuant to Oregon Administrative Rules (OAR) 660-012-0440, parking mandates, or the minimum vehicle parking requirements in Section 4.155 Table 5, are not applicable to the development as it is within one-half (1/2) mile of SMART Route 4, one of the City’s most frequent transit routes. The proposed development includes uses that have no maximum limit per Table 5. With no minimum or maximum vehicle parking requirements, the number of total vehicle parking spaces is at the complete discretion of the applicant, so long as other non-parking requirements are still met. In addition, for any vehicle parking spaces provided, the applicable

design standards, as well as percentage and similar requirements for certain types of spaces, still apply.

Tree Removal and Preservation

The intent statements in the Frog Pond West Master Plan discuss that tree groves within the planning area provide a key visual asset and are a link to the historic character of the area. The Master Plan further states that to the extent that existing mature trees can be retained and protected as annexation and development occurs, it will contribute to the character and desirability of new neighborhoods. It also notes that the City has existing annexation policies that incentivize tree retention. The Master Plan intends for tree groves to be preserved and incorporated into the design of developments as much as possible, to be achieved through Planned Development Review and application of Section 4.600, Tree Preservation and Protection, of the Development Code.

The subject property includes numerous mature trees, particularly Oregon white oak groves and Douglas firs. The Frog Pond West Master Plan specifically identifies these groves on the Street Demonstration Plan (Figure 18) and shows a Pedestrian Connection, rather than a local street, on the west side of the subject property to minimize impacts on the trees.

The applicant's initial submittal proposed extension of SW Sherman Drive north of SW Brisband Street along the west property boundary, through the Oregon white oak groves, to connect with SW Frog Pond Lane, preserving seven (7) mature Oregon white oaks in an open space tract in the north part of the site. Of 99 trees initially inventoried on the site, 92 were proposed for removal. In response, the City requested that the applicant provide sufficient findings to explain how the proposed subdivision design achieves the Frog Pond West Master Plan intent to preserve existing groves of mature trees and incorporate them into the design of developments as much as possible. The City also requested that the applicant demonstrate how alternative designs were considered that would preserve more trees in groves specifically identified in the Master Plan while enabling the project to meet the anticipated range of lots and why the alternatives were rejected. The request also required the applicant to demonstrate how removal of the trees is consistent with the City's Tree Preservation and Protection regulations in Section 4.600.

City staff met with the applicant several times to discuss alternative site designs, walked the site with the owner, applicant's representative, and project arborist to assess the condition of the Oregon white oaks and prioritize trees for preservation, and reviewed several iterations of the site design presented by the applicant to preserve more trees than initially proposed. The current design as presented in the applicant's plans seeks to allow for preservation of trees in contiguous areas of the site where impacts from development will be minimized.

Of the 118 on-site and line trees inventoried, there are 48 Oregon white oaks ranging in size from 13 to 49 inches diameter at breast height (DBH), 46 Douglas firs, and 24 trees of other species such as Ponderosa and logpole pine and incense and Deodar cedar. Of these trees, 63 are proposed to be preserved and protected, including 19 Oregon white oaks, and 55 are proposed for removal,

including 29 Oregon white oaks. The Oregon white oaks to be removed include Tree #10718, confirmed to be infested by Mediterranean oak borer (MOB), and Trees #10744 and #10749, with suspected MOB infestation.

The applicant proposes planting 27 street trees and 16 trees in the Tracts B and D open space areas, totaling 43 mitigation trees. Staff notes that the vine maple (6) and serviceberry (6) trees, which are multi-stem, shrub-like species, listed in the planting schedule are not counted by the City as mitigation trees. Therefore, the total number of mitigation trees is 12 fewer than the one-to-one ratio of 55 trees required. As insufficient space exists on site to replant the remaining trees in a desirable manner and the City does not have another site identified as desirable to plant the additional mitigation trees, the applicant is required to pay into the City's Tree Fund an amount equal to the cost of purchase and installation of the trees. The estimated cost, based on a current bid price of \$300 per tree, amounts to \$3,600 as mitigation for the remaining 12 trees. A Condition of Approval requires payment into the City's Tree Fund prior to issuance of a Type C Tree Removal Permit for the proposed development. The applicant proposes tree protection fencing around all protected trees in order to ensure their preservation during construction. Additional measures, such as tree protection easements, and Conditions of Approval will ensure that development can occur in a logical manner while still ensuring preservation and protection of trees in the subdivision.

Middle Housing Land Division

The applicant has elected to have the middle housing land division reviewed concurrently with a tentative plat of the subdivision subject to review by the Development Review Board. The tentative middle housing land division clearly identifies the middle housing units as being created from one or more lots created by the subdivision and allows for the creation of separate units of land for residential structures that could otherwise be built on a lot without a land division. The preliminary middle housing land division plat meets the allowance of middle housing units and demonstrates compliance with the middle housing rules and statutes. Each parent lot can contain at least one (1) dwelling unit, but may contain additional units consistent with the allowance for middle housing. While the middle housing land division is being reviewed concurrently with the tentative plat, specific individual structures or their locations are not being approved as part of this action. A Condition of Approval requires the applicant, prior to issuance of the Public Works permit, to submit draft site plans showing middle housing conceptual layouts that do not encroach into easement areas, such as tree protection zones, located on individual lots.

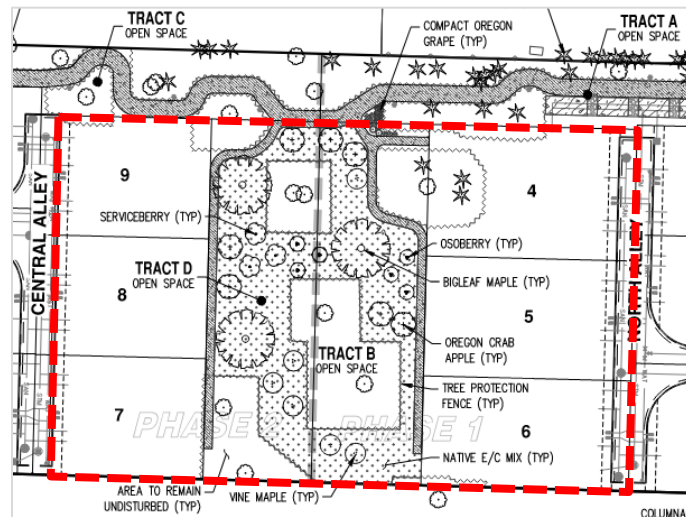
Discussion Points – Discretionary Review:

The Development Review Board may approve or deny items in this section based upon a review of evidence submitted by the applicant. There is one (1) discretionary review request included as part of the proposed application as described below and discussed in detail in Request I.

Waiver – Minimum Lot Frontage

Per Subsection 4.237 (.06) of the Development Code, each lot must have a minimum frontage on a street or private drive. The DRB may waive lot frontage requirements where in its judgement the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of the standard or if the DRB determines that another standard is appropriate because of the characteristics of the overall development.

As proposed, six (6) lots (Lots 4 through 9) within the development do not front a street or private drive but front a shared open space with a Pedestrian Connection (Tracts B and D), and take vehicular access from a private alley (North Alley), as shown in the illustration below. Pedestrian access is provided along the front of Lots 4 through 9 via the Pedestrian Connection in Tracts B and D and D.



The applicant specifically requests a lot frontage waiver for Lots 4 through 9 to enable development of the subject site consistent with the proportional density range of 4-5 lots established for this portion of R-10 large lot Sub-district 7 and 11-14 lots for this portion of R-7 medium lot Sub-district 4, while preserving mature trees, including Oregon white oaks, and providing Pedestrian Connections in the Tracts B and D open space and other site improvements.

Conclusion and Conditions of Approval:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. The Staff Report adopts the applicant's responses as Findings of Fact except as noted in the Findings. Based on the Findings of Fact and information included in this Staff Report, and information received from a duly advertised public hearing, staff recommends that the Development Review Board recommend approval to City Council or approve, as relevant, the proposed application (DB23-0004) with the following conditions:

Planning Division Conditions:

Request A: Annexation (ANNX23-0001)

This action recommends to the City Council approval of Annexation for the subject properties. The Zone Map Amendment (ZONE23-0001) 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.

PDA 2. Prior to Final Filing of the Annexation: The applicant either shall provide the City with a plan to remove and properly dispose of the hazard Trees #10718, #10744, and #10749, or enter into an agreement with the City to carry out the removal and disposal at the applicant's expense. See Finding A9.

Request B: Zone Map Amendment (ZONE23-0001)

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 (ANNX23-0001). Requests STG123-0002, STG223-0003, SDR23-0003, SUBD23-0001, TPLN23-0002, MHL23-0003, and WAIV23-0005 are contingent on City Council action on the Zone Map Amendment request.

No conditions for this request.

Request C: Stage 1 Preliminary Plan (STG123-0002)

Approval of Stage 1 Preliminary Plan is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).

No conditions for this request

Request D: Stage 2 Final Plan (STG223-0003)

Approval of the Stage 2 Final Plan is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).

PDD 1. General: The approved Stage 2 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 1 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 issuance of Public Works Permit:</u> The final design and layout of the Pedestrian Connection in open space Tracts B and D shall be consistent with the location of the approved Pedestrian Connection in the Frog <i>Pond</i> Estates subdivision to the east and enable a continuous pathway connection across the immediately adjacent property to the east (Tax Lot 1400) when it develops in the future. See Findings D11 and D13.
PDD 3.	<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 4.	<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 5.	<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 6.	<p><u>Prior to Final Plat Approval:</u> A tree protection easement shall be provided on the following:</p> <ul style="list-style-type: none"> • Lots 2 and 3 to protect Tree #11230, • Lot 4 to protect Trees #10969, #10970, #10977, #10981, #10982, #10983, #10984, • Lot 6 to protect Tree #11524, • Lot 7 to protect Trees #10710 and #10711, • Lot 9 to protect Trees #10825 and #10933, and • Lot 10 to protect Tree #10822. <p>Such easements shall be shown on the final plat and include the following provisions:</p> <ul style="list-style-type: none"> • The City and HOA shall have 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. • The CC&Rs shall establish HOA responsibility for landscaping and tree maintenance within the easement area. • Landscaping within the tree protection easement shall be limited to native plantings compatible with Oregon white oaks and other preserved species, as appropriate. • Temporary and permanent drainage and irrigation shall be designed around easement areas to optimize the amount of water in the root zone of the trees to support their health.

