

**ZONE MAP AMENDMENT**  
**Zoning Order DB14-0010**  
**Villebois Phase 3 North “Calais at Villebois”**

**INDEX of RECORD**

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2. Council Exhibit A: Ordinance No. 744 approving and adopting Zoning Order DB14-0010
3. Council Exhibit A, Attachment A: Zoning Order DB14-0010
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4. Council Exhibit A, Attachment B: Zone Map Amendment Findings, May 23, 2014
5. Council Exhibit A, Attachment C: Development Review Board Panel A’s Resolution No. 277 recommending approval of the Zone Map Amendment.
6. Council Exhibit B: DRB amended and adopted staff report (Exhibit A1) digital sent and on compact disk.

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Ø Additional Materials from DRB Record for Zone Map Amendment and Applications Contingent on Zone Map Amendment Approval (Already posted on the City’s website at <http://www.ci.wilsonville.or.us/AgendaCenter/ViewFile/Agenda/05122014-285?html=true> No need to reproduce in Council Packet) Paper copies available to review upon request from City Recorder or Planning Division Staff. Paper copy to be available at hearing:

- ✓ Packet items for the May 12, 2014 DRB Panel A meeting, including staff report and exhibits and:
- Exhibit B3 (PDP-3 North submittal documents)
  - Exhibit B4 (PDP-3 North PDP Plans)
  - Exhibit B5 (FDP Plans)
  - Exhibits B6-B7

**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b> June 2, 2014	<b>Subject:</b> Ordinance No. 744, Zone Map Amendment from RRFF5 to V, “Calais at Villebois”, Phase 3 of SAP North, Villebois. Polygon Northwest, applicant.  <b>Staff Members:</b> Daniel Pauly AICP, Associate Planner. <b>Department:</b> Planning Division
<b>Action Required</b>	<b>Development Review Board Recommendation</b>
<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: June 2. <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: June 16 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded  <input type="checkbox"/> Not Applicable  <b>Comment:</b> Following their review at the May 12th meeting, the Development Review Board, Panel A recommends approval of the Zone Map Amendment.

**Staff Recommendation:** Staff recommends that the City Council adopt Ordinance No. 744.  
**Recommended Language for Motion:** I Move to Adopt Ordinance No. 744 on the 1<sup>st</sup> reading.

<b>PROJECT / ISSUE RELATES TO:</b> Comprehensive Plan, Zone Code and Villebois Master Plan.		
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Villebois Master Plan	<input type="checkbox"/> Not Applicable

**ISSUE BEFORE COUNCIL:** Approve or deny Ordinance No. 744 for a Zone Map Amendment from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) zone to Village (V) zone on approximately 15.16 acres at the southeast corner of SW Grahams Ferry Road and SW Tooze Road. Rezoning land within the Villebois Village Master Plan to Village (V) at the time of development proposal is a routine item, for which the City Council is the final local authority.

**EXECUTIVE SUMMARY:** The Villebois Village Master Plan shows a variety of single-family

homes in the subject area of the Villebois Village Master Plan. Polygon Northwest has proposed 84 single-family residential lots following the pattern established in the Master Plan. Development Review Board Panel A unanimously approved various component applications with a recommendation the City Council recommend the associated zone map amendment.

**EXPECTED RESULTS:** Adoption of Ordinance No.744.

**TIMELINE:** Construction of the subdivision is planned to begin next summer.

**CURRENT YEAR BUDGET IMPACTS:** Proposed is 84-lot single family detached house subdivision. This project is a private development so the applicant is responsible to make all public and private improvements, pay city application fees and systems development charges for parks, water, sewer, storm sewer and streets.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: \_\_\_\_\_, Date: \_\_\_\_\_, 2014

**LEGAL REVIEW / COMMENT:**

Reviewed by: MEK, Date: \_\_\_\_\_, 2014

**COMMUNITY INVOLVEMENT PROCESS:** The required public hearing notices have been sent.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY** Ordinance No. 744 will provide:

- Continued build-out of the Villebois Master Plan
- 84 detached single-family houses.
- Construction jobs for several years.
- Development of a number of private parks and open space.
- Improvements to Grahams Ferry Road and Tooze Road.

**ALTERNATIVES:** The Applicant seeks to develop the subject property within the allowed V Zone housing density and does not seek a Comprehensive Plan Map Amendment.

**CITY MANAGER COMMENT:**

**ATTACHMENTS:**

Exhibit A – Ordinance No. 744 and Attachments

Attachment A, Zoning Order DB14-0010.

Attachment 1, Legal Description

Attachment 2, Map Depicting Zone Amendment

Attachment B Zone Map Amendment Findings, June 2, 2014.

Attachment C DRB Resolution No. 277

Exhibit B – Amended and Adopted Staff Report and DRB Recommendation (Exhibit A1)

**ORDINANCE NO. 744**

**AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY RURAL RESIDENTIAL FARM FOREST 5 (RRFF5) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 15.16 - ACRES COMPRISING TAX LOTS 1200, 1202, AND 1205 OF SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON, POLYGON NORTHWEST COMPANY, APPLICANT.**

RECITALS

WHEREAS, Polygon Northwest Company (“Applicant”) has made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the development application form has been signed by Wayne Rembold of Rembold Co. and Charles and Carolyn Taber (“Owners”), as owners of the real property legally described and shown on Exhibits A and B, attached hereto and incorporated by reference herein (“Property”); and

WHEREAS, the Zone Map Amendment is contingent on annexation of the Property to the City of Wilsonville, which annexation has been petitioned for concurrently with the Zone Map Amendment request; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on May 12, 2014;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on May 12, 2014, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 277 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB14-0010), adopts the staff report with modified findings and recommendation, all as placed on the record at the hearing, certain of which are contingent on City Council approval of the Zone Map Amendment

and authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

WHEREAS, on June 2, 2014, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Development Review Board staff report, as contained in the record of the above described DRB hearing and incorporates it by reference herein, as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the Property to the City, by Zoning Order DB14-0010, attached hereto as Exhibit A, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 2<sup>nd</sup> day of June 2014, and scheduled for the second and final reading on June 16, 2014, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

ENACTED by the City Council on the 2<sup>nd</sup> day of June, 2014, by the following

votes: Yes:\_\_\_ No:\_\_\_

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Sandra C. King, CMC, City Recorder

DATED and signed by the Mayor this \_\_\_\_ day of \_\_\_\_, 2014.

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Tim Knapp, MAYOR

SUMMARY OF VOTES:

Mayor Knapp  
Councilor Goddard  
Councilor Starr  
Councilor Stevens  
Councilor Fitzgerald

Attachments:

Attachment A, Zoning Order DB14-0010.  
Attachment 1, Legal Description  
Attachment 2, Map Depicting Zone Amendment  
Attachment B Zone Map Amendment Findings, June 2, 2014.  
Attachment C DRB Resolution No. 277

**ATTACHMENT A**

**BEFORE THE CITY COUNCIL OF THE  
CITY OF WILSONVILLE, OREGON  
POLYGON NORTHWEST COMPANY**

In the Matter of the Application of )  
Pacific Community Design, Inc., )  
Agent for the Applicant, )  
Polygon Northwest Company )  
for a Rezoning of Land and Amendment )  
of the City of Wilsonville )  
Zoning Map Incorporated in Section 4.102 )  
of the Wilsonville Code. )

**ZONING ORDER DB14-0010**

The above-entitled matter is before the Council to consider the application of DB14-0010, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached Exhibits 1 and 2, has heretofore appeared on the Clackamas County zoning map Rural Residential Farm Forest 5 (RRFF5).

The Council having heard and considered all matters relevant to the application for a zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 15.16 acres comprising Tax Lots 1200, 1202, AND 1205 of Section 15, as more particularly shown in the Zone Map Amendment Map, Attachment 2 and described in Attachment 1 is hereby rezoned to Village (V), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 2<sup>nd</sup> day of June, 2014.

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TIM KNAPP, MAYOR

APPROVED AS TO FORM:

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Michael E. Kohlhoff, City Attorney

ATTEST:

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Sandra C. King, CMC, City Recorder

Attachment 1: Legal Description

Attachment 2: Map depicting Zone Map Amendment





## EXHIBIT "A"

January 20, 2014

## LEGAL DESCRIPTION

Job No. 395-027

The land described in Document No. 2007-047567 and Document No. 73-30403, Clackamas County Deed Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

COMMENCING at the Northeast corner of Tract "DD" of plat of "Tonquin Woods at Villebois No. 4";

thence along the northerly plat line of said plat, North 88°34'09" West, a distance of 37.22 feet to the POINT OF BEGINNING;

thence continuing along said northerly plat line, North 88°34'09" West, a distance of 862.08 feet to the Southeast corner of the property described in Document No. 2000-050326;

thence along the northeasterly line of said property, North 09°12'39" West, a distance of 166.59 feet to a point on the easterly right-of-way line of SW Grahams Ferry Road;

thence along said easterly right-of-way line, North 17°14'42" East, a distance of 15.88 feet to an angle point;

thence continuing along said easterly right-of-way line, North 21°00'47" East, a distance of 753.50 feet to a point on the southerly right-of-way line of SW Tooze Road;

thence along said southerly right-of-way line, South 88°34'09" East, a distance of 558.80 feet to the Northwest corner of the property described in Document No. 73-30518;

thence along the westerly line of said property, South 02°14'46" West, a distance of 483.82 feet to the Southwest property corner of said property;

thence along the southerly line of said property, South 88°22'03" East, a distance of 89.82 feet to a point on the westerly line of Parcel 2, Partition Plat No. 1994-182;

thence along said westerly parcel line, South 02°14'46" West, a distance of 404.88 feet to the POINT OF BEGINNING.

Containing 15.164 acres, more or less.

Basis of bearings being the plat of "Tonquin Woods at Villebois No. 4", Clackamas County Plat Records.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

A handwritten signature in blue ink, appearing to read "T. Jansen".

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2015

N:\proj\395-027\08 Drawings\06 Survey\Legals\395027.Rumpf Zone Change.dwg - SHEET: Legal Desc Jan. 20, 14 - 2:42 PM tcj

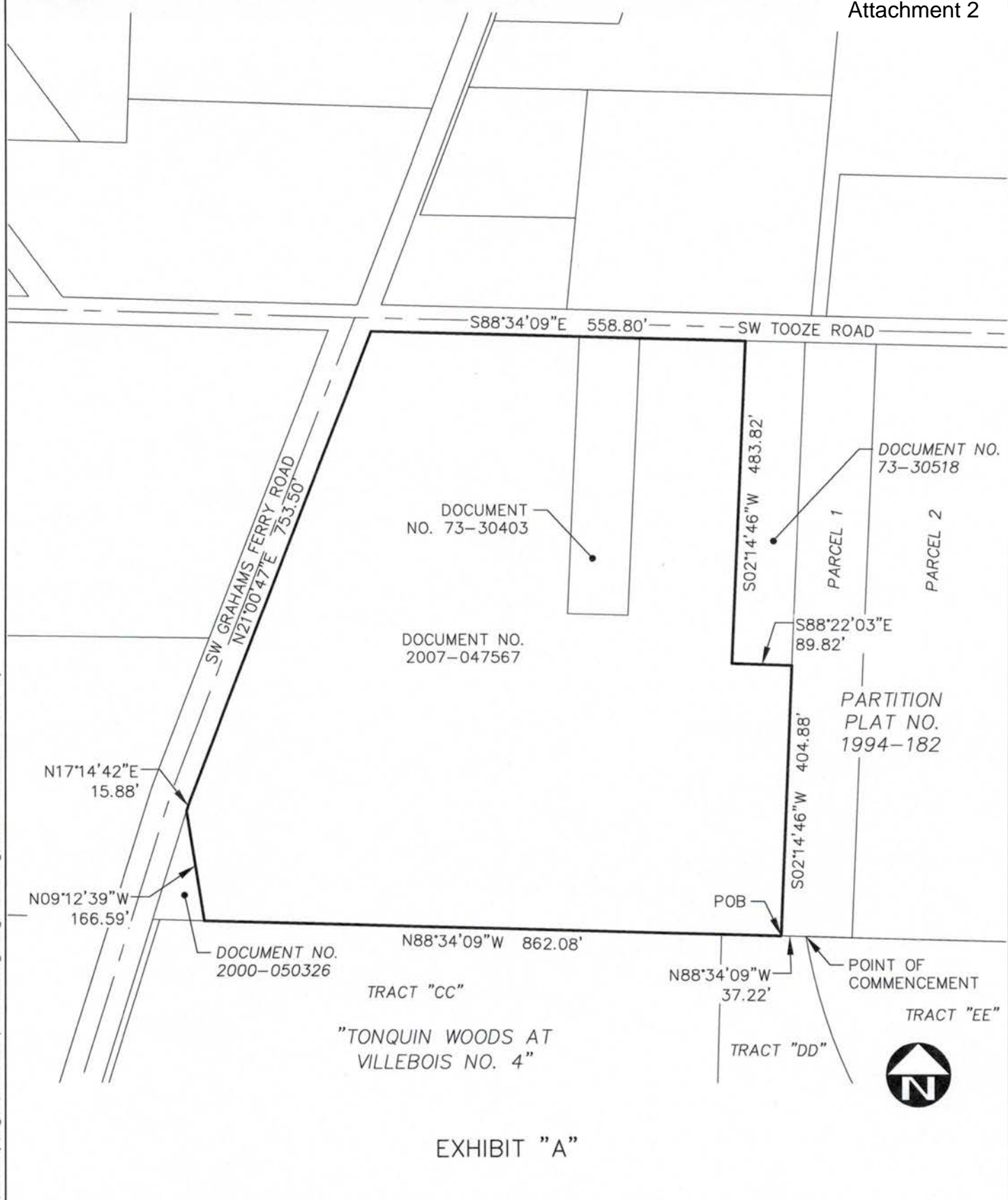


EXHIBIT "A"

DRAWN BY: CLL DATE: 1/20/14  
 REVIEWED BY: TCJ DATE: 1/20/14  
 PROJECT NO.: 395-027  
 SCALE: 1"=200'  
 PAGE 2 OF 2



12564 SW Main St  
 Tigard, OR 97223  
 [T] 503-941-9484  
 [F] 503-941-9485

Attachment B  
**STAFF REPORT**  
**WILSONVILLE PLANNING DIVISION**

*Polygon Northwest Company*  
*“Calais at Villebois”*  
**Zone Map Amendment**

**CITY COUNCIL**  
**QUASI-JUDICIAL PUBLIC HEARING**

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**HEARING DATE**            June 2, 2014

**DATE OF REPORT**        May 23, 2014

**APPLICATION NOS.:**      DB14-0010 Zone Map Amendment

**REQUEST/SUMMARY:** The City Council is being asked to review a Zone Map Amendment that will enable the development of a 84-lot residential subdivision, and associated parks and open space and other improvements.

**LOCATION:** Southeast corner of SW Grahams Ferry Road and SW Tooze Road. The properties are specifically known as Tax Lots 1200, 1202, and 1205, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

**PROPERTY OWNERS:**    Wayne Rembold, Rembold Co., and Charles & Carolyn Taber

**APPLICANT:**             Fred Gast, Polygon NW Company

**APPLICANT’S REP.:**     Stacy Connery AICP, Pacific Community Design, Inc.

**COMPREHENSIVE PLAN MAP DESIGNATION:** Residential-Village

**CURRENT ZONE**

**MAP CLASSIFICATIONS:** RRF5 (Clackamas County Rural Residential Farm Forest 5)

**STAFF REVIEWERS:** Daniel Pauly AICP, Associate Planner

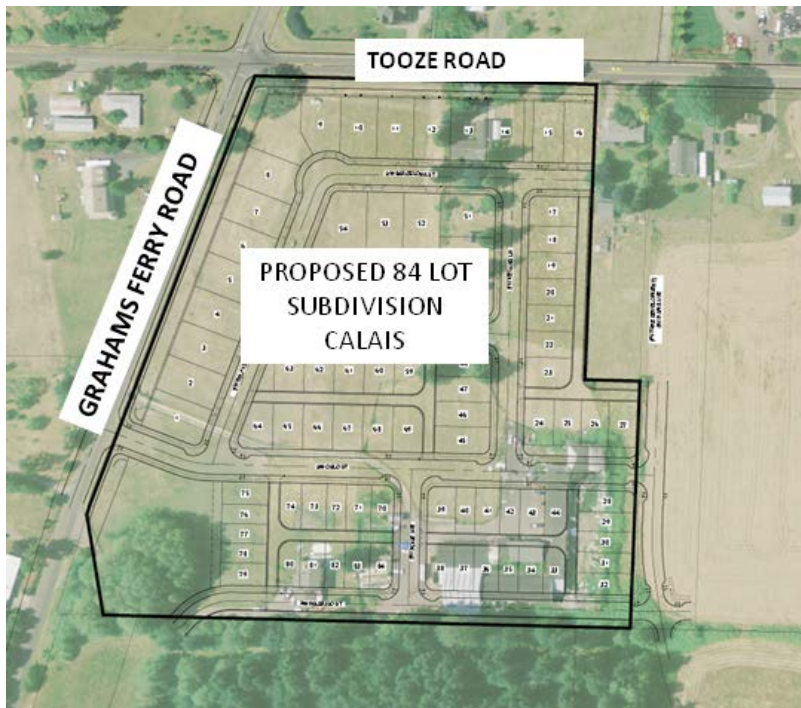
**DRB RECOMMENDATIONS:** **Approve** the requested Zone Map Amendment.

**APPLICABLE REVIEW CRITERIA**

<b>DEVELOPMENT CODE</b>	
<b>Section 4.008</b>	<b>Application Procedures-In General</b>
<b>Section 4.009</b>	<b>Who May Initiate Application</b>
<b>Section 4.010</b>	<b>How to Apply</b>
<b>Section 4.011</b>	<b>How Applications are Processed</b>
<b>Section 4.014</b>	<b>Burden of Proof</b>
<b>Section 4.033</b>	<b>Authority of City Council</b>

<b>Subsection 4.035 (.05)</b>	<b>Complete Submittal Requirement</b>
<b>Section 4.110</b>	<b>Zones</b>
<b>Section 4.125</b>	<b>V-Village Zone</b>
<b>Sections 4.139.00 through 4.139.11 as applicable</b>	<b>Significant Resource Overlay Zone (SROZ)</b>
<b>Section 4.177</b>	<b>Street Improvement Standards</b>
<b>Section 4.197</b>	<b>Zone Changes and Amendments to Development Code-Procedures</b>
<b><u>COMPREHENSIVE PLAN</u></b>	
<b>Implementation Measure 4.1.6.a.</b>	
<b>Implementation Measure 4.1.6.b.</b>	
<b>Implementation Measure 4.1.6.c.</b>	
<b>Implementation Measure 4.1.6.d.</b>	
<b><u>OTHER PLANNING DOCUMENTS</u></b>	
<b>Comprehensive Plan</b>	
<b>Villebois Village Master Plan</b>	
<b>SAP North Approval Documents</b>	

**Vicinity Map**



**BACKGROUND/SUMMARY:**

**PDP 3N Preliminary Development Plan (DB14-0011)**

The proposed Preliminary Development Plan 3 of Specific Area Plan North (also known as Calais at Villebois) comprises 15.16 acres. The applicant proposes a variety of single-family housing types totaling 84 units, 2.03 acres of parks and open space, 4.49 acres of public streets,

and associated infrastructure improvements. The front of all the houses will face tree lined streets, parks and green spaces.



Proposed Housing Type	Number of Units
Large Size Single Family	23
Standard Size Single Family	3
Medium Size Single Family	26
Small Size Single Family	32
<b>Total</b>	<b>84</b>

### Zone Map Amendment (DB14-0010)

The applicant requests to change the current Clackamas County zoning designation of Rural Residential Farm Forest 5 (RRFF5) to the City of Wilsonville zoning designation of Village (V) zone. The proposed residential and park uses are permitted in the Village zone. The Village zone has been applied to all of Villebois as it has developed.

## CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the applicant's analysis of compliance with the applicable criteria. This Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings.

## FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on January 31, 2014. On February 28, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on March 31, 2014, the Applicant submitted new materials. On April 22, 2014 the application was deemed complete. The City must render a final decision for the request, including any appeals, by August 20, 2014
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas Coun RRFF5	Vacant
South:	V	Open Space
West:	Clackamas County RRFF5	Grahams Ferry Road/ Rural Residential

3. Prior land use actions include:

### Legislative:

02PC06 - Villebois Village Concept Plan  
02PC07A - Villebois Comprehensive Plan Text  
02PC07C - Villebois Comprehensive Plan Map  
02PC07B - Villebois Village Master Plan  
02PC08 - Village Zone Text  
04PC02 – Adopted Villebois Village Master Plan  
LP-2005-02-00006 – Revised Villebois Village Master Plan  
LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)  
LP10-0001 – Amendment to Villebois Village Master Plan (School Relocation from SAP North to SAP East)  
LP13-0005 – Amendment to Villebois Village Master Plan (Future Study Area)

### Quasi Judicial:

DB07-0054 et seq – SAP-North  
DB07-0087 et seq – PDP-1N, Arbor at Villebois  
DB11-0024 et seq – PDP-1N Modification, SAP North Amendment Polygon NW  
DB12-0066 et seq – PDP-1N Modification, SAP North Amendment Polygon NW  
DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW

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.

## GENERAL INFORMATION

### *Section 4.008 Application Procedures-In General*

**Review Criteria:** This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

**Finding:** These criteria are met.

**Explanation of Finding:** The application is being processed in accordance with the applicable general procedures of this Section.

### *Section 4.009 Who May Initiate Application*

**Review Criterion:** "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The applications have been submitted on behalf of contract purchaser Polygon Homes, and is signed by the property owners, Wayne Rembold of Villebois LLC (TL's 1200 and 1205) and both Charles and Carolyn Taber (TL 1202).

### *Subsection 4.010 (.02) Pre-Application Conference*

**Review Criteria:** This section lists the pre-application process

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A pre-application conference was held on November 21, 2013 in accordance with this subsection.

### *Subsection 4.011 (.02) B. Lien Payment before Application Approval*

**Review Criterion:** "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No applicable liens exist for the subject property. The application can thus move forward.

### *Subsection 4.035 (.04) A. General Site Development Permit Submission Requirements*

**Review Criteria:** "An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code." Listed 1. through 6. j.

**Finding:** These criteria are satisfied.

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

### *Section 4.110 Zoning-Generally*



**Review Criteria:** “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This proposed development is in conformity with the Village zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

## CONCLUSIONARY FINDINGS, REQUEST C: DB14-0010 ZONE MAP AMENDMENT

### Comprehensive Plan

#### *Compact Urban Development-Implementation Measures*

##### *Implementation Measure 4.1.6.a*

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Development in this area is being guided by all the listed plans and codes.

##### *Implementation Measure 4.1.6.b.*

2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

**Finding:** These criteria are not applicable

**Explanation of Finding:** The concurrent proposal for a preliminary development plan implements the procedures as outlined by the Villebois Village Master Plan, as previously approved.

##### *Implementation Measure 4.1.6.c.*

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

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

##### *Implementation Measure 4.1.6.d.*

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

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The area covered by the proposed zone change is proposed for residential uses, parks and open space as shown in the Villebois Village Master Plan.

### **Planning and Land Development Ordinance**

#### ***Section 4.029 Zoning to be Consistent with Comprehensive Plan***

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

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The applicant is applying for a zone change concurrently with a Preliminary Development Plan, which is equivalent to a Stage II Final Plan for a planned development.

#### ***Subsection 4.110 (.01) Base Zones***

6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The requested zoning designation of Village “V” is among the base zones identified in this subsection.

#### ***Subsection 4.125 (.01) Village Zone Purpose***

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The subject lands are designated Residential-Village on the Comprehensive Plan map and are within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village “V”.

#### ***Subsection 4.125 (.02) Village Zone Permitted Uses***

8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed residential, park and open space uses are consistent with the Village Zone designation and Villebois Village Master Plan.

#### ***Subsection 4.125 (.18) B. 2. Zone Change Concurrent with PDP Approval***

9. **Review Criterion:** “... Application for a zone change shall be made concurrently with an application for PDP approval...”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** A zone map amendment is being requested concurrently with a request for PDP approval. See Request D.

***Subsection 4.197 (.02) Zone Change Review***

***Subsection 4.197 (.02) A. Zone Change Procedures***

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The request for a zone map amendment has been submitted as set forth in the applicable code sections.

***Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.***

11. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings 1 through 4 comply with applicable Comprehensive Plan text.

***Subsection 4.197 (.02) C. Zone Change: Specific Findings Regarding Residential Designated Lands***

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Implementation Measure 4.1.6.c. states the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation. Since the Village Zone must be applied to areas designated “Residential Village” on the Comprehensive Plan Map and is the only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

***Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency***

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be

provided in conjunction with the project. In addition, the applicant has provided a Traffic Impact Analysis.

***Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas***

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A portion of the subject property is within the SROZ. The SROZ regulations are being reviewed ensuring the development does not have a significant adverse effect on natural resources.

***Subsection 4.197 (.02) F. Zone Change: Development within 2 Years***

15. **Review Criterion:** “That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The applicant has provided information stating they reasonably expect to commence development within two (2) years of the approval of the zone change. However, in the scenario where the applicant or their successors due not commence development within two (2) years allow related land use approvals to expire, the zone change shall remain in effect.

***Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval***

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 277**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO VILLAGE (V) AND ADOPTING FINDINGS AND CONDITIONS APPROVING AN AMENDMENT TO SAP-NORTH, PRELIMINARY DEVELOPMENT PLAN FOR SAP-NORTH PDP-3, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, FINAL DEVELOPMENT PLAN FOR LINEAR GREENS AND PARKS AND SRIR REVIEW FOR AN 84-LOT SINGLE FAMILY SUBDIVISION IN VILLEBOIS AND ASSOCIATED IMPROVEMENTS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1200, 1202, 1205 AND 2995, OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. – REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY-APPLICANT.**

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated May 5, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on May 12, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and


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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated May 5, 2014, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to, as applicable, City Council approval of the Annexation and Zone Map Amendment Requests (DB14-0009 and DB14-0010) for:

DB14-00011, DB14-0013 through DB14-0016, and SI14-0003 Preliminary Development Plan, SAP Refinements, SAP Amendment, Tentative Subdivision Plat, Type C Tree Plan, Final Development Plan, and Significant Resource Impact Report for a 84-lot residential subdivision, and associated parks and open space and other improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 12<sup>th</sup> day of May, 2014 and filed with the Planning Administrative Assistant on May 15, 2014. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).

  
Mary Fierros Bower Chair, Panel A  
Wilsonville Development Review Board

Attest:

  
Shelley White, Planning Administrative Assistant

Exhibit A1  
**STAFF REPORT- WILSONVILLE PLANNING DIVISION**

*Polygon Homes- Calais at Villebois*

**DEVELOPMENT REVIEW BOARD PANEL 'A'  
 QUASI-JUDICIAL PUBLIC HEARING  
 STAFF REPORT  
 AMENDED AND ADOPTED MAY 12, 2014  
 ADDED LANGUAGE IN *Bold Italics Underlined***

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<b>HEARING DATE</b>	May 12, 2014
<b>DATE OF REPORT:</b>	May 5, 2014

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**APPLICATION NOS.:** DB14-0009 Annexation  
 DB14-0010 Zone Map Amendment  
 DB14-0013 SAP-North Amendment  
 DB14-0011 SAP-North PDP 3, Preliminary Development Plan  
 DB14-0014 Tentative Subdivision Plat  
 DB14-0016 Type C Tree Plan  
 DB14-0015 Final Development Plan for Parks and Open Space  
 SI14-0003 SRIR Review

**REQUEST/SUMMARY:** The Development Review Board is being asked to review a Quasi-judicial Annexation, Zone Map Amendment, Villebois Specific Area Plan North Amendment, Preliminary Development Plan, Tentative Subdivision Plat, Type C Tree Plan, Final Development Plan, and SRIR Review for an 84-lot residential subdivision, and associated parks and open space and other associated improvements.

**LOCATION:** Southeast corner of SW Grahams Ferry Road and SW Tooze Road. The properties are specifically known as Tax Lots 1200, 1202, 2995 and 1205, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

**OWNERS:** Wayne Rembold, Rembold Co., Polygon at Villebois III LLC, and Charles & Carolyn Taber

**APPLICANT:** Fred Gast, Polygon NW Company

**APPLICANT'S REP.:** Stacy Connery, AICP  
 Pacific Community Design, Inc.

**COMPREHENSIVE PLAN MAP DESIGNATION:** Residential-Village

**ZONE MAP CLASSIFICATION:** RRRF5 (Clackamas County Rural Residential Farm Forest 5)

**STAFF REVIEWERS:** Daniel Pauly AICP, Associate Planner  
 Steve Adams PE, Development Engineering Manager  
 Kerry Rappold, Natural Resource Program Manager

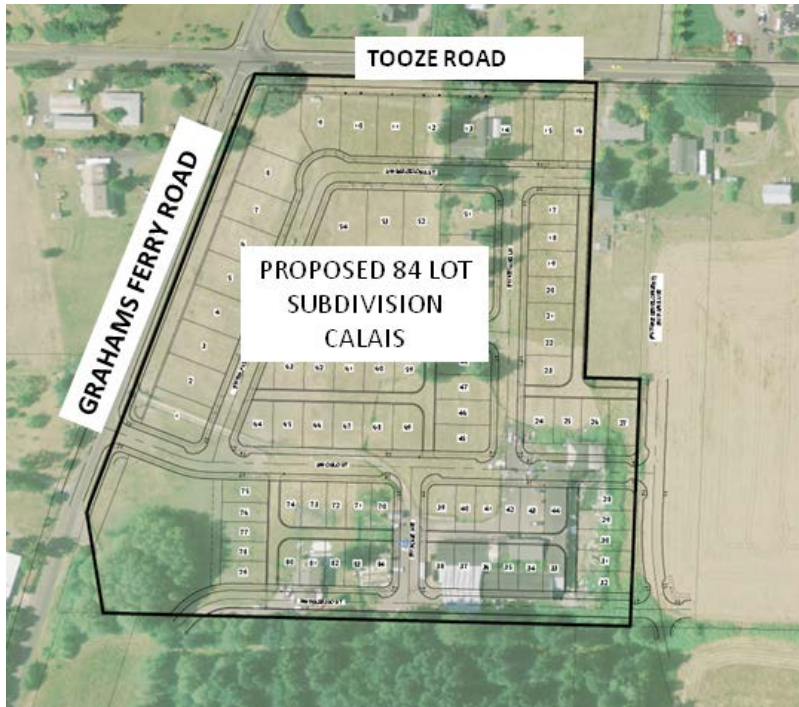
**STAFF RECOMMENDATIONS:** Approve with conditions the requested SAP Amendment, Preliminary Development Plan, Tentative Subdivision Plat, Tree Removal Plan, Final Development Plan for Parks and Open Space, and SRIR Review. Recommend approval of the requested Annexation and Zone Map Amendment to City Council.

**APPLICABLE REVIEW CRITERIA**

<b><u>DEVELOPMENT CODE</u></b>	
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	Residential Development in Any Zone
Section 4.125	V-Village Zone
Sections 4.139.00 through 4.139.11 as applicable	Significant Resource Overlay Zone (SROZ)
Section 4.154	Bicycle, Pedestrian, and Transit Facilities
Section 4.155	Parking, Loading, and Bicycle Parking
Section 4.167	Access, Ingress, and Egress
Section 4.169	General Regulations-Double Frontage Lots
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 and Amendments to Development Code-Procedures
Sections 4.200 through 4.220	Land Divisions
Sections 4.236 through 4.270	Land Division Standards
Sections 4.300 through 4.320	Underground Utilities
Sections 4.400 through 4.440 as applicable	Site Design Review
Sections 4.600 through 4.640.20 as applicable	Tree Preservation and Protection
Section 4.700	Annexation
<b><u>OTHER CITY PLANNING DOCUMENTS</u></b>	
Comprehensive Plan	
Villebois Village Master Plan	
SAP North Approval Documents	
<b><u>REGIONAL AND STATE PLANNING DOCUMENTS</u></b>	
Metro Code Chapter 3.09	Local Government Boundary Changes

<b>Metro Function Plan Titles 1,2,3,6 and 7</b>	
<b>ORS 222.111</b>	<b>Authority and Procedures for Annexation</b>
<b>ORS 222.120</b>	<b>Procedure without Election by City Electors</b>
<b>ORS 222.125</b>	<b>Annexation by Consent of All Land Owners and Majority of Electors</b>
<b>ORS 22.170</b>	<b>Effect of Consent to Annexation by Territory</b>
<b>Statewide Planning Goals</b>	

**Vicinity Map**



**BACKGROUND/SUMMARY:**

**Annexation (DB14-0009)**

Of the land covered by the Villebois Village Master Plan only the properties just south of Tooze Road between Grahams Ferry Road and 110<sup>th</sup> Avenue remain outside the City. The City’s Comprehensive Plan already designates these properties as “Residential-Village” in anticipation of annexation concurrent with other applications to develop the property. The requested annexation brings the properties near the corner of Tooze Road and Grahams Ferry Road into the City concurrent with a request to develop the property. As all owners of property and all electors within the area being annexed have consented in writing to annexation the City is able to process the request through the DRB and City Council as defined in the Development Code without any election.



**Zone Map Amendment (DB14-0010)**

The applicant requests to change the current Clackamas County zoning designation of Rural Residential Farm Forest 5 (RRFF5) to the City of Wilsonville zoning designation of Village (V) zone. The proposed residential and park uses are permitted in the Village zone. The Village zone has been applied to all of Villebois as it has developed.

**SAP North Amendment (DB14-0013)**

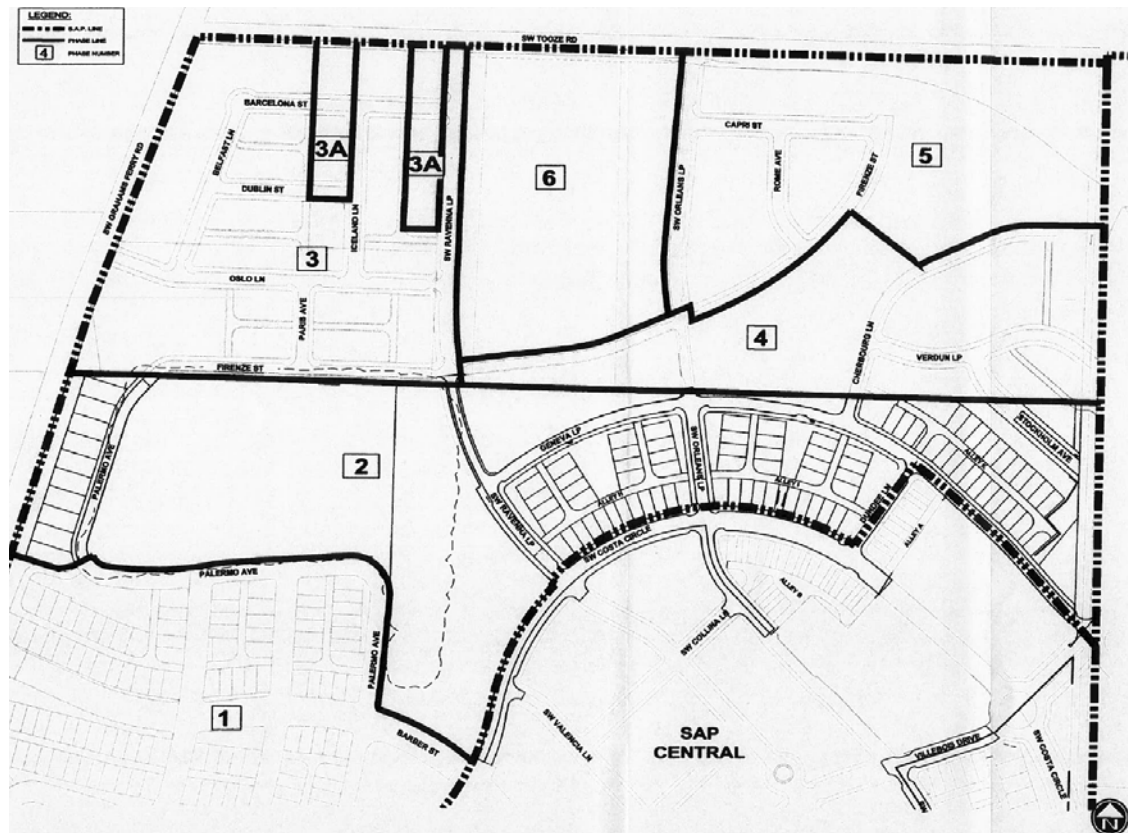
As shown in the table below, Specific Area Plans (SAP’s) in Villebois are made up of many elements. The initial approval of SAP North in 2007 (DB07-0054 et. seq.) was during the review of Phase 1 North when little was known about the timeline in which the remainder of the SAP would develop. To enable development of Phase 1 the approval divided the SAP into two “Areas”. Area 1 being Phase 1 North, and Area 2 being the remaining phases of SAP North. All SAP elements were approved for Area 1, but only certain elements were clearly approved for Area 2 leaving the remainder not approved or with a lack of certainty of whether they were approved.