	<ul style="list-style-type: none"> • No foundations or hardscape improvements shall be placed within the easement area. • Placement of fence posts within the easement area of preserved tree 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. See Finding D22.
PDD 7.	General: All travel lanes shall be constructed to be capable of carrying a twenty-three (23) ton load. See Finding D28.
PDD 8.	Prior to Final Plat Approval: 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 Condition of Approval PDA 1, the LID Waiver for a specific parcel within the proposed 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 9.	Prior to Final Plat Approval: Where any street will be extended signs stating “street to be extended in the future” or similar language approved by the City Engineer shall be installed. See Findings D33 and F13.

Request E: Site Design Review of Parks and Open Space (SDR23-0003)

	Approval of Site Design Review of Parks and Open Space is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).
PDE 1.	General: 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.	Prior to Final Plat Approval: 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.	<u>Ongoing:</u> The approved landscape plan is binding upon the applicant/owner. Substitution of plant materials, irrigation systems, or other aspects of an approved landscape plan shall not be made without official action of the Planning Director or Development Review Board, pursuant to the applicable sections of Wilsonville’s Development Code. See Finding E14.
PDE 5.	<u>Ongoing:</u> All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the DRB, unless altered as allowed by Wilsonville’s Development Code. See Findings E15 and E16.
PDE 6.	<p><u>General:</u> The following requirements for planting of shrubs and ground cover shall be met:</p> <ul style="list-style-type: none"> • Non-horticultural plastic sheeting or other impermeable surface shall not be placed under landscaping mulch. • Native topsoil shall be preserved and reused to the extent feasible. • Surface mulch or bark dust shall be fully raked into soil of appropriate depth, sufficient to control erosion, and shall be confined to areas around plantings. • All shrubs shall be well branched and typical of their type as described in current AAN Standards and shall be equal to or better than 2-gallon containers and 10-inch to 12-inch spread. • Shrubs shall reach their designed size for screening within three (3) years of planting. • Ground cover shall be equal to or better than the following depending on the type of plant materials used: gallon containers spaced at 4 feet on center 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.	<u>General:</u> 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.	<u>Ongoing:</u> 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.	<u>Prior to Issuance of any Public Works permits:</u> The applicant/owner shall submit information details or cut sheets demonstrating compliance with the Public Works Standards, Frog Pond West Master Plan Public Lighting Plan, and appropriate AASHTO lighting standards for local street lighting. The street lighting shall be Aurora style streetlights, as Westbrook is no longer approved by PGE. See Findings E25. See Finding E24.
PDE 10.	<u>Prior to Issuance of any Public Works Permits:</u> The applicant/owner shall provide details or cut sheets of the proposed lighting along the Pedestrian Connection in Tracts A and C sufficient to determine compliance with the requirements the City's Public Works Standards and the Frog Pond West Master Plan Public Lighting Plan, and install appropriate lighting in compliance with these standards. See Finding E25.
PDE 11.	<u>Prior to Issuance of any Public Works Permits:</u> The applicant shall revise the street trees selected for SW Brisband Street to match the American Linden trees, and for SW Sherman Drive to match the Village Green Zelkova trees established in the Morgan Farm subdivision; and for Street J to match the Glenleven Little Leaf Linden trees established with the Frog Pond Estates subdivision. See Finding E26.
PDE 12.	<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 previously approved subdivisions within Frog Pond West. The developers will buy the signs from the City. See Finding E28.

Request F: Tentative Subdivision Plat (SUBD23-0001)

	Approval of the Tentative Subdivision Plat is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).
PDF 1.	<u>Prior to Final Plat Approval:</u> Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
PDF 2.	<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 2 Final Plan or the Tentative Plat.
PDF 3.	<u>Prior to Final Plat Approval:</u> The applicant/owner shall submit for review and approval by the City Attorney CC&Rs, bylaws, etc. related to the maintenance of the open space tracts. Such documents shall require that the Tracts B and D open space areas be owned and maintained by the same Homeowner's Association to ensure long-term protection and maintenance of the open space and preserved trees. Such documents shall assure the long-term protection and maintenance of all open space tracts in the subdivision. See Finding F5.
PDF 4.	<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 Findings D33 and F13.
PDF 5.	<u>Prior to Final Plat Approval:</u> For all public pipeline easements, public access easements, and other easements, as required by the city, shown on the Final Subdivision Plat, the applicant/owner and the City shall enter into easement agreements on templates established by the City specifying details of the rights and responsibilities associated with said easements and such agreements will be recorded in the real property records of Clackamas County. See Finding F17.

Request G: Type C Tree Plan (TPLN23-0002)

	Approval of the Type C Tree Plan is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).
PDG 1.	<u>General:</u> This approval for removal applies only to the 55 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 Commencing Site Grading:</u> Given that unforeseen tree health issues related to Mediterranean oak borer (<i>Xyleborus monographus</i>) (MOB) may arise involving one or more of the preserved Oregon white oaks on the property, <i>and that the impacts of nearby construction of the subdivision may cause additional stress to the preserved Oregon white oak trees potentially rendering them more vulnerable to MOB infestation and creating a hazard that may endanger or injure neighboring property,</i> the applicant shall treat all preserved and protected Oregon white oaks in the Tracts A through D open space and Tree #11230 on Lots 2 and 3 with insecticidal <i>and/or</i> fungicidal treatment and root invigoration/aeration to improve their health and pest resistance. See Findings <i>G4 and G5.</i>
PDG 3.	<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 4.	<u>Prior to Issuance of Type C Tree Removal Permit Required in Condition of Approval PDG 3:</u> The applicant shall pay an amount of \$3,600 (\$300 per tree for 12 trees) into the City’s Tree Fund as mitigation for 12 trees removed from the site for which insufficient space exists on site and another desirable off-site location is not currently available. See Findings G22 and G24.
PDG 5.	<u>Prior to Final Plat Approval:</u> The applicant/owner shall install the 55 required mitigation trees per Section 4.620 WC. Of the 55 trees shown in the applicant’s Sheet P-16, 43 are acceptable species, including 27 street trees and 16 in open space areas.

	Mitigation for the other 12 shall be in the form of payment to the City Tree Fund as required by Condition of Approval PDG 4. See Findings G22 and G24.
PDG 6.	General: 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. See Finding G23.
PDG 7.	Prior to Commencing Site Grading: The applicant/owner shall install 6-foot-tall chain-link fencing around the drip line of preserved trees in both development phases. The fencing shall comply with Wilsonville Public Works Standards Detail Drawing RD-1230. Ongoing: No foundations or hardscape improvements shall be placed within the portion of the root zone delineated by the tree protection fencing. 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 G25.
PDG 8.	Prior to Issuance of the Public Works Permit: Applicant shall show on construction drawings the Pedestrian Connection in Tracts A and C following the methods outlined below to ensure protection of trees in the grove: <ul style="list-style-type: none"> • The finished pathway location within the grove will be somewhat flexible to allow the project arborist and construction crew to preserve large roots that may be encountered. • The project arborist shall be onsite during grading for the pathway. • The pathway shall be built on-grade according to the following construction plan to avoid unnecessary soil compaction within the root protection zones of protected trees: <ul style="list-style-type: none"> • A small sized backhoe on rubber tracks and using a flat bucket, will gradually scrape away the first layer of soil. The project arborist shall supervise this work and advise on root pruning and preservation. At no time may large trucks or steel-tracked equipment enter the grove. • A layer of geo-textile fabric will be applied to the native soil where the Pedestrian Connection is within the root protection zone of protected trees. • A two (2)-inch to four (4)-inch layer of crushed rock will be placed on the fabric. Rock and gravel must be piped or ferried in using the smaller sized equipment described above. This layer of rock shall be lightly compacted using a hand operated, motorized compactor. • Concrete forms may be installed before or after the crushed rock is added. The above grade work of setting forms, installing gravel, and pouring concrete will not require arborist oversight. • Concrete shall be poured. Concrete shall be piped into the grove by a concrete truck that will remain outside of the root protection zones of protected trees.

<p>Concrete may also be brought into the grove using a power wheelbarrow, skid-steer on rubber tracks, bobcat, or similar piece of equipment.</p> <ul style="list-style-type: none"> • The Pedestrian Connection shall be 10-feet wide and ADA compliant. See Finding G25.

Request H: Middle Housing Land Division (MHLD23-0003)

Approval of the Middle Housing Land Division is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).
PDH 1. <u>Prior to Final Plan Approval:</u> The applicant/owner shall submit an application for Final Plat review and approval on the Planning Division Site Development Application form. The applicant/owner shall also provide materials for review by the City’s Planning Division in accordance with Section 4.220 of City’s Development Code. The Final Plat shall be prepared in substantial accord with the middle housing land division as approved by this action and as amended by these conditions, except as may be subsequently altered by minor revisions approved by the Planning Director. See Finding H1.
PDH 2. <u>Prior to Final Plan Approval:</u> The applicant/owner shall assure that the land units are not sold or conveyed until such time as the Final Plat is recorded with the County. See Finding H2.
PDH 3. <u>Prior to Final Plan Approval:</u> The applicant/owner shall illustrate existing and proposed easements on the Final Plat. See Finding H5.
PDH 4. <u>Prior to Final Plan Approval:</u> The applicant/owner shall state on the Final Plat that the middle housing land division units are not further divisible. See Finding H11.

Request I: Waiver (WAIV23-0005)

Approval of the Waiver request is contingent on City Council approval of the Zone Map Amendment request (ZONE23-0001).
No conditions for this request.

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

Engineering Division Conditions:

Request D: Stage 2 Final Plan (STG223-0003)

PFD 1.	Ongoing: 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 Master 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 Final Completeness of the Public Works Permit: The applicant shall provide a site distance certification by an Oregon Registered Professional Engineer for all new private access points per the Traffic Impact Study.
PFD 5.	Prior to the Issuance of the Public Works Permit: The applicant shall submit design and construction plans showing a minimum of 20 feet of pavement along SW Frog Pond Lane in accordance with Section 201.2.18 of the City Public Works Standards.
PFD 6.	Prior to the Issuance of the Public Works Permit: The applicant shall submit design and construction plans showing 28 feet of pavement, curbs, street lighting, planter strips, street trees and sidewalks along both sides of SW Sherman Drive. Street shall align with existing SW Sherman Drive. No horizontal curves allowed.
PFD 7.	Prior to Issuance of any Public Works Permit: Submit construction plans to Engineering showing half-street improvements including pavement, curb, planter strip, street trees, street lighting, sidewalk, and driveway approaches along site frontage on SW Frog Pond Lane and SW Brisband Street. The applicant proposes to construct the project in two separate phases. Each phase of construction shall have a separate Public Works Permit and associated construction plans. All improvements shall be constructed in accordance with the Public Works Standards.
PFD 8.	Prior to Issuance of any Public Works Permit: Applicant shall submit a revised Service Letter from Republic Services showing how trash service can be provided adjacent to all lots in conformance with PW Standards, the City’s Franchise Agreement with Republic Services, and Administrative Rules.
PFD 9.	Prior to Issuance of Public Works Permit: The applicant shall show on the construction drawings that the east-west Pedestrian Connection shown on Tracts B and D is extended so that a 10-foot wide Pedestrian Connection can extend across the future development of Tax Lot 1400 to the east.
PFD 10.	Prior to Issuance of Public Works Permit: The applicant shall show on the construction plans a mail kiosk at a location coordinated with City staff and the Wilsonville US Postmaster.
PFD 11.	Prior to Issuance of any Public Works Permit: All offsite utilities necessary to serve this development, which will be constructed by other development, shall be constructed, inspected and accepted by the City.

PFD 12.	<u>Prior to Issuance of Public Works Permit:</u> 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, including documentation of all impervious area reduction strategies considered and use of available vegetated areas for stormwater management purposes. Additionally, the stormwater report shall provide sizing information and site plans for any proposed stormwater facilities located on individual lots. If there is not adequate room for stormwater facilities to be installed adjacent to the <u>alley</u> , right-of-way or street, stormwater facilities shall not be placed on individual lots.
PFD 13.	<u>Prior to Issuance of Public Works Permit:</u> The applicant shall submit draft Site Plans for parent Lots 2, 3, and 4 showing middle housing conceptual layouts that do not encroach into the required Tree Protection and Preservation easements located on those lots.
PFD 14.	<u>Prior to the Issuance of any Public Works Permit:</u> The applicant shall obtain an NPDES 1200C permit from the Oregon Department of Environmental Quality and a Local Erosion Control Permit from the City of Wilsonville. All erosion control measures shall be in place prior to starting any construction work, including any demolition work. Permits shall remain active until all construction work is complete and the site has been stabilized. Permits will be closed out when home construction is completed and final certificates of occupancy have been issued for all homes in the subdivision.
PFD 15.	<u>With the Public Works Permit:</u> The construction drawings shall show all existing overhead utilities along the development's frontage on SW Frog Pond Lane placed underground. The existing gas main shall be relocated outside of the right-of-way and placed in the public utility easement.
PFD 16.	<u>With the Public Works Permit:</u> The applicant shall provide to the City a copy of correspondence that plans have been distributed to the franchise utilities. <u>Prior to the Issuance of the Public Works Permit:</u> 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 17.	<u>Prior to Final Completeness of the Public Works Permit:</u> Submit documentation that the existing well located on this property was properly abandoned in accordance with OAR 690-240 and the Water Resources Department requirements.
PFD 18.	<u>With the Public Works Permit:</u> The construction drawings shall show the location of any existing septic systems. <u>Prior to Final Completeness of the Public Works Permit:</u> Submit documentation that the existing on-site septic systems were properly decommissioned per the requirements of OAR 340-071-0185.
PFD 19.	<u>Prior to the Issuance of any Public Works Permit:</u> The construction drawings shall show all water line looping. If looping is not possible, applicant shall install a bank of

water meters to serve all lots located on private alleys. Temporary water line looping is acceptable until development to the east or west is constructed.

Request F: Tentative Subdivision Plat (SUBD23-0001)

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 9.5-feet of right-of-way along SW Frog Pond Lane.
PFF 2.	<u>Prior to Final Plat Approval:</u> Show dedication of 14-feet of right-of-way along SW Brisband Street.
PFF 3.	<u>Prior to Final Plat Approval:</u> Show dedication 52-feet of right-of-way along SW Sherman Drive, aligned with the existing right-of-way of SW Sherman Drive.
PFF 4.	<u>Prior to Final Plat Approval:</u> Show dedication of a 6-foot public utility easement along the SW Frog Pond Lane, SW Sherman Drive, SW Brisband Street, and Street J right-of-way frontages.
PFF 5.	<u>Prior to Final Plat Approval:</u> Submit documentation verifying Tracts A through D have been deeded to a Homeowner’s Association. Submit CC&R’s including information regarding the maintenance responsibilities for all stormwater LID facilities, and private alleys/streets.
PFF 6.	<u>Prior to Final Plat Approval:</u> Submit stormwater access and maintenance agreements for all stormwater vegetated facilities.
PFF 7.	<u>Prior to Final Plat Approval:</u> Submit sanitary sewer pipeline easement agreements for all sanitary sewer mains located outside of the public right-of-way.
PFF 8.	<u>Prior to Final Plat Approval:</u> Submit storm pipeline easement agreements for all storm mains located outside of the public right-of-way.
PFF 9.	<u>Prior to Final Plat Approval:</u> Submit minimum 15-foot wide water pipeline easement agreement for all water mains located outside of the public right-of-way. Any private water line services shall be installed in a private water line easement in accordance with the Uniform Plumbing Code.
PFF 10.	<u>Prior to Final Plat Approval:</u> Submit public access, bike and pedestrian easement over Tracts A through D.
PFF 11.	<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 Demolition of Structures:</u> <ul style="list-style-type: none">a. Photos must be taken of any structures on the site that are to be demolished. Photos must be a clear resolution (when printed, a minimum resolution of 300 dpi or greater) and should include a representative sample of the exterior of the structure from each direction. A demolition permit must be obtained from the Building Division and photos must be submitted with the demolition permit application. (Wilsonville Code 9.270)b. An NPDES 1200-C permit must be obtained from DEQ with a copy provided to the City.
BD2.	<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 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).
BD3.	<u>Prior to Occupancy:</u> New and existing buildings shall have approved address labels. 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) Where vehicle access is from a private drive or alley, provide a physical address on the new home, as well as near the intersection of the private drive and public road. The address must be visible from any approaches by a monument, pole or other sign used to identify the structure. (ORSC R319)

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 File DB23-0004. 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. Staff's Presentation Slides for Public Hearing (*to be presented at Public Hearing*)
- A3. Staff Memorandum to Development Review Board Dated January 8, 2024**

Materials from Applicant

- B1. Applicant's Narrative and Materials – Available Under Separate Cover**
 - Land Use Application Form
 - Land Use Narrative
 - Appendix B: Annexation Petition
 - Appendix C: Ownership Information
 - Appendix D: Clackamas County Assessor's Map
 - Appendix E: Traffic Impact Study
 - Appendix F: USACE & DSL Wetland Concurrences
 - Appendix I: Draft CC&Rs
 - Appendix J: Annexation Legal Description and Exhibit (Updated November 2023)
 - Appendix K: Annexation County Certifications
 - Appendix L: Zoning Change Legal Description and Exhibit
 - Appendix M: Preliminary Conceptual Elevations (Updated November 2023)
 - Appendix N: 250-Foot Radius Notification Labels
 - Appendix O: Service Provider Letters (Updated Nov 2023)
- B2. Applicant's Drawings and Plans – Available Under Separate Cover**
- B3. Applicant's Appendix G: Preliminary Stormwater Report (Updated November 2023) – Available Under Separate Cover**
- B4. Applicant's Appendix H: Geotechnical Report (Updated November 2023) – Available Under Separate Cover**
- B5. Incompleteness Response Letter Dated November 6, 2023**
- B6. Trip Generation Evaluation Update (December 21, 2023)**

Development Review Team Correspondence

- C1. Public Works Submittal and Other Engineering Requirements**

Development Review Board Panel 'A' Staff Report December 28, 2023
Amended and Adopted January 8, 2024

Exhibit A1

Procedural Statements and Background Information:

1. The statutory 120-day time limit applies to this application. The applicant first submitted the application on May 11, 2023. Staff conducted a completeness review within the statutorily allowed 30-day review period and found the application to be incomplete on June 9, 2023. The applicant submitted additional material on November 6, 2023. Staff conducted a completeness review within the statutorily allowed 30-day review period and deemed the application complete on November 7, 2023. The City must render a final decision for the request, including any appeals, by March 6, 2024.
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North	RRFF-5 and RN	Rural Residential/Agriculture (Clackamas County) Residential (Frog Pond Overlook)
East	RRFF-5	Rural Residential/Agriculture (Clackamas County)
South	RN and PF	Residential (Morgan Farm) Public Facility (Primary School, Under Construction)
West	RRFF-5	Residential/Agriculture (Clackamas County)

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. AKS Engineering & Forestry, 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 April 14, 2022 (PRE22-0008) 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: Annexation (ANNX23-0001)

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. Sullivan Homes LLC and the City will enter into a Development and Annexation Agreement detailing provision and development of public services as required by Conditions of Approval.

Demonstrated Need for Immediate Urban Growth

Implementation Measure 2.2.1.a.