SAP Elements “Area 2” of SAP North Approval in 2007 (DB07-0054 et. seq.)

Approved	Not Approved or Uncertain
	Site Circulation
	Preliminary Lot Layout
	Parks and Open Space
	Utility Plan
	Proposed Contours
Sequencing/Phasing (being modified)	
	Tree Removal
	Traffic Impact Analysis
Master Signage and Wayfinding Plan	
Rainwater Management Program	
Architectural Pattern Book	
Community Elements Book	



Plan Sheet from 2007 Approval with the Reviewing Planner’s Annotations delineating Area 1 and Area 2



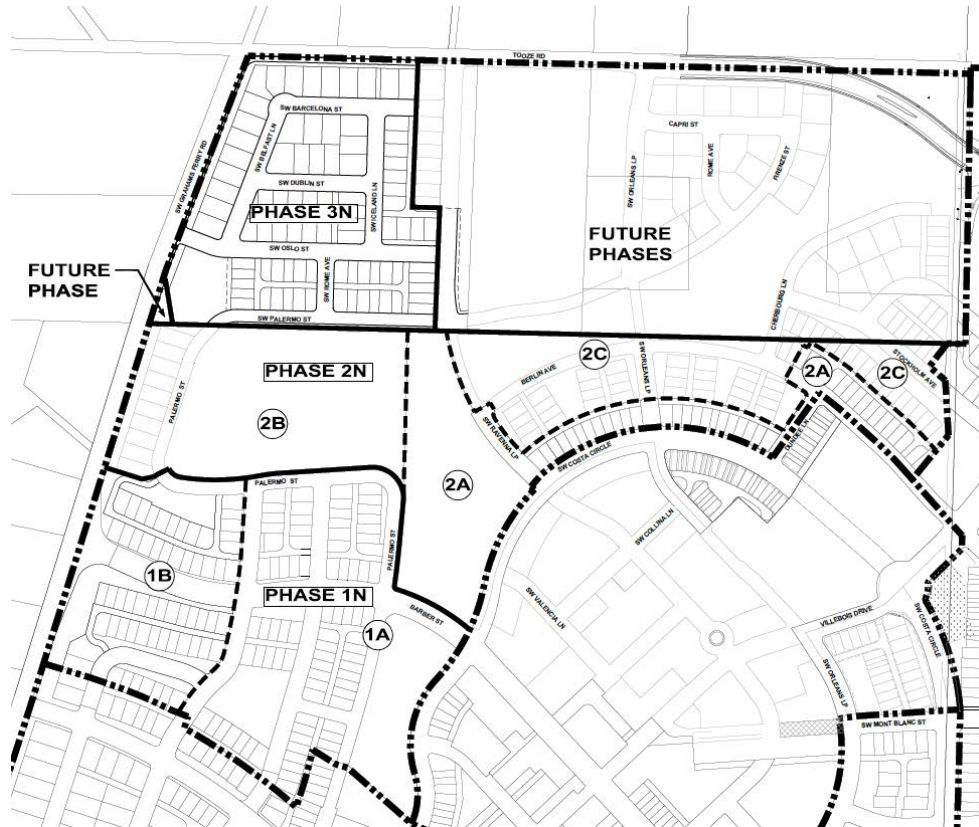
SAP North Phasing as Shown in 2013 Approval of Phase 2

After purchasing all of Area 2 within the City limits Polygon sought development approvals for what was labeled Phase 2 of SAP North. In the 2013 approvals of Phase 2 North (DB13-0020 et. seq.) the area was considered Area 1B in relation to the 2007 labeling of Area 1 and Area 2. The rationale being no reason existed, beyond the 2007 focus of the developer, why the areas of SAP North within the City weren't included in Area 1 during the 2007 approval. Phase 2 North was not affected by uncertainties surrounding the potential school on Tooze Road cited in 2007 as the primary uncertainty regarding Area 2. As part of the 2013 approval all SAP elements either not previously approved or with uncertainty about their approval status were approved for Phase 2 North, leaving addressing those SAP elements for the additional phases outside the City to a future review.

Polygon now has the option to purchase the subject properties which are contiguous to the western part of Phase 2 North. In their proposal they are labeling the subject properties as Phase 3 North and request all SAP elements be adopted for the phase. While many of the same rationale exists to only review additional SAP elements for Phase 3 North similar to Phase 2 North, the applicant and the City have agreed to a broader SAP Amendment to clearly establish as many SAP elements as possible for the entire SAP.

However, for the future phases beyond Phase 3, the SAP Amendment is limited to adopting a general lot layout, unit count, site circulation, parks and open space, and utility plan reflective of the Villebois Village Master Plan. These elements were in the uncertain category during the

previous approvals and the action simply formally establishes them. For the future phases the current SAP Amendment is not approval of any land use on the property, but rather clarifies past SAP approval. Additional SAP amendments, including Master Plan refinements, or SAP refinements will be submitted concurrently with future development applications for the future phases. These applications will need to include elements including the Historic and Cultural Resource Inventory and Tree Inventory as site access was not available to include these with the current SAP Amendment.



SAP North Phasing as Proposed with Current Application

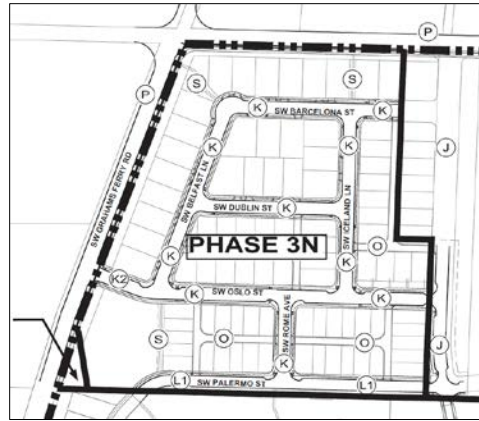
In addition to ensuring the appropriate SAP elements are approved for Phase 3, the SAP Amendment requests a number of Master Plan refinements for Phase 3 as allowed in Subsection 4.125 (.18) F. of the Development Code. The applicant provides a thorough list and explanation of the refinements on pages 39 through 43 of their supporting compliance report for the SAP Amendment (Section IIA of Exhibit B1). The following is a brief summary of the requested refinements, all of which have been found to meet the refinement criteria of the Development Code:

Street Network

- Removal of the extension of SW Firenze (now SW Palermo Street) to Grahams Ferry Road due to retention of a treed wetland and replace the connection with an extension of SW Oslo Street to SW Grahams Ferry Road.
- Realignment of internal streets due to layout of residential lots



Villebois Village Master Plan Figure 7



Proposed Refined Street Network

Parks, Trails, and Open Space

- Addition of Pocket Park at the southwest corner of Tooze Road and Grahams Ferry Road
- Addition of an open space with a retained wetland
- Additional linear greens and shared landscape areas

Utilities and Stormwater Facilities

- Realignment of utilities to match proposed street network
- Revision of location of stormwater facilities based on site conditions

Land Use and Density

- Increase of the number of Large Lots
- Addition of Medium Lots
- Decrease of the number of Standard and Small Lots
- Overall reduction of 17 units

**PDP 3N Preliminary Development Plan (DB14-0011)**

The proposed Preliminary Development Plan 3 of Specific Area Plan North (also known as Calais at Villebois) comprises 15.16 acres. The applicant proposes a variety of single-family housing types totaling 84 units, 2.03 acres of parks and open space, 4.49 acres of public streets, and associated infrastructure improvements. The front of all the houses will face tree lined streets, parks and green spaces.



Proposed Housing Type	Number of Units
Large Size Single Family	23
Standard Size Single Family	3
Medium Size Single Family	26
Small Size Single Family	32
<b>Total</b>	<b>84</b>

**Tentative Subdivision Plat (DB14-0014)**

The applicant is proposing the subdivision of the properties into 84 residential lots, along with alleys, park areas, and street rights-of-way. The name of the proposed subdivision approved by Clackamas County is “Calais at Villebois.”

**Type C Tree Plan (DB14-0016)**

The majority of the trees being retained are on the one (1) acre Taber property or just south, with most the remainder of the properties being open pasture. A number of trees not inventoried are being preserved in the wetland at the southwest corner of the development area. Of the forty-one (41) trees inventoried, seven (7) are designated to be retained. Only one Oregon White Oak

exists on the site, but has split and fallen since the arborist report was written and will be removed. Of the twenty-six (26) trees being removed, seventeen (17) are being removed due to the condition of the trees. Nine (9), including five (5) in good condition, are being removed due to construction. Staff has reviewed the site plan and has not identified any reasonable design alternatives to retain the “Good” trees being removed for construction. Notably, a 61-inch diameter Giant Sequoia (Tree 10478) in excellent health sits in the middle of a planned street that can’t be realigned sufficiently to avoid the tree without significantly changing the layout of the development.

Treatment Recommendation	General Condition Rating			Total
	P	M	G	
Retain		2	5	7 (17.1%)
Remove	8	13	5	26 (63.4%)
Likely to be Removed			8	8 (19.5%)
<b>Total</b>	<b>8</b> (19.5%)	<b>15</b> (36.6%)	<b>18</b> (43.9%)	<b>41 (100%)</b>

**Final Development Plan for Parks and Open Space (DB14-0015)**

Details have been provided for all the parks and open space matching the requirements of the Community Elements Book. Street trees, curb extensions, street lights, and mail kiosks are also shown conforming to the Community Elements Book.

**SRIR Review (SI14-0003)**

The SRIR Review for Open Space 2 approved with Phase 2 North is being updated to reflect the revised impacts as the final programming of the child play area and other amenities on the northern edge of Open Space 2 proposed with Phase 3 North.

**DISCUSSION TOPICS:**

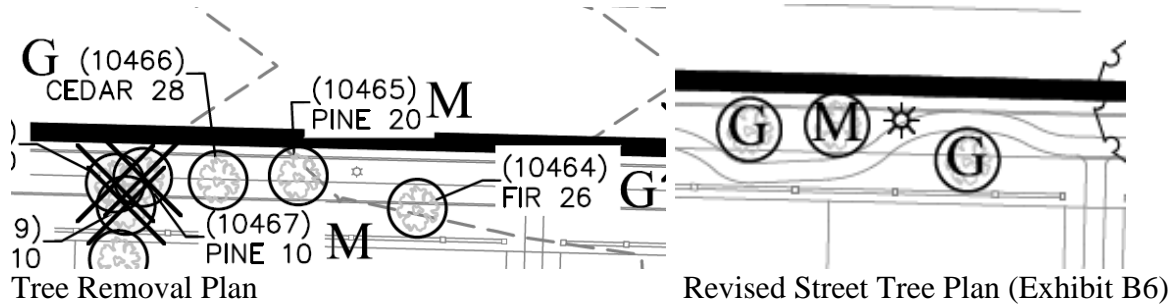
**Preservation and Maintenance of Tree 10499 (27” Douglas-fir in Excellent Health)**

A notable tree designated for retention is a 27-inch Douglas-fir (Tree 10499) in excellent health. In consideration of the health and value of the tree and its location Conditions of Approval PDF 4 and PDF 5 impose reasonable conditions to encourage proper long-term preservation and maintenance as well as clearly identify maintenance responsibility. Condition of Approval PDF 4 requires a tree preservation and maintenance easement and associated easement agreement allowing for inspection of the tree condition and assigning tree maintenance responsibility to the homeowners association as well as limiting plantings and irrigation that could damage the health of the tree. As a practical matter Condition of Approval PDF 5 requires an access easement to allow necessary access by the City and HOA for inspection and maintenance activities.

**Sidewalk/Tree Conflicts along SW Tooze Road**

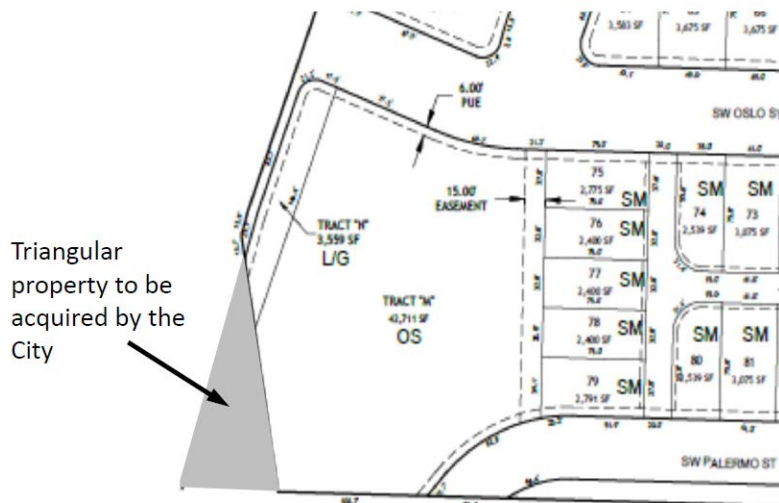
Three trees designated for retention along SW Tooze Road are shown in the vicinity of the

planned sidewalk. The trees are a 26-inch Douglas-fir, a 20-inch Ponderosa Pine, and a 28-inch Western Redcedar. Condition of Approval PDF 12 requires the sidewalk to meander to minimize placement within the root zone and when it is within the root zone requires a specific profile to protect roots. A public sidewalk easement may be required within the adjacent linear green to allow for the meandering. The revised street tree plan in Exhibit B6 shows how the meandering could look.



**Triangular Piece of Property along SW Grahams Ferry Road**

Tax Lot 31W15 01591, an approximate 7,150 square foot triangular piece of property on the southwest of the project along SW Grahams Ferry Road is shown as a “Future Phase.” This piece of property was not included in the current requests due to inability to identify the property owner and secure their necessary consents and permissions. As explained by Steve Adams in Exhibit C6, the Development Agreement between Polygon NW and the City is anticipated to assign the responsibility to the City to acquire of this property for planned improvements. No homes or other buildings are anticipated to be constructed on the property. Improvements shown in the Master Plan and SAP documents, including Grahams Ferry Road, sidewalks, and fencing can be completed under the current zoning. Staff anticipates this piece of property will be coupled with future applications for SAP North phases east of Phase 3 North for annexation and any other necessary approvals.



## Offsite Street Improvements

Condition of Approval PFD 33 requires construction of Paris Avenue/Ravenna Loop and Palermo Street in PDP 2 North prior to or concurrently with PDP 3 North to provide internal circulation within Villebois. However, a gap still remains between the terminus of Ravenna Loop in PDP 2 North and street connections in PDP 3 North. The City and Polygon are working on a development agreement that will enable construction of Paris Avenue/Ravenna Loop in the future phase to the east of PDP 3 North with Phase 3 North. The offsite Paris Avenue/Ravenna Loop improvements will include intersections with Palermo Street, Oslo Street, and an alley north of Oslo Street. The proposed offsite street improvements are on property currently owned by the City planned to be sold for development. The proposed area of the offsite improvement will be dedicated as right-of-way. Public utilities to serve Phase 3 North will also be located in the offsite improvement area.

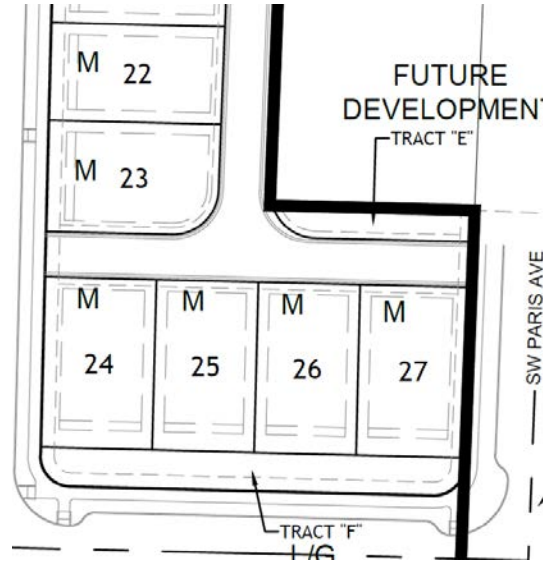
While a majority of these offsite improvements are typical of what will be in the City right-of-way, a tract of land between the sidewalk and the front of Lots 30 through 32 would typically be a private linear green maintained by the homeowners association and include pathways to provide pedestrian connectivity to the front of the adjoining lots. Consistent with Condition of Approval PDG 8 and PDG 10, landscape and hardscape within the tract in front of Lots 30 through 32 will need to be completed prior to issuance of building permit plans for homes on the lots. While the tract will be in City right-of-way the Operations and Maintenance Agreement will require maintenance by the homeowners association similar to other linear green areas throughout Villebois.





### Future Development Tracts/Lots Overlapping PDP Boundary

In this and previous applications PDP boundaries have been adjusted to reflect property ownership. In a number of cases this led to remnant areas between the PDP's developable with homes using land from multiple PDP's. The proposed tentative subdivision plat includes a future development tract north of and across the alley from Lots 26 and 27. This tract is anticipated to be combined with land from a future phase to create a buildable lot.



## CONCLUSION AND CONDITIONS OF APPROVAL:

Staff has reviewed the applicant's analysis of compliance with the applicable criteria. This 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 approve the proposed applications (DB14-0013, DB14-0011, DB14-0014, DB14-0016, DB14-00015, and SI14-0003) and recommend approval of the annexation and zone map amendment to City Council (DB14-0009 and DB14-0010) with the following conditions:

**The Developer is working with the City to reach agreement on the apportionment of fair and equitable exactions for the subject applications through a Development Agreement. Such agreement is subject to approval by the City Council by resolution.**

### Planning Division Conditions:

#### **REQUEST A: DB14-0009 ANNEXATION**

This action recommends Annexation to the City Council for the subject properties. The Zone Map Amendment (DB14-0010) and all approvals contingent on it are contingent on annexation. The SAP Amendment (DB14-0013) is also contingent upon annexation for those areas requested to be annexed.

#### **REQUEST B: DB14-0010 ZONE MAP AMENDMENT**

This action recommends adoption of the Zone Map Amendment to the City Council for the subject properties. This action is contingent upon annexation of the subject properties to the City of Wilsonville (DB14-0009). Case files DB14-0011, DB14-0014, DB14-0015, and DB14-0016 are contingent upon City Council's action on the Zone Map Amendment request.

#### **REQUEST C: DB14-0013 SAP-NORTH AMENDMENT**

**PDC 1.** For the properties proposed to be annexed under Request A (DB14-0009) approval of DB14-0013, SAP North Amendment, is contingent upon annexation.

**PDC 2.** For areas of SAP North designated as Future Phases this action reflects the plans for these areas adopted as part of the legislative Villebois Village Master Plan and does not constitute quasi-judicial land use action for these properties. It is understood the Specific Area Plan North will be amended or refined for these Future Phases concurrent with future annexation and quasi-judicial development applications.

#### **REQUEST D: DB14-0011 SAP-NORTH PDP 3, PRELIMINARY DEVELOPMENT PLAN**

**PDD 1.** Approval of DB14-0011 SAP-North PDP 3, Preliminary Development Plan is contingent upon annexation of the subject properties to the City of Wilsonville (Case File DB14-0009) and City Council approval of the Zone Map Amendment from Clackamas County Rural Residential Farm Forest 5 (RRFF5) to Village (V) (Case File DB14-0010).

**PDD 2.** Street lighting types and spacing shall be as shown in the Community Elements Book and as approved by the Engineering Division during the Public Works permitting process. See Finding D28.

**PDD 3.** All park and open space improvements approved by the Development Review Board, including associated improvements in Open Space 2, shall be completed prior the issuance of the forty-second (42nd) house permit for PDP 3 North. If weather or other

	special circumstances prohibit completion, bonding for the improvements will be permitted. See Finding D55.
<b>PDD 4.</b>	The applicant/owner shall enter into an Operations and Maintenance Agreement for the subdivision that clearly identifies ownership and maintenance for parks, open space, and paths. Such agreement shall ensure maintenance in perpetuity and shall be recorded with the subdivision for 'Calais at Villebois.' Such agreement shall be reviewed and approved by the City Attorney prior to recordation. See also Finding G4.
<b>PDD 5.</b>	The applicant/owner shall install courtyard fencing in the front yard of no less than thirty percent (30%) of the houses, which is rounded down to twenty-five (25) of the eighty-four (84) houses. The applicant/owner is especially encouraged to place the courtyards in the front yard of homes facing the open space or linear greens and that do not have a porch as well as alley loaded homes. The design and placement of the required courtyard fencing shall be consistent with the Architectural Pattern Book and the architectural style of the house. The courtyard area enclosed by the fence shall not exceed a five (5) percent slope from front building line of the house to the point of the courtyard closest to the front lot line or between the points of the courtyard closest to opposite side lot lines. Where necessary, the applicant shall install dry stack rock or brick wall along the front or side of the lot to ensure a five (5) percent or less slope is maintained. See Finding D25.
<b>PDD 6.</b>	Where a building foundation is exposed in the public view shed more than would be typical on a level lot, the foundation shall have a brick or stone façade matching the design of the house.

**REQUEST E DB14-0014 TENTATIVE SUBDIVISION PLAT**

<b>PDE 1.</b>	Approval of DB14-0014 Tentative Subdivision Plat is contingent upon annexation of the subject properties to the City of Wilsonville (Case File DB14-0009) and City Council approval of the Zone Map Amendment from Clackamas County Rural Residential Farm Forest 5 (RRFF5) to Village (V) (Case File DB14-0010).
<b>PDE 2.</b>	Any necessary easements or dedications shall be identified on the Final Subdivision Plat.
<b>PDE 3.</b>	If one or more of the park/open space tracts are to be dedicated to the City or other public entity, this dedication(s) shall also be executed and recorded with the Final Plat.
<b>PDE 4.</b>	Alleyways shall remain in private ownership and be maintained by the Homeowner's Association established by the subdivision's CC&Rs. The CC&Rs shall be reviewed and approved by the City Attorney prior to recordation.
<b>PDE 5.</b>	The Final Subdivision Plat shall indicate dimensions of all lots, lot area, minimum lot size, easements, proposed lot and block numbers, parks/open space by name and/or type, and any other information that may be required as a result of the hearing process for PDP-3N or the Tentative Plat.
<b>PDE 6.</b>	A non-access reservation strip shall be applied on the final plat to those lots with access to a public street and an alley. All lots with access to a public street and an alley must take vehicular access from the alley to a garage or parking area. A plat note effectuating that same result can be used in the alternative. The applicant shall work with the County Surveyor and City Staff regarding appropriate language. See Finding E3.

<b>PDE 7.</b>	All reserve strips and street plugs shall be detailed on the Final Subdivision Plat. See Finding E3.
<b>PDE 8.</b>	All tracts shall, except those indicated for future home development, shall include a public access easement across their entirety.
<b>PDE 9.</b>	The applicant/owner shall submit subdivision bylaws, covenants, and agreements to the City Attorney prior to recordation. See Finding E6.

**REQUEST F: DB14-0016 TYPE C TREE PLAN**

<b>PDF 1.</b>	Approval of DB14-0016 Type C Tree Plan is contingent upon annexation of the subject properties to the City of Wilsonville (Case File DB14-0009) and City Council approval of the Zone Map Amendment from Clackamas County Rural Residential Farm Forest 5 (RRFF5) to Village (V) (Case File DB14-0010).
<b>PDF 2.</b>	The property owner/applicant or their successors in interest shall grant access to the property for authorized City representatives as needed to verify the tree related information provided, to observe tree related site conditions, and to verify, once a removal permit is granted, that the terms and conditions of the permit are followed.
<b>PDF 3.</b>	Pursuant to note 6 of Table V-1 in Section 4.125 WC Lot 13 can be exempt from the maximum front setback to enable tree preservation. If it is necessary to place foundations or other hardscape improvements within the root zone of preserved trees construction shall be coordinated with and follow recommendations of the project arborist to minimize impacts.
<b>PDF 4.</b>	In order to ensure proper preservation and clear responsibility for maintenance and due to its excellent condition, the applicant/owner shall grant a tree protection and maintenance easement to the City over the area of Lot 50 within the drip line of Tree 10499. The easement shall be shown on the Final Plat. The applicant/owner shall enter into an easement agreement regarding this tree preservation easement which, among other provisions typical of such agreements, shall include the following provisions: <ul style="list-style-type: none"> <li>• City and HOA access to inspect health of trees and condition of area within easement and perform any necessary activity to preserve the tree and maintain appropriate landscaping within the easement area.</li> <li>• Limit landscaping within the tree protection easement to understory plantings compatible with Douglas-fir.</li> <li>• Require temporary and permanent drainage and irrigation be designed around easement area to optimize the amount of water in the root zone of the tree to support its health.</li> <li>• Establish that if the tree dies or structurally fails beyond preservation, that an additional Douglas-fir is planted in its place.</li> <li>• Establish HOA responsibility for tree maintenance within the easement area and replacement, if needed.</li> </ul> See Finding F3.
<b>PDF 5.</b>	A five foot (5') access easement shall be provided along the south property line of Lot 50 to the tree preservation and maintenance easement required by Condition of Approval PDF 4. Such easement shall allow for access by the authorized representatives and contractors for the HOA or City to reach the tree preservation and maintenance easement area. Such easement shall be shown on the final plat with a

	plat note defining the scope of the easement. No other obstructions other than a fence with an unlocked gate shall be allowed within the easement area. See Finding F3.
<b>PDF 6.</b>	Trees planted as replacement of removed trees shall be, state Department of Agriculture Nursery Grade No. 1. or better, shall meet the requirements of the American Association of Nursery Men (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade, shall be staked, fertilized and mulched, and shall be guaranteed by the permit grantee or the grantee's successors-in-interest for two (2) years after the planting date. A "guaranteed" tree that dies or becomes diseased during that time shall be replaced. See Findings F21 and F22.
<b>PDF 7.</b>	Solvents, building material, construction equipment, soil, or irrigated landscaping, shall not be placed within the drip line of any preserved tree, unless a plan for such construction activity has been approved by the Planning Director or Development Review Board based upon the recommendations of an arborist. See Finding F24.
<b>PDF 8.</b>	Before and during development, land clearing, filling or any land alteration the applicant shall erect and maintain suitable tree protective barriers which shall include the following: <ul style="list-style-type: none"> <li>• 6' high fence set at tree drip lines.</li> <li>• Fence materials shall consist of 2 inch mesh chain links secured to a minimum of 1 ½ inch diameter steel or aluminum line posts.</li> <li>• Posts shall be set to a depth of no less than 2 feet in native soil.</li> <li>• Protective barriers shall remain in place until the City authorizes their removal or issues a final certificate of occupancy, whichever occurs first.</li> <li>• Tree protection fences shall be maintained in a full upright position.</li> </ul> See Findings F24.
<b>PDF 9.</b>	Fence posts placement within drip lines and root zones of 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. See Finding F3.
<b>PDF 10.</b>	Utilities, including franchise utilities, public utilities, and private utilities and service lines shall be directionally bored as necessary to avoid the root zone of preserved trees. This includes trees designated "likely to be removed" unless the trees are authorized to be removed by the City through the process described in pages 3 to 4 of the Tree Maintenance and Protection Plan Memo in Section VIB) of the applicant's notebook, Exhibit B3. All work within the root zone of preserved trees shall be supervised by and follow the recommendation of the project arborist. See Finding F3.
<b>PDF 11.</b>	Of the trees indicated "Likely to be Removed" the following trees shall only be removed upon finding by Planning staff, based on the recommendation of the project arborist, that no practical design alternative exists that would enable their preservation: <ul style="list-style-type: none"> <li>Tree 10471 (32" Douglas-fir) or Tree 10474 (24" Ponderosa Pine)</li> <li>Tree 10475 (28" Western Redcedar)</li> <li>Tree 10480 (14" Red Maple)</li> <li>Tree 10481 (24" Douglas-fir)</li> <li>Tree 10482 (28" Douglas-fir)</li> <li>Tree 10483 (22" Douglas-fir)</li> </ul>

**PDF 12.** The sidewalk along SW Tooze Road shall meander as necessary to minimize placement within the root zone of Trees 10464, 10465, and 10466. Any sidewalk placed within the root zone of these trees shall follow Figure 1, Sample Surfacing Profile, on page 5 of the Tree Maintenance and Protection Plan Memo in Section VIB) of the applicant’s notebook, Exhibit B3. All work for utilities, sidewalks, or other improvements within the root zones of these trees shall be supervised and follow the recommendations of the project arborist. See Finding F3.

**REQUEST G: DB14-0015 FINAL DEVELOPMENT PLAN FOR PARKS AND OPEN SPACE**

<b>PDG 1.</b>	Except for those improvements shown in OS-2 previously rezoned and annexed with PDP 2 North, approval of DB14-0015 Final Development Plan is contingent upon annexation of the subject properties to the City of Wilsonville (Case File DB14-0009) and City Council approval of the Zone Map Amendment from Clackamas County Rural Residential Farm Forest 5 (RRFF5) to Village (V) (Case File DB14-0010).
<b>PDG 2.</b>	All plant materials shall be installed consistent with current industry standards.
<b>PDG 3.</b>	All construction, site development, and landscaping of the parks shall be carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. Minor alterations may be approved by the Planning Division through the Class I Administrative Review process. See Finding G32.
<b>PDG 4.</b>	All retaining walls within the public view shed shall be a decorative stone or brick construction or veneer. Final color and material for the retaining walls shall be approved by the Planning Division through the Class I Administrative Review Process. See Finding G37.
<b>PDG 5.</b>	All hand rails within the parks and open space shall be of a design similar to the approved courtyard fencing shown in the Architectural Pattern Book. Final design of any hand rails in parks and open space shall be approved by the Planning Division through the Class I Administrative Review Process. See Finding G37.
<b>PDG 6.</b>	All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Development Review Board. See Finding G41 through G43.
<b>PDG 7.</b>	The applicant shall submit final parks, landscaping and irrigation plans to the City prior to construction of parks. The irrigation plan must be consistent with the requirements of Section 4.176(.07)C.
<b>PDG 8.</b>	Prior to occupancy of each house the Applicant/Owner shall install landscaping along the public view-sheds of each house, unless otherwise approved by the Community Development Director. Homeowners association shall contract with a professional landscape service to maintain the landscaping.
<b>PDG 9.</b>	No street trees shall be planted where their growth would interfere with preserved trees. Street trees shall be appropriately placed between curb cuts. See Finding G23.
<b>PDG 10.</b>	Street trees shall be planted as each house or park is built.
<b>PDG 11.</b>	Final construction plans for playground equipment and other elements shall demonstrate compliance with the requirements of the Community Elements Book which have not been verified for compliance at the current level of design. See Findings G9 and G17.
<b>PDG 12.</b>	Consistent with Parks and Open Spaces Policy 1 in the Villebois Village Master Plan

a large shade tree of 3”-5” caliper shall be planted in the pocket park as a focal point at the intersection of Grahams Ferry Road and Tooze Road.

**REQUEST H: SI14-0003 SRIR REVIEW**

NONE

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: DB14-0011 SAP-NORTH PDP 3, PRELIMINARY DEVELOPMENT PLAN**

<b>Standard Comments:</b>																			
<b>PFD 1</b>	All construction or improvements to public works facilities shall be in conformance to the City of Wilsonville Public Works Standards.																		
<b>PFD 2</b>	Applicant shall submit insurance requirements to the City of Wilsonville in the following amounts:  <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><i>Coverage (Aggregate, accept where noted)</i></th> <th style="text-align: right;"><i>Limit</i></th> </tr> </thead> <tbody> <tr> <td>Commercial General Liability</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">General Aggregate (per project)</td> <td style="text-align: right;">\$ 2,000,000</td> </tr> <tr> <td style="padding-left: 20px;">Fire Damage (any one fire)</td> <td style="text-align: right;">\$ 50,000</td> </tr> <tr> <td style="padding-left: 20px;">Medical Expense (any one person)</td> <td style="text-align: right;">\$ 10,000</td> </tr> <tr> <td>Business Automobile Liability Insurance</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Each Occurrence</td> <td style="text-align: right;">\$ 1,000,000</td> </tr> <tr> <td style="padding-left: 20px;">Aggregate</td> <td style="text-align: right;">\$ 2,000,000</td> </tr> <tr> <td>Workers Compensation Insurance</td> <td style="text-align: right;">\$ 500,000</td> </tr> </tbody> </table>	<i>Coverage (Aggregate, accept where noted)</i>	<i>Limit</i>	Commercial General Liability		General Aggregate (per project)	\$ 2,000,000	Fire Damage (any one fire)	\$ 50,000	Medical Expense (any one person)	\$ 10,000	Business Automobile Liability Insurance		Each Occurrence	\$ 1,000,000	Aggregate	\$ 2,000,000	Workers Compensation Insurance	\$ 500,000
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<b>PFD 3</b>	No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved by Staff, all fees have been paid, all necessary permits, right-of-way and easements have been obtained and Staff is notified a minimum of 24 hours in advance.																		
<b>PFD 4</b>	All public utility/improvement plans submitted for review shall be based upon a 22”x 34” format and shall be prepared in accordance with the City of Wilsonville Public Work’s Standards.																		
<b>PFD 5</b>	Plans submitted for review shall meet the following general criteria:																		

- a. Utility improvements that shall be maintained by the public and are not contained within a public right-of-way shall be provided a maintenance access acceptable to the City. The public utility improvements shall be centered in a minimum 15-ft. wide public easement for single utilities and a minimum 20-ft wide public easement for two parallel utilities and shall be conveyed to the City on its dedication forms.
- b. Design of any public utility improvements shall be approved at the time of the issuance of a Public Works Permit. Private utility improvements are subject to review and approval by the City Building Department.
- c. In the plan set for the PW Permit, existing utilities and features, and proposed new private utilities shall be shown in a lighter, grey print. Proposed public improvements shall be shown in bolder, black print.
- d. All elevations on design plans and record drawings shall be based on NAVD 88 Datum.
- e. All proposed on and off-site public/private utility improvements shall comply with the State of Oregon and the City of Wilsonville requirements and any other applicable codes.
- f. Design plans shall identify locations for street lighting, gas service, power lines, telephone poles, cable television, mailboxes and any other public or private utility within the general construction area.
- g. As per City of Wilsonville Ordinance No. 615, all new gas, telephone, cable, fiber-optic and electric improvements etc. shall be installed underground. Existing overhead utilities shall be undergrounded wherever reasonably possible.
- h. Any final site landscaping and signing shall not impede any proposed or existing driveway or interior maneuvering sight distance.
- i. Erosion Control Plan that conforms to City of Wilsonville Ordinance No. 482.
- j. Existing/proposed right-of-way, easements and adjacent driveways shall be identified.
- k. All engineering plans shall be stamped by a Professional Engineer registered in the State of Oregon.