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

Adherence to State and Metro Annexation Laws and Standards

Implementation Measure 2.2.1.e.

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

Orderly, Economic Provision of Public Facilities and Services

Implementation Measure 2.2.1.e. 1.

- A4.** The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant proposes site development with concurrent applications for Stage 1 and Stage 2 Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the subject 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.** 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.

Wilsonville Code-Public Health and Welfare-Nuisances

Creating a Hazard

Subsection 6.208 (1) (c)

- A9.** Subsection 6.208 (1) (c) of the Wilsonville Code states, in part, that no person shall create a hazard by maintaining filth, rubbish, waste material, and any other substance which may endanger or injure neighboring property, passersby, or the health, safety or welfare of the public. With respect to the subject property, 55 trees are proposed to be removed, including Tree #10718, an on-site Oregon white oak that has been confirmed to be infested by Mediterranean oak borer (MOB), and Trees #10744 and #10749, also Oregon white oaks, that are suspected of MOB infestation. If these trees are not removed from the subject property and disposed of appropriately, they can be considered to create a hazard that may endanger or injure neighboring property, were the MOB in the trees to infest other Oregon white oaks in Frog Pond West. Further, failure to remove the infested trees may produce dead and decaying trees and limbs that may affect the health, safety and welfare of the public in proximity to the trees. The City places particular value on Oregon white oaks, native yews, and other species of historic significance to the City and Willamette Valley, and prioritizes their protection and preservation. For these reasons, a Condition of Approval requires that prior to final filing of the annexation, the applicant either will

provide the City with a plan to remove and properly dispose of the hazard Trees #10718, #10744 and #10749, or enter into an agreement with the City to carry out the removal and disposal at the applicant's expense.

Metro Code

Local Government Boundary Changes
Chapter 3.09

A10. 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

A11. 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

A12. 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

A13. 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

A14. 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

A15. The proposed annexation and zone 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 completed the master planning process for the Frog Pond East and South neighborhoods to ensure that additional residential land is available within the City. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.
- Wilsonville is meeting Statewide Planning Goal 10 requirements to "provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing" and to "provide for an overall density of 8 or more dwelling units per net buildable acre."
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Rezoning the subject property to a higher density zone consistent with the Comprehensive Plan will ensure related Zone Map Amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing Urban Growth Boundary and improving the capacity identified in the 2014 study. The type of housing is anticipated to be a mix of attached and detached units,

and the approval will allow middle housing consistent with House Bill 2001 and newly implemented City Code to allow middle housing types.

- The proposal directly impacts approximately 1.0% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 5.00 of 477 acres).

Request B: Zone Map Amendment (ZONE23-0001)

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

Comprehensive Plan

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

Policy 4.1.7.a.

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

“Residential Neighborhood” Zone Applied Consistent with Comprehensive Plan

Implementation Measure 4.1.7.c.

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

Safe, Convenient, Healthful, and Attractive Places to Live

Implementation Measure 4.1.4.c.

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

Residential Density

Implementation Measure 4.1.4.u.

- B4.** The subject area will be zoned RN allowing application of the adopted residential densities of the Frog Pond West Master Plan. The sub-districts established in the Frog Pond West Master Plan govern the allowed residential densities. See also Request C, Stage 1 Preliminary Plan.

Development Code

Zoning Consistent with Comprehensive Plan

Section 4.029

- B5.** The applicant requests a zone change concurrently with a Stage 1 Preliminary Plan, Stage 2 Final Plan, and other related development approvals. The proposed zoning designation of RN is consistent with the Comprehensive Plan “Residential Neighborhood” designation. See also Finding B2 above.

Base Zones

Subsection 4.110 (.01)

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

Residential Neighborhood (RN) Zone

Purpose of the Residential Neighborhood (RN) Zone

Subsection 4.127 (.01)

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

Permitted Uses in the Residential Neighborhood (RN) Zone

Subsection 4.127 (.02)

- B8.** Concurrent with the Zone Map Amendment request the applicant requests approval of a 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 1 area includes a portion of medium lot Sub-district 4 and a portion of large lot Sub-district 7. A full discussion of compliance with the sub-districts and residential density is included under Request C, Stage 1 Preliminary Plan.

Request C: Stage 1 Preliminary Plan (STG123-0002)

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 (UGB) 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 2 Final Plan, the proposed development provides all necessary facilities and services consistent with the Frog Pond West Master Plan.

Provision of Usable Open Space

Implementation Measures 3.1.11.p., 4.1.5.kk.

- C6. The proposal is located within medium- and large-lot subdistricts and does not require usable open space. However, the applicant proposes to provide roughly 26,000 square feet of open space in Phase 1 (Tracts A and B) and 23,000 square feet in Phase 2 (Tracts C and D) of the development in four (4) interconnected tracts in the north central part of the site and along its west boundary. The open space enables preservation of numerous mature trees, including Oregon white oaks, and provides a pedestrian pathway between SW Frog Pond Lane on the north and SW “J” Street, SW Sherman Drive and SW Brisband Street in the southern part of the development.

Consistency with Street Demonstration Plans May Be Required

Implementation Measure 3.2.2.

- C7. Section 4.127 requires the area subject to the Stage 1 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 D11.

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 residential lots to accommodate a variety of housing types. Within the Residential Neighborhood zone a variety of middle housing types is 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 5.00 acres and is suitable for planning and development. The property is not currently nor is it proposed to be zoned “PD” (Planned Development). Concurrent with the request for a Stage 1 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. Glen Southerland of AKS Engineering & Forestry, LLC, 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 1 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 1 Preliminary Plan is under an application by the property owners.
- The applicant submitted a Stage 1 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 1 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.
- 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 subject property contains land within the R-7 medium lot sub-district and the R-10 large lot sub-district. These sub-districts do not require outdoor recreational area and open space, therefore, this subsection does not apply. However, the proposed development includes roughly 49,000 square feet of open space (see Finding C6 and Request E).

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 1 Preliminary Plan area includes a portion of medium lot Sub-district 4 and a portion of 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 1 area includes a portion of medium lot Sub-district 4 and a portion of large lot Sub-district 7. The following table summarizes how the proposed residential lots in each Sub-district are consistent with the Master Plan recommendations.

While the applicant proposes 11 lots in Sub-district 4, which is the minimum proportional density calculation, 6 lots are proposed in Sub-district 7, exceeding the proportional density calculation for this part of the site by one (1) lot.

Subdistrict and Land Use Designation	Gross Site Area (ac)	Percent of Sub-district	Established lot range for Sub-district	Lot Range for Site	Proposed Lots	Total lots within Sub-district - Approved and Proposed
4 – R-7	3.28	13.1%	86-107	11-14	11	49 Approved 11 Proposed 60 Total
7 – R-10	1.71	17.2%	24-30	4-5	6	8 Approved 6 Proposed 14 Total
Total	5.0			15-19	17	

With regard to Sub-district 4, the applicant proposes the minimum proportional density calculation of 11 lots, which allows for future development that meets all dimensional standards for lots in this portion of the site.

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. With respect to part of the subject property in Sub-district 7, minimal right-of-way dedication is required because the adjacent section of SW Frog Pond Lane is a local street that allows driveway access, SW Sherman Drive is not being extended through this part of the site to preserve numerous mature trees, including Oregon white oaks, along the west property boundary, and access to Lots 1 through 6 is provided via a private alley. As a result, the proposed site area within Sub-district 7 easily accommodates six (6) lots that meet or exceed all dimensional standards, including minimum lot size requirements. The proposed development of 6 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, which meet all dimensional requirements for the individual lots, 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 1 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 C6 and elsewhere in this staff report.

Request D: Stage 2 Final Plan (STG223-0003)

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

Stage 2 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 1 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 intersection for evaluation as:

- SW Stafford Road/SW Frog Pond Lane

This intersection was selected for analysis as it is the intersection most impacted by the increase in vehicle trips from the development and is the only gateway intersection to Frog Pond West that has been documented to operate close to the City operating standard in the near future. Other gateway intersections, such as SW Boeckman Road/SW Sherman Drive, were not included in the analysis as the trips through those intersections would be insignificant and located at non-critical gateways.

TABLE 1: VEHICLE TRIP GENERATION

LAND USE	ITE DESCRIPTION (CODE)	UNITS	PM PEAK TRIP RATE ^A	PM PEAK TRIPS			WEEKDAY
				IN	OUT	TOTAL	
NEW HOMES	SINGLE-FAMILY DETACHED HOUSING (210)	12 Lots	1.12 trips/lot	9	5	14	144
	SINGLE-FAMILY ATTACHED HOUSING (215)	22 Lots	0.41 trips/lot	5	4	9	116
EXISTING HOME REMOVED	SINGLE-FAMILY DETACHED HOUSING (210)	1 Lot	1.12 trips/lot	-1	-0	-1	-15
TOTAL NET NEW TRIPS				+13	+9	+22	+244

^A PM peak trip rate is back-calculated from the fitted curve equation

It is estimated that the proposed development will generate a net total of 22 M peak hour trips (13 in, 9 out), and that 50% of trips will utilize SW Stafford Road to/from the north, 35% of trips will utilize SW Boeckman Road to/from the west, 10% of trips will utilize SW Wilsonville Road to/from the south, and 5% of trips will utilize SW Advance Road to/from the east. Approximately 5% (1 PM trip) of the project trips are expected to travel through the I-5/SW Elligsen Road interchange area and 5% (1 PM trip) through the I-5/SW Wilsonville Road interchange area.

The study intersection meets the City of Wilsonville’s operating standard for existing development with addition of project trips. However, it has been known and previously documented that the SW Stafford Road/SW Frog Pond Lane intersection is expected to fail to meet the City’s Level of Service (LOS) D operating standard as the Frog Pond West neighborhood develops. A traffic signal was the originally recommended intersection improvement; however, the Frog Pond East & South Master Plan, recently approved by City Council, identifies alternate traffic control mitigations (minor-street turn restrictions) as the preferred improvement for the intersection. The City has included the intersection improvements on the Capital Improvement Projects (CIP) list for which the project is slated for funding in 2024/25-2025/26.

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 (.10) A.

- 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 will underground all existing utility lines facing the subject property.

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	6,500-8,600 sf	8,000 sf	8,025-9,792 sf	Standard is met.
Min. Lot Depth	60 ft	60+ ft	60 ft	60+ ft	Standard is met.
Min. Lot Width	35 ft	35+ ft	40 ft	40+ ft	Standard is met.
Max. Lot Coverage	45%	45% max	40%	40% max	Standard can be met. Example floor plan footprint is roughly 1,460 sf. 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.
Min. Front Setback	15 feet	15 ft min	20 ft	20 ft min	Standard can be met.
Min. Rear Setback	15 feet	15 ft min	20 ft	20 ft min	Standard can be met.
Min. Side Setback	5 feet (10 feet for corner lots)	5 ft min (10 ft min on corner lots)	5 feet (10 feet for corner lots)	5 ft min (10 ft min on corner lots)	Standard can be met.
Min. Garage Setback from Alley	18 ft	18 ft. min	18 ft	18 ft. min	Standard can be met.
Min. Garage Setback from Street	20 ft	20 ft min	20 ft	20 ft min	Standard can be met.

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

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

Standard				Compliance Notes	
Small-lot Subdistricts (include at least one element)	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	N/A		Subject property does not contain land within the small-lot sub-district.
	<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		The subject property does not abut Stafford or Boeckman Road.
	<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		Subject property does not include collectors.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

Open Space Requirements
 Subsection 4.127 (.09)

D10. As stated in Finding C18, the R-10 and R-7 sub-districts involved in the proposal are exempt from open space requirements.

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 Brisband Street	☒	☐	
SW Frog Pond Lane	☒	☐	
SW Sherman Drive	☐	☒	See explanation below.
Street J	☐	☒	See explanation below.
Pedestrian Connection in Tracts A and C	☒	☐	
Pedestrian Connection in Tracts B and D	☐	☒	See explanation below.

**Master Plan Street Demonstration Plan
(Figure 18)**



Proposed Project



Along the south side of the proposed subdivision, SW Brisband Street is being extended west by the West Linn Wilsonville School District as part of the previously approved primary school project to the south. SW Frog Pond Lane already exists as a rural road on the north side of the project. The proposed development will provide its share of these streets along the site’s south and north frontages, respectively. SW Sherman Drive will be extended north of SW Brisband Street on the west side of the subject site approximately 250 feet to its intersection with new Street J, an allowed variation to provide access to lots in the central part of the development. A second east/west street in the north part of the site is proposed to be a Pedestrian Connection split into two 5-foot-wide pathways on the north

and south sides of Tracts B and D open space area, an allowed variation to preserve mature trees, including Oregon white oaks. A Condition of Approval requires that the applicant show, on the construction drawings, extension of this pathway as a 10-foot wide Pedestrian Connection to the east property boundary that can extend in the future across development of Tax Lot 1400 to the east. A street connection between SW Brisband Street and SW Frog Pond Lane on the east side of the site is not provided so that lots can be shifted to the east to preserve numerous mature trees in open space Tracts A and C on the west property boundary.

The proposed modifications do not require out-of-direction pedestrian or vehicular travel nor do they result in greater distances for pedestrian access to the proposed subdivision from the surrounding existing and future 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 lots greater than 50 feet at the front lot line.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Garage Orientation Towards Alley or Shared Driveway	Alleys or Shared Driveways in Subdivision	No Alleys or Shared Driveways in Subdivision	Standard can be met. The subdivision has three (3) alleys. Example floor plans show garage orientation toward alleys.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Residential Design Standards	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Standard can be met.
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Small-Lot Subdistricts – House Plan Variety	Required Duplex/Attached Units	Provided Duplex/Attached Units	Not applicable. Not within small lot sub-district.
	N/A	N/A	
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	Sufficient Information Provided to Determine Compliance	Compliance to be Determined at Building Permit Review	Several lots face or are adjacent to open space in Tracts A through D, and Lots 16 and 17 face the new primary school to the south across SW Brisband Street.
	<input type="checkbox"/>	<input checked="" 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 facing streets, and a pathway along the frontages of lots that face the Tracts B and D open space, providing a continuous pathway system throughout the proposed subdivision. In addition to the sidewalk system, pedestrian/bicycle connections are proposed through Tracts A and C on the west side of the site, consistent with Figure 18 of the Frog Pond West Master Plan. The proposal enables connections to future adjacent development and a Condition of Approval ensures the final design and layout of the Pedestrian Connection in open space Tracts B and D will be consistent with the location of the approved Pedestrian Connection in the Frog Estates subdivision to the east and enable a continuous pathway connection across the immediately adjacent property to the east when it develops in the future. To ensure full access and function of the planned pathway system for the public, a Condition of Approval 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. Pursuant to Oregon Administrative Rules (OAR) 660-012-0440 parking mandates, the minimum vehicle parking requirements in Table 5 are not applicable to the development as it is within one-half (1/2) mile of SMART Route 4, one of the City's most frequent transit routes. The proposed development includes uses that have no maximum limit per Table 5. With no minimum or maximum vehicle parking requirements, the number of total vehicle parking spaces is at the complete discretion of the applicant, so long as the total number of spaces does not exceed the maximum and other non-parking requirements are still met. In addition, for any vehicle parking spaces provided, the applicable design standards, as well percentage and similar requirements for certain types of spaces, still apply.

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

D19. The applicable standards are met as follows:

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

Other General Regulations

Access, Ingress and Egress
Subsection 4.167 (.01)

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

Protection of Natural Features and Other Resources

General Terrain Preparation
Section 4.171 (.02)

D21. The site has been planned and designed to avoid the natural features on the site, including mature tree groves. 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 preserved trees will be protected with fencing to City standards prior to commencement of site work to avoid damage to vegetation or injury to habitat. The removal of trees is

necessary for site development, but replacement trees will be planted per the provisions of this Code.

Trees and Wooded Areas

Section 4.171 (.04)

D22. Existing vegetation will not be disturbed, injured or removed prior to land use and permit approvals. Existing trees have been retained wherever possible; however, trees will need to be removed to provide area for home construction. 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 Conditions 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 proposed development deters crime and ensures public safety. The lighting of the streets allows 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. Proposed street trees on SW Brisband Street, SW Sherman Drive, and proposed Street J are not consistent with previously

established trees in other Frog Pond subdivisions. A Condition of Approval ensures the proper trees are selected prior to issuance of Public Works permits.

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 P-16 and P-17) illustrate the location and type of landscaping within public rights-of-way and tracts. The design includes a variety of native plants, particularly in the open space areas.

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 east and west. The proposed design provides for continuation of streets with Morgan Farm to the south and Frog Pond Overlook to the north. SW Sherman Drive is extended north, and Street J provides a connection to future development to the east and west.

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. 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 proposed development may occur upon official recording of the release of the waiver only after payment of these fees, and will require the developer to pay all costs and fees associated with the City's release of the waiver. A Condition of Approval 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. Proposed east/west Street J in the south part of the development will temporary dead end until the property to the east develops (see Sheet P-06). Notification of extension will be posted on the end of this street as required by Conditions of Approval.

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. No on street bicycle facilities are required within the project area. A Condition of Approval requires all cross-sections to comply with the Frog Pond West Master Plan requirements prior to Final Plat approval. See Exhibit C1.

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

Subsection 4.177 (.05)

D39. In lieu of a public street, a Pedestrian Connection is proposed through the open space in Tracts A and C, providing a connection between SW Sherman Drive on the south and SW Frog Pond Lane on the north, to preserve numerous mature trees consistent with the Frog Pond West Master Plan Street Demonstration Plan (see Finding D11). In addition, a Pedestrian Connection, split into two pathways, is proposed through the Tracts B and D open space, also to preserve mature trees, provide frontage for Lots 4 through 9 located north and south of the open space, and provide connection to future development to the east. The proposed connections achieve a similar level of connectivity desired for the development.

Transit Improvements Requirements

Subsection 4.177 (.06)

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

Intersection Spacing

Offset Intersections Not Allowed

Subsection 4.177 (.09) A.

D41. The applicant does not propose any offset intersections.

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

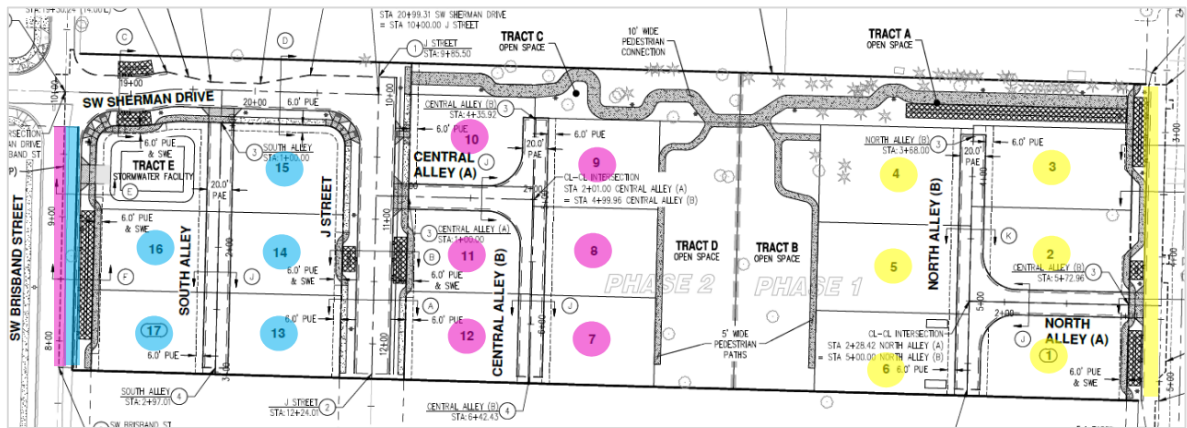
Subsection 4.177 (.09) B.