**PFD 6** Submit plans in the following general format and order for all public works construction to be maintained by the City:

- a. Cover sheet
- b. City of Wilsonville construction note sheet
- c. General construction note sheet
- d. Existing conditions plan.
- e. Erosion control and tree protection plan.
- f. Site plan. Include property line boundaries, water quality pond boundaries, sidewalk improvements, right-of-way (existing/proposed), easements (existing/proposed), and sidewalk and road connections to adjoining properties.
- g. Grading plan, with 1-foot contours.
- h. Composite utility plan; identify storm, sanitary, and water lines; identify storm and sanitary manholes.
- i. Detailed plans; show plan view and either profile view or provide i.e.'s at all utility crossings; include laterals in profile view or provide table with i.e.'s at



	<p>crossings; vertical scale 1"= 5', horizontal scale 1"= 20' or 1"= 30'.</p> <ul style="list-style-type: none"> <li>j. Street plans.</li> <li>k. Storm sewer/drainage plans; number all lines, manholes, catch basins, and cleanouts for easier reference</li> <li>l. Water and sanitary sewer plans; plan; number all lines, manholes, and cleanouts for easier reference.</li> <li>m. Detailed plan for storm water detention facility (both plan and profile views), including water quality orifice diameter and manhole rim elevations. Provide detail of inlet structure and energy dissipation device. Provide details of drain inlets, structures, and piping for outfall structure. Note that although storm water detention facilities are typically privately maintained they will be inspected by engineering, and the plans must be part of the Public Works Permit set.</li> <li>n. Detailed plan for water quality facility (both plan and profile views). Note that although storm water quality facilities are typically privately maintained they will be inspected by Natural Resources, and the plans must be part of the Public Works Permit set.</li> <li>o. Composite franchise utility plan.</li> <li>p. City of Wilsonville detail drawings.</li> <li>q. Illumination plan.</li> <li>r. Striping and signage plan.</li> <li>s. Landscape plan.</li> </ul>
<b>PFD 7</b>	Prior to manhole and sewer line testing, design engineer shall coordinate with the City and update the sanitary and stormwater sewer systems to reflect the City's numbering system. Video testing and sanitary manhole testing will refer to the updated numbering system. Design engineer shall also show the updated numbering system on As-Built drawings submitted to the City.
<b>PFD 8</b>	The applicant shall install, operate and maintain adequate erosion control measures in conformance with the standards adopted by the City of Wilsonville Ordinance No. 482 during the construction of any public/private utility and building improvements until such time as approved permanent vegetative materials have been installed.
<b>PFD 9</b>	Applicant shall work with City's Natural Resources office before disturbing any soil on the respective site. If 5 or more acres of the site will be disturbed applicant shall obtain a 1200-C permit from the Oregon Department of Environmental Quality. If 1 to less than 5 acres of the site will be disturbed a 1200-CN permit from the City of Wilsonville is required.
<b>PFD 10</b>	To lessen the impact of the proposed project on the downstream storm drain system, and adjacent properties, project run-off from that portion of the site within the Mill Creek Basin shall be detained and limited to the difference between a developed 25-year storm and an undeveloped 25-year storm. The detention and outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
<b>PFD 11</b>	A storm water analysis prepared by a Professional Engineer registered in the State of Oregon shall be submitted for review and approval by the City to address appropriate pipe and detention facility sizing.
<b>PFD 12</b>	The applicant shall be in conformance with all water quality requirements for the proposed development per the Public Works Standards. If a mechanical water quality

	system is used, prior to City acceptance of the project the applicant shall provide a letter from the system manufacturer stating that the system was installed per specifications and is functioning as designed.
<b>PFD 13</b>	Storm water quality facilities shall have approved landscape planted and/or some other erosion control method installed and approved by the City of Wilsonville prior to streets and/or alleys being paved.
<b>PFD 14</b>	Fire hydrants shall be located in compliance with TVF&R fire prevention ordinance and approval of TVF&R.
<b>PFD 15</b>	The applicant shall contact the Oregon Water Resources Department and inform them of any existing wells located on the subject site. Any existing well shall be limited to irrigation purposes only. Proper separation, in conformance with applicable State standards, shall be maintained between irrigation systems, public water systems, and public sanitary systems. Should the project abandon any existing wells, they shall be properly abandoned in conformance with State standards.
<b>PFD 16</b>	All survey monuments on the subject site, or that may be subject to disturbance within the construction area, or the construction of any off-site improvements shall be adequately referenced and protected prior to commencement of any construction activity. If the survey monuments are disturbed, moved, relocated or destroyed as a result of any construction, the project shall, at its cost, retain the services of a registered professional land surveyor in the State of Oregon to restore the monument to its original condition and file the necessary surveys as required by Oregon State law. A copy of any recorded survey shall be submitted to Staff.
<b>PFD 17</b>	Sidewalks, crosswalks and pedestrian linkages in the public right-of-way shall be in compliance with the requirements of the U.S. Access Board.
<b>PFD 18</b>	No surcharging of sanitary or storm water manholes is allowed.
<b>PFD 19</b>	The project shall connect to an existing manhole or install a manhole at each connection point to the public storm system and sanitary sewer system.
<b>PFD 20</b>	A City approved energy dissipation device shall be installed at all proposed storm system outfalls. Storm outfall facilities shall be designed and constructed in conformance with the Public Works Standards.
<b>PFD 21</b>	The applicant shall provide a ‘stamped’ engineering plan and supporting information that shows the proposed street light locations meet the appropriate AASHTO lighting standards for all proposed streets and pedestrian alleyways.
<b>PFD 22</b>	All required pavement markings, in conformance with the Transportation Systems Plan and the Bike and Pedestrian Master Plan, shall be completed in conjunction with any conditioned street improvements.
<b>PFD 23</b>	Street and traffic signs shall have a hi-intensity prismatic finish meeting ASTM 4956 Spec Type 4 standards.
<b>PFD 24</b>	The applicant shall provide adequate sight distance at all project driveways by driveway placement or vegetation control. Specific designs to be submitted and approved by the City Engineer. Coordinate and align proposed driveways with driveways on the opposite side of the proposed project site.
<b>PFD 25</b>	Access requirements, including sight distance, shall conform to the City's Transportation Systems Plan (TSP) or as approved by the City Engineer. Landscaping plantings shall be low enough to provide adequate sight distance at all street

	intersections and alley/street intersections.				
<b>PFD 26</b>	Applicant shall design interior streets and alleys to meet specifications of Tualatin Valley Fire & Rescue and Allied Waste Management (United Disposal) for access and use of their vehicles.				
<b>PFD 27</b>	The applicant shall provide the City with a Stormwater Maintenance and Access Easement (on City approved forms) for City inspection of those portions of the storm system to be privately maintained. Stormwater or rainwater LID facilities may be located within the public right-of-way upon approval of the City Engineer. Applicant shall maintain all LID storm water components and private conventional storm water facilities; maintenance shall transfer to the respective homeowners association when it is formed.				
<b>PFD 28</b>	The applicant shall “loop” proposed waterlines by connecting to the existing City waterlines where applicable.				
<b>PFD 29</b>	All water lines that are to be temporary dead-end lines due to the phasing of construction shall have a valved tee with fire-hydrant assembly installed at the end of the line.				
<b>PFD 30</b>	For any new public easements created with the project the Applicant shall be required to produce the specific survey exhibits establishing the easement and shall provide the City with the appropriate Easement document (on City approved forms).				
<b>PFD 31</b>	<p>Mylar Record Drawings:</p> <p>At the completion of the installation of any required public improvements, and before a 'punch list' inspection is scheduled, the Engineer shall perform a record survey. Said survey shall be the basis for the preparation of 'record drawings' which will serve as the physical record of those changes made to the plans and/or specifications, originally approved by Staff, that occurred during construction. Using the record survey as a guide, the appropriate changes will be made to the construction plans and/or specifications and a complete revised 'set' shall be submitted. The 'set' shall consist of drawings on 3 mil. Mylar and an electronic copy in AutoCAD, current version, and a digitally signed PDF.</p>				
<b>Specific Comments:</b>					
<b>PFD 32</b>	Applicant shall enter into a Development Agreement with the City that clarifies the responsibilities and/or estimated costs for construction of Tooze Road, Grahams Ferry Road, Paris Avenue, Palermo Street (south of proposed subdivision), and water, sanitary and storm infrastructure to service this proposed subdivision.				
<b>PFD 33</b>	To provide internal circulation within Villebois the Applicant shall complete the construction of both Palermo Street and Paris Avenue/Ravenna Loop in the adjacent Villebois SAP North PDP 2 subdivision either prior to, or concurrent with, construction of Villebois SAP North PDP 3.				
<b>PFD 34</b>	<p>At the request of Staff, DKS Associates completed a Transportation Review dated March 14, 2014. The project is hereby limited to no more than the following impacts.</p> <table border="0" style="width: 100%;"> <tr> <td style="padding-left: 40px;">Estimated New PM Peak Hour Trips</td> <td style="text-align: right;">85</td> </tr> <tr> <td style="padding-left: 40px;">Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area</td> <td style="text-align: right;">27</td> </tr> </table>	Estimated New PM Peak Hour Trips	85	Estimated Weekday PM Peak Hour Trips Through Wilsonville Road Interchange Area	27
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<b>PFD 35</b>	Recent traffic analysis reports done for Villebois have indicates that the intersection of Grahams Ferry Road and Tooze Road would operate at LOS F with the build-out of this and other approved Villebois subdivisions. Improvements to this intersection are planned and funded by the City and construction work is anticipated to be completed by spring 2016.
<b>PFD 36</b>	Connections to the public right-of-way shall occur at Oslo Street and Grahams Ferry Road and via Palermo Street and Paris Street to streets previously approved with Villebois SAP North PDP 2.
<b>PFD 37</b>	Alley Tract "H" stops short of the Oslo Street right-of-way; Applicant shall provide a hard surface pedestrian connection between this alley tract and the public sidewalk on north side of Oslo Street.
<b>PFD 38</b>	All construction traffic shall access the site via Grahams Ferry Road.
<b>PFD 39</b>	In the 2013 Transportation Systems Plan Tooze Road is identified as a Minor Arterial. Applicant shall dedicate sufficient right-of-way to accommodate Tooze Road as a Minor Arterial; this will require an additional 17.5 feet of right-of-way dedication to the City to accommodate a half-street width of 37.5-ft (total right-of-way width of 75 feet).
<b>PFD 40</b>	In the 2013 Transportation Systems Plan Grahams Ferry Road is identified as a Minor Arterial. Applicant shall dedicate sufficient right-of-way to accommodate Grahams Ferry Road as a Minor Arterial; this will require an additional 7.5 feet of right-of-way dedication to the City to accommodate a half-street width of 37.5-ft (total right-of-way width of 77 feet).
<b>PFD 41</b>	With the improvements to Grahams Ferry Road applicant shall cause to have all overhead utilities along the east side of the road installed underground along the entire property frontage and install a new underground to overhead transition pole at the southeast corner of the Tooze Road / Grahams Ferry Road intersection.
<b>PFD 42</b>	On Grahams Ferry Road adjacent to the Villebois Village development the standard street light is a 35-ft black fiberglass direct bury pole (30-ft mounting height) with 6-ft black arm and black full-cutoff cobra head luminaire.
<b>PFD 43</b>	All internal streets shall be lighted with approved Westbrooke style street lights per the Villebois street lighting master plan.
<b>PFD 44</b>	On westbound Oslo Street at Grahams Ferry Road applicant shall provide a left-turn pocket to accommodate turn movements onto Grahams Ferry Road as recommended in the Villebois Urban Village SAP North Area 1B Transportation Study, completed by DKS, July 31, 2013.
<b>PFD 45</b>	On Grahams Ferry Road, stormwater will be collected via curb inlets north of Oslo Street and via storm swales south of Oslo; however the Applicant shall be required to provide detention and water quality requirements for impervious surfaces created with the reconstruction of Grahams Ferry Road.
<b>PFD 46</b>	The proposed subdivision lies within two storm drainage basins – Coffee Lake and Mill Creek. Those portions of the subdivision lying within the Coffee Lake basin are exempt from stormwater detention requirements as established per City Ordinance No. 608. Those portions of the subdivision lying within Mill Creek basin and improvements done with Grahams Ferry Road shall be required to conform to the storm detention requirements of PFD 10. No net interbasin transfer of stormwater is

	allowed.
<b>PFD 47</b>	<p>The applicant shall provide ‘stamped’ engineering details with dimensions for intersection sight distance verification and AutoTURN layouts for all proposed intersections, including alley/street connections. Adequate clearance shall be provided at all intersections and alleyways. The sight distance point for exiting vehicles shall be located 14.4 feet from the edge of the traveled way.</p> <p>At a minimum, the applicant shall provide 'stamped' engineering AutoTURN layouts for fire trucks and buses (WB-60) that show the overhang and/or mirrors of the vehicle as opposed to the wheel paths. Turning vehicles may use the width of the minor street to start the appropriate turn. The vehicle must however, stay within the appropriate receiving (inside) lane of the major street. Additionally, the turning vehicle must not intrude onto the wheel chair ramp on the inside of the turning movement.</p>
<b>PFD 48</b>	Alleys that are identified by Tualatin Valley Fire and Rescue (TVF&R) as possible routes for medical and/or fire emergencies shall meet TVF&R’s design requirements.
<b>PFD 49</b>	At the time of plan submittal for a Public Works Permit, the applicant shall provide to the City a copy of correspondence showing that the plans have also been distributed to the franchise utilities. Prior to issuance of a Public Works Permit, the applicant shall have coordinated the proposed locations and associated infrastructure design for the franchise utilities. Should permanent/construction easements or right-of-way be required to construct the public improvements or to relocate a franchised utility, the applicant shall provide a copy of the recorded documents. Should the construction of public improvements impact existing utilities within the general area, the applicant shall obtain written approval from the appropriate utility prior to commencing any construction.
<b>PFD 50</b>	Applicant shall provide sufficient mail box units for the proposed phasing plan; applicant shall construct mail kiosk at locations coordinated with City staff and the Wilsonville U.S. Postmaster. In previous discussions between City staff and the Wilsonville U.S. Postmaster mail kiosk locations were preferred to be located along Oslo Street.
<b>PFD 51</b>	Rainwater management components will be allowed to be located in the public right-of-way, however such components shall be maintained by the Applicant, or subsequent HOA, and this shall be included in the Ownership and Maintenance agreement as required in PFD 27.
<b>PFD 52</b>	Existing abandoned water, sanitary, or storm water lines shall either be completely removed, grouted in place, or abandoned per a City approved recommendation from a Registered Geotechnical Engineer.
<b>PFD 53</b>	SAP North PDP 3 consists of 84 lots. All construction work in association with the Public Works Permit and Project Corrections List shall be completed prior to the City Building Division issuing a certificate of occupancy, or a building permit for the housing unit(s) in excess of 50% of total (43 <sup>rd</sup> lot).
<b>PFD 54</b>	Much of the site is located within a sanitary sewer reimbursement district adopted with Resolution No. 2350 and is subject to the requirements established by this resolution.

**REQUEST E DB14-0014 TENTATIVE SUBDIVISION PLAT**

<b>PFE 1.</b>	Applicant shall provide a minimum 6-foot Public Utility Easement on lot frontages to all public right-of-ways. An 8-foot PUE shall be provided along Collectors. A 10-ft PUE shall be provided along Minor and Major Arterials.
<b>PFE 2.</b>	Subdivision or Partition Plats:  Paper copies of all proposed subdivision/partition plats shall be provided to the City for review. Once the subdivision/partition plat is approved, applicant shall have the documents recorded at the appropriate County office. Once recording is completed by the County, the applicant shall be required to provide the City with a 3 mil Mylar copy of the recorded subdivision/partition plat.
<b>PFE 3.</b>	Subdivision or Partition Plats:  All newly created easements shown on a subdivision or partition plat shall also be accompanied by the City’s appropriate Easement document (on City approved forms) with accompanying survey exhibits that shall be recorded immediately after the subdivision or partition plat.
<b>PFE 4.</b>	Applicant shall provide a public sidewalk easement for those portions of the 10-ft sidewalk adjacent to Grahams Ferry Road that are not within the public right-of-way.

**Natural Resources Division Conditions:**

**REQUEST D: DB14-0011 SAP-NORTH PDP 3, PRELIMINARY DEVELOPMENT PLAN & REQUEST G: DB14-0015 FINAL DEVELOPMENT PLAN FOR PARKS AND OPEN SPACE**

<b>Rainwater Management Plan:</b>	
<b>NRDG 1.</b>	The applicant shall submit a detailed operations and maintenance manual for the rainwater management components that has been reviewed and approved by city staff before 50% of the units are occupied in <b>PDP 3, SAP North</b> .
<b>NRDG 2.</b>	Pursuant to the City of Wilsonville Public Works Standards, access should be provided for the entire perimeter of the rainwater management components. At a minimum, at least one access shall be provided for maintenance and inspection.
<b>NRDG 3.</b>	All Rainwater Management Components and associated infrastructure located in public areas shall be designed to the Public Works Standards. Rainwater Management Components in private areas shall comply with the plumbing code.
<b>NRDG 4.</b>	Plantings in Rainwater Management Components located in public areas shall comply with the Public Works Standards. Plantings in Rainwater Management Components located in private areas shall comply with the Plant List in the Rainwater Management Program or Community Elements Plan.
<b>NRDG 5.</b>	The rainwater management components shall comply with the requirements of the Oregon DEQ UIC (Underground Injection Control) Program.
<b>Stormwater Management:</b>	
<b>NRDG 6.</b>	Provide profiles, plan views and specifications for the proposed water quality treatment facilities consistent with the requirements of the City of Wilsonville’s Public Works Standards.
<b>NRDG 7.</b>	Pursuant to the Public Works Standards, the applicant shall submit a maintenance

	plan (including the City’s stormwater maintenance covenant) for the proposed stormwater facilities, inclusive of the rainwater management components, prior to approval for occupancy of the associated development.
<b>NRDG 8.</b>	Pursuant to the City of Wilsonville’s Public Works Standards, access shall be provided to all areas of the proposed water quality treatment facilities. At a minimum, at least one access shall be provided for maintenance and inspection.
<b>Other:</b>	
<b>NRDG 9.</b>	The applicant shall comply with all applicable state and federal requirements for the proposed construction activities and proposed facilities (e.g. DEQ NPDES #1200–C permit).

**REQUEST H: SI14-0003 SRIR REVIEW**

<b>Significant Resource Overlay Zone:</b>	
<b>NRH 1.</b>	All landscaping, including herbicides used to eradicate invasive plant species and existing vegetation, in the SROZ shall be reviewed and approved by the Natural Resources Program Manager. Native plants are required for landscaping in the SROZ.
<b>NRH 2.</b>	Prior to any site grading or ground disturbance, the applicant is required to delineate the boundary of the SROZ. Six-foot (6’) tall cyclone fences with metal posts pounded into the ground at 6’-8’ centers shall be used to protect the significant natural resource area where development encroaches into the 25-foot Impact Area. <ul style="list-style-type: none"> <li>Protective fences shall be maintained in a full upright position.</li> </ul>
<b>NRH 3.</b>	Pursuant to Section 4.139.04, the applicant shall demonstrate proposed exempt development (i.e., soft surface pedestrian trail and nature trail activity area) within the 25-foot Impact Area and the Significant Resource Overlay Zone has been designed to avoid, minimize and mitigate impact to the significant natural resources.
<b>NRH 4.</b>	Mitigation actions shall be implemented prior to or at the same time as the impact activity is conducted.
<b>NRH 5.</b>	Pursuant to Section 4.139.03 (.05) of the Wilsonville Code, the applicant is required to use habitat-friendly development practices (Table NR-2) to the extent practicable for any encroachment into the Significant Resource Overlay Zone and the 25-foot Impact Area.
<b>NRH 6.</b>	The Significant Resource Overlay Zone (SROZ) and mitigation area depicted on the SRIR mapping for the site shall be identified in a conservation easement. The applicant shall record the conservation easement with Clackamas Court Clerk’s office. The conservation easement shall include language prohibiting any disturbance of natural vegetation without first obtaining approval from the City Planning Division and the Natural Resources Program Manager. The conservation easement shall be reviewed by the City Attorney prior to recording.

**Building Division Conditions:**

**ALL REQUESTS**

None
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**Tualatin Valley Fire & Rescue Conditions:**

**ALL REQUESTS**

None
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**MASTER EXHIBIT LIST:**

The following exhibits are hereby entered into the public record by the Development Review Board as confirmation of its consideration of the application as submitted. This is the exhibit list that includes exhibits for Planning Case Files DB14-0009 through DB14-0016.

- A1.** Staff report and findings (this document)
- A2.** Slides and notes for Staff’s Public Hearing Presentation (*available at Public Hearing*)
- B1.** Applicant’s Notebook for SAP Amendment and SRIR Review: *Under separate cover*
  - Section I: General Information
    - IA) Introductory Narrative
    - IB) Form/Ownership Documentation
    - IC) Copy of Certification of Assessment & Liens
    - ID) Fee Calculation
    - IE) Mailing List *This information has been revised*
  - Section II: SAP Amendment
    - IIA) Supporting Compliance Report
    - IIB) Reduced Drawings
    - IIC) Utility & Drainage Report
    - IID) Traffic Analysis
    - IIE) Historic/Cultural Resource Inventory
    - IIF) Significant Resource Impact Report Addendum
    - IIG) Tree Report
    - IIH) Architectural Pattern Book for SAP North-No Changes
    - III) Community Elements Book for SPA North-No Changes
    - IIJ) Master Signage and Wayfinding Plan for SAP North-No Changes
    - IIK) Rainwater Management Book for SAP North-No Changes
    - IIIL) Compliance with SAP North Conditions of Approval
- B2.** Applicant’s SAP Large Format Plans (Smaller 11x17 plans included in Sections IIB of the applicant’s notebook Exhibit B1.) *Under separate cover.*
  - Sheet 1 Cover Sheet
  - Sheet 2 Phasing Plan
  - Sheet 3 Existing Conditions
  - Sheet 4 Aerial Photograph
  - Sheet 5 Land Use Key
  - Sheet 6 Land Use Plan
  - Sheet 7 Circulation Plan
  - Sheet 8 Street Sections
  - Sheet 9 Park/Open Space/Pathways Plan
  - Sheet 10 SROZ Plan



Sheet 11 Street Tree Plan  
Sheet 12 Tree Preservation Plan  
Sheet 13 Grading Plan  
Sheet 14 Utility Plan

- B3.** Applicant's Notebook for PDP/Tentative Plat/Zone Change/Tree Removal Plan/Final Development Plan: *Under separate cover*
- Section I: General Information
- IA) Introductory Narrative
  - IB) Form/Ownership Documentation
  - IC) Fee Calculation
  - ID) Mailing List *This information has been revised*
- Section II: Annexation
- IIA) Supporting Compliance Report
  - IIB) Copy of Petition & Ownership/Elector Info
  - IIC) Legal Description & Sketch
- Section III: Preliminary Development Plan
- IIIA) Supporting Compliance Report
  - IIIB) Reduced Drawings
  - IIIC) Utility & Drainage Reports
  - IIID) Traffic Analysis
  - IIIE) Tree Report
  - IIIF) Conceptual House Elevations
  - IIIG) SRIR Addendum & Wetland Delineation Report
- Section IV: Tentative Subdivision Plat
- IVA) Supporting Compliance Report
  - IVB) Tentative Plat *Revised: See Exhibit B6*
  - IVC) Draft CC&R's
  - IVD) Copy of Certification of Assessments and Liens
  - IVE) Subdivision Name Approval
- Section V: Zone Change
- VA) Supporting Compliance Report
  - VB) Zone Change Map
  - VC) Legal Description & Sketch
- Section VI: Tree Removal Plan
- VIA) Supporting Compliance Report
  - VIB) Tree Report
  - VIC) Tree Preservation Plan
- Section VII: Final Development Plan
- VIIA) Supporting Compliance Report
  - VIIIB) Reduced Plans
  - VIIIC) Sample Elevations of Mailbox Kiosks
- B4.** Applicant's Large Format Plans PDP/Tentative Plat/Tree Plan (Smaller 11x17 plans included in Sections IIIB and IVB of the applicant's notebook Exhibit B3.) *Under separate cover.*

Sheet 1 Cover Sheet  
 Sheet 2 Existing Conditions  
 Sheet 3 Aerial Photograph  
 Sheet 4 Preliminary Plat *Revised. See Exhibit B6.*  
 Sheet 5 Grading Plan  
 Sheet 6 Composite Utility Plan  
 Sheet 7 Circulation Plan  
 Sheet 8 Site/Land Use Plan  
 Sheet 9 Typical Lot Pattern  
 Sheet 10 Tree Preservation Plan  
 Sheet 11 Street Tree/Lighting Plan *Revised. See Exhibit B6*  
 Sheet 12 SROZ Plan

- B5.** Large Format Plans for Final Development Plan (Smaller 11x17 plans included in Section VIIB of the applicant's notebook, Exhibit B1.) *Under separate cover.*
  - Sheet 1 Cover Sheet
  - Sheet L1.0 Landscape Plan
  - Sheet L2.0 Landscape Plan
  - Sheet L3.0 Landscape Plan
  - Sheet L4.0 Landscape Plan
  - Sheet L5.0 Landscape Details & Specifications
- B6.** Revised Sheets Submitted April 29, 2014
  - Sheet 4 from Exhibit B4/Section IVB) of Exhibit B3 Preliminary/Tentative Plat
  - Sheet 11 from Exhibit B4 Street Tree Plan
- B7.** Email correspondence regarding SHPO (State Historic Preservation Office) findings on Foundation and Well found on site
- C1.** Comments and Conditions from Engineering Division
- C2.** Comments, Findings, and Conditions from Natural Resources
- C3.** Comments and Conditions from TVF&R
- C4.** Comments from Public Works
- C5.** Comments from NW Natural
- C6.** Email from Steve Adams concerning changes to Engineering Conditions of Approval and Tax Lot 31W15 01591
- D1.** Email from Tanya Stricker dated April 25, 2014

**FINDINGS OF FACT:**

1. The statutory 120-day time limit applies to this application. The application was received on January 31, 2014. On February 28, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on March 31, 2014, the Applicant submitted new materials. On April 22, 2014 the application was deemed complete. The City must render a final decision for the request, including any appeals, by August 20, 2014

2. Surrounding land uses are as follows:

<b>Compass Direction</b>	<b>Zone:</b>	<b>Existing Use:</b>
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas Coun RRFF5	Vacant
South:	V	Open Space
West:	Clackamas County RRFF5	Grahams Ferry Road/ Rural Residential

3. Prior land use actions include:

Legislative:

- 02PC06 - Villebois Village Concept Plan
- 02PC07A - Villebois Comprehensive Plan Text
- 02PC07C - Villebois Comprehensive Plan Map
- 02PC07B - Villebois Village Master Plan
- 02PC08 - Village Zone Text
- 04PC02 – Adopted Villebois Village Master Plan
- LP-2005-02-00006 – Revised Villebois Village Master Plan
- LP-2005-12-00012 – Revised Villebois Village Master Plan (Parks and Recreation)
- LP10-0001 – Amendment to Villebois Village Master Plan (School Relocation from SAP North to SAP East)
- LP13-0005 – Amendment to Villebois Village Master Plan (Future Study Area)

Quasi Judicial:

- DB07-0054 et seq – SAP-North
- DB07-0087 et seq – PDP-1N, Arbor at Villebois
- DB11-0024 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
- DB12-0066 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
- DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW

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.

## CONCLUSIONARY 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.

<b>GENERAL INFORMATION</b>
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### *Section 4.008 Application Procedures-In General*

**Review Criteria:** This section lists general application procedures applicable to a number of types of land use applications and also lists unique features of Wilsonville's development review process.

**Finding:** These criteria are met.

**Explanation of Finding:** The application is being processed in accordance with the applicable general procedures of this Section.

### *Section 4.009 Who May Initiate Application*

**Review Criterion:** "Except for a Specific Area Plan (SAP), applications involving specific sites may be filed only by the owner of the subject property, by a unit of government that is in the process of acquiring the property, or by an agent who has been authorized by the owner, in writing, to apply."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The applications have been submitted on behalf of contract purchaser Polygon Homes, and is signed by the property owners, Wayne Rembold of Villebois LLC (TL's 1200 and 1205) and both Charles and Carolyn Taber (TL 1202).

### *Subsection 4.010 (.02) Pre-Application Conference*

**Review Criteria:** This section lists the pre-application process

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A pre-application conference was held on November 21, 2013 in accordance with this subsection.

### *Subsection 4.011 (.02) B. Lien Payment before Application Approval*

**Review Criterion:** "City Council Resolution No. 796 precludes the approval of any development application without the prior payment of all applicable City liens for the subject property. Applicants shall be encouraged to contact the City Finance Department to verify that there are no outstanding liens. If the Planning Director is advised of outstanding liens while an application is under consideration, the Director shall advise the applicant that payments must be made current or the existence of liens will necessitate denial of the application."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No applicable liens exist for the subject property. The application can thus move forward.

### *Subsection 4.035 (.04) A. General Site Development Permit Submission Requirements*

**Review Criteria:** "An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code." Listed 1. through 6. j.

**Finding:** These criteria are satisfied.

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

***Section 4.110 Zoning-Generally***

**Review Criteria:** “The use of any building or premises or the construction of any development shall be in conformity with the regulations set forth in this Code for each Zoning District in which it is located, except as provided in Sections 4.189 through 4.192.” “The General Regulations listed in Sections 4.150 through 4.199 shall apply to all zones unless the text indicates otherwise.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This proposed development is in conformity with the Village zoning district and general development regulations listed in Sections 4.150 through 4.199 have been applied in accordance with this Section.

**REQUEST A: DB14-0009ANNEXATION**

The applicant’s findings in Section IIA of their PDP notebook, Exhibit B3, respond to the majority of the applicable criteria.

**Comprehensive Plan**

***Annexation and Boundary Changes***

***Implementation Measure 2.2.1.a.***

A1. **Review Criteria:** “Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As further explained by the applicant on page 2 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3) the required consistency is fulfilled by being consistent with the Villebois Village Master Plan.

***Implementation Measure 2.2.1.e.***

A2. **Review Criteria:** “Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:” Listed 1 through 5.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As further explained by the applicant on page 3 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3) the requirements are fulfilled by being consistent with the Villebois Village Master Plan or by compliance with state and regional policies as found elsewhere the findings supporting this request.

***Compact Urban Development Implementation Measures***

***Implementation Measure 4.1.6.a. and c.***

A3. **Review Criteria:** “Development in the “Residential-Village” Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the “Village” Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable.”

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The subject site is included in the “Residential-Village” Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the “Village” Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to the site has been included

with a concurrent Preliminary Development Plan application for Phase 3 of SAP North. The site must be brought into City limits before the V zone can be applied.

### **Development Code**

#### ***Subsections 4.030 (.01) A, 11, 4.031 (.01) K, and 4.033 (.01) F. Authority to Review Annexation***

- A4. **Review Criteria:** These subsections prescribe the authority of the Planning Director to determine whether an annexation request is legislative or quasi-judicial, the DRB does the initial review of quasi-judicial annexation, and the City Council takes final local action of quasi-judicial annexation.  
**Finding:** These criteria are satisfied.  
**Explanation of Finding:** The subject annexation request has been determined to be quasi-judicial and is being reviewed by the DRB and City Council consistent with these subsections.

#### ***Section 4.700 Annexation***

- A5. **Review Criteria:** This section defines the criteria and process for annexation review within the City. The full text of the criteria is on pages 5-6 of the applicant's narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3).  
**Finding:** These criteria are satisfied.  
**Explanation of Finding:** As further explained by the applicant on page 6 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3) the request is within the UGB, contiguous with current City boundaries, and is in compliance with state, regional, and local policies as found elsewhere the findings supporting this request.

### **Metro Code**

#### ***Chapter 3.09 Local Government Boundary Changes***

- A6. **Review Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region. The full text of the criteria is on pages 7-10 of the applicant's narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3).  
**Finding:** These criteria are satisfied.  
**Explanation of Finding:** As further explained by the applicant on pages 7-10 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3) the request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, is consistent with the Comprehensive Plan, Villebois Village Concept Plan, and Villebois Village Master Plan.

## Oregon Revised Statutes

### ***ORS 222.111 Authority and Procedure for Annexation***

A7. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 10-11 of the applicant's narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3).

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As further explained by the applicant on pages 10-11 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3) the applicable requirements in state statute are met including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and 100% of electors within the annexed area have provided their consent in writing.

### ***ORS 222.120 Procedure Without Election by City Electors***

A8. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 11-12 of the applicant's narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3).

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As further explained by the applicant on pages 13 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3) there is no City charter requirement for election for annexation, a public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the facts that all property owners and 100% of electors within the annexed area have provided their consent in writing.

### ***ORS 222.125 Annexation by Consent of All Owners of Land and Majority of Electors***

A9. **Review Criteria:** "The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 (Procedure without election by city electors) when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All property owners and 100% of electors within the annexed area have provided their consent in writing. However, a public hearing process is being followed 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**

***Goals 1, 2, 5, 6, 8, 9, 10, 11, 12, 13***

A10. **Review Criteria:** The goals include: citizen involvement, land use planning, natural resources and open spaces, air water and land resource quality, recreational needs, economic development, housing, public facilities and services, transportation, and energy conservation.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The area requested to be annexed will be developed consistent with the City's Comprehensive Plan and the Villebois Village Master Plan, both which have been found to meet the statewide planning goals. The applicant has provided additional findings related to statewide planning goals on pages 13-14 of their narrative and supporting compliance report for their petition for annexation (Section IIA of Exhibit B3).

**REQUEST B: DB14-0010 ZONE MAP AMENDMENT**

The applicant's findings in Section IVA of their PDP notebook, Exhibit B3, respond to the majority of the applicable criteria.

**Comprehensive Plan**

***Compact Urban Development-Implementation Measures***

***Implementation Measure 4.1.6.a***

- B1. **Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Development in this area is being guided by all the listed plans and codes.

***Implementation Measure 4.1.6.b.***

- B2. **Review Criteria:** This implementation measure identifies the elements the Villebois Village Master Plan must contain.

**Finding:** These criteria are not applicable

**Explanation of Finding:** The concurrent proposal for a preliminary development plan implements the procedures as outlined by the Villebois Village Master Plan, as previously approved.

***Implementation Measure 4.1.6.c.***

- B3. **Review Criterion:** "The "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The Village Zone zoning district is being applied to an area designated as Residential-Village in the Comprehensive Plan.

***Implementation Measure 4.1.6.d.***

- B4. **Review Criterion:** "The "Village" Zone District shall allow a wide range of uses that befit and support an "urban village," including conversion of existing structures in the core area to provide flexibility for changing needs of service, institutional, governmental and employment uses."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The area covered by the proposed zone change is proposed for residential uses, and parks and open space as shown in the Villebois Village Master Plan.

## *Planning and Land Development Ordinance*

### *Section 4.029 Zoning to be Consistent with Comprehensive Plan*

- B5. **Review Criterion:** “If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The applicant is applying for a zone change concurrently with a Preliminary Development Plan, which is equivalent to a Stage II Final Plan for a planned development.

### *Subsection 4.110 (.01) Base Zones*

- B6. **Review Criterion:** This subsection identifies the base zones established for the City, including the Village Zone.

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The requested zoning designation of Village “V” is among the base zones identified in this subsection.

### *Subsection 4.125 (.01) Village Zone Purpose*

- B7. **Review Criteria:** “The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The subject lands are designated Residential-Village on the Comprehensive Plan map and are within the Villebois Village Master Plan area and the zoning designation thus being applied is the Village “V”.

### *Subsection 4.125 (.02) Village Zone Permitted Uses*

- B8. **Review Criteria:** This subsection lists the uses permitted in the Village Zone.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed residential and park and open space uses are consistent with the Village Zone designation and Villebois Village Master Plan.

### *Subsection 4.125 (.18) B. 2. Zone Change Concurrent with PDP Approval*

- B9. **Review Criterion:** “... Application for a zone change shall be made concurrently with an application for PDP approval...”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** A zone map amendment is being requested concurrently with a request for PDP approval. See Request D.

***Subsection 4.197 (.02) Zone Change Review***

***Subsection 4.197 (.02) A. Zone Change Procedures***

B10. **Review Criteria:** “That the application before the Commission or Board was submitted in accordance with the procedures set forth in Section 4.008, Section 4.125(.18)(B)(2), or, in the case of a Planned Development, Section 4.140;”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The request for a zone map amendment has been submitted as set forth in the applicable code sections.

***Subsection 4.197 (.02) B. Zone Change: Conformance with Comprehensive Plan Map, etc.***

B11. **Review Criteria:** “That the proposed amendment is consistent with the Comprehensive Plan map designation and substantially complies with the applicable goals, policies and objectives, set forth in the Comprehensive Plan text;”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings B1 through B4 comply with applicable Comprehensive Plan text.

***Subsection 4.197 (.02) C. Zone Change: Specific Findings Regarding Residential Designated Lands***

B12. **Review Criteria:** “In the event that the subject property, or any portion thereof, is designated as “Residential” on the City’s Comprehensive Plan Map; specific findings shall be made addressing substantial compliance with Implementation Measure 4.1.4.b, d, e, q, and x of Wilsonville’s Comprehensive Plan text;”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Implementation Measure 4.1.6.c. states the “Village” Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation. Since the Village Zone must be applied to areas designated “Residential Village” on the Comprehensive Plan Map and is the only zone that may be applied to these areas, its application is consistent with the Comprehensive Plan.

***Subsection 4.197 (.02) D. Zone Change: Public Facility Concurrency***

B13. **Review Criteria:** “That the existing primary public facilities, i.e., roads and sidewalks, water, sewer and storm sewer are available and are of adequate size to serve the proposed development; or, that adequate facilities can be provided in conjunction with project development. The Planning Commission and Development Review Board shall utilize any and all means to insure that all primary facilities are available and are adequately sized.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be provided in conjunction with the project. Section IIC of the applicant’s notebook, Exhibit B3, includes supporting utility and drainage reports. In addition, the applicant has provided

a Traffic Impact Analysis, which is in Section IIID of the applicant's notebook, Exhibit B3.

***Subsection 4.197 (.02) E. Zone Change: Impact on SROZ Areas***

B14. **Review Criteria:** "That the proposed development does not have a significant adverse effect upon Significant Resource Overlay Zone areas, an identified natural hazard, or an identified geologic hazard. When Significant Resource Overlay Zone areas or natural hazard, and/ or geologic hazard are located on or about the proposed development, the Planning Commission or Development Review Board shall use appropriate measures to mitigate and significantly reduce conflicts between the development and identified hazard or Significant Resource Overlay Zone;"

**Finding:** These criteria are satisfied.

**Explanation of Finding:** There is a small amount of SROZ on the southern edge of the property being rezoned. Request H is a Significant Resource Impact Report, which has found no significant adverse effect on the SROZ area.

***Subsection 4.197 (.02) F. Zone Change: Development within 2 Years***

B15. **Review Criterion:** "That the applicant is committed to a development schedule demonstrating that the development of the property is reasonably expected to commence within two (2) years of the initial approval of the zone change."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Related land use approvals for PDP 3 North expire after 2 years, so requesting the land use approvals assumes development would commence within two (2) years. However, in the scenario where the applicant or their successors due not commence development within two (2) years allowing related land use approvals to expire, the zone change shall remain in effect.

***Subsection 4.197 (.02) G. Zone Change: Development Standards and Conditions of Approval***

B16. **Review Criteria:** "That the proposed development and use(s) can be developed in compliance with the applicable development standards or appropriate conditions are attached to insure that the project development substantially conforms to the applicable development standards."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

## REQUEST C: DB14-0013 SAP-NORTH AMENDMENT

The applicant's findings in Section IIA of their notebook, Exhibit B1, respond to the majority of the applicable criteria.

### Wilsonville Comprehensive Plan

#### *Implementation Measure 4.1.6.a. Development in the "Residential-Village" Map Area*

- C1. **Review Criteria:** "Development in the "Residential-Village" Map area shall be directed by the Villebois Village Concept Plan (depicting the general character of proposed land uses, transportation, natural resources, public facilities, and infrastructure strategies), and subject to relevant Policies and Implementation Measures in the Comprehensive Plan; and implemented in accordance with the Villebois Village Master Plan, the "Village" Zone District, and any other provisions of the Wilsonville Planning and Land Development Ordinance that may be applicable."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As found in this report, development is being proposed consistent with the Villebois Village Master Plan and the "Village" Zone District. See Findings C3 through C69.

#### *Implementation Measure 4.1.6.c. Application of the "Village" Zone District*

- C2. **Review Criteria:** "The "Village" Zone District shall be applied in all areas that carry the Residential-Village Plan Map Designation."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The "Village" Zone is proposed to be applied. See Request B.

### Villebois Village Master Plan

#### General- Land Use Plan

**Goal:** *Villebois Village shall be a complete community that integrates land use, transportation, and natural resource elements to foster a unique sense of place and cohesiveness.*

#### *General-Land Use Plan Policy 1 Range of Choices*

- C3. **Review Criteria:** "The Villebois Village shall be a complete community with a wide range of living choices, transportation choices, and working and shopping choices. Housing shall be provided in a mix of types and densities resulting in a minimum of 2,300 dwelling units within the Villebois Village Master Plan area."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed SAP amendment continues the provision of a mix of types and densities resulting in a minimum of 2,300 dwelling units within the Villebois area. The proposed SAP amendment also facilitates mode choice in transportation with facilities for bicycles and pedestrians in addition to vehicles. Commercial areas continue to be concentrated around the Village Center.

### ***General-Land Use Plan Policy 2 Compliance with Figure 1 – Land Use Plan***

- C4. **Review Criteria:** “Future development applications within the Villebois Village area shall provide land uses and other major components of the Plan such as roadways and parks and open space in general compliance with their configuration as illustrated on *Figure 1 – Land Use Plan* or as refined by Specific Area Plans.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed SAP Amendment further defines the residential uses in the subject area and other components are in the general configuration shown in the Master Plan. As can be seen on Sheet 6 *Land Use Plan* of the applicant’s submitted plan set, Exhibit B2, the residential uses include large, standard, medium, and small detached single-family. They are arranged as a similar pattern as other areas in Villebois with large lots on the edges with a mix of lot sizes on the interior of the site. See Findings C119 through C124 regarding Master Plan land use mix and density refinements as part of the SAP Amendment request.

### ***General-Land Use Plan Policy 3 Civic, Recreational, Educational, and Open Space Opportunities***

- C5. **Review Criteria:** “The Villebois Village shall provide civic, recreational, educational and open space opportunities.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed SAP Amendment shows recreational opportunities shown in the Master Plan for the subject area.

### ***General-Land Use Plan Policy 4 Full Public Services***

- C6. **Review Criteria:** “The Villebois Village shall have full public services including: transportation; rainwater management; water; sanitary sewer; fire and police services; recreation, parks and open spaces; education; and transit.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All the listed public services are proposed to be provided consistent with the Master Plan.

### ***General-Land Use Plan Policy 5 Development Guided by Finance Plan and CIP***

- C7. **Review Criteria:** “Development of Villebois shall be guided by a Finance Plan and the City’s Capital Improvement Plan, ensuring that the availability of services and development occur in accordance with the City’s concurrency requirements (see Implementation Measure 4, below).”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All city requirements for concurrency and Development Agreements remain in effect and will be applied, including concurrency requirements with the PDP approval. See Request D.

### ***General-Land Use Plan Implementation Measure 1 Unique Planning and Regulatory Tools***

- C8. **Review Criteria:** “Allow for unique planning and regulatory tools that are needed to realize the *Villebois Village Master Plan*. These tools shall include, but are not limited to: Specific Area Plans; Pattern Books; and Community Elements Books.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All the listed tools previously approved for SAP North are being utilized for the subject area.

### ***General-Land Use Plan Implementation Measure 3 Master Plan Refinements***

- C9. **Review Criteria:** “Refinements to the *Villebois Village Master Plan* are anticipated as more detailed plans are developed for the Specific Area Plans. Specific Area Plans may propose refinements to the *Villebois Village Master Plan* without requiring an amendment to the *Villebois Village Master Plan* provided the refinement is not significant. Non-significant refinements shall be defined in the Village (“V”) Zone text and may include, but are not limited to: minor alterations to street alignments or minor changes in area or uses. Disagreement about whether a refinement is significant shall be resolved by a process provided in the Village (“V”) Zone text.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Refinements are proposed consistent with this allowance.

### ***General-Land Use Plan Implementation Measure 4 Coordinating Finance Plan and Development Agreements***

- C10. **Review Criteria:** “The Master Planner shall coordinate with the City on the development of a Finance Plan for necessary urban services and public infrastructure. Each developer within Villebois Village will sign their own Development Agreement that will address the necessary urban services and public infrastructure as appropriate.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All city requirements for concurrency and Development Agreements remain in effect and will be applied, including concurrency requirements with the PDP approval. See Request D.

### ***Residential Neighborhood Housing***

**Goal:** *The Villebois Village shall provide neighborhoods consisting of a mix of homes for sale, apartments for rent, row homes, and single-family homes on a variety of lot sizes, as well as providing housing for individuals with special needs. The Villebois Village shall provide housing choices for people of a wide range of economic levels and stages of life through diversity in product type.*

### ***Residential Neighborhood Housing Policy 1 Variety of Housing Options***

- C11. **Review Criteria:** “Each of the Villebois Village’s neighborhoods shall include a wide variety of housing options and shall provide home ownership options ranging from affordable housing to estate lots.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed mix of housing for the subject area is provided consistent with the Villebois Village Master Plan and allowed refinements.

### ***Residential Neighborhood Housing Policy 2 Affordable Rental and Ownership Opportunities***

- C12. **Review Criteria:** “Affordable housing within Villebois shall include rental and home ownership opportunities.”



**Finding:** These criteria are satisfied.

**Explanation of Finding:** Affordable rental and home ownership opportunities at the level shown in the adopted Master Plan remain.

### ***Residential Neighborhood Housing Policy 3 Average Density Requirement***

C13. **Review Criteria:** “The mix of housing shall be such that the Village development provides an overall average density of at least 10 dwelling units per net residential acre.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed development helps maintain an overall average density in Villebois of more than 10 dwellings units per net residential acre with the type of residential development shown in Figure 1 of the Villebois Village Master Plan.

### ***Residential Neighborhood Housing Policy 4 Minimum Total Dwelling Units***

C14. **Review Criteria:** “The Villebois Village shall accommodate a total of at least 2,300 dwelling units within the boundary of the *Villebois Village Master Plan*.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This dwelling unit minimum for Villebois continues to be exceeded.

### ***Residential Neighborhood Housing Policy 5 Mix of Housing Types in Neighborhoods***

C15. **Review Criteria:** “The Villebois Village shall provide a mix of housing types within each neighborhood and on each street to the greatest extent practicable.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A variety of housing types are proposed in the subject area consistent with Figure 1 of the Villebois Village Master Plan and allowed refinements.

### ***Residential Neighborhood Housing Policy 6 Community Housing Requirements***

C16. **Review Criteria:** “The Villebois Village shall include community housing types consistent with Oregon Revised Statute 426.508(4), which requires that no more than 10 acres be retained from the sale of the former Dammasch State Hospital property for development of community housing for chronically mentally ill persons. The City of Wilsonville, the Oregon Department of Administrative Services, and the Mental Health and Developmental Disability Services Division shall jointly coordinate the identification of the acreage to be retained.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** None of the designated 10 acres are within the subject area.

### ***Residential Neighborhood Housing Policy 7 Governor’s Quality Development Objectives and Governor’s Livability Initiative***

C17. **Review Criteria:** “The development standards and Specific Area Plans required by the Village zone shall be consistent with the Governor’s Quality Development Objectives and the Governor’s Livability Initiative.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As further explained by the applicant on page 6 of their supporting compliance report for amendment to Specific Area Plan-North (Section IIA of

Exhibit B1) the Specific Area Plan is consistent with the objectives and initiative referenced in this subsection.

### ***Residential Neighborhood Housing Policy 8 Increasing Transportation Options***

C18. **Review Criteria:** “Each neighborhood shall be designed to increase transportation options. Neighborhoods shall be bike and pedestrian friendly.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed SAP amendment continues to show paths, bike facilities, block lengths, etc. consistent with the Master Plan to be pedestrian friendly and increase transportation options.

### ***Residential Neighborhood Housing Policy 10 Incorporating Natural Features***

C19. **Review Criteria:** “Natural features shall be incorporated into the design of each neighborhood to maximize their aesthetic character while minimizing impacts to said natural features.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Wetlands and forested areas are incorporated into the design of SAP North.

### ***Residential Neighborhood Housing Implementation Measure 1 Compact, Pedestrian Oriented Character***

C20. **Review Criteria:** “Ensure, through the development standards and Pattern Book(s) required by the Village zone, that the design and scale of dwellings are compatible with the compact, pedestrian-oriented character of the concepts contained in the *Villebois Village Concept Plan* and the contents of this *Villebois Village Master Plan*.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Development standards and a Pattern Book for SAP North have been adopted to ensure the required design and scale of dwellings.

### ***Residential Neighborhood Housing Implementation Measure 2 Pattern Books***

C21. **Review Criteria:** “Create a set of design guidelines for the development of Pattern Books with the Village zone requirements. Pattern Books shall address, at a minimum, architectural styles and elements, scale and proportions, and land use patterns with lot diagrams.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Architectural Pattern Book for the entirety of SAP North has previously been approved.

### **Chapter 3 Parks & Open Space/Off-Street Trails & Pathways**

***Goal The Parks system within Villebois Village shall create a range of experiences for its residents and visitors through an interconnected network of pathways, parks, trails, open space and other public spaces that protect and enhance the site’s natural resources and connect Villebois to the larger regional park/open space system.***

### *Parks and Open Spaces Policy 1 Incorporating Existing Trees, Planting Shade Trees*

- C22. **Review Criteria:** “Parks and open space areas shall incorporate existing trees where feasible and large shade trees shall be planted in appropriate locations in parks and open spaces.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Existing trees have been inventoried for Phase 3 North, are being incorporated where feasible, and planted where appropriate. See Request F, Type C Tree Plan, and Request G, Final Development Plan for Parks and Open Space.

### *Parks and Open Spaces Policy 2 Interconnected Trail System*

- C23. **Review Criteria:** “An interconnected trail system shall be created linking the park and open spaces and key destination points within Villebois and to the surrounding neighborhoods. The trails system shall also provide loops of varying length to accommodate various activities such as walking, running and rollerblading.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A trail system continues to be provided consistent with the Villebois Village Master Plan.

### *Parks and Open Spaces Policy 3 Variety of Facilities and Activities*

- C24. **Review Criteria:** “Parks shall encourage the juxtaposition of various age-oriented facilities and activities, while maintaining adequate areas of calm.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** SAP North provides a variety of age-oriented facilities, ranging from child play structures to more active, hard surface sport courts. Opportunities for quiet reflection and passive interaction are provided within the forested area of OS-2. SAP North provides numerous other age-oriented facilities, passive and active activities, and areas of calm, as depicted on the Parks/Open Space/Pathways Plan, Sheet 9 of Exhibit B2. This SAP Amendment adds both active and passive recreational opportunities within Phase 3. The pocket park in the northwest site corner will provide a child play structure, pedestrian/bicycle connection to the intersection of Grahams Ferry Road and Tooze Road, and a lawn area. Preservation of the treed wetland in the southwest site corner and the adjacent pedestrian connection will provide an opportunity for quiet reflection and passive recreational use. Therefore, the planned park and open space areas provide activities for a range of ages and activity levels.

### *Parks and Open Spaces Policy 4 Wildlife Habitat*

- C25. **Review Criteria:** “Park designs shall encourage opportunities for wildlife habitat, such as plantings for wildlife foraging and/or habitat, bird and/or bat boxes and other like elements.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** SAP North encourages opportunities for wildlife habitat by minimizing impacts to natural resources and incorporating forested and wetland areas into the site design. Nature trails, benches, and nature trail activity areas within OS-2 will be established in ways that preserve opportunities for wildlife habitat. Additionally, with the proposed amendment, the existing treed wetland in the southwestern site corner of Phase 3

is retained in an open space tract. Landscaping and a bioretention cell are planned within this open space area to minimize wetland impacts.

### ***Parks and Open Spaces Policy 5 Power of Ten***

C26. **Review Criteria:** “Gathering spaces in parks shall generate social interaction by adding layers of activity (Power of Ten).”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** SAP North includes a range of passive and active activities and facilities within gathering spaces of parks and open spaces, as depicted on the Parks/Open Space/Pathways Plan, Sheet 9 of Exhibit B2.

Improvements within Open Space 2 (OS-2) will occur in conjunction with PDP 3N. Note that previous development agreements identified the OS-2 improvements as an obligation of the subject property (PDP 3N). Improvements provided with PDP 3N include a creative child play area on the north side of OS-2, which includes nature play features. The creative child play area is located along a nature trail that is part of a larger nature trail system within OS-2. This nature trail system connects to residential areas along the north, south, and east sides of OS-2, to Regional Park 4 to the east, and to the Tonquin trail that continues to the south and northeast of OS-2.

Additionally, Phase 3 of SAP North includes a pocket park in the northwestern site corner, which provides an active child play structure, lawn area for active or passive use, and a minor pathway for pedestrians and bicycles. Fencing of a more transparent style will be provided along Grahams Ferry Road and Tooze Road in order to enhance the visibility of the park space and increase the perception of accessibility to and from the park with the intersection and residential neighborhood. Furthermore, a large shade tree within the pocket park will provide visual interest for the neighborhood and traveling public, a greater sense of green space, as well as protection from the sun. In addition, a sidewalk with combined pedestrian/bicycle access is provided along park frontage on Grahams Ferry Road and Tooze Road, which will encourage pedestrian and bicycle activity to and through the pocket park.

Finally, Phase 3 includes an open space tract in the southwestern site corner that preserves a treed wetland. A pedestrian/bicycle connection is provided from SW Oslo Street to SW Palermo Street adjacent to the wetland, allowing for passive recreational use of the open space. Furthermore, adjacent residential lots will front onto the open space area, which creates the potential for residents to congregate in front yards and encourages social space next to the path and wetland.

### ***Parks and Open Spaces Policy 6 Compliance with SROZ Regulations***

C27. **Review Criteria:** “Build-out of the Villebois Village Master Plan shall comply with the City of Wilsonville SROZ regulations. Any encroachment into the SROZ will be reviewed for compliance or exemption as more detailed information is provided that will affect the SROZ areas. Adjustments in plan, street alignments, and intersections as well as rainwater facilities and pathways shall be made to comply with SROZ regulations.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** SROZ regulations are being reviewed, see Request H.

***Parks and Open Spaces Policy 9 Parks Flexibility Over Time***

C28. **Review Criteria:** “Parks and recreation spaces shall provide for flexibility over time to allow for adaptation to the future community’s park, recreation and open space needs.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No park programming is such as to preclude future flexibility.

***Parks and Open Spaces Policy 11 Parking along Park Frontages***

C29. **Review Criteria:** “On-street parking will not be allowed along the frontages of parks and open spaces where views into and out of the park spaces should be protected. Parking will be allowed along parks and open spaces in circumstances where it is necessary for the function of the park and will not obstruct the views into and out of the park area.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** On-street parking along parks is not proposed, consistent with this Policy.

***Parks and Open Spaces Implementation Measure 1 Compliance with Parks Figures***

C30. **Review Criteria:** “Future and pending development applications within Villebois (Specific Area Plans, Preliminary Development Plans and Final Development Plans) shall comply with the park, trail, open space system proposed in Figure 5 – Parks and Open Space Plan, Figure 5A – Recreational Experiences Plan, and Table 1: Parks Programming. Refinements may be approved in accordance with Village Zone section 4.125(.18)(F).”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As shown on Sheet 9, Parks/Open Space/Pathways Plan, of the applicant’s SAP Plan Set, Exhibit B2, Parks in SAP North continue to be shown consistent with the Master Plan or as refined through subsequent applications.

***Parks and Open Spaces Implementation Measure 3 Native Vegetation, Landforms, and Hydrology***

C31. **Review Criteria:** “Parks and open spaces shall be designed to incorporate native vegetation, landforms and hydrology to the fullest extent possible.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As shown on the Park/Trail/Open Space Plan , Sheet 9 of Exhibit B2 parks and open space areas including the wetland in open space at the southwest corner of Phase 3 North.

***Parks and Open Spaces Implementation Measure 4 Community Elements Book***

C32. **Review Criteria:** “Each Specific Area Plan shall include a Community Elements Book that (1) meets the requirements of Master Plan Chapter 3; (2) specifies the value system and methodology for tree preservation, protection and tree planting; and (3) provides a proposed plant list. The Community Elements Book also includes specifications for site furnishings and play structures. Proposed parks shall closely comply with the specifications of the applicable Community Elements Book.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A Community Elements Book has previously been adopted for the entirety of SAP North.

***Parks and Open Spaces Implementation Measure 5 Artwork is Encouraged***

C33. **Review Criteria:** “Artwork is encouraged to be incorporated into parks.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Space has been reserved for placement of artwork in parks closer to the Village Center and within neighborhood and community gathering spaces. While no park artwork is currently proposed in SAP North the design of parks would allow appropriate artwork if desired in the future.

***Parks and Open Spaces Implementation Measure 7 Year Round Recreation***

C34. **Review Criteria:** “The ability to recreate year round shall be preserved through measures such as: the provision of some hard surfaces that function in the wet season; areas shaded from the sun; areas protected from the rain; safely lit areas and indoor recreation opportunities.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Specific Area Plan North includes a variety of year-round recreation and open space opportunities, including multi-use trails, hard surface sports areas, and play and park structures. The Park/Open Space/Pathways Plan, Sheet 9 of Exhibit B2, illustrates how Phase 3 will contribute additional parks and open space areas that contribute to the ability to recreate year round. Through the preservation of existing trees within parks and open space areas, shade from the sun and rain is provided adjacent to the retained wetland and within OS-2.

***Parks and Open Spaces Implementation Measure 9 Tree Retention***

C35. **Review Criteria:** “The design of Villebois shall retain the maximum number of existing trees practicable that are six inches or more DBH in the “Important” and “Good” tree rating categories, which are defined in the Community Elements Books. Trees rated “Moderate” shall be evaluated on an individual basis as regards retention. Native species of trees and trees with historical importance shall be given special consideration for retention.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Tree retention is being reviewed in concert with other design alternatives. See Request F for additional review of tree retention and removal.

***Parks and Open Spaces Implementation Measure 10 Tree Preservation and Planting Plans***

C36. **Review Criteria:** “Each Specific Area Plan, Preliminary Development Plan and Final Development Plan shall include tree preservation plans and planting plans to indicate proposed tree planting within parks and along streets and descriptions of the size of trees when planted and upon maturity.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Tree Preservation and Planting Plans are being reviewed concurrently with PDP 3 North. See Request F. PDP’s for future phases of SAP North will similarly require concurrent review of Tree Preservation and Planting Plans

***Parks and Open Spaces Implementation Measure 11 Cultural and Historic Resources***

C37. **Review Criteria:** “Provide for review of cultural and historic resources on portions of Villebois that are to be annexed into the City of Wilsonville with the Specific Area Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A cultural resources inventory has been completed and is available in Exhibit B1, notebook, Section IIE. No resources have been identified for preservation. See also Finding C134 and Exhibit B7.

***Parks and Open Spaces Implementation Measure 13 SROZ Compliance***

C38. **Review Criteria:** “The Villebois Master Plan shall comply with the Significant Resource Overlay Zone (SROZ) regulations. Proposed encroachments into the SROZ for exempt or non-exempt development shall be reviewed for compliance with the requirements of Section 4.139 of the Wilsonville Code.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Request H reviews compliance with the SROZ regulations.

***Parks and Open Spaces Implementation Measure 14 Park Lighting***

C39. **Review Criteria:** “A conceptual plan for the lighting of park spaces throughout Villebois is provided on the plan included in Appendix H. Future development applications shall comply with the lighting system proposed in Appendix H. Refinements may be approved in accordance with Village Zone Section 4.125(.18)(F).”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The conceptual plan for lighting of park spaces addresses major parks and open spaces within SAP North, such as the Tonquin Trail and the Neighborhood Commons. Phase 3 does not include a Neighborhood Commons or the Tonquin Trail. Appendix H does not require lighting in SAP North Phase 3 open space or park areas.

***Parks and Open Spaces Implementation Measure 15 Variety of Child Play Areas***

C40. **Review Criteria:** “Each child play area shall include uses suitable for a range of age groups.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Park/Open Space/Pathways Plan, Sheet 9 of Exhibit B2, illustrates the child play areas approved with Phase 1 and Phase 2 and proposed for Phase 3. Phase 3 provides a pocket park, including a play structure and lawn area. Additionally, the child play area within OS-2 to be developed with Phase 3 is designed for both younger and older children.

***Parks and Open Spaces Implementation Measure 18 Completion of Parks and Home Occupancy***

C41. **Review Criteria:** “The park spaces included within each phase of development will be completed prior to occupancy of 50% of the housing units in that particular phase unless weather or other special circumstances prohibit completion, in which case bonding for the improvements shall be permitted.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A Condition of Approval PDD 3 under the Request D, Preliminary Development Plan, ensures compliance with this implementation measure.

***Parks and Open Spaces Implementation Measure 20 ADA Park Access***

C42. **Review Criteria:** “The adequacy, amount and location of the proposed parking (including ADA parking) necessary to serve the proposed park uses shall be evaluated in detail at the SAP and PDP level. Off-street parking may be required to serve the various park users.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The parks and open space areas and on-street parking within Phase 1 and Phase 2 have been approved. Parks and open spaces within Phase 3, including a pocket park and open space area, are anticipated to serve the immediate neighborhood and adjacent neighbors. The proposed park/open space uses within Phase 3 are not anticipated to require parking, as most users are anticipated to access these areas by walking or biking. Future Phases will be required to submit additional information regarding parks and open spaces and proposed parking through a SAP Amendment or Refinement.

***Sanitary Sewer Goal, Policy, and Implementation Measures***

C43. **Review Criteria:** “Goal: The Villebois Village shall include adequate sanitary sewer service.

Policy

1. The sanitary sewer system for Villebois Village shall meet the necessary requirements for the City of Wilsonville Wastewater Master Plan.

*Various project specific implementation measures*

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Utility Plan, Sheet 14 of Exhibit B2, shows the approved sanitary system within Phase 1 and Phase 2, and the proposed sanitary system within Phase 3. The sanitary system within Phase 3 of SAP North will comply with Policies 1 through 7 of the City of Wilsonville Wastewater Master Plan, as demonstrated by the Utility Plan and the attached Utility & Drainage Report, applicant’s notebook, Exhibit B1, Section IIC. No refinements to sanitary sewer are proposed.

***Water System Goal, Policy, and Implementation Measures***

C44. **Review Criteria:**

“Goal

The Villebois Village shall include adequate water service.

Policy

The water system for Villebois Village shall meet the necessary requirements of the City of Wilsonville Water System Master Plan.



### Implementation Measures

1. Implement the following list of Water System Master Plan policies and projects with development of Villebois Village:

- Policies: 1-7
- Projects:
  - 1) 18-inch main in Barber Street from Kinsman Road to Brown Road
  - 2) 48-inch main in Kinsman Road from Barber Street to Boeckman Road
  - 3) 24-inch main in Boeckman Road from Kinsman Road to Villebois Drive
  - 4) 18-inch main in Villebois Drive from Boeckman Road to Barber Street
  - 5) 18-inch main in Barber Street from Brown Road to Grahams Ferry Road
  - 6) 18-inch main in Grahams Ferry Road from Barber Street to Tooze Road.
  - 7) 12-inch main in Grahams Ferry Road from the Future Study Area to Barber Street
  - 8) 30-inch main in Tooze Road from Villebois Drive to Grahams Ferry Road
  - 9) 12-inch main in extension of Villebois Drive from Barber Street to the Future Study Area
  - 10) 12-inch main connections from Barber Street to Evergreen Road

2. Incorporate the construction of the above referenced projects into the Finance Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Utility Plan, Sheet 14 of Exhibit B2, shows the water system for SAP North, reflecting Phase 1 and Phase 2 approvals, and the proposed water system for Phase 3. The proposed water system will comply with Policies 1 through 7 of the Water System Master Plan. The 18-inch main in Grahams Ferry Road from Barber Street Road to Tooze Road has been constructed. Additionally, the City has already installed the 18-inch main from Barber Street from Brown Road to Grahams Ferry.

### *Storm Water Goal*

*The Villebois Village shall include adequate storm water systems to prevent unacceptable levels of flooding, protect receiving streams and water bodies from pollution and increased runoff rates due to development, and create a connection between people and the environment.*

### *Storm Water Policy 1 Meeting Stormwater Master Plan and Public Works Standards*

C45. **Review Criteria:** “The onsite storm water system for Villebois shall meet the necessary requirements of the City of Wilsonville Stormwater Master Plan and Public Works Standards.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Utility Plan, Sheet 14 of Exhibit B2, shows the stormwater system for SAP North, reflecting Phase 1 and Phase 2 approvals, and the proposed stormwater system for Phase 3. A supporting Utility and Drainage Report is included in Notebook (Exhibit B1) Section IIC, which demonstrates that the stormwater system will meet the necessary requirements of the City of Wilsonville Stormwater Master Plan and Public Works Standards.

***Storm Water Policy 2 and 3 Minimizing Development “Footprint” on Hydrological Cycle, Rainwater Management***

C46. **Review Criteria:** “Villebois Village shall strive to minimize the development “footprint” on the hydrological cycle through the combination of stormwater management and rainwater management.”

“Villebois Village shall integrate rainwater management systems into parks and open space areas.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Rainwater Management Systems are integrated into parks and open space areas as shown on the Park/Open Space/Pathways Plan, Sheet 9 of Exhibit B2. A copy of the approved Rainwater Management Program for SAP North is provided in Notebook (Exhibit B1) Section IIK. A minor refinement is proposed to on-site water quality/stormwater/rainwater facilities within Phase 3 along Grahams Ferry Road and Tooze Road. See Findings C113 through C118.

***Storm Water Implementation Measure 11 Stormwater Facility Maintenance***

C47. **Review Criteria:** “Pursuant to the City’s Stormwater Master Plan Policies 9.2.4 and 9.2.5, maintenance of stormwater conveyance facilities, including detention/retention facilities, will be planned as part of the Specific Area Plans for the Villebois Village.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Ownership and maintenance of stormwater conveyance facilities in SAP North Phase 3 and other future phases will be addressed through the future Ownership & Maintenance Agreement to be prepared with Final Plat Review.

***Circulation System Goal***

***The Villebois Village shall provide for a circulation system that is designed to reflect the principles of smart growth.***

***Circulation System Policy 1 Encourage Alternative Modes, Accommodate All Modes***

C48. **Review Criteria:** “The Villebois Village shall encourage alternatives to the automobile, while accommodating all travel modes, including passenger cars, trucks, buses, bicycles and pedestrians.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Transportation facilities including streets, sidewalks, and trails are proposed consistent with the Master Plan accommodating different travel modes.

***Circulation System Implementation Measure 5 Curb Extensions***

C49. **Review Criteria:** “Curb extensions may be utilized within the Villebois Village area under the following basic principles for their placement and design:

- A minimum of 20-foot face-of-curb to face-of-curb street width shall be provided at all Residential street intersections, even where curb extensions are located. In the Village Center (inside the Village Loop), the minimum curb-to-curb public street width should be 22 feet, in order to accommodate delivery and garbage truck movements.
- Fire trucks, buses, and single-unit trucks (i.e., garbage trucks) shall be able to negotiate from Collector/Arterial streets without crossing the Collector/Arterial street centerline. Fire trucks

shall be able to negotiate through Residential streets, although it is acceptable for them to cross the street centerline on Residential streets.

- Passenger car turning movements shall be able to stay within the street centerline on all streets.
- Bike lanes shall not be forced into vehicle travel lanes.

Placement of curb extensions shall be reviewed through the City's minor alteration process with Specific Area Plans."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Circulation Plan, Sheet 7 of Exhibit B2, includes the approved placement of curb extensions within Phase 1 and Phase 2 and the proposed placement of curb extensions within Phase 3. The placement of the curb extensions within Phase 3 is consistent with the Curb Extension Concept Plan in the SAP North Community Elements Book.

### ***Circulation System Implementation Measure 6 Alignment Compliant with SROZ***

C50. **Review Criteria:** "Street and pathway alignments shall be demonstrated to be in compliance with Significant Resource Overlay Zone (SROZ) regulations with Specific Area Plans."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** SROZ compliance is reviewed in Request H.

### ***Circulation System Implementation Measure 7 Connectivity Between Street Termination Points and Adjacent Trails/Pathways***

C51. **Review Criteria:** "Pedestrian and bicycle connectivity shall be provided between public and private street termination points and adjacent trails/pathways at the discretion of the City Engineer."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Circulation Plan and the Street Sections, Sheets 7 and 8 of Exhibit B2, illustrate the street system within SAP North, including shared roadways for bicyclists and sidewalks. The Park/Open Space/Pathways Plan, Sheet 9 of Exhibit B2, shows pedestrian/bicycle connections to adjacent streets or parks and open spaces throughout SAP North. Amendments to add specific information for Phase 3 continue this approach.

### **Statewide Planning Goals**

#### ***Goal 1 Citizen Involvement***

C52. **Review Criterion:** "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The adoption process for the proposed SAP amendment includes duly noticed public hearings before the Development Review Board. The current process was preceded by a Master Plan adoption and SAP North review processes found compliant with Goal 1.

## *Goal 2 Land Use Planning*

C53. **Review Criterion:** “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The City is currently in compliance with Goal 2 because it has an acknowledged Comprehensive Plan and regulations implementing the plan. The Villebois Village Master Plan was adopted consistent with the planning policies in the Comprehensive Plan. The Villebois Village Master Plan was found to be consistent with Goal 2 because it creates a more specific plan for a portion of the City that provides additional guidance for future regulations. The proposed SAP amendment does not alter these circumstances. No additional needed connections beyond what is proposed by the applicant in Phase 3 North have been identified.

## *Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces*

C54. **Review Criterion:** “To protect natural resources and conserve scenic and historic areas and open spaces.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The proposed SAP amendment complies with local and regional policies and requirements to implement this goal.

## *Goal 6 Air, Water and Land Resource Quality*

C55. **Review Criteria:** “To maintain and improve the quality of the air, water and land resources of the state.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Villebois Village Master Plan is consistent with the air, water and land resources policies of the Comprehensive Plan. The Villebois Village Master Plan protects water and land resources by providing protection for natural resource areas and limiting development to areas that have less impact on natural resources. The Master Plan does not propose any residential structures within the 100-year floodplain. The Plan also calls for measures to use environmentally sensitive techniques for storm drainage. The Plan provides for a mixed-use, compact, interconnected Village that will provide transportation benefits by reducing the need for lengthy vehicle trips and increase the opportunity for bicycle and pedestrian transportation. The proposed SAP amendment does not alter these conditions as it remains consistent with the Master Plan in this regard.

## *Goal 7 Areas Prone to Natural Disasters and Hazards*

C56. **Review Criteria:** “To protect life and property from natural disasters and hazards.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No areas prone to floods, erosion, landslides, wildfire, etc. have been identified in SAP North.

### ***Goal 8 Recreational Needs***

C57. **Review Criteria:** “To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Recreational amenities are shown throughout SAP North, including Phase 3. The amenities include a variety of play areas, trails, and gathering spots. In addition, connections are provided to the regional Ice Age Tonquin Trail.

### ***Goal 10 Housing***

C58. **Review Criteria:** “To provide for the housing needs of citizens of the state.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Villebois Village Master Plan complies with local and regional policies and requirements to implement this goal. The housing density and number goals for Villebois continue to be met with the number units and type of housing proposed for SAP North, including Phase 3.