D42. Streets within the development are local streets, which are not subject to minimum spacing standards.

Mixed Solid Waste and Recyclables Storage

Review by Franchise Garbage Hauler
Subsection 4.179 (.07)

D43. The proposed development does not contain multi-family residential or non-residential uses requiring the solid waste storage area to meet code requirements for size; however, the applicant has provided a letter from the franchised garbage hauler, Republic Services, to ensure the site plan provides adequate access for the hauler's equipment. The service provider letter is included in Exhibit B1. As shown in the illustration below, collection is proposed to occur on SW Frog Pond Lane for Lots 1 through 6 (highlighted in yellow), with residents expected to place their receptacles curbside on collection day. Collection is proposed to occur initially on SW Brisband Street for Lots 7 through 17 (highlighted in pink and blue). When SW Sherman Drive and Street J are completed within the development and Street J is extended east to create full passage for collection vehicles, collection for Lots 7 through 15 will occur on Street J and for Lots 16 and 17 will continue to occur on SW Sherman Drive. Although access for all lots will be from alleys at the back of the houses, collection vehicles are not proposed to use the alleys for waste and recyclables collection. A Condition of Approval requires the applicant to submit a revised Service Letter from Republic Services showing how trash service can be provided adjacent to all lots in conformance with PW Standards, the City's Franchise Agreement with Republic Services and Administrative Rules.



Request E: Site Design Review of Parks and Open Space (SDR23-0003)

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 south and future neighborhoods to the east, north, and west. 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. Thus 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.

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. The applicant has included an open space (Tracts A through D) that allows for the preservation of a substantial number of mature trees, including several Oregon white oaks, within the development.

Relation of Proposed Buildings to Environment

Subsection 4.421 (.01) B.

- E5. No structures are proposed in the development at this time. Building design will be reviewed during the building permit review process.

Surface Water Drainage

Subsection 4.421 (.01) D.

- E6. As demonstrated in the applicant's plans, attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. The location of LIDA facilities within the planter strips of the public streets, stormwater facilities within tracts, and details of LIDA facility planting are shown in Sheets P-16 and P-17. Appendix G in Exhibit B3 includes the Preliminary Stormwater Drainage Report.

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 P-09). 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 development is planned to occur in two (2) phases, with Phase 1 construction in 2024-2026 and Phase 2 in 2025-2027. The approval will expire after two (2) 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 6-month period, or within an extension of time authorized by the DRB, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City 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 2 Final Plan for the site as well as the purpose and objectives of Site Design Review. See Findings D21 through D24 under Request D.

Landscaping

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

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

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

E19. The general landscape standard applies throughout different landscape areas of the site and the applicant proposes landscape materials to meet each standard in the different areas. Site Design Review is being reviewed concurrently with the Stage 2 Final Plan, which includes an analysis of the functional application of the landscaping standards. See Finding D26 under Request D.

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

E20. The quality of the plant materials must meet American Association of Nurserymen (AAN) standards as required by this Subsection. Trees as shown on the applicant's plans are specified at two (2)-inch caliper or greater than six (6) feet for evergreen trees. Some shrubs

are specified on the Landscape Plans (Sheet L2.00-L2.20) as one (1) gallon, rather than two (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 (1) growing season, unless appropriate substitute species are approved by the City.
- The applicant’s narrative states that “As detailed in Note 6 of the Preliminary Landscape Plan..., all landscape areas will be watered by a fully automatic underground irrigation system” (see Sheet P-17).

Landscape Plans

Subsection 4.176 (.09)

E22. The applicant’s submitted landscape plans, Sheets P-16 and P-17, 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. The applicant’s Sheet P-09 in Exhibit B2 shows proposed street lights on local streets; however, their materials do not specify a proposed fixture or provide cut sheets or details. 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). As the Westbrook is no longer available from PGE, the Aurora is now used as the closest matching design. These fixtures are dark sky friendly and must be 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. A Condition of Approval ensures that the applicant provides a Public Lighting Plan and demonstrates that the required lighting fixtures are provided on local streets adjacent to the development.

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 Sheet P-09 in Exhibit B2 includes lighting along the Pedestrian Connection in Tracts A and C, however, no specifications or detail sheets are included. A Condition of Approval ensures that the requirements are met

Street Tree Plan

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

E26. The Street Tree Plan provides guidance tied to the street typology for Frog Pond West, with an overall intent to beautify and unify the neighborhood while providing a variety of tree species. The Frog Pond West Master Plan intends to achieve continuity through consistent tree types and consistent spacing along both sides of a street.

The 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	On approved list; consistent with species established in Frog Pond Ridge
SW Brisband Street	Primary	Tulip Tree	On approved list, but not consistent with species (American Linden) established in Morgan Farm
SW Sherman Drive	Neighborhood	Chinese Pistache	On approved list, but not consistent with species (Village Green Zelkova) established in Morgan Farm
Street J	Neighborhood	Skyline Honey Locust	On approved list, but not consistent with species (Glenleven Little Leaf Linden) established in Frog Pond Estates
Pedestrian Connection in Tracts A and C	Pedestrian Connection	No trees proposed	The pathway is within the dripline of numerous mature trees; no additional trees are needed
Pedestrian Connection in Tracts B and D	Pedestrian Connection	Native species such as Bigleaf Maple, Oregon Crab Apple	The pathway is within the dripline of several mature trees; no additional trees are needed, but native trees are proposed to be planted

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 the proposed development; 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 within Frog Pond. The developers will buy the signs from the City to ensure uniformity throughout the Frog Pond West neighborhood.

Request F: Tentative Subdivision Plat (SUBD23-0001)

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, AKS Engineering & Forestry, LLC, 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. As required, the applicant has included in their application draft CC&Rs, bylaws, etc. related to the maintenance of open space tracts. A Condition of Approval ensures that such documents require that the Tracts B and D open space areas be owned and maintained by the same Homeowner's Association to ensure long-term protection and maintenance of the open space and preserved trees.

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

- F6. The applicant is proposing to construct the development in two (2) phases. Construction of Phase 1 is proposed to occur in 2024-2026 and Phase 2 in 2025-2027. The proposed phases are shown on the tentative plat (Sheet P-06 in Exhibit B2).

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.

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 2 Final Plan approval, the streets conform with Section 4.177 and generally conform with block sizes established in the Frog Pond West Master Plan. See Request D.

Topography

Subsection 4.236 (.05)

F11. The street layout recognizes topographical conditions, including the location of numerous mature trees that will be preserved on site. As discussed elsewhere in this staff report, street alignments are adjusted from the Frog Pond West Master Plan as necessary to reduce impacts on these trees (see Finding D11).

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. Conditions of Approval ensure dedication of sufficient right-of-way for planned improvements along SW Brisband Street, SW Frog Pond Lane, and SW Sherman Drive.

Street Names

Subsection 4.236 (.09)

F15. SW Brisband Street and SW Frog Pond Lane adjacent to the proposed subdivision are identified in the Frog Pond West Master Plan. The applicant includes improvements to these streets as required and names them accordingly. In addition to the existing streets, the applicant proposes to extend SW Sherman Drive north from its intersection with SW Bridband Street to an intersection with proposed Street J in the development. In addition the applicant proposes three (3) alleys, which are referred to as South Alley (serving Lots 1 through 6), Central Alley (serving lots 7 through 12), and North Alley (serving Lots 13 through 17) on the tentative plat (Sheet P-06). The applicant does not propose names for these alleys. Street J and the alleys will be subject to naming and approval by the City Engineer who will check all street names to not be duplicative of existing street names and otherwise conform to the City’s street name system at the time of Final Plat review.

General Land Division Requirements-Blocks

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

F16. The proposed blocks substantially conform to Figure 18 of the Frog Pond West Master Plan. The proposed blocks allow for lots meeting the minimum size and other dimensional standards for the relevant sub-districts of the Frog Pond West Master Plan. See Findings D8 and 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. There are no watercourses located on or adjacent to the subject property.

General Land Division Requirements-Pedestrian and Bicycle Pathways

Mid-block Pathways Requirement
Subsection 4.237 (.03)

F19. The proposed development includes pedestrian/bicycle connections north/south through Tracts A and C and east/west through Tracts B and D. These additional connections are consistent with Figure 18 of the Frog Pond West Master Plan or are allowed variations. See Finding D11 under Request D.

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 and Request I.

General Land Division Requirements-Access

Minimum Street Frontage
Subsection 4.237 (.06)

F22. The full width of the front lot line of each lot fronts a public street with the exception of Lots 4 through 9, which front on the Tracts B and D open space with a Pedestrian Connection. The applicant has requested a waiver to the minimum lot frontage requirement (see Request I). Each lot meets or exceeds the minimum lot width at the front lot line. See Finding D8 in Request D, and Request I.

General Land Division Requirements-Other

Lot Side Lines
Subsection 4.237 (.08)

F23. Almost all side lot lines run at a 90-degree angle to the front line. Angles and curves of streets necessitate the exception, including Lot 15.

Land for Public Purposes
Subsection 4.237 (.12)

F24. The subject property does not contain SROZ land or other land reserved for public acquisition.

Corner Lots
Subsection 4.237 (.13)

F25. All corner lots have radii exceeding the 10-foot minimum.

Lots of Record

Lots of Record
Section 4.250

F26. The applicant provided documentation that all subject lots are lots of record.

Request G: Type C Tree Removal Plan (TPLN23-0002)

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.