### ***Goal 11 Public Facilities and Services***

C59. **Review Criteria:** “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Villebois Village Master Plan is consistent with the applicable provisions of the City’s various utility plans (see Chapter 4 – Utilities of the Master Plan). It proposes to coordinate future development with the provision of the public facility infrastructure in the area (Figure 6 – Conceptual Composite Utilities Plan). The proposed SAP amendment does not change the planned utilities as shown in the Master Plan.

### ***Goal 12 Transportation***

C60. **Review Criteria:** “To provide and encourage a safe, convenient and economic transportation system.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Villebois Village Master Plan provides plans (Figure 7 – Street Plan and Figure 8 – Proposed Arterial/Collectors Street System) for a transportation system that is integrated with the transportation system existing and proposed for the City and surrounding areas of Clackamas County. Street sections (Figures 9A and 9B – Street and Trail Sections) are designed to slow traffic, encourage walking and bicycling, and create a pleasant environment. The proposed SAP amendment remains consistent with the transportation components of the Villebois Village Master Plan, and thus this goal.

### ***Goal 13 Energy Conservation***

C61. **Review Criteria:** “Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Comprehensive Plan has been acknowledged to be consistent with Goal 13, and the Villebois Village Master Plan is consistent with Comprehensive Plan energy conservation policies. The Villebois Village Master Plan provides for a compact mixed-use development that will conserve energy by reducing the amount of and length of vehicle trips by making bicycle and pedestrian transportation viable alternatives for many trips. The proposed SAP amendment remains consistent with the Villebois Village Master Plan in this regard, and thus Goal 13.

### ***Goal 14 Urbanization***

C62. **Review Criteria:** “To provide for an orderly and efficient transition from rural to urban land use.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Villebois Village Master Plan is consistent with Comprehensive Plan urbanization policies and the Residential – Village Land Use designation. The proposed SAP amendment for SAP North continues to comply with and further the intent of Goal 14 by providing a coordinated plan for urbanization of the Master Plan area that coordinates development of the area with development of public facilities, including the transportation system, and protects natural resources. The SAP amendment continues to provide more detailed plans for the urbanization of an area already determined to be within the City’s urban growth boundary.

### ***Village Zone***

#### ***Subsection 4.125 (.01) Purpose***

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

#### ***Subsection 4.125 (.02) Permitted Uses in Village Zone***

C63. **Review Criteria:** This subsection lists the uses typically permitted in the Village Zone, including single-family detached dwellings, row houses, and non-commercial parks, playgrounds, and recreational facilities.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The uses proposed includes single-family homes, parks and playgrounds, and open space which are permitted in the Village Zone.

***Subsection 4.125 (.05) Development Standards Applying to All Development in the Village Zone***

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

***Subsection 4.125 (.05) A. 1-2 Block, Alley, Pedestrian and Bicycle Standards: Maximum Block Perimeter and Spacing Between Streets for Local Access***

C64. **Review Criteria:** “Maximums Block Perimeter: 1,800 feet, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent a block perimeter from meeting this standard.”

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Circulation patterns within Phase 1 and Phase 2, and within a portion of Future Phases, are shown on the SAP Drawings, Exhibit B2. Phase 1 has been constructed and Phase 2 is in construction. Additional information for Future Phases will be required through a SAP Amendment.

Circulation patterns within Phase 3 of SAP North are dictated by the 600-foot access spacing standard on SW Grahams Ferry Road, located along the western site boundary, and SW Tooze Road, located along the northern site boundary (City of Wilsonville Transportation System Plan requirement for a minor arterial). The presence of SROZ along the southern property line and development patterns within PDP 2N to the south also influence circulation patterns within SAP North Phase 3. Blocks within the proposed PDP plan meet the maximum 1,800-foot block perimeter, except as follows.

- The block bounded by SW Oslo Street, SW Belfast Lane, SW Barcelona Street, the eastern site boundary, Tooze Road, and SW Grahams Ferry Road can only be developed to the eastern property line. In addition, circulation within these streets along the western and north portions of the site is dictated by the 600 foot access spacing standard for minor arterials, which applies to both Grahams Ferry Road and Tooze Road. A pedestrian/bicycle connection to Tooze Road is provided between Lots 14 and 15 and to the intersection of Grahams Ferry Road and Tooze Road between Lots 8 and 9 within the pocket park.

- The block bounded by Palermo Street, SW Rome Avenue, SW Oslo Street, and the western site boundary can only be developed to the western and southern property lines. The alignment of SW Palermo Street is limited by the presence of upland forest preserve in the southwestern corner of the site and along the southern portion of the site, and by the existing portion of SW Palermo Street within Phase 2. In addition, circulation within these streets along the western portion of the site is dictated by the 600 foot Grahams Ferry Road

spacing standard. A pedestrian/bicycle connection is provided along the eastern edge of the open space tract (adjacent to the retained wetland).

- The block bounded by SW Barcelona Street, SW Iceland Lane, and SW Oslo Street, and the block bounded by SW Oslo Street, SW Rome Avenue, and SW Palermo Street, can only be developed to the eastern property line. The extension of SW Barcelona Street and SW Oslo Street and construction of SW Ravenna Loop/Paris Avenue is anticipated to occur with future development of parcels to the east. Compliance with the block perimeter and street spacing standards will be addressed at such a time as these streets are extended. Other blocks within Phase 3 not mentioned above meet the maximum 1,800 foot block perimeter and maximum 530 street spacing requirements.

***Subsection 4.125 (.05) A. 3. Block, Alley, Pedestrian and Bicycle Standards: Intervening Pedestrian and Bicycle Access***

C65. **Review Criteria:** “If the maximum spacing for streets for local access exceeds 530 feet, intervening pedestrian and bicycle access shall be provided, with a maximum spacing of 330 feet from those local streets, unless the Development Review Board makes a finding that barriers such as existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions from meeting this standard.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No SROZ area, existing buildings, or topographic variations prevent the spacing standard from being met.

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***Subsection 4.125 (.05) B. Access***

C66. **Review Criterion:** “All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The design of the subdivision shown in the SAP allows this criterion to be met during the review of the subdivision plat.

***Subsection 4.125 (.05) D. Fences***

C67. **Review Criterion:** This subsection establishes provisions for fences in the Village Zone, including being consistent with the Master Fencing Program and the Architectural Pattern Book.

**Finding:** This criterion is satisfied.

**Explanation of Finding:** A Master Fencing Plan for the SAP has previously been approved.

***Subsection 4.125 (.08) Parks & Open Space***

C68. **Review Criteria:** This subsection prescribes the open space requirement for development in the Village Zone.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Figure 5 – Parks & Open Space Plan of the Villebois Village Master Plan indicates that approximately 33% of Villebois is in Parks and Open Space. This SAP amendment continue to meet the open space requirements for Villebois.



***Subsection 4.125 (.09) Street Alignment and Access Improvements***

***Subsection 4.125 (.09) A. 1. a. Street Alignment and Access Improvements Conformity with Master Plan, etc.***

C69. **Review Criterion:** “All street alignment and access improvements shall conform to the Villebois Village Master Plan, or as refined in the Specific Area Plan, Preliminary Development Plan, or Final Development Plan . . .”

**Finding:** This criterion will be satisfied.

**Explanation of Finding:** The street alignments are generally consistent with those shown in the Villebois Village Master Plan. Some minor refinements are proposed. See Findings C101 through C106.

***Subsection 4.125 (.09) A. 1. a. i. Street Improvement: Conformity with Public Works Standards and Continuation of Streets***

C70. **Review Criteria:** “All street improvements shall conform to the Public Works Standards and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed street network will enable conformance with the Public Work Standards. The street system is designed to provide for the continuation of streets within Villebois and to adjoining properties or subdivisions according to the Master Plan.

***Subsection 4.125 (.09) A. 1. a. ii. Streets Developed According to Master Plan***

C71. **Review Criterion:** “All streets shall be developed according to the Master Plan.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** All streets are proposed to be developed with cross sections shown in the Master Plan.

***Subsection 4.125 (.09) A. 2. a. & b. Intersections of Streets: Angles and Intersections***

C72. **Review Criteria:**

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant’s drawings in Exhibit B2 show all proposed streets are developed consistent with these standards.

***Subsection 4.15 (.09) A. 2. c. Intersection of Streets: Offsets***

C73. **Review Criterion:** “Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:

- 1000 ft. for major arterials
- 600 ft. for minor arterials
- 100 ft. for major collector
- 50 ft. for minor collector”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No intersections violating the defined offsets are proposed.

***Subsection 4.125 (.09) A. 2. d. Curb Extensions***

C74. **Review Criteria:** “Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F) below, and shall:

- Not obstruct bicycle lanes on collector streets.
- Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections shall have, shall meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Proposed curb extensions are shown on the Circulation Plan (Sheet 7 of Exhibit B2), none of which are located on collector streets. The submitted drawings illustrate that all street intersections will have a minimum 20 foot wide clear distance between curb extensions.

***Subsection 4.125 (.09) A. 3. Street Grades***

C75. **Review Criteria:** “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No street grades approaching these maximums are proposed.

***Subsection 4.125 (.09) A. 4. Centerline Radius Street Curves***

C76. **Review Criterion:** “The minimum centerline radius street curves shall be as follows:

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The submitted plan sheets, see Exhibit B2, show all street curves meet these standards.

***Subsection 4.125 (.09) A. 5. Rights-of-way***

C77. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for rights-of-way as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Proposed rights-of-way are shown on the applicant's plan sheets, Exhibit B2. Rights-of-way will also be reviewed as part of the Preliminary Development Plan and Tentative Plat to ensure compliance. Rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177.

***Subsection 4.125 (.09) A. 6. Access Drives***

C78. **Review Criteria:** Access drives are required to be 16 feet for two-way traffic. Otherwise, pursuant to subsection (.09) A. above, the provisions of 4.177 apply for access drives as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant states in the narrative in Exhibit B1, "Access drives (alleys) will be paved at least 16-feet in width within a 20-foot tract, as shown on the Circulation Plan. In accordance with Section 4.177, all access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by the fire department. All access drives will be designed to provide a clear travel lane free from any obstructions."

***Subsection 4.125 (.09) A. 7. Clear Vision Areas***

C79. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for clear vision areas as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant states that clear vision areas will be provided and maintained in compliance with the Section 4.177.

***Subsection 4.125 (.09) A. 8. Vertical Clearance***

C80. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for vertical clearance as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant states that Vertical clearance will be provided and maintained in compliance with the Section 4.177.

***Subsection 4.125 (.10) Sidewalk and Pathway Improvement Standards***

C81. **Review Criteria:** "The provisions of Section 4.178 shall apply within the Village zone."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant states, "All sidewalks and pathways within SAP SAP North Phase 3 will be constructed in accordance with the standards of Section 4.178 and the Villebois Village Master Plan." Sidewalks and pathways are shown in the circulation plan and street cross-sections (Sheets 7 and 8, Exhibit B2).

***Subsection 4.125 (.11) Landscaping, Screening and Buffering***

C82. **Review Criteria:** "Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The appropriate landscaping is provided. The proposed street trees are among the choices provided in the Community Elements Book, or allowed in the Villebois Village Master Plan where wet conditions warrant.

***Subsection 4.125 (.12) Signage and Wayfinding***

C83. **Review Criteria:** “Except as this subsection may otherwise be amended, or until such time as a Signage and Wayfinding Plan is approved as required by Section 4.125(.18)(D)(2)(f), signs within the Village zone shall be subject to provisions of Section 4.156.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A Master Signage and Wayfinding Program has previously been adopted for SAP North.

***Subsection 4.125 (.13) Design Principles Applying to the Village Zone***

C84. **Review Criteria:** “The following design principles reflect the fundamental concepts, and support the objectives of the Villebois Village Master Plan, and guide the fundamental qualities of the built environment within the Village zone.

- The design of landscape, streets, public places and buildings shall create a place of distinct character.
- The landscape, streets, public places and buildings within individual development projects shall be considered related and connected components of the Villebois Village Master Plan.
- The design of streets and public spaces shall provide for and promote pedestrian safety, connectivity and activity.
- The design of exterior lighting shall minimize off-site impacts, yet enable functionality.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The SAP Drawings, Exhibit B2, the Architectural Pattern Book, and the Community Elements Book are intended to guide the Preliminary Development Plan and Final Development Plan applications to achieve a built environment that reflects the fundamental concepts and objectives of the Master Plan. The Design Principles of Section (.13) have driven the development of the SAP Drawings, the Architectural Pattern Book and the Community Elements Book, which have previously been approved for SAP North and will work in concert to assure that the vision of Villebois is Phase 3 of SAP North as well as future phases of SAP North.

***Subsection 4.125 (.14) A. 1. a. Design Standards: Flag Lots***

C85. **Review Criterion:** “Flag lots are not permitted.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No flag lots are proposed.

***Subsection 4.125 (.14) A. 2. a. - e. and h. – k. Building and Site Design Requirements***

C86. **Review Criteria:** “Building and site design shall include:

- Proportions and massing of architectural elements consistent with those established in an approved Architectural Pattern Book or Village Center Architectural Standards.
- Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.
- Protective overhangs or recesses at windows and doors.
- Raised stoops, terraces or porches at single-family dwellings.
- Exposed gutters, scuppers, and downspouts, or approved equivalent.
- Building elevations of block complexes shall not repeat an elevation found on an adjacent block.
- Building elevations of detached buildings shall not repeat an elevation found on buildings on adjacent lots.
- A porch shall have no more than three walls.
- A garage shall provide enclosure for the storage of no more than three motor vehicles, as described in the definition of Parking Space.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Architectural Pattern Book and Community Elements Book previously approved for SAP North ensure compliance with these standards and consistency with surrounding development.

***Subsection 4.125 (.14) A. 3. Lighting and Site Furnishings***

C87. **Review Criteria:** “Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The SAP North Architectural Pattern Book and Community Elements Books have previously been approved ensuring compliance with these criteria.

***Subsection 4.125 (.14) A. 4. Building Systems***

C88. **Review Criteria:** “Building systems, as noted in Tables V-3 and V-4 (Permitted Materials and Configurations), below, shall comply with the materials, applications and configurations required therein. Design creativity is encouraged. The LEED Building Certification Program of the U.S. Green Building Council may be used as a guide in this regard.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Subsequent Building Permit applications will review proposed buildings for consistency with the criteria of Table V-3 and the Architectural Pattern Book previously approved for SAP North.

***Subsection 4.125 (.18) C. Specific Area Plan (SAP) Approval Process***

***Subsection 4.125 (.18) C. 1. Specific Area Plan Purpose***

C89. **Review Criterion:** “Purpose – A SAP is intended to advance the design of the Villebois Village Master Plan.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** As shown in Findings C3 through C51 above, the proposed SAP amendment is advancing the design of the Villebois Village Master Plan.

***Subsection 4.125 (.18) C. 2.-3. Who Can Initiate a SAP Application***

- C90. **Review Criterion:** “If not initiated by the City Council, Planning Commission or Development Review Board, an application for SAP approval shall be submitted by the Master Planner, or by landowners pursuant to subsection C.3 below. The application shall be accompanied by payment of a fee established in accordance with the City’s fee schedule.

The owners of property representing at least 80 percent of a SAP area may request in writing that the Master Planner submit a SAP application. The Master Planner must provide a written response within thirty days. If the Master Planner agrees to submit a request, the Master Planner shall have 180 days to submit the SAP application. If the Master Planner denies the request, fails to respond within 30 days, or fails as determined by the Planning Director to diligently pursue the application after agreeing to submit it, by providing drafts of a pattern book and all other SAP elements within 60 days and thereafter pursuing approval in good faith, the property owners may submit a SAP application for review and approval. A copy of a SAP application submitted by property owners must be provided to the Master Planner. Once the application has been deemed complete by the City, the Master Planner shall have 30 days to review and comment in writing before the proposed SAP is scheduled for public hearing by the DRB.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The Master Planner previously submitted SAP North, which included the approval of many SAP elements. Some elements were not defined because they were not yet known. A subsequent SAP amendment defined the additional components for Phase 2. This request provides the required details for Phase 3, and has been signed by the property owners of Phase 3. For future phases the information has been provided that does not require access to the properties, including definition of street alignment and land uses consistent with the Master Plan. Future SAP Amendments or Refinements signed by the necessary property owners or initiated by the Master Planner will be submitted to finish providing all elements for the future phases before or concurrently with PDP requests.

***Subsection 4.125 (.18) D 1. SAP Submittal Requirements: Existing Conditions***

- C91. **Review Criterion:** “Existing Conditions – An application for SAP approval shall specifically and clearly show the following features and information on maps, drawings, application form or attachments. The SAP shall be drawn at a scale of 1" = 100' (unless otherwise indicated) and may include multiple sheets depicting the entire SAP area, as follows:” Listed a. through h.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All the required existing condition drawings have been submitted. See Sheet 3 of Exhibit B2.

***Subsection 4.125 (.18) D. 2. SAP Submittal Requirements: Development Information***

- C92. **Review Criterion:** “SAP Development Information – The following information shall also be shown at a scale of 1" = 100' and may include multiple sheets depicting the entire SAP area:” Listed a. through n.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All the required information has been submitted. See Exhibit B2.

***Subsection 4.125 (.18) D. 3. SAP Submittal Requirements: Architectural Pattern Book***

C93. **Review Criterion:** “Architectural Pattern Book – An Architectural Pattern Book shall be submitted with a SAP application. The Architectural Pattern Book shall apply to all development outside of the Village Center Boundary, as shown on Figure 1 of the currently adopted Villebois Village Master Plan. An Architectural Pattern Book shall address the following:” Listed a. through h.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The SAP North Architectural Pattern Book has previously been approved for the entirety of SAP North, including Phase 3 and future phases.

***Subsection 4.125 (.18) D. 4. SAP Submittal Requirements: Community Elements Book***

C94. **Review Criterion:** “Community Elements Book – A Community Elements Book shall be submitted, including the following:” Listed a. through n.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The SAP North Community Elements Book has previously been approved for the entirety of SAP North, including Phase 3 and future phases.

***Subsection 4.125 (.18) D. 5. SAP Submittal Requirements: Rainwater Management Program***

C95. **Review Criterion:** “Rainwater Management Program – A Rainwater Management Program shall be submitted, addressing the following:” Listed a. through c. vii.

**Finding:** These criteria are satisfied or will be satisfied by Condition of Approval NR 1.

**Explanation of Finding:** The SAP North Rainwater Management Program has previously been approved for the entirety of SAP North, including Phase 3 and future phases.

***Subsection 4.125 (.18) D. 6. SAP Submittal Requirements: Master Signage and Wayfinding***

C96. **Review Criterion:** “Master Signage and Wayfinding – A Master Signage and Wayfinding Plan shall be submitted with an SAP application and shall address the following:” Listed a. through e.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The SAP North Master Signage and Wayfinding program has previously been approved for the entirety of SAP North, including Phase 3 and future phases.

***Subsection 4.125 (.18) D. 8. SAP Submittal Requirements: SAP Narrative Statement***

C97. **Review Criterion:** “SAP Narrative Statement – A narrative statement shall be submitted, addressing the following:” Listed a. through f.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The required narrative has been submitted. See Exhibit B1.

***Subsection 4.125 (.18) E. 1. b. i. SAP Elements Consistent with Villebois Village Master Plan***

C98. **Review Criteria:** “Is consistent with the Villebois Village Master Plan. Those elements of the Village Master Plan with which the SAP must be consistent are the Plan’s Goals, Policies, and

Implementation Measures, and, except as the text otherwise provides, Figures 1, 5, 6A, 7, 8, 9A, and 9B.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Findings C3 through C51 above demonstrate compliance of proposed SAP amendment with the Villebois Village Master Plan.

***Subsection 4.125 (.18) E. 1. b. ii. SAP Phasing Reasonable***

C99. **Review Criteria:** “If the SAP is to be phased, as enabled by Sections 4.125(.18)(D)(2)(g) and (h), that the phasing sequence is reasonable.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Proposed Phase 3 is contiguous with the previously approved Phase 2 is reasonable to be the next phase developed of SAP North. Other future Phases will be contiguous to approved or built phases which allows flexibility for these phases to be built a various factors dictate.

***Subsection 4.125 (.18) E. 1. b. iii. DRB Modification of SAP***

C100. **Review Criteria:** “The Development Review Board may require modifications to the SAP, or otherwise impose such conditions, as it may deem necessary to ensure conformance with the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No specific findings are recommended pursuant to this subsection.

***Subsection 4.125 (.18) F. SAP Refinements to Villebois Village Master Plan***

***Refinement 1 Street Network***

***Subsection 4.125 (.18) F. 1. a. i. Refinements to the Master Plan: Streets***

C101. **Review Criteria:** “Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The only street network refinements in this SAP Amendment request relate to Phase 3, the street network within future phases remain as shown in the Master Plan subject to refinements as part of future PDP requests. The proposed street system within SAP North is generally consistent with the Villebois Village Master Plan. The Master Plan shows SW Iceland Lane with a southwest to northeast orientation with alignment towards the child play feature in Open Space 2. With the proposed refinement, SW Iceland Lane is proposed to have a straight north-south orientation with alignment towards residential lots, with the location adjusted slightly to the east. Circulation towards the child play area is maintained with the provision of SW Rome Avenue to maintain an “eyes on the street” effect for park safety. The purpose of the refinement to SW Iceland Lane allows for smaller residential blocks, which provides better pedestrian connectivity. This street refinement also allows lots to be oriented directly towards the west for greater sun exposure.



Additionally, the Master Plan shows access from Grahams Ferry Road taken from SW Firenze Street (Palermo Street) and a continuous street with north-south alignment along the western portion of Phase 3 (Amsterdam Avenue/Belfast Lane). However, in order to retain the existing treed wetland in the southwest site corner, access to/from Grahams Ferry Road will occur with SW Oslo Street, and a portion of Amsterdam Avenue/Belfast Lane adjacent to the wetland is removed. With the proposed refinement, access from Grahams Ferry Road is taken from SW Oslo Street. Site circulation along the western portion of Phase 3 is maintained with the provision of SW Belfast Lane in the originally intended location, the continuation of SW Palermo Street along the northern edge of OS-2 in the planned location of Firenze Street, and a pedestrian path adjacent to the wetland to replace the removed portion of Belfast Lane, which connects SW Oslo Street and SW Palermo Street.

These refinements do not affect the function of the circulation system or connectivity for vehicles, bicycles or pedestrians.



**Subsection 4.125 (.18) F. 1. b. i. Refinements: Definition of Significant-Quantitative**

C102. **Review Criteria:** “As used herein, “significant” means:

- i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(F)(1)(a), above, or,
- ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(F)(1)(a), above.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Quantifiable measures related to this refinement request include circulation system function and connectivity. Level of Service (LOS) is the quantifiable performance measure related to circulation system function for motor vehicles. No data is available nor practical to obtain regarding the circulation system function for bicycles and pedestrians. Pedestrian and bicycle connections will be maintained where shown in the master plan with only slightly different alignments. While the traffic study did not compare LOS as various intersections with and without the proposed refinements, LOS of service continues to be met with the proposed changes. The quantifiable measure of connectivity is

number of connecting routes. Connectivity is maintained to Grahams Ferry Road via SW Oslo Street, and the same level of connectivity exists within the site.

***Subsection 4.125 (.18) F. 1. B. ii. Refinements: Definition of Significant-Qualitative***

C103. **Review Criteria:** “As used herein, “significant” means:

ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(F)(1)(a), above.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding C104 below, the proposed refinements do not negatively affect qualitative features of the street network.

***Subsection 4.125 (.18) F. 2. a. Refinements: Equally or Better Meeting Master Plan***

C104. **Review Criteria:** “The refinements will equally or better meet the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The following are the relevant goals and policies from the Villebois Village Master Plan followed by discussion of how the refinements better or equally meet them:

Circulation System Goal: The Villebois Village shall provide for a circulation system that is designed to reflect the principles of smart growth.

While some vehicle connectivity choices are being removed, retaining of the wetland furthers the smart growth principle of a thriving natural environment. The enlargement and addition of pocket parks add more green space within the development.

Circulations System Policy 1: The Villebois Village shall encourage alternatives to the automobile, while accommodating all travel modes, including passenger cars, trucks, buses, bicycles and pedestrians.

There will continue to be access to all homes and destinations from a variety of travel modes. The design of homes facing green spaces encourages more pedestrian mode choices.

***Subsection 4.125 (.18) F. 2. b. Refinements: Impact on Resources***

C105. **Review Criteria:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the SAP and Village area, and”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed refinements retain a wetland having a positive impact on the natural and scenic resources and amenities in the development.

***Subsection 4.125 (.18) F. 2. c. Refinements: Relation to Adjoining Areas***

C106. **Review Criteria:** “The refinement will not preclude an adjoining or subsequent SAP area from development consistent with the Master Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The connections to adjoining future PDP to the east remains consistent with the Villebois Village Master Plan.

**Refinement 2 Parks, Trails, and Open Spaces**

***Subsection 4.125 (.18) F. 1. a. ii. Refinements to the Master Plan: Parks, Trails, and Open Space***

C107. **Review Criteria:** “Changes to the nature or location of park types, trails or open space that do not significantly reduce function, usability, connectivity, or overall distribution or availability of these uses in the Specific Area Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The only parks, trails, and open space refinements proposed with this SAP Amendment relate to Phase 3, the parks within the future phases remain as shown in the Master Plan subject to refinements as part of future PDP or FDP requests. As further explained by the applicant on page 40 of their supporting compliance report for the SAP Amendment (Exhibit B1), the refinements include adding a pocket park at the southwest corner of Tooze Road and Grahams Ferry Road and various linear greens and landscape tracts.

***Subsection 4.125 (.18) F. 1. b. i. Refinements: Definition of Significant-Quantitative***

C108. **Review Criteria:** “As used herein, “significant” means:

i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(F)(1)(a), above, or,

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The performance measures, etc. being measured for the purpose of this refinement are the reduction of function, usability, connectivity, or overall distribution or availability of park uses in the Preliminary Development Plan. The addition of park and open space areas do not reduce these performance measures.

***Subsection 4.125 (.18) F. 1. B. ii. Refinements: Definition of Significant-Qualitative***

C109. **Review Criteria:** “As used herein, “significant” means:

ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(F)(1)(a), above.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the

Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding C110 below, the proposed refinements do not negatively affect qualitative features of the parks, trails, and open space.

***Subsection 4.125 (.18) F. 2. a. Refinements: Equally or Better Meeting Master Plan***

C110. **Review Criteria:** “The refinements will equally or better meet the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Adding additional park and open space amenities help to better provide access to and variety to parks and open spaces within the Villebois Village Master Plan.

***Subsection 4.125 (.18) F. 2. b. Refinements: Impact on Resources***

C111. **Review Criteria:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the SAP and Village area, and”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Addition the open space around the wetland helps protect a natural resource. No proposed additional park and open space amenities have a detrimental impact on the environment or natural or scenic resources.

***Subsection 4.125 (.18) F. 2. c. Refinements: Relation to Adjoining Areas***

C112. **Review Criteria:** “The refinement will not preclude an adjoining or subsequent SAP area from development consistent with the Master Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed refinements do not impact the surrounding areas.

**Refinement 3 Utilities and Storm Water Facilities**

***Subsection 4.125 (.18) F. 1. a. iii. Refinements to Utilities and Storm Water Facilities***

C113. **Review Criteria:** “Changes to the nature or location of utilities or storm water facilities that do not significantly reduce the service or function of the utility or facility.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The only refinements in this SAP Amendment request relate to Phase 3, the utilities and storm water facilities within future phases remain as shown in the Master Plan subject to refinements as part of future PDP requests. Refinements are in relation to the on-site water quality/rainwater facilities shown on the northern edge of Phase 3 along Tooze Road and on the western edge of Phase 3 along Grahams Ferry Road (except for the southwest site corner). In the southwest site corner, a bioretention cell is provided adjacent to the retained wetland and site entrance from Grahams Ferry Road. Due to site topography/elevation, it is not possible to provide stormwater/rainwater management facilities in the aforementioned locations. However, bioretention swales are

added along SW Oslo Street and within the open space area along the southern site edge. The provision of bioretention cells within these areas of the site will ensure that this refinement does not cause reduction to the service or function of rainwater management.

***Subsection 4.125 (.18) F. 1. b. i. Refinements: Definition of Significant-Quantitative***

C114. **Review Criteria:** “As used herein, “significant” means:

i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(F)(1)(a), above, or,

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The performance measures, etc. being measured for the purpose of this refinement are the reduction of service and function of the utility or facility. As explained in Finding C113, the service or function is not being reduced.

***Subsection 4.125 (.18) F. 1. B. ii. Refinements: Definition of Significant-Qualitative***

C115. **Review Criteria:** “As used herein, “significant” means:

ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(F)(1)(a), above.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding C110 below, the proposed refinements do not negatively affect qualitative features of the parks, trails, and open space.

***Subsection 4.125 (.18) F. 2. a. Refinements: Equally or Better Meeting Master Plan***

C116. **Review Criteria:** “The refinements will equally or better meet the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Keeping the same level of service and function as described in Finding C113 will equally meet the Master Plan.

***Subsection 4.125 (.18) F. 2. b. Refinements: Impact on Resources***

C117. **Review Criteria:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the SAP and Village area, and”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** By changing the rainwater facilities to maintain a wetland the refinement will not have a negative impact on the environment or natural or scenic resources.

***Subsection 4.125 (.18) F. 2. c. Refinements: Relation to Adjoining Areas***

C118. **Review Criteria:** “The refinement will not preclude an adjoining or subsequent SAP area from development consistent with the Master Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed refinements do not impact the surrounding areas.

**Refinement 4 Land Use and Density**

***Subsection 4.125 (.18) F. 1. a. iv. and v. Refinements to the Master Plan: Parks, Trails, and Open Space***

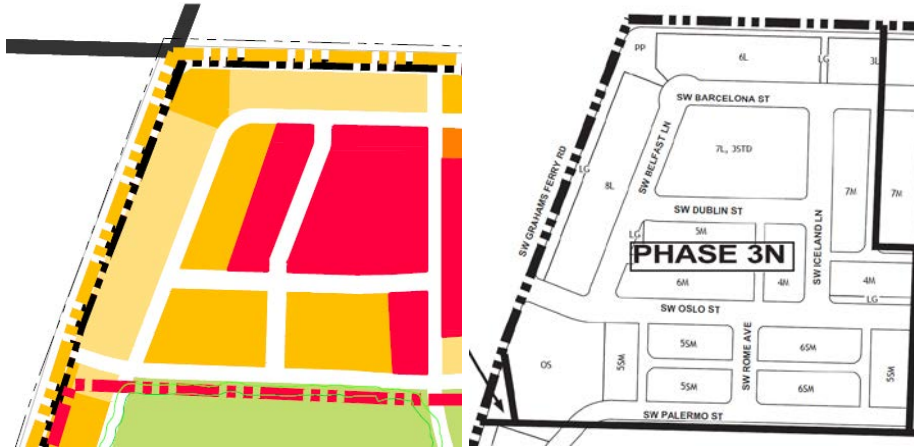
C119. **Review Criteria:** “Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the affected SAP.”

“A change in density that does not exceed ten percent, provided such density change does not result in fewer than 2,300 dwelling units in the Village.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The only refinements in this SAP Amendment request relate to Phase 3, the land uses and densities within future phases remain as shown in the Master Plan subject to refinements as part of future PDP requests. As further explained on pages 41-42 of the applicant’s supporting compliance report for the SAP Amendment (Exhibit B1) refinements to the mix and locations of land uses include fewer smalls and standards, and the addition of mediums, in the central portion of the site. Large lots are concentrated towards the edge of Phase 3, with more mediums and smalls approaching the Village Center, consistent with the land use pattern throughout Villebois. The changes in Phase 3 result in a cumulative increase of 12 units within the medium size and above aggregate land use category, or an increase of 7.4%, and a cumulative decrease of 29 units with the small size and attached aggregate land use category, or a decrease of 9.6%. These changes are within the 10% allowed when looking at both the Villebois Village Master Plan as a whole and SAP North. Through this request the density in SAP North, as measured by the number of units is reduced by 17 units or 3.6%, which again is much less than a 10% change for the Master Plan or the SAP. The Villebois Village Master Plan remains on track to provide well in excess of 2300 units within the Master Plan area.

	SAP North Unit Count within MP	Proposed SAP North Unit Count	% Change
Medium/Standard/ Large/Estate	162	174	+7.4%
Small/Small Cottage/Row Houses/Neighborhood Apts.	302	273	-9.6%
<b>TOTAL</b>	<b>464</b>	<b>447</b>	<b>-3.6%</b>



***Subsection 4.125 (.18) F. 1. b. i. Refinements: Definition of Significant-Quantitative***

C120. **Review Criteria:** “As used herein, “significant” means:

- i. More than ten percent of any quantifiable matter, requirement, or performance measure, as specified in (.18)(F)(1)(a), above, or,

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Quantifiable measures related to this refinement include number of units within the aggregate land use category, which is being reduced within the allowable 10% limit and maintains more than 2300 units in the Villebois Village. See Finding C119 above.

***Subsection 4.125 (.18) F. 1. B. ii. Refinements: Definition of Significant-Qualitative***

C121. **Review Criteria:** “As used herein, “significant” means:

- ii. That which negatively affects an important, qualitative feature of the subject, as specified in (.18)(F)(1)(a), above.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This subsection does not provide clear definition of what an important qualitative feature might be. Absent details in this subsection, staff interprets the primary qualitative factors to consider being the three guiding design principles of the Villebois Village Master Plan: Connectivity, Diversity, and Sustainability. The three guiding design principles are further defined by the goals, policies, and implementation measures of the Master Plan. By virtue of better or equally implementing the goals, policies, and implementation measures of the Villebois Village Master Plan, as described in Finding C122 below, the proposed refinements do not negatively affect qualitative features of the street network.

***Subsection 4.125 (.18) F. 2. a. Refinements: Equally or Better Meeting Master Plan***

C122. **Review Criteria:** “The refinements will equally or better meet the Goals, Policies and Implementation Measures of the Villebois Village Master Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As further explained by the applicant on pages 42-43 of their supporting compliance report for the SAP Amendment (Exhibit B1), increasing the variety

of housing products in Phase 3 and slightly reducing the density equally or better meets the Villebois Village Master Plan

***Subsection 4.125 (.18) F. 2. b. Refinements: Impact on Resources***

C123. **Review Criteria:** “The refinement will not result in significant detrimental impacts to the environment or natural or scenic resources of the SAP and Village area, and”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The change in housing mix and reduction in overall density does not have any detrimental impacts on the environment or natural or scenic resources.

***Subsection 4.125 (.18) F. 2. c. Refinements: Relation to Adjoining Areas***

C124. **Review Criteria:** “The refinement will not preclude an adjoining or subsequent SAP area from development consistent with the Master Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The changes in housing mix and reduction in overall density for Phase 3 will not preclude adjacent future phases from developing with the housing mix and density shown in the Villebois Village Master Plan.

***Section 4.139.01 SROZ Purpose***

C125. **Review Criteria:** “The Significant Resource Overlay Zone (SROZ) is intended to be used with any underlying base zone as shown on the City of Wilsonville Zoning Map. The purpose of the Significant Resource Overlay Zone is to implement the goals and policies of the Comprehensive Plan relating to natural resources, open space, environment, flood hazard, and the Willamette River Greenway. In addition, the purposes of these regulations are to achieve compliance with the requirements of the Metro Urban Growth Management Functional Plan (UGMFP) relating to Title 3 Water Quality Resource Areas, and Title 13 Habitat Conservation Areas, and that portion of Statewide Planning Goal 5 relating to significant natural resources. It is not the intent of this ordinance to prevent development where the impacts to significant resources can be minimized or mitigated.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A small amount of SROZ at the southern edge of Phase 3. The SROZ regulations are being reviewed in Request H.

***Section 4.139.02 Where the SROZ Regulations Apply***

C126. **Review Criteria:** “The regulations of this Section apply to the portion of any lot or development site, which is within a Significant Resource Overlay Zone and its associated “Impact Areas”. The text provisions of the Significant Resource Overlay Zone ordinance take precedence over the Significant Resource Overlay Zone maps. The Significant Resource Overlay Zone is described by boundary lines shown on the City of Wilsonville Significant Resource Overlay Zone Map. For the purpose of implementing the provisions of this Section, the Wilsonville Significant Resource Overlay Zone Map is used to determine whether a Significant Resource Impact Report (SRIR) is required. Through the development of an SRIR, a more specific determination can be made of possible impacts on the significant resources.



Unless otherwise exempted by these regulations, any development proposed to be located within the Significant Resource Overlay Zone and/or Impact Area must comply with these regulations. Where the provisions of this Section conflict with other provisions of the City of Wilsonville Planning and Land Development Ordinance, the more restrictive shall apply.

The SROZ represents the area within the outer boundary of all inventoried significant natural resources. The Significant Resource Overlay Zone includes all land identified and protected under Metro's UGMFP Title 3 Water Quality Resource Areas and Title 13 Habitat Conservation Areas, as currently configured, significant wetlands, riparian corridors, and significant wildlife habitat that is inventoried and mapped on the Wilsonville Significant Resource Overlay Zone Map."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** A small amount of SROZ at the southern edge of Phase 3. The SROZ regulations are being reviewed in Request H.

### ***Section 4.171 Protection of Natural Features & Other Resources***

#### ***Subsection 4.171 (.02) General Terrain Preparation***

##### **C127. Review Criteria:**

- "All developments shall be planned designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant land forms.
- All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code, all development shall be planned, designed, constructed and maintained so as to:
  - Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.
  - Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.
  - Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The subject area is relatively flat without the features listed. Grading will be required to follow the Uniform Building Code, as will be reviewed for grading permits for the site.

#### ***Subsection 4.171 (.03) Hillsides***

**C128. Review Criterion:** "Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:"

**Finding:** This criterion does not apply.

**Explanation of Finding:** The subject Preliminary Development Plan does not include any areas of slopes in excess of 25%. Therefore, this standard does not apply to this application.

### ***Subsection 4.171 (.04) Trees and Wooded Area***

#### **C129. Review Criteria:**

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No wooded areas exist within Phase 3. Individual trees of been inventoried and reviewed for preservation consistent with the Villebois Village Master Plan and the City’s Tree Ordinance. See Request F. Future phases will also have tree plans reviewed concurrent with PDP requests.

### ***Subsection 4.171 (.05) High Voltage Power Lines***

#### **C130. Review Criteria:** “High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:

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

**Finding:** These criteria do not apply.

**Explanation of Finding:** The development area and surrounding area are not around high voltage power lines.

### ***Subsection 4.171 (.06) Safety Hazards***

#### **C131. Review Criteria:** “

- To protect lives and property from natural or human-induced geologic or hydrologic hazards and disasters.

- To protect lives and property from damage due to soil hazards.
- To protect lives and property from forest and brush fires.
- To avoid financial loss resulting from development in hazard areas.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant states that development of the subject area will occur in a manner that minimizes potential hazards to safety.

#### ***Subsection 4.171 (.07) Earth Movement Hazard Areas***

C132. **Review Criterion:** “No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No areas of land movement, slump, earth flow, or mud or debris flow have been identified in the project area.

#### ***Subsection 4.171 (.08) Standards for Soil Hazard Areas***

C133. **Review Criteria:**

- “Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.
- The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulleting and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No soil hazard areas have been identified within the subject area.

#### ***Subsection 4.171 (.09) Historic Protection***

C134. **Review Criteria:** This subsection establishes requirements for protection of historic resources.

**Finding:** This criterion is satisfied.

**Explanation of Finding:** A Cultural Resources Inventory for SAP North Phase 3 (see Exhibit B1, notebook, Section IIE) describes methods, conditions, findings, and recommendations related to historic, cultural, and archeological resources on the subject site in detail. A foundation and well have been identified as Site KBS1. As stated in the inventory report “it is unlikely that site KBS1 has the potential to yield important information about the area’s history. SWCA (consultant) recommends that site KBS1 is not eligible for listing in the NRHP and, should SHPO concur with this recommendation, construction activities in the APE may proceed as planned.” Exhibit B7 shows SHPO concurrency.

#### ***Section 4.178 Sidewalk and Pathway Standards***

C135. **Review Criteria:**

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

- Pathways
  - Bicycle facilities shall be provided using a bicycle lane as the preferred facility design. The other facility designs listed will only be used if the bike lane standard cannot be constructed due to physical or financial constraints. The alternative standards are listed in order of preference.
  - Bike lane. This design includes 12-foot minimum travel lanes for autos and paved shoulders, 5-6 feet wide for bikes that are striped and marked as bicycle lanes. This shall be the basic standard applied to bike lanes on all arterial and collector streets in the City, with the exception of minor residential collectors with less than 1,500 (existing or anticipated) vehicle trips per day.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Sheet 8 of the applicant’s plan sheets, Exhibit B2, depict cross-sections of the proposed sidewalks and pathways in compliance with the above standards and Master Plan figures

**REQUEST D: DB14-0011 SAP-NORTH PDP 3, PRELIMINARY DEVELOPMENT PLAN**

The applicant's findings in Section IIA of their PDP notebook, Exhibit B3, respond to the majority of the applicable criteria.

*Village Zone*

*Subsection 4.125 (.02) Permitted Uses in Village Zone*

D1. **Review Criteria:** This subsection lists the uses typically permitted in the Village Zone, including single-family detached dwellings, row houses, and non-commercial parks, playgrounds, and recreational facilities.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The uses proposed includes single-family homes, parks and playgrounds, and open space which are permitted in the Village Zone.

*Subsection 4.125 (.05) Development Standards Applying to All Development in the Village Zone*

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

*Subsection 4.125 (.05) A. Block, Alley, Pedestrian, and Bicycle Standards*

D2. **Review Criteria:** This subsection lists the block, alley, pedestrian, and bicycle standards applicable in the Village Zone.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Preliminary Development Plan drawings, Exhibit B4, shows blocks, alleys, pedestrian, and bicycle paths consistent with this subsection and the SAP, as proposed to be amended.

*Subsection 4.125 (.05) B. Access*

D3. **Review Criterion:** "All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** A condition of approval for the Tentative Subdivision Plat will ensure compliance with this standard. See Request E.

**Table V-1, Development Standards**

**D4. Review Criteria:**

Table V-1: Development Standards												
Building Type	Min. Lot Size (sq.ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (note)	Min. Frontage Width <sup>10,11,2</sup> (%)	Max. Bldg. Height <sup>6</sup> (ft.)	Front Min. (ft.)	Setbacks <sup>10, 13, 20</sup> Front Max. (ft.)	Rear Min. (ft.)	Side Min. (ft.)	Alley-Loaded Garage (note)	Street-Loaded Garage (note)
Commercial Buildings - Village Center <sup>14</sup>	NR	NR	NR	1	90	60	NR <sup>3</sup>	5	NR	NR	NR	NA
Hotels - Village Center <sup>14</sup>	NR	NR	NR	1	80	60	NR <sup>3</sup>	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center <sup>14</sup>	NR	NR	NR	1	90	60	NR <sup>3</sup>	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center <sup>14</sup>	NR	NR	NR	1	80	45	5 <sup>4</sup>	15	NR	NR	NR	NA
Row Houses <sup>11</sup> - Village Center <sup>14</sup>	NR	NR	NR	1	80	45	5 <sup>4</sup>	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	1	60	45	8 <sup>4</sup>	15	NR	NR	NR	NA
Row Houses <sup>11</sup>	NR	15	50	1	80	45	8 <sup>5</sup>	15	NR	NR	NR	NA
Duplexes	4,000	45	70	2	60 <sup>18</sup>	35	12 <sup>5,6</sup>	20 <sup>8</sup>	5	5 <sup>15</sup>	7	8,17,18
Single-Family Dwellings	2,250	35	50	2	60 <sup>18</sup>	35	12 <sup>3,9</sup>	20 <sup>8</sup>	5	5 <sup>15</sup>	7	8,17

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** In previous PDP's it has consistently been interpreted to allow the lot width and lot sizes to be governed by the Pattern Book. All lot dimensions and sizes meet the standards established in the SAP North Pattern Book.

**Subsection 4.125 (.07) Table V-2 Off-Street Parking, Loading & Bicycle Parking**

**D5. Review Criteria:**

Table V-2: Off Street Parking Requirements				
Permitted or Conditional Use	Min. Vehicle Spaces	Max. Vehicle Spaces	Bicycle Short-term (Spaces)	Bicycle Long-term (Spaces)
<b>Permitted Uses</b>				
Single-Family Detached Dwellings	1.0/DU	NR	NR	NR
Single-Family Accessory Dwelling Units*	1.0/DU	NR	NR	NR
Duplex	1.0/DU	NR	NR	NR
Row Houses	1.0/DU	NR	NR	NR
Multi-Family Dwellings	1.0/1 Bdr 1.5/2 Bdr 1.75/3 Bdr	NR	1 per 20 units Min. of 2	1 per 4 units Min. of 2
Community Housing	1 per 4 residents	1 per unit	None	1 per 8 residents Min. of 2
<b>Commercial Uses</b>				
Convenience Store	2/1000 sf	5/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Restaurant/Pub	2/1000 sf	10/1000 sf	1 per 5000 sf Min. of 2	1 per 12,000 sf Min. of 2
Child Day Care	0.2 per student/staff	0.3 per student/staff	None	1 per 10,000 sf Min. of 2
Medical/Dental	3/1000 sf	4/1000 sf	1 per 40,000 sf Min. of 2	1 per 70,000 sf Min. of 2
All other commercial uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
<b>Conditional Uses</b>				
Schools	0.2 per student/staff	0.3 per student/staff	0.3 per student/staff	0.2 per classroom
Recreational Facilities	3/1000 sf <sup>1</sup>	5/1000 sf <sup>1</sup>	1 per 3,000 sf Min. of 4	1 per 3000 sf Min. of 4
Conference Center	0.3 per seat	0.5 per seat	1 per 15 seats Min. of 2	1 per 40 seats Min. of 10
Library/Museum	2/1000 sf	4/1000 sf	1 per 1000 sf Min. of 6	1 per 1000 sf Min. of 6
Religious Institution	.25 per seat	.5 per seat	1 per 2,000 sf Min. of 2	1 per 4,000 sf Min. of 2
Theater	.25 per seat	.5 per seat	1 per 20 seats Min. of 2	1 per 50 seats Min. of 4
Overnight Lodging Facility	1 per room	1.5 per room	1 per 20 rooms Min. of 2	1 per 20 rooms Min. of 2
Light Manufacturing/Research and Development	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2
All other Conditional Uses	2/1000 sf	4/1000 sf	1 per 10,000 sf Min. of 2	1 per 40,000 sf Min. of 2

Notes: <sup>1</sup> 1/1000 sf min. for court facilities  
 NR No requirement  
 \* See WC Section 4.113(.11) Assessorly Dwelling Units

[Table 4-2 amended by Ord. 677, 3/1/10]

**Finding:** These criteria are satisfied.

**Explanation of Finding:** At least two (2) parking spaces are provided for each home, exceeding the minimum of one (1). On street parking will also be provided throughout the development

***Subsection 4.125 (.08) Parks & Open Space***

D6. **Review Criteria:** This subsection prescribes the open space requirement for development in the Village Zone.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Figure 5 Parks & Open Space Plan of the Villebois Village Master Plan states that there are a total of 159.73 acres within Villebois, which is approximately 33% of Villebois. As described in the Parks, Trails, and Open Space refinement as part of the SAP Amendment, Request C, a pocket park along with linear greens and landscape areas are being added increasing the overall amount of open space within Villebois.

***Subsection 4.125 (.09) Street Alignment and Access Improvements***

***Subsection 4.125 (.09) A. 1. a. Street Alignment and Access Improvements Conformity with Master Plan, etc.***

D7. **Review Criterion:** “All street alignment and access improvements shall conform to the Villebois Village Master Plan, or as refined in the Specific Area Plan, Preliminary Development Plan, or Final Development Plan . . .”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The street alignments and access improvements conform with SAP North plans which have been found to be in compliance with the Villebois Village Master Plans with some minor refinements regarding alignment of the streets. See Request C Findings C69 and Findings C101 through C106.

***Subsection 4.125 (.09) A. 1. a. i. Street Improvement: Conformity with Public Works Standards and Continuation of Streets***

D8. **Review Criteria:** “All street improvements shall conform to the Public Works Standards and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All street improvements within this PDP will comply with the applicable Public Works Standards and make the connections to adjoining properties and phases as shown in the Villebois Village Master Plan, as refined in Request C.

***Subsection 4.125 (.09) A. 1. a. ii. Streets Developed According to Master Plan***

D9. **Review Criterion:** “All streets shall be developed according to the Master Plan.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** All streets within this PDP will be developed with curbs, landscape strips, sidewalks, and bikeways or pedestrian pathways as depicted on the Circulation Plan and Street Sections, Sheet 7 of Exhibit B4, , which are consistent with the cross sections shown in the Master Plan and as approved by the City Engineer for Grahams Ferry Road and Tooze Road.



***Subsection 4.125 (.09) A. 2. a. & b. Intersections of Streets: Angles and Intersections***

**D10. Review Criteria:**

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Circulation Plan, Sheet 7 of Exhibit B4, demonstrates that all proposed streets will intersect at angles consistent with the above standards.

***Subsection 4.15 (.09) A. 2. c. Intersection of Streets: Offsets***

**D11. Review Criterion:** “Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:

- 1000 ft. for major arterials
- 600 ft. for minor arterials
- 100 ft. for major collector
- 50 ft. for minor collector”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Circulation Plan, Sheet 7 of Exhibit B4, demonstrate that opposing intersections on public streets are offset, as appropriate, so that no danger to the traveling public is created.

***Subsection 4.125 (.09) A. 2. d. Curb Extensions***

**D12. Review Criteria:** “Curb extensions at intersections shall be shown on the Specific Area Plans required in subsection 4.125(.18)(C) through (F) below, and shall:

- Not obstruct bicycle lanes on collector streets.
- Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections shall have, shall meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Curb extensions are shown on the Circulation Plan, Sheet 7 of Exhibit B4. Curb extensions will not obstruct bicycle lanes on collector streets. The plan sheets illustrate that all local street intersections will have a minimum 20 foot wide clear distance between curb extensions.

***Subsection 4.125 (.09) A. 3. Street Grades***

**D13. Review Criteria:** “Street grades shall be a maximum of 6% on arterials and 8% for collector and local streets. Where topographic conditions dictate, grades in excess of 8%, but not more than 12%, may be permitted for short distances, as approved by the City Engineer, where topographic conditions or existing improvements warrant modification of these standards.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No streets are proposed that exceed or approach the maximum grade.

***Subsection 4.125 (.09) A. 4. Centerline Radius Street Curves***

D14. **Review Criterion:** “The minimum centerline radius street curves shall be as follows:

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Compliance is shown on the Circulation Plan, Sheet 7 of Exhibit B4.

***Subsection 4.125 (.09) A. 5. Rights-of-way***

D15. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for rights-of-way as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Proposed rights-of-way are shown on the applicant’s plan sheets, including Sheet 4, Preliminary Plat, in Exhibit B4 as revised in Exhibit B6. Rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177.

***Subsection 4.125 (.09) A. 6. Access Drives***

D16. **Review Criteria:** Access drives are required to be 16 feet for two-way traffic. Otherwise, pursuant to subsection (.09) A. above, the provisions of 4.177 apply for access drives as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant states, “Access drives (alleys) will be paved at least 16-feet in width within a 20-foot tract, as shown on the Circulation Plan. In accordance with Section 4.177, all access drives will be constructed with a hard surface capable of carrying a 23-ton load. Easements for fire access will be dedicated as required by the fire department. All access drives will be designed to provide a clear travel lane free from any obstructions.”

***Subsection 4.125 (.09) A. 7. Clear Vision Areas***

D17. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for clear vision areas as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant states that clear vision areas will be provided and maintained in compliance with the Section 4.177.

***Subsection 4.125 (.09) A. 8. Vertical Clearance***

D18. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for vertical clearance as no other provisions are noted.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant states that Vertical clearance will be provided and maintained in compliance with the Section 4.177.

***Subsection 4.125 (.09) A. 9. Interim Improvement Standards***

D19. **Review Criteria:** Pursuant to subsection (.09) A. above, the provisions of 4.177 apply for interim improvement standards as no other provisions are noted.

**Finding:** This criterion will be satisfied.

**Explanation of Finding:** No interim street improvements are proposed pursuant to this subsection.

***Subsection 4.125 (.10) Sidewalk and Pathway Improvement Standards***

D20. **Review Criteria:** “The provisions of Section 4.178 shall apply within the Village zone.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All sidewalks and pathways within PDP 3 North will be constructed in accordance with the standards of Section 4.178 and the Villebois Village Master Plan. Sidewalks and pathways are shown in the Circulation Plan and Street Cross-sections, Sheet 7 of Exhibit B4.

***Subsection 4.125 (.11) Landscaping, Screening and Buffering***

D21. **Review Criteria:** “Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The appropriate landscaping is provided. The proposed street trees are among the choices provided in the Community Elements Book.

***Subsection 4.125 (.12) Signage and Wayfinding***

D22. **Review Criteria:** “Except as this subsection may otherwise be amended, or until such time as a Signage and Wayfinding Plan is approved as required by Section 4.125(.18)(D)(2)(f), signs within the Village zone shall be subject to provisions of Section 4.156.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Signage will be provided consistent with the SAP North Signage & Wayfinding Plan.

***Subsection 4.125 (.13) Design Principles Applying to the Village Zone***

D23. **Review Criteria:** “The following design principles reflect the fundamental concepts, and support the objectives of the Villebois Village Master Plan, and guide the fundamental qualities of the built environment within the Village zone.

- The design of landscape, streets, public places and buildings shall create a place of distinct character.
- The landscape, streets, public places and buildings within individual development projects shall be considered related and connected components of the Villebois Village Master Plan.
- The design of streets and public spaces shall provide for and promote pedestrian safety, connectivity and activity.
- The design of exterior lighting shall minimize off-site impacts, yet enable functionality.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Architectural Pattern Book and Community Elements Book ensure the design meets the fundamental design concepts and support the objectives of the Villebois Village Master Plan. By complying with an approved Architectural Pattern Book and Community Elements Book, the design of the PDP will satisfy these criteria. See also Final Development Plan, Request G.

***Subsection 4.125 (.14) A. 1. a. Design Standards: Flag Lots***

D24. **Review Criterion:** “Flag lots are not permitted.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No flag lots are proposed.

***Subsection 4.125 (.14) A. 2. a. - e. and h. – k. Building and Site Design Requirements***

D25. **Review Criteria:** “Building and site design shall include:

- Proportions and massing of architectural elements consistent with those established in an approved Architectural Pattern Book or Village Center Architectural Standards.
- Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.
- Protective overhangs or recesses at windows and doors.
- Raised stoops, terraces or porches at single-family dwellings.
- Exposed gutters, scuppers, and downspouts, or approved equivalent.
- Building elevations of block complexes shall not repeat an elevation found on an adjacent block.
- Building elevations of detached buildings shall not repeat an elevation found on buildings on adjacent lots.
- A porch shall have no more than three walls.
- A garage shall provide enclosure for the storage of no more than three motor vehicles, as described in the definition of Parking Space.”

**Finding:** These criteria are satisfied or will be satisfied by Conditions of Approval.

**Explanation of Finding:** The application requests PDP approval for single family detached houses. Conformance with the Pattern Book and Community Elements Book will assure consistency with the Design Standards of subsection (.14). Conformance with the Architectural Pattern Book will be reviewed at the issuance of each building permit. Conceptual front elevations of the planned homes are provided. See Section IIF) of Exhibit B3. Compliance with the Community Elements Book is being reviewed as part of Request F Final Development Plan. In order to increase consistency with the Architectural Pattern Book and other development elsewhere in Villebois Condition of Approval PDD 5

requires courtyard fencing consistent with the pattern book and the architectural style of the home for at least 30% of the homes with usable courtyards not exceeding a 5% slope.

***Subsection 4.125 (.14) A. 2. g. Landscape Plans***

D26. **Review Criterion:** “Building and site design shall include:

- A landscape plan in compliance with Sections 4.125(.07) and (.11), above.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The appropriate landscape plans have been provided. See FDP Plans, Exhibit B5.

***Subsection 4.125 (.14) A. 2. f. Protection of Significant Trees***

D27. **Review Criterion:** “Building and site design shall include:

- The protection of existing significant trees as identified in an approved Community Elements Book.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Tree protection information is provided. See also Request F.

***Subsection 4.125 (.14) A. 3. Lighting and Site Furnishings***

D28. **Review Criteria:** “Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.”

**Finding:** These criteria are satisfied or will be required to do so by Condition of Approval PDD 2.

**Explanation of Finding:** Park plans show furnishings consistent with the Community Elements Book. A condition of approval ensure the final street lighting installation is consistent with the Community Elements Book.

***Subsection 4.125 (.14) A. 4. Building Systems***

D29. **Review Criteria:** “Building systems, as noted in Tables V-3 and V-4 (Permitted Materials and Configurations), below, shall comply with the materials, applications and configurations required therein. Design creativity is encouraged. The LEED Building Certification Program of the U.S. Green Building Council may be used as a guide in this regard.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Subsequent Building Permit applications will review proposed buildings for consistency with the criteria of Table V-3 and the Architectural Pattern Book.

***Subsection 4.125 (.18) G. Preliminary Development Plan Approval Process***

***Subsection 4.125 (.18) G. 1. a. Preliminary Development Plan: Submission Timing***

D30. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed with the City Planning Division for the entire SAP, or when submission of the SAP in phases has been authorized by the Development Review Board, for a phase in the approved sequence.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** This PDP addresses Phase 3 on the SAP North Phasing Plan as amended with Request C.

***Subsection 4.125 (.18) G. 1. b. Preliminary Development Plan: Owners' Consent***

D31. **Review Criterion:** "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be made by the owner of all affected property or the owner's authorized agent;"

**Finding:** This criterion is satisfied.

**Explanation of Finding:** This application is made by Fred Gast of Polygon Homes. The PDP application has been signed by owners Wayne Rembold of Villebois LLC as well as Charles and Carolyn Taber.

***Subsection 4.125 (.18) G. 1. c. Preliminary Development Plan Permit Process: Proper Form & Fees***

D32. **Review Criterion:** "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall be filed on a form prescribed by the City Planning Division and filed with said division and accompanied by such fee as the City Council may prescribe by resolution;"

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant has used the prescribed form and paid the required application fees.

***Subsection 4.125 (.18) G. 1. d. Preliminary Development Plan Permit Process: Professional Coordinator***

D33. **Review Criterion:** "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall set forth the professional coordinator and professional design team for the project;"

**Finding:** This criterion is satisfied.

**Explanation of Finding:** A professional design team is working on the project with Stacy Connery AICP from Pacific Community Design as the professional coordinator.

***Subsection 4.125 (.18) G. 1. e. Preliminary Development Plan Permit Process: Mixed Uses***

D34. **Review Criterion:** "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall state whether the development will include mixed land uses, and if so, what uses and in what proportions and locations."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The proposed PDP includes only residential uses with supporting recreational amenities and utilities.

***Subsection 4.125 (.18) G. 1. f. Preliminary Development Plan Permit Process: Land Division***

D35. **Review Criterion:** "An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a preliminary land division (concurrently) per Section 4.400, as applicable."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** A preliminary subdivision plat has been submitted concurrently with this request. See Request E.

***Subsection 4.125 (.18) G. 1. g. Preliminary Development Plan Permit Process: Zone Map Amendment***

D36. **Review Criterion:** “An application for approval of a Preliminary Development Plan for a development in an approved SAP shall include a concurrent application for a Zone Map Amendment (i.e., Zone Change) for the subject phase.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** A zone map amendment request has been submitted concurrently with this request. See Request B.

***Subsection 4.125 (.18) G. 2. a. – c. Preliminary Development Plan Permit Process: Information Required***

D37. **Review Criteria:** “The application for Preliminary Development Plan approval shall include conceptual and quantitatively accurate representations of the entire development sufficient to demonstrate conformance with the approved SAP and to judge the scope, size and impact of the development on the community and shall be accompanied by the following information:

- A boundary survey or a certified boundary description by a surveyor licensed in the State of Oregon.
- Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, (e.g., flood plain, wetlands, forested areas, steep slopes or adjacent to stream banks). Contour lines shall relate to North American Vertical Datum of 1988 and be at minimum intervals as follows:
  - One (1) foot contours for slopes of up to five percent (5%);
  - Two (2) foot contours for slopes from six percent (6%) to twelve (12%);
  - Five (5) foot contours for slopes from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
  - Ten (10) foot contours for slopes exceeding twenty percent (20%).
- The location of areas designated Significant Resource Overlay Zone (SROZ), and associated 25-foot Impact Areas, within the PDP and within 50 feet of the PDP boundary, as required by Section 4.139.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All of the listed information has been provided. See Exhibits B3 and B4.

***Subsection 4.125 (.18) G. 2. d. Preliminary Development Plan Permit Process: Land Area Tabulation***

D38. **Review Criteria:** “A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Following is a tabulation of land area devoted to the various uses and a calculation of net residential density:

Approx. Gross Acreage	15.16 Acres
Parks and Open Space	2.03 Acres

Public Streets	4.49 Acres
Lots and Alleys	8.64 Acres

Net Residential Density: 84 lots / 8.64 Acres = 9.72 units per net acre

***Subsection 4.125 (.18) G. 2. e. Preliminary Development Plan Permit Process: Streets, Alleys, and Trees***

D39. **Review Criteria:** “The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 50 feet of the perimeter of the PDP, together with the location of existing and planned easements, sidewalks, bike routes and bikeways, trails, and the location of other important features such as section lines, section corners, and City boundary lines. The plan shall also identify all trees 6 inches and greater d.b.h. on the project site only.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Information on planned alleys and streets are provided or the information is readily available. Easements, sidewalks, bike routes and bikeways, trails, and other relevant features are shown. The required trees are shown. See Exhibit B4.

***Subsection 4.125 (.18) G. 2. f. Preliminary Development Plan Permit Process: Building Drawings***

D40. **Review Criteria:** “Conceptual drawings, illustrations and building elevations for each of the listed housing products and typical non-residential and mixed-use buildings to be constructed within the Preliminary Development Plan boundary, as identified in the approved SAP, and where required, the approved Village Center Design.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The proposed PDP includes Large, Standard, Medium, and Small detached single-family housing products. Conceptual elevations have been provided. See Section IIF) of applicant’s notebook, Exhibit B3. The elevations have been reviewed by the City’s consultant architect for consistency with the Architectural Pattern Book or will be prior to issuance of building permits.

***Subsection 4.125 (.18) G. 2. g. Preliminary Development Plan Permit Process: Utility Plan***

D41. **Review Criterion:** “A composite utility plan illustrating existing and proposed water, sanitary sewer, and storm drainage facilities necessary to serve the SAP.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** A composite utility plan has been provided. See applicant’s Sheet 6, Exhibit B4.

***Subsection 4.125 (.18) G. 2. h. Preliminary Development Plan Permit Process: Phasing Sequence***

D42. **Review Criterion:** “If it is proposed that the Preliminary Development Plan will be executed in Phases, the sequence thereof shall be provided.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The PDP is proposed to be executed in a single phase.



***Subsection 4.125 (.18) G. 2. i. Preliminary Development Plan Permit Process: Security for Capital Improvements***

D43. **Review Criterion:** “A commitment by the applicant to provide a performance bond or other acceptable security for the capital improvements required by the project.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The applicant states “the applicant will provide a performance bond or other acceptable security for the capital improvements required by the project.”

***Subsection 4.125 (.18) G. 2. j. Preliminary Development Plan Permit Process: Traffic Report***

D44. **Review Criterion:** “At the applicant’s expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the SAP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of the entire SAP, and it shall meet Subsection 4.140(.09)(J)(2).”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The required traffic report has been provided, and can be found in Section IID of the applicant’s notebook, Exhibit B3.

***Subsection 4.125 (.18) H. PDP Application Submittal Requirements***

***Subsection 4.125 (.18) H. 1. PDP Application Submittal Requirements: General***

D45. **Review Criteria:** “The Preliminary Development Plan shall conform with the approved Specific Area Plan, and shall include all information required by (.18)(D)(1) and (2), plus the following:

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The PDP matches the requested approval of the SAP North, as requested to be amended in Request C, and the application includes all of the requested information.

***Subsection 4.125 (.18) H. 2. PDP Application Submittal Requirements: Traffic Report***

D46. **Review Criteria:** “In addition to this information, and unless waived by the City’s Community Development Director as enabled by Section 4.008(.02)(B), at the applicant’s expense, the City shall have a Traffic Impact Analysis prepared, as required by Section 4.030(.02)(B), to review the anticipated traffic impacts of the proposed development. This traffic report shall include an analysis of the impact of the PDP on the local street and road network, and shall specify the maximum projected average daily trips and maximum parking demand associated with buildout of

the entire PDP, and it shall meet Subsection 4.140(.09)(J)(2) for the full development of all five SAPs.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The required traffic report is included in Section IID of the applicant’s notebook, Exhibit B3.

***Subsection 4.125 (.18) H. 3. PDP Application Submittal Requirements: Level of Detail***

D47. **Review Criterion:** “The Preliminary Development Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the phase of development. However, approval of a Final Development Plan is a separate and more detailed review of proposed design features, subject to the standards of Section 4.125(.18)(L) through (P), and Section 4.400 through Section 4.450.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The required level of detail has been shown, similar to other PDP’s approved throughout Villebois.

***Subsection 4.125 (.18) H. 4. PDP Application Submittal Requirements: Copies of Legal Documents***

D48. **Review Criterion:** “Copies of legal documents required by the Development Review Board for dedication or reservation of public facilities, or for the creation of a non-profit homeowner’s association, shall also be submitted.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The required legal documents for review have been provided. See Section IVC in the applicant’s notebook, Exhibit B3.

***Subsection 4.125 (.18) I. PDP Approval Procedures***

D49. **Review Criteria:** “An application for PDP approval shall be reviewed using the following procedures:

- Notice of a public hearing before the Development Review Board regarding a proposed PDP shall be made in accordance with the procedures contained in Section 4.012.
- A public hearing shall be held on each such application as provided in Section 4.013.
- After such hearing, the Development Review Board shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The request is being reviewed according to this subsection.

***Subsection 4.125 (.18) K. PDP Approval Criteria***

***Subsection 4.125 (.18) K. 1. a. PDP Approval Criteria: Consistent with Standards of Section 4.125***

D50. **Review Criteria:** “Is consistent with the standards identified in this section.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As shown elsewhere in this request, the proposed Preliminary Development Plan is consistent with the standards of Section 4.125.

***Subsection 4.125 (.18) K. 1. b. PDP Approval Criteria: Complies with the Planning and Land Development Ordinance***

D51. **Review Criterion:** “Complies with the applicable standards of the Planning and Land Development Ordinance, including Section 4.140(.09)(J)(1)-(3).”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Findings are provided showing compliance with applicable standards of the Planning and Land Development Ordinance. Specifically Findings D57 through D59 address Subsections 4.140 (.09) J. 1. through 3.

***Subsection 4.125 (.18) K. 1. c. PDP Approval Criteria: Consistent with Approved SAP***

D52. **Review Criterion:** “Is consistent with the approved Specific Area Plan in which it is located.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The requested PDP approval is consistent with the SAP, as requested to be amended by Request C.

***Subsection 4.125 (.18) K. 1. d. PDP Approval Criteria: Consistent with Approved Pattern Book***

D53. **Review Criterion:** “Is consistent with the approved Pattern Book and, where required, the approved Village Center Architectural Standards.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** As stated by the applicant, “No buildings are proposed with this Preliminary Development Plan. Subsequent Building Permit applications for residential buildings in this Preliminary Development Plan will document compliance with the Architectural Pattern Book. However, proposed lots are sized to accommodate proposed uses in a manner consistent with Table V-1 and the Architectural Pattern Book.”

***Subsection 4.125 (.18) K. 2. PDP Approval Criteria: Reasonable Phasing Schedule***

D54. **Review Criterion:** “If the PDP is to be phased, that the phasing schedule is reasonable and does not exceed two years between commencement of development of the first, and completion of the last phase, unless otherwise authorized by the Development Review Board.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The PDP will be completed in a single phase.

***Subsection 4.125 (.18) K. 3. PDP Approval Criteria: Parks Concurrency***

D55. **Review Criterion:** “Parks within each PDP or PDP Phase shall be constructed prior to occupancy of 50% of the dwelling units in the PDP or PDP phase, unless weather or other special circumstances prohibit completion, in which case bonding for such improvements shall be permitted.”

**Finding:** This criterion will be satisfied by Condition of Approval PDD 3.

**Explanation of Finding:** A condition of approval ensures the parks within PDP 3 North completed prior to occupancy of 50% of the housing units of the phase or bonding will be provided if special circumstances prevent completion. Specifically, park improvement shown must be completed prior to the granting of the building permit for the 42<sup>nd</sup> house in the PDP.

***Subsection 4.125 (.18) K. 5. PDP Approval Criteria: DRB Conditions***

D56. **Review Criteria:** “The Development Review Board may require modifications to the PDP, or otherwise impose such conditions as it may deem necessary to ensure conformance with the approved SAP, the Villebois Village Master Plan, and compliance with applicable requirements and standards of the Planning and Land Development Ordinance, and the standards of this section.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No additional conditions of approval are recommended.

***Subsection 4.140 (.09) J. Planned Development Permit Review Criteria***

***“A planned development permit may be granted by the Development Review Board only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:”***

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

D57. **Review Criteria:** “The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant’s findings demonstrate the location, design, size, and uses proposed with the PDP are both separately and as a whole consistent with SAP North as proposed to be amended in Request C, and thus the Villebois Village Master Plan, the City’s Comprehensive Plan designation of Residential – Village for the area, and any other applicable ordinance of which staff is aware.

***Subsection 4.140 (.09) J. 2. Meeting Traffic Level of Service D***

D58. **Review Criteria:** That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City’s adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The location, design, size and uses are such that traffic generated within the PDP at the most heavily used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D. The proposed uses and the circulation system are consistent with SAP North, as requested to be amended in Request C. A copy of the Traffic Impact Analysis is included in Section IID of the applicant’s notebook, Exhibit B3.

### ***Subsection 4.140 (.09) J. 3. Concurrency for Other Facilities and Services***

D59. **Review Criteria:** “That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As shown in the Utility and Drainage Report, Section IIIC of the applicant’s notebook, Exhibit B3, and the applicant’s Composite Utility Plan, Sheet 6 of Exhibit B4, adequate or immediately planned facilities and services are sufficient to serve the planned development.

### ***Section 4.171 Protection of Natural Features & Other Resources***

#### ***Subsection 4.171 (.02) General Terrain Preparation***

D60. **Review Criteria:**

- “All developments shall be planned designed, constructed and maintained with maximum regard to natural terrain features and topography, especially hillside areas, floodplains, and other significant land forms.
- All grading, filling and excavating done in connection with any development shall be in accordance with the Uniform Building Code, all development shall be planned, designed, constructed and maintained so as to:
  - Limit the extent of disturbance of soils and site by grading, excavation and other land alterations.
  - Avoid substantial probabilities of: (1) accelerated erosion; (2) pollution, contamination or siltation of lakes, rivers, streams and wetlands; (3) damage to vegetation; (4) injury to wildlife and fish habitats.
  - Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and nutrient runoff, and preserve the natural scenic character.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The PDP matches the SAP North approvals, as requested to be amended in Request C and found to meet the requirements of this subsection.

#### ***Subsection 4.171 (.03) Hillsides***

D61. **Review Criterion:** “Hillsides: All developments proposed on slopes greater than 25% shall be limited to the extent that:”

**Finding:** This criterion does not apply.

**Explanation of Finding:** No development is proposed on such slopes.

#### ***Subsection 4.171 (.04) Trees and Wooded Area***

D62. **Review Criteria:**

- “All developments shall be planned, designed, constructed and maintained so that:
  - Existing vegetation is not disturbed, injured, or removed prior to site development and prior to an approved plan for circulation, parking and structure location.