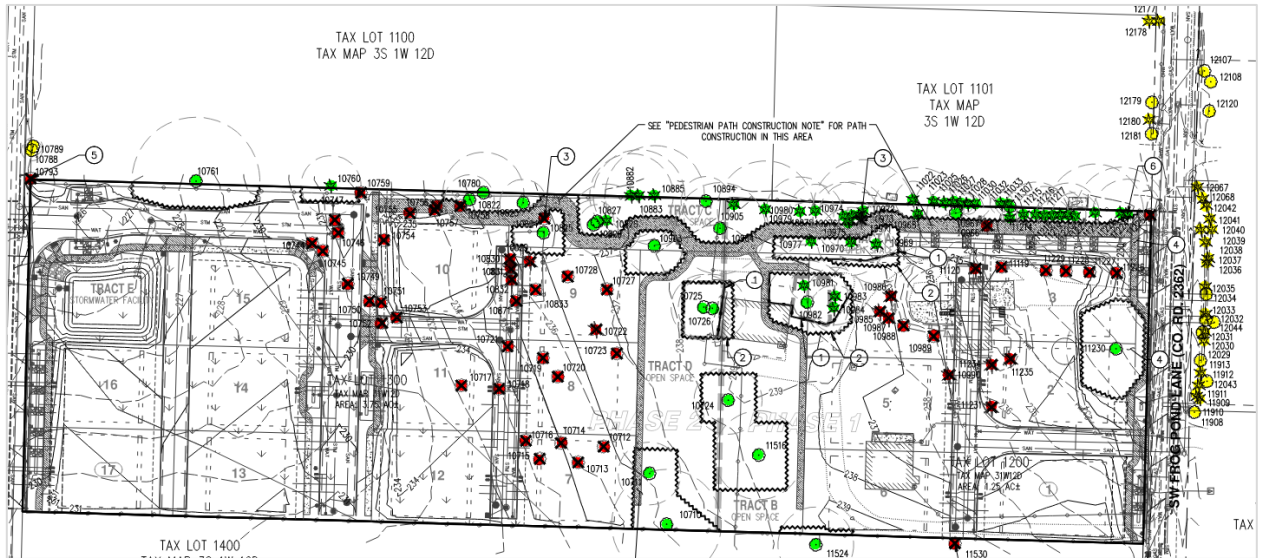
G3. As allowed by Subsection 1, the City is waiving the bonding requirement as the application is required to comply with WC 4.264 (.01).

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 Sheets P-13 and P-14 in Exhibit B2, there are 118 on-site and line trees and 34 off-site trees in the inventory for a total of 152 inventoried trees. As shown on Sheet P-13, of the trees inventoried, 63 on-site and line trees will be preserved (highlighted in green on the plan below), 55 on-site and line trees are proposed for removal (highlighted in red), and 34 off-site trees will be unaffected by development of the site (highlighted in yellow).



Of the 63 on-site and line trees proposed for preservation, 19 are Oregon white oak, 38 are Douglas fir, and six (6) are other species including willow (1), Ponderosa pine (1) Lodgepole pine (1), incense cedar (1), Deodar cedar (1), and bigleaf maple (1). Of the Oregon white oaks to be preserved, five (5) excellent specimens have been prioritized for preservation and protection including Trees #10710, #10711, #11516, and #10982 in the Tracts B and D open space, and Tree #11230 on Lots 2 and 3 of the proposed subdivision. Given that unforeseen tree health issues related to Mediterranean oak borer (*Xyleborus monographus*) (MOB) may arise involving one or more of the preserved Oregon white oaks, and that the impacts of nearby construction may cause additional stress to the preserved trees potentially rendering them more vulnerable to MOB, a Condition of Approval requires that, prior to commencement of site grading, the applicant will treat all preserved and protected Oregon white oaks in the Tracts A through D open space and Tree #11230 on Lots 2 and 3 with insecticidal or fungicidal treatment and root invigoration/aeration to improve their health and pest resistance.

The 55 trees proposed for removal include 29 Oregon white oak, eight (8) Douglas fir, and 18 of other species including willow (1), sweet cherry (7), Ponderosa pine (1) Lodgepole pine (2), European white birch (1), Norway maple (2), incense cedar (1), Deodar cedar (2), and bigleaf maple (1). The Oregon white oaks to be removed include Tree #10718, confirmed to be infested by Mediterranean oak borer (MOB), and Trees #10744, #10749, with suspected MOB infestation. As discussed under Finding A9, a Condition of Approval requires that prior to final filing of the annexation for the property, the applicant either will provide a plan to the City to remove and properly dispose of the hazard Trees #10718, #10744 and #10749, or enter into an agreement with the City to carry out the removal and disposal at the applicant's expense.

Trees to be removed are located within the grading limits of SW Sherman Drive and proposed Street J, within the building envelopes of Lots 2-3 and 5-10, and to install parts of the Pedestrian Connection in Tracts A and C. The location of proposed 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 residential homes. In addition, grading of each lot is needed to accommodate residential development and associated site improvements (driveways and walkways, alleys, 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 and protection of trees and tree groves. Further, on several figures in the document, the Master Plan identifies existing trees and groves including the extensive groves of Oregon white oaks on the subject property. On the Street Demonstration Plan, the Master Plan identifies a Pedestrian Connection along the west side of the property through the groves to provide connection between SW Brisband Street and SW Frog Pond Lane while minimizing impacts on the trees.

The applicant's initial submittal proposed extension of SW Sherman Drive north of SW Brisband Street along the west property boundary, through the Oregon white oak groves, to connect with SW Frog Pond Lane, preserving seven (7) mature Oregon white oaks in an open space tract in the north part of the site. Of 99 trees inventoried on the site at that time, 92 were proposed for removal. In response, the City requested that the applicant provide sufficient findings to explain how the proposed subdivision design achieves the Frog Pond West Master Plan intent to preserve existing groves of mature trees and incorporate them into the design of developments as much as possible. The City also requested that the applicant demonstrate how alternative designs that would preserve more trees in groves specifically identified in the Master Plan while enabling the project to meet the anticipated range of lots were considered and why they were rejected. The request also required the applicant to demonstrate how removal of the trees is consistent with City Resolution No. 2025, which encourages preservation of trees prior to annexation, and the City's Tree Preservation and Protection regulations in Section 4.600.

City staff met with the applicant several times to discuss alternative site designs, walked the site with the owner, applicant's representative, and project arborist to assess the condition of the Oregon white oaks and prioritize trees for preservation, and reviewed several iterations of the site design presented by the applicant to preserve more trees than initially proposed. The current design as presented in the applicant's plans seeks to allow for preservation of trees in contiguous areas of the site where impacts from development

will be minimized. Of the 118 on-site and line trees inventoried for the revised submittal, 63 are proposed for preservation and conservation. The applicant proposes tree protection fencing around all protected trees in order to ensure their preservation during construction. Additional measures, such as tree protection easements, will ensure that development can occur in a logical manner while still ensuring preservation and protection of trees in the subdivision. Conditions of Approval ensure this criterion is met.

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

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

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

G7. New tree plantings, preservation of existing mature trees in the Tracts A through D open space, and new native plantings in open space areas and stormwater facilities allow the development to blend with the natural elements of the property.

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 Maintenance and Protection Plan and Tree Survey (see Exhibit B2 and Sheets P-13 and P-14).

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

G12. The Utility Plan (Sheet P-09) shows a design to minimize impact on the environment to the extent feasible given existing conditions, particularly the location of mature trees on the

site. The City will further review utility placement in relation to 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 2 Final Plan
Subsection 4.610.40 (.01)

G17. Review of the proposed Type C Tree Plan is concurrent with the Stage 2 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 planting 27 street trees and 16 trees in the Tracts B and D open space areas, totaling 43 mitigation trees. Staff notes that the vine maple (6) and serviceberry (6) trees, which are multi-stem, shrub-like species, are not counted as mitigation trees. Therefore, the total number of mitigation trees is 12 fewer than the one-to-one ratio of 55 trees required by this subsection. As sufficient space does not exist on site to replant the remaining trees in a desirable manner and the City does not have another site identified as desirable to plant the additional mitigation trees, the applicant is required to pay into the City's Tree Fund an amount equal to the cost of purchase and installation of the trees. The cost is based on a current estimated bid price of \$300 per tree or an amount of \$3,600 as mitigation for the remaining 12 trees. A Condition of Approval ensures the requirement is met. Sheet P-16 shows all trees proposed for planting as mitigation as 2-inch caliper, or the equivalent 6- to 8-foot for conifer trees.

Due to the size and age of the mature Oregon white oaks on the subject property, mitigation on an inch-per-inch basis could be required. However, because other measures are being required to protect the existing preserved trees, including Conditions of Approval that focus on ensuring the continued health of the preserved trees, staff does not recommend mitigation on an inch-per-inch basis.

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 Landscape Plans (Sheets P-16 and P-17), some of the proposed replacement trees consist of street trees. Additional 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. As discussed above under Finding G22, because the applicant is planting 12 trees fewer than the one-to-one mitigation ratio required by this subsection, they are required to pay into the City's Tree Fund as mitigation for the 12 trees an amount of \$3,600, equivalent to \$300 per tree for purchase and installation. A Condition of Approval ensures the requirement is met.

Protection of Preserved Trees

Tree Protection During Construction
Section 4.620.10

G25. Conditions of Approval ensure tree protection measures, including fencing, are in place consistent with Public Works Standards Detail Drawing RD-1240.

Request H: Middle Housing Land Division (MHL23-0003)

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)

H1. The middle housing land division is being reviewed by the Planning Director according to this subsection. The final plat will be reviewed by the Planning Division under the authority of the Planning Director to ensure compliance with the tentative subdivision plat and middle housing land division.

Legally Lot Requirement
Subsection 4.202 (.04) A.

H2. It is understood that no parcels will be sold or transferred until the final plat has been approved by the Planning Director and recorded.

Middle Housing Land Divisions

Middle Housing Land Divisions Processed as Expedited Land Divisions
Subsections 4.202 (.05) and 4.232 (.01)

H3. The applicant elected to have the middle housing land division reviewed concurrently with a tentative plat of the subdivision subject to review by the Development Review Board. As required, the tentative middle housing land division is shown on a separate sheet, Sheet P-07, than the tentative subdivision plat, Sheet P-06, which clearly identifies the middle housing units as being created from one or more lots created by the subdivision.

Waivers and Variances Applying to Land Divisions
Subsection 4.232 (.02)

H4. The property will be zoned Residential Neighborhood (RN) upon approval of the Zone Map Amendment request (ZONE23-0001) and contains one (1) waiver request. As stated in Finding H3, the request does not qualify for approval as an Expedited Land Division due to the need for other concurrent land use decisions.

Criteria for Middle Housing Land Divisions
Subsection 4.232 (.03) A-F.

H5. The required criteria for middle housing land divisions are met as follows:

Standard	Standard Met?			Compliance Notes
	Yes	No	N/A	
Land Division Occupied by Middle Housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Middle housing units are proposed
Separate Utilities Provided for Each Unit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Easements Provided for Each Unit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Easements are provided for each unit for utilities, access to a street or private drive, and common areas, as applicable
Compliance with Building Code	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Middle housing units are of sufficient area for single family housing that meets Building Code standards; final compliance to be determined at Building permit review

Required Notes Prohibiting Further Division on Plat	Yes	No	N/A		A Condition of Approval requires that notes on the Final Plat prohibit further division of middle housing units
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Cluster Housing Standards	Yes	No	N/A		Cluster housing is not proposed as part of the development
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

Provisions of Middle Housing Land Divisions

Subsection 4.232 (.04) 1.

H6. Two (2) housing units could be built on each of the subject lots without a middle housing land division; therefore, this criterion is met.

Units to be Considered Single Lot

Subsection 4.232 (.04) 2. A-B

H7. The 17 subject parent lots continue to meet the underlying lot standards of the RN zone. Two (2)-unit duplex units will be considered to be such rather than single-family units.

ADU and Middle Housing Allowances

Subsection 4.232 (.04) 2.C.

H8. The preliminary middle housing land division plat included in Exhibit B2 (Sheet P-07) meets the allowance of middle housing units. Each parent lot can contain at least one (1) dwelling unit, but may contain additional units consistent with the allowance for middle housing.

Compliance with ORS 197 and OAR 660-046

Subsection 4.232 (.04) 2.D.

H9. The preliminary middle housing land division plat included in Exhibit B2 (Sheet P-07) demonstrates compliance with the middle housing rules and statues included in ORS 197 and OAR 660-046.

Units Must Contain One Dwelling Unit

Subsection 4.232 (.04) 3. A.

H10. As demonstrated by the preliminary middle housing land division plat, the units of land resulting from the middle housing land division will have only one (1) dwelling unit.

Units Not Further Divisible

Subsection 4.232 (.04) 3. B.

H11. A Condition of Approval requires a note on the final plat stating that the middle housing land division units are not further divisible.

Procedures and Requirements for Expedited Land Divisions and Middle Housing Land Divisions

Subsection 4.232 (.05) A. 1.-4.

H12. The applicant elected to have the middle housing land division reviewed concurrently with a tentative plat of the subdivision subject to review by the Development Review Board; therefore, the standards of this Subsection do not apply.

Divisions for Land Occupied by Middle Housing

Subsection 4.232 (.05) B.

H13. The request involves vacant land therefore this standard does not apply.

Multiple Middle Housing Land Divisions as Single Application

Subsection 4.232 (.05) C.

H14. The application includes a preliminary middle housing land division plat in Exhibit B2 (Sheet P-07) for division into 34 middle housing units.

Optional Concurrent Review

Subsection 4.232 (.05) D.

H15. The applicant elected to have the middle housing land division reviewed concurrently with a tentative plat of the subdivision subject to review by the Development Review Board (see Findings H3 and H12).

Lots of Record

Defining Lots of Record

Section 4.250

H16. The subject property is a legal lot of record.

Request I: Waiver (WAIV23-0003)

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

Waiver: Minimum Street Frontage

Waiver of Typical Development Standards

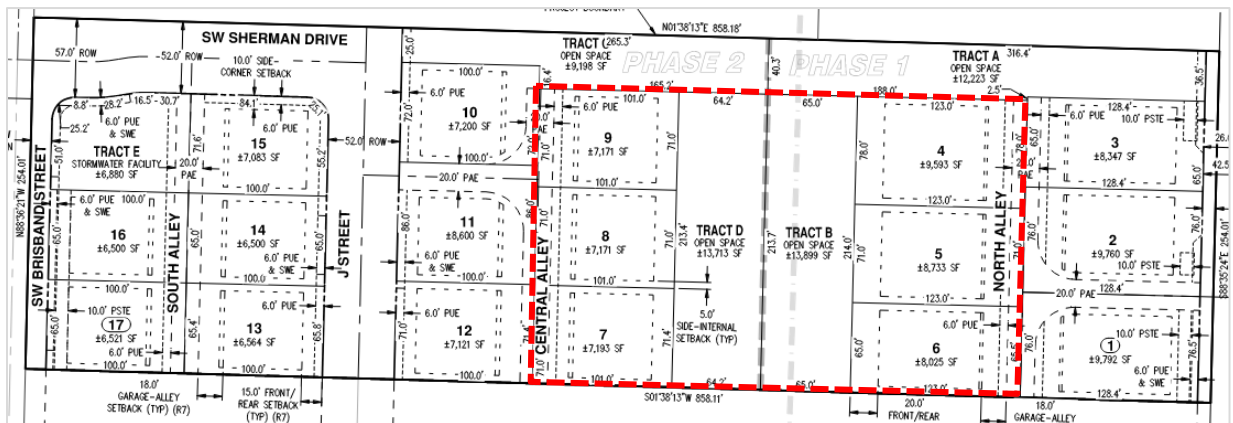
Subsection 4.118 (.03) A.

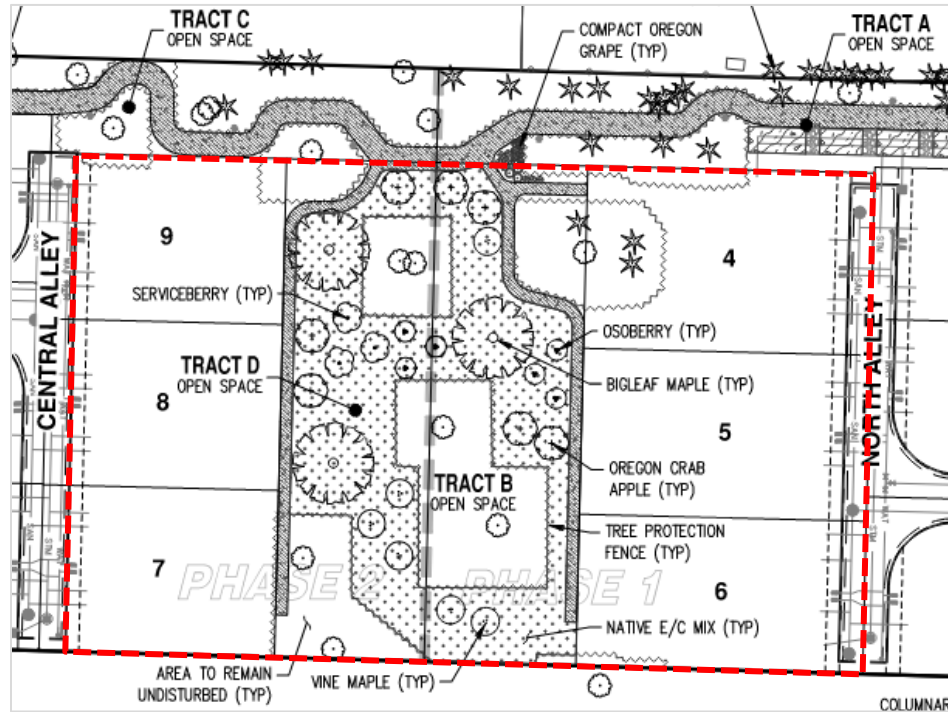
I1. While the proposed development meets the applicable requirements for lot dimensional standards, including lot area, width, depth, and lot coverage, the application includes a request for a minimum lot frontage waiver. Per Subsection 4.237 (.06) of the Development Code, each lot must have a minimum frontage on a street or private drive as specified in

the standards of the relative zoning district. The minimum lot width in the RN Zone for lots in the ~~R-5 small lot~~ R-7 medium lot Sub-district is 35 feet and in the large lot Sub-district is 40 feet with some exceptions (Subsection 4.127 (.08), Table 2). The DRB may waive lot frontage requirements where, in its judgement, the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of the standard or if the DRB determines that another standard is appropriate because of the characteristics of the overall development.

As proposed, six (6) lots (Lots 4 through 9) within the development front a shared open space with a Pedestrian Connection (Tracts B and D), and take vehicular access from a private alleys (Lots 4 through 6 from the North Alley; Lots 7 through 9 from the Central Alley), shown in the illustrations below. Pedestrian access is provided along the front of the lots via the Pedestrian Connections in Tracts B and D.

The applicant specifically requests a lot frontage waiver for Lots 4 through 9 to enable development of the subject site consistent with the proportional density range of 4-5 lots established for this portion of R-10 large lot Sub-district 7 and 11-14 lots for this portion of R-7 medium lot Sub-district 4, while preserving mature trees, including Oregon white oaks, in Pedestrian Connections in the Tracts B and D open space and other site improvements.





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

I2. Pursuant to Subsection 4.118 (.03) A. waivers must implement or better implement the purpose and objectives listed in this subsection.

The subject site is constrained by size and dimension (5.00 acres in a long narrow configuration) and preservation of numerous mature trees, including Oregon white oaks, along the west property boundary and in the Tracts B and D open space in the north part of the site.

The proposed subdivision layout with the requested minimum frontage waiver for Lots 4 through 9 allows flexibility of design while providing a development that is equal to or better than that resulting from traditional lot land use development. If Lots 4 through 9 were fronting public streets, more trees, including high value Oregon white oak and Douglas fir, would be impacted by development. As stated by the applicant in their Code response narrative, the requested waiver of minimum street frontage benefits the public by:

- Providing additional usable open space,
- Providing additional Pedestrian Connections, and
- Preserving additional mature trees.