- Existing wooded areas, significant clumps/groves of trees and vegetation, and all trees with a diameter at breast height of six inches or greater shall be incorporated into the development plan and protected wherever feasible.
- Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- Trees and woodland areas to be retained shall be protected during site preparation and construction according to City Public Works design specifications, by:
  - Avoiding disturbance of the roots by grading and/or compacting activity.
  - Providing for drainage and water and air filtration to the roots of trees which will be covered with impermeable surfaces.
  - Requiring, if necessary, the advisory expertise of a registered arborist/horticulturist both during and after site preparation.
  - Requiring, if necessary, a special maintenance, management program to insure survival of specific woodland areas of specimen trees or individual heritage status trees.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Tree Preservation Plan, Section VI of Exhibit B3 and Sheet 10 of Exhibit B4, depicts existing trees within the subject area and identifies trees to be retained and to be removed. This application includes a request for approval of a Type “C” Tree Removal Plan. See Request F.

***Subsection 4.171 (.05) High Voltage Power Lines***

D63. **Review Criteria:** “High Voltage Power line Easements and Rights of Way and Petroleum Pipeline Easements:

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

**Finding:** These criteria do not apply.

**Explanation of Finding:** The development area and surrounding area are not around high voltage power lines.

***Subsection 4.171 (.06) Safety Hazards***

D64. **Review Criteria:** “

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant states that development of the subject area will occur in a manner that minimizes potential hazards to safety.

#### ***Subsection 4.171 (.07) Earth Movement Hazard Areas***

D65. **Review Criterion:** “No development or grading shall be allowed in areas of land movement, slump or earth flow, and mud or debris flow, except under one of the following conditions.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No areas of land movement, slump, earth flow, or mud or debris flow have been identified in the project area.

#### ***Subsection 4.171 (.08) Standards for Soil Hazard Areas***

D66. **Review Criteria:**

- “Appropriate siting and design safeguards shall insure structural stability and proper drainage of foundation and crawl space areas for development on land with any of the following soil conditions: wet or high water table; high shrink-swell capability; compressible or organic; and shallow depth-to-bedrock.
- The principal source of information for determining soil hazards is the State DOGAMI Bulletin 99 and any subsequent bulleting and accompanying maps. Approved site-specific soil studies shall be used to identify the extent and severity of the hazardous conditions on the site, and to update the soil hazards database accordingly.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No soil hazard areas have been identified within the subject area.

#### ***Subsection 4.171 (.09) Historic Protection***

D67. **Review Criteria:** This subsection establishes requirements for protection of historic resources.

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The PDP matches the SAP North approvals, as requested to be amended in Request C and found to meet the requirements of this subsection.

#### ***Section 4.176 Landscaping, Screening, and Buffering***

D68. **Review Criteria:** This section establishes landscape, screening, and buffering requirements for development within the City.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Landscaping will be provided in accordance with the standards in Section 4.176. The Street Tree/Lighting Plan depicts street trees along rights-of-way within the subject Preliminary Development Plan area. The plan has been developed in conformance with the *Community Elements Book* and the applicable standards of Section 4.176. Landscaping in the parks and linear green areas will be reviewed with Request G, Final Development Plan.

#### ***Section 4.177 Street Improvement Standards***

D69. **Review Criteria:** This section establishes street improvements standards for development within the City.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The PDP matches the SAP North approvals, as requested to be amended in Request C and found to meet the requirements of this subsection.

#### ***Section 4.178 Sidewalk and Pathway Standards***

##### **D70. Review Criteria:**

- “Sidewalks. All sidewalks shall be concrete and a minimum of five (5) feet in width, except where the walk is adjacent to commercial storefronts. In such cases, they shall be increased to a minimum of ten (10) feet in width.
- Pathways
  - Bicycle facilities shall be provided using a bicycle lane as the preferred facility design. The other facility designs listed will only be used if the bike lane standard cannot be constructed due to physical or financial constraints. The alternative standards are listed in order of preference.
  - Bike lane. This design includes 12-foot minimum travel lanes for autos and paved shoulders, 5-6 feet wide for bikes that are striped and marked as bicycle lanes. This shall be the basic standard applied to bike lanes on all arterial and collector streets in the City, with the exception of minor residential collectors with less than 1,500 (existing or anticipated) vehicle trips per day.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The PDP matches the SAP North approvals, as requested to be amended in Request C and found to meet the requirements of this subsection.



**REQUEST E: DB14-0014 TENTATIVE SUBDIVISION PLAT**

The applicant's findings in Section IIIA of their PDP notebook, Exhibit B3, respond to the majority of the applicable criteria.

*Subsection 4.125 (.02) Permitted Uses in the Village Zone*

- E1. **Review Criteria:** This subsection lists the permitted uses in the Village Zone.  
**Finding:** These criteria are satisfied.  
**Explanation of Finding:** The proposed subdivision is for uses including single family homes and parks and open space are permitted in the Village Zone.

*Subsection 4.125 (.05) Development Standards Applying to All Development in Village Zone*

*Subsection 4.125 (.05) A. Block, Alley, Pedestrian, and Bicycle Standards*

- E2. **Review Criteria:** This subsection lists the block, alley, pedestrian, and bicycle standards applicable in the Village Zone.  
**Finding:** These criteria are satisfied.  
**Explanation of Finding:** The tentative subdivision plat shows blocks, alleys, pedestrian, and bicycle paths consistent with this subsection and the proposed PDP.

*Subsection 4.125 (.05) B. Access Standards*

- E3. **Review Criterion:** "All lots with access to a public street, and an alley, shall take vehicular access from the alley to a garage or parking area, except as determined by the City Engineer."  
**Finding:** This criterion will be satisfied by Condition of Approval PDE 6.  
**Explanation of Finding:** Condition of Approval PDE 6 requires a non-access reservation strip on the street side of lots with street access helping to ensure this criterion is met.

*Table V-1: Development Standards in the Village Zone*

- E4. **Review Criteria:** This table shows the development standards, including setback for different uses in the Village Zone.  
**Finding:** These criteria are satisfied.  
**Explanation of Finding:** As been consistently interpreted for PDP approvals in Villebois, lot dimensions in the Architectural Pattern Book can govern such things as lot width and size even when it is not consistent with the table. The proposed lots facilitate the construction that meets relevant standards of the table.

*Subsection 4.125 (.07) Off-Street Parking, Loading and Bicycle Parking*

- E5. **Review Criteria:** "Except as required by Subsections (A) through (D), below, the requirements of Section 4.155 shall apply within the Village zone."  
**Finding:** These criteria are satisfied.  
**Explanation of Finding:** Nothing concerning the tentative subdivision would prevent the required parking from being built.

***Subsection 4.125 (.08) Open Space Requirements***

- E6. **Review Criteria:** This subsection establishes the open space requirements for the Village Zone.  
**Finding:** These criteria are satisfied or will be satisfied by Condition of Approval PDE 9.  
**Explanation of Finding:** The tentative subdivision plat shows open space consistent with the requirements of the Village Zone and the proposed PDP. Consistent with the requirements of (.08) C. the condition of approval require the City Attorney to review and approve pertinent bylaws, covenants, or agreements prior to recordation.

***Subsection 4.125 (.09) A. 1. Street and Improvement Standards: General Provisions***

- E7. **Review Criteria:** “Except as noted below, the provisions of Section 4.177 shall apply within the Village zone:
- General Provisions:
    - All street alignment and access improvements shall conform to Figures 7, 8, 9A, and 9B of the Villebois Village Master Plan, or as refined in an approved Specific Area Plan, Preliminary Development Plan, or Final Development Plan, and the following standards:
    - All street improvements shall conform to the Public Works Standards and the Transportation Systems Plan, and shall provide for the continuation of streets through proposed developments to adjoining properties or subdivisions, according to the Master Plan.
    - All streets shall be developed according to the Master Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The tentative subdivision plat shows street alignments, improvements, and access improvements consistent with the approved PDP and SAP found to be consistent with the Master Plan and Transportation Systems Plan.

***Subsection 4.125 (.09) A. 2. Street and Improvement Standards: Intersection of Streets***

- E8. **Review Criteria:** “Intersections of streets:
- Angles: Streets shall intersect one another at angles not less than 90 degrees, unless existing development or topography makes it impractical.
  - Intersections: If the intersection cannot be designed to form a right angle, then the right-of-way and paving within the acute angle shall have a minimum of a thirty (30) foot centerline radius and said angle shall not be less than sixty (60) degrees. Any angle less than ninety 90 degrees shall require approval by the City Engineer after consultation with the Fire District.
  - Offsets: Opposing intersections shall be designed so that no offset dangerous to the traveling public is created. Intersections shall be separated by at least:
    - 1000 ft. for major arterials
    - 600 ft. for minor arterials
    - 100 ft. for major collector
    - 50 ft. for minor collector
  - Curb Extensions:
    - Curb extensions at intersections shall be shown on the Specific Area Plans required in Subsection 4.125(.18)(C) through (F), below, and shall:
      - Not obstruct bicycle lanes on collector streets.

- Provide a minimum 20 foot wide clear distance between curb extensions at all local residential street intersections, meet minimum turning radius requirements of the Public Works Standards, and shall facilitate fire truck turning movements as required by the Fire District.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The tentative subdivision plat shows street intersections as proposed in the proposed PDP consistent with these standards.

***Subsection 4.125 (.09) A. 4. Street and Improvement Standards: Centerline Radius Street Curves***

E9. **Review Criteria:** “The minimum centerline radius street curves shall be as follows:

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

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The tentative subdivision plat shows streets found to meet these standards under Requests C and D.

***Subsections 4.125 (.09) A. 5. and 4.177 (.01) C. Street and Improvement Standards: Rights-of-way***

E10. **Review Criteria:**

- “Prior to issuance of a Certificate of Occupancy Building permits or as a part of the recordation of a final plat, the City shall require dedication of rights-of-way in accordance with the Street System Master Transportation Systems Plan. All dedications shall be recorded with the County Assessor's Office.
- The City shall also require a waiver of remonstrance against formation of a local improvement district, and all non-remonstrances shall be recorded in the County Recorder’s Office as well as the City's Lien Docket, prior to issuance of a Certificate of Occupancy Building Permit or as a part of the recordation of a final plat.
- In order to allow for potential future widening, a special setback requirement shall be maintained adjacent to all arterial streets. The minimum setback shall be 55 feet from the centerline or 25 feet from the right-of-way designated on the Master Plan, whichever is greater.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As stated by the applicant, “rights-of-way will be dedicated and a waiver of remonstrance against the formation of a local improvement district will be recorded with recordation of a final plat in accordance with Section 4.177.”

***Subsections 4.125 (.09) A. 6.and 4.177 (.01) E. Street and Improvement Standards: Access Drives***

E11. **Review Criteria:**

- Access drives are required to be 16 feet for two-way traffic.
- An access drive to any proposed development shall be designed to provide a clear travel lane free from any obstructions.

- Access drive travel lanes shall be constructed with a hard surface capable of carrying a 23-ton load.
- Secondary or emergency access lanes may be improved to a minimum 12 feet with an all-weather surface as approved by the Fire District. All fire lanes shall be dedicated easements.
- Minimum access requirements shall be adjusted commensurate with the intended function of the site based on vehicle types and traffic generation.
- Where access drives connect to the public right-of-way, construction within the right-of-way shall be in conformance to the Public Works Standards.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The tentative subdivision plat shows alleys of sufficient width to meet the width standards. The applicant states easements for fire access will be dedicated as required.

***Subsections 4.125 (.09) A. 7. and 4.177 (.01) F. Street and Improvement Standards: Clear Vision Areas***

E12. **Review Criteria:** “A clear vision area which meets the Public Works Standards shall be maintained on each corner of property at the intersection of any two streets, a street and a railroad or a street and a driveway. However, the following items shall be exempt from meeting this requirement:” Listed 1. a.-f.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The tentative subdivision plat shows streets found to meet these standards under Requests C and D.

***Subsections 4.125 (.09) A. 8.and 4.177 (.01) G. Street and Improvement Standards: Vertical Clearance***

E13. **Review Criterion:** “a minimum clearance of 12 feet above the pavement surface shall be maintained over all streets and access drives.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Nothing shown on the tentative subdivision plat would preclude the required clearance from being provided.

***Subsections 4.125 (.09) A. 9.and 4.177 (.01) H. Street and Improvement Standards: Interim Improvement Standards***

E14. **Review Criteria:** “It is anticipated that all existing streets, except those in new subdivisions, will require complete reconstruction to support urban level traffic volumes. However, in most cases, existing and short-term projected traffic volumes do not warrant improvements to full Master Plan standards. Therefore, unless otherwise specified by the Planning Commission, the following interim standards shall apply.

- Arterials - 24 foot paved, with standard sub-base. Asphalt overlays are generally considered unacceptable, but may be considered as an interim improvement based on the recommendations of the City Engineer, regarding adequate structural quality to support an overlay.
- Half-streets are generally considered unacceptable. However, where the Development Review Board finds it essential to allow for reasonable development, a half-street may be

approved. Whenever a half-street improvement is approved, it shall conform to the requirements in the Public Works Standards:

- When considered appropriate in conjunction with other anticipated or scheduled street improvements, the City Engineer may approve street improvements with a single asphalt lift. However, adequate provision must be made for interim storm drainage, pavement transitions at seams and the scheduling of the second lift through the Capital Improvements Plan.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The area covered by the tentative subdivision plat does not include any interim improvements addressed by this subsection.

***Subsection 4.202 (.01) through (.03) Plats Reviewed by Planning Director or DRB***

- E15. **Review Criteria:** “Pursuant to ORS Chapter 92, plans and plats must be approved by the Planning Director or Development Review Board (Board), as specified in Sections 4.030 and 4.031, before a plat for any land division may be filed in the county recording office for any land within the boundaries of the City, except that the Planning Director shall have authority to approve a final plat that is found to be substantially consistent with the tentative plat approved by the Board. The Development Review Board and Planning Director shall be given all the powers and duties with respect to procedures and action on tentative and final plans, plats and maps of land divisions specified in Oregon Revised Statutes and by this Code.

Approval by the Development Review Board or Planning Director of divisions of land within the boundaries of the City, other than statutory subdivisions, is hereby required by virtue of the authority granted to the City in ORS 92.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The tentative subdivision plat is being reviewed by the Development Review Board 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 DRB review of the tentative subdivision plat.

***Subsection 4.202 (.04) A. Lots must be Legally Created for Issuing Development Permit***

- E16. **Review Criterion:** “No person shall sell any lot or parcel in any condominium, subdivision, or land partition until a final condominium, subdivision or partition plat has been approved by the Planning Director as set forth in this Code and properly recorded with the appropriate county.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** It is understood that no lots will be sold until the final plat has been approved by the Planning Director and recorded.

***Subsection 4.202 (.04) B. Prohibition of Creating Undersized Lots***

- E17. **Review Criterion:** “It shall be a violation of this Code to divide a tract of land into a parcel smaller than the lot size required in the Zoning Sections of this Code unless specifically approved by the Development Review Board or City Council. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than the minimum lot size, width, depth, frontage, yard or setback requirements, unless specifically authorized through the Variance procedures of Section 4.196 or the waiver provisions of the Planned Development procedures of Section 4.118.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No lots will be divided into a size smaller than allowed by the proposed Village “V” zoning designation.

***Subsection 4.210 (.01) Pre-Application Conference***

E18. **Review Criterion:** “Prior to submission of a tentative condominium, partition, or subdivision plat, a person proposing to divide land in the City shall contact the Planning Department to arrange a pre-application conference as set forth in Section 4.010.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** A pre-application conference was held on November 21, 2013 in accordance with this subsection.

***Subsection 4.210 (.01) A. Preparation of Tentative Plat***

E19. **Review Criterion:** “The applicant shall cause to be prepared a tentative plat, together with improvement plans and other supplementary material as specified in this Section. The Tentative Plat shall be prepared by an Oregon licensed professional land surveyor or engineer. An affidavit of the services of such surveyor or engineer shall be furnished as part of the submittal.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Sheet 4 of Exhibit B4, as shown revised in Exhibit B6, is a tentative subdivision plat prepared in accordance with this subsection.

***Subsection 4.210 (.01) B. Tentative Plat Submission***

E20. **Review Criteria:** “The design and layout of this plan plat shall meet the guidelines and requirements set forth in this Code. The Tentative Plat shall be submitted to the Planning Department with the following information:” Listed 1. through 26.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The tentative subdivision plat has been submitted with the required information.

***Subsection 4.210 (.01) D. Land Division Phases to Be Shown***

E21. **Review Criteria:** “Where the applicant intends to develop the land in phases, the schedule of such phasing shall be presented for review at the time of the tentative plat. In acting on an application for tentative plat approval, the Planning Director or Development Review Board may set time limits for the completion of the phasing schedule which, if not met, shall result in an expiration of the tentative plat approval.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The land is intended to be developed in a single phase.

***Subsection 4.210 (.01) E. Remainder Tracts***

E22. **Review Criteria:** “Remainder tracts to be shown as lots or parcels. Tentative plats shall clearly show all affected property as part of the application for land division. All remainder tracts, regardless of size, shall be shown and counted among the parcels or lots of the division.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** All affected property has been incorporated into the tentative subdivision plat.

***Subsection 4.236 (.01) Conformity to the Master Plan or Map***

E23. **Review Criteria:** “Land divisions shall conform to and be in harmony with the Transportation Master Plan (Transportation Systems Plan), the Bicycle and Pedestrian Master Plan, the Parks and Recreation Master Plan, the Official Plan or Map and especially to the Master Street Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The tentative subdivision plat is consistent with applicable plans including the Transportation Systems Plan and Villebois Village Master Plan.

***Subsection 4.236 (.02) Relation to Adjoining Street System***

E24. **Review Criteria:**

- A land division shall provide for the continuation of the principal streets existing in the adjoining area, or of their proper projection when adjoining property is not developed, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Director or Development Review Board, topographic conditions make such continuation or conformity impractical, an exception may be made. In cases where the Board or Planning Commission has adopted a plan or plat of a neighborhood or area of which the proposed land division is a part, the subdivision shall conform to such adopted neighborhood or area plan.
- Where the plat submitted covers only a part of the applicant's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.
- At any time when an applicant proposes a land division and the Comprehensive Plan would allow for the proposed lots to be further divided, the city may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street plans and other requirements specified in these regulations.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The tentative subdivision plat shows streets meeting these standards consistent with the proposed PDP. See Request D.

***Subsection 4.236 (.03) Streets: Conformity to Standards Elsewhere in the Code***

E25. **Review Criteria:** “All streets shall conform to the standards set forth in Section 4.177 and the block size requirements of the zone.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The tentative subdivision plat shows streets consistent with the proposed SAP Amendment and PDP under Requests C and D which meets Section 4.177 and the block requirements of the zone.

***Subsection 4.236 (.04) Creation of Easements***

E26. **Review Criteria:** “The Planning Director or Development Review Board may approve an easement to be established without full compliance with these regulations, provided such an easement is the only reasonable method by which a portion of a lot large enough to allow partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to divide into more than two (2) parcels, a street dedication may be required.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No specific easements are requested pursuant to this subsection.

***Subsection 4.236 (.05) Topography***

E27. **Review Criteria:** “The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of these regulations.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The tentative subdivision plat shows street alignments recognizing topographic conditions consistent with the requested PDP.

***Subsection 4.236 (.06) Reserve Strips***

E28. **Review Criteria:** “The Planning Director or Development Review Board may require the applicant to create a reserve strip controlling the access to a street. Said strip is to be placed under the jurisdiction of the City Council, when the Director or Board determine that a strip is necessary.” Reasons listed A. through D.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No reserve strips are being required for the reasons listed in this subsection. However, reserve strips are being required by Condition of Approval PDD 6 to prevent access to the front side of lots served by an alley. See also Findings E3.

***Subsection 4.236 (.07) Future Expansion of Street***

E29. **Review Criteria:** When necessary to give access to, or permit a satisfactory future division of, adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs shall be required to preserve the objective of street extension.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Streets are being extended consistent with this subsection.

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

E30. **Review Criteria:** “Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall conform to the designated width in this Code or in the Transportation Systems Plan.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The necessary rights-of-way for Grahams Ferry Road and Tooze Road are being dedicated.

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

E31. **Review Criteria:** “No street names will be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and numbers shall conform to the established name system in the City, and shall be subject to the approval of the City Engineer.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Street names will be reviewed by Engineering staff and be subject to approval by the City Engineer consistent with this subsection.



***Subsection 4.237 (.01) Blocks***

**E32. Review Criteria:**

- The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of pedestrian, bicycle, and motor vehicle traffic, and recognition of limitations and opportunities of topography.
- Sizes: Blocks shall not exceed the sizes and lengths specified for the zone in which they are located unless topographical conditions or other physical constraints necessitate larger blocks. Larger blocks shall only be approved where specific findings are made justifying the size, shape, and configuration.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The tentative subdivision plat shows blocks consistent with those proposed Preliminary Development Plan. See Request D.

***Subsection 4.237 (.02) Easements***

**E33. Review Criteria:**

- Utility lines. Easements for sanitary or storm sewers, drainage, water mains, electrical lines or other public utilities shall be dedicated wherever necessary. Easements shall be provided consistent with the City's Public Works Standards, as specified by the City Engineer or Planning Director. All of the public utility lines within and adjacent to the site shall be installed within the public right-of-way or easement; with underground services extending to the private parcel constructed in conformance to the City's Public Works Standards. All franchise utilities shall be installed within a public utility easement. All utilities shall have appropriate easements for construction and maintenance purposes.
- Water courses. Where a land division is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purposes of conveying storm water and allowing for maintenance of the facility or channel. Streets or parkways parallel to water courses may be required.

**Finding:** These criteria are satisfied or will be satisfied by Conditions of Approval.

**Explanation of Finding:** As shown on preliminary plat, Sheet 4 of Exhibit B4 as revised in Exhibit B6, the required easements have been provided. Condition of Approvals ensures all easements dealing with utilities are on the final plat.

***Subsection 4.237 (.03) Mid-block Pedestrian and Bicycle Pathways***

**E34. Review Criteria:** “An improved public pathway shall be required to transverse the block near its middle if that block exceeds the length standards of the zone in which it is located.

- Pathways shall be required to connect to cul-de-sacs or to pass through unusually shaped blocks.
- Pathways required by this subsection shall have a minimum width of ten (10) feet unless they are found to be unnecessary for bicycle traffic, in which case they are to have a minimum width of six (6) feet.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Pathways are being provided consistent with the Village Zone requirements and the Villebois Village Master Plan.

***Subsection 4.237 (.04) Tree Planting & Tree Access Easements***

E35. **Review Criteria:** “Tree planting plans for a land division must be submitted to the Planning Director and receive the approval of the Director or Development Review Board before the planting is begun. Easements or other documents shall be provided, guaranteeing the City the right to enter the site and plant, remove, or maintain approved street trees that are located on private property.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed street trees are within the proposed public right-of-way.

***Subsection 4.237 (.05) Lot Size and Shape***

E36. **Review Criteria:** “The lot size, width, shape and orientation shall be appropriate for the location of the land division and for the type of development and use contemplated. Lots shall meet the requirements of the zone where they are located.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Proposed lot sizes, widths, shapes and orientations are appropriate for the proposed development and are in conformance with the Village Zone requirements as discussed under Requests C and D.

***Subsection 4.237 (.06) Access***

E37. **Review Criteria:** “The division of land shall be such that each lot shall have a minimum frontage on a street or private drive, as specified in the standards of the relative zoning districts. This minimum frontage requirement shall apply with the following exceptions:” Listed A. and B.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Each lot has the minimum frontage on a street or greenbelt, as allowed in the Architectural Pattern Book.

***Subsection 4.237 (.07) Through Lots***

E38. **Review Criteria:** “Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activity or to overcome specific disadvantages of topography and orientation.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No through lots are proposed. The lots on Belfast Lane and Barcelona Street backing up to Grahams Ferry Road and Tooze Road have a linear green between the rear lot lines and the Grahams Ferry Road and Tooze Road rights-of-way.

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

E39. **Review Criteria:** “The side lines of lots, as far as practicable for the purpose of the proposed development, shall run at right angles to the street or tract with a private drive upon which the lots face.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Generally side lot lines are at right angles with the front lot line. Where they do not, they run at the closest possible angle to 90 degrees as allowed by block shape, adjacent lot shape, and required alley orientation.

***Subsection 4.237 (.09) Large Lot Land Divisions***

E40. **Review Criteria:** “In dividing tracts which at some future time are likely to be re-divided, the location of lot lines and other details of the layout shall be such that re-division may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Development Review Board considers it necessary.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No future divisions of the lots included in the tentative subdivision plat.

***Subsection 4.237 (.10) and (.11) Building Line and Built-to Line***

E41. **Review Criteria:** The Planning Director or Development Review Board may establish special:

- building setbacks to allow for the future redivision or other development of the property or for other reasons specified in the findings supporting the decision. If special building setback lines are established for the land division, they shall be shown on the final plat.
- build-to lines for the development, as specified in the findings and conditions of approval for the decision. If special build-to lines are established for the land division, they shall be shown on the final plat.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No building lines or built-to lines are proposed or recommended.

***Subsection 4.237 (.12) Land for Public Purposes***

E42. **Review Criterion:** “The Planning Director or Development Review Board may require property to be reserved for public acquisition, or irrevocably offered for dedication, for a specified period of time.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No property reservation is recommended as described in this subsection.

***Subsection 4.237 (.13) Corner Lots***

E43. **Review Criterion:** “Lots on street intersections shall have a corner radius of not less than ten (10) feet.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** All proposed corner lots meet the minimum corner radius of ten (10) feet.

***Section 4.250 Lots of Record***

E44. **Review Criteria:** “All lots of record that have been legally created prior to the adoption of this ordinance shall be considered to be legal lots. Tax lots created by the County Assessor are not necessarily legal lots of record.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The parcels being divided are of record, and the resulting subdivision lots will be lots of record.

#### ***Section 4.260 Improvements-Procedures***

E45. **Review Criteria:** “In addition to other requirements, improvements installed by the developer, either as a requirement of these regulations or at the developer's own option, shall conform to the requirements of this Code and improvement standards and specifications of the City. The improvements shall be installed in accordance with the City's Public Works Standards.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The rights-of-way shown on the tentative subdivision plat are sufficient for installation of improvements to City standards. Conformance of the improvements with the City's Public Works Standards and other applicable standards will be ensured through the Engineering Division's permit and inspection process.

#### ***Section 4.262 Improvements-Requirements***

E46. **Review Criteria:** This section establishes requirements for a number of different improvements including curbs, sidewalks, sanitary sewers, drainage, underground utility and service facilities, streetlight standards, street signs, monuments, and water.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant has stated their intent to meet the requirements for all the types of improvements indicated in this subsection. Conformance with these requirements will be ensured through the Engineering Division's, and Building Division's where applicable, permit and inspection process.

**REQUEST F: DB14-0016 TYPE C TREE PLAN**

**The applicant's findings in Section VA of their PDP notebook, Exhibit B3, respond to the majority of the applicable criteria.**

***Subsection 4.600.50 (.03) A. Access to Site for Tree Related Observation***

F1. **Review Criterion:** "By submission of an application, the applicant shall be deemed to have authorized City representatives to have access to applicant's property as may be needed to verify the information provided, to observe site conditions, and if a permit is granted, to verify that terms and conditions of the permit are followed."

**Finding:** This criterion will be satisfied by Condition of Approval PDF 2.

**Explanation of Finding:** Condition of Approval PDF 2 ensures the required access is allowed.

***Subsection 4.610.00 (.03) B. Type C Tree Removal Review Authority***

F2. **Review Criterion:** "Type C. Where the site is proposed for development necessitating site plan review or plat approval by the Development Review Board, the Development Review Board shall be responsible for granting or denying the application for a Tree Removal Permit, and that decision may be subject to affirmance, reversal or modification by the City Council, if subsequently reviewed by the Council."

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The requested tree removal is connected to site plan review by the Development Review Board for the proposed development. The tree removal is thus being reviewed by the DRB.

***Subsection 4.610.00 (.06) A. Conditions Attached to Type C Tree Permits***

F3. **Review Criterion:** "Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority including, but not limited to, the recording of any plan or agreement approved under this subchapter, to ensure that the intent of this Chapter will be fulfilled and to minimize damage to, encroachment on or interference with natural resources and processes within wooded areas;"

**Finding:** This criterion is met or will be met by conditions of approval.

**Explanation of Finding:** A number of additional conditions are recommended pursuant to this subsection. Tree 10499 is a twenty-seven inch (27") Douglas-fir in excellent condition, rated as Good by the project arborist and indicated for retention during development. In consideration of the health and value of the tree Conditions of Approval PDF 4 and PDF 5 impose reasonable conditions to encourage proper long-term preservation and maintenance as well as clearly identify maintenance responsibility. Condition of Approval PDF 4 requires a tree preservation and maintenance easement and associated easement agreement allowing for inspection of the tree condition and assigning tree maintenance responsibility to the homeowners association as well as limiting plantings and irrigation that could damage the health of the tree. As a practical matter Condition of Approval PDF 5 requires an access easement on Lot 50 to allow necessary access for inspection and maintenance activities.

Condition of Approval PDF 12 addresses concern that the alignment of the sidewalk along SW Tooze Rd. looks to impact three trees shown as retained. The condition requires the sidewalk to meander to minimize placement within the root zone and when it is within the root zone requires a specific profile to protect roots. A public sidewalk easement may be required within the linear green to allow for the meandering.

Lastly, Conditions of Approval PDF 9 and 10 require special care be taken to limit impacts when installing fencing and utilities in the root zone of preserved trees.

#### ***Subsection 4.610.00 (.06) B. Completion of Operation***

- F4. **Review Criterion:** “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Fix a reasonable time to complete tree removal operations;”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** It is understood the tree removal will be completed by the time construction of all homes, parks, and other improvements in the PDP are completed, which is a reasonable time frame for tree removal.

#### ***Subsection 4.610.00 (.06) C. Security***

- F5. **Review Criterion:** “Whenever an application for a Type B, C or D Tree Removal Permit is granted, the reviewing authority shall:” “Require the Type C permit grantee to file with the City a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the City to ensure compliance with Tree Removal Permit conditions and this Chapter. 1. This requirement may be waived by the Planning Director if the tree removal must be completed before a plat is recorded, and the applicant has complied with WC 4.264(1) of this Code.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** As allowed by Subsection 1 the bonding requirement is being waived as the application is required to comply with WC 4.264(1).

#### ***Subsection 4.610.10 (.01) Standards for Tree Removal, Relocation or Replacement***

##### ***Subsection 4.610.10 (.01) A. Standards for the Significant Resource Overlay Zone***

- F6. **Review Criteria:** “Standard for the Significant Resource Overlay Zone. The standard for tree removal in the Significant Resource Overlay Zone shall be that removal or transplanting of any tree is not inconsistent with the purposes of this chapter.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Request H fully reviews any impact to the Significant Resource Overlay Zone, including any tree removal.

##### ***Subsection 4.610.10 (.01) B. Standards for Preservation and Conservation***

- F7. **Review Criteria:** “No development application shall be denied solely because trees grow on the site. Nevertheless, tree preservation and conservation as a principle shall be equal in concern and importance as other design principles.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** As shown on the Existing Conditions Plan, Sheet 2 of Exhibit B4, the majority of the site is pasture with trees concentrated around existing residential dwellings, the northwestern site corner, and the retained wetland located in the southwestern site corner. Existing trees within these areas are preserved to the extent feasible while the locations of residential lots, street improvements, alleys, and utilities were generally planned within existing pasture areas. Trees located within the wetland area to be retained and within the SROZ area will be preserved within open space tracts. The majority of trees proposed for removal are in “Poor” condition or “Moderate” condition. Trees with a “Good” rating are retained to the extent feasible. No trees with a rating of “Important” are present within the subject site.

***Subsection 4.610.10 (.01) C. Standards for Development Alternatives***

- F8. **Review Criteria:** “Preservation and conservation of wooded areas and trees shall be given careful consideration when there are feasible and reasonable location alternatives and design options on-site for proposed buildings, structures or other site improvements.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The majority of the site is pasture with trees located around existing residential dwellings, within the retained wetland in the southwestern site corner, and the northwestern site corner. Existing trees within these areas are preserved to the extent feasible while the locations of residential lots, street improvements, alleys, and utilities were generally planned within existing pasture areas.

***Subsection 4.610.10 (.01) D. Standards for Land Clearing***

- F9. **Review Criteria:** “Where the proposed activity requires land clearing, the clearing shall be limited to designated street rights-of-way and areas necessary for the construction of buildings, structures or other site improvements.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This standard is being followed as shown in the applicant’s plan set, Exhibit B4.

***Subsection 4.610.10 (.01) E. Standards for Residential Development***

- F10. **Review Criteria:** “Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The subject site is relatively flat and is being development with a pattern similar to other areas of Villebois.

***Subsection 4.610.10 (.01) F. Standards for Compliance with Statutes and Ordinances***

- F11. **Review Criteria:** “The proposed activity shall comply with all applicable statutes and ordinances.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This standard is broad and duplicative. As found elsewhere in this report, the applicable standards are being applied.

***Subsection 4.610.10 (.01) G. Standards for Relocation and Replacement***

F12. **Review Criteria:** “The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with WC 4.620.00, and the protection of those trees that are not removed, in accordance with WC 4.620.10.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed tree activity is being reviewed in accordance to the referenced sections related to replacement and protection.

***Subsection 4.610.10 (.01) H. Limitation on Tree Removal***

F13. **Review Criteria:** “Tree removal or transplanting shall be limited to instances where the applicant has provided completed information as required by this chapter and the reviewing authority determines that removal or transplanting is necessary based on the criteria of this subsection.” Listed 1. through 4.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed tree removal is either necessary for construction or is due to the health and condition of the trees.

***Subsection 4.610.10 (.01) I. 1. Additional Standards for Type C Permits: Tree Survey***

F14. **Review Criteria:** “For all site development applications reviewed under the provisions of Chapter 4 Planning and Zoning, the developer shall provide a Tree Survey before site development as required by WC 4.610.40 , and provide a Tree Maintenance and Protection Plan, unless specifically exempted by the Planning Director or DRB, prior to initiating site development.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The required Tree Maintenance and Protection Plan has been submitted. See Section VIC) of Exhibit B3.

***Subsection 4.610.10 (.01) I. 2. Additional Standards for Type C Permits: Platted Subdivision***

F15. **Review Criteria:** “The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The required plan has been submitted. See Section VIC) of Exhibit B3.

***Subsection 4.610.10 (.01) I. 3. Additional Standards for Type C Permits: Utilities***

F16. **Review Criteria:** “The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.”



**Finding:** These criteria are satisfied.

**Explanation of Finding:** The Composite Utility Plan, Sheet 6 of Exhibit B4, shows the site has been designed to minimize the impact upon the environment to the extent feasible given existing conditions. Utility placement in relation to trees will be further reviewed during review of construction drawings and utility easement placement on the final plat.

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

F17. **Review Criteria:** “Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed Type C Tree Plan is being reviewed concurrently with the Preliminary Development Plan, which is the equivalent of a Stage II Final Plan in the Village Zone.

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

F18. **Review Criteria:** “The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:” Listed A. 1. through A. 7.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant has submitted the necessary copies of a Tree Maintenance and Protection Plan. See Section VIC of the applicants notebook, Exhibit B3 and Sheet 10 of the applicant’s plan set, Exhibit B4.

***Subsection 4.620.00 (.01) Tree Replacement Requirement***

F19. **Review Criterion:** “A Type B or C Tree Removal Permit grantee shall replace or relocate each removed tree having six (6) inches or greater d.b.h. within one year of removal.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The tree mitigation requirements will be more than exceeded by the planned street tree and trees in parks and linear greens.

***Subsection 4.620.00 (.02) Basis for Determining Replacement***

F20. **Review Criteria:** “The permit grantee shall replace removed trees on a basis of one (1) tree replanted for each tree removed. All replacement trees must measure two inches (2”) or more in diameter.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** More trees are planned to be planted that proposed to be removed. Each tree, including street trees and trees in parks and linear greens will meet the minimum diameter requirement.

#### ***Subsection 4.620.00 (.03) Replacement Tree Requirements***

F21. **Review Criteria:** “A mitigation or replacement tree plan shall be reviewed by the City prior to planting and according to the standards of this subsection.

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

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

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

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

**Finding:** These criteria are satisfied or will be satisfied by Condition of Approval PDF 6.

**Explanation of Finding:** The condition of approval will ensure the relevant requirements of this subsection are met.

#### ***Subsection 4.620.00 (.04) Replacement Tree Stock Requirements***

F22. **Review Criteria:** “All trees to be planted shall consist of nursery stock that meets requirements of the American Association of Nurserymen (AAN) American Standards for Nursery Stock (ANSI Z60.1) for top grade.”

**Finding:** These criteria will be satisfied by Condition of Approval PDF 6.

**Explanation of Finding:** Condition of Approval PDF 6 assures this is met.

#### ***Subsection 4.620.00 (.05) Replacement Trees Locations***

F23. **Review Criteria:** “The City shall review tree relocation or replacement plans in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant proposes to mitigate for all removed trees on site and in the appropriate locations for the proposed development.

#### ***Section 4.620.10 Tree Protection During Construction***

F24. **Review Criteria:** “Where tree protection is required by a condition of development under Chapter 4 or by a Tree Maintenance and Protection Plan approved under this subchapter, the following standards apply:” Listed A. through D.

**Finding:** These criteria are satisfied or will be satisfied by Condition of Approvals PDF 7 and PDF 8.

**Explanation of Finding:** The conditions of approval assure the applicable requirements of this Section will be met.

**REQUEST G: DB14-0015 FINAL DEVELOPMENT PLAN FOR PARKS AND OPEN SPACE**

The applicant's findings in Section VIA of their PDP notebook, Exhibit B3, respond to the majority of the applicable criteria.

*Subsection 4.125 (.02) Permitted Uses in the Village Zone*

G1. **Review Criteria:** This subsection lists the uses typically permitted in the Village Zone including "Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The requested Final Development Plan is for parks and open space allowed within the Village Zone.

*Subsection 4.125 (.08) A. Parks and Open Space in the Village Zone-Amount Required*

G2. **Review Criteria:** "In all residential developments and in mixed-use developments where the majority of the developed square footage is to be in residential use, at least twenty-five percent (25%) of the area shall be open space, excluding street pavement and surface parking. In multi-phased developments, individual phases are not required to meet the 25% standard as long as an approved Specific Area Plan demonstrates that the overall development shall provide a minimum of 25% open space. Required yard areas shall not be counted towards the required open space area."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Park and Open Space is being provided consistent with the PDP found to meet these criteria.

*Subsection 4.125 (.08) B. Parks and Open Space in the Village Zone-Ownership*

G3. **Review Criteria:** "Open space area required by this Section may, at the discretion of the Development Review Board, be protected by a conservation easement or dedicated to the City, either rights in fee or easement, without altering the density or other development standards of the proposed development. Provided that, if the dedication is for public park purposes, the size and amount of the proposed dedication shall meet the criteria of the City of Wilsonville standards. The square footage of any land, whether dedicated or not, which is used for open space shall be deemed a part of the development site for the purpose of computing density or allowable lot coverage."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This discretion of the DRB is understood. Ownership will be according to agreements reached between the developer and the City.

*Subsection 4.125 (.08) C. Parks and Open Space in the Village Zone-Protection and Maintenance*

G4. **Review Criteria:** "The Development Review Board may specify the method of assuring the long-term protection and maintenance of open space and/or recreational areas. Where such protection or

maintenance are the responsibility of a private party or homeowners' association, the City Attorney shall review and approve any pertinent bylaws, covenants, or agreements prior to recordation."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Protection and maintenance of the open space and recreational areas are covered in the CCR's being reviewed by the City, and Operation and Maintenance Agreements between the developer and the City.

#### ***Subsection 4.125 (.09) Street and Access Improvement Standards***

G5. **Review Criteria:** This section lists street and access improvement standards for the Village Zone including vision clearance standards.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** This code section does not apply to the proposed parks and open space, except for vision clearance for vegetation which is met.

#### ***Subsection 4.125 (.10) Sidewalk and Pathway Improvement Standards***

G6. **Review Criteria:** "The provisions of Section 4.178 shall apply within the Village zone."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Sidewalk and pathway improvements within the park areas are provided consistent with the PDP which was found to meet these criteria.

#### ***Subsection 4.125 (.11) Landscaping Screening and Buffering***

G7. **Review Criteria:** "Except as noted below, the provisions of Section 4.176 shall apply in the Village zone:" "Streets in the Village zone shall be developed with street trees as described in the Community Elements Book."

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Findings G18 through G29 pertain to Section 4.176. Street trees are proposed consistent with the Community Elements Book.

#### ***Section 4.125 (.12) A. Signs Compliance with Master Sign and Wayfinding Plan for SAP***

G8. **Review Criterion:** "All signage and wayfinding elements within the Village Zone shall be in compliance with the adopted Signage and wayfinding Master Plan for the appropriate SAP."

**Finding:** This criterion does not apply.

**Explanation of Finding:** The SAP North Signage & Wayfinding Plan indicates the provision of Secondary Site Identifier at the site entrance from Grahams Ferry Road. The FDP set, Exhibit B5, show provision of the 'Secondary Site Identifier' with the construction of the site entrance.

#### ***Subsection 4.125 (.14) Design Standards Applying to the Village Zone***

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

*zone shall incorporate the following:*

***Subsection 4.125 (.14) A. 2. b. Details to Match Architectural Pattern Book and Community Elements Book***

G9. **Review Criteria:** “Materials, colors and architectural details executed in a manner consistent with the methods included in an approved Architectural Pattern Book, Community Elements Book or approved Village Center Architectural Standards.”

**Finding:** These criteria are satisfied or will be satisfied by Conditions of Approval.

**Explanation of Finding:** The Architectural Pattern Book is not applicable to the parks except that any retaining walls within the public view shed must be consistent with the materials in the Architectural Pattern Book and the Master Fencing shown in the pattern book. Condition of Approval PDG 11 ensures park elements are consistent with the Community Elements Book including playground equipment, nature path directional bollards, benches, tables, and trash cans.

***Subsection 4.125 (.14) A. 2. f. Protection of Significant Trees***

G10. **Review Criterion:** “The protection of existing significant trees as identified in an approved Community Elements Book.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Significant trees are being protected. See Request F.

***Subsection 4.125 (.14) A. 2. g. Landscape Plan***

G11. **Review Criterion:** “A landscape plan in compliance with Sections 4.125(.07) and (.11), above.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Landscape plans have been provided in compliance with the referenced sections.

***Subsection 4.125 (.14) C. Lighting and Site Furnishings***

G12. **Review Criteria:** “Lighting and site furnishings shall be in compliance with the approved Architectural Pattern Book, Community Elements Book, or approved Village Center Architectural Standards.”

**Finding:** These criteria will be satisfied by a condition of approval.

**Explanation of Finding:** The condition of approval requires the lighting and site furnishings to be consistent with the Community Elements Book.

***Subsection 4.125 (.18) L. Final Development Plan Approval Procedures***

G13. **Review Criteria:** This subsection establishes the approval procedures for Final Development Plans.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant has followed the applicable procedures set out in this subsection for approval of a FDP.

***Subsection 4.125 (.18) M. Final Development Plan Submittal Requirements***

G14. **Review Criteria:** “An application for approval of a FDP shall be subject to the provisions of Section 4.034.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The necessary materials have been submitted for review of the FDP.

***Subsections 4.125 (.18) N. and P. 1. Final Development Plans Subject to Site Design Review Criteria***

G15. **Review Criteria:** “An application for approval of a FDP shall be subject to the provisions of Section 4.421”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The provisions of Section 4.421 are being used as criteria in the review of the FDP. See Findings G30 through G37.

***Subsection 4.125 (.18) O. Refinements to Preliminary Development Plan as part of Final Development Plan***

G16. **Review Criteria:** This subsection identifies the process and requirements for refinements to a preliminary development plan as party of a final development plan.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No refinements are proposed as part of the requested FDP.

***Subsection 4.125 (.18) P.2. Final Development Plan Compliance with Architectural Pattern Book, Community Elements Book, and PDP Conditions of Approval***

G17. **Review Criteria:** “An application for an FDP shall demonstrate that the proposal conforms to the applicable Architectural Pattern Book, Community Elements Book, Village Center Architectural Standards and any conditions of a previously approved PDP.”

**Finding:** These criteria are satisfied or will be satisfied by a Conditions of Approval PDG 11 and PDG 12.

**Explanation of Finding:** Overall, as demonstrated by Finding G9 above, the FDP demonstrates compliance with the SAP North Community Elements Book. The applicant has provided sufficient information to show that playground equipment meeting the Community Elements Book can be provided. However, Condition of Approval PDG 11 ensures the detailed requirements of the Community Elements Book are met. There are no relevant portions of the Architectural Pattern Book, or Conditions of Approval for a previously approved PDP to which to demonstrate compliance. To further consistency with the Villebois Village Master Plan Parks and Open Spaces Policy 1, Condition of Approval PDG 12 requires a large shade tree be planted in the pocket park as a focal point at the intersection of Grahams Ferry Road and Tooze Road.

## Landscape Standards Section 4.176

### *Subsection 4.176 (.02) B. Landscape Standards and Compliance with Code*

G18. **Review Criterion:** “All landscaping and screening required by this Code must comply with all of the provisions of this Section, unless specifically waived or granted a Variance as otherwise provided in the Code. The landscaping standards are minimum requirements; higher standards can be substituted as long as fence and vegetation-height limitations are met. Where the standards set a minimum based on square footage or linear footage, they shall be interpreted as applying to each complete or partial increment of area or length”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No waivers or variances to landscape standards have been requested. Thus all landscaping and screening must comply with standards of this section.

### *Subsection 4.176 (.03) Landscape Area and Locations*

G19. **Review Criteria:** “Not less than fifteen percent (15%) of the total lot area, shall be landscaped with vegetative plant materials. The ten percent (10%) parking area landscaping required by section 4.155.03(B)(1) is included in the fifteen percent (15%) total lot landscaping requirement. Landscaping shall be located in at least three separate and distinct areas of the lot, one of which must be in the contiguous frontage area. Planting areas shall be encouraged adjacent to structures. Landscaping shall be used to define, soften or screen the appearance of buildings and off-street parking areas. Materials to be installed shall achieve a balance between various plant forms, textures, and heights. The installation of native plant materials shall be used whenever practicable.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The proposed parks are predominantly covered with vegetative plant materials other than areas for walkways, play structures, benches, tables, etc. The plantings are in a variety of areas.

### *Subsection 4.176 (.04) Buffering and Screening*

G20. **Review Criteria:** “Additional to the standards of this subsection, the requirements of the Section 4.137.5 (Screening and Buffering Overlay Zone) shall also be applied, where applicable.

C. All exterior, roof and ground mounted, mechanical and utility equipment shall be screened from ground level off-site view from adjacent streets or properties.

D. All outdoor storage areas shall be screened from public view, unless visible storage has been approved for the site by the Development Review Board or Planning Director acting on a development permit.

E. In all cases other than for industrial uses in industrial zones, landscaping shall be designed to screen loading areas and docks, and truck parking.

F. In any zone any fence over six (6) feet high measured from soil surface at the outside of fenceline shall require Development Review Board approval.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** No conditions requiring buffering and screening are within the area covered by the subject FDP request.

***Subsection 4.176 (.06) A. Plant Materials-Shrubs and Groundcover***

G21. **Review Criteria:** This subsection establishes plant material and planting requirements for shrubs and ground cover.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Applicant’s Sheet L5.0 in their plan set, Exhibit B5, indicates the requirements established by this subsection will be met by the proposed plantings.

***Subsection 4.176 (.06) B. Plant Materials-Trees***

G22. **Review Criteria:** This subsection establishes plant material requirements for trees.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Applicant’s Sheet L5.0 in their plan set, Exhibit B5, indicates the requirements established by this subsection will be met by the proposed plantings.

***Subsection 4.176 (.06) D. Plant Materials-Street Trees***

G23. **Review Criteria:** This subsection establishes plant material requirements for street trees.

**Finding:** These criteria are satisfied

**Explanation of Finding:** Applicant’s Sheets L2.0 through L4.0 of their plan set, Exhibit B5, indicate the requirements established by this subsection as well as the Community Elements Book are generally met. However, the plans show street trees both where they can interfere with preserved trees and within areas designated as curb cuts. Exhibit B6 includes a revised street tree plan to address the preserved tree and curb cut conflicts. Additional street trees may be omitted to avoid interference with “Likely to be removed” trees end up being preserved.

***Subsection 4.176 (.06) E. Types of Plant Species***

G24. **Review Criteria:** This subsection discusses use of existing landscaping or native vegetation, selection of plant materials, and prohibited plant materials.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The allowed plant materials are governed by the Community Elements Book. All proposed plant materials will be consistent with the SAP North Community Elements Book.

***Subsection 4.176 (.06) F. Tree Credit***

G25. **Review Criteria:** “Existing trees that are in good health as certified by an arborist and are not disturbed during construction may count for landscaping tree credit as follows: Existing trunk diameter

	Number of Tree Credits
18 to 24 inches in diameter	3 tree credits
25 to 31 inches in diameter	4 tree credits
32 inches or greater	5 tree credits:”

Maintenance requirements listed 1. through 2.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant is not requesting any of the preserved trees be counted as tree credits pursuant to this subsection.



#### ***Subsection 4.176 (.06) G. Exceeding Plant Material Standards***

G26. **Review Criterion:** “Landscape materials that exceed the minimum standards of this Section are encouraged, provided that height and vision clearance requirements are met.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** The selected landscape materials do not violate any height or vision clearance requirements.

#### ***Subsection 4.176 (.07) Installation and Maintenance of Landscaping***

G27. **Review Criteria:** This subsection establishes installation and maintenance standards for landscaping.

**Finding:** These criteria are satisfied or will be satisfied by Condition of Approval PDG 2.

**Explanation of Finding:** The installation and maintenance standards are or will be met as follows:

- Plant materials are required to be installed to current industry standards and be properly staked to ensure survival
- Plants that die are required to be replaced in kind, within one growing season, unless appropriate substitute species are approved by the City.
- A note on the applicant’s Sheet L5.0 in their plan set, Exhibit B5, indicates “coordinate landscape installation with installation of underground sprinkler and drainage systems.”

#### ***Subsection 4.176 (.09) Landscape Plans***

G28. **Review Criterion:** “Landscape plans shall be submitted showing all existing and proposed landscape areas. Plans must be drawn to scale and show the type, installation size, number and placement of materials. Plans shall include a plant material list. Plants are to be identified by both their scientific and common names. The condition of any existing plants and the proposed method of irrigation are also to be indicated.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** Landscape plans have been submitted with the required information. See Exhibit B5.

#### ***Subsection 4.176 (.10) Completion of Landscaping***

G29. **Review Criterion:** “The installation of plant materials may be deferred for a period of time specified by the Board or Planning Director acting on an application, in order to avoid hot summer or cold winter periods, or in response to water shortages. In these cases, a temporary permit shall be issued, following the same procedures specified in subsection (.07)(C)(3), above, regarding temporary irrigation systems. No final Certificate of Occupancy shall be granted until an adequate bond or other security is posted for the completion of the landscaping, and the City is given written authorization to enter the property and install the required landscaping, in the event that the required landscaping has not been installed. The form of such written authorization shall be submitted to the City Attorney for review.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** As a condition of PDP approval the parks for the PDP or PDP phase must be completed prior to fifty percent (50%) of the house permits are issued unless certain conditions exist, similar to what is described in this subsection, in which case a bond can be posted. See finding D55 and Condition of Approval PDD 3.

### **Site Design Review**

#### ***Subsection 4.400 (.01) Excessive Uniformity, Inappropriateness of Design, Etc.***

G30. **Review Criteria:** “Excessive uniformity, inappropriateness or poor design of the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City, impairs the desirability of residence, investment or occupation in the City, limits the opportunity to attain the optimum use in value and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas and with attendant deterioration of conditions affecting the peace, health and welfare, and destroys a proper relationship between the taxable value of property and the cost of municipal services therefor.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:**

*Excessive Uniformity:* A variety of parks with a variety of features and amenities are provided consistent with the diversity of park uses described in the Villebois Village Master Plan avoiding excessive uniformity in park and open space design.

*Inappropriate or Poor Design of the Exterior Appearance of Structures:* Park structures are being required to conform to the Community Elements Book ensuring quality design appropriate for the Villebois context.

*Inappropriate or Poor Design of Signs:* Signs within parks and open spaces are required to be consistent with the Master Sign and Wayfinding program which is a comprehensive signage package that ensures signs in parks and open spaces, like elsewhere in Villebois, are of a quality design and appropriate for the Villebois context.

*Lack of Proper Attention to Site Development:* The appropriate professional services have been used to design the park and open spaces incorporating unique features of the site including natural features, demonstrating appropriate attention being given to site development.

*Lack of Proper Attention to Landscaping:* Landscaping has been professionally designed by a landscape architect, and includes a variety of plant materials, all demonstrating appropriate attention being given to landscaping.

#### ***Subsection 4.400 (.02) Purposes of Objectives of Site Design Review***

G31. **Review Criterion:** “The City Council declares that the purposes and objectives of site development requirements and the site design review procedure are to:” Listed A through J.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** It is staff’s professional opinion that the applicant has provided sufficient information demonstrating compliance with the purposes and objectives of site design review. This includes designing the site to keep more formal improvements focused on areas of the site that were previously impacted by development, and preserving and enhancing the abundant natural areas of the site. In addition, site structures and features are

consistent with the Community Element Book, which has previously been reviewed to ensure consistency with the Villebois Village Master Plan which has similar purposes and objectives as site design review.

#### ***Section 4.420 Site Design Review-Jurisdiction and Power of the Board***

G32. **Review Criteria:** The section states the jurisdiction and power of the Development Review Board in relation to site design review including the application of the section, that development is required in accord with plans, and variance information.

**Finding:** These criteria will be satisfied by Condition of Approval PDG 3.

**Explanation of Finding:** A condition of approval has been included to ensure construction, site development, and landscaping are carried out in substantial accord with the Development Review Board approved plans, drawings, sketches, and other documents. No grading or other permits will be granted prior to development review board approval. No variances are requested from site development requirements.

#### ***Subsection 4.421 (.01) Site Design Review-Design Standards***

G33. **Review Criteria:** “The following standards shall be utilized by the Board in reviewing the plans, drawings, sketches and other documents required for Site Design Review. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications of one or more particular architectural styles is not included in these standards.” Listed A through G.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The scope of design standards refers only to the parks and open spaces, as the single-family homes are not subject to site design review. The park elements within Open Space 2 have appropriately been set among the natural area, and other park elements are appropriate for a relatively flat site. Surface water drainage has been thoroughly reviewed consistent with the Villebois Village Master Plan and the Rainwater Master Plan for SAP North.

#### ***Subsection 4.421 (.02) Applicability of Design Standards to Various Site Features***

G34. **Review Criteria:** “The standards of review outlined in Sections (a) through (g) above shall also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** Design standards have been applied to all applicable site features, which does not include single-family homes.

#### ***Subsection 4.421 (.03) Objectives of Section 4.400 Serve as Additional Criteria and Standards***

G35. **Review Criteria:** “The Board shall also be guided by the purpose of Section 4.400, and such objectives shall serve as additional criteria and standards.”

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The purposes and objectives in Section 4.400 are being used as additional criteria and standards. See Finding G31 above.

***Subsection 4.421 (.05) Site Design Review-Conditions of Approval***

G36. **Review Criterion:** “The Board may attach certain development or use conditions in granting an approval that are determined necessary to insure the proper and efficient functioning of the development, consistent with the intent of the Comprehensive Plan, allowed densities and the requirements of this Code.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** No additional conditions of approval are recommended.

***Subsection 4.421 (.06) Color or Materials Requirements***

G37. **Review Criterion:** “The Board or Planning Director may require that certain paints or colors of materials be used in approving applications. Such requirements shall only be applied when site development or other land use applications are being reviewed by the City.”

**Finding:** This criterion will be satisfied by Condition of Approvals PDG 4 and PDG 5.

**Explanation of Finding:** The Conditions of Approval requires specific materials for any retaining walls or hand rails to ensure a quality of design consistent with the Architectural Pattern Book.

***Section 4.440 Site Design Review-Procedures***

G38. **Review Criteria:** “A prospective applicant for a building or other permit who is subject to site design review shall submit to the Planning Department, in addition to the requirements of Section 4.035, the following:” Listed A through F.

**Finding:** These criteria are satisfied.

**Explanation of Finding:** The applicant has submitted the required additional materials, as applicable.

***Section 4.442 Time Limit on Approval***

G39. **Review Criterion:** “Site design review approval shall be void after two (2) years unless a building permit has been issued and substantial development pursuant thereto has taken place; or an extension is granted by motion of the Board.

**Finding:** This criterion is satisfied.

**Explanation of Finding:** It is understood that the approval will expire after 2 years if a building permit hasn’t been issued unless an extension has been granted by the board.

***Subsection 4.450 (.01) Landscape Installation or Bonding***

G40. **Review Criterion:** “All landscaping required by this section and approved by the Board shall be installed prior to issuance of occupancy permits, 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 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 the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the Board, 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.”

**Finding:** This criterion is satisfied.

**Explanation of Finding:** As a condition of PDP approval the parks for the PDP or PDP phase must be completed prior to fifty percent (50%) of the house permits being issued. See Finding D55 in Request D and Condition of Approval PDD 3.

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

G41. **Review Criterion:** “Action by the City approving a proposed landscape plan shall be binding upon the applicant. 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, as specified in this Code.”

**Finding:** This criterion will be satisfied by Condition of Approval PDG 6.

**Explanation of Finding:** The condition of approval shall provide ongoing assurance this criterion is met.

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

G42. **Review Criterion:** “All landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing, in a substantially similar manner as originally approved by the Board, unless altered with Board approval.”

**Finding:** This criterion will be satisfied by Condition of Approval PDG 6.

**Explanation of Finding:** The condition of approval will ensure landscaping is continually maintained in accordance with this subsection.

#### ***Subsection 4.450 (.04) Addition and Modifications of Landscaping***

G43. **Review Criterion:** “If a property owner wishes to add landscaping for an existing development, in an effort to beautify the property, the Landscape Standards set forth in Section 4.176 shall not apply and no Plan approval or permit shall be required. If the owner wishes to modify or remove landscaping that has been accepted or approved through the City’s development review process, that removal or modification must first be approved through the procedures of Section 4.010.”

**Finding:** This criterion will be satisfied by Condition of Approval PDG 6.

**Explanation of Finding:** The condition of approval shall provide ongoing assurance that this criterion is met by preventing modification or removal without the appropriate City review.

## REQUEST H: SI14-0003 SRIR REVIEW

### **Findings of Fact:**

1. The area designated Significant Resource Overlay Zone (SROZ) within Phase 3 North is upland wildlife habitat (Site ID Number URA#41). The delineated wetlands (i.e., wetland A and wetland B) were not included in the City's Natural Resources Inventory, and are not considered locally significant. However, any impacts to these wetlands are regulated by the Oregon Department of State Lands and the Army Corps of Engineers.
2. The upland wildlife habitat (i.e., mixed coniferous/deciduous forest) is 9.89 acres, and has a mature Douglas fir/Oregon white oak canopy. The understory has been disturbed in the past, and the shrub and herbaceous layers have been impacted by non-native invasive plant species. Native tree species include Oregon white oak, Douglas fir, vine maple, and Indian plum. Non-native invasive plant species include Himalayan blackberry, English ivy, and domestic cheery trees. The forest provides habitat for birds, but due to the lack of connectivity to other habitat, it does not provide many opportunities for other species, such as mammals.
3. The Significant Resource Overlay Zone ordinance prescribes regulations for development within the SROZ and its associated 25 foot Impact Area. Setbacks from significant natural resources implement the requirements of Metro Title 3 Water Quality Resource Areas, Metro Title 13 Nature in Neighborhoods, and Statewide Planning Goal 5. Wetlands, streams and riparian corridors shall have at least a minimum 50-foot buffer, but buffers may extend to the top of the slope for riparian corridors. All significant natural resources have a 25 foot Impact Area. Development or other alteration activities may be permitted within the SROZ and its associated 25 foot Impact Area through the review of a Significant Resource Impact Report (SRIR).
4. Pursuant to the city's SROZ ordinance, development is only allowed within the Area of Limited Conflicting Use (ALCU). The ALCU is located between the riparian corridor boundary, riparian impact area or the Metro Title 3 Water Quality Resource Area boundary, whichever is furthest from the wetland or stream, and the outside edge of the SROZ, or an isolated significant wildlife habitat (upland forest) resource site.
5. The applicant's Significant Resource Impact Report delineated specific resource boundaries and analyzed the impacts of development within the SROZ. The applicant's SRIR contained the required information, including an analysis and development recommendations for mitigating impacts. The approved mitigation plan was submitted with Phase 2.

### **Description of Request:**

The applicant is requesting approval of a Significant Resource Impact Report (SRIR) for non-exempt development that is located within the Significant Resource Overlay Zone and its associated 25 foot Impact Area in Phase 3.

**Summary of Issues/Background:**

The proposed non-exempt development will encroach into the Significant Resource Overlay Zone and its associated 25 foot Impact Area. All non-exempt development will occur within the Area of Limited Conflicting Use of the isolated significant wildlife habitat (i.e., upland forest). The applicant is proposing to add 2,101 square feet of impact to the impacts previously approved with Phase 2. With this revision, the impacted area totals 18,356 square feet and is situated within and along the edge of the upland forest. The impact to the SROZ is necessary for the construction of a bioretention cell along the northern edge of the forest.

Proposed exempt development in the SROZ and its associated 25 foot Impact Area includes the following:

- 1) Soft surface pedestrian pathway and nature trail activity area within the upland forest.

**Section 4.139.04 Use and Activities Exempt from These Regulations**

**Proposed exempt development in the SROZ and its associated 25 foot Impact Area comply with the following exemptions:**

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

H1. The construction of the nature trail and nature trail activity area will have minimal impacts to the resource area, and is consistent with the requirements of this exemption.

**Section 4.139.06.03 SRIR Review Criteria:**

**In addition to the normal Site Development Permit Application requirements as stated in the Planning and Land Development Ordinance, the following standards shall apply to the issuance of permits requiring an SRIR. The SRIR must demonstrate how these standards are met in a manner that meets the purposes of this Section.**

**A. Except as specifically authorized by this code, development shall be permitted only within the Area of Limited Conflicting Use (see definition) found within the SROZ;**

H2. The proposed non-exempt development is located within the Area of Limited Conflicting Use found within the SROZ. The total area of all other encroachments within the SROZ or its associated Impact Area has been deemed exempt or proposed only within the Impact Area.

**B. Except as specifically authorized by this code, no development is permitted within Metro's Urban Growth Management Functional Plan Title 3 Water Quality Resource Areas boundary;**

H3. The proposed development for Phase 3 will not be located within Metro's Title 3 Water Quality Resource Areas boundary.

**C. No more than five (5) percent of the Area of Limited Conflicting Use (see definition) located on a property may be impacted by a development proposal. On properties that are large enough to include Areas of Limited Conflicting Use on both sides of a waterway, no more than five (5) percent of the Area of Limited Conflicting Use on each side of the riparian corridor may be impacted by a development proposal. This condition is cumulative to any successive development proposals on the subject property such that the total impact on the property shall not exceed five (5) percent;**

H4. The applicant has identified the proposed development within the Area of Limited Conflicting Use, and calculated the percentage for this development. The total includes impacts associated with phases 2 and 3 of SAP-North. The following information has been provided on the Area of Limited Conflicting Use (ALCU):

Total ALCU	=	430,988 square feet
Allowed Impact (5%)	=	21,549 square feet
Proposed Impact	=	18,356 square feet (4.3%)

**D. Mitigation of the area to be impacted shall be consistent with Section 4.139.06 of this code and shall occur in accordance with the provisions of this Section;**

H5. The applicant has identified the mitigation area necessary to offset impacts to the SROZ, and proposed to enhance 46,212 square feet. Based on the required mitigation ratio of 2.5:1, only 45,890 square feet is required. The mitigation plan was approved with Phase 2.

**E. The impact on the Significant Resource is minimized by limiting the degree or magnitude of the action, by using appropriate technology or by taking affirmative steps to avoid, reduce or mitigate impacts;**

H6. The impact to the SROZ will be from the construction of a bioretention cell along the northern edge of the forest. The applicant has minimized permanent impacts to very mature trees, and other native vegetation. The grading and erosion control plan will ensure areas within the SROZ are protected during construction activities. No stormwater runoff will discharge into the SROZ.

**F. The impacts to the Significant Resources will be rectified by restoring, rehabilitating, or creating enhanced resource values within the "replacement area" (see definitions) on the site or, where mitigation is not practical on-site, mitigation may occur in another location approved by the City;**

H7. Impacts to the SROZ will be mitigated for on-site and will satisfy the mitigation ratios and other requirements of Section 4.139.07.

**G. Non-structural fill used within the SROZ area shall primarily consist of natural materials similar to the soil types found on the site;**



- H8. Non-structural fill will consist of natural materials similar to the soil types found on the site.
- H. The amount of fill used shall be the minimum required to practically achieve the project purpose;**
- H9. No fill is proposed to be placed within the SROZ.
- I. Other than measures taken to minimize turbidity during construction, stream turbidity shall not be significantly increased by any proposed development or alteration of the site;**
- H10. All proposed grading activities on-site will be managed pursuant to guidelines established and identified in the applicant's approved erosion control plan and a 1200-C Erosion Control Permit issued by the Oregon Department of Environmental Quality. Stream turbidity is regulated under the City's Grading and Erosion Control Permit and the DEQ's 1200-C Erosion Control Permit.
- J. Appropriate federal and state permits shall be obtained prior to the initiation of any activities regulated by the U.S. Army Corps of Engineers and the Oregon Division [Department] of State Lands in any jurisdictional wetlands or water of the United States or State of Oregon, respectively.**
- H11. The applicant has submitted a joint permit application for the filling of wetland A, which will require permit approval from the Oregon Department of State Lands and the Army Corps of Engineers.

#### **Section 4.139.07 Mitigation Standards**

- (.01) The applicant shall review the appropriate Goal 5 Inventory Summary Sheets for wildlife habitat (i.e. upland) contained in the *City of Wilsonville Natural Resource Inventory and Goal 5/Title 3/ESA Compliance and Protection Plan* ("Compliance and Protection Plan"- May 2000) to determine the resource function ratings at the time the inventory was conducted.**
- H12. The applicant has reviewed the appropriate Upland Summary Sheet (Site ID Number 2.14U) to determine the resource function ratings at the time the inventory was conducted.
- (.02) The applicant shall prepare a Mitigation Plan document containing the following elements:**
- A. The Mitigation Plan shall contain an assessment of the existing natural resource function ratings at the time of the proposed encroachment for the site compared to the function ratings recorded in the Compliance and Protection Plan.**
- H13. The applicant has addressed the resource function ratings for the impact area and also correctly documented the resource function ratings in the Compliance and Protection Plan.

The impact area has a low to medium function rating due to non-native invasive plant species, and the lack of habitat connectivity.

**B. The Mitigation Plan shall contain an assessment of the anticipated adverse impacts to significant wildlife habitat resources. The impact assessment shall discuss impacts by resource functions (as listed in the Compliance and Protection Plan, May 2000) for each resource type, and shall map the area of impact (square feet or acres) for each function.**

H14. The applicant has determined the impact to the significant resource area based on the resource functions. The applicant has calculated the square feet of the impact to the Significant Resource. The applicant's site plan in the SRIR depicts the area of impact.

**C. The Mitigation Plan shall present a proposed mitigation action designed to replace the lost or impacted resource functions described in Subsection B, above. The mitigation plan shall be designed to replace lost or impacted functions by enhancement of existing resources on, or off the impact site, or creation of new resource areas.**

H15. For Phase 2, the applicant received approval of a mitigation plan consistent with the requirements in Section 4.139.07. The mitigation will occur on-site, and within close proximity to the areas of impact.

**D. For mitigation projects based on resource function enhancement, the area ratios presented in Table NR - 2 shall be applied. These ratios are based on the resource function ratings at the time of the proposed action, as described in Subsection A, above. The mitigation action shall be conducted on the appropriate size area as determined by the ratios in Table NR - 2.**

H16. The applicant has estimated the resource function ratings for the "existing rating at mitigation site" and "proposed rating at mitigation site."

**(.03) Proposals for mitigation action where new natural resource functions and values are created (i.e. creating wetland or wildlife habitat where it does not presently exist) will be reviewed and may be approved by the Development Review Board or Planning Director if it is determined that the proposed action will create natural resource functions and values that are equal to or greater than those lost by the proposed impact activity.**

H17. No new habitat will be created as part of the mitigation plan. The proposed mitigation will enhance existing habitat.

**(.04) Mitigation actions shall be implemented prior to or at the same time as the impact activity is conducted.**

H18. A condition of approval requires the mitigation actions to be implemented prior to or at the same time as the impact activity is conducted.

**(.05) Mitigation plans shall have clearly stated goals and measurable performance standards.**

H19. The applicant has submitted a mitigation plan with goals and measurable performance standards.

**(.06) All mitigation plans shall contain a monitoring and maintenance plan to be conducted for a period of five years following mitigation implementation. The applicant shall be responsible for ongoing maintenance and management activities, and shall submit an annual report to the Planning Director documenting such activities, and reporting progress towards the mitigation goals. The report shall contain, at a minimum, photographs from established photo points, quantitative measure of success criteria, including plant survival and vigor if these are appropriate data. The Year 1 annual report shall be submitted one year following mitigation action implementation. The final annual report (Year 5 report) shall document successful satisfaction of mitigation goals, as per the stated performance standards. If the ownership of the mitigation site property changes, the new owners will have the continued responsibilities established by this section.**

H20. The applicant has submitted information regarding monitoring and maintenance of the proposed mitigation.

**(.07) The Mitigation Plan document shall be prepared by a natural resource professional.**

H21. The applicant's team has the necessary credentials to implement a mitigation plan for the proposed impacts.

**(.08) Prior to any site clearing, grading or construction, the SROZ area shall be staked, and fenced per approved plan. During construction, the SROZ area shall remain fenced and undisturbed except as allowed by an approved development permit.**

H22. A condition of approval requires the SROZ to be fenced and undisturbed.

**(.09) For any development which creates multiple parcels intended for separate ownership, the City shall require that the SROZ areas on the site be encumbered with a conservation easement or tract.**

H23. A conservation easement is required for the SROZ areas on the site. A condition of approval requires a conservation easement to be recorded.

**(.10) The City may require a conservation easement over the SROZ that would prevent the owner from activities and uses inconsistent with the purpose of this Section and any easements therein. The purpose of the conservation easement is to conserve and protect resources as well as to prohibit certain activities that are**

**inconsistent with the purposes of this section. Such conservation easements do not exclude the installation of utilities.**

H24. A conservation easement is required for the SROZ areas on the site. A condition of approval requires a conservation easement to be recorded.

**(.11) At the Planning Directors discretion, mitigation requirements may be modified based on minimization of impacts at the impact activity site. Where such modifications are granted by the Planning Director, the Director shall clearly indicate the reasons for doing so in the record, citing the relevant information relied upon in reaching the decision.**

H25. The applicant has not requested a modification of mitigation requirements.

**(.12) The Director may study the possibility of a payment-in-lieu-of system for natural resource impact mitigation. This process would involve the public acquisition and management of natural resource properties partially funded by these payments.**

H26. The applicant has not requested a payment-in-lieu.